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*Wildlife Heritage and Conservation
Since 1870*

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TRIBAL COMMITTEE

Committee Chair: Commissioner Hostler-Carmesin

December 14, 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 Department.*

Call to order

The meeting was called to order at 1:35 p.m. The following Committee members, tribal leaders, and Commission and Department staff attended:

Committee Chair

Jacque Hostler-Carmesin

Visiting Commissioner

Erika Zavaleta

Tribal Leadership

Hon. Russell Attebery, Karuk Tribe

Hon. Troy Hockaday, Karuk Tribe

Hon. Spa-ghe Dowd, Tolowa Dee-ni' Nation

Hon. Amanda O'Connell, Tolowa Dee-ni' Nation

Commission Staff

Melissa Miller-Henson

Rachel Ballanti

Susan Ashcraft

Ari Cornman

Chuck Striplen

Cynthia McKeith

Corinna Hong

Executive Director

Deputy Executive Director

Marine Advisor

Wildlife Advisor

Tribal Advisor and Liaison

Staff Services Analyst

Sea Grant State Fellow

Department Staff

Chris Stoots	Captain, Law Enforcement Division and Acting Tribal Liaison
Scott Gardner	Branch Chief, Wildlife Branch
Jay Rowan	Branch Chief, Fisheries Branch
Craig Shuman	Regional Manager, Marine Region
Becky Ota	Marine Habitat Conservation Program Manager, Marine Region
Sarah Fonseca	Tribal Cultural Resources Specialist, Lands Program, Wildlife Branch

Other Invited Speakers

Hank Brenard	Director, Environmental and Natural Resources Department, Bear River Band of the Rohnerville Rancheria
Mike Esagro	Marine Ecosystems Program Manager & Tribal Liaison, California Ocean Protection Council

1. Approve agenda and order of items

TC approved the agenda in the order listed.

2. Commission justice, equity, diversity and inclusion plan

Rachel Ballanti 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. A vision statement has been adopted and two key tasks currently being pursued are: (1) key definitions, and (2) a policy statement. Meeting participants were encouraged to engage in the Commission's JEDI planning effort, and comments were made related to recruitment of tribal professionals, implicit bias toward removed tribes (e.g., Modoc), and tribal data management.

TC initiated a discussion on tribal land acknowledgements, which was welcomed by attending tribes and will continue at future TC meetings.

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, and invited TC to discuss possible agenda items for the 2022 meeting.

Discussion

Tribal co-management and a subsistence definition continue to be of high interest to tribes as, one tribe noted, current state code lacks the flexibility to adequately accommodate the full range of co-management opportunities of interest to tribes. Some attendees inquired about connections between Commission/Department work and Governor Newsom's Ancestral Lands Policy. The Santa Ynez Band of Chumash offered to host a future TC meeting.

4. Co-management implementation

Chuck Striplen provided a verbal review of the Commission's co-management definition and vision statement and introduced Hank Brenard from the Bear River Band of Rohnerville Rancheria.

Discussion

Hank Brenard provided insights into the tribe's work to develop a co-management agreement with the Department. Bear River currently has one agreement in place for inland fisheries, which provides for tribal regulation of fishing under a scientific collecting permit. The tribe has been successful in funding development of a tribal fish and game commission, tribal ordinances, and enforcement staff and equipment. Under the agreement, the tribe collects relevant data and works collaboratively with the Department to monitor the effectiveness of the agreement.

There was high interest in this agreement among attending tribal representatives, several asking for more specific information about the agreement, how it was funded, and how it is to be enforced. Chris Stoots clarified some information that was shared regarding enforcement on ancestral territories and existing inland fishing, and Hank Brenard noted that a joint Department/tribal press release was forthcoming.

Several attending tribes inquired about the possibility of similar agreements in the marine environment, and many expressed interest in receiving a copy of the Bear River agreement. The tribe offered to share the agreement with other tribes upon request and is exploring options for an agreement for hunting licenses and marine fisheries.

5. Definition of "tribal subsistence harvest" and related management mechanisms

Chuck Striplen provided a brief review of this item's addition to the TC work plan and invited TC to discuss possible avenues to move forward on this project.

Discussion

Chair Hostler-Carmesin expressed the importance that this effort move forward in strong partnership with tribes and other specialists. Karuk Tribal Chair Attebery suggested that, especially given the key role salmonids play in tribal lifeways, any management of the species (through co-management, sustainable foods, or under a subsistence-based agreement) take place with mutual consent with tribes. Tolowa Dee-ni' Nation Councilwoman O'Connell noted that existing mechanisms (e.g., scientific collecting permit or recreational take) fail to fully appreciate the intrinsic relationship between cultural activities of tribal peoples and the resources they manage.

Sarah Ryan suggested alignment with related efforts (notably, tribal beneficial uses of water) being pursued by the California Environmental Protection Agency and the regional water boards, and Buffy McQuillen noted that current mechanisms to permit state-tribal co-management represent a lot of "side doors" where she believes a "front door" is required.

Chair Hostler-Carmesin and Melissa Miller-Henson suggested that staff pursue this project through the formation of an informal work group, including Commission and Department staff, tribes, and knowledgeable specialists – and report back on a regular basis to TC and the Commission.

6. Coastal Fishing Communities Project

Corinna Hong reviewed principles and recommendations from coastal fishing community meetings held in 2021, and staff's intent to still pursue a tribal-focused listening session and/or targeted interviews. The analyses will be posted to the newly revised Commission Coastal Fishing Communities Project webpage (<https://fgc.ca.gov/Committees/Marine/Coastal-Fishing-Communities-Project>).

7. Staff and agency updates requested by the Committee

(A) California Ocean Protection Council (OPC)

Mike Esgro provided an update on OPC's development of a tribal engagement strategy, the tribal marine stewards network, and recent funding awards made to tribes.

(B) Department

I. Law Enforcement Division

Chris Stoots provided a brief verbal update on the Department's recent enforcement activities, especially as they relate to renewing tribal agreements on dead animal removal (e.g., bears).

II. Wildlife and Inland Fisheries Division

Jay Rowan provided a verbal update on the Departments' hatchery fish transfer efforts, efforts to update hatchery equipment and reduce groundwater pumping, and ongoing consultation with the Winnemem Wintu Tribe regarding transplanting salmonids from New Zealand back to tributaries to the Sacramento River.

Scott Gardner reviewed the Department's plans to develop a new statewide deer management plan, noting that an opportunity to comment was sent to tribes on October 28, 2021 (with no submission deadline). Tribal Cultural Resource Specialist Sarah Fonseca then shared a presentation on implementation of California's Outdoors Access for All Initiative on Department lands.

III. Marine Region

a. MPA Decadal Management Review

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

Discussion

Becky Ota conveyed that DFW is considering drafting a tribal chapter for the decadal management review based on input received at various statewide listening sessions, tribal consultations, and with input from the decadal management review Tribal Steering Committee members, state tribal liaisons, and key individuals in coastal tribal communities. Tribes would then

be given an opportunity to review and provide comment on the draft chapter.

Chair Hostler-Carmesin agreed with this approach. Sarah Ryan inquired if the Department was seeking data from tribes, to which Becky Ota replied in the affirmative, providing some mechanisms by which tribes could communicate those data to the Department.

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. The rulemaking is on track for notice in December, with an adoption hearing before the Commission in February 2022.

(C) Commission staff

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

8. 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.

TC Recommendation

No changes are recommended to the work plan, noting that TC recommended staff invite participants to an informal work group to address the "tribal subsistence" definition project.

(B) Potential new agenda topics for Commission consideration

No new topics were recommended by TC.

9. General public comment for items not on agenda

Ken Sandusky, Modoc Nation, expressed thanks and provided his contact information.

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 5:37 p.m.