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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

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TRIBAL COMMITTEE

Committee Chair: Commissioner Hostler-Carmesin

August 17, 2021 Meeting Summary

Following is a summary of the California Fish and Game Commission (Commission) Tribal Committee (TC) meeting as prepared by staff. An audio recording of the meeting is available upon request. *Note that in this document the California Department of Fish and Wildlife is referred to as the Department.*

Call to order

The meeting was called to order at 1:01 p.m. The following Committee members and Commission and Department staff attended.

Committee Chair

Jacque Hostler-Carmesin Present

Visiting Commissioner

Erika Zavaleta Present

Commission Staff

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

Department Staff

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| Chris Stoots | Captain, Law Enforcement Division and Acting Tribal Liaison |
| Scott Gardner | Chief, Wildlife Branch |
| Valerie Cook | Acting Chief, Fisheries Branch |
| Craig Shuman | Regional Manager, Marine Region |
| Becky Ota | Marine Habitat Conservation Program Manager, Marine Region |

Other Invited Speakers

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|----------------------|---|
| Geneva E.B. Thompson | Assistant Secretary for Tribal Affairs, California Natural Resources Agency |
| Mike Esgro | Marine Ecosystems Program Manager & Tribal Liaison, California Ocean Protection Council |
| Lynne Barre | Seattle Branch Chief, National Oceanic and Atmospheric Administration (NOAA) Fisheries West Coast Regional Office, Protected Resources Division |
| Penny Ruvelas | Long Beach Branch Chief, NOAA Fisheries West Coast Regional Office, Protected Resources Division |

1. Approve agenda and order of items

TC approved the agenda in the order listed.

2. Commission justice, equity, diversity and inclusion plan

Melissa Miller-Henson provided an update on the approved work plan for developing the Commission's justice, equity, diversity and inclusion (JEDI) plan.

Consistent with Commission direction, staff has continued to work on multiple tasks that begin implementing the JEDI work plan. Two of the key tasks are: (1) a purpose or vision statement and key definitions, and (2) a policy statement. Meeting participants were encouraged to engage in the Commission's JEDI planning effort.

3. Annual tribal planning meeting

Chuck Striplen reviewed outcomes from the July 28, 2021 tribal planning meeting, held annually pursuant to the Commission's Tribal Consultation Policy.

This year's meeting was well attended, by both tribes and agency representatives. Tribal liaisons from six other state agencies, including new Assistant Secretary Geneva Thompson, provided updates on programs and initiatives of interest to tribes.

Discussion

Representatives from the Native American Fish and Wildlife Society, a national tribal organization established nearly 40 years ago, provided an overview of their programs and services related to tribal fish and wildlife management issues. To date, the society has not been very active with California tribes but, as its capacity has expanded in recent years, some of its programs and collaborations may be of interest to the Commission, the Department, and a number of tribes in California.

Commissioner Hostler-Carmesin moderated a lengthy discussion with tribal representatives about a wide range of topics. In this second year of COVID, tribes continue to experience disproportionate impacts to their communities – especially in being able to maintain program staffing to implement natural resource programs.

A major theme of the discussion centered on tribal access to resources, including tribal co-management agreements; legal and financial barriers to accessing traditional resources on state lands; and active cultural management of those resources. While access challenges

experienced by tribes fall within the jurisdictions of a number of state and federal agencies, the rulemaking authority of the Commission was noted as potentially having a role.

Tribes still view the lack of a legal definition (and management pathway) for “tribal subsistence” in California code is an obstacle to meaningful tribal co-management. A number of tribes have agreed to enter into agreements under existing code sections – some of which were discussed. Other tribes believe that management around “commercial” or “recreational” fishing is insufficient to meet tribal needs. A majority of attending tribes echoed the sentiments verbally and support the Commission formally exploring these issues in more detail, with some offering to actively participate in related discussions.

TC Recommendation

Add to the TC work plan a project to explore the definition of “tribal subsistence” in state code.

4. Co-management implementation

Chuck Striplen provided a verbal review of the Commission’s co-management definition and vision statement and provided some detail on two existing tribal memoranda of understanding (MOA) with the Department. A resolution from the National Congress of American Indians supporting tribal co-management of federal lands (PDX-20-003), provided to the Commission by the Karuk Tribe, was described and distributed with meeting materials.

Discussion

A representative from the Big Pine Paiute Tribe inquired about the best way to engage with the State on potential new agreements. Scott Gardner provided his contact information and expressed willingness to engage with the tribe. Christ Stoot was also recognized as the acting tribal liaison for the Department and as another good point of contact.

Commissioner Zavaleta inquired whether existing MOAs all focus on individual species, or if some also pertain to area-based management. Chris Stoots described one of the challenges with implementing area-based agreements: existing agreements were developed under authorities related to scientific collection, tying them to specific species. There are efforts to consider and explore agreements related to land access.

5. Coastal Fishing Communities Project

Susan Ashcraft reviewed staff recommendations from the 2019 staff synthesis report on coastal fishing community meetings held 2016-2018. To date, staff has provided draft analyses for five of the ten recommendations from the report. The analyses are currently available in various MRC meeting binders, but will be posted to the newly revised FGC Coastal Fishing Communities Project webpage (<https://fgc.ca.gov/Committees/Marine/Coastal-Fishing-Communities-Project>) in the coming days.

Discussion

Commissioner Hostler-Carmesin inquired as to whether tribes are able to participate in the policy roundtable discussions. Susan Ashcraft responded that these are very informal

discussions, there is room to explore tribal engagement in the overall process, and Commission staff is working on tribal engagement internally.

6. Marine Protected Areas Statewide Leadership Team

This item was moved to the California Ocean Protection Council's agency update.

7. Pinnipeds and California's fisheries

Lynne Barre provided a presentation on recent guidance and methods being developed by NOAA related to conflicts between pinnipeds and coastal fishing communities and tribes. With her California counterpart, Penny Ruvelas, she fielded questions from the commissioners and attending tribes.

Discussion

A representative from the Tolowa Dee-ni' Nation inquired about pinniped population control measures allowable under federal regulations. NOAA staff offered to follow up outside the meeting with additional resources to address tribal inquiries.

TC Recommendation

Modify the TC work plan by removing this topic. TC believes it has fully explored this matter and provided the interested tribes with substantive information and contacts for them to follow up with relevant federal partners.

8. Staff and agency updates requested by the Committee

(A) California Ocean Protection Council (OPC)

Mike Esgro provided an update on the tribal marine stewards network and the marine protected areas decadal management review.

Discussion

Sam Cohen, Government Affairs and Legal Officer to Santa Ynez Band of Chumash Indians, noted that the decadal management review update was very high level and did not include co-management. The tribe sent comments to OPC regarding the review and is open to sharing comments with other tribes.

Commissioner Hostler-Carmesin requested that Mr. Cohen share the comment letter with the Commission.

(B) Department

I. Law Enforcement Division

Chris Stoots provided a brief verbal update on the Department's recent enforcement activities.

II. Wildlife and Inland Fisheries Division

Valerie Cook, Scott Gardner, and Chris Stoots provided verbal updates on Department personnel changes, including hiring new Tribal Cultural Resource Specialist Sarah Fonseca; Valerie Cook's capacity as acting

fisheries branch chief; and Michelle Selmon's promotion to lands program manager.

Discussion

Chris Stoots and Scott Gardner provided additional perspectives on the existing tribal co-management agreements and the recent 2021 Traditional Ecological Knowledge Summit hosted by the Bi-State Tribal Natural Resources Committee. Danielle Gutierrez, Tribal Historic Preservation Officer for Big Pine Paiute Tribe, noted that she is part of the summit planning committee with Bi-State Sage Grouse, and invited everyone to participate in next year's summit. Danielle also announced a Bi-State Tribal Natural Resources Committee meeting on Sept 16, 2021.

Commissioner Zavaleta asked the Department to elaborate on responsibilities tribal members now have through the existing MOAs with respect to the fisheries in questions (e.g., what roles tribes have taken on through an MOA).

Chris Stoots described authorities related to tribal implementation and enforcement management of certain species, specifically as it pertains to take by tribal members, acting under a tribal member fishing license in traditional ancestral lands.

III. Marine Region

a. MPA Decadal Management Review

Becky Ota provided a verbal update on the MPA decadal review, and the Department's collaborative efforts with OPC to engage with tribes on the decadal review.

Discussion

Commissioner Hostler-Carmesin asked if the Department was open to expanding the Tribal Steering Committee. Becky Ota confirmed the steering committee is open to anyone and indicated that she or Tova Handelman at OPC are the appropriate contacts for related inquiries.

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

Craig Shuman provided a brief verbal update on a potential rulemaking for commercial harvest of wild kelp and algae, and the Department's ongoing consultation with the Intertribal Sinkyone Wilderness Council and its member tribes.

(C) Commission staff

Ari Cornman and Susan Ashcraft provided brief verbal updates on work plan progress for the Wildlife and Marine Resources committees, WRC and MRC respectively. Melissa Miller-Henson briefly reviewed the Commission's most current rulemaking timetable.

Discussion

Danielle Gutierrez inquired about the geographic scope of WRC, and how best to engage in its work. Ari Cornman replied that the work of WRC can potentially include all

counties in the state, it's lands, lakes, rivers, streams – essentially anything that isn't the ocean environment. Ari also suggested that for tribes, the FGC tribal advisor can be their primary point of contact, who can then direct individuals/issues to the appropriate Committee.

9. Future agenda items

(A) Review TC work plan topics, priorities, and timeline.

Chuck Striplen provided an overview of the TC work plan topics, priorities, and timeline.

Discussion

Commissioner Zavaleta inquired about the climate policy work plan item. Melissa Miller-Henson indicated a potential policy had been on the work plan for several years and was sidelined by numerous commissioner and staff changes; she suggested it could be addressed during the future review of all Commission policies. Commissioners Hostler-Carmesin and Zavaleta agreed to keep a climate policy update on the work plan for now.

Commissioner Hostler-Carmesin proposed removing *Pinnipeds and California Fisheries* from the TC work plan.

TC Recommendation

Remove from the TC work plan the *Pinnipeds and California Fisheries* topic.

(B) Potential new agenda topics for Commission consideration

Discussion

Government Affairs Coordinator Shirley Laos from Trinidad Rancheria noted that it was an appropriate time to add a tribal subsistence project to the TC work plan.

TC Recommendation

Add to the TC work plan a project on tribal subsistence.

10. General public comment for items not on agenda

Geneva Thompson briefly reviewed efforts by the California Natural Resources Agency to consult with tribal nation partners on developing initiatives such as the State's commitment to conserve 30 percent of California's lands and coastal waters by 2030 (30x30) and enlist California's vast network of natural and working lands in the fight against climate change. Geneva also noted that the California Ocean Protection Council is seeking tribal input for best practices when engaging with tribal partners.

Adjourn

Commissioner Hostler-Carmesin thanked Commissioner Zavaleta for joining as a visiting commissioner and to all the participants for the robust conversations.

TC adjourned at 3:56 p.m.