

California Fish and Game Commission
Tribal Committee
Meeting Materials



April 13, 2021
Webinar / Teleconference

Overview of Tribal Committee Meeting

- Welcome to this meeting of the California Fish and Game Commission Tribal Committee. The Committee is comprised of up to two Commissioners who co-chair each meeting; members are assigned annually by the Commission. Currently the Tribal Committee is chaired by Commissioner Jacque Hostler Carmesin.
- Our goal today is informed discussion to guide future decision making, and, we need your cooperation to ensure a lively and comprehensive dialogue.
- We are operating under Bagley-Keene Open Meeting Act, but 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.
- These proceedings are being recorded and may be posted to our website for reference and archival purposes.
- Items may be heard in any order pursuant to the determination of the committee co-chair.
- 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, *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.
- Committee meetings operate informally and provide opportunity for everyone to provide 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-chairs.
 2. Provide your name, affiliation (if any), and the number of people you represent.
 3. Time is limited; please keep your comments precise to give others time to speak.
 4. If several speakers have the same concerns, please appoint a group spokesperson.
 5. If speaking during general 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 discusses that item).

Introductions for California Fish and Game Commission Tribal Committee

Commissioners

Jacque Hostler-Carmesin	Chair
Erika Zavaleta	“Visiting” commissioner

Commission Staff

Melissa Miller-Henson	Executive Director
Rachel Ballanti	Deputy Executive Director
Susan Ashcraft	Marine Advisor
Ari Cornman	Wildlife Advisor
Cynthia McKeith	Staff Services Analyst
Corinna Hong	Sea Grant State Fellow

California Department of Fish and Wildlife

Nathan Voegeli	Assistant Chief Counsel and Tribal Liaison
Jay Rowan	Acting Branch Chief, Fisheries Branch
Scott Gardner	Branch Chief, Wildlife Branch
Craig Shuman	Regional Manager, Marine Region
Chris Stoots	Captain and Tribal Liaison, Law Enforcement Division
Becky Ota	Environmental Program Manager, Habitat Conservation Program, Marine Region

Invited Speakers

Mike Esgro	Marine Ecosystems Program Manager and Tribal Liaison, California Ocean Protection Council
------------	--

Commissioners
Peter S. Silva, President
Jamul

Samantha Murray, Vice President
Del Mar

Jacque Hostler-Carmesin, Member
McKinleyville

Eric Sklar, Member
Saint Helena

Erika S. Zavaleta, Member
Santa Cruz

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



*Celebrating 150 Years of
Wildlife Heritage and Conservation!*

Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

TRIBAL COMMITTEE (TC)

Committee Chair: Commissioner Hostler-Carmesin

Meeting Agenda and Materials

April 13, 2021; 1:00 p.m.

Webinar and Teleconference

The California Fish and Game Commission is conducting this committee meeting by webinar and teleconference to avoid a public gathering and protect public health during the COVID-19 pandemic, consistent with Executive Order N-33-20.

Pursuant to Executive Order N-29-20, members may participate in meetings remotely. The public may provide public comment during the public comment periods, and otherwise observe remotely consistent with the Bagley-Keene Open Meeting Act.

To participate in the meeting, please join via Zoom or by telephone.

Please [click here](http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=190627&inline) or go to <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=190627&inline> for instructions on how to join the meeting.

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. 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 – **Chair Hostler-Carmesin**

1. **Approve agenda and order of items**
2. **Commission justice, equity, diversity and inclusion plan**
Receive an update on and discuss the proposed work plan for developing the Commission's justice, equity, diversity and inclusion (JEDI) plan.

[Exhibit 2.1: Draft final JEDI work plan, dated April 7, 2021](#)

[Exhibit 2.2: See JEDI report for Apr 14 Commission meeting \(item 15; https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=191903&inline\)](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=191903&inline)

3. **Annual tribal planning meeting**
Discuss potential date and topics for 2021 tribal planning meeting held annually pursuant to the Commission's Tribal Consultation Policy.
[Exhibit 3.1: Summary of July 15, 2020 Commission Annual Tribal Planning meeting](#)
[Exhibit 3.2: Commission Tribal Consultation Policy](#)
4. **Co-management implementation**
Discuss implementation of the co-management definition adopted by the Commission in collaboration with the Department and California's tribes.
[Exhibit 4.1: Adopted co-management vision statement and definition, dated Feb 2020](#)
5. **Pinnipeds and California's fisheries**
Receive a presentation from the National Marine Fisheries Service on pinnipeds and fisheries interactions, and expand the understanding of and discuss tribal perspectives on pinnipeds in relation to California's fisheries.
[Exhibit 5.1: Pinniped Predation Studies Summary, dated Jan 13, 2020 \(for background purposes only; note that Kevin Shaffer has retired from the Department and the acting chief of the Fisheries Branch is Jay Rowan\)](#)
[Exhibit 5.2: Department presentation about pinnipeds along the West Coast, presented in Aug 2020 \(for background purposes only\)](#)
6. **Coastal Fishing Communities Project**
Receive staff update on the project and discuss recommendations from the Marine Resources Committee.
[Exhibit 6.1: See Marine Resources Committee report for Apr 14 FGC meeting \(item 18; <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=191892&inline>\)](#)
7. **Staff and agency updates requested by the Committee**
Receive updates from staff and other agencies, including current topics on the work plan for which the Committee has requested an update.
 - (A) California Ocean Protection Council
 - (B) Department
 - I. Law Enforcement Division
 - II. Wildlife and Inland Fisheries Division
 - III. Marine Region
 - a. Potential rulemaking for commercial harvest of wild kelp and algae
[Exhibit 7.1: Decadal Management Review: 2022, undated](#)
 - (C) Commission staff
[Exhibit 7.2: Potential agenda items for May 11 and Jun 16-17, 2021 Commission meetings, undated](#)
[Exhibit 7.3: Commission rulemaking timetable, dated Apr 8, 2021](#)
[Exhibit 7.4: MRC work plan, revised Mar 17, 2021](#)
[Exhibit 7.5: WRC work plan, revised Apr 5, 2021](#)

8. **Future agenda items**

(A) Review work plan agenda topics, priorities, and timeline

[Exhibit 8.1: TC work plan, revised Feb 12, 2021](#)

(B) Potential new agenda topics for Commission consideration

9. **General public comment for items not on agenda**

Receive public comment regarding topics not included in this agenda.

Note: 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].

Adjourn

California Fish and Game Commission 2021 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
April 14-15, 2021	Webinar/teleconference	
May 11, 2021		Wildlife Resources Webinar/teleconference
May 11, 2021	Webinar/teleconference	
June 16-17, 2021	Webinar/teleconference	
July 20, 2021		Marine Resources Sacramento
August 17, 2021		Tribal Sacramento
August 18-19, 2021	Sacramento	
September 16, 2021		Wildlife Resources Sacramento
October 13-14, 2021	Sacramento	
November 9, 2021		Marine Resources Sacramento
December 14, 2021		Tribal Sacramento
December 15-16, 2021	Sacramento	

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 12-15, 2021, Providence, RI

Pacific Fishery Management Council

- June 22-29, 2021, Vancouver, WA
- September 8-15, 2021, Spokane, WA
- November 15-22, 2021, Costa Mesa, CA

Pacific Flyway Council

- August or September 2021, TBD

Western Association of Fish and Wildlife Agencies

- July 18-23, 2021 Santa Fe, NM

Wildlife Conservation Board

- May 27, 2021, videoconference or teleconference
- August 26, 2021, videoconference or teleconference
- November 18, 2021, videoconference or teleconference

IMPORTANT COMMITTEE MEETING PROCEDURES INFORMATION

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

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 co-chairs make recommendations to the full Commission at regularly scheduled meetings.

The Commission's goal is preserving our outdoor heritage and conserving 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 Department's Equal Employment Opportunity (EEO) Office at (916) 653-9089 or EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language (ASL) Interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

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; or **deliver** to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814.

COMMENT DEADLINES

The **Written Comment Deadline** for this meeting is **5:00 p.m. on Thursday, April 1, 2021**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on Thursday, April 8, 2021**. Comments received by this deadline will be made available to Commissioners at 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 must be redirected to the full Commission and submitted on the required petition form, FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (Section 662, Title 14, California Code of Regulations). 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. You will be given instructions during the meeting for how to be recognized by the Committee co-chair(s) to speak.
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 speaking during general public comment for items not on the agenda (Agenda Item 2), 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 **Supplemental Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov or delivered to the Commission on a USB flash drive by the deadline.
2. All electronic formats must be Windows PC compatible.

Draft Final Work Plan for Developing a California Fish and Game Commission Justice, Equity, Diversity and Inclusion Plan

April 7, 2021

The California Fish and Game Commission (Commission) is committed to developing a plan to promote justice, equity, diversity and inclusion (JEDI), both in its internal operations and its work with and for the people of California.

In June 2020, Commission Vice President Samantha Murray and President (then commissioner) Pete Silva made public statements against racism and white supremacy, emphasizing that policies are better informed when they include wide-ranging voices and varied perspectives. Since that time, staff has begun initial work that will support development of a Commission JEDI plan, to ensure that the Commission's commitment to these values is carried forward into action.

The Commission is one of several agencies in California responsible for holding California's fish and wildlife and their habitats in the public trust and consistently works with other federal, tribal, state, and local government agencies, non-governmental organizations and the people of California to successfully deliver on that commitment.

As an agency charged with serving the public, the Commission is committed to engaging with and receiving input from all members of the public. The mission of the Commission acknowledges that "...transparent and open dialogue where information, ideas and facts are easily available, understood and discussed..." is critical to ensuring "...that California will have abundant, healthy, and diverse fish and wildlife that thrive within dynamic ecosystems, managed with public confidence and participation, through actions that are thoughtful, bold, and visionary in an ever-changing environment." The Commission relies on the input of the public that it serves in order to make the best possible decisions; the Commission cannot know if its decisions unintentionally disadvantage certain groups if it does not hear from people representative of the entire state of California. The goal of this plan is not to diminish existing voices; it is to ensure the Commission is hearing from voices representing all Californians impacted by its work so that it can make the best-informed decisions possible.

This document represents a final proposed approach for how to develop the Commission's JEDI plan, and describes potential components the Commission may wish to include in a plan. Following the February 2021 Commission meeting, staff has incorporated feedback and engaged in further collaboration with the California Department of Fish and Wildlife (CDFW) to develop this final proposed work plan for Commission consideration at its April 2021 meeting. Staff notes that the Commission intends to begin implementing as many elements of the plan as soon as possible, in tandem with plan development.

JEDI Principles

Justice is the administration of what is, or the quality of being, just, impartial or fair (Merriam-Webster). As a public agency, the Commission is part of a broader social structure that has historically excluded, restricted, or harmed groups of people on the basis of their background, race or identity. To act in a way that is just, impartial and fair, the Commission must, within its jurisdiction, assure all Californians have equitable access to environmental benefits, opportunities, and services, as well as the decision-making process concerning those resources. Within its power, the Commission must make every effort to guarantee equitable

treatment with respect to developing, adopting, implementing and enforcing regulations and policies related to the state's fish and wildlife.

The goal of equity is to achieve equal outcomes; equity allocates resources and opportunities differently to different groups or individuals in support of equal outcomes by recognizing circumstances that might put a group or individual at a disadvantage. Where equality would ensure that all participants are given equal opportunity and resources, equity requires accounting for those who experience barriers, such as historic systems of oppression and/or exclusion, and aiming to eliminate the barriers. Through the lens of equity, the Commission can reduce barriers to participation for those who currently and have historically experienced them. For example, one means of pursuing equity is through anti-racism, a philosophy that actively opposes racism by taking conscious and deliberate action to dismantle racist systems. In the context of the Commission's work, anti-racist action would mean deliberately examining current and future natural resources decisions, regulations, programs, etc. and choosing to act in a way that opposes bias.

Diversity is the condition of having or being composed of differing elements or variety in a group or organization (Merriam-Webster), and can take many forms, whether related to race, gender, age, religion, economic background, ability, or other factors. Increasing diversity can lead to reduced misconceptions, broader perspectives and diminishing discrimination, as well as better decision-making and outcomes. The Harvard Business Review found that cognitive diversity (diversity in perspective and information processing style) solved problems more quickly¹. Additionally, studies have found that non-homogeneous teams are more focused on facts, process information more carefully, and are more innovative.² By increasing diversity of the people who engage in the Commission's decision-making process, problem-solving to address fish and wildlife challenges can be enhanced.

Inclusion is the sense of belonging that people feel in an organization or community. Inclusion calls for a supportive environment where differences are represented and respected, and cultivates community empowerment, care of natural resources, personal connections, and a sense of ownership. While justice dictates that all Californians should have equitable access, inclusion is what creates a space in which all Californians are able to participate and feel empowered and comfortable using their voices. Without an inclusive environment, diversity cannot be maintained, justice cannot be served, and equity will fail to reach those that need it.

A Common Foundation

One of the first steps when embarking on any project is ensuring that the project team has a shared understanding of key concepts and terms to lay a foundation for effective discussions throughout the project development process. Having shared definitions and understanding will also be an important element of discussions with participants in the JEDI plan development process and it is expected that the Commission will define key terms as part of developing its plan. Example definitions, many used by other organizations, are included as Appendix A. The examples lay a foundation for future discussion.

¹ Harvard Business Review, *Teams Solve Problems Faster When They're More Cognitively Diverse*, March 17, 2017

² Harvard Business Review, *Why Diverse Teams are Smarter*, November 4, 2016

Resources

While staff time and resources are limited, this is a high-priority project and significant staff time will be dedicated in concert with that of commission members. The core team would like to acknowledge that Rose Dodgen, the Commission's former Sea Grant state fellow, played a large part in developing the initial proposal for this work plan. The Commission core team is partnering with CDFW's Justice, Equity, Diversity and Inclusion Team to collaborate, share resources, and avoid duplication of work to the extent practicable.

In addition to partnering with CDFW, FGC will seek to partner with external organizations with experience and expertise in this type of work and, to the extent possible, staff will utilize no-cost resources and educational tools. Additionally, Commission members will help explore outside funding and resources to secure external support in developing a JEDI plan that is tailored to the Commission's unique needs and authority and will support successful outcomes. The Commission is committed to learning from expert resources and making every effort to listen to and include the voices of diverse individuals and communities that directly represent the diversity and inclusion we aim to promote through the JEDI plan.

Development and Review Process

This draft final work plan identifies potential JEDI plan components that staff recommends be developed in three phases.

Phase 0: While developing a JEDI plan can be complex and nuanced, there is a need and desire to begin this work immediately. There are some tasks outlined throughout this document that can start now, even while the full plan is in development, including:

- Acknowledge current and ancestral tribal lands at the beginning of Commission and committee meetings;
- communicate internally and externally that justice, equity, diversity and inclusion are values of the Commission;
- establish multiple pathways for staff and stakeholders to provide feedback regarding opportunities for increased inclusivity;
- add fostering a welcoming workplace and creating a sense of belonging for all employees as a criterion for annual performance reviews for managers and supervisors;
- support staff learning to increase awareness of justice, equity, diversity and inclusion issues; and
- recruit more broadly and implement hiring practices that minimize implicit bias.

Phase 1: The initial phase will set the foundation for successful development of the JEDI plan, including early, more limited learning opportunities, stakeholder outreach and engagement, developing a Commission JEDI vision statement and/or policy, creating multiple coordination pathways with CDFW, and collecting data that will ultimately support long-term analyses.

Phase 2: The second phase is proposed to include developing various initiatives designed to improve JEDI in the Commission's internal and external relationships. Internal initiatives may include expanding learning opportunities, promoting fair hiring practices that ensure equal treatment of all applicants, and fostering an inclusive culture. External initiatives may include an equity analysis tool for decision-making regarding public resources, a JEDI stakeholder

engagement strategy, and an evaluation of equitable access to public resources in areas where the Commission has authority or influence.

Phase 3: The final phase is proposed to develop a plan to monitor and assess the Commission's progress in the ongoing implementation of each initiative.

Development Steps Common to All Phases

Under the leadership of the Commission, each plan component is proposed to be developed using similar steps; however, the steps may be modified to best fit the goals of each component. There are five proposed steps:

1. Research and Development

Staff will research best practices utilized by other organizations and recommended by experts to develop initial proposals for consideration and feedback through a variety of channels. Based upon Commission direction, this step may also include informal stakeholder coordination and initial data collection (more detailed data needs will be evaluated and pursued within each component).

2. Informal Feedback from Commissioners

President Silva and Vice President Murray have agreed to serve as lead advisors on developing a JEDI plan, and will work closely with staff to co-develop and/or provide early, informal feedback on work products. The lead commissioners will meet monthly with staff to provide additional guidance on developing and implementing the JEDI plan. Concurrently, other individual commissioners will provide informal feedback between Commission meetings.

3. Targeted Stakeholder and Tribal Engagement

One of the core purposes of this project is to engage new, diverse stakeholders who are affected by and may be interested in Commission activities but have not previously actively participated in Commission decision-making processes. While this is a long-term initiative that will require years of work, this work plan proposes engaging a group of targeted stakeholders and tribal representatives to provide early feedback on developing and implementing the JEDI plan.

4. CDFW Coordination and Engagement

CDFW is in the process of developing its own JEDI plan; as an organization with over 3,000 staff, CDFW is beginning the process primarily focused on human resources practices and staff education. As CDFW is the Commission's primary partner, the Commission will leverage that partnership, collaborate with CDFW, and integrate the knowledge and experience of CDFW staff in developing and implementing its own JEDI principles. Although there will be distinct components to each agency's plan, there is also a great deal of commonality that lends itself to knowledge-sharing. For this reason,

the Commission will coordinate closely with, and seek feedback from, CDFW during the development of its JEDI plan.

5. Formal Feedback and Approval at Commission Meetings

Materials developed as part of the JEDI plan will be presented at Commission meetings during development and for final approval. An iterative process will allow staff to incorporate feedback from Commission members and other participants through the regular public comment process as work products are developed. Additionally, the Commission will host public work sessions in conjunction with regularly-scheduled meetings. The final step is approval of each plan component at a Commission meeting.

Potential Plan Components

Eleven potential JEDI plan components are proposed in support of laying a solid foundation, developing initiatives, and defining advancement indicators. While the components are described in three general phases in order to provide structure and organization to the process, the work is not strictly sequential. Some tasks found within various components (described above as “Phase 0”) will begin immediately, while others may overlap with components found in different phases.

Phase 1. Laying the Foundation

1. Purpose or Vision Statement and Key Definitions

Draft Goal: Develop a shared understanding of what justice, equity, diversity and inclusion are for the Commission and why it is developing a JEDI plan to facilitate future discussions and plan development.

Proposed Task: Develop a working purpose/vision statement and key definitions for approval by the Commission and inclusion in the JEDI plan.

Timing Considerations: Proposed first step in developing the JEDI plan. Spring 2021.

2. JEDI Policy Statement

Draft Goal: Clearly articulate the Commission’s policy position regarding JEDI and actively opposing discrimination of any type, including through antiracism; provide guidance and consistency for developing and implementing all other plan components.

Proposed Task: Develop a draft Commission JEDI policy statement for approval by the Commission and inclusion in the JEDI plan.

Timing Considerations: Staff proposes this task begin immediately after or concurrently with the purpose/vision statement. As an overarching, guiding policy, this policy should be complete prior to developing any other JEDI plan components. Summer 2021.

3. Shared Pathways with CDFW

Draft Goal(s):

- Establish clear and consistent pathways for Commission coordination with CDFW as each organization develops its JEDI plan.

- Foster and maintain a constructive working relationship with CDFW that cultivates knowledge exchange and facilitates implementation of JEDI principles.

Proposed Tasks:

- Create a venue and communication pathways for the Commission and CDFW to develop their respective plans in close coordination.

Timing Considerations: Staff propose this task take place concurrently with steps 1 and 2. Spring 2021.

Phase 2. Paving the Path

4. Learning Opportunities (Internal)

Draft Goal: Increase Commissioners' and staff's knowledge to effectively develop and implement a JEDI plan.

Proposed Tasks:

- Review and evaluate learning opportunities developed by CDFW as part of its JEDI initiative (many aspects of CDFW's learning plan will be incorporated into the Commission's practices) and evaluate what additional learning opportunities the Commission may wish to pursue.
- Identify additional learning opportunities for commissioners, executive team members, and all staff.

Timing Considerations:

- Early steps: Early learning opportunities for members and staff would help from a strong foundation for developing the JEDI plan. Beginning Spring 2021.
- Long-term: Develop ongoing learning for commissioners and staff proposed to begin following development of components 1-3. Exact timing based on availability of opportunities and Commission priority amongst other priorities. Concurrent with other Phase 2 components. Late 2021 – 2022.

5. Equitable Recruitment and Reducing Implicit Bias in Hiring

Draft Goal: Ensure that Commission recruitment and hiring practices reach a broad and diverse audience, are inclusive, and provide equal opportunities to all potential applicants.

Proposed Task: Review and evaluate recruitment and hiring practices to diversify the applicant pool and minimize the effects of implicit bias in hiring. Expanding and diversifying the applicant pool will allow FGC to reach additional qualified candidates and, ultimately, hire the most qualified candidates, in accordance with civil service rules.

- Engage with CDFW as it reviews and develops its recruitment and hiring practices as part of its JEDI initiative.
- Review CDFW recruitment hiring practices, conduct additional research, and determine if the Commission wishes to take any additional steps, e.g., LinkedIn, additional recruitment efforts, etc.

Timing Considerations: Some of this work, such as removing sources of implicit bias from the recruitment and interview process, has already begun. Exact timing based on Commission priority amongst other priorities. This step may take place concurrently with other components in Phase 2. This would likely take place later in the development process to ensure Commission work builds on CDFW's work in this area.

6. *Foster an Inclusive Culture (Internal)*

Draft Goal: Foster a culture of inclusivity where all staff can fully contribute, diversity is valued, and opportunities are afforded equally.

Proposed Tasks:

- Communicate the value of justice, diversity, equity and inclusion clearly and regularly from leadership in the recruitment process, in new hire onboarding, and with current employees.
- Build upon current Americans with Disabilities Act and Equal Employment Opportunity compliance, and clearly and proactively communicate Commission leadership support above and beyond minimum compliance.
- Establish multiple pathways for staff to provide feedback regarding opportunities for increased inclusiveness.
- Add fostering a welcoming workplace and creating a sense of belonging for all employees as a criterion for annual performance reviews for managers and supervisors.
- Support and require staff learning to increase awareness of diversity and inclusion (also see component 4).
- Engage with CDFW as it reviews and develops its retention and inclusion practices as part of its JEDI initiative.
- Review CDFW retention and inclusion practices, conduct additional research, and determine if the Commission wishes to take any additional steps.

Timing Considerations: Tasks fully contained within the Commission office will begin immediately. Some tasks would likely take place later in the development process to ensure Commission work builds on CDFW's work in this area. No end date.

7. *Build on Tribal Engagement (External)*

Draft Goal: Examine and evaluate the effectiveness and inclusiveness of the Commission's engagement with tribes and determine pathways to increase participation among tribes and tribal communities.

Proposed Tasks:

- Acknowledge tribal and ancestral lands at Commission and committee meetings.
- Explore areas where the Commission's mission and goals share common ground with tribal cultures and values.
- Identify areas where tribal engagement could be more effective and work to build new connections.

- Identify and understand underlying, tribe-specific barriers to tribal participation in Commission meetings and decision-making processes (listen to and understand tribal government partners, with potential mechanisms including targeted outreach, semi-structured interviews with leaders, broader survey)
- Based on the identified barriers, research and consult on options for increasing opportunities for tribal participation:
 - How to make participation productive/worthwhile for tribal partners
 - How to engage local tribes when the Commission travels to locations throughout the state
 - How to structure or conduct Tribal Committee meetings to incorporate any of these opportunities
 - How to ensure that government-to-government consultation is effectively utilized and productive
- Identify potential actions the Commission can take to remove participation barriers and encourage participation by tribes.
- Identify areas where access to traditional resources has been compromised (e.g., CDFW public lands, fisheries, recreational opportunities under the purview of the Commission, etc.). Explore and consider opportunities to restore access.
 - Engage with tribes to identify public resources with barriers to access.
 - Work with tribes to identify potential solutions.
- Hire a Commission tribal advisor and liaison to coordinate and amplify tribal voices.

Timing Considerations: Outreach and engagement with tribes would begin after hiring the tribal advisor and liaison. First steps would be operationalizing the proposed tasks with specific steps.

8. *Diversify Engaged Stakeholders (External)*

Draft Goal: Examine/evaluate how the Commission's processes incentivize or disincentivize participation by historically-underrepresented groups, determine ways to create more incentives for participation, counteract or reduce disincentives, foster a culture of inclusivity in the Commission's external activities and interactions, and integrate diverse feedback into decision-making.

Proposed Tasks:

- Develop a plan to engage stakeholders that are representative of the state as a whole.
 - Understand why some communities are less engaged than others in the Commission's decision-making process
 - Identify and build connections with potential stakeholders that may experience barriers to participation or feel apathy toward public policymaking
 - Identify underlying barriers to participation in Commission decision-making for current and new potential stakeholders

- Listen to and understand the needs of current and potential stakeholders using method such as targeted outreach, semi-structured interviews with key leaders, surveys, etc.
- Research and consult on options for increasing opportunities for participation:
 - How to make information more accessible and equitable (language, access, etc.)
 - How to make meeting participation more accessible and equitable
 - How to make participation worthwhile for new or historically underrepresented participants
 - How to reach, hear feedback from, and integrate perspectives from underrepresented communities (media, social media, community organizations, etc.)
 - How to engage local communities informally when the Commission travels to locations throughout the state
- Identify potential actions the Commission can take to remove participation barriers and encourage participation.
- Identify areas where there is not equitable access to public resources (e.g., CDFW public lands, fisheries, recreational opportunities under the purview of the Commission, etc.) consider opportunities to increase equitable access.
 - Engage with stakeholders to discover and identify public resources (e.g., CDFW public lands, fisheries, etc.) with barriers to access.
 - Work with stakeholders to identify potential solutions.

Timing Considerations:

- Early outreach and engagement on development of a plan would begin immediately. Spring/Summer 2021.
- Develop JEDI Stakeholder Engagement Plan to guide ongoing stakeholder engagement. Exact timing based on Commission priority. This step may take place concurrently with other components in Phase 2. Throughout 2021 and 2022.

9. *Formalize Inclusion and Equity in Commission Decisions (External)*

Draft Goal: Develop a tool that can be applied to Commission decisions to ensure that justice, equity, diversity and inclusion are considered in the Commission’s decision-making process.

Proposed Tasks:

- Define what inclusion and equity tools are and learn how they might apply to Commission decision-making processes.
- Research and identify potential inclusion and equity tools for use in Commission decision-making.
- Design and implement Commission inclusion and equity tool.
 - What type of tool would be used? Examples have resembled checklists, but this could take other forms.

- Determine where and how tool could be used:
 - At what point in the decision-making process would this tool be incorporated?
 - Would it be used for all decisions or only certain types?

Timing Considerations: Proposed to begin following development of components 1-3. Exact timing based on Commission priority. This step may take place concurrently with other components in Phase 2. 2022.

Phase 3. Sustainable Advancement

10. Monitoring Plan

Draft Goal: Monitor implementation of the JEDI plan to ensure that progress is being made under each component.

Proposed Task: Develop monitoring plan that includes indicators or other means of assessing progress on each of the Commission's JEDI goals. Example indicators could include:

- Number of active participants in Commission and committee meetings
- Number of new active participants in Commission and committee meetings
- Number of organizations represented at Commission and committee meetings
- Number of new organizations represented at Commission and committee meetings
- Quality of participation opportunities as measured by survey or other data collection tool

Timing Considerations: Indicators or other monitoring tools should be identified as part of developing each initiative (4-8). The overall monitoring plan would be the last step in developing the JEDI plan. Late 2022 to early 2023.

Next Steps

The Commission will consider this draft final work plan at its April 2021 meeting. Staff notes that the Commission intends to begin implementing elements of the plan as soon as possible, in tandem with plan development.

Appendix A: Example Definitions

Example definitions are provided to show the range of definitions available in the dictionary and used by other organizations, as a means to spur discussion. The definitions provided in this section are not the work of the Commission.

1. Justice

- The maintenance or administration of what is just especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments.³
- The quality of being just, impartial, or fair.⁴
- The principle that all people should have access to healthy, safe, livable communities and environments.^{5,6,7}
- Justice in the context of the Commission would mean that all Californians have equitable access to environmental benefits, opportunities, and services, equitable access to the decision-making process concerning those resources, and equitable treatment with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.^{2,8,9}

2. Equity

- Justice according to natural law or right, specifically freedom from bias or favoritism.¹
- Fairness of achieving outcomes for all groups and no one factor, such as race, can be used to predict outcomes. Equity is defined in the context of social and racial equity.^{2,10}
- The guarantee of fair treatment, access, opportunity, and advancement for all participants, and active identification and elimination of barriers that have prevented the full participation of some groups.¹¹
- The process of just and fair consideration because of someone's experience or social position.¹²

3. Diversity

- The condition of having or being composed of differing elements, especially the inclusion of different types of people (such as people of different races or cultures) in a group or organization.¹

³ Merriam-Webster Dictionary

⁴ Merriam-Webster Dictionary

⁵ California State Coastal Conservancy

⁶ California Environmental Justice Alliance

⁷ Communities for a Better Environment

⁸ US Environmental Protection Agency

⁹ California Coastal Commission

¹⁰ San Francisco Bay Conservation and Development Commission

¹¹ Emory University Department of Medicine

¹² California Ocean Protection Council

- The range of similarities and differences in individual and organizational characteristics that shape a workplace. These include but are not limited to national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structure. The concept also encompasses other differences among people, including geographic differences and, importantly, diversity of thought and life experiences. These differences between people may also lead to different experiences in systemic advantages or encounters with systemic barriers to opportunity.^{2,13,14}
- A variety of people, experiences, and perspectives. Often nestled under the umbrellas of identity, including race, gender identity, sexual orientation, religion, dis/ability (differently-abled), socioeconomics, political affiliation, and more.⁹

4. Inclusion

- The act or practice of including and accommodating people who have historically been excluded (as because of their race, gender, sexuality, or ability).¹
- Creation of a welcoming environment (1) where people's differences are represented and respected; (2) that embraces multicultural and indigenous histories and presence; and (3) cultivates community empowerment, care of natural resources, personal connections, and a sense of ownership.^{2,15}
- A culture that connects each employee to the organization; encourages collaboration, flexibility, and fairness; and leverages diversity throughout the organization so that all employees are able to participate and contribute to their full potential.⁸
- The sense of belonging that people feel in an organization or community. In the case of the MPA [marine protected area] network, think of how people might feel connected to, involved with, or represented within MPA network management and programming decisions.⁹

5. Antiracism

- Fighting against racism. Being antiracist results from a conscious decision to make frequent, consistent, equitable choices daily. These choices require ongoing self-awareness and self-reflection as we move through life. In the absence of making antiracist choices, we (un)consciously uphold aspects of white supremacy, white-dominant culture, and unequal institutions and society.¹⁶
- The work of actively opposing racism by advocating for changes in political, economic, and social life. Anti-racism tends to be an individualized approach, and set up in opposition to individual racist behaviors and impacts.¹⁷

¹³ The Avarna Group

¹⁴ Securities Exchange Commission

¹⁵ The Coro Fellows Program

¹⁶ The National Museum of African American History and Culture

¹⁷ Race Forward

- Conscious efforts and deliberate actions to dismantle racist systems and provide equitable opportunities on both an individual and systemic level.

6. Underrepresented

- Provided with insufficient or inadequate representation.¹⁸
- Groups who have been denied access and/or suffered past institutional discrimination in the United States and, according to the Census and other federal measuring tools, includes African Americans, Asian Americans, Hispanics or Chicanos/Latinos, and Native Americans.¹⁹

7. Outreach

- A way of conducting business to ensure that underserved individuals and groups are made aware of, understand, and have a working knowledge of programs and services. Outreach will ensure that these programs and services are equitable and made accessible to all.²⁰

8. Engagement

- Stakeholder engagement, in the natural resource management context, most often refers to the participation of stakeholders in planning or decision-making efforts in order to integrate their knowledge and values with a particular project's more specialized knowledge and purpose.²¹

9. Stakeholder

- One who is involved in or affected by a course of action.¹
- An individual, group, or organization involved in or can affect or be affected by a course of action or by the achievement of an organization's objectives.^{22,23,24}

¹⁸ Oxford Languages

¹⁹ Emory University Office of Diversity, Equity, and Inclusion

²⁰ US Department of Agriculture Natural Resources Conservation Service

²¹ Talley, J. L., J. Schneider, and E. Lindquist. 2016. A simplified approach to stakeholder engagement in natural resource management: the Five-Feature Framework. *Ecology and Society* 21(4):38.

²² POLICY Project, 1999

²³ *Managing Policy Reform: Concepts and Tools for Decision-makers in Developing and Transitioning Countries*, Brinkerhoff and Crosby, 2002

²⁴ *Stakeholder engagement in policy development: challenges and opportunities for human genomics*, Lemke and Harris-Wai, 2015

Commissioners
Eric Sklar, President
Saint Helena

Samantha Murray, Vice President
Del Mar

Jacque Hostler-Carmesin, Member
McKinleyville

Russell E. Burns, Member
Napa

Peter S. Silva, Member
Jamul

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



*Celebrating 150 Years of
Wildlife Heritage and Conservation!*

Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

ANNUAL TRIBAL PLANNING MEETING

Commissioners in attendance: Jacque Hostler-Carmesin and Russell Burns

July 15, 2020 Meeting Summary

This document is a summary of the California Fish and Game Commission (Commission) annual tribal planning meeting, as prepared by staff.

Call to order

The meeting was called to order at 2:07 p.m. by Commissioner Jacque Hostler-Carmesin, who gave welcoming remarks and introduced Commissioner Russell Burns and Executive Director Melissa Miller-Henson. Melissa provided technical notes for participating in the meeting.

1. Approve agenda and order of items

Commissioners Hostler-Carmesin and Burns approved the agenda and order of items.

2. Introductions

Commissioner Hostler-Carmesin requested that attendees introduce themselves. Tribal representatives introduced themselves first, followed by California Department of Fish and Wildlife (Department) staff, other agency staff, and then Commission staff.

3. Roundtable discussion

Commissioner Hostler-Carmesin began the open dialogue by acknowledging the challenge in adjusting and advancing priorities in the midst of a pandemic and social change, and that tribes have been especially impacted by the COVID-19 pandemic. She asked representatives how the pandemic was affecting their natural resource goals and how the Commission could help advance their priorities during the pandemic.

A significant portion of the discussion focused on food security. The indigenous right to native food sources was frequently highlighted. Tribes and tribal communities have established protocols for gathering food and distributing it to those in need in their community, but have had difficulty accessing some food sources. There is a meat shortage in some communities resulting

from limits to subsistence hunting, which is presenting a particular difficulty for elders and those in the community who have to self-isolate for health reasons.

In addition to COVID-19-related shortages, access to some traditional food sources has been affected by environmental changes or by recent regulation changes. For example, red abalone are a ceremonial item and staple food for some tribes, but the abalone fishery is currently closed. Tribal representatives expressed that tribes should be allocated take outside of the confines of the closure, as they believe the regulations strip their native rights to the land. There was also concern about recent damming efforts inhibiting salmon runs, and runoff from the Camp Fire affecting salmon health, as salmon is another staple food source for many tribes. Representatives expressed that they wished to be able to continue to fish, hunt, and gather their traditional food items, and that tribes should be consulted first when Commission-approved regulations or projects (such as urchin culling) may impact traditional gathering sites.

Tribal representatives also raised concerns about preserving sacred sites, keeping waters clean and safe, and having access to traditional gathering areas when much of the state's public land is closed due to the pandemic.

There was discussion of issues with co-management, collaboration, and agricultural concerns with certain species, and that tribes need to be given subsistence priority over depredation permits for agriculture. A Department representative noted that the Commission and Department are limited by what the California State Legislature has authorized through statute with regard to co-management initiatives, but they are interested in exploratory conversations.

Two relatively new marine organizations were raised as topics for future discussion. There is a new marine tribal stewards network being funded by the California Ocean Protection Council to help build tribal capacity for marine monitoring and management in cooperation with state agencies, such as the Commission and Department. The West Coast Ocean Alliance Tribal Caucus recently released guidance on tribal and government-to-government consultation, and hopefully can participate in the Tribal Committee meeting in August to share more about the recent guidance and tribal caucus activities in general.

Commissioner Hostler-Carmesin agreed that tribal concerns about closure exemptions, separate fishery allocations, and co-management engagement, especially for red abalone, should be prioritized. She supports the need to address subsistence. She emphasized that working with each tribe has to be on an individual basis with the Department, and that more information on co-management will be shared in the near future.

4. Co-management definition

Commissioner Hostler-Carmesin asked tribal representatives to share how the co-management definition is interpreted at a tribal level and how it aligns with tribal priorities. She requested input on how to use the definition in moving forward.

A few representatives commented on the difficulty of coordinating co-management among many organizations, especially in circumstances that require certain staff or experts on site and authorization from multiple entities. Bill Tripp and Daniel Sarna provided an example from the Karuk Tribe, which is seeking an extension on an elk trapping project that is subject to the National Environmental Protection Act (NEPA); the project has seen setbacks due to field requirements being interrupted by the pandemic and the lengthy approval process.

There was some consensus that the co-management definition would need to be somewhat flexible on a tribe-by-tribe and case-by-case basis, depending on capacity and engagement, and that it would take shape as processes were carried out.

Some of the discussion focused on using and prioritizing traditional ecological knowledge (TEK). Participants indicated that tribal knowledge is extremely valuable and should be used as a key management driver, though disseminating and interpreting TEK should be at the discretion of the tribes. There was interest in pursuing potential pathways to allow TEK to be applied to California Environmental Quality Act analyses or NEPA qualification processes.

Memorandums of understanding (MOUs) were also discussed; MOUs are the preferred agreement type between tribes and the Department since this type of agreement allows some flexibility in approach as it is not a contract. Nathan Voegeli, tribal liaison for the Department, expressed that he has seen great success in using MOUs to facilitate access to specific resources of importance and interest to tribes. However, tribal representatives felt that species- or resource-specific MOUs were too limiting and would inhibit tribal management capability; they suggested that, for successful TEK application, a more system-oriented or area-based agreement would be necessary and that the Department should be consulting with tribes on all projects within their traditional lands.

Nathan agreed that there are several approaches to an MOU that would work and that the resource-specific approach was only appropriate in some cases. There was a request to see examples or templates for the types of agreements (MOUs or otherwise) that might be pursued with the Department.

Megan Van Pelt provided an update on the California Marine Protected Areas Statewide Leadership Team, also known as the MSLT, which recently expanded to include tribal leaders from four California regions.

Commissioner Hostler-Carmesin requested a report on coordination and collaboration within the MSLT at the August Tribal Committee meeting. Executive Director Miller-Henson agreed that the report could easily be added to the standing agenda item for agency updates.

5. Closing thoughts

Commissioner Burns shared that he understands concerns about not being able to gather food in a traditional manner and that he looks forward to working together on solutions and to developing actionable outcomes in co-management. Commissioner Hostler-Carmesin thanked everyone for their participation and sharing some of the challenges they face at this extraordinary time. Everyone was invited to participate in the next Tribal Committee meeting on August 18, the day before the next Commission meeting, as well as the November 9 Tribal Committee meeting that will be held the day prior to the Commission's Marine Resources Committee meeting.

Adjourn

The meeting adjourned at 4:00 p.m.

California Fish and Game Commission
Tribal Consultation Policy
Adopted June 2015

On September 19, 2011, Governor Edmund G. Brown, Jr., issued Executive Order B-10-11, which provides, among other things, that it is the policy of the administration that every state agency and department subject to executive control implement effective government-to-government consultation with California Indian Tribes.

Purpose of the Policy

The mission of the California Fish and Game Commission (FGC) is, on the behalf of California citizens, to ensure the long term sustainability of California's fish and wildlife resources by setting policies, establishing appropriate rules and regulations, guiding scientific evaluation and assessments, and building partnerships to implement this mission. California Native American Tribes, whether federally recognized or not, have distinct cultural, spiritual, environmental, economic and public health interests and unique traditional knowledge about the natural resources of California.

The purpose of this policy is to create a means by which tribes and FGC can effectively work together to realize sustainably-managed natural resources of mutual interest.

Policy Implementation

1. 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.
2. Collaboration. In areas or subjects of mutual interest, FGC will pursue partnerships with tribes to collaborate on solutions tailored to each tribe's unique needs and capacity. The structure of these collaborative efforts can range from informal information sharing, to a memorandum of understanding with more specific agreements regarding working relationships and desired outcomes, to co-management agreements with specific responsibilities and authorities.
3. Record-keeping. FGC will maintain a record of all comments provided by tribes and will include them in administrative records where appropriate.
4. Training. FGC will provide training to interested tribes on its processes for regulation and policy development.

California Fish and Game Commission
Co-Management Vision Statement and Definition

February 2020

Vision Statement

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.

Definition

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.

Pinniped Predation Studies Summary

Prepared by Kevin Shaffer, Fisheries Branch Chief, California Department of Fish and Wildlife

Summary of issue: predation of various pinniped species (e.g., harbor seal, California sea lion, Stellar's sea lion] on salmon is considered a management issues by Pacific States and Tribes. In recent years, the states of Oregon, Washington, and Idaho have pursued authority under the federal Marine Mammal Protection Act for increased lethal take. The request was based on listed stocks, particularly spring Chinook Salmon, trapped at various points in the dam system and easily consumed by California sea lions. The question at hand is does California need the same type of authority?

Research: there are four broad areas of research regarding pinniped predation on salmon. The four areas are broadly summarized below.


1. *Importance of salmon in pinniped diets:* Research from California to Washington have shown salmon are not a primary, significant, or targeted species. However, where salmon are constrained and stressed, studies have shown harbor seals learn to occupy areas to pursue salmon and individual sea lions can focus on salmon.

Documented constraints: dams, weirs, gill nets, angler lines, agency salmon tagging operations on rivers, low flow areas due to drought or water management.

2. *River/coastal area - pinniped~salmon interactions:* studies have been done in the three coastal states to re-evaluate predation on native fishes, mostly salmon. Oregon has done at least one study on Stellar sea lion/sturgeon interactions. Studies have found that outside some kind of restriction in the river system, most often human caused, predation is not considered an impact to a particular run or species. However, where there were restrictions in a river, pinniped predation did increase. In California, studies have been done on the Eel, Russian, and Klamath rivers.
 3. *Non-lethal deterrence methods on the Columbia River System:* For several years, different organizations and agencies tested non-lethal deterrence of pinnipeds, primarily California sea lions, at fish ladders and other salmon constraining/concentration locations. Methods have included noise (e.g., underwater white noise, predator sounds), capture and relocation [including captivity], alarms/scarecrows, tactile stimulation. I think bubble curtains have been studied but I cannot find a reference. I am reaching out to Oregon and Washington agencies.
 4. *Lethal removal:* Based on all other non-lethal steps being ineffective over time for specific sea lions, Oregon and Washington have gained approval for limited lethal take on individual pinnipeds. Legislation was approved in 2018 for the 3 states to lethally removed pinnipeds. The animals must be individually identified, other hazing/deterrence, been in the river for five days. The permit is for five years, so 2019 is the first year of evaluating/researching the effects both to salmon and the impacted pinniped populations.
- The work the three states did in making their request to the federal government was years in the making.
 - The legislation was a bipartisan proposal by Pacific Northwest senators.

- Kevin can provide references to many research papers if desired. Most of the research spans the 1980s and 1990s, though there is more recent research.
- Kevin will confirm with Commission staff timing for a formal presentation at a future committee meeting for committee discussion.

Kevin may be reached at (916) 376-1654 or kevin.shaffer@wildlife.ca.gov.



Tribal Committee

California Fish and Game Commission

August 18, 2020

Kevin Shaffer
Chief of Fisheries
Kevin.shaffer@wildlife.ca.gov
(916) 768-3758

The Current Pacific Coast Concern

Pinnipeds

California Sea Lion, Harbor Seal



It's now legal to kill sea lions that are threatening salmon in the Pacific Northwest

The Marine Mammal Protection Act of 1972 was amended in November 2018 to ease protections on California and Steller sea lions in the Columbia River, the Willamette River and their tributaries.

- Washington, Oregon, Idaho
- Do not have to identify specific animal
- Animal doesn't have to be eating salmon
- Enlarged area where states can remove mammals
- Up to 920 per year

Areas of Greatest Concern

Columbia and Willamette Rivers

- Oregon DFW got permit in November 2018 to take up to 92 CA sea lions annually below Willamette Falls
- Winter steelhead
- Columbia River Spring Chinook Salmon



Ballard Locks, Salmon Bay – Washington Lake; fish ladder



Willamette Falls



Nimbus Dam, American River

Marine Mammal Protection Act Section 120 Pinniped Removal Program

Rationale

- 1980s- Ballard Locks in the 1980s. California sea lions discovered migrating steelhead easy prey navigating new fish ladders.
- WDFW tried nonlethal deterrence techniques & relocating pinnipeds south
- ODFW's 2017 report concluded without change, winter steelhead had 90% probability of extinction
- March 2012 NOAA Marine Fisheries letter authorizing issued a Oregon, Washington and Idaho to remove individually-identifiable California sea lions eating threatened salmon and steelhead at Bonneville Dam [expired in June 2016] and renewed to 2021.
- for another five years until June 30, 2021. The authorization allows the states to remove up to 93 California sea lions a year. These animals must meet the following criteria:
- Section 120 allows limited management authority of marine mammals under very specific sets of circumstances

Implementation

- **Bonneville:** 2008- May 2019- a total of 232 California sea lions: 15 placed captivity, 7 died incidental to trapping, remainder chemically euthanized
- 2019- up to May @ **Willamette:** 33; Bonneville: 19+
- Sea lions are captured and euthanized under the oversight of a veterinarian



Senate Bill 3119, the Endangered Salmon Predation Prevention Act, passed both U.S. Senate and House of Representatives, signed into law December 2018

Who is Permitted?

Eligible Entities

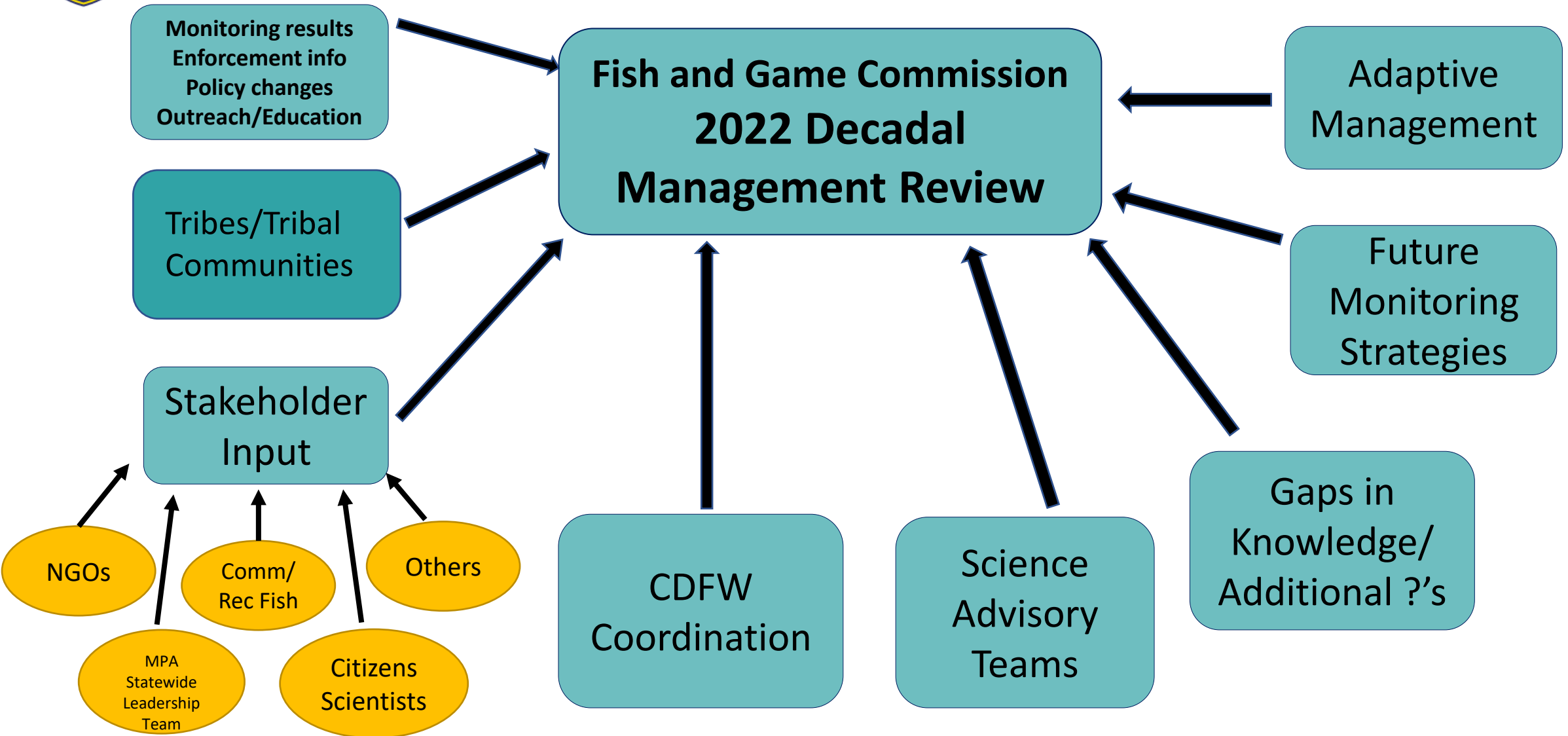
- Oregon Department of Fish and Wildlife
- Washington Department of Fish and Wildlife
- Idaho Department of Fish and Game
- Nez Perce Tribe
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Reservation
- Confederated Tribes and Bands of the Yakama Nation

References

- The June 2019 letter of application,
<https://www.fisheries.noaa.gov/webdam/download/106153224>
- The 2019 application,
<https://www.fisheries.noaa.gov/webdam/download/106153224>
- Background information [cover letter, application],
<https://www.fisheries.noaa.gov/west-coast/marine-mammal-protection/marine-mammal-protection-act-section-120f-actions-and-documents>
- Senate Bill 3119, <https://www.congress.gov/bill/115th-congress/senate-bill/3119>
- ODFW California Sea Lion Management,
<https://www.dfw.state.or.us/fish/SeaLion/index.asp>



Decadal Management Review: 2022



California Fish and Game Commission

Potential Agenda Items for May and June 2021 Commission Meetings

The next Commission meetings are scheduled for May 11 and June 16-17, 2021. Due to ongoing health concerns related to COVID-19 and state travel restrictions, the meetings will be held by webinar and teleconference. This document identifies potential agenda items for the meetings, including items to be received from Commission staff and the California Department of Fish and Wildlife (Department).

Tuesday, May 11: Teleconference and Webinar

1. Adopt: Central Valley sport fishing (annual)
2. Adopt: Klamath River Basin sport fishing (annual)

Wednesday, June 16: Wildlife- and inland fisheries-related and administrative items

1. General public comment for items not on the agenda (Day 1)
2. Consider approving initial, annual, and five-year private lands wildlife habitat enhancement and management plans
3. Consider whether the petitioned action to change the listing status of Clara Hunt's milkvetch from threatened to endangered under the California Endangered Species Act (CESA) is warranted
4. Consider whether the petitioned action to list upper Klamath-Trinity river spring Chinook salmon as a threatened or endangered species under CESA is warranted
5. Consider whether the petitioned action to list northern California summer steelhead as a threatened or endangered species under CESA is warranted
6. Receive overview of the Department's five-year status review of California bighorn sheep, which is listed as an endangered species under CESA
7. Wildlife Resources Committee
8. Wildlife and inland fisheries items of interest from previous meetings
9. Action on wildlife and inland fisheries petitions for regulation change
10. Action on wildlife and inland fisheries non-regulatory requests from previous meetings
11. Executive director's report
12. Announce recipient of the annual Prosecutor of the Year award
13. Receive Department informational items (wildlife and inland fisheries)
14. Executive (closed) session

Thursday, June 17: Marine-related and administrative items

15. General public comment for items not on the agenda (Day 2)
16. Justice, equity, diversity, and inclusion plan development
17. Tribal Committee
18. Marine Resources Committee
19. Notice: Experimental Fishing Permit (EFP) Program Phase II

20. Marine items of interest from previous meetings
21. Action on marine petitions for regulation change
22. Action on marine non-regulatory requests from previous meetings
23. Receive Department informational items (marine)
24. Administrative items (next meeting agenda, rulemaking timetable, new business)

California Fish and Game Commission: Perpetual Timetable for Anticipated Regulatory Actions

Updated April 8, 2021

Items proposed for change are shown in blue underlined or strikeout font

Regulatory Change Category	Title 14 Section(s)	TC Webinar/Teleconference Apr 13, 2021	FGC Webinar/Teleconference Apr 14, 2021	FGC Webinar/Teleconference May 11, 2021	WRC Webinar/Teleconference May 11, 2021	FGC Webinar/Teleconference Jun 16, 2021	FGC Webinar/Teleconference Jun 17, 2021	MRC Webinar/Teleconference Jul 20, 2021	TC Webinar/Teleconference Aug 17, 2021	FGC Webinar/Teleconference Aug 18, 2021	FGC Webinar/Teleconference Aug 19, 2021	WRC Webinar/Teleconference Sep 16, 2021	FGC Webinar/Teleconference Oct 13, 2021	FGC Webinar/Teleconference Oct 14, 2021	MRC Webinar/Teleconference Nov 9, 2021	TC Webinar/Teleconference Dec 14, 2021	FGC Webinar/Teleconference Dec 15, 2021	FGC Webinar/Teleconference Dec 16, 2021	WRC Jun 2022 TBD	FGC Feb 2022 TBD	FGC Feb 2022 TBD	MRC Mar 2022 TBD	FGC Apr 2022 TBD	FGC May 2022 TBD	
Recreational Clam, Sand Crab, and Shrimp Gear Emergency ⁶	29.20, 29.80																			EE-12/9/4	EE 1/8				
<u>Recreational Clam, Sand Crab, and Shrimp Gear (Implementing Certificate of Compliance)⁶</u>	<u>29.20, 29.80</u>										N			D						A	E 1/1				
Central Valley Sport Fishing (Annual)	7.40(b)(4), (43), (66), (80)		D	A				E 7/16									N								
Klamath River Basin Sport Fishing (Annual)	7.40(b)(50)		D	A					E 8/15								N								
Waterfowl (Annual)	502		A					E 7/1									N								
Western Joshua Tree Renewable Energy 2084 EM	749.10	EE 4/28/21 without Governor's Executive Order							EE 8/27/21 with Governor's Executive Order																
Western Joshua Tree Renewable Energy 2084 EM Extension ¹	749.10									EM 8/27/21					EE 11/24/21										
Western Joshua Tree Renewable Energy 2084 EM Extension ²	749.10												EM 11/24/21												
Western Joshua Tree Dead Hazard Trees 2084	749.11														EE 11/9/21										
Recreational Take of Red Abalone	29.15		E 4/1																						
Recreational take of Sea Urchin at Caspar Cove and Tanker Reef ⁵	29.06	E 4/1																							
Recreational Purple Sea Urchin emergency (120 + 90 day extensions)	29.06								EE 8/2																
<u>Experimental Fishing Permit (EFP) Program Phase II</u>	<u>90, 91, 120, 1, 149, 149.3, 180, 704</u>										D			A						E 1/1					

Rulemaking Schedule to be Determined	Title 14 Section(s)	TC Webinar/Teleconference Apr 13, 2021	FGC Webinar/Teleconference Apr 14, 2021	FGC Webinar/Teleconference May 11, 2021	WRC Webinar/Teleconference May 11, 2021	FGC Webinar/Teleconference Jun 16, 2021	FGC Webinar/Teleconference Jun 17, 2021	MRC Webinar/Teleconference Jul 20, 2021	TC Webinar/Teleconference Aug 17, 2021	FGC Webinar/Teleconference Aug 18, 2021	FGC Webinar/Teleconference Aug 19, 2021	WRC Webinar/Teleconference Sep 16, 2021	FGC Webinar/Teleconference Oct 13, 2021	FGC Webinar/Teleconference Oct 14, 2021	MRC Webinar/Teleconference Nov 9, 2021	TC Webinar/Teleconference Dec 14, 2021	FGC Webinar/Teleconference Dec 15, 2021	FGC Webinar/Teleconference Dec 16, 2021	WRC Jun 2022 TBD	FGC Feb 2022 TBD	FGC Feb 2022 TBD	MRC Mar 2022 TBD	FGC Apr 2022 TBD	FGC May 2022 TBD	
<u>Recreational Clam, Sand Crab, and Shrimp Gear Emergency (First 90-day Extension)⁶</u>	<u>29.20, 29.80</u>																								
<u>Recreational Clam, Sand Crab, and Shrimp Gear Emergency (Second 90-day Extension)⁶</u>	<u>29.20, 29.80</u>																								
<u>Pre-Existing Structures in Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures</u>	632																								
CA Grunion (FGC Petition #2019-014)	TBD																								
Commercial Kelp and Algae Harvest Management	165, 165.5, 705																								
Santa Cruz Harbor Salmon Fishing (FGC Petition #2016-018)	TBD																								
European Green Crab (FGC Petition #2017-006)	TBD																								
Wildlife Areas/Public Lands ⁴	TBD																								
<u>Experimental Fishing Permit (EFP) Program Phase II</u>	<u>TBD</u>																								
Possess Game / Process Into Food	TBD																								
American Zoological Association / Zoo and Aquarium Association	671.1																								
Night Hunting in Gray Wolf Range (FGC Petition #2015-010)	474																								
Shellfish Aquaculture Best Management Practices	TBD																								
Ban of Neonicotinoid Pesticides on Department Lands (FGC Petition #2017-008)	TBD																								
Commercial Pink Shrimp Trawl	120, 120.1, 120.2																								
Ridgeback Prawn Incidental Take Allowance	120(e)																								

KEY
 FGC = California Fish and Game Commission MRC = FGC Marine Resources Committee WRC = FGC Wildlife Resources Committee TC = FGC Tribal Committee
 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
 3 = Includes FGC Petition #2018-008 4 = Includes FGC Petition #2018-003 5 = Includes FGC Petition #2020-001 6 = Includes FGC Petition #2019-012

California Fish and Game Commission
Marine Resources Committee (MRC) Work Plan
Scheduled Topics and Timeline for Items Referred to MRC
Updated based on the March 16, 2021 meeting

TOPIC	CATEGORY	NOV 2020	MAR 2021	JUL 2021
Planning Documents & Fishery Management Plans (FMPs)				
MLMA Master Plan (MP) for Fisheries – Implementation Updates	MP Implementation	X	X	X
Red Abalone FMP / ARMP Update	FMP	X	X	
California Halibut FMP	FMP		X	
California Pink Shrimp FMP	FMP		X	
Marine Protected Areas Network – 2022 Decadal Management Review	Management Review		X	X
Review market squid fishery management (* proposed)	Management Review			X
Regulations				
Kelp and Algae Commercial Harvest	Kelp	X	X	X/R
California Spiny Lobster FMP Implementing Regulations Review (<i>added Feb 2019; timing TBD</i>)	FMP Implementing Regulations			
Review emergency regulation prohibiting use of hydraulic pump gear to take clam, and future rulemaking (* proposed)	Recreational take			X
Aquaculture				
Aquaculture Program Planning (Information Report, Action Plan)	Planning Document	X	X	X
Aquaculture State Water Bottom Leases: Existing & Future Lease Considerations	Current Leases / Planning			X
Moratorium on New Aquaculture Lease Applications	New Leases	X/R	X/R	
Aquaculture Lease Best Management Practices (BMP) Plans (On hold, TBD)	Regulations			
Emerging Management Issues				
Kelp Restoration and Recovery Tracking	Kelp		X	
Invasive Non-native Kelp and Algae Species	Kelp / Invasive Species	X		
Special Projects				
California’s Coastal Fishing Communities	MRC Special Project	X	X/R	X

Key:

- X Discussion scheduled
- X/R Recommendation developed; topic may be moved to FGC
- * Proposed for referral to MRC

Wildlife Resources Committee (WRC) 2020-1 Work Plan
Scheduled Topics and Timeline for Items Referred to WRC by the California Fish and Game Commission

Updated April 5, 2021

		Sep 2020 Webinar/ Teleconference	Jan 2021 Webinar/ Teleconference	May 2021 Webinar/ Teleconference
Periodic Regulations				
Upland (Resident) Game Bird Hunting	Annual			X
Inland Sport Fishing	Annual	X	X	X
Mammal Hunting	Annual	X/R		X
Waterfowl Hunting	Annual	X/R		X
Central Valley Sport Fishing	Annual	X/R		X
Klamath River Basin Sport Fishing	Annual	X/R		X
Regulations & Legislative Mandates				
Falconry	Referral for Review			
Restricted Species	Regulatory	X	X	
Special Projects				
American Bullfrog and Non-native Turtle Stakeholder Engagement Project	Referral for Review	X	X	X
Wildlife Diseases	Referral for Review	X		
Human-Wildlife Conflict	Information	X	X	

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

California Fish and Game Commission Tribal Committee (TC)

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

Updated February 12, 2021

Topic / Goal	Type / Lead	Nov 2020	Apr 2021	Aug 2021
Special Projects				
FGC justice, equity, diversity and inclusion plan	FGC Project		X	
Co-management definition implementation	TC Project	X	X	
Coastal Fishing Communities Project: Updates	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	X	
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				
Pinnipeds and California's fisheries: How do pinnipeds affect California's fisheries and options for addressing impacts	DFW	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		
Wildfire impacts and state response: Update as requested	DFW	X		
Statewide kelp recovery efforts: Update as requested	DFW			
Kelp recovery efforts at Casper Cove and Tankers Reef		X		
Annual tribal planning meeting: Review topics discussed at annual meeting	FGC	X	X	X
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
Status of abalone recovery: Update as requested	DFW			
Proposition 64 (cannabis): Update as requested	DFW			
West Coast Ocean Alliance Tribal Caucus: Presentation and discussion regarding its work to enhance coordination and management for the ocean along the West Coast (Aug 2020)	FGC staff			

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

FGC = California Fish and Game Commission

MRC = FGC's Marine Resources Committee

DFW = California Department of Fish and Wildlife

WRC = FGC's Wildlife Resources Committee