

California Fish and Game Commission Tribal Committee

Meeting Materials

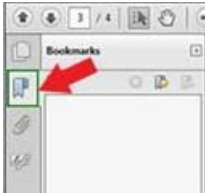


April 18, 2023

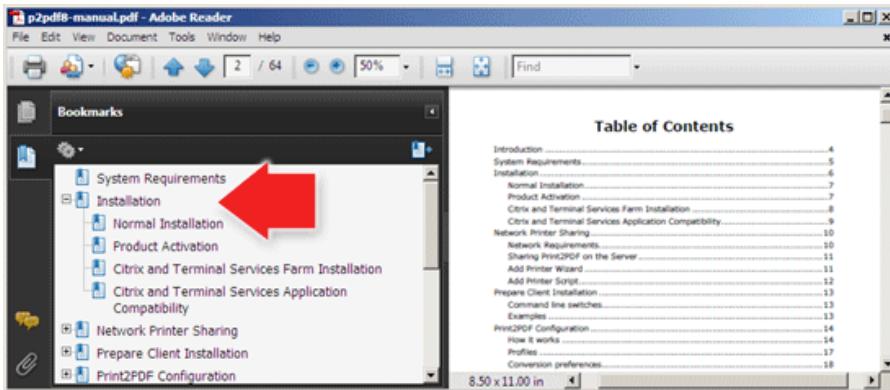
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
EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.
2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It's helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. You can resize the two panels by placing your cursor in the dark, vertical line  located between the panels and using a long click /tap to move in either direction.
6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.
8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.
9. Do not hesitate to contact staff if you have any questions or would like assistance.

Overview of the Fish and Game Commission Tribal Committee Meeting

- Welcome to this meeting of the California Fish and Game Commission Tribal Committee. The Committee is comprised of up to two Commissioners who co-chair each meeting; members are assigned annually by the Commission. Currently the Tribal Committee is chaired by Commissioner Jacque Hostler-Carmesin.
- Our goal today is informed discussion to guide future decision making and we need your cooperation to ensure a lively and comprehensive dialogue.
- We are operating under Bagley-Keene Open Meeting Act, but it is important to note that the Committee chair cannot take action independent of the full Commission; instead, the chair makes recommendations to the full Commission at regularly scheduled meetings.
- These proceedings are being recorded and will be posted to our website for reference and archival purposes.
- Items may be heard in any order pursuant to the determination of the committee chair.
- Requests for regulatory change must be directed to the full Commission and submitted on the required petition form, FGC 1, available on the Commission website and from staff. However, at the Committee's discretion, it may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.
- Committee meetings operate informally and provide an opportunity for everyone to provide input on agenda items. If you wish to contribute to an agenda item, please follow these guidelines:
 1. Raise your hand and wait to be recognized by the Committee chair.
 2. Provide your name, affiliation (if any), and the number of people you represent.
 3. Time is limited; please keep your contribution precise to give others time to speak.
 4. If several speakers have similar ideas or concerns, please appoint a group spokesperson.
 5. If speaking during general public comment, the subject matter you present should not be related to any item on the current agenda (public input on agenda items will be taken at the time the Committee discusses each item).

Introductions for the California Fish and Game Commission Tribal Committee Meeting

Commissioners

| | |
|-------------------------|-------------------------|
| Jacque Hostler-Carmesin | Chair |
| Anthony Williams | “Visiting” commissioner |

Commission Staff

| | |
|-----------------------|--------------------|
| Melissa Miller-Henson | Executive Director |
| Susan Ashcraft | Marine Advisor |
| Ari Cornman | Wildlife Advisor |
| Cynthia McKeith | Analyst |
| David Haug | Analyst |

California Department of Fish and Wildlife

| | |
|---------------|---|
| Chad Dibble | Deputy Director and Liaison to the Commission |
| Scott Gardner | Chief, Wildlife Branch |
| Jay Rowan | Chief, Fisheries Branch |
| Chris Stoots | Assistant Chief and Tribal Liaison, Law Enforcement Division |
| Craig Shuman | Regional Manager, Marine Region |
| Sarah Fonseca | Department Tribal Liaison, Office of Justice, Equity, Diversity and Inclusion |
| Becky Ota | Environmental Program Manager, Habitat Conservation Program, Marine Region |
| Kirsten Ramey | Environmental Program Manager, State Managed Finfish and Nearshore Ecosystem Program, Marine Region |

California Ocean Protection Council

| | |
|---------------|--|
| Michael Esgro | Marine Ecosystems Program Manager and Tribal Liaison |
|---------------|--|

Commissioners
Eric Sklar, President
Saint Helena

Erika Zavaleta, Vice President
Santa Cruz

Jacque Hostler-Carmesin, Member
McKinleyville

Samantha Murray, Member
La Jolla

Anthony Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

Melissa Miller-Henson
Executive Director
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Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

TRIBAL COMMITTEE (TC)

Committee Chair: Commissioner Hostler-Carmesin

Meeting Agenda and Materials

April 18, 2023; 1:30 p.m.

Participate in Person

Wyndham Garden Fresno Yosemite Airport
5090 East Clinton Way
Fresno, CA 93727

Participate via Webinar

To participate in the meeting virtually, please join via Zoom or by telephone.

Click here or go to <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=210869&inline> for instructions on how to join the meeting.

Pursuant to California Government Code Section 11133, this committee meeting is being conducted by webinar/teleconference in addition to the in-person location. Commission members may participate remotely. The public may provide public comment during the public comment periods and otherwise observe remotely, consistent with the Bagley-Keene Open Meeting Act.

Note: Please see important meeting procedures and information at the end of the agenda. All agenda items are informational and/or discussion only. The Committee develops recommendations to the Commission but does not have authority to make policy or regulatory decisions on behalf of the Commission.

Call to Order

1. Approve agenda and order of items

2. Annual tribal planning meeting

Discuss updates on priorities identified at the July 20, 2022 tribal planning meeting, held annually pursuant to the Commission's Tribal Consultation Policy, and start initial discussions on 2023 meeting planning.

Exhibit 2.1: *Commission Tribal Consultation Policy, dated Jun 2015*

Exhibit 2.2: *Summary of July 20, 2022 Commission Annual Tribal Planning meeting*

3. Co-management roundtable discussion

Discuss tribal co-management initiatives and projects planned or underway in collaboration with public agencies and California tribes.

Exhibit 3.1: [Adopted co-management vision statement and definition, dated Feb 2020](#)

4. Staff and agency updates requested by the Committee

Receive updates from staff and other agencies, including current topics on the work plan for which the Committee has requested an update.

(A) California Natural Resources Agency (CNRA)

I. 30x30 Initiative

Exhibit 4.1: [CNRA news release: California Leaders Hail Sweeping Global Deal to Protect Nature, dated December 19, 2022](#)

II. Tribal nature-based solutions

Exhibit 4.2: [CNRA webpage: Tribal Nature-Based Solutions Program](#)

(B) California Ocean Protection Council (OPC)

I. OPC draft tribal engagement strategy: Consultation and listening sessions

Exhibit 4.3: [Tribal Engagement Strategy, State of California, Ocean Protection Council, dated January 2023](#)

(C) California Department of Fish and Wildlife

I. Law Enforcement Division

II. Wildlife and Fisheries Division

III. Marine Region

i. Kelp and algae harvest management regulations

Exhibit 4.4: [CDFW update on kelp and algae harvest management regulations](#)

(D) Commission staff

I. Wildlife Resources Committee

Exhibit 4.5: [Wildlife Resources Committee work plan, revised April 12, 2023](#)

Exhibit 4.6: [Proposed Revisions to the Commission-Designated Wild Trout Waters Policy, dated April 6, 2023](#)

II. Marine Resources Committee

i. Decadal management review of California's MPAs network

Exhibit 4.7: [Table 6.1. Adaptive management recommendations and actions to prioritize for the next decade of the adaptive management cycle. Extracted from Marine Protected Area Network Decadal Management Review, California Department of Fish and Wildlife report, 2022](#)

ii. Potential coastal fishing communities policy

Exhibit 4.8: [Proposed Coastal Fishing Communities Policy, dated March 7, 2023](#)

Exhibit 4.9: [Marine Resources Committee work plan, updated March 27, 2023](#)

- III. Tribal subsistence harvest definition workgroup
 - [Exhibit 4.10: Sample of letter sent to tribes and tribal communities regarding the tribal subsistence harvest definition workgroup](#)
- IV. Justice, equity, diversity and inclusion plan
- V. Commission rulemaking timetable
 - [Exhibit 4.11: Commission rulemaking timetable, dated April 5, 2023](#)
 - [Exhibit 4.12: April 19-20, 2023 Commission meeting agenda](#)
 - [Exhibit 4.13: Potential agenda items for June 14-15, 2023 Commission meeting, dated April 13, 2023](#)

5. Future agenda items

- (A) Review work plan agenda topics, priorities, and timeline
 - [Exhibit 5.1: TC work plan, revised April 14, 2023](#)
- (B) Potential new agenda topics for Commission consideration

6. General public comment for items not on agenda

Receive public comment regarding topics not included in this agenda.

Note: The Committee may not discuss or take action on any matter raised during this item, except to consider whether to recommend that the matter be added to the agenda of a future meeting [Sections 11125, 11125.7(a), Government Code].

Adjourn

California Fish and Game Commission Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations. All Commission meetings will include a webinar/teleconference option for attendance and every effort will be made to ensure that committee meetings include the same.

| Meeting Date | Commission Meeting | Committee Meeting |
|----------------|---|---|
| April 19-20 | Wyndham Garden Fresno Yosemite Airport 5090 East Clinton Way Fresno, CA 93727 | |
| May 17 | Teleconference | |
| May 17 | | Wildlife Resources Monterey/Santa Cruz area |
| June 14-15 | CalEPA Building Coastal Hearing Room 1001 I Street, 2nd Floor Sacramento, CA 95814 | |
| July 20 | | Marine Resources Sonoma/San Francisco Bay area |
| August 21 | | Tribal River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540 |
| August 22-23* | River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540 | |
| September 21 | | Wildlife Resources Chico area |
| October 11-12 | San Jose area | |
| November 16 | | Marine Resources San Diego area |
| December 12 | | Tribal San Diego area |
| December 13-14 | San Diego area | |

* Note that these dates are a Tuesday and Wednesday

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 23-27; 2023 – Calgary, Alberta, Canada

Native American Fish and Wildlife Society

- April 23-27, 2023 – Anchorage, AK

Pacific Fishery Management Council

- April 2023 – Foster City, CA
- June 2023 – Vancouver, WA
- September 2023 – Spokane, WA
- November 2023 – Garden Grove, CA

Pacific Flyway Council

- August 2023 – Location TBD

Western Association of Fish and Wildlife Agencies

- July 9-14, 2023 – Santa Fe, NM

Wildlife Conservation Board

- May 2023 – Sacramento, CA
- August 2023 – Sacramento, CA
- November 2023 – Sacramento, CA

Important Committee Meeting Procedures Information

Welcome to a meeting of the California Fish and Game Commission's Tribal Committee. The committee is composed of and chaired by up to two commissioners; these assignments are made by the Commission each year.

The goal of the committee is to allow greater time to investigate issues before the Commission than would otherwise be possible. Committee meetings are less formal in nature and provide for additional access to the Commission. The committee follows the noticing requirements of the Bagley-Keene Open Meeting Act. It is important to note that committee chairs cannot take action independent of the full Commission; instead, the chairs make recommendations to the full Commission at regularly scheduled meetings.

The Commission's goal is preserving our outdoor heritage and conserving our natural resources through informed decision-making; committee meetings are vital in developing recommendations to help the Commission achieve that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Equal Employment Opportunity (EEO) Office at (916) 653-9089 or EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language (ASL) interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These time frames are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

Submitting Written Materials

The public is encouraged to attend committee meetings and engage in the discussion about items on the agenda; the public is also welcome to comment on agenda items in writing. You may submit your written comments by one of the following methods (only one is necessary): **Email** to fgc@fgc.ca.gov; or **mail** to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; or **deliver** to California Fish and Game Commission, 715 P Street, Sacramento, CA 95814; or **hand-deliver** to a committee meeting.

Comment Deadlines

The **Written Comment Deadline** for this meeting is **5:00 p.m. on Friday, April 7, 2023**. Written comments received at the Commission office by this deadline will be made available to the committee chair prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on Thursday, April 13, 2023**. Comments received by this deadline will be made available to the committee chair at the meeting.

After these deadlines, written comments may be delivered in person to the meeting; please bring **five** (5) copies of written comments to the meeting.

*The committee **will not** consider comments regarding proposed changes to regulations that have been noticed by the Commission. If you wish to provide comment on a noticed item,*

please provide your comments during Commission business meetings, via email, or deliver to the Commission office.

Note: Materials provided to the committee may be made available to the general public.

Regulation Change Petitions

As a general rule, requests for regulatory change must be redirected to the full Commission and submitted on the required petition form, FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (Section 662, Title 14, California Code of Regulations). However, at the committee's discretion, the committee may request that staff follow up on items of potential interest to the committee and possible recommendation to the Commission.

Speaking at the Meeting

Committee meetings operate informally and provide opportunity for everyone to comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:

1. You will be given instructions during the meeting for how to be recognized by the committee chair to speak.
2. Once recognized, please begin by giving your name and affiliation (if any) and the number of people you represent.
3. Time is limited; please keep your comments concise so that everyone has an opportunity to speak.
4. If there are several speakers with the same concerns, please try to appoint a spokesperson and avoid repetitive comments.
5. If speaking during public comment for items not on the agenda (Agenda Item 2), the subject matter you present should not be related to any item on the current agenda (public comment on agenda items will be taken at the time the Committee members discuss that item). As a general rule, public comment is an opportunity to bring matters to the attention of the committee, but you may also do so via email or standard mail. At the discretion of the committee, staff may be requested to follow up on the subject you raise.

Visual Presentations/Materials

All electronic presentations must be submitted by the **Supplemental Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov or delivered to the Commission on a USB flash drive by the deadline.
2. All electronic formats must be Windows PC compatible.
3. If participating in person, it is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.

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



*Wildlife Heritage and Conservation
Since 1870*

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.

California Fish and Game Commission
Co-Management Vision Statement and Definition

February 2020

Vision Statement

The vision of tribes, the California Fish and Game Commission, and the California Department of Fish and Wildlife is to engage in a collaborative effort between sovereigns to jointly achieve and implement mutually agreed upon and compatible governance and management objectives to ensure the health and sustainable use of fish and wildlife.

Definition

A collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area or set of natural resources.



California Leaders Hail Sweeping Global Deal to Protect Nature

Published Date: 19 Dec 2022

Close to 200 Countries Agree to Protect 30 Percent of the Planet by 2030,
a Target California Embraced in 2020

Sacramento - Governor Newsom and California leaders applauded a landmark global agreement reached today to protect nature and stem the loss of biodiversity worldwide. The signing of the agreement in Montreal on the last day of the United Nations' COP 15 Conference is a 10-year agreement that sets targets in 22 areas, including protecting 30 percent of the planet by 2030.

"Two years ago, California made history as the first state in the nation to set a goal to conserve 30 percent of our beautiful land and coastal waters by 2030 – a model for global action to protect our planet," said Governor Newsom. "With the agreement signed in Canada, the rest of the world joins our pledge in one of the most transformative moments of human progress we've witnessed in our lifetimes. On the heels of losing mountain lion P-22, who inspired us to redouble our efforts to protect California's diverse species and habitats, we're reminded more than ever how important this work is. Together, with the weight of the world now behind us, we will make this goal a reality so we can leave this world and its natural beauty better off for future generations."

California established a first-in-the-nation 30x30 conservation goal in 2020 to protect biodiversity, expand access to nature and combat climate change through Governor Newsom's [nature-based solutions executive order](#). The California Natural Resources released a [groundbreaking roadmap](#) this fall to achieve 30x30 through voluntary, collaborative actions with the help of thousands of Californians and partner organizations.

California brought a robust delegation to Montreal for these negotiations, including California Natural Resources Secretary Wade Crowfoot and seven elected members of the California Legislature. California called for more ambitious action to safeguard the diversity of life on earth. More on the delegation's activities on the international stage in Montreal is available [here](#).

"California is proving we can protect nature through world-leading actions like 30x30," said Crowfoot. "And COP 15 shows there is international momentum to collectively protect and restore nature and stem the crisis of extinction across the planet. We're here to urge world leaders to translate talk into action."

###

<https://resources.ca.gov/Newsroom/Page-Content/News-List/California-Leaders-Hail-Sweeping-Global-Deal-to-Protect-Nature>



CALIFORNIA
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Tribal Nature-Based Solutions Program

The California Natural Resources Agency is proud to announce the establishment of the new Tribal Nature-Based Solutions Program. This Program was developed in response to the consultations and input received from California Native American tribes during the tribal consultations on Governor Newsom's [Executive Order N-82-20](#) (Nature-Based Solutions Executive Order), the [Pathways to 30x30 Strategy](#), and [Natural and Working Lands Climate Smart Strategy](#). In the Executive Order and both Strategies, the California Natural Resources Agency has committed to working towards meaningful partnerships with California Native American tribes in the implementation of our nature-based solutions policies and programs. The new Tribal Nature-Based Solutions program and grant funds are part of that commitment and will be available to assist California Native American tribes in advancing multi-benefit nature-based solutions priorities for their communities.

Draft Tribal Nature-Based Solutions Grant Guidelines

On February 3, 2023, the California Natural Resources Agency has released draft grant guidelines for the new Tribal Nature-Based Solutions grant program for tribal consultation and public comment. Pursuant to Chapter 249, statutes of 2022 (Assembly Bill 179), the California Legislature appropriated \$70 million to the California Natural Resources Agency for competitive grants for Native American tribes located within the state of California. These funds are available for encumbrance or expenditure until June 30, 2027. This new program and grant funds will assist California Native American tribes in advancing multi-benefit nature-based solutions consistent with the 2021 Nature-Based Solutions trailer bill, Chapter 258 of the Statutes of 2021, the Pathways to 30x30 Strategy, and the Natural and Working Lands Climate Smart Strategy.

We respectfully request tribal consultations and written public comments be held and sent by May 5, 2023. Requests for consultations and written comments can be sent via email to tribalaffairs@resources.ca.gov with the subject line "Tribal Nature-Based Solutions."

Given delayed mailing times, email submission is preferred for written comments, but you may also submit consultation responses and public comment via mail to:

California Natural Resources Agency
ATTN: Geneva E. B. Thompson, Assistant Secretary for Tribal Affairs
715 P Street, 20th Floor
Sacramento, CA 95814

To learn more about the new Tribal Nature-Based Solutions logo, please read our [blog post](#) explaining the importance of protecting and respecting culturally important native species.

Draft Tribal Nature-Based Solutions Grant Program Materials and Resources

- [Draft Tribal Nature-Based Solutions Grant Guidelines](#)
- Summary Resources
 - [Tribal Nature-Based Solutions Draft Grant Guideline Summary](#)
 - [30x30 Overview and Tribal Nature-Based Solutions Project Examples](#)
 - [Natural and Working Lands Climate Smart Strategy Overview and Priorities](#)
 - [Ocean Protection Council's Tribal Engagement Strategy](#)
 - [Tribal Nature-Based Solutions Draft Grant Guidelines Frequently Asked Questions](#)
- Additional Tribal Nature-Based Solutions Program Materials
 - [Draft Tribal Nature-Based Solutions Technical Experts criteria](#)
 - [Draft Tribal Natural Resources Council Concept](#)

<https://resources.ca.gov/Initiatives/Tribalaffairs/Tribal-Nature-Based-Solutions-Program>

TRIBAL ENGAGEMENT STRATEGY

The logo is a circular emblem with a gradient from yellow-green at the top to teal at the bottom. It features a stylized wave or ribbon shape across the center.

CALIFORNIA
OCEAN
PROTECTION
COUNCIL



State of California
Ocean Protection Council

January 2023

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Disclaimer:

This policy is intended to ensure effective consultation and engagement between OPC and tribes. The policy is not intended, and should not be construed, to define a legal relationship between OPC and tribes. This document does not create, expand, limit, waive, or interpret any legal rights or obligations.

I. Background and Purpose

Native peoples have inhabited the California coast since time immemorial. California Native American tribes (tribes), defined below, share a unique relationship with the natural systems and resources of California and hold unique responsibilities and reciprocity with their members and homelands. Tribes have distinct cultural, spiritual, environmental, economic, and public health interests, and hold unique traditional cultural and ecological knowledge relating to natural systems in California.

In September 2011, Governor Edmund G. Brown, Jr. issued Executive Order B-10-11¹, which states that California is “committed to strengthening and sustaining effective government-to-government relationships between the State and the Tribes.” The Order specifies that the Governor’s Tribal Advisor “shall oversee and implement effective government-to-government consultation between [the] Administration and Tribes on policies that affect California tribal communities.” The Order continues by providing, among other things, that it is the policy of the Administration that “every State agency and department ... shall encourage communication and consultation,” including through opportunities “to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.”

In June 2019, Governor Gavin Newsom issued Executive Order N-15-19² apologizing on behalf of the state to California Native Americans for the many instances of violence, mistreatment and neglect inflicted upon California Native Americans throughout the state’s history, leading to the creation of a tribally-led, consultation-informed Truth and Healing Council to address these issues. This Executive Order reaffirmed Executive Order B-10-11 and incorporated its tribal consultation principles by reference.

In September 2020, Governor Newsom released a Statement of Administration Policy³ on Native American Ancestral Lands. This policy statement encourages state entities to seek opportunities to

¹ Executive Order B-10-11 (2011), <https://www.ca.gov/archive/gov39/2011/09/19/news17223/index.html>.

² Executive Order N-15-19 (2019), <https://www.gov.ca.gov/wp-content/uploads/2019/06/6.18.19-Executive-Order.pdf>

³ <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.25.20-Native-Ancestral-Lands-Policy.pdf>

support tribes' co-management of, and access to, natural lands that are within a tribe's ancestral land and under the ownership or control of the State of California. The policy statement also encourages state entities to work cooperatively with tribes that are interested in acquiring natural lands.

In 2022, OPC adopted its first-ever Equity Plan⁴ that provides goals, objectives, and strategies for advancing equity across ocean and coastal policies and actions in California, as well as strengthening internal efforts to create a more inclusive workplace at OPC. The Equity Plan and this Tribal Engagement Strategy are intended to be complementary documents. While the Tribal Engagement Strategy is specifically focused on tribal consultation, the Equity Plan includes recommendations to support tribal governments and communities outside of the consultation context.

The purpose of this Tribal Engagement Strategy (Strategy) is to provide a framework for enhanced partnership between the California Ocean Protection Council (OPC) and tribes, in furtherance of Executive Orders B-10-11 and N-15-19, Governor Newsom's policy statement on Native American Ancestral Lands, the Strategic Plan to Protect California's Coast and Ocean 2020-2025 (Strategic Plan)⁵, OPC's Equity Plan, and state law. This Strategy will advance OPC's mission to ensure that California maintains healthy, resilient, and productive ocean and coastal ecosystems for the benefit of current and future generations.

It is only through open, inclusive, and regular communication efforts that the interests of tribes will be prioritized in the larger context of complex natural resource policy decision-making. This strategy provides specific actions that OPC will undertake to enhance tribal engagement in all aspects of its work. This strategy further provides OPC's approach to respectfully seeking, discussing, and considering the views of tribes, primarily through robust consultation, but also through other engagement approaches as appropriate. OPC will work with tribes to develop clear timelines and identify required resources for actions listed in this Strategy as the Strategy is implemented.

⁴ https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20221006/Item-6-Exhibit-A-OPC-Equity-Plan-508.pdf

⁵ OPC, "Strategic Plan to Protect California's Coast and Ocean 2020-2025" (Feb. 2020), <http://www.opc.ca.gov/webmaster/ftp/pdf/2020-2025-strategic-plan/OPC-2020-2025-Strategic-Plan-FINAL-20200228.pdf>

The overarching goal of this Strategy is to ensure meaningful input by tribes into the development of regulations, rules, policies, programs, projects, plans, property decisions, and activities that may affect them, and to elevate partnerships with tribes in the pursuit of shared objectives and priorities. The proactive inclusion of tribes in OPC's work will promote positive, achievable, durable outcomes.

II. Strategy Development

In Fall 2021, OPC engaged more than 10 coastal tribes through early consultations and listening sessions to solicit tribes' perspectives and feedback on two key issues: tribes' priorities for coastal and ocean conservation and management, and best practices for conducting outreach and communicating with tribes in a respectful and effective manner.

Several key themes emerged in those conversations:

Tribal priorities for the coast and ocean

- Implementation of Governor Newsom's policy statement on Native American ancestral lands
- Development of meaningful co-management agreements, for example regarding the management of marine protected areas (MPAs)
- Support for existing tribal programs, and collaborative development of new research and monitoring projects in support of tribal priorities
- Restoration of culturally important habitats and species
- Improving tribal access to the coast and ocean
- Supporting tribal customary use of coastal and ocean resources
- Land return

Best practices for outreach and communication

- Tribes must be engaged early and often in the development of regulations, rules, policies, programs, projects, plans, property decisions, or activities that may affect them.
- In recognition of the unique status of tribes, OPC should prioritize consultation as its primary method of engagement with tribes. Other, less formal ways of engaging can supplement consultation.

- For policies and programs available for the wider tribal community, OPC should leverage a variety of outreach platforms (requests for consultation with tribal chairpersons and/or councils, formal letters to tribal chairpersons, outreach to tribally-run organizations or associations, email updates, text messages, phone calls/videoconferences, social media posts, existing committees and workgroups, etc.) to ensure that opportunities for engagement are distributed widely within tribal communities.
- In recognition of current limitations on tribal capacity, OPC should work with state agency partners to significantly improve efficiencies and minimize burdens on tribes.
- OPC, and the state more broadly, should provide dedicated funding and technical assistance to tribes to enhance their ability to meaningfully engage with the state.

These themes, along with other valuable input received from tribes, directly informed the development of a draft strategy, which was released to tribes for further consultation and community roundtable listening sessions in summer 2022. This final Strategy incorporates additional feedback received from tribes during those consultations and listening sessions.

III. Guiding Principles

OPC will be guided by the following principles and best practices to ensure, improve upon, and maintain respectful and effective engagement with tribes:

1. Acknowledge and respect the importance of strong relationships between the state and tribes.
2. Acknowledge and respect tribal cultural resources, regardless of whether those resources are located on or off tribal lands and treat such resources with appropriate cultural dignity consistent with tribal cultural values.⁶
3. Recognize that tribes have stewarded California’s coast and ocean since time immemorial and that tribes are the best managers of their ancestral lands and waters.
4. Acknowledge history and harms, and work to build relationships and trust with tribes.
5. Communicate with tribes in a manner that is considerate and respectful.

⁶ See Pub. Res. Code §§ 21084.3(b)(2), (3).

6. Recognize the diversity of tribes within the state, and the fact that all tribes represent distinct and independent entities with specific practices, laws, regulations, beliefs, traditions, and unique connections to areas of California that are their ancestral lands, waters, and cultural sites.
7. Communicate and consult with tribes as early as possible during the initial phase of decision-making processes that may affect ancestral lands, people, or cultural resources, and seek tribal input regarding the identification of potential issues, possible means of addressing those issues, and appropriate actions, if any, to be taken by OPC.
8. Ensure that tribal perspectives are considered before proposed new actions are taken, such that potential negative impacts are avoided, minimized, or mitigated in conformity with applicable legal requirements.
9. Acknowledge the need for confidentiality regarding some places, land, people, knowledges, and cultural resources, and adhere to legal protections associated with the confidentiality of certain tribal information.⁷ OPC will strive to take all lawful and necessary steps to protect confidential information provided by a tribe consistent with state and federal law.
10. Acknowledge current constraints on tribal capacity and work to significantly improve efficiencies, for example by coordinating with other state agencies to combine consultation opportunities.
11. Understand that the federal government has a unique trust relationship with federally recognized tribes.
12. Understand the unique challenges faced by non-federally recognized tribes.
13. Encourage collaborative and cooperative efforts between tribes and federal, state, and local government entities, to resolve issues of mutual concern.
14. Adopt a flexible approach to tribal consultations and engagement and work to accommodate tribal priorities, concerns, constraints, and preferences.
15. Recognize the cultural, subsistence, and economic importance and multigenerational nature of coastal and ocean stewardship for tribes.

⁷ See, e.g., Calif. Gov. Code §§ 6254(r), 6254.5(e), 6254.10; Calif. Pub. Res. Code § 21082.3(c), and Section IV(E), “Confidentiality,” below.

16. Commit to regular training for OPC staff on cultural competency and humility, California tribal history, consultation procedures and best practices, implementation of this Strategy, and other matters pertaining to tribal affairs.
17. Commit to regularly evaluating OPC's progress toward implementation of this Strategy, sharing milestones, and revising the Strategy and/or implementation approaches as needed in partnership with tribes.

IV. Enhancing Tribal Engagement in Efforts to Protect California's Coast and Ocean

OPC seeks to enhance tribal engagement in all aspects of its work and the implementation of its Strategic Plan. Below are specific actions that OPC will undertake in pursuit of this goal.

1. Establish a statewide Tribal Coast and Ocean Council, composed of tribal representatives from across California, to work with OPC to facilitate engagement with the state on all coast and ocean issues and improve coordination. This Council would work with OPC to further strategic priorities of importance to both tribes and the state. Specific objectives of the Council could include: development and implementation of co-management agreements; identification of funding opportunities for tribes; identification of opportunities for land return and improved tribal access to the coast; and policy development.
2. Coordinate with CNRA's Assistant Secretary for Tribal Affairs and other CNRA Tribal Affairs and Tribal Liaison staff to provide venues for coordinated, regular updates and discussion with tribes.
3. Increase co-management of ancestral lands and waters and natural resources.
 - a. Work with tribes and relevant state agencies to advance formal co-management of ancestral coastal lands and waters through a) Supporting the development of co-management agreements, in alignment with overarching CNRA policy; and b) Implementing and expanding co-management pilot projects along the coast.
 - b. Work to unify other state agencies in developing a process that facilitates a clear, streamlined, efficient, and transparent path for tribes to engage in the development of co-management agreements.

7. Provide funding and policy support for climate vulnerability assessments of cultural sites, tribal cultural resources, gathering areas, and sacred sites, with a focus on sea level rise, and support development of resilience plans and adaptation projects to protect ancestral lands, waters, and cultural resources.
8. Continue to support and explore opportunities to scale up the Tribal Marine Stewards Network⁸, an alliance of tribes working collaboratively to protect and restore coastal and marine ecosystems. Prioritize the inclusion of tribes from geographic regions that are currently underrepresented in the Network, in particular Central and Southern California.
9. Fill remaining tribal representative seats on the MPA Statewide Leadership Team, and, in partnership with current tribal representatives, work to ensure that representatives are engaged in a meaningful way as the Leadership Team seeks to implement its new 2021-2025 work plan.
10. Co-develop research, monitoring, and restoration projects.
 - a. When possible, develop such projects in partnership with tribes rather than seeking to include tribes in projects that are already planned or under way.
 - b. When (a) is not possible, work with tribes and the research community to identify tribal researchers, including graduate students, interested in partnering with OPC and the academic community on specific projects or initiatives.
 - c. As part of CNRA's "Cutting the Green Tape" initiative, identify ways to improve efficiencies and minimize regulatory burden for tribally-led restoration projects.
11. When funding is available, provide dedicated funding, technical assistance, and support for capacity building to tribes.
 - a. Provide additional funding to support expansion of the Tribal Marine Stewards Network.
 - b. Launch a dedicated Tribal Small Grants program.
 - c. Identify opportunities to partner with tribes to advance tribal capacity for ocean and coastal natural resource management.
 - d. Provide funding to initiate or maintain tribal programs, and, where OPC funding may be limited, assist tribes in pursuing other, longer-term, more sustainable funding options.

⁸ www.tribalmsn.org

- e.** Reduce barriers to accessing and spending OPC grant funding by tribes.
- 12.** Identify the unique barriers faced by non-federally recognized tribes and strive to implement creative solutions to those barriers as consistent with applicable laws and regulations.
- 13.** Support tribal stewardship in furtherance of California’s 30x30 goal.
 - a.** Support the designation of Indigenous Marine Stewardship Areas, as outlined in the state’s *Pathways to 30x30* strategy⁹.
 - b.** In close collaboration with tribes and relevant state agencies, consider recommendations regarding the establishment and implementation, as appropriate, of strategies and protective designations, including tribal MPAs, Tribal Beneficial Use designations for California waterways, and other protective designations, to improve protection and stewardship of tribal cultural resources, cultural sites, natural resources, gathering areas, and sacred sites.
- 14.** Partner with tribes with coastal ancestral lands and waters, or other coastal cultural connections, to develop an OPC Resolution recommending the development of state strategies to evaluate sacred or otherwise culturally sensitive coastal areas protections from potentially deleterious access and use by the public.
- 15.** Increase coordination across state and federal actions to elevate tribal priorities for the coast and ocean. In particular, work to enhance partnerships with National Marine Sanctuaries in support of tribal stewardship.
- 16.** Actively seek, compile, refer to, and consider tribal recommendations regarding strategies for improving protection of cultural and natural resources and values.
- 17.** Work to ensure all OPC programs include tribal voices, leadership, and perspectives.
- 18.** Continue to work with tribes to better understand tribal priorities for the coast and ocean, including local and regional cultural concerns and issues, tribal application of tribal expertise and TEK, and access to and protection of cultural sites, tribal cultural resources, traditional fishing and other gathering areas, and sacred sites.

⁹ <https://www.californianature.ca.gov/pages/30x30>

19. Regularly evaluate and, as needed, modify OPC program priorities, grant funding, contracting, hiring practices, communications, and consultation practices to advance improved tribal relationships and engagement.
20. Develop an OPC-specific Tribal Consultation Policy in consultation with tribes.
21. In recognition of the importance of tribal engagement, as well as the staff time and unique skills and expertise required to effectively implement this strategy, work with CNRA Tribal Affairs and Liaisons staff, the CNRA Assistant Secretary for Tribal Affairs, and the Governor’s Office of Tribal Affairs to identify internal capacity needs at OPC and develop recommendations for meeting those needs.
22. As appropriate and needed, OPC will exercise its authority to “[i]dentify and recommend to the Legislature changes in [State] law needed” to ensure strong, meaningful relationships and effective engagement with tribes.¹⁰

V. Improving Communication with Tribes

This strategy is intended to facilitate respectful communication and maintain meaningful collaboration and partnership between OPC and tribes. It sets forth OPC’s commitment to be informed about the cultural setting of tribes, tribal ocean and coastal concerns, and tribal histories, for the purpose of developing strong, meaningful partnerships with all tribes. In collaboration with tribes, OPC will expand on these approaches as needed, to ensure that engagement with tribes is meaningful, inclusive, and mutually respectful.

Consultation will be the primary avenue through which OPC engages with tribes. To ensure consultation reflects the official positions of the tribe, OPC will consult only with decision-making individual(s) or body of the tribe (typically the Tribal Chairperson or Council) or individual(s) designated in writing by the elected decision-making body of the tribe. High-level officials with decision-making authority (e.g., OPC’s Executive Director, CNRA’s Assistant Secretary for Tribal Affairs) will be present at all consultations with tribes.

¹⁰ Calif. Pub. Res. Code § 35615(a)(6).

However, in addition to project and action consultations required by this Strategy and any subsequent implementation protocols, and consistent with the Strategic Plan, OPC will continually work to enhance relations and engagement with tribes in ways that supplement the consultation process, such as:

1. Beginning in 2023, identify opportunities for OPC staff and leadership to respectfully visit tribal ancestral territories across the state, meet in person with tribal leadership, staff, and communities, develop relationships, and discuss individual tribes' priorities for the coast and ocean.
2. Share a consultation calendar with tribes early each year, in coordination with other state agencies when possible, to support tribes' planning efforts. Organize quarterly meetings between tribes, OPC, and other state agencies to share updates, highlight opportunities for consultation, and solicit tribal feedback and perspectives.
3. Communicate and coordinate with the Governor's Office of Tribal Affairs and CNRA's Assistant Secretary for Tribal Affairs to ensure that opportunities for engagement with OPC are included in statewide communications to tribes.
4. Leverage existing tribal representation on decision-making and advisory bodies, such as the MPA Statewide Leadership Team, and improve OPC's presence at tribally relevant committees, venues, and events.
5. Hold meetings, workshops, and roundtable discussions at locations and times that maximize tribal involvement and minimize burden on tribes, including outside of normal business hours when possible.
6. Obtain a working knowledge of tribes' preferences for more informal outreach and communication (e.g., email, text, social media, phone, videoconference, in-person meetings) and communicate opportunities for engagement regularly via these methods. Regularly adapt informal outreach approaches based on tribal preferences and feedback.
7. Anticipate turnover in tribal leadership and staff and maintain a current list of tribal contacts. Develop strong working relationships with tribal staff to ensure timely and effective communication.
8. Enter into an ongoing dialogue with tribes on how best to consult, exchange information, and exchange technical and other assistance.

9. Improve transparency around OPC’s decision-making processes and how tribal information is used in these processes.
10. In alignment with OPC’s Equity Plan, develop relationships and engage with representatives of tribal communities while still maintaining a formal relationship with tribes.

VI. Conclusion

Tribes are the original stewards of the California coast and ocean. Despite a brutal history of genocide and oppression, and the fact that the state has historically excluded tribes from management decisions, tribes continue to steward marine resources sustainably in accordance with tribal expertise, TEK, and traditional practices. Encouragingly, in recent years, significant progress has been made in enhancing meaningful tribal engagement in the state’s coastal and ocean management efforts. Through the collaborative development and implementation of this strategy, OPC seeks to build on these successes and enhance tribal engagement in all aspects of this work. OPC envisions tribes and the state working together in support of a resilient coast and ocean for all beings.

Appendix 1

Definitions

For purposes of this Strategy, the following definitions shall apply:

Tribe: A Native American tribe that is on the contact list maintained by the Native American Heritage Commission (NAHC) for the purposes of Chapter 905 of the Statutes of 2004 (Pub. Resources Code, § 21073). This list includes both federally recognized California tribes listed on the most recent notice of the Federal Register as well as non-federally recognized California tribes.

Collaboration: Communicating and working together through mutual respect and cooperation toward a common purpose. Communications between OPC and tribes will be conducted with respect for tribal protocols and will strive to achieve consensus in problem solving and issue resolution.

Co-management: A collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area or set of natural resources.¹¹

Consultation: The meaningful and timely process of seeking, discussing, and considering carefully and respectfully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and tribes shall be conducted in a way that is mutually respectful of each party's sovereignty¹².

Traditional Ecological Knowledges:¹³ An accumulating body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission, about

¹¹ Approved by Calif. Fish and Game Commission Feb. 21, 2020; at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=177360&inline>.

¹² Calif. Pub. Res. Code § 21080.

¹³ U.S. Fish and Wildlife Service, "Traditional Ecological Knowledge for Application by Service Scientists," at: <https://www.fws.gov/nativeamerican/pdf/tek-fact-sheet.pdf>; see also Calif. Coastal Commission, "Environmental Justice Policy" (March 8, 2019), at: https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf.

the relationship of living beings (human and non-human) with one another and with the environment. It encompasses the world view of Native people which includes ecology, spirituality, human and animal relationships, and more. The phrase “traditional ecological knowledge” refers to the evolving knowledge acquired by Native peoples over hundreds to thousands or tens of thousands of years through direct contact with the environment. This knowledge is specific to a location and includes the relationships between plants, animals, natural phenomena, landscapes, and timing of events that are used for lifeways, including but not limited to hunting, fishing, trapping, agriculture, and forestry.

Tribal Cultural Resources:¹⁴

1. Refers to either of the following:
 - a. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe that are either of the following:
 - i. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - ii. Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
 - b. A resource determined by the CEQA lead agency or OPC, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code Section 5024.1(c). In applying these criteria, the lead agency shall consider the significance of the resource to a tribe.
2. A cultural landscape that meets the criteria of subsection 1. above is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
3. A historical resource described in Public Resources Code Section 21084.1, a unique archaeological resource as defined in Public Resources Code Section 21083.2(c), or a “nonunique archaeological resource” as defined in Public Resources Code Section 21083.2(h) may also be a tribal cultural resource if it conforms to the criteria of subsection 1. above.

Tribal Leaders: Elected or otherwise designated officials or decisionmakers of tribes.

¹⁴ Calif. Pub. Res. Code § 21074.

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www.opc.ca.gov

**California Department of Fish and Wildlife Update to the
California Fish and Game Commission – Tribal Committee Meeting**

Kelp and Algae Harvest Management Regulations

April 18, 2023

The California Fish and Game Commission adopted regulatory amendments and new regulations for commercial harvest of kelp and other marine algae that became effective on January 1, 2023.

The amended regulations include temporary changes that expire on January 1, 2026. The intent of the changes is to reduce harvest pressure on bull kelp, which is in decline in Sonoma and Mendocino counties. The temporary amendments include:

- Closure of all commercial bull kelp harvest in Sonoma and Mendocino counties
- Annual bull kelp harvest limit of 8,000 pounds wet weight in Humboldt and Del Norte counties combined. Per existing regulation, harvest is only allowed for use as edible seaweed for human consumption.
 - In addition to existing monthly reporting, weekly harvest reporting in Humboldt and Del Norte counties by email allows the Department to monitor the annual fishery quota.
- Closure of three lease-only administrative kelp beds (308, 309, and 312) in Mendocino, Humboldt, and Del Norte counties

The amended regulations that do not expire pertain to all commercial harvest of marine algae. The more substantive changes pertain to licensing and reporting include:

- Renaming the harvesting license, which is now known as the Kelp Harvesting License and Drying Application and includes a drying option for those who dry their harvest.
- Requirement to include the number of individuals harvesting for the business during the reporting period, and central latitude/longitude coordinates of bull kelp harvest locations on the modified monthly harvest reports.
- Requirement to separate reporting weights for bull and giant kelp harvest on the modified Commercial Kelp Harvester's Monthly Report.
- Requirement to complete the Release of Property form for any inadvertent excess of bull kelp harvested in Humboldt and Del Norte counties.

The revised regulations include California Code of Regulations Title 14, sections 165 and 165.5, Appendix A, and the new Section 705.1. More information on the new and/or amended regulations, including amendments not provided on this update, can be found on the [California Fish and Game Commission website](#).

California Fish and Game Commission
Wildlife Resources Committee (WRC) Work Plan
Scheduled Topics and Timeline for Items Referred to WRC
Updated April 12, 2023

Note: Proposed changes to topics/timing are shown in blue underscore or strike-out font

| TOPICS | CATEGORY | Jan 2023 | May 2023 | Sep 2023 |
|--|--------------------------------|--------------|--------------|------------|
| Periodic Regulations | | | | |
| Upland (Resident) Game Birds | Regulatory | | X | <u>X/R</u> |
| Mammal Hunting | Regulatory | | X | <u>X/R</u> |
| Waterfowl Hunting | Annual Regulatory | | X | <u>X/R</u> |
| Central Valley Sport Fishing | Annual Regulatory | | X | <u>X/R</u> |
| Klamath River Basin Sport Fishing | Annual Regulatory | | X | <u>X/R</u> |
| Inland Sport Fishing | Regulatory | X/R | <u>X/R</u> | <u>X</u> |
| Regulations & Legislative Mandates | | | | |
| Falconry | Referral for Review | | | |
| Restricted Species | Regulatory | | | |
| Wildlife Rehabilitation | Regulatory | X/R | X/R | |
| Wildlife Areas/Public Lands | Regulatory | X | X/R | |
| <u>Wild Pig Validations</u> | <u>Regulatory</u> | | <u>X</u> | <u>X/R</u> |
| Special Projects | | | | |
| American Bullfrog and Non-native Turtle Stakeholder Engagement Project | Referral for Review | X | <u>X</u> | <u>X/R</u> |
| Bear Management Plan Development | Information | X | X | |
| White Sturgeon | Information/ Regulatory | | X | <u>X</u> |
| Discussions and Updates | | | | |
| <u>Take of Nongame Species</u> | <u>Referral for Review</u> | | <u>X</u> | |

KEY: X Discussion scheduled X/R Recommendation potentially developed and moved to FGC

California Fish and Game Commission

Proposed Revisions to Commission-Designated Wild Trout Waters Policy

April 6, 2023

This document contains the Commission's policy on Commission-designated wild trout waters with revisions proposed by Commission staff using conceptual guidance from the Commission Wildlife Resources Committee. Proposed deletions are in ~~strikeout~~ and proposed additions are underlined.

Policy with Proposed Revisions

It is the policy of the Fish and Game Commission to:

- I. ~~Designate~~ designate certain state waters to be managed exclusively for wild trout. Commission-designated wild trout waters should provide a quality angling experience by providing the angler with an opportunity to fish in aesthetically pleasing and environmentally productive waters with trout populations whose numbers or sizes are largely unaffected by the angling process.
- I. Waters designated by the Commission for wild trout management shall meet two criteria:
 - A. Angler Access:
 1. Open for public angling with unrestricted access, when of sufficient dimensions to accommodate anglers without overcrowding; or
 2. Open for public angling with controlled access, under a plan approved by the Commission setting forth the number of anglers and the method of distribution.

In the event of an interruption to angler access and/or a fishing closure to a designated wild trout water or heritage trout water that is expected to be temporary and is due to restoration activities or public safety considerations, the waters may remain designated while inaccessible for public angling. Coincident with annual wild trout and heritage trout waters designations, the Department shall provide an update to the Commission on any designated waters that are temporarily inaccessible for public angling, with an estimate of when angler access may be restored based on available information. The Department may also make a recommendation to undesignate any waters that are temporarily inaccessible for public angling.
 - B. Able to support, with appropriate angling regulations, wild trout populations of sufficient magnitude to provide satisfactory trout catches in terms of number or size of fish.
- II. Wild trout waters shall be managed in accordance with the following stipulations:
 - A. Domestic strains of catchable-sized trout shall not be planted in designated wild trout waters.
 - B. Hatchery-produced trout of suitable wild and semi-wild strains may be planted in designated waters, but only if necessary, to supplement natural trout reproduction.

- C. Habitat protection is of utmost importance for maintenance of wild trout populations. All necessary actions, consistent with State law, shall be taken to prevent adverse impact by land or water development projects affecting designated wild trout waters.
- III. The Department shall prepare and periodically update a management plan for each water designated as a wild trout water.
- IV. Certain designated wild trout waters may be further designated by the Commission as "Heritage Trout Waters", to recognize the beauty, diversity, historical significance, and special values of California's native trout. ~~Heritage Trout Waters~~ trout waters shall meet the following additional criteria:
 - A. Only waters supporting populations that best exemplify indigenous strains of native trout within their historic drainages may qualify for designation.
 - B. Heritage Trout Waters shall be able to provide anglers with the opportunity to catch native trout consistent with the conservation of the native trout present.
- V. Recognizing the importance of native trout to California's natural heritage, the Department shall emphasize education and outreach efforts to inform the public about our native trout, their habitats, and the activities for ~~restoration~~ restoring native trout when implementing the Department Heritage Trout Program.
 - A. Implement a Heritage Trout Angler Recognition Certificate through which anglers will have the opportunity to have their catches of California native trout recognized by the Commission. The criteria for receiving the formal recognition shall be maintained by the ~~Department's~~ Department Heritage and Wild Trout Program. To receive a certificate of recognition, anglers shall submit an application with supporting materials to the Department for review.

The following waters are designated by the Commission as "wild trout waters":

1. American River, North Fork, from Palisade Creek downstream to Iowa Hill Bridge (Placer County).
2. Carson River, East Fork, upstream from confluence with Wolf Creek excluding tributaries (Alpine County).
3. Clavey River, upstream from confluence with Tuolumne River excluding tributaries (Tuolumne County).
4. Hat Creek, from Lake Britton upstream to Hat No. 2 powerhouse (Shasta County).
5. Hot Creek, from Hot Springs upstream to west property line of Hot Creek Ranch (Mono County).
6. Kings River, from Pine Flat Lake upstream to confluence with South and Middle forks excluding tributaries (Fresno County).
7. Kings River, South Fork, from confluence with Middle Fork upstream to western boundary of Kings Canyon National Park excluding tributaries (Fresno County).
8. Merced River, South Fork, from confluence with mainstem Merced River upstream to western boundary of Yosemite National Park excluding tributaries (Mariposa County).

9. Owens River, from Five Bridges crossing upstream to Pleasant Valley Dam excluding tributaries (Inyo County).
10. Rubicon River, from confluence with Middle Fork American River upstream to Hell Hole Dam excluding tributaries (Placer County).
11. Yellow Creek, from Big Springs downstream to confluence with the North Fork of the Feather River (Plumas County).
12. Cottonwood Creek, upstream from confluence with Little Cottonwood Creek, including tributaries (Inyo County).
13. Klamath River, from Copco Lake upstream to the ~~Oregon~~ California-Oregon border (Siskiyou County).
14. McCloud River, from Lake McCloud Dam downstream to the southern boundary of Section 36, T38N, R3W, M.D.B. & M. (Shasta County).
15. Deep Creek, from confluence with Green Valley Creek downstream to confluence with Willow Creek (San Bernardino County).
16. Middle Fork Stanislaus River, from Beardsley Afterbay Dam to Sand Bar Diversion Dam (Tuolumne County).
17. Truckee River, from confluence with Trout Creek downstream to the Nevada State line (excluding the property owned by the San Francisco Fly Casters Club) (Nevada and Sierra counties).
18. Sespe Creek, a 25-mile section between the Lion Campground and the boundary of the U.S. Forest Service, Los Padres National Forest (Ventura County).
19. Bear Creek, Bear Valley Dam (impounding Big Bear Lake) downstream to the confluence with the Santa Ana River (San Bernardino County).
20. Lavezzola Creek (Sierra County).
21. Laurel Lake #1 and Laurel Lake #2 (Mono County).
22. Middle Fork San Joaquin River - Northern boundary of the Devils Postpile National Monument downstream to the Lower Falls (3.6 miles); and footbridge just above the confluence with Shadow Creek downstream to the footbridge just above upper Soda Springs Campground (4 miles) (Madera County).
23. South Fork Kern River watershed from its headwaters downstream to the southern boundary of the South Sierra Wilderness (Tulare County).
24. Golden Trout Creek drainage, including tributaries, from confluence with the Kern River upstream to the headwaters (Tulare County).
25. Eagle Lake, north of Susanville (Lassen County).
26. Upper Kern River, from the Forks of the Kern, upstream to Tyndall Creek in Sequoia National Park (Tulare County).
27. Heenan Lake, near Markleeville and Monitor Pass (Alpine County).
28. Upper Truckee River, including tributaries, upstream from the confluence with Showers Creek (El Dorado and Alpine counties).

29. Sacramento River, including tributaries, from Box Canyon Dam downstream to Scarlett Way in Dunsmuir (Siskiyou County) and from the county bridge at Sweetbriar downstream to Lake Shasta (Shasta County).
30. Long Lake (Plumas County).
31. Piru Creek, including tributaries, upstream of Pyramid Lake (Ventura and Los Angeles counties).
32. Upper Stony Creek including tributaries, upstream from Mine Camp Campground (Colusa, Glenn, and Lake counties).
33. Lower Honeymoon Lake (Fresno County).
34. Upper East Fork San Gabriel River, including tributaries, upstream from Heaton Flat (Los Angeles County).
35. Royce Lake # 2 (Fresno County).
36. Lower Yuba River, from Englebright Dam to the confluence with the Feather River (Yuba and Nevada counties).
37. Parker Lake (Mono County).
38. South Fork San Joaquin River and all tributaries from Florence Lake upstream to the boundary of Kings Canyon National Park including the Piute Creek drainage (Fresno County).
39. Sallie Keyes Lakes (Fresno County).
40. Sacramento River from Keswick Dam downstream to the Red Bluff Diversion Dam (Shasta and Tehama counties).
41. Pauley Creek from the confluence with the Downie River upstream to the headwaters (Sierra County).
42. Caples Creek from the confluence with the Silver Fork American River upstream to Caples Lake Dam (El Dorado and Alpine counties).
43. Putah Creek from Lake Solano upstream to Monticello Dam on Lake Berryessa (Solano and Yolo counties).
44. Lake Solano (Solano and Yolo counties).
45. Milton Reservoir (Nevada and Sierra counties).
46. Gerle Creek Divide Reservoir (El Dorado County).
47. Manzanita Lake (Shasta County).
48. Maggie Lake (Tulare County).
49. Little Kern River drainage, including tributaries, from the confluence with the Kern River upstream to the headwaters (Tulare County).
50. Hilton Lake #1 (Davis Lake) (Mono County).
51. South Fork Smith River, from the confluence with Blackhawk Creek upstream to the Island Lake Trail crossing, including the following tributaries: Buck Creek, Quartz Creek, Eight Mile Creek, Williams Creek, Harrington Creek and Prescott Fork and excluding all other tributaries (Del Norte County).

52. South Fork Smith River, from the confluence with Goose Creek upstream to Blackhawk Creek, including Goose Creek and Hurdygurdy Creek and excluding all other tributaries (Del Norte County).
53. Hilton Lake # 2 (Mono County).
54. South Fork Smith River, from the confluence with Craigs Creek upstream to the confluence with Goose Creek, including Craigs Creek, Rock Creek, and Coon Creek and excluding all other tributaries (Del Norte County).
55. Hilton Lake # 4 (Mono County).
56. Hilton Lake # 5 (Mono County). Hilton Lake #5 is located at the latitude/longitude of 37°28'37.99"N, 118°45'39.39"W and elevation of 10,700 feet, in the Hilton Creek drainage, near Tom's Place.
57. Tuolumne River, from Wards Ferry Bridge upstream to the boundary of Yosemite National Park, excluding tributaries (Tuolumne County).
58. Butte Lake (Lassen County).
59. Wolf Creek, from Forest Service Road 062 crossing to Wolf Creek Lake (Mono County).
60. Middle Fork Feather River, from the confluence of Frey Creek upstream to Poplar Valley Road bridge, including: main stem Middle Fork Feather River, Bear Creek, Fall River, Little North Fork of Middle Fork Feather River, Long Valley Creek, Nelson Creek, Onion Valley Creek, Poplar Creek, South Branch Middle Fork Feather River, and Willow Creek (Butte and Plumas counties).
61. Fall River Complex, which consists of Ahjumawi Lava Springs, Bear Creek (downstream of Pondosa Way bridge), Big Lake, Eastman Lake, Fall River (from confluence with Pit River upstream to origin at Thousand Springs), Fall River Pond, Fall River Lake, Horr Pond, Ja She Creek, Lava Creek, Spring Creek, Little Tule River, and Tule River (Shasta and Siskiyou counties).
62. North Fork Mokelumne River from Salt Springs Reservoir to the downstream-most lake of Highland Lakes, excluding tributaries (Alpine, Amador, and Calaveras counties).
63. Silver Lake at the headwaters of Shotgun Creek (Tulare County).

The following "wild trout waters" are further designated by the Commission as "heritage trout waters".

1. Clavey River, upstream from confluence with Tuolumne River, excluding tributaries (Tuolumne County).
2. Golden Trout Creek drainage, including tributaries, from confluence with the Kern River upstream to the headwaters (Tulare County).
3. Eagle Lake, north of Susanville, (Lassen County).
4. Upper Kern River, from the Forks of the Kern, upstream to Tyndall Creek in Sequoia National Park (Tulare County).
5. Heenan Lake, near Markleeville and Monitor Pass (Alpine County).

6. Upper Truckee River, including tributaries, upstream from the confluence with Showers Creek (El Dorado and Alpine counties).
7. Piru Creek, including tributaries, upstream of Pyramid Lake (Ventura and Los Angeles counties).
8. Upper Stony Creek including tributaries, upstream from Mine Camp Campground (Colusa, Glenn, and Lake counties).
9. Upper East Fork San Gabriel River, including tributaries, upstream from Heaton Flat (Los Angeles County).
10. Lower Yuba River, from Englebright Dam to the confluence with the Feather River (Yuba and Nevada counties).
11. Little Kern River drainage, including tributaries, from the confluence with the Kern River upstream to the headwaters (Tulare County).
12. South Fork Smith River, from the confluence with Blackhawk Creek upstream to the Island Lake Trail crossing, including the following tributaries: Buck Creek, Quartz Creek, Eight Mile Creek, Williams Creek, Harrington Creek and Prescott Fork and excluding all other tributaries (Del Norte County).
13. South Fork Smith River, from the confluence with Goose Creek upstream to Blackhawk Creek, including Goose Creek and Hurdygurdy Creek and excluding all other tributaries (Del Norte County).
14. South Fork Smith River, from the confluence with Craigs Creek upstream to the confluence with Goose Creek, including Craigs Creek, Rock Creek, and Coon Creek and excluding all other tributaries (Del Norte County).
15. Wolf Creek, from Forest Service Road 062 crossing to Wolf Creek Lake (Mono County)
16. Silver Lake at the headwaters of Shotgun Creek (Tulare County).

(Amended: 01/04/94; 06/22/95; 03/06/97; 11/06/98; 04/02/99; 12/08/00; 04/03/03; 12/12/08; 11/04/09; 10/21/10; 11/17/11; 11/07/12; 11/06/13; 12/03/14; 12/10/15; 10/20/16; 12/06/17; 12/13/18; 02/21/20, 10/14/20, 04/21/22, 10/13/22)

Table 6.1 Adaptive management recommendations and actions to prioritize for the next decade of the adaptive management cycle. Recommendations 1-3 were provided directly by tribes through a report delivered to CDFW to inform this Review (Appendix C).

| MPA Governance | Recommendation | Management Actions |
|----------------------------|--|---|
| <i>Tribal Coordination</i> | 1. Improve state agencies' tribal engagement and relationship building efforts. | <ul style="list-style-type: none"> a. Engage in early and frequent communication with California Native American Tribes. b. Have an understanding and respect for tribal decision-making processes. c. Ensure a transparent and accountable process that provides clarity on agency decision-making and the potential for tribes to affect the final decision. |
| <i>Tribal Coordination</i> | 2. Create a clear pathway to tribal MPA management. | <ul style="list-style-type: none"> a. Recognize tribal people as scientific and cultural practitioners and rightful, equal partners in the development, implementation, and management of MPAs. b. Work with tribes to develop and support co-management programs that can enrich tribal cultural practices and renew traditional values. c. Work with tribes to include and integrate traditional knowledge in MPA management, specifically coastal and marine science. |
| <i>Tribal Coordination</i> | 3. Build tribal capacity to participate in MPA management activities. | <ul style="list-style-type: none"> a. Provide tribes with adequate resources to participate in changes to the MPA Network and management. b. Better incorporate tribal-led ecological monitoring into the broader MPA Monitoring Program and adaptation of the MPA Monitoring Action Plan. |

| MPA Governance | Recommendation | Management Actions |
|--|--|--|
| <i>Regulatory and Review Framework</i> | 4. Apply what is learned from the first Decadal Management Review to support proposed changes to the MPA Network and Management Program. | <ul style="list-style-type: none"> a. Coordinate with CFGC to evaluate current and future proposed changes to Network design, individual MPAs, and current MPA Management Program priorities and policies in a manner consistent with the findings of this Review (see Appendix A for comprehensive recommendations list and Appendix G for outstanding petitions). b. Identify and utilize best science-based approaches to inform potential changes to the MPA Network in order to enhance Network performance. c. Coordinate with CDFW's legislative office to remove obsolete sections of the Fish and Game Code concerning Marine Life and Fish Refuges to better align with updated designations in the Marine Managed Areas Improvement Act (MMAIA). |
| <i>Regulatory and Review Framework</i> | 5. Establish targets for meeting the goals of the MLPA and how the Management Program and Network will evolve as targets are met. | <ul style="list-style-type: none"> a. Use results and resources from this first Review, ongoing monitoring, and continued coordination with management partners to develop interim MPA status reports to guide future evaluations. |
| <i>Justice, Equity, Diversity, and Inclusion</i> | 6. Include and fund more diverse researchers and stakeholders in research and monitoring projects that directly contribute to the MPA Monitoring Program. | <ul style="list-style-type: none"> a. Develop and implement a strategic plan informed by underrepresented and diverse user groups to increase the diversity of community science participants. b. Expand coordination between core monitoring programs and other partners to build trust and merge different types of knowledge with science-based information. c. Explore innovative approaches to engage the fishing industry in MPA research and management. |
| <i>Justice, Equity, Diversity, and Inclusion</i> | 7. Expand targeted outreach and education materials and events to underrepresented user groups. | <ul style="list-style-type: none"> a. Conduct a language assessment of census blocks within 10 miles of each MPA to translate MPA outreach materials into the top three to five languages used in a household and work on finding new approaches to effectively engage underrepresented audiences. b. Utilize MPA Program partners to target and engage underrepresented user groups in marine conservation. c. Solicit input on customized/targeted outreach materials from members of diverse user groups. |

| MPA Governance | Recommendation | Management Actions |
|--|---|--|
| <p><i>Justice, Equity, Diversity, and Inclusion</i></p> | <p>8. Evaluate the accessibility of MPAs to various community groups.</p> | <ul style="list-style-type: none"> a. Promote novel projects and utilize existing human use datasets to evaluate accessibility of MPAs to different user groups. |
| <p><i>MPA Statewide Leadership Team and Partner Coordination</i></p> | <p>9. Continue to coordinate and collaborate with OPC and other agencies on California’s ocean and coastal priorities to enhance coastal biodiversity, climate resiliency, human access and use, and a sustainable blue economy.</p> | <ul style="list-style-type: none"> a. Support OPC and partners on the MSLT to prioritize relevant OPC Strategic Plan and MSLT Work Plan objectives. Assess feasibility of current timeframes for taking action and adjust if needed. b. Review and synthesize MPA-focused recommendations and actions outlined in existing state action plans, such as CDFW’s State Wildlife Action Plan, and reports that focus on ocean issues, such as ocean acidification, water quality, and sea level rise. |
| <p><i>MPA Statewide Leadership Team and Partner Coordination</i></p> | <p>10. Improve partnership coordination across the four pillars of the MPA Management Program.</p> | <ul style="list-style-type: none"> a. Develop and implement a workflow for enhanced coordination between CDFW’s Scientific Collecting Permit Program and other agencies’ permitting requirements. b. Develop strategic plan to strengthen communications between MPA Monitoring Program partners, tribes, and agencies that have overlapping jurisdiction at monitoring sites. c. Strengthen connections and communication between CDFW’s Law Enforcement Division and allied agencies. d. Strengthen cross-border MPA management with West Coast states, Mexico, and Canada. e. Continue to add representatives to the MSLT as partnerships expand. f. Provide partners with consistent MPA messaging and branding for outreach and education activities to support compliance with MPAs. |

| MPA Management Program | Recommendation | Management Actions |
|--------------------------------|--|--|
| <i>Research and Monitoring</i> | <p>11. Update the MPA Monitoring Action Plan framework to improve and sustain a cost-effective long-term monitoring program, including guidelines to ensure monitoring consistency and sustainable funding.</p> | <ul style="list-style-type: none"> a. Revisit the MPA site-tiering system and identify more efficient data collection and analysis methods to maximize use of available funding and efficiency without sacrificing scientific rigor. b. Explore more localized and bioregion-specific monitoring strategies. c. Explore CDFW capacity to participate in MPA monitoring to increase long-term program stability. |
| <i>Research and Monitoring</i> | <p>12. Invest in improving understanding of the human dimensions of MPAs and develop a human dimensions working group and research agenda.</p> | <ul style="list-style-type: none"> a. Improve collection of demographic data of ocean users and visitors to the California coast. b. Collect participant demographics in volunteer community science and outreach programs and assess participant benefits, motivations, and engagement patterns. c. Conduct more robust studies about compliance with MPA regulations and the impact of outreach and enforcement efforts. d. Conduct a broad economic assessment of the MPA Network on California’s coastal communities. e. Continue to conduct and refine CDFW ocean businesses and public awareness surveys. |
| <i>Research and Monitoring</i> | <p>13. Explore the use of innovative technologies such as remote sensing, drones, and eDNA, to enhance and streamline traditional monitoring projects.</p> | <ul style="list-style-type: none"> a. Develop and fund pilot projects to explore novel data collection methods to scale up to regional and statewide monitoring. b. Augment existing monitoring programs to explore new and improved survey methods. |

| MPA Management Program | Recommendation | Management Actions |
|--------------------------------|--|--|
| <i>Research and Monitoring</i> | 14. Develop a comprehensive community science strategy for MPAs and better utilize community science to supplement core monitoring programs. | <ul style="list-style-type: none"> a. Evaluate the effectiveness and applicability of current community science programs involved in MPA monitoring. b. Create clear frameworks on regional and statewide scales for the intended use of community science from project onset. c. Invest in more centralized data management for community science programs. d. Improve coordination between existing community science programs and identify opportunities for new programs. |
| <i>Outreach and Education</i> | 15. Evaluate outreach needs, assess effectiveness of resources, and identify and pursue the most impactful and cost-efficient outreach tools for increasing MPA awareness and compliance. | <ul style="list-style-type: none"> a. Conduct gap analysis on CDFW and core partner MPA outreach materials, including multi-lingual products, to identify whether initial objectives are being met and how to improve outreach projects and materials. b. Leverage partnerships to develop projects targeted at closing knowledge gaps in outreach needs. c. Expand the use of mobile apps, digital technologies, and social media to reach wider audiences. d. Improve CDFW website interface to increase accessibility to public information regarding MPAs. |
| <i>Outreach and Education</i> | 16. Conduct more targeted outreach to specific audiences to connect stakeholders with coastal resources and to encourage stewardship and compliance with regulations. | <ul style="list-style-type: none"> a. Work closely with fishing communities to identify the most effective communication channels and outreach materials for these audiences. b. Increase opportunities for ongoing MPA researcher engagement with the public in forums, science advisory groups, and public presentations. c. Tailor outreach to better serve specific audiences, such as increasing the availability of waterproof materials, pocket-sized MPA maps, digital and online tools, and regionally tailored teacher toolkits. d. Organize an annual public webinar to provide MPA Management Program updates and receive public input. e. Create more regionally focused and culturally informed MPA outreach materials and weave MPA messaging into general ocean content produced by other partners. |

| MPA Management Program | Recommendation | Management Actions |
|-----------------------------------|---|--|
| <i>Policy and Permitting</i> | 17. Improve the application and approval process for scientific collecting permits. | <ul style="list-style-type: none"> a. Improve the SCP online application portal. b. Establish a scientific steering committee to guide improvements to CDFW’s environmental impact assessment tool for issuing SCPs within MPAs. c. Increase transparency and communication in the SCP review and issuance process. |
| <i>Policy and Permitting</i> | 18. Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and marine managed areas. | <ul style="list-style-type: none"> a. Work with a broad range of partners including state and federal agencies, tribes, the fishing community, and other ocean users to tailor restoration and mitigation projects to regional needs consistent with a statewide restoration and mitigation framework. b. Use statewide policy guidance and best available science to inform restoration and mitigation actions and decisions in MPAs and marine managed areas, such as permitting the removal of invasive species. |
| <i>Enforcement and Compliance</i> | 19. Create and implement a cohesive and actionable MPA Enforcement Plan. | <ul style="list-style-type: none"> a. Create a standard operating procedure and citing blueprint/authority for use by CDFW’s Law Enforcement Division and allied agencies. b. Provide guidance on confirming validity of a SCP for collections occurring in the field and improve communications between patrolling officers and field researchers. c. Identify ways to determine if an MPA requires heightened enforcement efforts using existing RMS data. d. Identify outreach materials enforcement officers most need when contacting individuals in the field. e. Identify potential alternative deterrents to MPA poaching for misdemeanor offenses and/or repeat offenders (example: possible MPA school prior to license renewal). |

| MPA Management Program | Recommendation | Management Actions |
|-----------------------------------|---|---|
| <i>Enforcement and Compliance</i> | 20. Increase enforcement capacity. | <ul style="list-style-type: none"> a. Continue MPA-focused training for CDFW Wildlife Officers and allied agency partners. b. Assess needs for new equipment, such as replacing older patrol boats, and increased patrols in violation hotspots and across the coast. c. Explore utilizing technologies that could assist with enforcement cases and evidence-gathering in more remote locations. |
| <i>Enforcement and Compliance</i> | 21. Enhance MPA citation record keeping and data management. | <ul style="list-style-type: none"> a. Identify enforcement gaps and violation hotspots for inclusion in enforcement plan and finalize manual data entry of any citations not yet entered into the database from before 2016, as well as citations from 2021 through May 2022. b. Track MPA patrol hours alongside the number of contacts, warnings, and citations in one database. c. Identify efficient ways to track repeat offenders when out in the field. d. Use enforcement data to inform outreach and education efforts, and better link enforcement data with human dimensions and ecological monitoring data. e. Develop a standardized MPA compliance report card to share with the public and decision makers. |
| <i>Enforcement and Compliance</i> | 22. Increase information gathering regarding MPA violation prosecutions and judicial outcomes. | <ul style="list-style-type: none"> a. Track prosecution outcomes to better understand how fines may vary by county for similar offenses. b. Encourage MPA and marine resource outreach to district attorneys and judges to highlight importance of resource prosecution. |

| MPA Network Performance | Recommendation | Management Actions |
|--|--|---|
| <i>MPA Network Design</i> | 23. Expand and target monitoring and research efforts to examine the design attributes of the MPA Network more effectively. | <ul style="list-style-type: none"> a. Tailor data collection and analyses to address the effects of specific MPA attributes such as size, spacing, and levels of protection on monitored species, habitats, and human communities. b. Continue to utilize and refine network connectivity models to assess MPA contributions to ecosystems, populations, and fisheries. c. Prioritize studies and data analyses that continue to address the benefits of implementing a connected network of MPAs on ecological and human communities in California. |
| <i>MPA Network Design</i> | 24. Work with CFGC and partners to better incorporate marine cultural heritage into the design of the MPA Network. | <ul style="list-style-type: none"> a. Develop a process to incorporate state marine cultural preservation areas (MMAIA section 36700(6)(d)) into existing MPAs and new locations across the Network. b. Define metrics for identifying culturally important objects and sites to recommend for potential protection. |
| <i>Climate Resilience and Adaptation</i> | 25. Develop and implement climate change research and monitoring priorities and metrics for California's MPA Network. | <ul style="list-style-type: none"> a. Develop models for climate change risk on shorter timescales and for both nearshore and deep-water marine species and habitats. Better incorporate tribal-led ecological monitoring into the broader MPA Monitoring Program and adaptation of the MPA Monitoring Action Plan. b. Investigate resilience conferred by MPAs by adding new climate resilience monitoring metrics to the MPA Monitoring Action Plan. c. Work with CDFW Science Institute's Climate Change Focus Team to better incorporate climate-focused MPA monitoring into broader state climate change targets. |
| <i>Climate Resilience and Adaptation</i> | 26. Consider climate change impacts from the outset of planning for monitoring MPA human dimensions. | <ul style="list-style-type: none"> a. Leverage planned OPC Science Advisory Team human dimensions working group to identify social and economic service provision of MPAs and intersections with climate change. b. Assess equity issues around MPAs in a changing climate. |

| MPA Network Performance | Recommendation | Management Actions |
|---|--|--|
| <p><i>Fisheries Integration and Other Influencing Factors</i></p> | <p>27. Improve understanding of MPA Network effects on fisheries and fish stock sustainability and further integrate MPA monitoring data into fisheries management.</p> | <ul style="list-style-type: none"> a. Improve data sharing and integration between MPA and fisheries-focused management programs. b. Explore tools to capture spatially explicit metrics of fishing catch and effort that are more appropriate for MPAs in California. |
| <p><i>Fisheries Integration and Other Influencing Factors</i></p> | <p>28. Further integrate influencing factors into ecological and human study designs and interpretations of MPA performance.</p> | <ul style="list-style-type: none"> a. Improve estimates of other anthropogenic metrics such as visitation, enforcement presence, other regulatory management actions, and water quality. |

California Fish and Game Commission Coastal Fishing Communities Project

Proposed Final Draft Coastal Fishing Communities Policy

March 7, 2023

This document is a draft proposed policy for Commission Marine Resources Committee (MRC) consideration and potential recommendation at its March 2023 MRC meeting. The proposed policy was revised by California Fish and Game Commission (Commission) staff following a December 2022 public policy drafting workshop. An [outline of this revised draft](#) was discussed with the MRC at its November 17, 2022 meeting.

I. Introduction

The Commission recognizes that:

- Coastal fishing communities have social, cultural, and economic value, and are interdependent with healthy marine species and ecosystems.
- Coastal fishing communities are dynamic systems composed of many parts, each influencing the others.
- Coastal fishing communities are facing unprecedented and dynamic challenges that strain and disrupt their social and economic fabric, including climate change-driven disruptions such as shifting stocks, marine heat waves, harmful algal blooms and whale entanglement risk, as well as inadequate port infrastructure, “greying” of the fleet, emerging industries, competition for shoreside uses and ocean space, and more.
- The challenges coastal fishing communities face pose a significant threat to their sustained existence. Actions that impact one aspect of a community may be felt community-wide. There is a need to better understand the interdependent relationships and linkages within communities, and to proactively identify actions, programs, and/or responses that will help make California’s coastal fishing communities more resilient to challenges; this policy represents the Commission’s larger commitment to helping address those challenges.

II. Definition

For purposes of this policy, a coastal fishing community is defined as *a social, cultural, economic, and/or place-based group whose members:*

- are dependent upon, engaged in, or benefit from local, wild-capture commercial, recreational, or subsistence marine fishery harvest or processing to meet the social or economic needs of the community;
- include, but are not limited to, businesses and organizations that depend upon or support marine fisheries by providing goods and services, including infrastructure to that community or those communities; and
- may be a subset or member of larger or associated coastal communities.

III. Policy Setting

The Commission recognizes that there are several federal, state, and Commission laws and policies relevant to coastal fishing communities' interests and needs. This Coastal Fishing Communities policy more clearly establishes that incorporating coastal fishing community-level interests, challenges, and impacts, in addition to fisheries-specific considerations, into management is essential. This policy builds upon the foundations laid out in current laws and policies, including:

- The federal Magnuson-Stevens Fishery Conservation and Management Act, National Standard 8, which considers the significance of fishery resources and sustained fishery participation to fishing communities, aims to minimize adverse economic impacts on these communities, and may be complementary to State policies and objectives (16 U.S. Code, Chapter 38, Sections 1801 et seq).
- The California Coastal Act, which recognizes and calls for protecting the economic, commercial, and recreational importance of fishing activities and facilities (Public Resources Code sections 30234, 32034.5 and 30703).
- The California Marine Life Management Act (MLMA), which establishes specific objectives for recognizing coastal fishing community interests and impacts when pursuing the primary fishery management system goal of sustainability for marine fisheries under the state's jurisdiction (California Fish and Game Code Section 7056).
- The MLMA master plan for fisheries, adopted by the Commission in 2018, which guides implementation of the MLMA, including meeting specific socioeconomic objectives for fishery participants and fishing communities.
- The Commission's Policy on Restricted Access Commercial Fisheries, which was adopted by the Commission in 1999 as a framework to limit access or entry to a fishery to promote sustainable fisheries, provide for orderly fisheries, promote conservation among fishery participants, and maintain the long-term economic viability of fisheries.
- The Commission's Policy on Justice, Equity, Diversity and Inclusion, which was adopted by the Commission in 2022 to recognize environmental justice as essential to addressing historic and current inequities, and to create equitable access to environmental benefits.

To pursue the goals of these laws and policies in an increasingly dynamic ocean landscape, the Commission and the California Department of Fish and Wildlife must more directly account for fisheries as changing social-ecological systems with interdependencies between local communities and fisheries (as well as within and among fisheries).

IV. Policy Statement

It is the policy and practice of the California Fish and Game Commission to support, in its decision-making and actions, the long-term needs, social well-being, and economic health of coastal fishing communities. The Commission will pursue this policy holistically and proactively through policy strategies that (A) support meaningful coastal fishing community engagement, (B) ensure coastal fishing community interests are factored into Commission decision-making, and (C) contribute to the adaptive capacity and resilience of coastal fishing communities. The

Commission relies upon the California Department of Fish and Wildlife and other entities for continued partnership to implement this policy.

Policy Strategies

A. Understand the issues facing coastal fishing communities and identify solutions through meaningful engagement.

It is the intent of the Commission to contribute to empowering coastal fishing communities by pursuing proactive community engagement. Community engagement should be inclusive and reflective of community diversity, knowledge, and priorities to better understand interests, challenges, and potential impacts for various fishing communities.

The Commission will:

- explore opportunities for outreach and promote direct and consistent engagement with coastal fishing communities;
- support collaboration with coastal fishing communities through collective problem-solving and utilizing local knowledge;
- encourage partners to help support coastal fishing communities in organizing and participating effectively at local and regional levels; and
- pursue mechanisms for regular, ongoing engagement and follow-up/follow-through.

B. Ensure coastal fishing community interests and needs are factored into Commission decision-making.

The Commission is committed to supporting sustainable fisheries management that allows communities to adapt and withstand the challenges they face. The Commission will:

- advance approaches developed through coastal fishing community engagement into decision-making and regulatory processes where appropriate and in alignment with state fishery management conservation goals;
- prioritize management options, plans, and strategies, including collaborative management, that sustain social and economic stability of coastal fishing communities and minimize adverse impacts on them;
- consider implications for coastal fishing communities when updating or creating policies and regulations; and
- continue to develop and innovate systems to anticipate and respond quickly to emerging needs or disruptive changes.

C. *Increase adaptive capacity and resilience of coastal fishing communities via external efforts.*

The Commission will seek to engage partners and leverage external efforts to bolster sustainability and adaptation, improve governance coordination, support collaboration, and identify pathways to strengthen infrastructure to support coastal fishing communities. The Commission will:

- help coordinate the efforts among agencies and partners aimed at supporting coastal fishing communities;
- support local organizational and operational capacities of coastal fishing communities;
- elevate coastal fishing community interests in the face of emerging issues or threats;
- support efforts to foster a new generation of fishermen;
- help build and leverage partnerships, including fishery participants, to identify and collect essential fishery information; and
- support efforts that can inform decision-making and be a resource to stakeholders.

California Fish and Game Commission Marine Resources Committee (MRC) Work Plan

Updated March 27, 2023

Note: Proposed changes to topics/timing are shown in blue underscore or strike-out font

| TOPICS | CATEGORY | Nov 2022 | Mar 2023 | Jul 2023 |
|---|------------------------------|----------------|-------------|---------------|
| Planning Documents & Fishery Management Plans (FMPs) | | | | |
| MLMA Master Plan for Fisheries – Implementation Updates | Plan Implementation | * | | |
| Red Abalone FMP / Abalone Recovery & Management Plan | FMP | X/R | | |
| <u>Red abalone recovery plan (north coast)</u> | <u>Management Plan</u> | | | * |
| California Halibut Fishery Management Review | Management Review | | | |
| California Halibut Bycatch Evaluation for Fishery Management Review | Management Review | X | X/R | <u>X/R</u> |
| Market Squid Fishery Management and FMP Review | Management/ FMP Review | | | <u>X or *</u> |
| Kelp Recovery and Management Plan (KRMP) Development | Management Plan | | X | |
| Marine Protected Area Network 2022 Decadal Management Review | Management Review | X | X/R | <u>X/R</u> |
| Regulations | | | | |
| California Halibut Trawl Grounds Review | Commercial Take | | | * |
| Kelp and Algae Commercial Harvest – Sea Palm (<i>Postelsia</i>) | Commercial Take | | | |
| Pacific herring: Use of lampara nets for commercial take in Humboldt Bay | | | X/R | |
| Marine Aquaculture | | | | |
| Statewide Aquaculture Action Plan | Planning Document | | * | |
| Aquaculture State Water Bottom Leases: Existing Lease Requests & New Applications | Current Leases / Planning | | * | |
| <i>Public Interest Determination Criteria</i> for New State Water Bottom Aquaculture Lease Applications | FGC Policy – New Leases | X/R | X/R | <u>X/R</u> |
| Aquaculture Lease Best Management Practices Plans (Hold, TBD) | Regulatory | | | |
| <u>Informational Topics / Emerging Management Issues</u> | | | | |
| Kelp Restoration and Recovery Tracking | Kelp | | X | |
| Invasive Non-native Kelp and Algae Species | Kelp / Invasive Species | | | |
| Special Projects | | | | |
| California’s Coastal Fishing Communities Project | MRC Special Project | | | * |
| Coastal Fishing Communities Policy | FGC Policy | X | X/R | |
| Box Crab Experimental Fishing Permit (EFP) Research Project | EFP | | | |

Key: X = Discussion scheduled X/R = Recommendation may be developed and may move to Commission

* = Written or verbal agency update

Commissioners
Eric Sklar, President
Saint Helena

Erika Zavaleta, Vice President
Santa Cruz

Jacque Hostler-Carmesin, Member
McKinleyville

Samantha Murray, Member
La Jolla

Anthony Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

Melissa Miller-Henson
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Sacramento, CA 94244-2090
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April 11, 2023

The Honorable Caleen Sisk
Chief
Winnemem Wintu Tribe
14840 Bear Mountain Road
Redding, CA 96003

Sent via email to [REDACTED]

Subject: Tribal Subsistence Harvest Definition

Dear Chief Sisk:

On behalf of the California Fish and Game Commission, I write to seek your input and guidance on the future functioning of an informal workgroup approved by the Commission in December of 2021. The informal workgroup was tasked with discussions and developing recommendations regarding opportunities to develop an actionable definition of tribal subsistence harvest that is distinct from “commercial” or “recreational.”

Described in more detail below, the question the Commission asks you today is whether the tribal subsistence definition workgroup should (1) function as an ad-hoc committee without public participation or (2) to move to a standing agenda item for the Commission Tribal Committee’s public meetings. *We request your tribe’s input no later than Thursday, June 8, 2023.*

California Native American tribes have long expressed concerns about the ability of their citizens under California law to access, harvest, hold, consume, and otherwise manage or tend an array of species, natural resources, and marine and terrestrial areas within their respective historic territories, in manners consistent their traditional cultures and lifeways. Identifying and implementing a solution to these concerns, in whole or in part, may be within the authority of the Commission.

In response to requests by numerous tribes to develop a definition related to California Native American subsistence activities, the tribal subsistence harvest definition workgroup was recommended as an outcome of a Commission Tribal Committee discussion. Per the committee recommendation, the Commission did not appoint members and, instead, welcomed all tribes, or tribal designees, to participate. The goal of the workgroup was stated as identifying opportunities to develop an actionable definition of tribal subsistence harvest activities that is distinct from “commercial” or “recreational” as defined in statute, regulation or policy.

In May 2022, you (or your predecessor) should have received a letter inviting your participation in workgroup meetings. To date, three workgroup meetings have been convened (June, August and

December 2022); initial materials presented to the workgroup are enclosed. Since workgroup meetings are not open to the public, outcomes of the discussions were reported to the Tribal Committee in August and December of 2022.

At the Commission's December 2022 meeting, the Tribal Committee recommended that the workgroup be moved under the auspices of the committee such that discussions would be a standing agenda item during the committee's public meetings. Nothing in the recommendation would preclude tribes from caucusing separately during committee meetings, as desired.

The goal of the Commission is to work closely with tribes in a process that captures the outcomes of the discussions and reflects tribal interests and concerns on this subject. We ask for your input and guidance on the preferred structure for discussions and developing future recommendations on the subject of a potential tribal subsistence harvest definition. Specifically, do you recommend the workgroup:

- remain informal and function as an ad-hoc committee without public participation that eventually reports its recommendations to the Commission Tribal Committee; or
- be moved under the auspices of the Commission Tribal Committee as a standing agenda item such that discussions are held in an open public meeting and recorded, the meetings are recapped during Commission meetings, and tribes are afforded an opportunity to caucus during the committee meeting.

The Commission welcomes your response in whatever form is most appropriate for you, whether in writing, through a video or phone conversation, during a Commission meeting, or through a formal consultation. The Commission's Tribal Consultation Policy can be viewed at <https://fgc.ca.gov/About/Policies/Miscellaneous#TribalConsultation>. To request formal consultation, please contact me at fgc@fgc.ca.gov or California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090. I am also available to answer any questions you may have.

To help facilitate a Commission discussion at its June 2023 meeting, ***we request your input no later than June 8, 2023.***

When contacting the Commission, please designate and provide contact information for the appropriate lead contact person. We look forward to your input and guidance in moving forward in our efforts to potentially define tribal subsistence harvest.

Respectfully yours,


Melissa Miller-Henson
Executive Director

Enclosures: Issues statement, work plan summary

cc: Christina Snider, Office of the Governor's Tribal Advisor

Geneva E.B. Thompson, Assistant Secretary for Tribal Affairs, California Natural Resources Agency

Raymond Hitchcock, Executive Secretary, Native American Heritage Commission

Mark Miyoshi, Tribal Historic Preservation Officer, Winnemem Wintu Tribe

California Fish and Game Commission: Perpetual Timetable for Anticipated Regulatory Actions

April 5, 2023

Items proposed for change are shown in blue underlined or strikeout font

| Regulatory Change Category | Title 14 Section(s) | TC Fresno / Bakersfield Area April 18, 2023 | FGC Fresno / Bakersfield Area April 19, 2023 | FGC Fresno / Bakersfield Area April 20, 2023 | FGC Teleconference May 17, 2023 | WRC Monterey / Santa Cruz Area May 17, 2023 | FGC Sacramento June 14, 2023 | FGC Sacramento June 15, 2023 | MRC Sonoma / San Francisco Bay July 20, 2023 | TC Fortuna August 21, 2023 | FGC Fortuna August 22, 2023 | FGC Fortuna August 23, 2023 | WRC Chico Area September 21, 2023 | FGC San Jose Area October 11, 2023 | FGC San Jose Area October 12, 2023 | MRC San Diego Area November 16, 2023 | TC San Diego Area December 12, 2023 | FGC San Diego Area December 13, 2023 | FGC San Diego Area December 14, 2023 | WRC TBD January 2024 | FGC TBD 1 February 2024 | FGC TBD 2 February 2024 | MRC TBD March 2024 |
|--|---|---|--|--|---------------------------------------|---|------------------------------------|------------------------------------|--|----------------------------------|-----------------------------------|-----------------------------------|---|--|--|--|---|--|--|----------------------------|-------------------------------|-------------------------------|--------------------------|
| Central Valley Sport Fishing (Annual) | 7.40(b)(4), (43), (66), (80) | | D | | A | V | | | E 7/16 | | | | R | | | | | | | | | | |
| Klamath River Basin Sport Fishing (Annual) | 5.87, 7.40(b)(50) | | D | | A | V | | | | E 8/15 | | | R | | | | | | | | | | |
| Waterfowl (Annual) | 502 | | A | | | V | | | E 7/1 | | | | R | | | | | | | | | | |
| Inland Sport Fish Updates (Annual) | 7.40(b)(27), 7.40(b)(79), 7.50(b)(81) | | | | | | | N | | | D | | V | A | | | | | | | | E 1/1 | R |
| Game Fish Contests | 230 | | | | | | | | E 7/1 | | | | | | | | | | | | | | |
| Pre-Existing Structures in Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures | 632 | | | | | | | | | | | D | | | | | | | | | A | | |
| Implementation of AB 817 (Electronic Display of Licenses) | 700.4 | | | | | | | | E 7/1 | | | | | | | | | | | | | | |
| Recreational Hoop Net Regulations Emergency | 29.80 | | | | EE 5/2 | | | | | | | | | | | | | | | | | | |
| Recreational Hoop Net Regulations Emergency (First 90-Day Extension) | 29.80 | | | | E 5/2 | | | | | EE 7/31 | | | | | | | | | | | | | |
| Recreational Hoop Net Regulations Emergency (Second 90-Day Extension) | 29.80 | | | | | | | A | | E 7/31 | | | | | EE 10/29 | | | | | | | | |
| Commercial and Recreational Take of California Spiny Lobster; Recreational Hoop Net Requirements for Take of Crustaceans | 29.80, 29.90, 29.91, 121, 121.5, 122, 122.1, 122.2, 705 | | | | A | | | | | | | | E 9/1 | | | | | | | | | | |
| Elk Hunting | 364, 364.1 | | A | | | | | | E 7/1 | | | | | | | | | | | | | | |
| Bighorn Sheep Hunting | 362 | | A | | | | | | E 7/1 | | | | | | | | | | | | | | |
| Special Hunts Permits and Draw | 702, <u>715</u> 716 6 | | N | | | | | D | | | A | | | | | | | | | | | E 1/1 | |
| Mitigating Risks for Chronic Wasting Disease Importation and Movement | 257.5, 475, 676, 681, 712, 714 | | N | | | | | <u>6</u> N | | | A | | | <u>6</u> A | | | | | | | | E 1/1 | |
| Klamath River Dam Removal Sport Fishing | 5.87, 7.40(b)(50), 7.50(b)(73), 8.02 | | N | | | | | D | | | <u>6</u> A | | | | | | | | | | <u>6</u> D | E-1/1 | <u>6</u> A |
| Commercial Take of Pacific Herring; Lampara Bait Nets ⁷ | 163, 163.1 | | | | | | | N | | | D / A | | | | | | | | | | | E 1/1 | |
| <u>2023 Lands Updates</u> ^{3, 4} | <u>550, 551, 630</u> | | | | | | | R | | | N | | | D | | | | | | | <u>6</u> A | | |
| Southern California Steelhead 2084 Emergency (second 90-day extension) | 749.13 | | | | EE 5/14 | | | | | | | | | | | | | | | | | | |

| Rulemaking Schedule to be Determined | Title 14 Section(s) | TC Fresno / Bakersfield Area April 18, 2023 | FGC Fresno / Bakersfield Area April 19, 2023 | FGC Fresno / Bakersfield Area April 20, 2023 | FGC Teleconference May 17, 2023 | WRC Monterey / Santa Cruz Area May 17, 2023 | FGC Sacramento June 14, 2023 | FGC Sacramento June 15, 2023 | MRC Sonoma / San Francisco Bay July 20, 2023 | TC Fortuna August 21, 2023 | FGC Fortuna August 22, 2023 | FGC Fortuna August 23, 2023 | WRC Chico Area September 21, 2023 | FGC San Jose Area October 11, 2023 | FGC San Jose Area October 12, 2023 | MRC San Diego Area November 16, 2023 | TC San Diego Area December 12, 2023 | FGC San Diego Area December 13, 2023 | FGC San Diego Area December 14, 2023 | WRC TBD January 2024 | FGC TBD 1 February 2024 | FGC TBD 2 February 2024 | MRC TBD March 2024 |
|--|---------------------|---|--|--|---------------------------------------|---|------------------------------------|------------------------------------|--|----------------------------------|-----------------------------------|-----------------------------------|---|--|--|--|---|--|--|----------------------------|-------------------------------|-------------------------------|--------------------------|
| Santa Cruz Harbor Salmon Fishing (FGC Petition 2016-018) | TBD | | | | | | | | | | | | | | | | | | | | | | |
| European Green Crab (FGC Petition 2017-006) | TBD | | | | | | | | | | | | | | | | | | | | | | |
| <u>Wildlife Areas/Public Lands</u> ⁴ | <u>TBD</u> | | | | | | | | | | | | | | | | | | | | | | |
| Possess Game / Process Into Food | TBD | | | | | | | | | | | | | | | | | | | | | | |
| American Zoological Association / Zoo and Aquarium Association | 671.1 | | | | | | | | | | | | | | | | | | | | | | |
| Night Hunting in Gray Wolf Range (FGC Petition #2015-010) | 474 | | | | | | | | | | | | | | | | | | | | | | |
| <u>Mammal Hunting, Big Game</u> ⁹ | <u>TBD</u> | | | | | | | | | | | | | | | | | | | | | | |
| <u>Wild Pig (SB 856)</u> | <u>TBD</u> | | | | | | | | | | | | | | | | | | | | | | |
| Shellfish Aquaculture Best Management Practices | TBD | | | | | | | | | | | | | | | | | | | | | | |
| <u>Ban of Neonicotinoid Pesticides on Department Lands (FGC Petition 2017-008)</u> | <u>TBD</u> | | | | | | | | | | | | | | | | | | | | | | |
| Ridgeback Prawn Incidental Take Allowance | 120(e) | | | | | | | | | | | | | | | | | | | | | | |
| Possession of Wildlife and Wildlife Rehabilitation | 679 | | | | | | | | | | | | | | | | | | | | | | |
| North Yuba River Special Fishing Regulations (FGC Petition 2021-020) ⁸ | TBD | | | | | | | | | | | | | | | | | | | | | | |

KEY

FGC = California Fish and Game Commission MRC = FGC Marine Resources Committee WRC = FGC Wildlife Resources Committee TC = FGC Tribal Committee OAL = Office of Administrative Law
 EM = Emergency EE = Emergency Expires E = Anticipated Effective Date (RED "X" = expedited OAL review) EUF = Effective Upon Filing w/ Secretary of State
 N = Notice Hearing D = Discussion Hearing A = Adoption Hearing V = Vetting R = Committee Recommendation
 3 = Includes FGC Petition 2017-008 4 = Includes FGC Petition 2018-003 6 = Includes FGC Petition 2019-012 7 = Includes FGC Petition 2020-015 8 = To be included in a future sportfishing regulations update 9 = Includes Petition 2021-017

Commissioners
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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

MEETING AGENDA April 19-20, 2023

Participate in Person

Wyndham Garden Fresno Yosemite Airport
5090 East Clinton Way
Fresno, CA 93727

Participate via Webinar/Teleconference

The meeting will be live streamed; visit <http://www.fgc.ca.gov> the day of the meeting to watch or listen. To provide public comment during the meeting, please join at an in-person location, via Zoom, or by telephone; [click here for instructions on how to join](#) or visit fgc.ca.gov/meetings/2023.

Pursuant to California Government Code Section 11133, the California Fish and Game Commission is conducting this meeting by webinar/teleconference in addition to the in-person location. Commission members may participate remotely. The public may provide public comment during the public comment periods and otherwise observe remotely, consistent with the Bagley-Keene Open Meeting Act.

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 12. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

Invitation: The Commission invites members of the public to join commissioners and staff for a field trip currently under development that will take place in conjunction with the meeting. Details will be available in advance of the Commission meeting. Members of the public are welcome to join but must provide their own transportation.

DAY 1 – April 19, 2023, 8:30 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

- 1. Consider approving agenda and order of items**

GENERAL PUBLIC COMMENT

2. **General public comment for items not on the agenda**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

CONSENT ITEMS

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

3. **Five-year private lands wildlife habitat enhancement and management area (PLM) plans**

Consider approving five-year PLM plans and 2023-2027 licenses for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Humboldt County
 - I. Diamond C Outfitters
 - II. Hunter Ranch
 - III. Wiggins Ranch
- (B) Mendocino County
 - I. Eden Valley Ranch
 - II. Miller-Eriksen
 - III. Spring Valley Ranch
- (C) Monterey County
 - I. Alexander Ranch
 - II. Hartnell Ranch
- (D) Monterey and San Benito counties
 - I. Morisoli Ranch
- (E) San Luis Obispo County
 - I. Carrizo Ranch
 - II. Chimney Rock Ranch
- (F) San Luis Obispo and Kern counties
 - I. Temblor Ranch
- (G) Tehama County
 - I. 3D Ranch
- (H) Trinity County
 - I. Travis Ranch

4. Annual PLM plans

Consider approving annual PLM plans and 2023/2024 licenses for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Del Norte
 - I. Alexandre Ecodairy Farms
 - II. Smith River PLM
- (B) Humboldt
 - I. Big Lagoon
 - II. Klamath PLM
 - III. Rainbow Ridge PLM
 - IV. Redwood House Ranch
 - V. Stover Ranch
- (C) Kern and Los Angeles counties
 - I. Tejon Ranch
- (D) Mendocino County
 - I. Ackerman-south Daugherty WMA
 - II. Amann Ranch
 - III. Antler Hill Ranch
 - IV. Bridges Ranch
 - V. Capistran Ranch
 - VI. Carley Ranch
 - VII. Christensen Ranch
 - VIII. R-R Ranch
 - IX. Seven Springs Ranch
 - X. Shamrock Ranch
 - XI. Six Point Ranch
 - XII. Summer Camp Ranch
- (E) Merced County
 - I. San Luis Reservoir Elk Zone
 - II. DeFrancesco/Eaton Ranch
- (F) Monterey County
 - I. San Bartolome Ranch PLM
 - II. Sky Rose Ranch, LLC PLM
- (G) Monterey and San Luis Obispo counties
 - I. Camp 5 Outfitters – Roth Ranch PLM
 - II. Gabilan Ranch
 - III. Indian Valley Cattle Company (Lombardo Ranch)
 - IV. Peachtree Ranch
 - V. Work Ranch

- (H) San Benito County
 - I. Lewis Ranch
 - II. Lone Ranch
 - III. Rancho La Cuesta
 - IV. Trincherero Ranch
- (I) San Luis Obispo County
 - I. Avenales Ranch
 - II. Carnaza Ranch
 - III. Clark and White Ranches
 - IV. D-Rafter-“L” Ranch, LLC
 - V. Hearst Ranch
- (J) Shasta County
 - I. Stackhouse Ranch
 - II. Stewart Ranch
- (K) Stanislaus County
 - I. Rooster Comb Ranch
- (L) Tehama County
 - I. Bell Ranch
 - II. R Wild Horse Ranch

DISCUSSION AND ACTION ITEMS

5. **Commission executive director and Department reports**

Receive updates on items of note since the previous Commission meeting.

(A) ***Commission executive director***

- I. Update on planning and coordination for reviewing Commission policies
- II. Progress on the justice, equity, diversity and inclusion plan
- III. Public notice that the Department’s 90-day evaluation report on the petition to list greater sage grouse as threatened or endangered under the California Endangered Species Act (CESA) was received

(B) ***Department director and Department Law Enforcement Division***

6. **Permits and draws for special hunts**

Consider authorizing publication of notice of intent to amend regulations regarding special hunt permit issuance and drawings in the Department Automated License Data System. (Amend sections 702 and 715, Title 14, CCR)

7. **Wild Trout Waters**

Receive and discuss recommendation for proposed amendments to the Commission’s Commission-Designated Wild Trout Waters Policy.

- 8. Klamath River Basin sport fishing (annual)**
Discuss proposed amendments to Klamath River Basin sport fishing regulations.
(Amend Section 5.87 and subsection 7.40(b)(50), Title 14, CCR)
- 9. Central Valley sport fishing (annual)**
Discuss proposed amendments to central valley sport fishing regulations.
(Amend subsections 7.40(b)(4), (43), (66) and (80), Title 14, CCR)
- 10. Waterfowl hunting**
Consider adopting proposed amendments to waterfowl hunting regulations and consider taking final action under the California Environmental Quality Act (CEQA).
(Amend Section 502, Title 14, CCR)
- 11. Elk hunting**
Consider adopting proposed amendments to elk hunting regulations and consider taking final action under CEQA.
(Amend sections 364 and 364.1, Title 14, CCR)
- 12. Nelson bighorn sheep hunting**
Consider adopting proposed amendments to Nelson bighorn sheep hunting regulations and consider taking final action under CEQA.
(Amend Section 362, Title 14, CCR)
- 13. Mitigating risks for cervid importation and movement**
Consider authorizing publication of notice of intent to amend regulations for mitigating risks for chronic wasting disease importation and movement, and clarifications concerning other diseases.
(Amend sections 257.5, 475, 676, 681, 712 and 714, Title 14, CCR)
Staff will recommend that this item be continued to a future meeting.
- 14. Klamath River dams removal sport fishing**
Consider authorizing publication of notice of intent to amend regulations for sport fishing in the Klamath River related to the removal of Iron Gate, Copco No. 1, and Copco No. 2 dams.
(Amend section 5.87 and subsections 7.40(b)(50) and 7.50(b)(73), Title 14, CCR)
Staff will recommend that this item be continued to a future meeting.

15. Regulation change petitions (wildlife and inland fisheries)

(A) *New petitions*

Receive new petitions for regulation change.
(Pursuant to Section 662, Title 14, CCR)

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the June 14-15, 2023 meeting.

(B) *Previously received petitions*

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Petitions granted today will be added to the Commission’s rulemaking calendar for development and future consideration.

(Pursuant to Section 662, Title 14, CCR)

I. *Petition 2023-01*: Request to create a “night use stamp” for night hunting and fishing with a valid license in Department Region 2 (North Central Region) Type C Wildlife Areas

II. *Petition 2021-005*: Request to change Alameda Creek special fishing regulations

16. Non-regulatory requests from previous meetings (wildlife and inland fisheries)

Consider and potentially act on wildlife and inland fisheries non-regulatory requests submitted by members of the public at previous meetings.

17. Committee and Department reports

Receive updates on items of note since the previous Commission meeting from Commission committees and Department divisions.

(A) *Wildlife Resources Committee*

Discussed referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on May 17, 2023.

(B) *Department Wildlife and Fisheries Division, and Department Ecosystem Conservation Division*

DAY 2 – April 20, 2023, 8:30 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

GENERAL PUBLIC COMMENT

18. General public comment for items not on the agenda

Receive public comment regarding topics within the Commission’s authority that are not included on the agenda.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

CONSENT ITEMS

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

19. Kelp harvest plan and administrative kelp bed lease

- (A) Consider approving The Cultured Abalone Farm, LLC's updated five-year kelp harvest plan required for mechanical harvest of kelp in administrative kelp beds 18-21, 23, 25, and 28-32 between Ventura and Point Conception, and for leasing of Kelp Bed 26 in Santa Barbara County.
(Pursuant to subsections 165(c) and 165.5(b)(2), Title 14, CCR)
- (B) Consider approving request from The Culture Abalone Farm, LLC to renew the company's lease for Kelp Bed 26 in Santa Barbara County.
(Pursuant to Section 165.5, Title 14, CCR)

DISCUSSION AND ACTION ITEMS

20. Commercial and recreational take of California spiny lobster and recreational hoop net requirements for take of crustaceans

Consider adopting proposed amendments to regulations for (a) commercial and recreational take of California spiny lobsters, and (b) recreational hoop net requirements for take of crustaceans.

(Amend sections 29.80, 29.90, 29.91, 121, 121.5, 122, 122.1, 122.2 and 705, Title 14)

21. Experimental Fishing Permit (EFP) Application 2022-04

Receive, consider, and potentially act on EFP Application 2022-04 to test commercial use of Puget Buoy's timed-release ropeless pop-up gear system in the California Dungeness crab fishery. (Pursuant to Section 91, Title 14, CCR)

22. Regulation change petitions (marine)

(A) ***New petitions***

Receive new petitions for regulation change.

(Pursuant to Section 662, Title 14, CCR)

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the June 14-15, 2023 meeting.

(B) ***Previously received petitions***

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration. (Pursuant to Section 662, Title 14, CCR)

- I. *Petition 2023-02*: Request to prohibit take of groundfish shoreward of 100 feet in the West Coast Central Groundfish Management Area year-round

- 23. Non-regulatory requests from previous meetings (marine)**
Consider and potentially act on marine non-regulatory requests submitted by members of the public at previous meetings.
- 24. Committee and Department reports**
Receive updates on items of note since the previous Commission meeting from Commission committees and Department divisions.
- (A) ***Marine Resources Committee***
Receive summary and consider approving recommendations from the March 14 and 16, 2023 committee meeting. Discuss referred topics and consider revisions to topics and timing.
- (B) ***Department Marine Region***
I. Update on annual recreational ocean salmon and Pacific halibut regulations, and automatic conformance to federal regulations.
- (C) ***Tribal Committee***
Receive summary and consider approving recommendations from the April 18, 2023 committee meeting. Discuss referred topics and consider revisions to topics and timing.
- 25. Marine protected areas decadal management review**
Receive a Department summary of *MPA Day: Management Review Forum* hosted March 15, 2023; discuss next steps in considering results from the first decadal management review and adaptive management recommendations for California's marine protected areas network and management program.
- 26. Commission administrative items**
- (A) ***Legislation and other agency regulations***
I. Western Joshua Tree Conservation Act
- (B) ***Rulemaking timetable updates***
- (C) ***Future meetings – May 17 and June 14-15, 2023 and new business***

Adjourn

EXECUTIVE SESSION

(Not Open to Public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
 - I. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
 - II. Fall River Conservancy and California Trout v. California Fish and Game Commission and California Department of Fish and Wildlife (California Environmental Quality Act determination regarding amendments to inland trout regulations)
 - III. United Water Conservation District v. California Fish and Game Commission (southern California steelhead “may be warranted” determination under the California Endangered Species Act and regulation authorizing limited take under Fish and Game Code Section 2084)
 - IV. Crowe v. California Fish and Game Commission (suspension of a commercial fishing license and a lobster operator permit)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
 - I. Consider the proposed decision in FGC Case No. 22ALJ002-FGC, the appeal filed by James Taibi regarding denial of a guide license renewal.

California Fish and Game Commission Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations. All Commission meetings will include a webinar/teleconference option for attendance and every effort will be made to ensure that committee meetings include the same.

| Meeting Date | Commission Meeting | Committee Meeting |
|----------------|--|---|
| May 17 | Teleconference – Sacramento | |
| May 17 | | Wildlife Resources Monterey/Santa Cruz area |
| June 14-15 | CalEPA Headquarters Building Coastal Hearing Room, 2 nd Floor 1001 I Street Sacramento | |
| July 20 | | Marine Resources Sonoma/San Francisco Bay area |
| August 21 | | Tribal River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540 |
| August 22-23 | River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540 | |
| September 21 | | Wildlife Resources Chico area |
| October 11-12 | San Jose area | |
| November 16 | | Marine Resources San Diego area |
| December 12 | | Tribal San Diego area |
| December 13-14 | San Diego area | |

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 23-27; 2023 – Calgary, Alberta, Canada

Pacific Fishery Management Council

- June 20-27, 2023 – Vancouver, WA
- September 7-14, 2023 – Spokane, WA
- October 31 – November 8. 2023 – Garden Grove, CA

Pacific Flyway Council

- August 2023 – Location TBD

Western Association of Fish and Wildlife Agencies

- July 9-14, 2023 – Santa Fe, NM

Wildlife Conservation Board

- May 25, 2023 – Sacramento, CA
- August 24, 2023 – Sacramento, CA
- November 16, 2023 – Sacramento, CA

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

This year marks the 154th year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal and we provide this information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Equal Employment Opportunity (EEO) Office at EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

Stay Informed

To receive meeting agendas and regulatory notices about those subjects of interest to you, visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

Submitting Written Comments

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to fgc@fgc.ca.gov; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; deliver to California Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814 (you must call at least one business day in advance to arrange delivery). Materials provided to the Commission may be made available to the general public.

Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on April 6, 2023**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on April 14, 2023**. Comments received by this deadline will be made available to Commissioners at the meeting.

Written comments received after the supplemental comment deadline will not be included in the meeting materials.

Petitions for Regulation Change

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (as required by Section 662, Title 14, CCR), available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must be delivered by the **Supplemental Comment Deadline** (or delivered in person at the meeting during the regulation change petitions agenda

item). Petitions received at this meeting will be scheduled for consideration at the next regularly scheduled business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

Non-Regulatory Requests

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Supplemental Comment Deadline** (or heard during general public comment at the meeting) will be scheduled for receipt at this meeting and scheduled for consideration at the next regularly scheduled business meeting.

Speaking at the Meeting

To speak on an agenda item in-person, please complete a “speaker card” and provide it to the designated staff member before the agenda item is announced. Please complete one speaker card per item. Cards will be available near the entrance of the meeting room.

To speak on an agenda item by webinar/teleconference, please “raise” your hand either through the Zoom function or by pressing *9 once on your phone when prompted at the beginning of the agenda item.

1. In-person speakers will be identified in groups; please line up when your name is called. Speakers by webinar/teleconference will be identified by your Zoom display name or last three digits of your phone number; please pay attention to when your name or number is called.
2. When addressing the Commission, please give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
 - i. In-person participants ceding their time must complete a speaker card and approach the staff table with the spokesperson so that staff may confirm the presence of those ceding their time.
 - ii. Zoom participants ceding their time must notify the Commission at fgc@fgc.ca.gov prior to the start of the agenda item, including to whom they are ceding time, and must be present on Zoom during the agenda item.
 - b. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Supplemental Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.

- c. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
- d. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Agenda items may be heard in any order and on either day pursuant to the discretion of the presiding commissioner.

Visual Presentations/Materials

All electronic presentations must be submitted by the ***Supplemental Comment Deadline*** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov. If the presentation file is too large to send via email, contact staff to identify an alternative method for submitting the file.
2. All electronic formats must be Windows PC compatible.
3. If presenting at the in-person meeting location, it is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.

California Fish and Game Commission
Potential Agenda Items for the May and June 2023 Commission Meetings
April 13, 2023

The next Commission meetings are scheduled for May 17 in the Santa Cruz or San Jose area and via webinar/teleconference and June 14-15, 2023 in Sacramento and via webinar/teleconference. This document identifies potential agenda items for the meeting, including items to be received from Commission staff and the California Department of Fish and Wildlife (Department).

Wednesday, May 17: Teleconference and webinar

1. General public comments for items not on the agenda
2. Discuss and adopt: California halibut emergency regulations due to federal salmon closure recommendations
3. Adopt: Central Valley sport fishing (annual) regulations
4. Adopt: Klamath River Basin sport fishing (annual) regulations

Wednesday, June 14: Wildlife- and inland fisheries-related and administrative items

1. General public comments for items not on the agenda (day 1)
2. Commission executive director and Department reports (Department director's report and Law Enforcement Division report)
3. Notice: Inland sport fish updates
4. Notice: Mitigating risks for cervid importation and movement
5. Discussion: Special hunts permits and draw
6. Announce the recipient of the Commission's annual Wildlife Prosecutor of the Year award
7. Potentially approve initial and annual private lands wildlife habitat enhancement and management plans
8. Consider whether the petition to list Greater sage-grouse as threatened or endangered under CESA may be warranted
9. Action on wildlife and inland fisheries petitions for regulation change
10. Action on wildlife and inland fisheries non-regulatory requests from previous meetings
11. Items of interest from previous meetings (wildlife)
12. Committee and Department reports (Wildlife Resources Committee, Department Wildlife and Fisheries Division, and Ecosystem Conservation Division)
13. Executive (closed) session

Thursday, June 15: Marine-related and administrative items

14. General public comment for items not on the agenda (day 2)
15. Justice, equity, diversity and inclusion

16. Notice: Pre-existing structures in Marine Protection Areas (MPAs) and Marine Managed Areas (MMAs)
17. Notice: Commercial take of Pacific Herring: lampara bait nets
18. Adopt: Recreational hoop net regulations emergency (second 90-day extension)
19. Receive *White Seabass Fishery Management Plan* annual review report
20. Action on marine petitions for regulation change
21. Action on marine non-regulatory requests from previous meetings
22. Items of interest from previous meetings (marine)
23. Committee and Department reports (Marine Resources Committee, Department Marine Region, and Tribal Committee)
24. Administrative items (legislation and other agency regulations, rulemaking timetable, next meeting)

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

Updated April 14, 2023

Note: Proposed changes to topics/timing are shown in blue underscore or strike-out font

| Topic / Goal | Type / Lead | Dec 2022 | Apr 2022 | Aug 2023 |
|--|--|-------------|-------------|-------------|
| Special Projects | | | | |
| FGC justice, equity, diversity and inclusion plan | FGC Project | | X | X |
| Tribal subsistence definition and related management mechanisms | TC Project | X | X | <u>X</u> |
| Co-management roundtable discussion | TC Project | X | X | X |
| Coastal Fishing Communities Project: Updates | MRC Project | | X | X |
| Regulatory / Legislative | | | | |
| <u>Kelp and algae harvest management regulations: Updates and then recommendation and guidance</u> | <u>DFW Project and Regulation Change</u> | X | X | |
| Management Plans | | | | |
| Sheep, deer, antelope, trout, abalone, kelp/seaweed: Updates and guidance (timing as appropriate for each) | DFW | X | X | X |
| Informational Topics | | | | |
| Agency updates | | | | <u>X</u> |
| OPC – MPA Statewide Leadership Team; tribal outreach strategy; Tribal Marine Stewards Network | OPC | X | X | X |
| 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 | DFW | X | X | X |
| Other agencies, as appropriate or requested | | | | |
| 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