California Fish and Game Commission

Tribal Committee

Meeting Materials

August 17, 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 are assigned annually by the Commission. Currently the Tribal Committee is chaired by Commissioner Jacque Hostler-Carmesin, and other members of the Commission rotate as “visiting” commissioners.

- 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 chair cannot take action independent of the full Commission; instead, the chair makes recommendations to the full Commission at regularly scheduled meetings.

- These proceedings are being recorded and may posted to our website for reference and archival purposes.

- Items may be heard in any order pursuant to the determination of the committee 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 chair.
    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 <u>not be related</u> 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
Susan Ashcraft	Marine Advisor
Ari Cornman	Wildlife Advisor
Chuck Striplen	Tribal Advisor
Cynthia McKeith	Staff Services Analyst
Corinna Hong	Sea Grant State Fellow

California Department of Fish and Wildlife

Chris Stoots	Acting Tribal Liaison
Valerie Cook	Acting Branch Chief, Fisheries Branch
Scott Gardner	Branch Chief, Wildlife Branch
Craig Shuman	Regional Manager, Marine Region
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 Zavaleta, Member
Santa Cruz

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission

Wildlife Heritage and Conservation
Since 1870

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

Committee Chair: Commissioner Hostler-Carmesin

Meeting Agenda
August 17, 2021; 1:00 p.m.

Webinar and Teleconference

Pursuant to Executive Order N-08-21, the California Fish and Game Commission is conducting this meeting by webinar and teleconference. Commission members will participate 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.
Click here or go to http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=193324&inline
for instructions on how to join the meeting.

Note: See important meeting deadlines and procedures, including written public comment deadlines, beginning on page 5. 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

1. **Approve agenda and order of items, and welcome visiting commissioner**

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: Approved JEDI work plan, dated Apr 14, 2021

   Exhibit 2.2: JEDI report for Aug 18, 2021 Commission meeting (Agenda Item 24; https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=193326&inline)

3. **Annual tribal planning meeting**
Discuss outcomes from the July 28, 2021 tribal planning meeting held annually pursuant to the Commission's Tribal Consultation Policy.

Exhibit 3.1: Summary of Jul 28, 2021 Commission Annual Tribal Planning meeting, undated

Exhibit 3.2: Commission Tribal Consultation Policy, dated Jun 2015

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

Exhibit 4.2: National Congress of American Indians Resolution #PDX-20-003

5. **Coastal Fishing Communities Project**
Receive and discuss staff update on progress in advancing the project.

Exhibit 5.1: See staff summary for Agenda Item 8C of the Jul 21 MRC meeting (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=193044&inline)

6. **Marine Protected Areas Statewide Leadership Team (MSLT)**
Receive and discuss update on tribal participation in MSLT and implementation of the MSLT work plan.

7. **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.

Presentation from Lynne Barre, Seattle Branch Chief, NOAA Fisheries West Coast Regional Office, Protected Resources Division

Exhibit 7.1: NOAA deterrence information [Updated Oct 2018]

Exhibit 7.2: NOAA deterrent fact sheet [Aug 2020]

8. **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

Exhibit 8.1: Treponeme-associated hoof disease (TAHD)

III. Marine Region

a. MPA decadal management review

b. Proposed rulemaking for commercial harvest of wild kelp and algae

(C) Commission staff

Exhibit 8.2: Potential agenda items for Oct 13-14, 2021 Commission meeting, dated Aug 6, 2021

Exhibit 8.3: Commission rulemaking timetable, dated Aug 18, 2021

Exhibit 8.4: MRC work plan, revised July 22, 2021

Exhibit 8.5: WRC work plan, revised Aug 11, 2021

9. **Future agenda items**

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

Exhibit 9.1: TC work plan, revised Jun 7, 2021

(B) Potential new agenda topics for Commission consideration

10. **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
August 18, 2021	Webinar/Teleconference	
September 16, 2021		**Wildlife Resources** Webinar/Teleconference
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 8-14, 2021, Providence, RI

Pacific Fishery Management Council

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

Pacific Flyway Council

- August 27, 2021, Bozeman, MT

Wildlife Conservation Board

- 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 Wednesday, August 4, 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, August 12, 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.

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

Approved April 14, 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 provides an approach for developing the Commission's JEDI plan, and describes components included in the plan. FGC approved this work plan at its April 2021 meeting with the understanding that additional revisions may be necessary to incorporate new information as FGC develops its full plan.

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 quickly[1]. 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. Summer 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/Summer 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. 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.

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][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
Peter S. Silva, President
Jamul
Samantha Murray, Vice President
Del Mar
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Erika Zavaleta, Member
Santa Cruz

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission

Wildlife Heritage and Conservation
Since 1870

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 Erika Zavaleta

July 28, 2021 Meeting Summary
Webinar and Teleconference

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 8:48 a.m. by Commissioner Jacque Hostler-Carmesin, who gave welcoming remarks and introduced Commissioner Erika Zavaleta, Tribal Advisor and Liaison Chuck Striplen, and Executive Director Melissa Miller-Henson. Melissa provided technical notes for participating in the meeting.

1. Introductions and goals for today

Commissioner Zavaleta invited attendees to introduce themselves. Tribal representatives introduced themselves first, followed by California Department of Fish and Wildlife (Department) staff, other agency staff, and then Commission staff.

2. Commission tribal consultation policy

Tribal Advisor and Liaison Chuck Striplen briefly reviewed the Commission's tribal consultation policy and staff's intent to update the policy concurrent with other state natural resource agencies.

One representative mentioned the difficulty for some tribes to track and engage with state rulemaking processes given misalignment with internal tribal governmental processes. Another person suggested a post-decision feedback loop with tribes to evaluate the impact, or lack thereof, of tribal input. There was a suggestion that a tribal work group be established to revise the policy; a number of tribes offered to participate in that process. California Natural Resources Agency Assistant Secretary for Tribal Affairs Geneva Thompson voiced support for a coordinated process.

3. 2020 annual tribal planning meeting

Executive Director Miller-Henson provided a brief summary of the major discussion topics and outcomes from the 2020 annual tribal planning meeting.

4. Implementing co-management

Tribal Advisor Striplen reviewed the Commission's co-management definition and vision statement; mentioned several existing agreements between the Department and tribes; and invited attending tribes to discuss other agreements, issues, and opportunities around tribal co-management.

One representative appreciated the "mutually agreed upon" language in the policy; another discussed challenges and successes with a specific agreement pertaining to elk monitoring. It was also noted that tribes appreciate seeing an increase in the number of state tribal liaisons in the field, while also mentioning that there needs to be more resources and consistency so that stable working relationships can be established.

Attendees were provided a copy of a recent resolution adopted by the National Congress of American Indians, advocating for more support for tribal co-management at every level of government.

5. Roundtable discussion

Commissioner Hostler-Carmesin moderated a lengthy discussion with tribal representatives who were invited to share current priorities and issues of concern, and to help identify potential opportunities for collaboration with or action by the Commission. Several items shared by tribes in advance of the meeting were provided to attendees.

The discussion ranged from the need for greater communication with tribes about the Commission's rulemaking processes, authorities, capacities, and possible support for tribal needs, to detailed analysis of species-specific management and monitoring issues. Tribes are still experiencing significant, COVID-related challenges in maintaining stable program staffing; however, those programs, by design, are increasingly oriented toward providing traditional ecological knowledge-informed tribal monitoring data to agencies for the purposes of rulemaking and cooperative management agreements (especially with elk, deer, inland fisheries, plants, and marine resources).

There was discussion of tribal access to resources, lands, and waters under state jurisdiction for the purposes of tribal gathering and management; state support for tribal capacity to engage with agencies; waiving permit and license fees for tribal access; and greater alignment between state and tribal resource laws and regulations.

One aspect of state law that tribes still view as an obstacle to tribal co-management in some cases, is the lack of a legal definition (and management pathway) for "tribal subsistence" in the California Fish and Game Code. Some tribes have agreed to enter into agreements under existing code sections, while others feel strongly that management around "commercial" or "recreational" fishing is insufficient to meet tribal needs. Commissioner Hostler-Carmesin suggested the possibility of adding an item to the Tribal Committee's work plan related to a definition of "tribal subsistence.".

One representative noted that co-management should make everyone's job easier since there would be more people involved in management.

Commissioner Zavaleta asked for examples of an agency using data collected by tribes as a substitute for its own sampling and data collection. Tribal Advisor Striplen reported on a cooperative data collection process supported by California Sea Grant to contribute tribal knowledge to marine protected area baseline data, while also protecting tribal intellectual property. A north coast representative followed up with a description of a tribal marine stewards network.

The Department provided information on changes to requirements for free fishing licenses for "low income Native Americans" and discussed pending legislation that may support those measures. Another representative made note that free "sport fishing is one thing, subsistence is something different" – and that "some education specifically for law enforcement staff could be useful."

6. Native American Fish and Wildlife Society

The society's executive director provided an overview of the programs, partnerships, and capacities of the Native American Fish and Wildlife Society.

The society works at a national level providing trainings (including virtual), youth education programs about traditional natural resource uses, and college scholarship opportunities for Native youth; and convenes national and regional conferences for tribes.

The society's southwest region conference was held August 10–12, and its national conference will convene in Spokane, October 4–7, 2021.

7. Commission overview

FGC staff and advisors provided overviews of the Commission and its authorities, and of recent activities of interest by the Commission's three standing committees.

(A) Marine Resources Committee

(B) Wildlife Resources Committee

(C) Tribal Committee

(D) Commission rulemaking process [and calendar]

8. Agency updates

Representatives from other state agencies provided updates on matters related to tribal affairs and specific natural resource issues of interest to tribes.

(A) California Natural Resources Agency, represented by Assistant Secretary Geneva E.B. Thompson,

(B) California Ocean Protection Council, represented by Tribal Liaison Mike Esgro;

(C) California Department of Fish and Wildlife, represented by Acting Tribal Liaison Chris Stoots;

(D) California Department of Water Resources, represented by A. Marc Commandatore, David Pesavento, and Tribal Policy Advisor Anecita Agustinez;

(E) California Department of Transportation, represented by Branch Chief Sarah Allred, Office of Cultural Studies;

(F) California State Lands Commission, represented by Tribal Liaison Jennifer Mattox.

9. Closing thoughts and next steps

Commissioner Hostler-Carmesin thanked everyone for their participation and for being willing to attend a second year's planning meeting under pandemic conditions. Everyone was invited to participate in the next Tribal Committee meeting on August 17, the day before the next Commission meeting, as well as the November 9 Marine Resources Committee meeting, and the December 14 Tribal Committee meeting. Commissioner Hostler-Carmesin noted that this was a substantive meeting with good discussion and clear next steps. Commissioner Zavaleta wanted to make sure we follow up on comments made about red abalone and Clear Lake.

Adjourn 1:25 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.

EXECUTIVE COMMITTEE

PRESIDENT
Fawn R. Sharp
Quinault Indian Nation

FIRST VICE-PRESIDENT
Aaron Payment
Sault Ste. Marie Tribe of Chippewa Indians

RECORDING SECRETARY
Juana Majel-Dixon
Pauma Band of Luiseño Indians

TREASURER
Shannon Holsey
Stockbridge-Munsee Band of Mohican Indians

REGIONAL VICE-PRESIDENTS

ALASKA
Rob Sanderson, Jr.
Tlingit & Haida Indian Tribes of Alaska

EASTERN OKLAHOMA
Norman Hildebrand
Wyandotte Nation

GREAT PLAINS
Larry Wright, Jr.
Ponca Tribe of Nebraska

MIDWEST
Rebecca Crooks-Stratton
Shakopee Mdewakanton Sioux Community

NORTHEAST
Tina Abrams
Seneca Nation of Indians

NORTHWEST
Leonard Forsman
Suquamish Tribe

PACIFIC
Erica Mae Macias
Cahuilla Band of Indians

ROCKY MOUNTAIN
MARK POLLOCK
Blackfeet Nation

SOUTHEAST
Nancy Carnley
Ma-Chis Lower Creek Indian Tribe of Alabama

SOUTHERN PLAINS
Robert Tippeconnie
Comanche Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh Pueblo

WESTERN
Amber Torres
Walker River Paiute Tribe

CHIEF EXECUTIVE OFFICER
KEVIN ALLIS
FOREST COUNTY POTAWATOMI COMMUNITY

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

The National Congress of American Indians
Resolution #PDX-20-003

TITLE: Calling for the Advancement of Meaningful Tribal Co-Management of Federal Lands

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, in Article 29 of the 2008 adopted Declaration on the Rights of Indigenous People, the United Nations declared that Indigenous Peoples have the right to develop the productive capacity of their lands or territories and resources; and

WHEREAS, tribal nations actively managed their traditional homelands through traditional cultural practices from time immemorial and have continually resisted European colonists who work to suppress and criminalize such practices; and

WHEREAS, the shared moral obligations among tribal nations is to take active measures through traditional approaches in preventing foreseeable hazards, while protecting, restoring, and enhancing lands for communal benefit; and

WHEREAS, the state of California, in a Statement of Administration Policy on Native American Ancestral Lands, recently directed every state agency to support co-management and access to lands that are within a tribal nation's ancestral territory; and

WHEREAS, the unique nature of the sovereign-to-sovereign relationship is often overlooked by state and federal agencies and this systemic injustice should be addressed at the forefront of all co-management and/or shared stewardship discussions; and

WHERAS, the lack of co-management has resulted in dangerous and uninhabitable conditions that are detrimental to the health of many indigenous peoples; and

WHERAS, the intergenerational application of indigenous traditional ecological knowledge through co-management of tribal lands and territories will significantly improve the long-term social, cultural, economic and ecologic conditions of and for tribal communities; and

WHEREAS, the federal trust and treaty responsibility to tribal nations extends to management of tribal ancestral homelands including on state and federal lands; and

WHEREAS, public land management must be holistic and inclusive and it must include the fundamental principles and practices of tribal co-management, which brings together the expertise of diverse perspectives to build a collective and participatory framework that can benefit everyone.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) urges Congress to pass legislation and direct federal agencies to include tribal nations in land management decisions at every level of the government based on incorporation of tribal co-management principles and practices \; and

BE IT FURTHER RESOLVED, that NCAI requests that Congress enhance and the Executive Branch recognize tribal legal authorities supporting tribal co-management and directly fund tribal land management on tribal, state, and federal lands

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2020 Annual Session of the National Congress of American Indians, held Nov 8, 2020 - Nov 13, 2020, with a quorum present.

Fawn Sharp, President

ATTEST:

Juana Majel Dixon, Recording Secretary

TAHD SURVEILLANCE IN THE NORTH COAST ELK MANAGEMENT UNIT
STATUS UPDATE

July 2021

California Department of Fish and Wildlife
Northern Region, Eureka, CA

BACKGROUND

Treponeme-associated hoof disease (TAHD) is an emerging disease affecting elk in western North America. The disease was first described in 2009 following increasing reports of limping or lame Roosevelt elk (*Cervus canadensis roosevelti*) in southwestern Washington the year prior. Since then, it has been detected in Roosevelt and Rocky Mountain elk (*Cervus canadensis nelsoni)* in other parts of Washington, Oregon, Idaho, and now California. Early infections are characterized by superficial changes at the coronary band and interdigital space of affected feet and hooves. As the disease progresses, ulcers undermine the coronary band, hoof capsule, and/or heel-sole junction. Further ulceration associated with inflammation and necrosis of deep and superficial tissues leads to increasingly overgrown, broken, or otherwise damaged hoof capsules. In severely affected hooves, the hoof capsule can ultimately break or slough off. There are no treatments or vaccines for TAHD.

A statewide surveillance plan was developed by the California Department of Fish and Wildlife (CDFW) in June 2020 to determine geographic distribution of TAHD and inform management actions in California. Monitoring of disease has been conducted through the collection of samples from hunter harvest, opportunistic sampling, and targeted surveillance.

MANAGEMENT OBJECTIVES

Specific management actions will be conducted to remove sources of disease transmission and decrease spread of the disease in wild elk populations. Management actions include focusing surveillance on unaffected populations, culling affected individuals suspected to have TAHD, and increasing tag limits in affected areas. Lethal removal of affected individuals is currently the only tool identified for TAHD management in California due to much still being unknown about the disease and the limited management options available in wildlife. Where lethal removal is employed, it will be performed to maximize animal welfare and conducted whenever possible in accordance with the American Veterinary Medical Associations guidelines.

SURVEILLANCE

Hunter Harvest

CDFW Northern Region (NR) staff conducted hunter harvest surveillance for TAHD from elk harvested in Del Norte and Humboldt counties starting in August 2020. This included elk harvested with general, shared habitat alliance for recreational enhancement (SHARE), or private lands management (PLM) tags. Hunters were asked to bring hooves to the CDFW office (619 2nd Street, Eureka, California) during normal business hours, to the Lake Earl Wildlife Area during 12 weekends coinciding with SHARE

hunts, or to contact the local elk research biologist directly via cell phone to coordinate sample collection. Samples from several of the PLM areas were collected through assistance from the hunt guide, property management company, or property owners.

During the 2020 hunt season samples were collected from a total of 126 hunter harvested individuals providing an overall hunter compliance of more than 96% (Table 1).

Table 1. Number of tags issued for Roosevelt elk (*C. c. roosevelti*) hunts in Del Norte and Humboldt counties, California, USA, and total harvest (based upon online hunter reporting) during the 2020 hunt season.

Hunt Code	Hunt Name	Antlerless	Bull	Either-sex	Total Tags Issued	Total Harvest
374	Northwestern Cow	15	—	—	15	13
483	Northwestern California either-sex	—	—	3	3	3
355	Northwestern California Bull	—	3	—	3	3
PLM	Stover Ranch	2	4	—	6	6
PLM	Redwood House Ranch	—	2	—	2	1
PLM	Cottrell Ranch	1	2	—	3	3
PLM	Hunter Ranch	—	1	—	1	1
PLM	Wiggins Ranch	2	2	—	4	4
PLM	Smith River	6	4	—	10	9
PLM	Alexandre Eco Dairy Farms	4	2	—	6	6
PLM	Big Lagoon	2	5	—	7	6
PLM	Klamath	2	2	—	4	2
SHARE	Copher Ranch	0	2	—	2	2
SHARE	Barlow Ranch	2	0	—	2	2
SHARE	Del Norte North Side	1	6	—	7	7
SHARE	Del Norte South Side	14	5	—	19	18
SHARE	Del Norte Fort Dick	17	21	—	38	35
LO	Cooperative Elk	9	7	0	16	9
Total		77	68	3	148	130

Opportunistic Sampling

Research and monitoring efforts within the North Coast Elk Management Unit (EMU) began in 2016 to determine cause-specific mortality and prevalence of disease through mortality investigations and serologic testing of elk captured for collaring efforts. All known mortalities have been documented even when necropsy of the carcass was not feasible. Three hundred and twenty-four mortalities have been documented and 93 necropsies have been performed to determine cause of death since 2016. Collection of hooves for TAHD has been incorporated into these efforts since December 2019.

Targeted Surveillance

After the first confirmed case of TAHD in California, CDFW NR staff began documenting the occurrence of any elk that were limping, were of less-than-ideal body condition (thin or emaciated), had evidence of diarrhea, and/or had visible abnormal hoof growth. Public reports of limping or dead elk were solicited via online reporting tools or by contacting the local biologist.

Targeted surveillance on the index herd was conducted in Del Norte County on 9-10 April, 15-16 April, and 3-4 May 2021. Elk with obvious hoof abnormalities or severe lameness were euthanized via gunshot. A total of 33 (21 males, 12 females) animals were euthanized. The majority of targeted elk were adults 4.5-8.5 years of age (16 males, 8 females), with the remainder being 2.5-3.5 years (4 males, 3 females), and yearlings (1 male, 1 female).

Total Samples

Northern Region staff have collected a total of 200 sets of hooves for TAHD surveillance in Del Norte and Humboldt counties from December 2019 through July 2021 (Table 2, Figure 1).

Table 2. Sets of hooves collected for research and surveillance of TAHD in Roosevelt elk (*C. c. roosevelti*) in Humboldt and Del Norte counties, California, USA from December 2019 to July 2021.

Herd	**Source**			**Total**	**Positive Samples**
	Hunter Harvest	**Opportunistic**	**Targeted**		
Del Norte County					
Tolowa	51	9	34*	94	15
Gilbert	2	1	–	3	–
Reservation Ranch	6	2	–	8	1
Rowdy/Hastings	8	3	–	11	–
Lincoln	2	1	–	3	–
Morrison Creek	–	1	–	1	–
CBEC	13	2	–	15	2
Wilson Creek	2	–	–	2	–
Humboldt County					
Bald Hills	8	2	–	10	2
Big Lagoon	3	–	–	3	–
Davison Ranch	–	4	–	4	2
Ferndale	1	–	–	1	–
Grizzly/Van Duzen	8	–	–	8	–
Hydesville	2	–	–	2	–
Mad River	8	3	–	11	1
Maple Creek	4	–	–	4	–
McAdams	1	3	–	4	–
OSOC/LRCR	7	2	–	9	2
Red School House	–	2	–	2	–
Timmons	1	4	–	5	–
Total	**127**	**39**	**34**	**200**	**25****

**One targeted sample was taken from an elk that was immobilized during capture efforts and euthanized due to animal welfare (subsequently tested positive for TAHD).*
*** Results are still pending for a large portion of samples. The total number of positive results only represents preliminary data.*

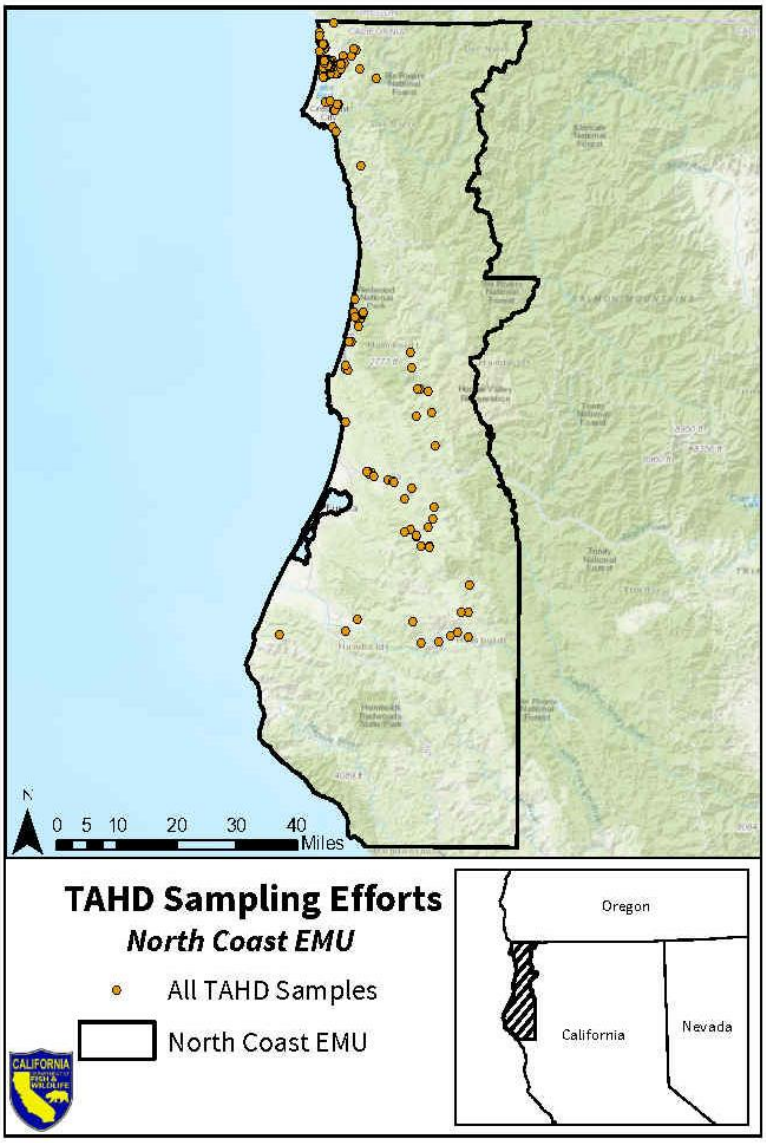

Figure 1. All samples collected for TAHD from hunter harvest, opportunistic, and targeted surveillance in Humboldt and Del Norte counties, California, USA, from 2019 to July 2021.

TESTING AND RESULTS

There is significant nuance in the diagnosis of TAHD; not one straightforward test for the disease. The case definition for TAHD surveillance in California includes the presence of gross and histologic lesions and the presence of treponemes in association. For hooves submitted to the CDFW Wildlife Health Lab (WHL), visual inspection was conducted for evidence of gross lesions. If gross lesions were present, wedge biopsies were collected and submitted to California Animal Health and Food Safety Lab (CAHFS) for histologic examination. If a lesion was also present on histology, the presence of treponemes was confirmed with immunohistochemistry for treponemes associated with bovine digital dermatitis, with the understanding that there may be cross reactivity with TAHD-associated treponemes.

As of May 2021, total of 198 sets of hooves were transferred from the North Coast EMU to CDFW WHL or submitted directly to Washington Animal Disease and Diagnostic Disease Lab or CAFHS. Twenty-five elk were determined to be positive in 7 distinct groups of elk in both Humboldt and Del Norte counties (Table 2, Figure 2). Additional sample submission to CAHFS is pending.

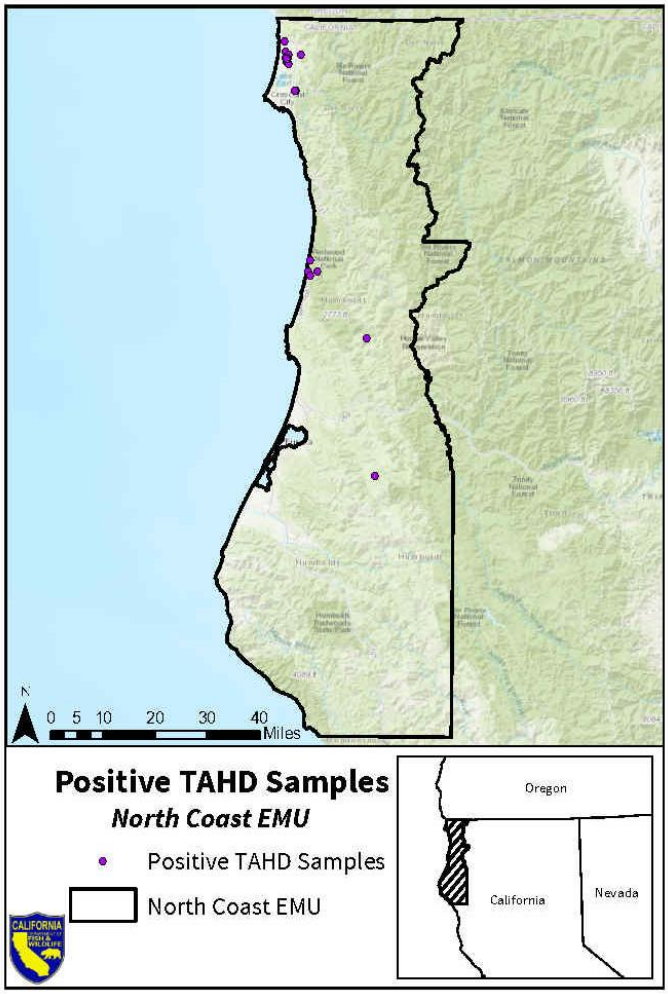

Figure 2. Samples collected for TAHD surveillance in Humboldt and Del Norte counties, California, USA, from December 2019 to July 2021 that were determined to be TAHD positive. Note: some testing is still pending.

California Fish and Game Commission
Potential Agenda Items for October 2021 Commission Meeting
August 6, 2021

The next Commission meeting is scheduled for October 13-14, 2021. Staff is currently planning for a "hybrid" meeting that includes in-person participation in Sacramento as well as an option for the public to participate by webinar/teleconference, contingent upon state and local health guidance regarding in-person events as the meeting date approaches. This document identifies potential agenda items for the meeting, including items to be received from Commission staff and the California Department of Fish and Wildlife (Department).

Wednesday, October 13: Wildlife- and inland fisheries- related and administrative items

1. General public comment for items not on the agenda (Day 1)
2. Executive director's report
3. Receive Department informational items (director's report)
4. Receive the Department's one-year status review report on the petition to list Cascade frog as endangered under the California Endangered Species Act (CESA)
5. Receive the Department's one-year status review report on the petition to list San Bernardino Kangaroo Rat as endangered under CESA
6. Receive the Department's five-year status review of desert pupfish, which is listed as an endangered species under CESA
7. Receive the Department's request for a six-month extension to deliver the one-year status review report on the petition to list Agassiz's desert tortoise as endangered under CESA
8. Ratify findings on the decision to list Upper Klamath-Trinity River spring Chinook salmon as a threatened species under CESA
9. Ratify findings on the decision to list northern California summer steelhead as an endangered species under CESA
10. Notice: amend mammal hunting regulations to adjust preference points and tag refunds (if approved at this meeting)
11. Adopt: 90-day extension of Western Joshua Tree Dead Hazard Trees 2084 emergency regulation (if approved at this meeting)
12. Adopt: 90-day extension of Western Joshua Tree Local Government 2084 emergency regulation (if approved at this meeting)
13. Receive Department informational items (wildlife and inland fisheries)
14. Wildlife Resources Committee
15. Items of interest from previous meetings (wildlife and inland fisheries)
16. Action on wildlife and inland fisheries petitions for regulation change
17. Action on wildlife and inland fisheries non-regulatory requests from previous meetings
18. Executive (closed) session

Thursday, October 14: Marine-related items and administrative items

19. General public comment for items not on the agenda (Day 2)
20. Tribal Committee
21. Justice, equity, diversity, and inclusion plan update
22. Receive Department informational items (marine)
23. Marine Resources Committee
24. Notice: Grunion recreational fishing
25. Discussion: Experimental Fishing Permit Program Phase II
26. Adopt: 90-day extension of recreational clam, sand crab, and shrimp gear emergency regulation
27. Receive and discuss draft Pink Shrimp Fisheries Management Plan
28. Final consideration of the petitioned action to list Pacific leatherback sea turtle as endangered under CESA
29. Items of interest from previous meetings (marine)
30. Action on marine petitions for regulation change from previous meetings
31. Action on marine non-regulatory requests from previous meetings
32. Administrative items (next meeting agenda, rulemaking timetable, new business)

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

Updated August 9, 2021

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

Regulatory Change Category	Title 14 Section(s)	FGC Webinar/Teleconference Aug 18, 2021	WRC Sacramento Sep 16, 2021	FGC Sacramento Oct 13, 2021	FGC Sacramento Oct 14, 2021	MRC Sacramento Nov 9, 2021	TC Sacramento Dec 14, 2021	FGC Sacramento Dec 15, 2021	FGC Sacramento Dec 16, 2021	WRC Jan 2022 TBD	FGC Feb 2022 TBD	FGC Feb 2022 TBD	MRC Mar 2022 TBD	TC Apr 2022 TBD	FGC Apr 2022 TBD	FGC Apr 2022 TBD	FGC May 2022 TBD	WRC May 2022 TBD	FGC Jun 2022 TBD	FGC Jun 2022 TBD2	MRC Jul 2022 TBD	TC Aug 2022 TBD
Recreational Clam, Sand Crab, and Shrimp Gear Emergency [6]	29.20, 29.80									**EE 1/8**												
Recreational Clam, San Crab, and Shrimp Gear Emergency (First 90-day Extension) [6]	29.20, 29.80				A					E 1/1				**EE 4/1**								
Recreational Clam, Sand Crab, and Shrimp Gear Emergency (Second 90-day Extension) [6]	29.20, 29.80											A		E 4/1							**EE 7/1**	
Recreational Clam, Sand Crab, and Shrimp Gear (Implementing Certificate of Compliance) [6]	29.20, 29.80								N		D				A						E 7/1	
Central Valley Sport Fishing (Annual)	7.40(b)(4), (43), (66), (80)		V									N				D	A				E 7/1	
Klamath River Basin Sport Fishing (Annual)	7.40(b)(50)		V									N				D	A				E 7/1	
Waterfowl (Annual)	502		V					N				D				A					E 7/1	
CA Grunion Limit and Season Changes (FGC Petition #2019-014)	27.60(b), 28.00				N				D		A								E 6/1			
Pink Shrimp Fishery Management Plan Implementing Regulations	120.1, 120.2								N		D/A										E 7/1	
(Mammal Hunting) Preference Points and Tag Refunds	708.19			N				D				A									E 7/1	
Harvesting of Kelp and Other Aquatic Plants, Commercial Marine Algae Management Policies	165, 165.5, 705								N		D/A										E 7/1	
~~Western Joshua Tree Renewable Energy 2084 EM~~	~~749.10~~	~~EE 8/27 with Governor's Executive Order~~																				
~~Western Joshua Tree Renewable Energy 2084 EM Extension 1~~	~~749.10~~	~~E 8/27~~				~~EE 11/24~~																
~~Western Joshua Tree Renewable Energy 2084 EM Extension 2~~	~~749.10~~					~~E 11/24~~						~~EE 2/22~~										
Western Joshua Tree Dead Hazard Trees 2084	749.11					**EE 11/9**																
~~Western Joshua Tree Dead Hazard Trees 2084 90-day Extension~~	749.11			A		E 11/9				**EE 2/7**												
Western Joshua Tree Local Government 2084	749.12					**EE 11/9**																
Western Joshua Tree Local Government 2084 90-day Extension	749.12			A		E 11/9				**EE 2/7**												
Recreational Crab Marine Life Protection Measures	29.80, 29.85, 701					E 11/1																
Experimental Fishing Permit (EFP) Program Phase II	90, 91, 120.1, 149, 149.3, 180, 704	N			D				A					E 4/1								

Rulemaking Schedule to be Determined	Title 14 Section(s)	FGC Webinar/Teleconference Aug 18, 2021	WRC Sacramento Sep 16, 2021	FGC Sacramento Oct 13, 2021	FGC Sacramento Oct 14, 2021	MRC Sacramento Nov 9, 2021	TC Sacramento Dec 14, 2021	FGC Sacramento Dec 15, 2021	FGC Sacramento Dec 16, 2021	WRC Jan 2022 TBD	FGC Feb 2022 TBD	FGC Feb 2022 TBD	MRC Mar 2022 TBD	TC Apr 2022 TBD	FGC Apr 2022 TBD	FGC Apr 2022 TBD	FGC May 2022 TBD	WRC May 2022 TBD	FGC Jun 2022 TBD	FGC Jun 2022 TBD2	MRC Jul 2022 TBD	TC Aug 2022 TBD
Pre-Existing Structures in Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures	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																					
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

4 = Includes FGC Petition #2018-003 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 July 21, 2021 meeting

TOPIC	CATEGORY	MAR 2021	JUL 2021	NOV 2021
Planning Documents & Fishery Management Plans (FMPs)				
MLMA Master Plan (MP) for Fisheries – Implementation Updates	MP Implementation	X		X
Red Abalone FMP / ARMP Update	FMP	X	X	X
California Halibut FMP	FMP	X		X
California Pink Shrimp FMP	FMP	X	X/R	
Market Squid Fishery Management Review	Management Review		X	
Marine Protected Area Network – 2022 Decadal Management Review	Management Review	X	X	X
Regulations				
Kelp and Algae Commercial Harvest – Bull Kelp	Commercial Kelp	X	X/R	
Kelp and Algae Commercial Harvest – Edible Algae (Seaweed)	Commercial Kelp			X
Kelp and Algae Commercial Harvest – *Postelsia* (sea palm)	Commercial Kelp			X
Use of Hydraulic Pump Gear to Take Clam: Review of Emergency Prohibition and Future Rulemaking	Recreational Take		X	X/R
California Spiny Lobster FMP Implementing Regulations Review (a*dded Feb 2019; timing TBD*)	FMP Implementing Regulations			
Marine Aquaculture				
Aquaculture Program Planning (Information Report, Action Plan)	Planning Document	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		
Public Interest Determination Criteria for New Aquaculture Lease Applications	New Leases		X	X
Aquaculture Lease Best Management Practices (BMP) Plans (On hold, TBD)	Regulations			
Emerging Management Issues				
Kelp Restoration and Recovery Tracking	Kelp	X	X	X
Invasive Non-native Kelp and Algae Species	Kelp / Invasive Species			
Special Projects				
California's Coastal Fishing Communities	MRC Special Project	X/R	X	X

Key: X = Discussion scheduled, X/R = Recommendation developed; topic may be moved to FGC

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

Updated August 11, 2021

		May 2021 Webinar/ Teleconference	Sep 2021 Webinar/ Teleconference	Jan 2022 TBD
Periodic Regulations				
Upland (Resident) Game Birds	Regulatory	X	X/R	
Mammal Hunting	Regulatory	X	X/R	
Waterfowl Hunting	Annual	X	X/R	
Central Valley Sport Fishing	Annual	X	X/R	
Klamath River Basin Sport Fishing	Annual	X	X/R	
Inland Sport Fishing	Regulatory	X	X/R	
Regulations & Legislative Mandates				
Falconry	Referral for Review			
Mammal Hunting Closures	Regulatory		X	X
Restricted Species	Regulatory			
Special Projects				
American Bullfrog and Non-native Turtle Stakeholder Engagement Project	Referral for Review	X	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 June 7, 2021

Topic / Goal	Type / Lead	Apr 2021	Aug 2021	Dec 2021
Special Projects				
FGC justice, equity, diversity and inclusion plan	FGC Project	X	X	X
Co-management definition implementation	TC Project	X	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		
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	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			
Statewide kelp recovery efforts: Update as requested	DFW			
Kelp recovery efforts at Casper Cove and Tankers Reef				
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*