

## STAFF SUMMARY FOR FEBRUARY 8-9, 2023

**29C. TRIBAL COMMITTEE****Today's Item**Information Action 

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next Tribal Committee meeting on April 18, 2023.

**Summary of Previous/Future Actions**

- Previous Tribal Committee meeting                      Dec 13, 2022; San Diego
- **Today consider approving agenda topics**                      **Feb 8-9, 2023; Sacramento**
- Next Tribal Committee meeting                              Apr 18, 2023; Fresno/Bakersfield area

**Background**

The Tribal Committee (TC) works under Commission direction to set and accomplish its work plan (Exhibit 1). Today the Commission will be asked to consider any recommendations, as well as provide direction, revisions, and timing for any referred topics for the next TC meeting in April 2023. Topics that have been referred from the Commission to the TC are displayed within a work plan to help with scheduling and tracking (Exhibit 1).

At the Commission's December 2022 meeting, changes to the work plan were discussed and tabled to the February 2023 meeting (see Exhibit 2 for a meeting summary). Committee Chair Hostler-Carmesin proposed, and the Commission discussed, the potential to bring the ad hoc tribal subsistence harvest definition workgroup (approved by the Commission at its August 2021 meeting), into the context of public TC meetings starting in 2023. There was agreement neither among tribes nor the Commission, and further discussion and/or changes to the TC work plan were continued to this meeting.

***Next Committee Meeting***

The next TC meeting is scheduled for April 18, 2023 in the Fresno/Bakersfield area. In addition to the standing agenda items (annual tribal planning meeting, updates on species management plans, committee cross-pollination, staff and other agency updates, Commission rulemaking timetable, and future agenda topics), two discussion topics are proposed:

1. *Co-management roundtable discussion*: Discuss co-management with tribal representatives who can share their co-management interests and experiences.
2. *Definition of "tribal subsistence," and related management mechanisms*: Discuss the tribal subsistence workgroup efforts moving forward.

In addition, the April TC meeting follows the MPA Day: Management Review Forum, which takes place in Monterey on March 15. At its April 2023 meeting, the Commission will discuss the management review and any recommendations. Several tribal representatives and the TC expressed interest in hearing tribal perspectives on the decadal management review at the April TC meeting; the topic is suggested as another discussion item.

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

**Recommendation**

**FGC staff:** Approve the Committee work plan as reflected in Exhibit 1, including any changes identified during today's meeting.

**Exhibits**

1. [Committee work plan, updated February 1, 2023](#)
2. [December 2022 TC meeting summary \(will be distributed with supplemental materials\)](#)

**Motion**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission approves the changes to the Tribal Committee work plan and approves the topics for the April 18, 2023 Tribal Committee meeting, as discussed today.

# California Fish and Game Commission Tribal Committee (TC) Work Plan

*Updated February 1, 2023*

Topic / Goal	Type / Lead	Dec 2022	Apr 2023	Aug 2023
<b>Special Projects</b>				
FGC justice, equity, diversity and inclusion plan	FGC Project			X
Tribal subsistence definition and related management mechanisms	TC Project	X	X	X
Co-management roundtable discussion	TC Project	X	X	X
Coastal Fishing Communities Project: Updates	MRC Project	X	X	
<b>Regulatory / Legislative</b>				
Kelp and algae harvest management regulations: Updates and then recommendation and guidance	DFW Project and Regulation Change	X	X	X
<b>Management Plans</b>				
Sheep, deer, antelope, trout, abalone, kelp/seaweed: Updates and guidance (timing as appropriate for each)	DFW	X	X	X
<b>Informational Topics</b>				
Agency updates OPC – MPA Statewide Leadership Team; tribal outreach strategy; Tribal Marine Stewards Network DFW – Possible items include: – Marine protected areas decadal management review, update on tribal participation – Drought/wildfire impacts and state response – Climate adaptation, mitigation, science – Statewide kelp and abalone recovery efforts – Proposition 64 (cannabis) implementation – Other items as identified by DFW Other agencies, as appropriate or requested	OPC DFW	X	X X	X X
Cross-pollination with MRC and WRC: Identify tribal concerns and common themes with MRC and WRC	FGC Committees	X	X	X
FGC regulatory calendar: Update	FGC staff	X	X	X

**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  
 OPC = California Ocean Protection Council

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

## Fish and Game Commission



*Wildlife Heritage and Conservation  
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### **TRIBAL COMMITTEE** **Committee Chair: Commissioner Hostler-Carmesin** **Visiting commissioner: Vice President Erika Zavaleta**

### **December 13, 2022 Meeting Summary**

Following is a summary of the California Fish and Game Commission (Commission) Tribal Committee (TC) meeting as prepared by staff. A video recording of the meeting is available on the Commission's YouTube page.

#### **Call to Order**

The meeting was called to order at 1:00 p.m. by TC Chair Hostler-Carmesin, who also welcomed visiting Commissioner Erika Zavaleta. The meeting was held in person in San Diego 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  
Hon. Amanda O'Connell Councilwoman, Tolowa Dee-ni' Nation  
Hon. Bernice Paipa Chairwoman, Iipay Nation of Santa Ysabel  
Dr. Stan Rodriguez, Ed.D (Iipay) Commissioner, Native American Heritage Commission

#### **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**

Jay Rowan

Chief, Fisheries Branch

Sarah Musselman

Inland Program Manager and Branch Tribal Liaison,  
Fisheries Branch

Craig Shuman

Regional Manager, Marine Region

Chris Stoots

Assistant Chief, Law Enforcement Division and LED Tribal  
Liaison

Sarah Fonseca

Tribal Cultural Resources Specialist

Becky Ota

Marine Habitat Conservation Program Manager, Marine  
Region

**1. Approve agenda and order of items**

TC approved the agenda in the order listed.

**2. Annual tribal planning meeting**

Tribal Advisor and Liaison Chuck Striplen provided a brief summary of July 20, 2022 annual tribal planning meeting.

**Discussion**

A tribal citizen asked about a possible Commission role in examining the issue of microplastics in the marine environment, especially as it might affect culturally important species.

Vice President Zavaleta encouraged the Committee to continue to host meetings in a hybrid format in the interest of maximizing access; and underscored the discussion of state support for overburdened tribal partners.

**3. Co-management roundtable discussion**

The Committee received presentations from Miguel Luna, Tribal Historic Preservation Officer (THPO) for the Fernandeño Tataviam Band of Mission Indians, on the tribe's new Tribal Conservation Corps and other tribal projects; and Buffy McQuillen, THPO for the Federated Indians of Graton Rancheria, on the tribe's co-management agreements with the Sonoma County, the National Park Service, and other state and federal partners.

**Discussion**

Chairman Attebery relayed important discussion points from a recent tribal summit at the White House, citing improved federal support for tribal co-management, co-stewardship, and inclusion of indigenous knowledge.

Further discussion of Graton Rancheria's agreement with the National Park Service resulted in a request from another tribe for a copy of that agreement. Buffy McQuillen indicated she would share it with Commission staff who can provide it to requesting tribes.

Several tribal representatives spoke to the importance of protecting tribal knowledge, tribal intellectual property, and respect for tribal data sovereignty. Vice President Zavaleta underscored these points, citing a long history of harm that has occurred from research communities and researchers from taking tribal knowledge. She also mused whether the University of California system might better support tribal capacity through partnerships.

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

Chuck Striplen provided a brief update on the previous day’s tribal subsistence harvest definition project, and several tribes that attended the meeting shared some of their reflections.

##### ***Discussion***

The workgroup evaluated some draft questions to help shape a white paper on this topic and had a discussion about the goal and structure of the workgroup itself, including a Committee proposal to move the workgroup meetings into the public context of regular committee meetings. There was general consensus among attending tribes that the current “government-to-government framework” should be maintained until more substantive progress has been made.

Chair Hostler-Carmesin indicated a desire for more discussion with the full commission at the next day’s Commission meeting.

#### 5. Staff and agency updates requested by the Committee

##### **(A) California Natural Resources Agency (CNRA)**

*Chuck Striplen provided updates submitted by Assistant Secretary Thompson, notably the onset of an early consultation period on the development of two new programs; (1) the Tribal Nature-Based Solutions program, and (2) the Tribal Youth Nature-Based Solutions Conservation Corps program; the conclusion the early consultation period for the development of the new Outdoors for All Strategy; and CalFIRE will be solicitating grant applications starting December 15 for the Tribal Wildfire Grant Program.*

##### **(B) California Ocean Protection Council (OPC)**

OPC staff and leadership were attending COP15 in Montreal and will provide updates at the next meeting of the TC.

##### **(C) Department**

###### *I. Law Enforcement Division*

*No significant updates to report.*

###### *II. Wildlife and Inland Fisheries Division*

Jay Rowan reported; announced the release of \$200 million in drought, climate, and nature-based solution grant funds, information available on the CDFW watershed restoration website; on tribal consultation taking place for the southern California steelhead status review, with a tribal listening session to take place on Feb 2, 2023. Notification letters will be sent in January.

Sara Musselman reported on the Emergency Summit for the Clear Lake Hitch which took place on Dec 8. Five tribal governments were represented, in addition to representatives from Lake County, the Department of Water Resources, the State Water Board, CDFW, and the US Fish and Wildlife Service.

Vice President Zavaleta and Chair Hostler-Carmesin commended the Department and tribes for a quickly-organized summit at the Commission’s request. Jay Rowan thanked the tribes for the quality of the science provided to the Department, which greatly aids their partnership and pursuit of co-management with the tribes.

Tribal Cultural Resource Specialist Sarah Fonseca with the Wildlife Branch Lands Program announced recruitment for an agency tribal liaison; CDFW actively seeking tribal input on upcoming elk and bighorn sheep regulations; the bear management plan; and CESA listing items for greater sage grouse and bumblebee. The Department continues to expand partnerships with tribes, noting a new contract with the Climate Science Alliance, and CDFW is experimenting with cultural burns on CDFW lands through a pilot project.

*III. Marine Region (MR)*

a. MPA Decadal Management Review (DMR)

Environmental Program Manager Becky Ota with the Marine Region Habitat Conservation Program, described the completion of a draft tribal chapter in the DMR that is now circulating for tribal review. North coast tribal consultant, Ruthie Malone, expressed appreciation for the Department's process; and Emily Burgeuno, with the Santa Ysabel Ipai Nation, suggested that the report clearly indicate which tribes did and did not participate in the development of this report, and that the Department continue some measure of outreach efforts to tribes that did not have the opportunity to consult.

**(D) Commission staff**

**6. Future agenda items**

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

No recommended changes to the work plan from staff, but Chair Hostler-Carmesin noted we may consider adding updates on the microplastics issue introduced by Fred Briones, citizen of the Big Valley Band of Pomo Indians. Craig Shuman suggested the Commission might work with OPC to provide a summary of its tracking of the issue.

**(B) Potential new agenda topics for Commission consideration**

**7. General public comment for items not on agenda**

Fred Briones, citizen of the Big Valley Band of Pomo Indians, offered his thoughts on the Clear Lake hitch, and the importance of agencies understanding tribal perspectives on the causes of the water quality and quantity issues affecting the hitch.

Emily Burgueno called for more outreach for tribal members in the area to attend TC.

Adjourn at 4:49 p.m.