

California Fish and Game Commission

Tribal Committee

Meeting Materials



June 11, 2019

Redding

Commissioners
Eric Sklar, President
Saint Helena

Jacque Hostler-Carmesin, Vice President
McKinleyville

Russell E. Burns, Member
Napa

Peter S. Silva, Member
Jamul

Samantha Murray, Member
Del Mar

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

Melissa Miller-Henson
Acting Executive Director
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Sacramento, CA 94244-2090
(916) 653-4899
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www.fgc.ca.gov

TRIBAL COMMITTEE

Committee Co-Chairs: Commissioner Hostler-Carmesin and Commissioner Silva

ANNOTATED Meeting Agenda **June 11, 2019, 10:00 a.m.**

Participate in Person

Red Lion Hotel Redding, 1830 Hilltop Drive
Redding, CA 96002

Participate Via Webinar

<https://cawildlife.webex.com/cawildlife/j.php?MTID=m5ad30b2dd40f5519c4f3229861539ae4>

If you join the webinar using the **desktop** version of WebEx, you will be able to use your computer camera and speakers to participate in the meeting.

If you use the **web-based** version of WebEx, you will only be able to listen to the meeting; in order to actively participate in the meeting conversations, you must also call into the meeting using the phone number below.

Participate Via Teleconference

Call (877) 402-9753 or (636) 651-3141; access code 832 4310

This meeting will be audio-recorded.

NOTE: Please see important meeting procedures and information at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department or DFW. 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

Co-chair Jacque Hostler Carmesin: Call to order

1. Consider approving agenda and order of items

- Co-chairs Jacque Hostler Carmesin and Peter Silva

2. Public comment 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 and other committee updates

Commission staff will highlight items of note since the last Committee meeting.

(A) Acting executive director

- Staff lead: [Melissa Miller-Henson, Acting Executive Director](#)

[Exhibit: Commission's proposed rulemaking timetable, dated Jun 6, 2019](#)

(B) Marine advisor for the Marine Resources Committee (MRC)

- Staff lead: [Elizabeth Pope, Acting Marine Advisor](#)

[Exhibit: MRC work plan, dated Jun 3, 2019](#)

(C) Wildlife advisor for the Wildlife Resources Committee (WRC)

- Staff lead: [Ari Cornman, Wildlife Advisor](#)

[Exhibit: WRC work plan, dated Jun 3, 2019](#)

4. Agency updates

Other state agencies will highlight items of note since the last Committee meeting.

(A) California Ocean Protection Council

- [Jenn Eckerle, Deputy Director](#)

(B) Department, including potential updates from Fisheries Branch, Wildlife Branch, Marine Region, and Law Enforcement Division

- [David Bess, Law Enforcement Division Deputy Director and Chief](#)
- [Kari Lewis, Wildlife Branch Chief](#)
- [Kevin Shaffer, Fisheries Branch Chief](#)
- [Nathan Voegeli, Tribal Liaison and Attorney](#)
- [Updates to include abalone fishery management plan and MLMA master plan implementation](#)

(C) Other

5. Initial recommendations for Department-managed lands regulations

Identify and discuss initial recommendations for changes to public use on Department-managed lands regulations.

- Staff lead: [Ari](#)
- DFW lead: [Kari](#)

[Exhibit: DFW presentation made at the May 16, 2019 WRC meeting](#)

- 6. Potential initial recommendations for kelp and algae harvest regulations**
Identify and discuss tribal interests and potential initial recommendations for changes to commercial kelp and algae harvest regulations.

- Staff lead: Melissa
- DFW lead: Nathan (for general background only)

Exhibit 5: DFW memo and presentation at the Feb 7, 2017 Tribal Committee meeting on the process to review/amend commercial harvest of marine algae regulations

- 7. Update on statewide inland fishing regulations**
Receive an update on efforts to develop simplified statewide inland fishing regulations.

- Staff lead: Ari
- DFW lead: Kevin Shaffer, Fisheries Branch Chief

Exhibit: Presentation by Kevin Shaffer

- 8. Committee recommendations for Commission meeting procedures**
Discuss and consider approving recommendations for changes to Commission meeting procedure regulations related to the Committee.

- Staff lead: Melissa

Exhibit: Commission meeting procedures, Title 14, Section 665, with potential amendments

- 9. Co-management definition**
Discuss a co-management definition, as follow-up to the co-management vision statement recently adopted by the Commission.

- Staff lead: Melissa

Exhibit: Commission's vision statement on co-management, adopted October 2018

- 10. Committee advisory body**
Discuss options for an advisory body to provide input to the Committee co-chairs.

- Staff lead: Melissa

- 11. Coastal Fishing Communities Project**
Receive an update on the Commission's Coastal Fishing Communities Project.

- Staff lead: Maggie McCann, FGC Sea Grant Fellow

Exhibit: Presentation by Maggie McCann

- 12. Future agenda items**

- (A) Review work plan agenda topics and timeline

- Staff lead: Melissa

Exhibit: TC work plan, dated May 2019

(B) Potential new agenda topics for Commission consideration

- Staff lead: Melissa
- None recommended by staff at this time

Adjourn

California Fish and Game Commission 2019 Meeting Schedule

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

Meeting Date	Commission Meeting	Committee Meeting
July 11		Marine Resources California Department of Parks and Recreation Orange Coast District Office Training Room 3030 Avenida del Presidente San Clemente, CA 92672 * This meeting may be proposed to move to Ventura
August 7-8	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
September 10		Wildlife Resources Justice Joseph A. Rattigan State Building Conference Room 410 (4 th Floor) 50 D Street Santa Rosa, CA 95404
October 8		Tribal San Diego
October 9-10	San Diego	
November 5		Marine Resources Sacramento
December 11-12	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	

OTHER MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 22-25, Saint Paul, MN

Pacific Fishery Management Council

- June 18-25, San Diego, CA
- September 11-18, Boise, ID
- November 13-20, Costa Mesa, CA

Pacific Flyway Council

- August 23, Clackamas, OR

Western Association of Fish and Wildlife Agencies

- July 11-16, Manhattan, KS

Wildlife Conservation Board

- August 28, Sacramento, CA
- November 21, Sacramento, CA

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; **mail** to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; **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 **Comment Deadline** for this meeting is **noon on June 7, 2019**. Comments received by this deadline will be made available to Commissioners. After this deadline, 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 comment, 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 comment 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 **Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email or delivered to the Commission on a USB flash drive by the 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.

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

California Fish and Game Commission – Perpetual Timetable for Anticipated Regulatory Actions
 (dates shown reflect the date intended for the subject regulatory action)

DRAFT: 06/07/19

ITEMS PROPOSED FOR CHANGE ARE SHOWN IN BLUE FONT

For FGC Staff Use				REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	2019												2020								
QUARTERLY EFFECTIVE	DFW/RU ANALYST	FGC ANALYST	LEAD			JUN 11	JUN 12	JUN 13	JUL 11	AUG 7	AUG 8	SEP 10	OCT 8	OCT 9	OCT 10	NOV 5	DEC 11	DEC 12	JAN TBD	FEB TBD	FEB TBD	MAR TBD	APR TBD	APR TBD	MAY TBD	MAY TBD
						TC REDDING	FGC REDDING	MRC SAN-CLEMENTE/VENTURA	FGC SACRAMENTO	WRC SANTA ROSA	TC SAN DIEGO	FGC SAN DIEGO	MRC SACRAMENTO	FGC SACRAMENTO	WRC TBD	TC	FGC	MRC	FGC	WRC	TELECONFERENCE					
				File Notice w/OAL by Notice Published			04/16/19 04/26/19	06/11/19 06/21/19				08/13/19 08/23/19		10/15/19 10/25/19												
				Title 14 Section(s)																						
*	MR	ST	MR	Commercial Logbooks	107, 174 and 176			E 7/1																		
	MR	JS	WLB	Mammal Hunting, including deer/elk tag validation	362, 364, 364.1, 708.6			E 7/1		R																
	MR	JS	LED	Archery Equipment and Crossbow	354			E 7/1																		
	MR	JS	WLB	Waterfowl (Annual)	502, 509			E 7/1		R																
	OA	SF	FB	Klamath River 2084 (Emergency)(First 180 days)	7.50(b)(91.2)			E 7/1																		
*	OA	CC	MR	Hagfish traps	180.6			D/A			E 10/1															
*	MR	ST	MR	Recreational and Commercial Pacific Herring (fishery management plan implementation)	26.50, 28.50, 28.60, 28.62, 55.00, 55.01, 55.02, 163, 163.1, 163.5, 164 and 705			N		D			A				E 1/1									
*	MR	CC	MR	Experimental fishing permit (EFP) program (Phase I)	90 and 704			V		N			D/A				E 1/1									
	OA	JS	FB	Simplification of Statewide Inland Fishing Regulations	6.00, 7.00, 7.50, 8.10					N			D			A				E 3/1						
*	MR	JS	WLB	Possession of Nongame Animals (Nutria)	473					N			D			A							E 4/1			
	MR	ST	WLB	Wildlife Areas/Public Lands and Ecological Reserves	550, 550.5, 551, 552 and 630								N			D				A			E 4/1			
	OA	SF/CC	FB	Central Valley Salmon Sport Fishing (Annual)	7.50(b)(5), (68), (124), (156.5)						R					N				D			A			
	MR	JS	WLB	Mammal Hunting (Annual)	360, 361, 362, 363, 364, 364.1						R					N				D			A			
	MR	JS	WLB	Waterfowl (Annual)	502						R					N				D			A			
	OA	SF/CC	FB	Klamath River Basin Sport Fishing (Annual)	7.50(b)(91.1)			E 7/1			R					N				D			A			
	MR	JS	WLB	Upland Game Bird (Annual)	300						R									N			D			

RULEMAKING SCHEDULE TO BE DETERMINED

	OA	JS	FB	Simplification of Statewide Inland Fishing Regulations	5.00, 7.00, 7.50, 8.10																				
	OA	SF	FB	Klamath River 2084 (Emergency)(90 day Extension - Phase I)	7.50(b)(91.2)																				
	OA	SF	FB	Klamath River 2084 (Emergency)(90 day Extension - Phase II)	7.50(b)(91.2)																				
	OA	SF	FB	Klamath River 2084 (Implementing Certificate of Compliance)	7.50(b)(91.2)																				
	MR	ST	WLB	Wildlife Areas/Public Lands and Ecological Reserves	550, 550.5, 551 AND 630																				
*		CC	MR	Experimental fishing permit (EFP) program (Phase II)	TBD																				
*			MR	Commercial Kelp and Algae Harvest Management	165, 165.5, 704			V													V				
*				Possess Game / Process Into Food	TBD																				
*			OGC	American Zoological Association / Zoo and Aquarium Association	671.1																				
				Night Hunting in Gray Wolf Range	474																				
				Shellfish Aquaculture Best Management Practices	TBD						R									V			R		
*				Ban of Neonicotinoid Pesticides on Department Lands	TBD																				
*			MR	Commercial Pink Shrimp Trawl	120, 120.1, 120.2																				
*			MR	Ridgeback Prawn Incidental Take Allowance	120(e)																				

EM = Emergency, EE = Emergency Expires, E = Anticipated Effective Date (RED "X" = expedited OAL review), N = Notice Hearing, D = Discussion Hearing, A = Adoption Hearing,
 V = Vetting, R = Committee Recommendation, WRC = Wildlife Resources Committee, MRC = Marine Resources Committee, TC = Tribal Committee

**Marine Resources Committee (MRC) 2019 Work Plan
Scheduled Topics and Timeline for
Items Referred to MRC from California Fish and Game Commission
Updated June 3, 2019**

Topic	Category	2019		
		MAR	JUL	NOV
		Sacramento	San Clemente	Sacramento
Planning Documents				
MLMA Master Plan for Fisheries - Implementation Updates	Master Plan Implementation	X	X	X
Abalone FMP / ARMP Update	FMP	X	X	X
Aquaculture Programmatic Environmental Impact Report (PEIR)	Programmatic Plan	X/R		
Regulations				
Sport Fishing	Annual Rulemaking	X		
Aquaculture Lease Best Management Practices (BMP) Plan Requirements	DFW-FGC Project/ Rulemaking	X/R		
Kelp & Algae Commercial Harvest	DFW Project/ Rulemaking		X	
Emerging/Developing Management Issues				
Aquaculture State Water Bottom Leases: Existing and future lease considerations	Lease Management Review			
Special Projects				
California's Coastal Fishing Communities	MRC project	X/R	X	
Informational / External Topics of Interest				
Whale and Turtle Protections in the Management of the Dungeness Crab Fisheries			X	
Exploration of Fisheries Under FGC Authority			X	

KEY: X Discussion scheduled X/R Recommendation developed and moved to FGC

**Wildlife Resources Committee (WRC) 2018-19 Work Plan
Scheduled Topics and Timeline for
Items Referred to WRC by the California Fish and Game Commission
Updated June 3, 2019**

Topic	Category	2019			2020
		JAN	MAY	SEP	Jan
		Ontario	Sacramento	Santa Rosa	TBD
Annual Regulations					
Upland (Resident) Game Birds	Annual	X/R		X	X/R
Sport Fishing	Annual				
Mammal Hunting	Annual		X	X/R	
Waterfowl	Annual		X	X/R	
Central Valley Salmon Sport Fishing	Annual		X	X/R	
Klamath River Basin Sport Fishing	Annual		X	X/R	
Regulations & Legislative Mandates					
Falconry	Referral for Review				
Department Lands Regulations	Regulatory	X	X/R		
Simplification of Statewide Inland Fishing Regulations	Regulatory	X/R	X	X	
Special Projects					
Bullfrogs and Non-native Turtles	Referral for Review		X	X	
Policies					
Delta Fisheries Forum Recommendations and Delta Fisheries Policy	Referral for Review	X	X/R		
Legislation					
365-Day Fishing Licenses (AB 1387)	Referral for Review		X/R		

KEY: X Discussion scheduled X/R Recommendation developed and moved to FGC



CDFW Land Regulations

May 2019

Joel Trumbo

Lands Program

Wildlife Branch

Wildlife Areas

110 wildlife areas

712, 123 acres

Purposes:

- **Conserve wildlife and habitats**
- **Hunting, fishing, wildlife viewing, photography, conservation education and research activities**
- **Fish & Game Code Sections 1526, 1528 and 1745**

Ecological Reserves

135 Ecological Reserves

229,953 acres

Purposes:

- **Conserve rare species and specialized habitat types**
- **Conservation education and research**
- **Other uses may be authorized if compatible**
- **Fish & Game Code Sections: 1580, 1584, 1585**



Fish and Game Commission Authority to :

- **Designate land as wildlife areas or ecological reserves**
- **Authorize compatible public uses**

Fish and Game Code
Sections 1525, 1526, 1580, 1584

Sections of Title 14, CA Code of Regulations (regs)

550	Public use regs that apply to all CDFW lands
550.5	Restricted entry (reservations, permits, etc.)
551	List of wildlife areas, site-specific regs
552	Site-specific regs for nine federal refuges under agreement with CDFW
630	List of ecological reserves, site-specific regs

Recommended Changes Overview

- **Designate 9 relatively new properties as ecological reserves (ER) or wildlife areas (WA).**
- **“Un-designate” 3 wildlife areas, plus 2 units of Grizzly Island WA where CDFW no longer has management authority.**
- **Site-specific changes for 11 existing wildlife areas and ecological reserves.**
- **Minor clarification/clean-up changes.**

Lands to be Designated

➤ Kern

- Indian Wells ER

➤ Riverside

- Santa Margarita River ER

➤ San Diego

- Cañada de San Vicente ER
- San Vicente Highlands ER

➤ San Luis Obispo

- North Carrizo ER

➤ Santa Barbara

- Cienega Springs ER

➤ Inyo

- Deep Springs ER
- Round Valley WA
- Tecopa ER



Lands to be Un-designated

➤ **Lake Berryessa WA**

- Napa County
- Owned by the Bureau of Reclamation

➤ **South Fork WA**

- Kern County
- Owned by U.S. Forest Service

➤ **White Slough WA**

- San Joaquin County
- Owned by Department of Water Resources

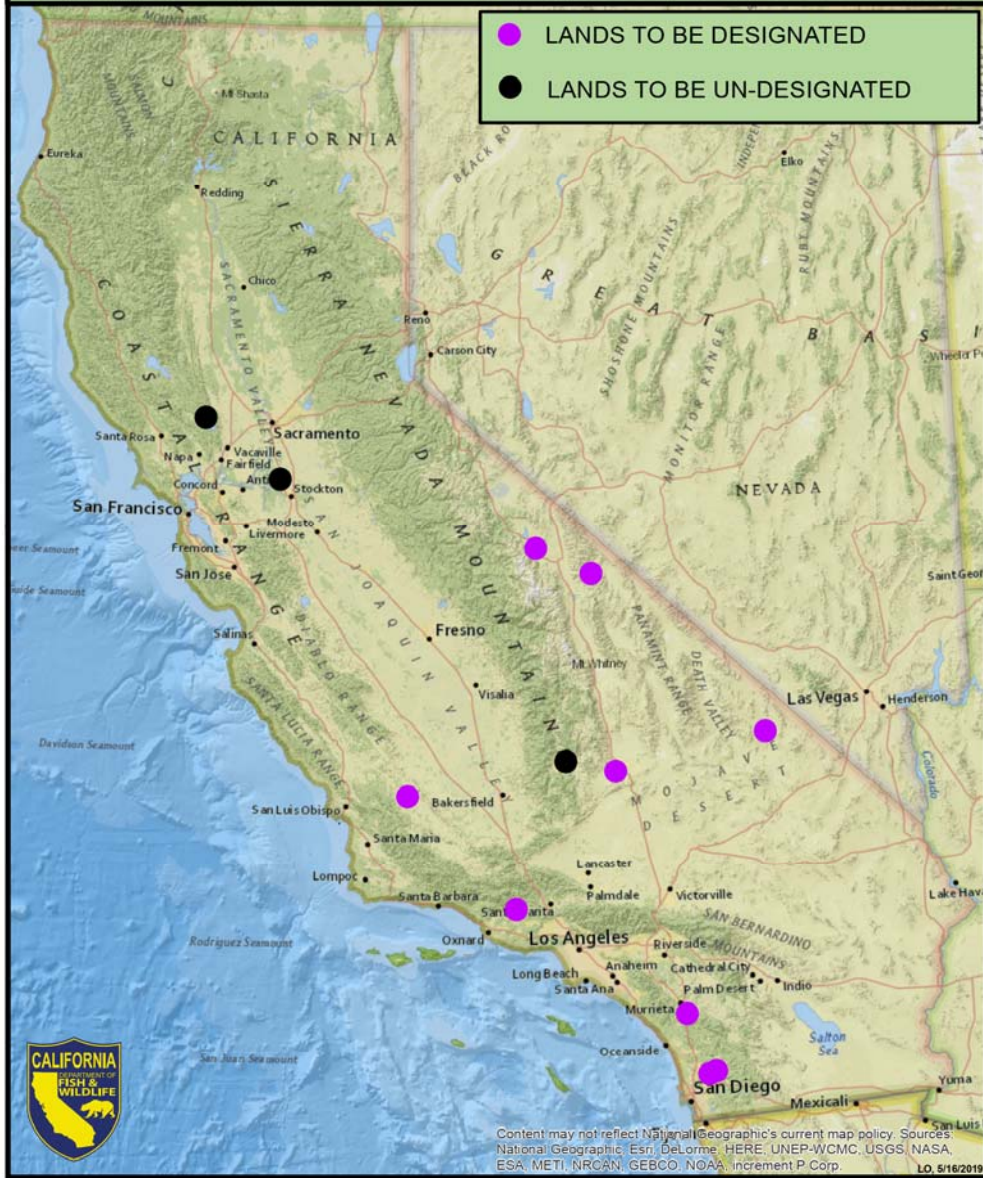
➤ **Gold Hills and Garibaldi Units, Grizzly Island WA**

- Solano County
- Owned by Pacific Flyway Center

DRAFT

California Department of Fish and Wildlife Lands to Be Designated or Un-Designated May 2019

- LANDS TO BE DESIGNATED
- LANDS TO BE UN-DESIGNATED



Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, DeLorme, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp. LO, 5/16/2019

Site-Specific Changes

- **Early season pheasant hunt days.**
- **Biking on a regional trail at Green Island Unit of Napa Sonoma Marsh WA (NSMWA)**
- **Opening the Southern Crossing Unit, NSMWA**
- **Extend crow hunting at Hollenbeck Canyon WA**
- **Prohibit firearms/archery at Truckee River WA**
- **Closure of Del Mar Mesa/Lopez Ridge ER, San Diego**

Minor Clean Up Examples

- **550.5(c)(7): Junior hunters who are under the age of 16, issued an entry permit to hunt only when accompanied by an adult.**
- **Remove references to specific properties proposed for removal from Title 14.**
- **Lake Sonoma Wildlife Area is listed in Section 551(b) and 551(c). Since it is entirely on federal land, it should only be listed in Section 551(c).**
- **Update language for consistency with federal regulations on federal refuges on which hunting is managed by CDFW under an agreement with the USFWS.**

Recommended Changes Review

- **Designate 9 relatively new properties**
- **“Un-designate” 3 wildlife areas, plus 2 units of Grizzly Island WA.**
- **Site-specific changes for 11 existing wildlife areas and ecological reserves**
- **Minor clarification/clean-up changes.**

Any Questions?




State of California
Department of Fish and Wildlife

Memorandum

Date: January 25, 2017

To: Valerie Termini
Executive Director
Fish and Game Commission

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

cc: Department of Fish and Wildlife

Tom Barnes, Environmental Program Manager
Marine Region
Tom.Barnes@wildlife.ca.gov

Kirsten Ramey, Senior Environmental Scientist
Marine Region
Kirsten.Ramey@wildlife.ca.gov

Rebecca Flores Miller, Environmental Scientist
Marine Region
Rebecca.FloresMiller@wildlife.ca.gov

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



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



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



Outreach to Tribal Governments



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 CONSIDERATION 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 Rebecca.Floresmiller@wildlife.ca.gov, 831-649-2835, or write to Rebecca Flores Miller, California Department of Fish and Wildlife, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940.

- 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



Closing

- Background
- Overhaul
- Challenges
- Outreach



bull kelp

Photo Credit: R. Flores Miller



Thank You  **Questions?**

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

Sport Fishing Regulations Revision and Simplification Project



Presented to FGC's Tribal Committee
June 11, 2019
Kevin Shaffer
Fisheries Branch, CDFW



Problem

- Too many special fishing regulations
- Some regulations are too complex
- Many regulations are not monitored for effectiveness
- District boundaries are complex

Approach

- Menu was developed by CDFW fisheries managers and fisheries biologists statewide
- Menu was vetted through WRC / TC
- Menu was applied to waters statewide by CDFW regional and headquarters staff
- Proposed changes were vetted through public input

Public Outreach

- Townhalls/online surveys (2018)
- Press release
- Social Media
- Released draft regulatory changes
- Created Interactive Webpage
- Established 6 townhalls throughout CA from March 20 to April 23
- Closing date for input was May 3

Summary

- Townhall summary of attendance
 - Bishop (132 members of the public)
 - Redding (33 members of the public)
 - Fresno (21 members of the public)
 - Rancho Cucamonga (78 members of the public)
 - Sacramento (21 members of the public)
 - Truckee (51 members of the public)

Summary

- Online submissions = approximately 3500
- Emails (RKB) = approximately 150
- Phone calls (RKB) = approximately 150
- Hard copies = approximately 30
- CDFW staff working with Human Dimensions Unit to analyze input
- CDFW staff working to assess input and revise proposed regulations

Thank You



California Code of Regulations

Title 14, Section 665, Meeting Procedures – Current as of May 31, 2019 with Draft Potential Amendments

§ 665. Meeting Procedures.

- (a) Commission quorum, agendas, and meeting procedures.
- (1) Quorum. Commission and committee meetings may not be conducted without a quorum present.
 - (A) Commission meetings require a quorum of at least three commissioners be present to conduct a meeting. A commission meeting must be immediately recessed or adjourned if at least three commissioners are no longer present.
 - (B) Committee meetings require a quorum of at least one appointed member be present to conduct a meeting. A committee meeting must be immediately recessed or adjourned if at least one appointed member is no longer present.
 - (2) Commissioner participation at committee meeting.
 - (A) No more than two commissioners may attend a committee meeting.
 - (3) Meeting agendas.
 - (A) Public requests for items to be added to an agenda must be received no later than the commission meeting immediately prior to the desired meeting.
 - (B) Contents of meeting agendas.
 1. Except for emergency meetings of the commission, contents of commission and committee meeting agendas are established by a majority vote of the commission.
 2. Contents of agendas for emergency meetings of the commission are established by the president or the president's designee.
 3. Committee agendas may not contain items that have been placed on commission meeting agendas, unless otherwise directed by a majority vote of the commission.
 4. Notwithstanding subsection (a)(3)(B)1., the president or the president's designee may add an item to the agenda.
 - (C) Agenda distribution.
 1. Except for emergency meetings of the commission, commission and committee meeting agendas shall be distributed and posted to the commission website at least 10 days prior to the first day of the meeting.
 2. Agendas for emergency meetings of the commission shall be distributed and posted to the commission website pursuant to the provisions of the Bagley-Keene Open Meeting Act (Government Code Sections 11120-11132).
 - (4) Marine resources committee and wildlife resources committee recommendations. Pursuant to Sections 105 and 106 of the Fish and Game Code, the marine resources committee and wildlife resources committee shall report on their activities from time to time and make recommendations on resource matters before the commission.
 - (A) Committees may meet to make recommendations no later than 15 days prior to the first day of the commission meeting at which the commission may consider taking action on the subject of the recommendation.
 - (B) Committee recommendations shall be posted to the commission website at least five days prior to the first day of the meeting.

- (5) Tribal committee recommendations. Pursuant to Section 106.5 of the Fish and Game Code, the tribal committee shall report on its activities from time to time and make recommendations on resource matters before the commission.
(A) The tribal committee may meet to make recommendations up to the day prior to the first day of the commission meeting at which the commission may consider taking action on the subject of the recommendation.
(B) Tribal committee recommendations may be acted upon at the commission meeting at which the recommendations are presented.

(6) Commission Meeting Voting

- (A) A motion shall pass or fail only upon a majority vote of the membership present and voting.
1. The commission may make and vote on more than one motion related to an agenda item. If no motion receives a majority vote of the membership present and voting, the agenda item shall be continued to a subsequent commission meeting.

(b) Public participation. Except for the department, every person or agency participating in commission and/or committee meetings is subject to the provisions in this subsection.

- (1) Public comment on agenda items. The public may comment on an agenda item before any decision is made regarding the agenda item.
(A) Public requests to provide comments on a commission agenda item must be submitted to commission staff prior to when the agenda item is announced.
1. A person may voluntarily complete a speaker card furnished by commission staff.
2. A person not completing a speaker card must inform commission staff, orally or in writing, of his desire to comment on the item.
(B) A person may request to provide comments on a committee agenda item by raising his hand during the discussion of that item.
- (2) Public forum. During the public forum agenda item, any member of the public may address the commission or committee regarding commission policies or any other matter within the commission's jurisdiction so long as the subject is not related to any other item on the current agenda. [Staff recommends that this subsection be amended as well, to reflect "general public comment" as the agenda item.]
- (3) Allotted time for comments and presentations at commission meetings.
(A) The time allotted for each person wishing to address an agenda item shall be set by the presiding commissioner at between one and three minutes per person per agenda item, except as provided in subsections (b)(3)(A)1., (b)(3)(A)2., (b)(3)(A)3 and (b)(3)(A)4.
1. Ceding time. The presiding commissioner may allot up to five minutes for a person to comment on an agenda item if at least three other persons are present when the agenda item is called and forgo their opportunity to speak to that agenda item.
2. Advanced approval for extended time. The public may request extended time to comment longer than three minutes. The president or designee of the president shall approve or deny the requested time based on relevance to the agenda topic and time available.
a. Except for emergency meetings of the commission, requests for extended time must be received in writing no later than 12:00 noon five days prior to the first day of the meeting and must be sent by email to fgc@fgc.ca.gov or delivered by mail, by courier or in person to California Fish and Game Commission,

1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Only one method of delivery is necessary.

- i. The president or designee shall approve or deny the request no later than 5:00 p.m. two days prior to the first day of the meeting.
- b. Requests for extended time for an emergency meeting of the commission must be received no later than 5:00 p.m. the day prior to the first day of the meeting and must be sent by email to fgc@fgc.ca.gov or delivered in person at the meeting location between one and two hours prior to the start of the meeting.
 - i. The president or designee shall approve or deny the request prior to the start of the meeting.
3. At the request of any commissioner, a person may receive additional time to comment on an agenda item.
4. Extra time for translation. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code section 11125.7(c).
- (B) The total amount of time allocated for public comments on a particular issue may be limited by publishing the time limit on the meeting agenda.
- (4) Allotted time for comments at committee meetings. The time allotted for each person wishing to address an agenda item shall be at the discretion of the committee chair(s).
- (5) Written comments. All written comments are available to commissioners upon request.
 - (A) Except for an emergency meeting of the commission, written comments intended for a commission or committee meeting must be delivered to the commission office via email or by mail, by courier or in person no later than 12:00 noon five days prior to the first day of the meeting, or in person at the meeting.
 1. Written comments received by 5:00 p.m. 13 days prior to the first day of the meeting may be posted to the commission website and may be included in the meeting materials provided to commissioners prior to the first day of the meeting.
 2. Written comments received after 5:00 p.m. 13 days prior to the first day of the meeting and before 12:00 noon 5 days prior to the first day of the meeting may be made available to commissioners at the meeting, but are not posted to the commission's website for that meeting.
 3. Written comments received in the commission office after 12:00 noon five days prior to the first day of the meeting are only delivered to the meeting if required by the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and are not posted to the commission's website for that meeting.
 4. Written comments received in the commission office after 12:00 noon five days prior to the first day of the meeting that are not required to be delivered to the meeting pursuant to the Administrative Procedure Act are held for a future meeting if related to a future agenda item.
 5. Number of copies of written comments delivered in person at a meeting.
 - a. Ten copies of written comments are requested if delivered in person at a commission meeting, except two copies of written comments are requested if delivered in person at a teleconference meeting.
 - b. Five copies of written comments are requested if delivered in person at a committee meeting.
 6. Any writings, when distributed to all, or a majority of all, commissioners in connection with a matter subject to discussion or consideration at a meeting shall be made available to the public upon request without delay. However, this

subsection does not apply to any writing exempt from public disclosure under Sections 6253.5, 6254, or 6254.7 of the Government Code.

7. Writings that are public records under subsection (b)(5)(A)6., and that are distributed to members of the commission prior to a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting.
 8. Writings that are public records under subsection (b)(5)(A)6., and that are distributed to members of the commission during a meeting, pertaining to any item to be considered during the meeting shall be made available for public inspection at the meeting if prepared by department or commission staff, or after the meeting if prepared by some other person.
 - (B) Written comments intended for an emergency meeting of the commission must be received no later than 5:00 p.m. the day prior to the first day of the meeting or in person at the meeting location.
 - (C) In the event multiple written comments expressing similar views are received, an example or a summary of the comments may be posted to the commission website and/or included in the meeting materials for commissioners.
 - (D) Written comments delivered to the commission office must be sent by email to fgc@fgc.ca.gov or delivered by mail, by courier or in person to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Only one copy and only one method of delivery are necessary.
 - (E) Written comments are not accepted if sent to the meeting facility.
 - (6) Audio or visual materials for commission and committee presentations must be approved by the executive director.
 - (A) Except for emergency meetings of the commission, consideration for approval requires that materials be submitted via email to fgc@fgc.ca.gov no later than 12:00 noon five days prior to the first day of the meeting.
 - (B) For emergency meetings of the commission, consideration for approval requires that materials be submitted via email to fgc@fgc.ca.gov no later than 5:00 p.m. the day prior to the first day of the meeting or delivered in person at the meeting location between one and two hours prior to the start of the meeting.
 - (C) A request for an audio or visual presentation for a commission or committee meeting may be denied if the material is deemed not relevant to the agenda item, contains inappropriate material, or contains unauthorized copyrighted materials.
 - (D) A request for an audio or visual presentation for Commission meetings may be denied if the material cannot be presented in three minutes or less.
 - (E) All electronic formats must be Windows PC compatible.
 - (7) Prohibited behavior. A person willfully disrupting the orderly conduct of the meeting may be removed from the meeting.
- (c) Concurrence with Government Code Sections 6707 and 6800. The deadlines and due dates in this Section shall conform to Sections 6707 and 6800 of the Government Code pertaining to deadlines that fall on Saturdays or holidays.

Note: Authority cited: Section 108, Fish and Game Code. Reference: Section 108, Fish and Game Code; and Sections 11125.1 and 11125.7, Government Code.

California Fish and Game Commission
Vision Statement on Co-Management
Adopted October 17, 2018

The vision of tribes, the California Fish and Game Commission, and the California Department of Fish and Wildlife is to engage in a collaborative effort between sovereigns to jointly achieve and implement mutually agreed upon and compatible governance and management objectives to ensure the health and sustainable use of fish and wildlife.



California's Coastal Fishing Communities Project Update



Presented at FGC's Tribal Committee Meeting
Maggie McCann, Sea Grant State Fellow
June 11, 2019

6/10/2019



Background/Overview

- Marine Life Management Act (MLMA)
 - MLMA has broad sustainability goals, and protecting coastal fishing communities is part of that
- Responsive to public input:
 - Concern from coastal fishing communities about their sustainability due to environmental and management changes

6/10/2019



Project Goals

- Identify coastal fishing community sustainability and resilience priorities and potential opportunities to support them
- Clarify and understand common concerns throughout the state
- Help to inform future Commission discussion or action through the development of staff recommendations on policy actions

6/10/2019



Summary of Past Staff Actions

- Eight community meetings
- Public input synthesized into staff report
- Developed 10 staff recommendations
- Solicited feedback on report and recommendations
- Received MRC direction throughout process

6/10/2019





Next Steps

- Discussion scheduled for July MRC
 - Update on the report and 10 staff recommendations
 - Solicit public input from any interested parties

- Ongoing opportunities for information sharing
 - Website: Highlight other opportunities for ways to contribute to the discussion

6/10/2019



Opportunities for involvement

- Participate in discussion scheduled for the July 11 MRC in Ventura
- Materials for public comment will be posted on the webpage
- Statewide discussion across agencies, non-governmental organizations and communities
 - As opportunities arise, they will be posted to our webpage
- Partnership development and collaboration

6/10/2019



Thank You

Maggie McCann, Sea Grant State Fellow

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6/10/2019

California Fish and Game Commission Tribal Committee

Work Plan: Topics and Timeline for Items Referred to TC from the California Fish and Game Commission

Updated May 2019

Topic	Type	Goal(s)	2019			2020
			Feb	Jun	Oct	Feb
			Sacramento	Redding	San Diego	TBD
Special Projects						
Co-management	TC Project	Develop a definition for co-management	X	X	X	X
Tribal advisory body	TC Project	Explore options for an advisory body to provide input to TC co-chairs		X	X	
Regulatory/Legislative						
Kelp and algae harvest management	DFW Project and Regulation Change	Updates; then recommendation and guidance	X	X	X/R	
Simplification of statewide inland fishing regulations	DFW Project and Regulation Change	Updates; then recommendation and guidance	X/R	X/R		
Operating principles/practices and add TC to FCG meeting procedures	Regulation Change	Amend Section 665, Title 14, California Code of Regulations	X	X	X/R	
DFW-managed lands	Regulation Change	Amend Section 550, 550.5, and 551, Title 14, California Code of Regulations	X	X	X/R	
Emerging/Developing Management Issues						
FGC climate policy	FGC Policy	During development of a policy for FGC, make recommendations and provide guidance				
Resilient coastal fishing communities	MRC Project	Updates and guidance	X	X	X	X
Management Plans						
Sheep, deer, antelope, trout, abalone	DFW Projects	Updates and guidance (timing as appropriate for each plan)	X	X	X	X
Informational Topics						
Cross-pollination with MRC and WRC	FGC Committee Coordination	Identify tribal concerns and common themes with WRC and MRC	X	X	X	X
Annual tribal planning meeting for coordination and consultation, pursuant to Commission's tribal consultation policy	FGC Policy	(1) Share anticipated regulatory and policy topics to be considered this year, (2) identify tribal priorities from within topics, (3) develop collaborative interests, (4) contribute to planning logistics for annual meeting, and (5) review progress on topics discussed at annual meeting.	X	X	X	X
Marine Protected Areas Statewide Leadership Team	OPC Project	Update on tribal participation in the Marine Protected Areas Statewide Leadership Team and implementation of the leadership team work plan	X	X	X	X
Safeguarding California and sea level rise	OPC Project	Update (as requested)				
Proposition 64 (cannabis)	DFW/LED Project	Update on implementation (as requested)		X		
Wildfire impacts and state response	DFW	Update		X		
FGC regulatory calendar	FGC	Update	X	X	X	X

X = Discussion scheduled

X/R = Discussion with recommendation developed and moved to FGC

FGC = California Fish and Game Commission MRC = FGC's Marine Resources Committee WRC = FGC's Wildlife Resources Committee

DFW = California Department of Fish and Wildlife LED = DFW's Law Enforcement Division OPC = California Ocean Protection Council