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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

TRIBAL COMMITTEE **Committee Chair: Commissioner Hostler-Carmesin**

April 19, 2022 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.

Call to Order

The meeting was called to order at 1:30 p.m. by TC Chair Hostler-Carmesin, who also welcomed visiting Commissioner Erica Zavaleta. The meeting was held in person in Trinidad and Monterey and via webinar/teleconference. The following Committee members and Commission and California Department of Fish and Wildlife (Department) staff attended.

Committee Chair

Jacque Hostler-Carmesin Present

Visiting Commissioner

Vice President Erika Zavaleta Present

Tribal Leadership

Hon. Russell Attebery Chairman, Karuk Tribe

Commission Staff

Melissa Miller-Henson	Executive Director
Chuck Striplen	Tribal Advisor and Liaison
Susan Ashcraft	Marine Advisor
Ari Cornman	Wildlife Advisor
Cynthia McKeith	Staff Services Analyst
Kimberly Rogers	Sea Grant State Fellow

California Department of Fish and Wildlife

Valerie Termini	Deputy Director and Acting Tribal Liaison
Chris Stoots	Assistant Chief, Law Enforcement Division and LED Tribal

Scott Gardner	Liaison
Jay Rowan	Chief, Wildlife Branch
Craig Shuman	Chief, Fisheries Branch
Becky Ota	Regional Manager, Marine Region
	Marine Habitat Conservation Program Manager, Marine Region
Kirsten Ramey	State Managed Marine Finfish Program Manager, Marine Region
	Region
Sarah Fonseca	Tribal Cultural Resources Specialist
Samara Maxey	Regional Manager's Assistant and Regional Tribal Liaison, Marine Region

California Ocean Protection Council

Mike Esgro Marine Ecosystems Program Manager and Tribal Liaison

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. The Commission has now adopted two of the key elements: (1) a JEDI vision statement and key definitions, and (2) a policy statement. Additional JEDI plan elements will be developed with the assistance of a qualified contractor, for which a request for proposals has now been released. Proposals will be accepted through May 6, 2022 and a contractor should be selected in June 2022.

TC resumed its discussion related to tribal land acknowledgements.

Discussion

Chair Hostler-Carmesin noted that tribal land acknowledgements can be good mechanisms to initiate engagement among agencies, organizations, and universities, but also cautioned that poorly conceived or executed acknowledgements can have the opposite of the desired effect if done performatively, or absent institutional commitment to the underlying gesture. Vice President Zavaleta noted that seeking to engage with tribes on this topic alone might represent an additional burden for tribal staff and leaders, and suggested that discussion of tribal land acknowledgements might best be incorporated into broader processes. Tribes in attendance continue to support the discussion, some noting the intersection with processes to define boundaries of ancestral lands and associations.

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 dates and agenda items for the 2022 meeting.

Discussion

Tribal co-management and a subsistence definition continue to be of high interest to tribes, as current state laws and regulations still lack the flexibility to adequately accommodate the full range of access and co-management opportunities of interest to tribes.

TC will recommend to the Commission the date of July 20, 2022 to convene the next annual tribal planning meeting.

4. Co-management roundtable discussion

This agenda item was recently restructured by the Commission to focus more on an ongoing discussion of projects, initiatives, and other topics of interest to tribes related to co-management. Tribal co-management is being actively addressed by numerous state and federal agencies, and the legislature, and the Commission is making an effort to stay abreast of those related initiatives.

Chuck Striplen provided a verbal review of the Commission's co-management definition and vision statement and invited TC to consider related issues and projects. Chuck also provided a short summary of related workgroups convened by the California Natural Resources Agency, coordinated by Assistant Secretary for Tribal Affairs Geneva E.B. Thompson.

Discussion

Executive Director Megan Rocha of Resighini Rancheria suggested that an update from the assistant secretary on the work of these groups at a future meeting would be appreciated. She also inquired, in the context of tribal co-management, whether departmental tribal liaisons had to stay within the narrow mandates of their agencies and suggested that higher-level agreements might make sense. Agreements that may be optimal for tribes could include terms that go beyond the authorities of any single agency (e.g. the Department or the Commission), and a legislated solution may be needed. Chuck Striplen mentioned that this has come up at interagency meetings and that these work groups are taking pains to leverage perspective and experiences of many state agencies.

Vice President Zavaleta echoed Megan's comments about the potential need for a legislated solution to make tribal co-management truly meaningful. Existing agreements with the Department seem to represent good progress, but there is much to be done and more tools and funding are needed.

Chairman Attebery of the Karuk Tribe referenced several agreements the tribe is negotiating with both state and federal governments, and their efforts to include the concept of "pre- and post-consent" in acknowledgement of agreements between co-equal sovereigns. He indicated that negotiations should include traditional ecological knowledge, cultural aspects of projects, and interdisciplinary science – but that adequate, stable funding is a perennial challenge to maintain tribal capacity to develop and implement these agreements.

Director of Natural Resources Erika Partee of the Tolowa Dee-ni' Nation spoke at length about the tribe's agreements with the Department on several fronts: elk management and monitoring, salmonid monitoring via sonar equipment, and a steelhead hatchery. Erika spoke highly of the Department's tribal liaison program, calling it a "game changer," noting how beneficial it has been to advancing the tribe's work on all these fronts, at the region and agency level. She also

spoke to challenges in maintaining the tribal obligations under these agreements under competitive, ephemeral funding. Co-management cannot exist when one of the parties relies on competitive funding programs for baseline program operations.

Vice President Zavaleta inquired about the Commission's authority to engage with tribes directly in co-management agreements, which may be discussed further at the Commission's annual tribal planning meeting. Vice President Zavaleta also reminded TC of an element of the Commission's consultation policy pertaining to training – suggesting that the Commission might provide policy development training to tribes. The Commission's tribal advisor and liaison will follow up with the Department's acting tribal liaison on training options.

Similar sentiments were echoed by Tribal Heritage Preservation Officer Buffy McQuillen of the Federated Indians of Graton Rancheria, who also noted developing partnerships with the California Ocean Protection Council and the National Park Service.

5. Definition of “tribal subsistence harvest” and related management mechanisms

Chuck Striplen described the proposed work plan and announced a forthcoming statewide invitation letter to tribes for this informal project. Work group meetings are proposed to coincide with TC meeting days, with regular reports to TC and the Commission.

Discussion

Buffy McQuillen expressed appreciation to the Commission for undertaking this work and inquired which agencies would participate. Chuck Striplen noted that formal invitations haven't been sent quite yet, but those are currently being developed.

Several tribal representatives inquired whether the general public will be able to access this process. Chuck Striplen indicated that this will be an open, public process – but that tribes are welcome to convene non-public tribal caucuses or meet outside of this process.

6. Coastal Fishing Communities Project

Kimberly Rogers provided an update on the project and recommendations from the Commission Marine Resources Committee, including themes expressed at several listening sessions held with coastal fishing community members.

Discussion

Chuck Striplen made note of several issues brought up at listening sessions, including the lack of fueling stations and warehouse capacity at many ports – and inquired if tribes or tribal citizens have experienced economic hardships related to declines in fishing opportunities.

Chair Hostler-Carmesin noted that working waterfront piers are few and far between, and that Trinidad Rancheria recently built a new, modern pier in its bay. The tribe also owns and operates crabbing and fishing vessels, and is looking to expand operations, but it can be challenging to recruit youth to the work given its expense and risk. The project would benefit from some targeted outreach to examine these issues more fully.

7. Staff and agency updates requested by the Committee

(A) *California Ocean Protection Council (OPC)*

Mike Esagro provided an update on numerous items of interest including several funding and planning initiatives of interest to tribes. A draft report for *Pathways to 30x30: Accelerating Conservation of California's Nature* is now available and OPC is seeking public and tribal input; funds are also available through the federal the version of 30x30, America the Beautiful. OPC is engaged with ten coastal tribes in developing a tribal engagement strategy, setting tribal priorities for work with the agency; and is building a coastal resilience strategy to address sea level rise. New funds are being proposed to support and expand the tribal marine stewards network; and tribal engagement continues to expand as part of the marine protected areas decadal management review, with a tribal round table scheduled for May 9, 2022.

(B) *Department*

I. Law Enforcement Division

Chris Stoots reported that the Department continues to negotiate and sign agreements with tribes, and that it is adding more regional tribal liaison capacity.

II. Wildlife and Inland Fisheries Division

Jay Rowan introduced Sarah Musselman as the new tribal liaison for the Inland Fisheries Branch; and announced a new Department unit focused on endangered native fish species. And in the context of extreme drought conditions, the Department continues to collaborate with Klamath Basin tribes on fry release strategies to avoid loss of juvenile chinook.

Scott Gardner and Sarah Fonseca announced forthcoming tribal notices for desert tortoise under the California Endangered Species Act and tribal consultation for a mule deer management plan. Also announced was a wolf livestock loss compensation program, including grants to ease potential tension between livestock operations and wolves.

III. Marine Region (MR)

a. MPA Decadal Management Review (DMR)

Becky Ota described positive coordination between the Department Marine Region and OPC working with six tribal consultants seeking tribal input on the DMR along the entire coast.

A virtual tribal roundtable is scheduled May 9, with a draft summary expected by the end of May. Milestones dates will be published to the DMR website soon.

Chair Hostler-Carmesin requested a copy of the milestone dates.

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

Rebecca Flores-Miller provided an update on proposed changes to bull kelp regulations adopted by the Commission in February 2022. The Department is now pivoting to marine algae subject to human consumption, and prioritizing sea palm. An overview of sea palm geographic range, biology,

density, and commercial harvest was provided, and the Department is considering forming a working group and a tribal engagement strategy.

Discussion

Vice President Zavaleta inquired about the measurement of sea palm with respect to density (per square meter), and how one relates density per square meter to total area. Rebecca indicated that Marine Region is still working with researchers on data standards, methods, and monitoring sites. An update will be provided at the Commission Marine Resources Committee meeting in July.

Notable public comments:

- Keith Rootsart inquired about ancestral knowledge of kelp, otter, urchin, and abalone ecosystems, and asked if urchins are viewed as native or invasive species. How can non-governmental organizations better partner with tribes and the Commission to work on kelp management?

Chair Hostler-Carmesin noted it may be worth a discussion at a future TC meeting.

- Andrew Daunis, commercial kelp harvester, would like the Department and the Commission to facilitate education of stakeholders and facilitate dialogue between tribes and stakeholders.

Chair Hostler-Carmesin suggests this could be a topic of discussion at the July annual tribal planning meeting.

(C) Commission staff

Ari Cornman and Susan Ashcraft provided brief verbal updates on work plan progress for the Wildlife and Marine Resources committees, respectively. 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. No recommended changes to the work plan were made by staff, noting that revisions to the Commission Tribal Consultation Policy may be worth adding to the work plan at a future meeting.

(B) Potential new agenda topics for Commission consideration

No new topics were recommended by TC.

9. General public comment for items not on agenda

None

Adjourn

TC adjourned at 4:40 p.m.