Valerie Termini, Executive Director 1416 Ninth Street, Room 1320 Sacramento, CA 95814 (916) 653-4899 www.fgc.ca.gov

Commissioners Eric Sklar, President Saint Helena Jacque Hostler-Carmesin, Vice President McKinleyville Anthony C. Williams, Member Huntington Beach Russell E. Burns, Member Napa Peter S. Silva, Member Chula Vista

Fish and Game Commission



Wildlife Heritage and Conservation Since 1870

TRIBAL COMMITTEE

Committee Chair: Commissioner Hostler-Carmesin

Meeting Agenda February 7, 2017, 1:30 p.m.

DoubleTree Hotel by Hilton Sonoma One DoubleTree Drive, Rohnert Park

This meeting may be audio-recorded

NOTE: See important meeting procedures and information at the end of the agenda.

All agenda items are informational and/or discussion only. The Committee develops recommendations to the Commission but does not have authority to make policy or regulatory decisions on behalf of the Commission.

Call to order

- 1. Approve agenda and order of items
- 2. Public forum for items not on the agenda The Committee may not discuss or take action on any matter raised during this item, except to consider whether to recommend that the matter be added to the agenda of a future meeting. [Sections 11125, 11125.7(a), Government Code]
- 3. Staff updates
 - (A) Efforts to formalize the Tribal Committee in statute
 - (B) Ocean Protection Council outreach to tribes regarding Marine Protected Areas Statewide Leadership Team representation
 - (C) Committee updates
 - I. Wildlife Resources Committee
 - II. Marine Resources Committee
- 4. Discussion of the Santa Ynez Band of Chumash Indians request for tribal take exemptions in Santa Barbara marine protected areas
- 5. Overview and discussion of kelp and algae harvest management review

- 6. Discussion of priorities for California tribes in the development of a Commission climate policy
- 7. Develop vision statement on co-management
 - (A) Discussion

Break

(The break can also be used for tribal caucusing, if needed.)

- (B) Feedback and next steps
- 8. Planning for the annual Commission-Tribal planning meeting pursuant to the Commission's tribal consultation policy.
 - (A) Review annual meeting purpose
 - (B) Discuss timing and planning logistics
- 9. Department of Fish and Wildlife updates
 - (A) Elk management
 - (B) Marine Life Management Act Master Plan for Fisheries amendment process
 - (C) Blue Lake Power lawsuit
 - (D) Blue Creek study
- 10. Future agenda topics
 - (A) Review work plan agenda topics and timeline
 - (B) Potential new agenda topics for Commission consideration

Adjournment

FISH AND GAME COMMISSION 2017 MEETING SCHEDULE

Note: As meeting dates and locations can change, please visit <u>www.fgc.ca.gov</u> for the <u>most current list of meeting dates and locations.</u>

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING	OTHER MEETINGS
February 8-9	DoubleTree Hotel by Hilton Sonoma One DoubleTree Drive Rohnert Park, CA 94928		
February 21			Predator Policy Workgroup Department of Water Resources Conference Room 1131 1416 Ninth Street, 11 th Floor Sacramento, CA 95814
March 15	Teleconference — Arcata, Napa, Sacramento and Los Alamitos		
March 23		Marine Resources Holiday Inn Express 35 Via Pico Plaza San Clemente, CA 92672	
April 13	Teleconference — Arcata, Napa, Sacramento and Los Alamitos		
April 26-27	Airtel Plaza Hotel 7277 Valjean Avenue Van Nuys, CA 91406		
May 24		Wildlife Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
June 20		Tribal Crescent City/Fortuna	
June 21-22	Crescent City/Fortuna		
July 20		Marine Resources Petaluma	
August 16-17	Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		
September 13		Wildlife Resources California Tower 3737 Main Street Highgrove Room 200 Riverside, CA 92501	

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING	OTHER MEETINGS
October 10		Tribal Morro Bay/San Luis Obispo	
October 11-12	Morro Bay/San Luis Obispo		
November 9		Marine Resources Marina	
December 6-7	Handlery Hotel 950 Hotel Circle North San Diego, CA 92108		

OTHER MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

• September 11-14, Philadelphia, PA

Pacific Fishery Management Council

- March 7-14, Vancouver, WA
- April 6-12, Sacramento, CA
- June 7-14, Spokane, WA
- September 11-18, Boise, ID
- November 13-20, Costa Mesa, CA

Pacific Flyway Council

- March 7, Spokane, WA
- September, TBD

Western Association of Fish and Wildlife Agencies

- January 5-7, Litchfield Park, AZ
- July 6-11, Vail, CO

Wildlife Conservation Board

- February 23, Sacramento
- May 25, Sacramento
- August 24, Sacramento
- November 30, Sacramento

IMPORTANT COMMITTEE MEETING PROCEDURES INFORMATION

Welcome to a meeting of the California Fish and Game Commission's Tribal Committee. The Committee is chaired by up to two Commissioners; these assignments are made by the Commission.

The goal of the Committee is to allow greater time to investigate issues before the Commission than would otherwise be possible. Committee meetings are less formal in nature and provide for additional access to the Commission. The Committee follows the noticing requirements of the Bagley-Keene Open Meeting Act. It is important to note that the Committee chairs cannot take action independent of the full Commission; instead, the chairs make recommendations to the full Commission at regularly scheduled meetings.

The Commission's goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Committee meetings are vital in developing recommendations to help the Commission achieve that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

PERSONS WITH DISABILITIES

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

SUBMITTING WRITTEN MATERIALS

The public is encouraged to attend Committee meetings and engage in the discussion about items on the agenda; the public is also welcome to comment on agenda items in writing. You may submit your written comments by one of the following methods (only one is necessary): **Email** to fgc@fgc.ca.gov; **deliver** to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Committee meeting.**

COMMENT DEADLINES:

The **Written Comment Deadline** for this meeting is: **5:00 p.m. on January 26, 2017**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The Late Comment Deadline for this meeting is: **12:00 p.m. on February 3, 2017**. Comments received by this deadline will be marked "late" and made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – please bring five (5) copies of written comments to the meeting.

The Committee **will not** consider comments regarding proposed changes to regulations that have been noticed by the Commission. If you wish to provide comment on a noticed item, please provide your comments during Commission business meetings, via email, or deliver to the commission office. **NOTE**: Materials provided to the Committee may be made available to the general public.

REGULATION CHANGE PETITIONS

As a general rule, requests for regulatory change need to be redirected to the full Commission and submitted on the required petition form, FGC 1, titled "Petition to the California Fish and Game Commission for Regulation Change" (Section 662, Title 14, CCR). However, at the Committee's discretion, the Committee may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.

SPEAKING AT THE MEETING

Committee meetings operate informally and provide opportunity for everyone to comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:

- 1. Raise your hand and wait to be recognized by the Committee co-chair(s).
- 2. Once recognized, please begin by giving your name and affiliation (if any) and the number of people you represent.
- 3. Time is limited; please keep your comments concise so that everyone has an opportunity to speak.
- 4. If there are several speakers with the same concerns, please try to appoint a spokesperson and avoid repetitive comments.
- 5. If you would like to present handouts or written materials to the Committee, please provide five copies to the designated staff member just prior to speaking.
- 6. If speaking during public forum, the subject matter you present should not be related to any item on the current agenda (public comment on agenda items will be taken at the time the Committee members discuss that item). As a general rule, public forum is an opportunity to bring matters to the attention of the Committee, but you may also do so via email or standard mail. At the discretion of the Committee, staff may be requested to follow up on the subject you raise.

VISUAL PRESENTATIONS/MATERIALS

All electronic presentations must be submitted by the **Late Comment Deadline** and approved by the Commission executive director before the meeting.

- 1. Electronic presentations must be provided by email by the written materials deadline.
- 2. All electronic formats must be Windows PC compatible.
- 3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
- 4. A data projector, laptop and presentation mouse will be available for use at the meeting.

LASER POINTERS may only be used by a speaker during a presentation.



Staff updates, Chumash request for tribal take, Co-management vision statement, and Committee work plan

Presented at the Tribal Committee Meeting

Rohnert Park, California February 7, 2017 Valerie Termini, Executive Director

Tribal Committee, Agenda item 3: Staff Updates

SB 161, McGuire. Fish and Game Commission: tribal committee.

Existing law requires the Fish and Game Commission to form a marine resources committee and a wildlife resources committee from its membership. Existing law requires each committee to consist of at least one commissioner and requires each committee to report to the commission from time to time on its activities and to make recommendations on the applicable resource matters considered by the commission.

This bill would also require the commission to form a tribal committee from its membership consisting of at least one commissioner and would require the committee to report to the commission from time to time on its activities and to make recommendations on all tribal matters considered by the commission.

SECTION 1.

Section 106.5 is added to the Fish and Game Code, to read:

106.5.

The commission shall form a tribal committee from its membership consisting of at least one commissioner. The committee shall report to the commission from time to time on its activities and shall make recommendations on all tribal matters considered by the commission. The committee or its designee shall, to the extent practicable, attend meetings of the department staff, including meetings of the department staff with interested parties, in which significant tribal management documents are being developed.

Tribal Committee, Agenda item 4

Chumash Tribal Take exemptions in Santa Barbara MPAs

Naples SMCA, and Kashtayit State Marine Conservation Area (SMCA) (near Gaviota):

- The following federally recognized tribe is exempt from the area and take regulations found in (the specific SMCA) of these regulations and shall comply with all other existing regulations and statutes:
- Santa Ynez Band of Chumash Indians
- This would provide the take allowances (fishing, take of marine plants, and any other species allowed under sport fishing regulations), provided it is already legal to do so in the State.

Campus Point no-take SMCA (between Coal Oil Point and Goleta Point), and Goleta Slough no-take SMCA:

- These SMCAs do not allow any directed take.
- The Santa Ynez band of Chumash Indians request is to narrow the species that would be exempted from take restrictions in the no-take SMCA to marine plants (living and dead) and dead animals, only.



Type of MPA and description

Туре	Description
State Marine Reserve (SMR)	An MPA designation that prohibits damage or take of all marine resources (living, geologic, or cultural) including recreational and commercial take
State Marine Conservation Area (SMCA)	An MPA designation that may allow some recreational and/or commercial take of marine resources (restrictions vary)
State Marine Conservation Area (No-Take)	An MPA designation that generally prohibits the take of living, geological, and cultural marine resources, but allows potentially affected and ongoing permitted activities such as dredging and maintenance to continue
Special Closure	An area designated by the Fish and Game Commission that prohibits access or restricts boating activities in waters adjacent to sea bird rookeries or marine mammal haul-out sites (restrictions vary)

Tribal Committee, Agenda item 7

DRAFT Vision Statement on co-management

Recognizing tribal jurisdiction over wildlife resources within tribal lands, the tribal committees vision is to improve management of California wildlife through sharing information, consultation, planning, management, and partnership in decision making for certain species related to the tribes customary and traditional practices, including subsistence fishing and gathering of river and marine biota and plan materials for food, basketry or other traditional tribal purposes, including ceremonial and religious purposes.

Tribal Committee, Agenda item 8

Annual Commission Tribal Planning meeting

Communication. Both FGC and the tribes are faced with innumerable demands on their limited time and resources. In the interest of efficiency, FGC will annually host a tribal planning meeting to coordinate the upcoming regulatory and policy activities before FGC. The meeting will provide a venue for education about process, identifying regulatory and policy needs, and developing collaborative interests; this will include inviting sister agencies to participate.

Agenda item 10: Tribal Committee Work Plan

	Tribal Commit	tee (TC) Workplan			
			2017		
	Туре		Feb 7	Jun 20	Oct 10
Торіс		Goals	Santa Rosa	Crescent City	Morro Bay
Special Projects					
Co-management	TC workgroup	Development of a vision statement	х		-
Regulatory/Legislative					
Formalizing Tribal Committee in statute	TC project	Legislative Bill	X	X	
Kelp and algae harvest management	DFW project	Recommendation and guidance	х		
Emerging Management Issues				1	
FGC Climate Policy	FGC policy	Development of a policy for the FGC. Looking for recommendations and guidance as we move forward.	x	x	
Fishing communities	MRC project	Recommendation and guidance	х		
Management Plans					
Marine Life Management Act (MLMA) Master Plan for Fisheries	Management framework document - part of MRC cross walk	Updates on DFW process to amend the Master Plan for Fisheries, and identify areas of interest to Tribes	x		
Elk	TBD	Identification of informational needs? Gaps in knowledge?	х	-	
Informational/Special topics					
Cross pollination with MRC and WRC	Ongoing FGC committee	Identification of tribal concerns and common themes that overlap between WRC and MRC.	x	x	x
Annual Commission-Tribal planning meeting pursuant to Commission's tribal consultation policy		 Identify process to inform Tribes of anticiapted regulatory and policy topics to be considered each year; 2) Identify tribal priorities from within topics; 3) Develop collaborative interests; 4) Contribute to planning logistics for annual meeting 	×	x	x

State of California Department of Fish and Wildlife

Memorandum

Date: January 25, 2017

To: Valerie Termini Executive Director Fish and Game Commission

15

From: Craig Shuman, D. Env. Marine Region Manager

Subject: Submission of Presentation to be Included in the Tribal Committee's Briefing Binder

On December 7, 2016, the Fish and Game Commission (Commission) requested the Department of Fish and Wildlife (Department) provide a presentation to the Tribal Committee on the process to review and amend regulations for the commercial harvest of marine algae. Attached please find the Department presentation to be included in the Tribal Committee's February 7, 2017 meeting briefing binder.

If you have questions or need additional information, please contact Dr. Craig Shuman, Marine Region Manager, by telephone at (805) 568-1246 or by email at Craig.Shuman@wildlife.ca.gov.

Attachment

ec: Department of Fish and Wildlife

Tom Barnes, Environmental Program Manager Marine Region <u>Tom.Barnes@wildlife.ca.gov</u>

Kirsten Ramey, Senior Environmental Scientist Marine Region <u>Kirsten.Ramey@wildlife.ca.gov</u>

Rebecca Flores Miller, Environmental Scientist Marine Region <u>Rebecca.FloresMiller@wildlife.ca.gov</u>

Nathan Voegeli, Attorney and Tribal Liaison Office of General Council <u>Nathan.Voegeli@wildlife.ca.gov</u>



Process to Review and Amend Regulations for the Commercial Harvest of Marine Algae



Tribal Committee Meeting February 7, 2017 Rebecca Flores Miller California Department of Fish and Wildlife

Photo Credit: R. Flores Miller



Outline

- Background
- Pathway supported by Commission
- Challenges
- Outreach to Tribal Governments
- Closing

bladderwrack Photo Credit: R. Flores Miller





Background

Phase One: Kelp – Adopted April 1, 2014

- Administrative kelp bed boundaries
- Harvest plans
- Editorial changes
- Phase Two: Edible seaweed, agar-bearing, and kelp
- Management policies
- Harvest methods and seasons

Phase Three: *Edible seaweed, agar-bearing, and kelp*

- License fees
- Royalty rates

Commercial Regulation Overhaul

Regulation language

- Correct inaccurate references
- Update language

Harvest methods

Licenses

- List individuals harvesting under license
- List species to be collected
- Use of harvest
- Move license reference in Title 14

CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

Commercial Regulation Overhaul and Challenges

Edible species (sea palm and bull kelp)

- Consideration of life history
- Ecosystem needs
- Potential harvest seasons
- Harvest methods
- Sea palm and bull kelp
 - Harvest limits

Bull kelp closures Challenges

- CEQA costs
- Time

CALIFORNIA Department of FISH & WILDLIFE

Outreach to Tribal Governments

- Mailed January 10, 2017
- Requested comments by February 23, 2017
- Received comments
 - Elk Valley Rancheria
 - Kashia Band of Pomo
 Indians of the Stewarts
 Point Rancheria
- Guidance on further
 outreach



A State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE Marine Region 1933 Cliff Drive, Suite 9 Santa Barbara, CA 93109 www.wildlife.ca.gov EDMUND G. BROWN JR., Governor CHARLTON H. BONHAM, Director



January 10, 2017

SUBJECT: NOTIFICATION OF CONSIDERERATION TO RECOMMEND AMENDING TITLE 14 CALIFORNIA CODE OF REGULATIONS, SECTIONS 165 AND 165.5 FOR THE COMMERCIAL HARVEST OF MARINE ALGAE

Dear Honorable Tribal Representative:

The California Department of Fish and Wildlife (CDFW) would like to inform you that its Marine Region is proposing to recommend to the California Fish and Game Commission (Commission) amendments to Title 14, California Code of Regulations Sections 165 and 165.5 for the commercial harvest of kelp and other marine algae (Project). CDFW welcomes direct communication and consultation prior to the public review process to discuss the Project and identify any Project impacts to Tribal interests or cultural resources.

The Project is a result of CDFW and the Commission's awareness of an increased interest in the commercial harvest of marine algae. To prepare for a potential harvest increase, the Commission approved a three-phase approach to review and update the regulations during their June 2012 meeting. The Phase One amendments became effective in 2014. These amendments addressed regulations for the commercial harvest of kelp and included: updating kelp bed boundaries, requiring a kelp harvest plan for all leases and for all mechanical harvest, and editorial changes to improve clarity and consistency of the regulations.

The current phase of the Project, Phase Two, will focus on management policies which may include edible and agar-bearing algae harvest methods and seasons as well as a clean-up of the regulation language to enhance regulation clarity. Phase Three of the Project will follow Phase Two and will address license fees and royalty rates.

The area of interest for Phase Two of the Project is coastwide and includes the offshore islands. Phase Two is anticipated to impact the commercial harvest of kelp and other marine algae, which may be of interest to your Tribe.

CDFW's goal is to understand Tribal interests and concerns early in the Phase Two review process and to work collaboratively to resolve any concerns. CDFW is committed to open communication with your Tribe under its Tribal Communication and Consultation Policy, which is available through CDFW's Tribal Affairs webpage at https://www.wildlife.ca.gov/General-Counsel/Tribal-Affairs. A brief update on the status of the Phase Two review is expected to be an item during the Fish and Game Commission's Tribal Committee meeting on February 7, 2017.

CDFW respectfully requests your preliminary input regarding the Phase Two review by February 23, 2017. If you would like more information, please contact Rebecca Flores Miller, Environmental Scientist at <u>Rebecca.Floresmiller@wildlife.ca.gov</u>, 831-649-2835, or write to Rebecca Flores Miller, California Department of Fish and Wildlife, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940.



Closing

- Background
- Overhaul
- Challenges
- Outreach







Thank You **&** Questions?

Rebecca Flores Miller Environmental Scientist Marine Region 831-649-2835

California Fish and Game Commission



Climate Change Policy Development Agenda Item 6 Valerie Termini, Executive Director



Policy Framework California Climate Strategy (AB 32)

Vision

Reducing Greenhouse Gas Emissions to 40% Below 1990 levels by 2030

Goals: Governor's Key Climate Change Strategies

- Increase Renewable Electricity Production to 50%
- Reduce Petroleum Use by 50% in Vehicles
- Double Energy Efficiency Savings at Existing Buildings
- Reduce GHG Emissions from Natural and Working Lands
- Reduce Short-Lived Climate Pollutants
- Safeguard California



Process

Solicit feedback from:
Tribal Resources Committee meeting
Marine Resources Committee meeting
Wildlife Resources Committee meeting
Present a draft policy June FGC meeting?

The Mission of the California Fish and Game Commission

- ...on behalf of California citizens, to ensure the long term sustainability of California's fish and wildlife resources by:
- Guiding the ongoing scientific evaluation and assessment of California's fish and wildlife resources;
- Setting California's fish and wildlife resource management policies and insuring these are implemented by DFW;
- Establishing appropriate fish and wildlife resource management rules and regulations;
- and Building active fish and wildlife resource management partnerships with individual landowners, the public and interest groups, and federal, State and local resource management agencies

What activities are most at risk?

For example:

- Hatcheries?
- Species Migrations?
- Commercial fishing?
- Others?



Thank you





Introduction to the Marine Life Management Act Master Plan Amendment

Kirsten Ramey, California Department of Fish and Wildlife

Fish and Game Commission Tribal Committee Meeting February 7, 2017





Marine Life Management Act (MLMA) Master Plan

- Provides a framework for ecosystem-based fisheries management
 - Based on best-available science and involvement of tribes and stakeholders
- Master Plan adopted in 2001, roadmap that guides MLMA application
 - Update will reflect advancements in management tools, changing ocean conditions, stakeholder priorities



Goals: MLMA Master Plan Amendment Process

- Enhance **resource stewardship and sustainability** of fisheries
- Elevate ecosystem health in decision-making
- Help promote more efficient, effective, and streamlined fisheries management
- Establish a clear pathway for improving the management of individual fisheries
- Set clear expectations for managers and the public
- Foster transparency and flexibility in fisheries management with tribes, stakeholders, and interested members of the public





Engaging with Tribal Governments

- Invitation for tribal consultation, June 2016 letter
- Series of discussions open to tribes and interested stakeholders
- Ongoing updates to the MRC
- Maintain an open line of communication with Tribal Committee



Including Tribes in Amended Master Plan

- Opportunities to include tribes as part of the amended Master Plan
- Existing tribal engagement process as starting place
- Welcome review and input from tribes and native communities



Seeking Guidance from Tribal Committee

- How to best engage with the Tribal Committee between now and June 2017?
- Suggestions on successfully engaging tribes in the process?



For more information:

https://www.wildlife.ca.gov/Conservation/Marine/MLMA or contact MLMA@wildlife.ca.gov



California Fish and Game Commission Tribal Committee (TC) Work Plan					
				2017	
			Feb 7	Jun 20	Oct 10
Торіс	Туре	Goals	Santa Rosa	Crescent City	Morro Bay
Special Projects					
Co-management	TC workgroup	Development of a vision statement	Х	Х	
Regulatory/Legislative					
Formalizing Tribal Committee in statute	TC project	Legislative Bill	Х	Х	
Kelp and algae harvest management	DFW project	Recommendation and guidance	Х		
Emerging Management Issues					
FGC Climate Policy	FGC policy	Development of a policy for the FGC. Looking for recommendations and guidance as we move forward.	Х	х	
Fishing communities	MRC project	Recommendation and guidance	Х	Х	
Management Plans					
Marine Life Management Act (MLMA) Master Plan for Fisheries	Management framework document - part of MRC cross walk	Updates on DFW process to amend the Master Plan for Fisheries, and identify areas of interest to Tribes	Х		
Elk	DFW	Identification of informational needs? Gaps in knowledge?	Х		
Informational/Special topics					
Cross pollination with MRC and WRC	Ongoing FGC committee coordination	Identification of tribal concerns and common themes that overlap between WRC and MRC.	Х	х	х
Annual Commission-Tribal planning meeting pursuant to Commission's tribal consultation policy	Annual FGC- Tribal coordination and consultation	1) Identify process to inform Tribes of anticipated regulatory and policy topics to be considered each year; 2) Identify tribal priorities from within topics; 3) Develop collaborative interests; 4) Contribute to planning logistics for annual meeting	х	х	х
OPC update on tribal participation in the	ODC arreitent			V	
statewide leadership team Request for a presentation regarding the	OPC project			Х	
status of the regulatory process regarding					
marijuana	DFW/LED			x	
FGC staff to provide a regulatory calendar					
overview and where tribal interests could provide feedback	FGC			х	