15. TRIBAL COMMITTEE

Today's Item **Information ☐** **Action ☒**

Discuss updates and consider adopting the recommendation from the January 17, 2020 Tribal Committee (TC) meeting. Consider approving new topics to address at a future committee meeting.

Summary of Previous/Future Actions

- Most recent TC meeting — Jan 17, 2020; TC, Los Alamitos
- **Today consider TC recommendation** — **Feb 21, 2020; FGC, Sacramento**
- Next TC meeting — Aug 18, 2020; TC, Fortuna

Background

TC Work Plan and Timeline

FGC directs the work of TC. The updated work plan in Exhibit 1 includes topics and timelines for items referred by FGC to TC.

Meeting Summary

TC met on Jan 17, 2020 in Los Alamitos. In addition to the regular staff, MRC, WRC and other agency updates, several topics were discussed: (1) Co-management definition, (2) FGC's annual tribal planning meeting, (3) levels of commercial kelp and algae harvest, (4) commercial kelp and algae harvest regulations, (5) pinniped predation studies, and (6) simplification of statewide inland sport fishing regulations.

Co-Management Definition

The draft potential recommendation for a co-management definition was discussed at length by TC and meeting participants. Overall, there was support for the draft that was developed over two years, including from tribes participating in the meeting and through several letters from tribes received prior to the meeting. A coalition of northern California tribes suggested to strengthen the definition with several additions. Ultimately, TC chose to recommend the existing draft language (Exhibit 2), in part out of concern about timing and multiple tribes wanting to move forward with implementation.

Annual Tribal Planning Meeting

TC reviewed topics discussed at the first two annual tribal planning meetings and provided feedback on what should be considered for this year's meeting. A suggestion was made to invite participation and a potential presentation from the West Coast Ocean Alliance Tribal Caucus. Proposed meetings topics are included under Agenda Item 14 for today's meeting.

Commercial Kelp and Algae Harvest Levels and Proposed Changes to Regulations

Marine Region Manager Craig Shuman presented an overview of current and recent levels of commercial kelp and algae harvest, followed by a presentation about proposed changes to commercial kelp and algae harvest regulations.

Pinniped Predation Studies

DFW's Fisheries Branch Chief Kevin Shaffer provided an overview of pinniped predation studies. Kevin will complete a compilation of predation studies and return for the Aug 18, 2020 TC meeting for further discussion.

Statewide Inland Sport Fishing Regulations

Senior Environmental Scientist Karen Mitchell from DFW's Fisheries Branch presented the latest proposed changes to inland sport fishing regulations for purposes of simplification and increasing fishing opportunity.

TC Recommendations

Based on public comment and the meeting discussions, TC has one recommendation for FGC consideration:

1. Adopt the proposed definition of co-management as discussed and approved by TC on Jan 17, 2020.

New TC Topics

No new topics are proposed at this time.

Significant Public Comments

1. Two tribes wrote in support of the proposed definition, stating that it reflects respect among sovereigns, promotes collaboration, is long overdue, will help address the loss tribes have experienced to spiritual and physical well-being, and should be put in place in an expedited manner for the benefit of tribes and the environment (exhibits 3-4)
2. A consortium of 10 federally-recognized tribes in northern California supports retaining all language in the proposed definition of co-management, though suggests that, since the definition will set the tone of relationships for years to come, there are important concepts missing and recommends adding language related to co-management being a responsibility and commitment (in addition to being collaborative); specifically identifying California tribes and the state of California as the primary sovereigns participating in the co-management; articulating that each sovereign has its own unique roles, authorities and governance sructures; and acknowledging a shared value of promoting a respectful intergenerational relationship with nature (Exhibit 5).

Recommendation

FGC staff: Adopt the recommended definition, If FGC desires to include any additional language, add the topic of potential additions to the annual tribal planning meeting agenda.

TC: Adopt the recommended definition of co-management as approved at the Jan 17, 2020 TC meeting.

Exhibits

1. TC work plan, dated Feb 13, 2020
2. Proposed definition of co-management from TC, dated Jan 17, 2020

3. Email from Bo Mazzetti, Tribal Chairman, Rincon Tribe of Luiseño Indians, received Jan 16, 2020
4. Email from Erica M. Pinto, Chairwoman, Jamul Indian Village of California, received Jan 29, 2020
5. Email from Hawk Rosales, Executive Director, InterTribal Sinkyone Wilderness Council, received February 11, 2020

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the definition of co-management as recommended by the Tribal Committee.

OR

Moved by _____ and seconded by _____ that the Commission approves the definition of co-management as recommended by the Tribal Committee and adds the topic of potential additional language in the definition, as discussed today, to the annual tribal planning meeting agenda.

California Fish and Game Commission Tribal Committee (TC)

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

Updated February 13, 2020

Topic / Goal	Type / Lead	Jan 17, 2020 Los Angeles	Aug 18, 2020 Fortuna	Nov 9, 2020 Monterey area
Special Projects				
Co-management: Develop a definition	TC Project	X/R		
Coastal Fishing Communities Project: Updates and guidance	MRC Project	X	X	X
Regulatory / Legislative				
Kelp and algae harvest management regulations: Updates and then recommendation and guidance	DFW Project and Regulation Change	X/R		
Developing Management Issues				
FGC Climate Policy: During development of policy, make recommendations and provide guidance	FGC Policy			
Management Plans				
Sheep, deer, antelope, trout, abalone, kelp/seaweed: Updates and guidance (timing as appropriate for each)	DFW	X	X	X
Informational Topics				
Kelp recovery efforts: Update as requested	DFW			
Status of abalone recovery: Update as requested	DFW			
Studies of pinnipeds and California's fisheries: What studies have been conducted, how they affect California's fisheries, and options for addressing impacts	DFW	X	X	
Annual tribal planning meeting: (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
Marine Protected Areas Statewide Leadership Team (MSLT): Update on tribal participation in MSLT and implementation of the MSLT work plan	OPC Project	X	X	X
Wildfire impacts and state response: Update as requested	DFW			
Proposition 64 (cannabis): Update as requested	DFW LED			
Cross-pollination with MRC and WRC: Identify tribal concerns and common themes with WRC and MRC	FGC Committees	X	X	X
FGC regulatory calendar: Update	FGC staff	X	X	X

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

FGC = California Fish and Game Commission *TC = FGC's Tribal Committee*
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*

California Fish and Game Commission Tribal Committee

Proposed Definition of Co-Management

January 17, 2020

In late 2018, the California Fish and Game Commission (Commission) adopted a co-management *vision statement* as recommended by the Commission's Tribal Committee:

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.

As follow-up to the vision statement, a draft definition for co-management has been discussed during multiple meetings of the Commission's Tribal Committee and an ad hoc work group in which members of California's tribes discussed options for the definition.

After soliciting feedback, and making changes over several iterations, the Tribal Committee recommends as the definition for co-management:

A collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area or set of natural resources.

Rincon Band of Luiseño Indians

One Government Center Lane | Valley Center | CA 92082
(760) 749-1051 | Fax: (760) 749-8901 | rincon-nsn.gov

January 16, 2020

Melissa Miller-Henson
Executive Director
State of California
Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Proposed Definition of Co-Management of Fish and Wildlife in California

Dear Ms. Miller-Henson:

The Rincon Band of Luiseño Indians write to you to express the support of the draft definition of co-management per your letter dated December 26, 2019: "*A collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area or set of natural resources.*" We would like to see this put in place in a timely fashion so the effective co-management practices can begin as soon as possible.

Co-management between the Tribes and the State of California is extremely important and long overdue. Tribes have lost access to hunting, fishing, gathering, ceremonial spots, sacred areas, and management of their original territories. This has a negative impact on the people of the Tribes and both their spiritual and physical well-being. It has also had a negative impact on the land and ecosystems with the loss of sustainability, catastrophic wildfires in the absence of cultural burning, fragmented habitats, and many more impacts. Co-management between the Tribes and the State is a small, but vitally important step towards bridging this gap. We would like to work with you to have co-management put in place in an expedient manner for the benefit of Tribal people and the environment.

Thank you for your time and consideration.

Sincerely,

Bo Mazzetti
Tribal Chairman

Bo Mazzetti, Chairman | Tishmall Turner, Vice Chair | Laurie E. Gonzalez, Council Member | Alfonso Kolb, Sr., Council Member | John Constantino, Council Member

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CALIFORNIA
FISH AND GAME
COMMISSION
2020 JAN 29 AM 11:00

January 22, 2020

Via U.S. Mail and Email

Melissa Miller-Henson, Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
Phone: (916) 653-4899
Email: fgc@fgc.ca.gov

RE: Support of the Final Draft Proposed Definition of Co-Management of Fish and Wildlife in California

Dear Executive Director Miller-Henson,

On behalf of the Jamul Indian Village of California (the "Tribe"), we write in support of the final draft proposed definition of "co-management" of fish and wildlife in California among California's tribes and tribal communities, the California Fish and Game Commission (the "Commission"), and the California Department of Fish and Wildlife (the "Department"). The Tribe supports the proposed definition because it reflects respect among sovereigns and promotes collaboration and sharing of management over the precious natural resources located within tribal communities and California. Thank you for the opportunity to lend our support.

Sincerely,

Erica M. Pinto, Chairwoman
Jamul Indian Village of California

cc: Jacque Hostler-Carmesin (Via Email Only)

info@jamulindianvillage.
619.669.4785
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Jamul, CA 91935
jamulindianvillage.c

From: InterTribal Sinkyone Wilderness Council <intertribalsinkyone@sbcglobal.net>
Sent: Tuesday, February 11, 2020 10:35 AM
To: FGC <FGC@fgc.ca.gov>
Cc: Miller-Henson, Melissa@FGC <Melissa.Miller-Henson@fgc.ca.gov>
Subject: Comments on Draft Definition of Tribal—State Co-Management

Dear Fish & Game Commission:

The InterTribal Sinkyone Wilderness Council is pleased to provide the Commission with our Council's attached "Revisions to Draft Definition of Co-Management by California Indian Tribes and the State of California", in advance of the Commission's February 21 meeting.

Our attached comment letter pertains to agenda item #15 (Tribal Committee Report).

Sincerely,
Hawk Rosales
Executive Director
InterTribal Sinkyone Wilderness Council

InterTribal Sinkyone Wilderness Council
Revisions to Draft Definition of Co-Management by
California Indian Tribes and the State of California

InterTribal Sinkyone Wilderness Council is a consortium of 10 sovereign, federally recognized Northern California Indian tribes.[1] The tribes are the original and longstanding stewards of lands and waters situated within their traditional territories of the north coast region. For countless generations, the tribes have maintained their vital connections to and relationships with marine and terrestrial ecosystems. They remain committed to protection and revitalization of these ecosystems, from which their cultural lifeways are inseparable.

This statement by the Sinkyone Council is in response to the **Proposed Draft Definition of Co-Management** currently under discussion by California Indian tribes and the California Fish and Game Commission (FGC). We thank all who have contributed to developing the current draft definition. It provides an outstanding basis for the broader, more complete definition needed to accurately characterize Tribal—State Co-Management. We believe it is important the definition include perspectives and concepts of importance to the tribes. Below, shown in redline, are the Sinkyone Council's proposed revisions to the draft definition. Pages 2-3 contain comments explaining the rationale for each of our proposed revisions. An earlier version of our revisions was submitted to the Commission electronically on January 13.

CO-MANAGEMENT VISION STATEMENT—ADOPTED BY FGC IN 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.

CURRENTLY PROPOSED DRAFT DEFINITION OF CO-MANAGEMENT:
A collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area or set of natural resources.

SINKYONE COUNCIL REVISIONS TO DRAFT DEFINITION OF CO-MANAGEMENT:
A collaborative effort premised upon respective responsibilities and commitments and established through an agreement ~~in which two or more~~ between sovereigns, in which California Indian tribe(s), the State of California and other sovereigns as deemed appropriate by the tribe(s) and state mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given traditional tribal territory, area or set of natural resources, as informed by the sovereigns' respective and unique roles, authorities and governance structures and with the shared goal of promoting respectful intergenerational relationships with nature, including its care and use.[2]

Rationale for the above redline revisions is provided in the below Comments section.

[1] Cahto Tribe of Laytonville Rancheria; Coyote Valley Band of Pomo Indians; Hopland Band of Pomo Indians; Pinoleville Pomo Nation; Potter Valley Tribe; Redwood Valley Little River Band of Pomo Indians; Robinson Rancheria of Pomo Indians; Round Valley Indian Tribes; Scotts Valley Band of Pomo Indians; and Sherwood Valley Rancheria of Pomo Indians.

[2] Revisions approved by the Sinkyone Council on January 27, 2020.

COMMENTS ON SINKYONE REVISIONS TO CURRENT DRAFT DEFINITION

Co-management is much more than a "collaborative effort." Certainly it is collaborative, but it also is the solemn ***responsibility and commitment*** of each party involved. The word "responsibility" is included toward the end of the draft definition. But we feel the ideas of commitment and responsibility should be emphasized at the beginning of the definition to highlight the importance of these concepts. Additionally, the tribes and the state have distinct and unique ("***respective***") responsibilities and commitments that each brings into the co-management process.

The current draft definition includes no mention of California Indian tribes or the State of California, though the word "sovereigns" strongly implies those parties are intended. We recommend making this intention clear by naming those parties within the definition. While the phrase "...tribes, the California Fish and Game Commission, and the California Department of Fish and Wildlife" is included in the Commission's vision statement on co-management, the definition itself should clearly name the sovereigns. This clarity is important for the definition, because while the Commission and the Department are agencies of the state, the tribes and State of California actually are the sovereign parties.

It is contemplated that, in some cases, other sovereigns may be party to co-management agreements. For example, a number of tribal territories extend well beyond California's borders and into neighboring states, which might necessitate those states being party to certain agreements. Some agreements might also necessitate inclusion of lands and waters under federal jurisdiction, in which case the federal government would also be party to the agreement. We recommend including the revision "***and other sovereigns as deemed appropriate by the tribe(s) and state***" to clarify the tribes and the state can make the determination of inviting and including these other sovereigns, as appropriate.

If the term "territory" is in reference to traditional tribal territory, this intent should be made clear by using the term "traditional tribal territory". This concept holds great cultural significance for every tribe.

The fact that the sovereigns each possess their own sets of "***respective and unique roles, authorities and governance structures***" should be expressly stated within the definition—rather than just assuming this is understood. To be comprehensive, the definition should clearly express the fundamental concept that these are core functions of the sovereigns, and that they are different and unique for each sovereign.

While unintended, the current draft definition hints that nature is a collection of "resources" to be used and managed by humans and subject to human needs, determinations and controls. We believe the definition needs to include the shared value of promoting **respectful intergenerational relationship** with nature, because this is our collective responsibility. The tribes and the state share a commitment to this important concept. It is found within agency mission statements and programs, and in the vast array of Tribal Traditional Knowledges, understandings and practices that are foundational to the deep respect and reciprocity characterizing the tribes' cultural lifeways and deep relationships with nature. The State of California acknowledges the validity of Tribal Traditional Knowledge and cultural responsibilities, and it has made impressive strides in bringing about increased respect, stewardship and protection for nature. Given all these facts, the definition can and should include this vitally

important concept by adding the phrase "***the shared goal of promoting respectful intergenerational relationships with nature, including its care and use***".

To be clear, the Sinkyone Council supports full retention of ALL wording in the current draft definition. Tribes and the state devoted significant time and effort in crafting it, through a process of thoughtful collaboration and goodwill. We request inclusion of our proposed revisions, in order for the intent and scope of the current draft definition to embody a fuller expression that helps amplify the definition through addition of the facts and ideas we have outlined. From both process and practicality standpoints, it is very important that this additional tribal input provided by the Sinkyone Council be incorporated into the definition. A number of tribes are prepared or preparing to enter into formal co-management agreements with the state. **This co-management definition is critically important because it will set the tone and standard for many years to come**. A definition that includes the relevant facts, intentions and aspirations we are requesting will help promote and support the shared goal of expanded opportunities for Tribal—State Co-Management.

We thank you for reading and fully considering our recommendations.