

## STAFF SUMMARY FOR AUGUST 17, 2022

**12. ANNUAL TRIBAL PLANNING MEETING****Today's Item****Information** ☒**Action** ☐

Report on the annual tribal planning (ATP) meeting held pursuant to FGC's Tribal Consultation Policy.

**Summary of Previous/Future Actions**

- Fifth annual meeting with California tribes and tribal communities Jul 20, 2022; ATP, Webinar/Teleconference
- **Today's report** **Aug 17, 2022; Loleta**

**Background**

In Jun 2015, FGC adopted its Tribal Consultation Policy (Exhibit 1), with the purpose of creating a means by which tribes and FGC can effectively work together to realize sustainably-managed natural resources of mutual interest. The policy includes four implementation measures, one of which is FGC hosting an annual tribal planning meeting to coordinate upcoming regulatory and policy activities that are, or are expected to be, before FGC. The meeting is intended to provide a venue for sharing procedural information, identifying regulatory and policy needs, and developing collaborative interests.

The fifth ATP meeting was the third to be convened entirely online, and was abbreviated compared to prior years' meetings in an effort to respect tribal representatives time, given the enhanced FGC engagement with tribes this year (via the tribal subsistence definition project). Staff and agency updates were brief, with the majority of this year's agenda dedicated to a roundtable discussion about tribal priorities and issues of concern (see agenda in Exhibit 2).

Commissioner Hostler-Carmesin moderated the meeting, with representatives from approximately a dozen tribes and tribal communities. In addition, the California Natural Resources Agency (CNRA) Assistant Secretary for Tribal Affairs attended the meeting in person, along with staff from DFW and the California Ocean Protection Council.

The meeting featured:

- a brief review of the 2021 annual meeting;
- FGC's tribal consultation policy, and coordination with CNRA on policy updates; and
- discussion of FGC's co-management definition and vision statement, and consistency with the policies of CNRA and the Governor of California.

The roundtable discussion centered around:

- traditional tribal hunting/gathering and associated costs (e.g., license fees);
- access to traditional food sources on state lands;
- overharvesting in and around marine protected areas and the need for related cultural education of both DFW personnel and the public; and

## STAFF SUMMARY FOR AUGUST 17, 2022

- the need for more protective regulations and a management plan for listed Klamath River spring Chinook.

Based on the discussions, Commissioner Hostler-Carmesin suggested FGC and DFW staff follow up on elk management agreements, coastal gathering permit conditions, and Klamath River salmonids.

A more detailed summary of the meeting is provided as Exhibit 3.

**Significant Public Comments (N/A)****Recommendation (N/A)****Exhibits**

1. [FGC's Tribal Consultation Policy, adopted Jun 2015](#)
2. [Annual tribal planning meeting agenda, Jul 20, 2022](#)
3. [Summary of the Jul 20, 2022 annual tribal planning meeting](#)

**Motion (N/A)**

# **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.

**Commissioners**  
**Samantha Murray**, President  
La Jolla  
**Erika Zavaleta**, Vice President  
Santa Cruz  
**Jacque Hostler-Carmesin**, Member  
McKinleyville  
**Eric Sklar**, Member  
Saint Helena  
**Vacant**, Member

STATE OF CALIFORNIA  
Gavin Newsom, Governor

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## Fish and Game Commission



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### ANNUAL TRIBAL PLANNING MEETING

Committee Chair: Commissioner Jacque Hostler-Carmesin

#### Meeting Agenda

**July 20, 2022; 2:00 p.m. – 4:00 p.m.**

**California Natural Resources Building  
2<sup>nd</sup> Floor, Conference room 3-201  
715 P Street  
Sacramento, CA 95814**

**and**

#### Webinar and Teleconference

***To participate in the meeting, you may join via Zoom or by telephone. [Click here](https://us06web.zoom.us/j/81059378743) or go to <https://us06web.zoom.us/j/81059378743> to join the meeting.***

If you are not able to join using your computer or mobile device app (which give you maximum functionality for participating), you may join by phone by dialing 215-446-3656 or 888-363-4734 (US toll free). Conference code: 506989.

For assistance in joining Zoom meetings, you can visit: <https://support.zoom.us/hc/en-us/articles/200941109>.

#### Call to order

- 1. Introductions and goals**  
Introductions of commissioners, tribal representatives, Commission staff and agency representatives.
- 2. Commission tribal consultation policy and consultation process**  
Brief review of the Commission's tribal consultation policy and discussion of potential policy update concurrent with other state natural resource agencies.

Exhibit 2.1: FGC Tribal Consultation Policy

3. **Recap of 2021 annual tribal planning meeting; review of Commission tribal projects and priorities for 2023**

Brief summary of the major discussion topics and outcomes from the 2021 meeting, and review of current and anticipated projects.

Exhibit 3.1: 2021 Annual Tribal Planning Meeting – agenda

Exhibit 3.2: 2021 Annual Tribal Planning Meeting – post-meeting summary

Exhibit 3.3: TC work plan

Exhibit 3.4: What is the Tribal Committee?

4. **Roundtable discussion about tribal priorities and issues of concern**

An opportunity for tribal representatives to share current priorities and issues of concern to help identify and explore potential opportunities for collaboration or action by the Commission. Items from this discussion can also help shape the work of the Commission's Tribal Committee.

5. **Closing thoughts**

Adjourn

**Commissioners**  
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## **Fish and Game Commission**



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### **ANNUAL TRIBAL PLANNING MEETING**

#### **July 20, 2022 Meeting Summary Sacramento, Webinar and Teleconference**

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

Commissioner Jacque Hostler-Carmesin welcomed everyone to the meeting, and then introduced Tribal Advisor and Liaison Chuck Striplen and Executive Director Melissa Miller-Henson.

Commissioner Hostler-Carmesin moderated the meeting, with representatives from approximately a dozen tribes and tribal communities in attendance. In addition, the California Natural Resources Agency (CNRA) Assistant Secretary for Tribal Affairs Geneva E.B. Thompson attended the meeting in person, along with staff from the California Department of Fish and Wildlife (Department) and the California Ocean Protection Council.

#### **1. Introductions and goals**

Commissioner Hostler-Carmesin invited attendees to introduce themselves. Tribal representatives introduced themselves first, followed by Department staff, other agency staff, and then Commission staff. Chuck Striplen briefly reviewed the agenda for the meeting.

#### **2. Commission tribal consultation policy and consultation process**

Chuck Striplen reviewed the Commission's tribal consultation policy and staff's coordination with other state natural resource agencies on updating consultation policies; Geneva Thompson described her role in coordinating this effort. She hopes to have a report soon on the work.

On mention of the training element of the Commission's Tribal Consultation Policy, one tribal representative asked about available training for tribes. No formal training is currently available, but several attendees supported a range of possible trainings, including monitoring and data collection, drone surveys, the California Administrative Procedure Act, and Commission processes (e.g., petitions). Commission and DFW staff committed to follow-up with appropriate contacts and to discuss possible training opportunities internally.

Geneva E.B. Thompson noted that the Native American Heritage Commission offers [AB52 tribal consultation training](#).

### **3. Recap of 2021 annual tribal planning meeting; review of Commission tribal projects and priorities for 2022-2023**

Chuck Striplen provided a brief summary of the major discussion topics and outcomes from the 2021 annual tribal planning meeting.

Several tribal representatives made note of issues related to overharvest and DFW enforcement in and around marine protected areas. They suggested that both the public and DFW personnel would benefit from training and education pertaining to tribal rights to resources and appropriate gathering practices (potentially via permit conditions), as well as training for tribal citizens on code compliance; this could be viewed as a measure to start reflecting traditional ecological knowledge in regulatory and management processes. DFW staff expressed appreciation for the feedback and will follow up individually.

A tribal representative also suggested that the Commission should explore updating its co-management vision and definition to ensure consistency with related policy initiatives at CNRA and Governor's office. Many tribes are currently engaged in various forms of co-management, which could inform an improved definition, vision, or policy. Commissioner Hostler-Carmesin highlighted how the Commission has been a trailblazer on the subject of co-management and agreed that revisiting the topic would be appropriate in the context of Governor Newsom's policy initiative; she also requested that Geneva E.B. Thompson be part of the conversation.

### **4. Roundtable discussion about tribal priorities and issues of concern**

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.

A representative from the Karuk Tribe described the complexity of issues facing tribes and salmonids on the Klamath River in the context of looming dam removal and recent federal court decisions affecting tribal sovereignty – highlighting the need to get thoughtful co-management agreements on track.

Representatives from Graton, Kashia, and Resighini spoke about the need for support for tribal resource management programs. Tribes are engaged more and more in monitoring everything from kelp to black bears, and rely on competitive, ephemeral funding sources to maintain program staffing and productivity. The process to craft agreements with DFW or FGC is not clear to some tribes, especially in multi-jurisdictional contexts (e.g., Point Reyes). DFW staff committed to following up on this matter.

Representatives from Dry Creek and United Auburn Indian Community spoke about challenging effects from COVID and wildfires. Dry Creek, in spite of being especially hard hit by COVID, continues to expand its creek and river restoration efforts, and Auburn is focused on building tribal capacity in traditional fire management in collaboration with other tribes. The representative from the Karuk Tribe spoke of legislation designed to recognize tribes' sovereign right to manage their ancestral lands (e.g., with fire), and the tribe's work in support of that effort (<https://karuktribeclimatechangeprojects.com/good-fire/>).

Geneva E.B. Thompson and Mike Esgro introduced opportunities for tribal consultation:

- Governor's Fifth Climate Change Assessment – an effort to integrate tribal priorities and tribal ecological knowledge into the assessment for climate change. A research grant program and tribal advisory group are being developed, and nominations for the advisory committee are currently being sought. Also see survey below.
- CNRA Outdoors for All Initiative: Tribal Roundtable Listening Sessions  
Listening Session 1: August 17, 2022, at 10:00 a.m. – 12:00 p.m.  
Listening Session 2: August 18, 2022, at 5:30 – 7:30 p.m.
- OPC's draft tribal engagement strategy is currently released for tribal review.
- [OPC survey](#) for the Fifth Climate Change Assessment – designed to gather input on California-specific research priorities that will inform the scope of climate adaptation and resilience research conducted as a part of the national assessment being led by the U.S. Global Change Research Program.

## **5. Closing thoughts and adjourn**

Based on the discussions, Commissioner Hostler-Carmesin suggested Commission and DFW staff follow up on elk management agreements, coastal gathering permit conditions, and Klamath River salmonids. Any proposed changes to the Tribal Committee work plan will be discussed internally and with the Commission.