

California Fish and Game Commission Tribal Committee

Meeting Materials



May 7, 2025

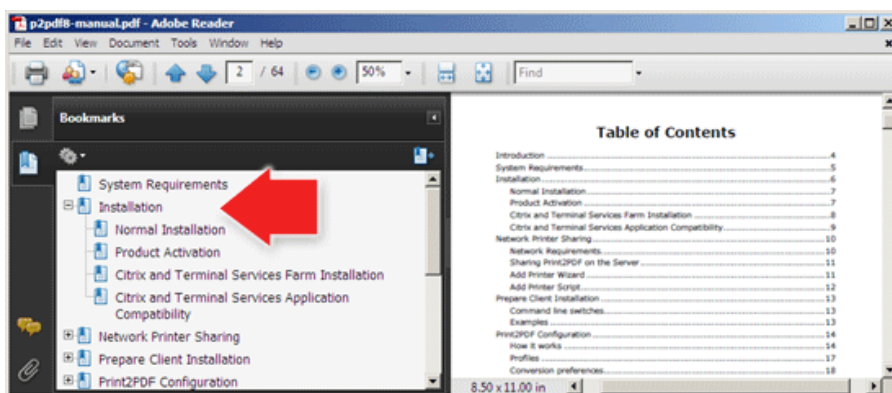
**Teleconference:
Trinidad and Sacramento**


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 California Fish and Game Commission Tribal Committee Meeting

- Welcome to this meeting of the California Fish and Game Commission Tribal Committee. The committee may be 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 the Bagley-Keene Open Meeting Act, though it is important to note that the committee chair cannot take action independent of the full Commission; instead, the chair makes recommendations to the Commission at regularly scheduled meetings.
- These proceedings are being recorded and will be posted to our website and/or YouTube page 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 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 contribute to the discussion about agenda items. If you wish to contribute to an agenda item, please:
 1. Raise your hand and wait to be recognized by the chair.
 2. Share your name and affiliation (if any).
 3. Recognize that time is limited, so be concise to give others time to speak.
 4. If multiple speakers have the same concerns or ideas to express, consider appointing a group spokesperson.
 5. Generally, participants in person are typically called on first, followed by participants joining by Zoom or phone.
 6. Feel free to continue contributing to the dialogue as a topic discussion evolves.
- If speaking during the general public comment agenda item, 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 discusses that item).
- Please note the nearest emergency exit for use in the unlikely event of an emergency.

Introductions for the California Fish and Game Commission Tribal Committee Meeting

Commissioners

Jacque Hostler-Carmesin Chair

Commission Staff

Melissa Miller-Henson Executive Director and Acting Tribal Advisor

Susan Ashcraft Marine Advisor

Ari Cornman Wildlife Advisor

David Haug Regulatory Analyst

Kelsey Leaird Executive Analyst

California Department of Fish and Wildlife

Sarah Fonseca Department Tribal Liaison, Office of Tribal Affairs

Scott Gardner Branch Chief, Wildlife Branch

Jay Rowan Branch Chief, Fisheries Branch

Craig Shuman Regional Manager, Marine Region

Chris Stoots Captain, Law Enforcement Division

Samara Maxey Marine Region Tribal Coordinator and Liaison

California Ocean Protection Council

Michael Esgro Senior Biodiversity Program Manager and Tribal Liaison

Commissioners
Erika Zavaleta, President

Santa Cruz

Samantha Murray, Vice President
La Jolla

Jacque Hostler-Carmesin, Member
McKinleyville

Eric Sklar, Member
Saint Helena

Darius W. Anderson, Member
Kenwood

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

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Tribal Committee

Committee Chair: Commissioner Hostler-Carmesin

Meeting Agenda – Teleconference

May 7, 2025; 1:30 p.m.

Participate via Teleconference (Phone or Zoom)

To participate in the meeting remotely, you may join Zoom directly at <https://wildlife-ca.gov.zoom.us/j/81752806307>. For complete instructions on how to join via Zoom or telephone, [click here](#) or visit fgc.ca.gov/meetings/2025.

or

Participate in Person*

Trinidad (Chair Hostler-Carmesin)

Trinidad Rancheria
Tribal Council Chambers
1 Cher-Ae Lane
Trinidad, CA 95570

Sacramento (staff)

California Natural Resources
Headquarters Building
715 P Street, 2nd Floor
Sacramento, CA 95814

- Notes:** (1) See important meeting deadlines and procedures, including written public comment deadlines, starting on page 6.
- (2) Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.
- (3) 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. **Consider approving agenda and order of items**
2. **Co-management roundtable**
Discuss tribal co-management initiatives and projects planned or underway in collaboration with public agencies and California tribes. Tribal representatives are invited to share their co-management interests and experiences.

Exhibit 2.1: Adopted co-management vision statement and definition

3. **California Natural Resources Agency draft tribal consultation policy**
Receive an update on and discuss the California Natural Resources Agency revised draft tribal consultation policy and associated draft tribal consultation best practices guide that are currently available for public comment and tribal consultation.
[Exhibit 3.1:](#) CNRA draft tribal consultation policy, revised March 21, 2025
[Exhibit 3.2:](#) Appendix 1 (draft tribal consultation best practices), CNRA draft tribal consultation policy, dated March 21, 2025
4. **Tribal subsistence definition and related management mechanisms**
Renew discussions about a potential tribal subsistence definition.
Reference: From the Alaska National Interest Lands Conservation Act (ANILCA), the definition of subsistence: *Customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles out of non-edible by-products of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.* (United State Code, Title 16, Section 3113)
5. **Commission policy on naming installations**
Receive, discuss and potentially develop a recommendation for revised proposed amendments to the Commission *Naming Installations Policy*, proposed to be retitled “naming protected areas” policy.
[Exhibit 5.1:](#) Naming installations policy with potential edits, revised April 30, 2025
6. **Annual tribal planning meeting**
Discuss timing, format and agenda for next annual tribal planning meeting.
7. **Staff and agency updates**
Receive updates from staff and other agencies, including current topics on the work plan for which the Committee has requested an update.
 - (A) **California Ocean Protection Council**
 - (B) **Department**
[Exhibit 7.1:](#) Updates from the Department, including the tribal liaison, Wildlife and Fisheries Division, and Marine Region, received April 1, 2025
 - I. Department Tribal Liaison
 - II. Law Enforcement Division
[Exhibit 7.2:](#) Marine protected areas enforcement report, presented at the March 2025 Marine Resources Committee meeting
 - III. Wildlife and Fisheries Division
 - Potential amendments to striped bass fishery regulations
 - IV. Marine Region
 - Potential amendments to red abalone fishery regulations[Exhibit 7.3:](#) Presentation to the Tribal Committee regarding recreational red abalone fishing closure, dated April 15, 2025

Exhibit 7.4: “Informational Update: California’s Marine Protected Area Network Decadal Management Review and Subsequent Marine Protected Area Regulation Amendment Petition Process,” dated March 28, 2025

Exhibit 7.5: March 2025 presentation by the Department Marine Region regarding the marine protected area evaluation process, dated March 13, 2025

(C) **Staff**

I. Wildlife Resources Committee (WRC)

Exhibit 7.6: WRC work plan, updated April 9, 2025

Exhibit 7.7: May 15, 2025 WRC meeting agenda

II. Marine Resources Committee (MRC)

Exhibit 7.8: MRC work plan, updated April 9, 2025

III. Marine protected areas petitions and evaluation process

IV. Justice, equity, diversity and inclusion plan

V. Commission rulemakings, petitions and other pending actions

Exhibit 7.9: Commission perpetual timetable for rulemaking, dated April 23, 2025

Exhibit 7.10: Approved agenda items for Commission May 14, 2025 and June 11-12, 2025 meetings (additional agenda items may be added by the president), dated April 13, 2025

8. **Application for new aquaculture lease**

Update on Santa Barbara Sea Ranch, Inc.’s application for a state water bottom lease for aquaculture purposes offshore Santa Barbara.

Exhibit 8.1: “Criteria and Framework for Evaluating if a New State Water Bottom Lease is in the Public Interest,” as approved by the Commission on August 23, 2023

9. **Future agenda items**

(A) ***Review work plan agenda topics and timeline***

Exhibit 9.1: Tribal Committee work plan, updated April 9, 2025

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

10. **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).

Adjourn

California Fish and Game Commission Meeting Schedule

Note: As meeting dates and locations can change, visit www.fgc.ca.gov/meetings for the most current list of dates and locations.

Meeting Date	Commission Meeting	Committee Meeting
May 14, 2025	Teleconference Trinidad, Sacramento, Santa Cruz, and La Jolla	
May 15, 2025		Wildlife Resources California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
June 11-12, 2025	East End Complex Auditorium 1500 Capitol Avenue Sacramento, CA 95814	
July 17, 2025		Marine Resources California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
August 12, 2025		Tribal California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
August 13-14, 2025	California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814	
September 11, 2025		Wildlife Resources California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
October 8-9, 2025	Sacramento area	
November 6, 2025		Marine Resources California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814

Meeting Date	Commission Meeting	Committee Meeting
December 9, 2025		Tribal California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
December 10-11, 2025	Sacramento area	

Other Meetings of Interest

Meetings listed in this section are for organizations for which the Commission: (1) is a member or (2) takes action based upon regulations developed by that organization.

Association of Fish and Wildlife Agencies

- September 21-24, 2025 – Tucson, AZ

Pacific Fishery Management Council

- June 12-18, 2025 – Rohnert Park, CA
- September 18-24, 2025 – Spokane, WA
- November 13-19, 2025 – Costa Mesa, CA

Pacific Flyway Council

- September 12, 2025 – Provo, UT

Western Association of Fish and Wildlife Agencies

- June 2-6, 2025 – Provo, UT
- June 1-5, 2026 – Boise, ID

Wildlife Conservation Board

- May 22, 2025 – Sacramento, CA
- August 28, 2025 – Sacramento, CA
- November 20, 2025 – Sacramento, CA
- February 2026 – 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 topics before the Commission than would otherwise be possible. Committee meetings are less formal in nature and provide additional access to commissioners. The committee does not take action independent of the Commission; instead, the committee makes recommendations to the Commission at regularly scheduled Commission 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 as possible.

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 Civil Rights Office at (916) 653-9089 or civilrights@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. For those joining by Zoom, you may be able to enable closed-captioning via the Zoom platform. If a request for an accommodation has been submitted but is no longer needed, please contact the Civil Rights Office immediately.

Stay Informed

To receive meeting agendas 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 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 four methods (only one is necessary): **Email** 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; or **hand-deliver** to a committee meeting.

Comment Deadlines

The **Written Comment Deadline** for this meeting is **5:00 p.m. on Tuesday, April 29, 2025**. 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 Monday, May 5, 2025**. Comments received by the deadline will be made available to commissioners at the meeting.

After these deadlines, written information may be delivered in person to the meeting. Please bring **six** copies and provide them to staff during the relevant agenda item.

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

Petitions for Regulation Change

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 regulation change, please provide your comments during Commission business meetings, via email, or by delivering to the Commission office.

As a general rule, requests for regulatory change must be redirected to the Commission and submitted on the required petition form, [FGC 1, Petition to the California Fish and Game Commission for Regulation Change](#). 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 contribute to the dialogue. If you wish to speak on an agenda item, please follow these guidelines:

- You will be given instructions during the meeting for how to be recognized by the committee chair to speak.
- If you have written information to share, please provide **six** copies to staff before you begin speaking.
- Once recognized, please begin by giving your name and affiliation (if any) and the number of people you represent.
- Time is limited; please keep your contributions concise so that everyone has an opportunity to speak.
- We encourage you to avoid repeating previous commentary. You may wish to appoint a spokesperson, or simply state you agree with a perspective already shared.
- If speaking during general public comment for items not on the agenda, the subject matter you present should not be related to any item on the current agenda (public discussion on agenda items will be taken at the time the committee discusses 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.

- 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.
- All electronic formats must be Windows PC compatible.
- If participating in person, it is recommended that you bring a print copy of any electronic presentation in case of technical difficulties.

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.

Draft California Natural Resources Agency Tribal Consultation Policy Update

1) Purpose and Objectives

The California Natural Resources Agency (hereafter CNRA) and its departments, commissions, boards, and conservancies (hereafter departments) are committed to consulting and meaningfully engaging with California Native American tribes (broadly referred to as “tribes” throughout this document) as it works to “restore, protect and manage the state’s natural, historical and cultural resources for current and future generations using creative approaches and solutions based on science, collaboration and respect for all communities and interests involved.” ([CNRA Mission](#)).

In 2012, CNRA adopted a [Tribal Consultation Policy](#) to advance Governor Brown’s [Executive Order B-10-11](#). Since then, as the CNRA continues to learn from and partner with tribes, tribes have expressed the need for a modernized consultation policy. This consultation policy is adopted as the new CNRA tribal consultation policy and replaces the CNRA 2012 policy. This new policy incorporates new laws and executive orders to ensure CNRA and its departments are advancing early, often, and meaningful tribal consultations across our work.

The objectives of this policy are as follows:

1. Establish consistent tribal consultation policies and implementation across departments under CNRA. This policy shall serve as the foundation upon which CNRA departments, commissions, boards, and conservancies can build additional department-specific tribal consultation policies.
2. To institutionalize CNRA’s policy of early, often, and meaningful consultation with California Native American tribes with the goal of collaborative problem-solving and partnership.
3. To encourage collaboration between CNRA and its departments on the tribal consultations for multi-departmental projects.
4. To designate which personnel are authorized to represent their department in tribal consultations and the roles and responsibilities of tribal liaisons.

2) Application of This Policy

This policy applies to all CNRA departments and serves as a basis from which CNRA departments may adopt addendums. While this policy applies to consultation, engagement, and communication with all California Native American tribes, it does not negate the specific government-to-government

relationship and responsibilities that the state has with federally recognized tribes.¹² In respect of federal Indian law principles and federal law, federally recognized tribes are sovereign nations who pursue self-determination through enactment and enforcement of tribal law, hold regulatory and adjudicatory authority of their tribal members, provide housing and healthcare for their members, control and management of federal trust lands, and many other actions. CNRA and its departments should implement this policy understanding and respecting the unique government-to-government relationship California has with federally recognized tribes.

Sections of this policy as well as California laws require CNRA and its departments to also consult with non-federally recognized tribes. Further, CNRA and its departments should rely on CNRA's [Environmental Justice Policy](#) to ensure the inclusion of tribal communities throughout their work.

In recent years, the state has adopted executive orders and other policy directives to improve communication between public agencies and tribes. The primary objective of these efforts is to ensure that California Native American tribes can participate meaningfully in decisions that may affect their communities, rights, and resources.

3) Background: Addressing Historical Wrongs

On June 18, 2019, Governor Gavin Newsom issued [Executive Order N-15-19](#) to formally apologize on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment, and neglect that California inflicted on tribes³. Through this Executive Order, Governor Newsom reaffirmed Governor Brown's [Executive Order B-10-11](#) and directed his Tribal Advisor and the Administration to engage in government-to-government consultation with California Native American tribes regarding policies that may affect tribal communities.

Tribal consultation is an acknowledgment of respect for California Native American tribes and a key component in addressing the historic wrongs sanctioned by the State against California Native Americans. Prior to colonization, the entirety of what is now known today as the State of California was

¹ California Native American tribes are those that are either recognized by the federal government pursuant to the annual list published under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. Sec. 5131) in the Federal Register or non-federally recognized tribes located in California. For the purposes of the California Environmental Quality Act (CEQA), a California Native American tribe means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 532 of the Statutes of 2014, Assembly Bill 52. See Public Resources Code Section 21073.

² Government-to-government consultation is a formal consultation process that occurs between tribal and state or federal governments. This process recognizes the sovereign-to-sovereign relationship and unique responsibilities that exist between recognized tribes and the United States (and by virtue the states within it). Such legal obligations include, but are not limited to, trust responsibility, treaty rights, executive orders, and case law.

³ Note, there is a long and strenuous history between the State of California and California Native American tribes. While this policy does not attempt to outline the full detailed history, it is essential to acknowledge this past in order to provide the foundation for building and improving relationships at present and in the future. For additional information on the history of California Native American narratives regarding the historical relationship between the State and California Native Americans, please see the Truth and Healing Council's webpage at <https://tribalaffairs.ca.gov/cthc/about/>.

comprised of tribal territories. California Native American tribes and people are the original stewards of the lands and waters in California, a relationship that continues to this day.

Today, California is home to the largest number of tribes in the contiguous United States.

4) Tribal Consultation

It is the policy of CNRA and all entities under CNRA to engage in early, often, and meaningful consultations on a government-to-government basis with federally recognized California Native American tribes, and to consult with nonfederally recognized California Native American tribes and tribal organizations, as appropriate, on policies, processes, programs, and projects that may impact tribal communities.⁴ CNRA departments, commissions, boards, and conservancies may adopt additional tribal consultation policies in consultation with tribes to build on this policy and to support their specific missions.

a) Definition of Tribal Consultation

Tribal consultation “means the meaningful and timely process of seeking, discussing, and considering carefully 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 Native American tribes shall be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation shall also recognize the tribes’ potential needs for confidentiality with respect to places that have traditional tribal cultural significance.”⁵

Tribal consultations may be conducted before, during, or after a department action but should occur as early and often as feasible in a manner that supports the objectives of this policy. For the purposes of this policy, preliminary tribal consultations and tribal consultations may include but are not limited to all communications, meetings, site visits, informal and formal consultations up to a final decision or action. While tribal consultation should be considered a process and a means of wholistic relationship building, for the purposes of this policy, a tribal consultation period for an action typically begins when the request for tribal consultation is sent (i.e., via phone call, email, or letter). Departments should make every effort to provide a tribal consultation period that provides adequate time and opportunities for both parties to share and consider one another’s perspectives (see Appendix 1: Tribal Consultation Best Practices) and should clearly communicate start and end times for consultations on specific department actions. CNRA and its departments can extend tribal consultation periods and consult outside of set consultation periods. Typically, 90-day consultation periods are a best practice, but 60-day consultation periods may be acceptable for time-sensitive matters or projects. 30-day consultation periods should only be reserved for emergency actions. (See Appendix 1: Tribal Consultation Best Practices).

It is important to note that capacity constraints may prevent a tribe from responding to a request for consultation, even if they are interested in the issue. Moreover, a nonresponse from a tribe does not indicate consent to a project, lack of interest, or concerns on impacts to tribal rights, interests, or

⁴ Government Code Section 11019.81 (c), Assembly Bill 923.

⁵ Government Code Section 65352.4. Note, tribes may hold their own definitions for what consultation is and should entail. When feasible, a best practice is to acknowledge and work with a tribe’s requests.

resources. Therefore, CNRA and departments should continue to engage and request consultation as the project progresses.

Tribes may not respond to a request for consultation or may decline to consult. If a tribe does not respond to a request for consultation, CNRA and departments will continue to notify tribes of updates as the action progress and invite consultation. If a tribe clearly states they do not want to consult on a particular action, CNRA and departments may no longer contact the tribe on the particular action; however, if, at a later time, a tribe wishes to reengage in consultation regarding the action, CNRA and departments shall include them in future consultations and notifications.

b) Objectives of Consultation:

While the specific issues and desired outcomes for tribal consultation will vary with each situation, the following objectives apply to all consultations. For each consultation, departments shall:

- Provide opportunities for tribal leadership and staff to express the tribe's priorities, views, and concerns and in so doing, for CNRA and department staff to develop a clear understanding of tribal perspectives, needs, and concerns.
- Share pertinent materials with a tribe in a timely fashion such that tribal leaders, representatives, and/or staff may make an informed decision.
- Provide tribal consultation timelines that allow tribal leaders, representatives, and/or staff to process information, schedule internal and external meetings, make informed decisions, and provide thoughtful comments and feedback.
- Strive for collaborative problem-solving as well as integration and advancement of tribal priorities and perspectives into CNRA and department decision-making where feasible.

c) Principles of "Early," "Often," and "Meaningful"

i) "Early"

"Early" means from the onset of an agency action, before department actions and decisions have been made, and definitely before an action or decision cannot be changed, with the exception of emergencies (see section below). CNRA and departments should request consultation as early as possible in the planning process. CNRA and departments are encouraged to implement early consultation periods, during which tribes have the opportunity to learn about and provide feedback on an activity before the project begins and before any major or irreversible decisions have been made. Additional consultations, i.e. consultation on a draft document, may follow early consultations as appropriate. Consulting as early as possible also gives CNRA and departments adequate time and flexibility to collaborate with tribes and incorporate and address tribal priorities, interests, and concerns into agency decision-making.

ii) "Often"

CNRA and departments should be building and maintaining relationships with California Native American tribes on an ongoing basis, before consultation is needed. However, for any CNRA or department actions with potential tribal implications, CNRA and

departments should offer consultation at a frequency that is conducive to allowing tribes multiple opportunities to provide input throughout the development process of a department's decision-making and as new information becomes available.

Roundtables, working groups, email listservs, and other intertribal spaces can be utilized to help provide updates, share information, and support intertribal and department coordination. These practices are helpful to address capacity constraints but cannot be used in lieu of tribal consultation.

iii) "Meaningful"

Meaningful consultation requires that the department prioritize listening with the intent to hear, understand, respect, and consider tribal feedback and comments; accordingly, consultation must happen well in advance of any major department decisions.

"Meaningful" should include a process of reciprocal communication and consideration but does not imply that both parties will come to consensus and reach agreement; however, a consensus-seeking approach should be sought throughout the consultation process where feasible. If consensus is not reached, CNRA and departments should provide a clear explanation of why tribal recommendations were not fully integrated and explore alternative solutions in collaboration with tribal leadership and representatives.

Meaningful consultation also requires that CNRA and departments provide tribes with a clear understanding of how their feedback will be used in the development of final decisions, actions, or policies following consultation.

d) Determining When to Seek Consultation

Determining when to seek consultation with tribes requires a two-step analysis:

(1) CNRA or a department should first determine whether its action has potential implications for tribes, may be of interest to tribes, impacts to their ancestral lands, cultural or natural resources, representatives, or tribal communities, or has implications to federally recognized tribes' trust lands, water rights, or other reserved rights; and,

(2) for actions identified in step (1), tribes, CNRA, or its departments should identify key milestones, needs, and timing associated with the action and identify where in that process to seek consultation with tribes such that tribes have multiple opportunities to provide meaningful and timely input to inform the decision-making of an action.

Note, tribes may also initiate consultation outside of agency requests (see Appendix 1: Tribal Consultation Best Practices).

i) Actions with Tribal Implications

Actions may include, but are not limited to, the "development of policies, regulations, guidelines, processes, programs, and projects," rulemakings, strategic plans, planning documents, projects undergoing CEQA review (including projects that may otherwise be

categorically excluded or exempted), funding and grant opportunities, memorandums of understanding, and as required by legislation, with tribal implications.⁶

Tribal implications are “actions that impact one or more federally recognized tribes or nonfederally recognized tribes or tribal organizations, the government-to-government relationship between the state and federally recognized tribes, or the distribution of power and responsibilities between the state and federally recognized tribes.”⁷ Tribal implications also include actions that are of interest to tribes, including but not limited to, tribal cultural resources, sacred sites, cultural viewsheds and landscapes, natural resources, economic development, access and use of ancestral lands, ancestral land return, increasing the availability of public resources and services to tribes and their communities.

When determining whether an action may have tribal implications, CNRA and departments should take as broad of an approach as feasible.

ii) Determining the Timing of Consultation Initiation and Frequency

As stated above, “early, often, and meaningful” are key principles of the CNRA’s Tribal Consultation Policy. This means that departments should contact potentially affected tribes as early as feasible and on as frequent or as-needed basis that achieves the consultation objectives set forth in this policy and to “allow tribal officials the opportunity to provide meaningful and timely input in the development of policies, processes, programs, and projects that have tribal implications.”⁸ Determining when and how often to consult with a tribe may depend on several factors including, but not limited to:

- (1) Tribal council meeting schedules and other tribal events or ceremonies
- (2) State laws and mandates
 - (a) Public Resources Code Section 21080.3.1 (Assembly Bill 52)⁹
 - (b) Government Code Section 11019.81 (Assembly Bill 923)¹⁰
- (3) Federal laws and mandates, including but not limited to:
 - (a) Native American Graves Protection and Repatriation Act¹¹ (Pub. L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-3058)
 - (b) National Environmental Policy Act
 - (c) National Historic Preservation Act
- (4) Department-specific mandates (e.g. permitting and regulatory actions)
- (5) Size and complexity of a particular project or department action (e.g. permitting, broad policy decisions, emergency actions, etc.)

⁶ Government Code Section 11019.81 (b)(1), Assembly Bill 923.

⁷ Government Code Section 11019.81 (b)(3), Assembly Bill 923.

⁸ Government Code Section 11019.81 (c), Assembly Bill 923.

⁹ Public Resources Code Section 21080.3.1, Assembly Bill 52.

¹⁰ Government Code Section 11019.81 (d), Assembly Bill 923.

¹¹ <https://uscode.house.gov/view.xhtml?path=/prelim@title25/chapter32&edition=prelim>

- (6) Number of tribes, governmental entities, or stakeholders that may be potentially affected by an agency action
- (7) Whether CNRA, a department, or a tribe has requested consultation
- (8) Department meeting schedules

Unless otherwise specified in statute, 90-day consultation periods are considered best practice. 60-day consultation periods may be acceptable for time-sensitive matters or projects. Please see the Appendix 1: Tribal Consultation Best Practices for additional guidance regarding when to seek consultation.

Additionally, departments should coordinate with other departments on shared agency actions to identify ways to streamline and collaborate on tribal consultations if appropriate. Please see the Appendix 1: Tribal Consultation Best Practices for additional guidance regarding multilateral consultations.

iii) Emergency Consultations

In some cases, consultation periods are truncated, or departments may need to take emergency actions that require quick decisions for immediate actions needed to protect life, the environment, or property (e.g. wildfire response, flooding from storms, oil spills, emergency regulations, public health, etc.). During these emergency situations, departments may not be able to offer “early” consultation to tribes. However, departments should strive to uphold the principles of this policy to the extent practicable and allowable under the law. Additional local, state, and federal laws may also need to be considered.

For departments that frequently manage or respond to emergency situations, it is recommended that department and deputy department tribal liaisons contact the Native American Heritage Commission to request a Sacred Lands File search for any known records of sacred lands within the area of the emergency and obtain a tribal contact list of culturally affiliated tribes. If applicable, departments can also request a determination from the California Historic Resources Information System (CHRIS) regarding the presence/absence of historical resources, including building, structures, objects, archaeological sites, landscapes, or districts.

Once the contact list and resource searches have been received, the tribal liaison should send an email containing emergency/incident information. Following the email, the tribal liaison should make a phone call to ensure each tribe received the notification and if they have any questions or concerns. Departments should consider having a dedicated tribal liaison email address to be utilized during emergency situations.

Additionally, department and deputy department tribal liaisons should create and maintain a tribal emergency contact list and foster relationships with tribes prior to emergency situations.

5) Designating a Tribal Liaison

This Section includes details concerning tribal consultation authority and how tribal liaisons are designated at one or more department levels.

a) Officials with Authority to Consult with Tribes:

[Government Code Section 8318](#) (Chapter 5 added by Stats. 1953, Ch. 170) requires state agencies “with significant interaction with tribal issues, peoples, or lands” to designate “one or more liaisons for the purpose of engaging in consultation with California Native American tribes on the contact list maintained by the Native American Heritage Commission.” Government Code Section 11019.81, [Assembly Bill 923](#) (Ramos, 2022), further states that the following officials within the Executive Branch shall have the authority to represent the state in tribal government-to-government consultations and shall be required to complete a statewide tribal consultation training:¹²

Government Code Section 11019.81

(f) (1) Within the executive branch, the following officials shall have authority to represent the state in a tribal government-to-government consultation:

- (A) The Governor.
- (B) The Attorney General.
- (C) Each constitutional officer and statewide elected official.
- (D) The director of each state agency and department.
- (E) The chair and the executive officer of each state commission and task force.

Government Code Section 11019.81 further specifies that any of the above officials may formally designate another official to conduct preliminary tribal consultations. These designated officials have the authority to act on behalf of the state during government-to-government consultations, delegate such authority, and are required to complete the statewide tribal consultation per Government Code Section 11019.81.

b) CNRA Tribal Liaison

The CNRA Deputy Secretary for Tribal Affairs is designated as the CNRA tribal liaison and is delegated authority to conduct tribal consultations on behalf of the CNRA Secretary, has the authority to act on behalf of CNRA, and is required to complete tribal consultations per Government Code Section 11019.81 for CNRA.

The CNRA Deputy Director for Tribal Affairs is designated as the CNRA deputy tribal liaison and is delegated authority to conduct tribal consultations on behalf of the CNRA Deputy Secretary for

¹² This policy does not address or fulfill the statewide training requirement listed in Assembly Bill 923.

Tribal Affairs and is required to complete tribal consultations per Government Code Section 11019.81 for CNRA.

c) Department Tribal Liaisons

Each department is required to have a department tribal liaison. The department tribal liaison may be one of the positions listed in Section (5) (a) of this policy or a designated official. Pursuant to this policy, CNRA department directors are required to formally designate a department tribal liaison and to provide a formal designation letter at the time of the adoption of this policy and later as needed. To designate a department tribal liaison, department directors shall send a letter to the CNRA Secretary and the Deputy Secretary for Tribal Affairs. The designation letter should include the 1) name, 2) title, 3) classification, 4) email, 5) phone number, and 6) scope of delegate authority. CNRA will report all formally designated department tribal liaisons to the Secretary for Tribal Affairs to the Governor and post the updated department tribal liaison's contact information on the CNRA website.

Department directors are highly encouraged to designate a department tribal liaison at the executive leadership or senior staff level, with authority in the department, and who can act on behalf of the department. Each department is encouraged to have at least one designated full-time department tribal liaison; however, where doing so is not feasible, it is recommended that department tribal liaisons or their designees should be allotted a minimum of 30% of their working responsibilities to perform the duties associated with the department tribal liaison roles and responsibilities noted below. Duty statements for all new department tribal liaison hires, regardless of the percentage of tribal affairs duties, shall include the roles and responsibilities noted below. For existing department tribal liaisons, it is highly encouraged to include their liaison roles and responsibilities in the job description and duty statement.

d) Deputy Department Tribal Liaisons

Department directors may also designate deputy department tribal liaisons for specific regions, programs, or projects within the department. Department directors may designate deputy department tribal liaisons using the same letter as the department tribal liaison or separate letters. The designation letter should include the 1) name, 2) title, 3) classification, 4) email, 5) phone number, and 6) scope of delegate authority. Such designation should occur at time of the adoption of this policy and as needed. For larger departments, deputy department tribal liaisons may serve as the main point of contact for tribes for their specific region or program. Deputy department tribal liaisons shall coordinate closely with the department tribal liaisons to ensure consistency and clear communication but can represent the department for specific reasons detailed in a delegation letter.

6) Tribal Liaison Roles and Responsibilities

This section defines the minimum roles and responsibilities of the CNRA Deputy Secretary for Tribal Affairs and department and deputy department tribal liaisons. Regardless of classification or position, all CNRA departments and their employees should adhere to statewide tribal affairs policies and goals. CNRA and department staff who are not designated tribal liaisons shall closely coordinate with their department and deputy department tribal liaisons when working on projects that might affect tribes,

including working with the tribal liaison on implementation of tribal consultations. Tribal liaisons shall be available to support their colleagues to determine if or when a project or department action may affect a tribe or tribes and to determine the most appropriate pathway(s) for tribal consultation on a given action.

a) CNRA Deputy Secretary for Tribal Affairs Roles and Responsibilities

The Deputy Secretary for Tribal Affairs has the responsibility to ensure consistency of the implementation of this policy. To accomplish this, the Deputy Secretary for Tribal Affairs shall convene all department tribal liaisons on a regular basis to provide resources, coordinate on shared projects, and trainings as needed. The Deputy Secretary for Tribal Affairs may create tribal affairs working groups to provide additional focus on key tribal affairs policies, including the implementation of this policy.

b) Department Tribal Liaison Roles and Responsibilities

Department tribal liaisons serve as the main point of contact and act as the department's principal representative to tribes. Department tribal liaisons are generally responsible for responding to requests for information and consultation from tribes, participating in engagement activities and tribal consultations, and providing briefings to the CNRA Deputy Secretary for Tribal Affairs and Tribal Affairs Secretary of the Governor's Office. Department tribal liaisons are required to attend the Deputy Secretary for Tribal Affairs' monthly tribal affairs coordination calls and Governor Office's tribal liaison calls, if scheduled.

Department tribal liaisons ensure the implementation of Agency and department tribal consultations policies and compliance with state mandates regarding tribal consultation. As such, department tribal liaisons shall review and sign all request for consultation letters or approve all emails from the department to ensure consistency with this policy and their department's tribal consultation policies. Department tribal liaisons are encouraged to develop and maintain working relationships with tribal leadership and tribal staff.

c) Deputy Department Tribal Liaison Roles and Responsibilities

Department tribal liaisons may delegate some of their duties to deputy department tribal liaisons; however, all communications and decisions shall include the department tribal liaison. For the departments with deputy department tribal liaisons, the department tribal liaison is required to host monthly coordination calls with their deputy department tribal liaisons.

d) Training

Training is an essential component to the implementation of this policy, Tribal Consultation Best Practices, and building consistent department capacity to respectfully and appropriately engage with tribes. The following outlines the training roles and requirements for various CNRA staff.

- The Deputy Secretary for Tribal Affairs shall conduct an annual training for all department and deputy department tribal liaisons regarding the implementation of this policy and other tribal affairs policies. Further, the Deputy Secretary for Tribal Affairs shall conduct an annual training for all employees at CNRA and departments on this policy and tribal consultation best practices.

- Department and Deputy Department tribal liaisons as well as department archaeologists are required to complete the statewide tribal consultation training provided by the California Department of Human Resources per Government Code Section 11019.81.
- Department and Deputy Department tribal liaisons shall be trained on this policy and their department's tribal consultation policies.
- All CNRA staff are encouraged to seek additional tribal affairs trainings (e.g., cultural humility, history of tribes in California, etc.), especially those curated directly by tribes.

7) Limitations of this Policy

This policy is intended solely for the employees of CNRA and entities under CNRA and does not extend to other governmental entities, although CNRA encourages cooperation, education, and communication on the part of all governmental entities. This policy is not intended, and should not be construed, to define the legal relationship between CNRA and entities under CNRA and California Native American tribes or tribal communities. This policy is not a regulation, and it does not create, expand, limit, or waive any laws, legal rights, or legal obligations, nor is it intended to be punitive such that it alters any existing collectively bargained for employment rights or memorandums of understanding between unions and the state.

DRAFT
California Natural Resources Agency
Tribal Consultation Policy

Appendix 1:
Tribal Consultation Best Practices

Executive Summary

[To be added once document content finalized]

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Introduction

The following document is intended to accompany the California Natural Resources Agency's (CNRA) updated Tribal Consultation Policy. This document contains detailed information on the best practices for consulting with California Native American tribes.¹

While this document applies to consultation, engagement, and communication with all California Native American tribes, it does not negate the specific government-to-government relationship and responsibilities that the state has with federally recognized tribes.² In respect of federal Indian law principles and federal law, federally recognized tribes are sovereign nations who pursue self-determination through enactment and enforcement of tribal law, hold regulatory and adjudicatory authority of their tribal members, provide housing and healthcare for their members, control and management of federal trust lands, and many other actions. CNRA and its departments should implement these best practices understanding and respecting the unique government-to-government relationship California has with federally recognized tribes.

Sections of this policy as well as California laws require CNRA and its departments to also consult with non-federally recognized tribes. Further, CNRA and its departments should rely on CNRA's [Environmental Justice Policy](#) to ensure the inclusion of tribal communities throughout their work.

Overview of State Legislation and Guidance Pertinent to Tribal Consultation

In recent decades, both the California State Legislature and multiple governors have adopted new laws and executive orders that focus on building and sustaining stronger partnerships with California Native American tribes and outline tribal consultation requirements. The following section provides a brief background and overview of the relevant laws and guidance documents that are pertinent to tribal consultation. Note, this section does not provide a summary of every law (tribal, state, federal, or local) that may otherwise apply to tribal rights or resources. Please work closely with your legal departments for additional information.

State Laws

- **Senate Bill 18:** In 2004, California passed [Senate Bill 18](#)³ (Burton, Chesbro, and Ducheny, 2004), which requires cities and counties to consult with tribes before adopting or amending a city or county general plan. This bill seeks to preserve and avoid or mitigate impacts to California

¹ California Native American tribes are those that are either recognized by the federal government pursuant to the annual list published under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. Sec. 5131) in the Federal Register or non-federally recognized tribes located in California. For the purposes of the California Environmental Quality Act (CEQA), a California Native American tribe means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 532 of the Statutes of 2014, Assembly Bill 52. See Public Resources Code Section 21073.

² Government-to-government consultation is a formal consultation process that occurs between tribal and state or federal governments. This process recognizes the sovereign-to-sovereign relationship and unique responsibilities that exist between recognized tribes and the United States (and by virtue the states within it). Such legal obligations include, but are not limited to, trust responsibility, treaty rights, executive orders, and case law.

³ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=2003200405B18

Commented [A2]: Global note: CNRA will add cross-walk and references to the Tribal Consultation Policy once both documents are finalized.

Commented [A3R2]: Global note: During the design stage, CNRA will create call out boxes for best practices for ease of readability. Warmly welcome insight on which best practices should be highlighted with a call out box.

Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places and resources. Further, this law established the Native American Heritage Commission's (NAHC) authority to maintain a contact list of federally and non-federally recognized California Native American tribes for conservation easement and consultations on adopting or amending a city or county general plans for the purposes of preserving or mitigating impacts to places, features, and objects.

- **Assembly Bill 52:** In 2014, California passed [Assembly Bill 52](#)⁴ (Gatto, 2014), which amended the California Environmental Quality Act (CEQA) to include a specific analysis of impacts to tribal cultural resources for projects that have a notice of preparation or a notice of negative declaration filed or mitigated negative declaration on or after July 1, 2015. Assembly Bill 52 specifies that proposed projects with potentially significant adverse impacts to tribal cultural resources are subject to CEQA review. This bill also creates requirements for the lead agency to consult with tribes that are traditionally and culturally affiliated with the geographic area of the proposed project and that have requested in writing to the lead agency to be informed. These amendments further relied on the Native American Heritage Commission's contact list authorized under Senate Bill 18 (Burton, Chesbro, and Ducheny, 2004) for tribal consultation purposes.
- **Assembly Bill 168:** In 2020, California passed [Assembly Bill 168](#)⁵ (Aguiar-Curry, 2020), which created a process for tribal scoping consultation with California Native American tribes for housing development proposals seeking review under the streamlined ministerial approval process created by [Senate Bill 35](#)⁶ (Wiener, 2017). The Bill requires developers to submit a preliminary application with key project details and engage in tribal scoping consultation that potentially influences the project's eligibility for ministerial approval. Assembly Bill 168 (Aguiar-Curry, 2020) uses the Native American Heritage Commission contact list authorized under Senate Bill 18 (Burton, Chesbro, and Ducheny, 2004) for tribal consultation purposes.
- **Assembly Bill 275:** On September 25, 2020, Governor Newsom signed [Assembly Bill 275](#) (Ramos, 2020)⁷ into law, which amended CalNAGPRA (the California Native American Graves and Repatriation Act of 2001).⁸ Assembly Bill 275 added [Section 8318](#) to the Government Code Chapter 5 added by Stats. 1953, Ch. 170),⁹ requiring state agencies "with significant interaction with tribal issues, peoples, or lands" to designate "one or more liaisons for the purpose of engaging in consultation with California Native American tribes on the contact list maintained by the Native American Heritage Commission."

⁴ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52&search_keywords=

⁵ Bill text may be found at the following website:

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB168. Additional tribal consultation requirements and guidance may be found here: https://opr.ca.gov/ceqa/docs/20201202-AB_168_Advisory_FINAL.pdf.

⁶ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB35

⁷ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB275

⁸

https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=HSC&division=7.&title=&part=2.&chapter=5.&article

⁹

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=2.&part=&chapter=5.&article=

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- **Assembly Bill 923:** Most recently, the California legislature passed, and Governor Gavin Newsom signed, [Assembly Bill 923](#)¹⁰ (Ramos, 2022), also known as the Government-to-Government Consultation Act. This law encourages state agencies to “consult on a government-to-government basis with federally recognized tribes, and to consult with nonfederally recognized tribes and tribal organizations, as appropriate, in order to allow tribal officials the opportunity to provide meaningful and timely input in the development of policies, processes, programs, and projects that have tribal implications.” The bill further specifies a 60-day timeline over which it suggests consultation should occur when requested by federally recognized tribes. This law does not rely on the NAHC Contact List.

Assembly Bill 923 more broadly encourages agency directors to consider the need for tribal consultation before approving agency actions and lists specific officials that have the authority to conduct government-to-government consultation. These officials may formally designate another “agency official to conduct preliminary tribal consultations, and each designated official may have the authority to act on behalf of the designating official during a government-to-government consultation.”

Lastly, the bill directs the Department of Human Resources to develop a training on the “required elements of training on government-to-government consultations.” Each required agency official shall take this training on an annual basis. Note, this guidance does not specifically address the training required by Assembly Bill 923; however, it does provide additional guidance as to tribal consultation best practices and mechanisms.

Executive Orders

- **Executive Order B-10-11:** In 2011, Governor Edmund G. Brown Jr. signed [Executive Order B-10-11](#),¹¹ which required all state agencies and departments subject to executive control to “encourage communication and consultation with California Indian tribes” on issues that may affect tribal communities. It also established the Governor’s Tribal Advisor (now the Governor’s Office of Tribal Affairs) to “oversee and implement effective government-to-government consultation between [the Administration] and Tribes on policies that affect California tribal communities.” The CNRA adopted its first tribal consultation policy in 2012 in response to Executive Order B-10-11.
- **Executive Order N-15-19:** In 2019, Governor Gavin Newsom signed [Executive Order N-15-19](#),¹² which reaffirmed Executive Order B-10-11. Executive Order N-15-19 issued a formal apology to California Native Americans on behalf of the state for the many instances of violence, maltreatment, and neglect. This Executive Order also established the [Truth and Healing Council](#) to collect and document California Native American narratives regarding the historical relationship between tribes and the State of California.

Together, the above policies and directives encourage, and in some instances, require tribal consultation and highlight the need for continued and more robust collaboration with California Native American tribes and tribal communities. This guidance in combination with the CNRA’s Tribal Consultation Policy is

¹⁰ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB923

¹¹ <https://archive.gov.ca.gov/archive/gov39/2011/09/19/news17223/index.html>

¹² <https://www.gov.ca.gov/wp-content/uploads/2019/06/6.18.19-Executive-Order.pdf>

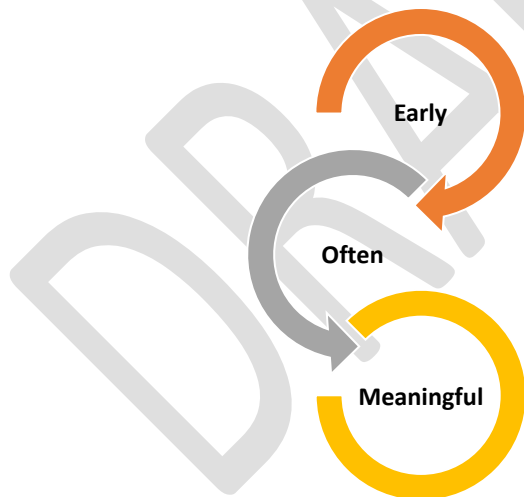
intended to be consistent with and expand upon the policies and directives listed above. As the state seeks to address historical wrongs against California Native American tribes, engaging in early, often, and meaningful tribal consultation is critical.

Tribal Consultation Process

The following section outlines consultation principles, objectives, and best practices; types of consultation; a process for determining when and where to consult as well as with whom to consult; how to send consultation invitations and set consultation agendas; and other basic principles of consultation. These best practices are intended to foster relationships with tribes and support the objectives outlined in CNRA's Tribal Consultation Policy. Please note that the consultation process guidelines listed below are not all-encompassing and may not be appropriate for every single situation; however, they do provide a basis from which CNRA, CNRA departments, and CNRA tribal liaisons and department leadership can build processes that work for them, their department, and the individual tribe with which they are interacting.

Tribal Consultation Principles: "Early," "Often," and "Meaningful"

CNRA's policy is to engage in early, often, and meaningful consultations with California Native American tribes on policies, projects, and programs that may impact tribal communities.



"Early"

"Early", as defined in the CNRA Tribal Consultation Policy, means "from the onset of an agency action, before department actions and decisions have been made, and definitely before an action or decision cannot be changed, with the exception of emergencies... CNRA and departments should request consultation as early as possible in the planning process. CNRA and departments are encouraged to implement early consultation periods, during which tribes have the opportunity to learn about and provide feedback on an activity before the project begins and before any major or irreversible decisions have been made. Additional consultations, i.e. consultation on a draft document, may follow early

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consultations as appropriate. Consulting as early as possible also gives CNRA and departments adequate time and flexibility to collaborate with tribes and incorporate and address tribal priorities, interests, and concerns into agency decision-making.”

When consulting during the early stage, departments do not have to provide draft work product that is still being reviewed and approved by leadership but are encouraged to share early versions when feasible. That said, departments should ensure tribes have enough information to understand the actions the department is considering taking to help inform the outcome. This information may include project details, PowerPoint presentations, outlines, maps, policy concepts and goals, and laws impacting the decision. Consulting as early as possible should be part of the department’s investigation, scoping, and research stage of any action. This will give departments adequate time and flexibility to incorporate tribal priorities and address concerns to help inform a final draft decision.

“Often”

“CNRA and departments should be building and maintaining relationships with California Native American tribes on an ongoing basis, before consultation is needed. However, for any CNRA or department actions with potential tribal implications, CNRA and departments should offer consultation at a frequency that is conducive to allowing tribes multiple opportunities to provide input throughout the development process of a department’s decision-making and as new information becomes available.” (CNRA Tribal Consultation Policy).

For example, for a development project, departments might offer consultation at the start of project scoping, during a project’s design phase, and during a project’s final review. On the other hand, for permitted projects, departments might be tied to specific statutory deadlines but should notify and seek consultation with potentially affected tribes as soon as the department is aware of an application.

Departments are encouraged to ask tribes what their preferred frequency of meetings and distribution of updates should be based on the tribe’s preferences and capacity as well as the department’s decision-making timeline. It is important to note that capacity constraints may prevent a tribe from responding to a request for consultation, even if they are interested in the issue. Moreover, a nonresponse from a tribe does not indicate consent to a project, and departments should continue engaging and requesting consultation as the project progresses.

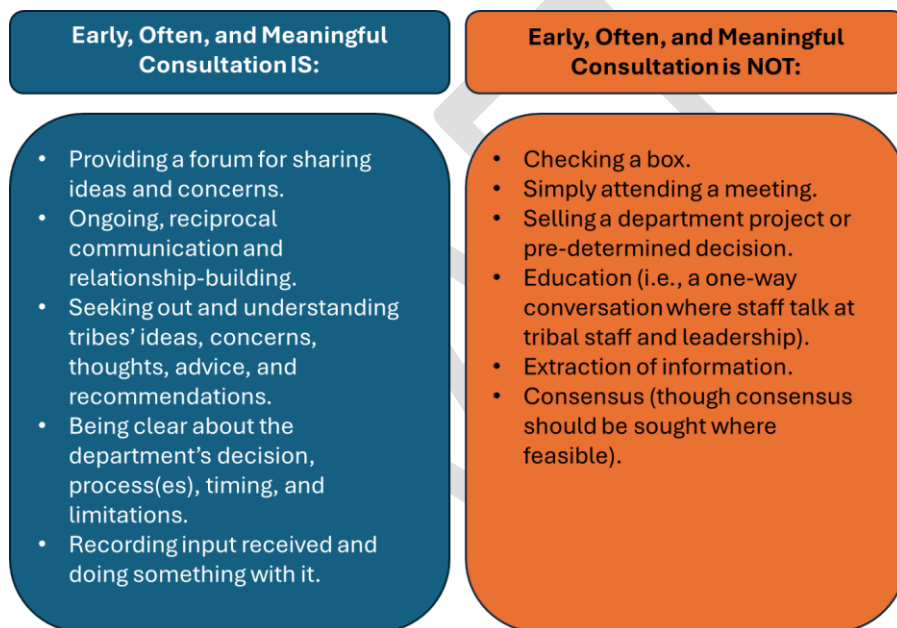
Tribes retain the right to consult (formally or informally) with departments at any time, even after consultation periods have ended; however, early and often consultations will allow departments and tribes the greatest flexibility to incorporate tribal input before final decisions are made. If a tribe requests to consult after a department’s consultation period has closed and a decision has been made, departments should still meet with the tribe to understand any concerns and offer opportunities to provide input on the implementation of the project to the extent feasible or input on future similar decisions.

“Meaningful”

“Meaningful consultation requires that the department prioritize listening with the intent to fully hear, understand, respect, and consider tribal feedback and comments; accordingly, consultation must happen well in advance of any major department decisions.

“Meaningful” should include a process of reciprocal communication and consideration but does not imply that both parties will come to consensus and reach agreement; however, a consensus-seeking approach should be sought throughout the consultation process where feasible. If consensus is not reached, CNRA and departments should provide a clear explanation of why tribal recommendations were not fully integrated and explore alternative solutions in collaboration with tribal leadership and representatives.

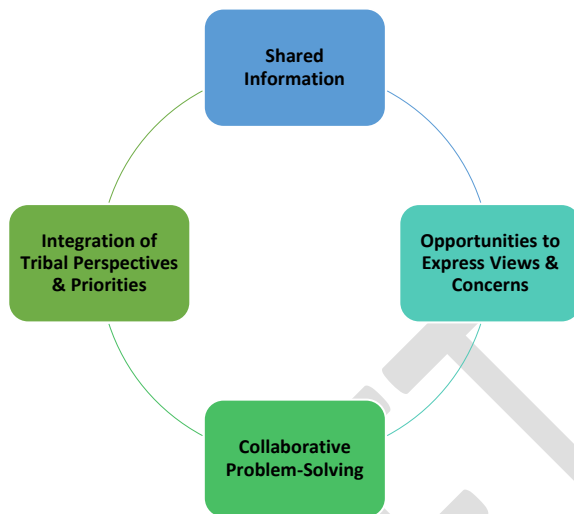
Meaningful consultation also requires that CNRA and departments provide tribes with a clear understanding of how their feedback will be used in the development of final decisions, actions, or policies following consultation” (CNRA Tribal Consultation Policy).



Note: components of the above figure were sourced from the California Department of Conservation's Race and Equity-Focused Public Engagement Model Training.

Consultation Objectives and Best Practices:

Consultation is a conversation and a process, not an outcome. While the specific issue and desired decisions will vary with each situation, the following objectives and best practices apply to all consultations.



1. Ensure the department has shared pertinent materials with a tribe such that tribal leaders, representatives, and/or staff may make an informed decision regarding whether the department action has any tribal implications and if so, to what degree.

- These materials may include, but are not limited to, legislative and legal context, project descriptions, site or project vicinity maps and geospatial files (e.g., shapefiles), blueprints or engineering site plans, applicable technical information (e.g., environmental and cultural resource impact studies), outlines, project proposals, PowerPoint presentations, and other informational materials.
- Provide full and candid information to the extent allowable. Be transparent about the department's abilities and limitations.
- Where feasible, consider opportunities to compensate tribes for services and subject matter expertise to build capacity and participation.

2. Provide opportunities for tribal leadership and staff to express the tribe's priorities, views, and concerns and in so doing, for CNRA and department staff to develop a clear understanding of the tribal perspectives, needs, and concerns.

- Begin consultation early in the conceptual stage or planning process and coordinate with tribal liaisons to identify potential tribal concerns.
- Provide outreach to a tribe using multiple mechanisms (e.g., email, phone call, letter, etc.) and on multiple occasions.
- Consider multiple modes (e.g., in-person, hybrid, virtual) and venues for consultation, including locations close to the tribe or the project area and settings that will facilitate the greatest tribal attendance.
- Practice cultural humility and learn about the customs and etiquette of the tribe with which you are consulting.

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- Practice active listening and acknowledge and respect traditional tribal knowledge (see Agency Actions with Tribal Implications for additional information concerning traditional knowledge).
- When funding is available,¹³ consider compensating a tribe if they provide a service or information that your department has requested.
- Create a feedback mechanism for tribes to submit comments regarding a particular project or the department's general consultation process. This could include a project-specific email address, a designated deputy tribal liaison for the project with whom tribes can closely coordinate, or a general tribal affairs email address for the department.
- Continually develop relationships with tribes to identify future opportunities for engagement and discussion.

3. Strive for collaborative problem-solving as well as the integration and advancement of tribal priorities and perspectives into CNRA and department decision-making where feasible.

- Build and maintain ongoing relationships with California Native American tribes and tribal communities, before an agency action begins and at the start of a project specific consultation.
- View consultation as an opportunity for creative collaboration, relationship building, and problem solving as opposed to a procedural requirement (i.e., do not simply "check the box").
- Consider offering and conducting both formal and informal meetings and communications as appropriate.
- Provide open-ended, flexible, and candid agendas. Ensure tribes can review and provide edits and additions to draft proposed agendas before the meeting.
- Respond to tribal input by following up with tribes to share how their recommendations were incorporated or concerns were addressed in the decision-making process.
- When funding is available, consider contracting or engaging facilitators (who are mutually agreed upon and with permission from the tribe) for particularly difficult discussions. Ideally, utilize facilitators who have tribal affairs experience and feel comfortable working closely with tribes.

Determining When to Consult

The CNRA's Tribal Consultation Policy [\[FILL IN URL for CNRA Tribal Consultation Policy WHEN FINALIZED\]](#) outlines the basic components of tribal consultation (Section 3) as required by [Assembly Bill 923](#)¹⁴ (Ramos, 2022) and other applicable state laws. The following section provides additional guidance for CNRA department staff endeavoring to implement these laws and policies.

As consultation is a two-way conversation, tribal consultation may be initiated by either CNRA departments or by tribes.

¹³ Funding may come from a variety of sources. It is important to build allowances in funding mechanisms early in the process so that they are available as needed at a later date.

¹⁴ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB923

Tribally Initiated Consultation

Tribes may initiate consultation with a department about a selected topic under the department's purview and may do so independent of a specific department action or request for consultation. In these instances, tribes should reach out to the appropriate department or deputy department tribal liaison with a request for consultation and include any pertinent information for the department's review. Tribes may utilize different forms of communication to request consultation with a department. A best practice is to accept any form of communication and ask clarifying questions if a request is unclear. A list of CNRA tribal liaisons will be posted at [\[FILL IN URL for CNRA Tribal Liaison Contact Page\]](#), and additional information regarding tribal liaison contacts may be found on the individual CNRA department websites.

If a tribe seeks consultation with your department regarding a topic outside of your department's purview, it is a best practice to provide the tribe with the name of the appropriate department and their tribal liaison's contact information.

The remainder of this section and document focus on best practices for department-initiated consultations.

Department-Initiated Tribal Consultation

Determining when your department should consult with tribes requires a two-step analysis:

1. A department should first determine whether its action has tribal implications, and
2. For actions with potential tribal implications, the department needs to identify key milestones, needs, and timing associated with the action.

Agency Actions with Tribal Implications

Agency actions may include, but are not limited to, "the development of policies, regulations, guidelines, processes, programs, and projects with tribal implications".¹⁵

Tribal implications are "agency actions that impact one or more federally recognized tribes or non-federally recognized tribes or tribal organizations, the government-to-government relationship between the state and federally recognized tribes, or the distribution of power and responsibilities between the state and federally recognized tribes".¹⁶

When determining whether an action may have tribal implications, state staff should take a broad approach to be as protective of tribal resources and interests as feasible. Particular attention should be given to actions that have the potential to affect federally recognized tribes' trust lands, tribal membership, water rights, or other reserved rights.

State departments will need to find a healthy balance between over- and under-notifying tribes. For example, a potential strategy to reduce engagement fatigue might be to bundle notices or requests for information for similar project topics or locations if a given tribe is agreeable to this approach.

Note, it is always up to a tribe to define its areas and resources of interest. Tribes and tribal people possess "traditional knowledge" (sometimes referred to as "traditional ecological knowledge" or

¹⁵ Assembly Bill 923 (Ramos, 2022), Section 11019.81 (b)(1)

¹⁶ Assembly Bill 923 (Ramos, 2022), Section 11019.81 (b)(3)

“indigenous knowledge”). Each tribe will have its own definition of traditional knowledge, but this expertise may be generally summarized as observations, practices, and beliefs unique to a particular group of people that are obtained through millennia of interactions and experience with a specific place or environment. This expertise is often passed from generation to generation. Such knowledge “should be recognized as an independent, self-supporting line of evidence meant to support program, policy, and procedural decisions... and recognizes designated representatives of... [tribes]... as the appropriate subject matter experts capable of informing decision making related to such knowledge.”¹⁷ CNRA and its departments should give deference to traditional knowledge as well as tribes’ statements of implications to tribal rights and resources and take great care to avoid defining such things outside of direct input from tribes.

Staff should seek guidance from their department or deputy department tribal liaisons if they are unsure whether an agency action has tribal implications. If the tribal liaison is also unsure whether the action may have tribal implications, the tribal liaison should seek additional input from the CNRA Deputy Secretary for Tribal Affairs.

Determining the Timing of Consultation Initiation and Frequency

As stated above, early, often, and meaningful are key principles of the CNRA’s Tribal Consultation Policy. This means that departments should reach out to potentially affected tribes as early as feasible and on a frequent or as-needed basis that achieves the consultation objectives set forth in the CNRA’s Tribal Consultation Policy.

More complex or controversial projects will likely necessitate the need for departments to engage in multiple consultations over an extended period. Consultation is driven by several variables including statutory requirements, state management policy, and informational needs such as, but not limited to, the following:

- (1) Tribal council meeting schedules and other tribal events or ceremonies.¹⁸
- (2) State laws:
 - (a) CEQA, as amended by Assembly Bill 52 (Gatto, 2014)¹⁹: Under this statute, agencies are required to consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of a project subject to CEQA if : 1) the tribe has requested in writing to the lead agency to be informed of projects in the specified area, and 2) the tribe responds in writing within 30 days of receipt of the formal notification, requesting consultation. If tribes seek consultation during the 30-day period, entities can and should work with the tribe to establish a mutually productive consultation date.
 - (b) Assembly Bill 923 (Ramos, 2022)²⁰: “encourages the State of California and its agencies to consult on a government-to-government basis with federally recognized tribes, and to consult

¹⁷ Advisory Council on Historic Preservation. *Policy Statement on Indigenous Knowledge and Historic Preservation*. March 21, 2024. Accessed February 19, 2025 via <https://www.achp.gov/sites/default/files/policies/2024-03/PolicyStatementonIndigenousKnowledgeandHistoricPreservation21March2024.pdf>.

¹⁸ For example, some Tribal Councils do not meet as frequently or there may be certain times of the year (e.g., summer) that are associated with more frequent tribal ceremonies (e.g., first salmon ceremony, gathering, etc.) and events than others.

¹⁹ Assembly Bill 52 (Gatto, 2014), Section 21080.3.1 (as amended by Assembly Bill 1561)

²⁰ Assembly Bill 923 (Ramos, 2022), Section 11019.81 (d)

with nonfederally recognized tribes and tribal organizations, as appropriate” and “at the request of a federally recognized tribe for a government-to-government consultation on a specified agency action, the Legislature encourages the state and its agencies to consult with the tribe as to the specified agency action within 60 days of the request.”

- (3) Department-specific policies and mandates.
- (4) Size and complexity of a department action or project. Types of department actions that might affect tribal consultation timing or frequency include but are not limited to:
 - (a) Financial or statutory timelines for permitting decisions.
 - (b) Budgetary timelines.
 - (c) Statutory timelines for regulatory actions.
 - (d) Construction and field work seasonal windows.
 - (e) Policy decisions.²¹
 - (f) Emergency actions.²²
- (5) Number of tribes, governmental entities, or stakeholders that may be potentially affected by an agency action.²³
- (6) Whether a department or a tribe has requested consultation.
- (7) Timing of state board or commission meetings.

Types of Consultation

Tribal consultations can take many different forms, and tribes may have different consultation preferences and styles. If a tribe requests consultation, departments should ensure that there is consistent and clear communication between department staff and the tribe regarding any expectations and attendees. Several types of consultation are listed below:

- **Government-to-government** consultations occur between tribal leaders (or tribal representatives with authority to speak on behalf of their tribe) and department leadership from federally recognized tribes. If tribal leaders are present, it is important that the department representatives present at the consultation have decision-making power related to the agency action. At times, it is a sign of disrespect if department leadership is absent when tribal leaders participate in a consultation.

In some cases, tribal leaders may give authority to a tribal representative (e.g., via resolution or another form of formal delegation) to consult with a department and make decisions on a particular matter. Some federally recognized tribes may have their own consultation policies, adopted either by ordinance or resolution. It is a best practice to ask a tribe if they have their own consultation policy and to incorporate components of the specific tribal law throughout the consultation process to the extent feasible.

²¹ Broad policy decisions may occur over a longer period of time because they generally require more coordination with a number of governments and stakeholders and may necessitate additional consultations at various stages throughout the development of policies.

²² Further information on emergency actions is found in CNRA’s Tribal Consultation Policy (Section 3(d)(iii)).

²³ Additional time should be allotted to schedule meetings with all decision-making entities and potentially affected parties to allow for sufficient opportunities for all parties to converse with one another as desired and express opinions, thoughts, and concerns.

- **Staff-to-staff** consultations occur between tribal staff and department staff, though tribal and department leadership may also attend. These consultations often involve preliminary information sharing and an opportunity to ask questions so that tribal staff can brief their council and decide whether to continue the consultation process. Discussions that occur during staff-to-staff meetings should not necessarily be taken as a tribe's official response to an agency action, unless the staff member with whom department staff are speaking has been officially delegated the authority to provide a decision on behalf of the tribe.
- **Bilateral consultations** occur between one tribe and one department. Bilateral consultations should be the default unless tribes request or agree to a multilateral consultation.
- **Multilateral consultations** occur between multiple tribes and/or more than one department or one tribe and multiple departments. Multilateral consultations may be appropriate if the proposed action or activity impacts multiple tribes or multiple departments; however, multilateral consultations are not appropriate in all circumstances. The individual tribal priorities, laws, histories, tribal representative preferences, and department needs should all be considered before requesting a multilateral consultation. All tribes involved must agree to a multilateral consultation before it takes place.²⁴

Multiple departments may be involved in one agency action. A tribe may prefer to consult with all departments at the same time. The lead department should ask if a tribe would be interested in consulting with all involved departments and serve in a coordinating role between the tribe(s) and departments. It should not be assumed that a tribe would like to consult with multiple departments at the same meeting.

- **"Formal" and "informal" consultations:** Consultations may be "formal" or "informal" depending on the topic and objectives of consultation as well as the pre-existing relationships between department and tribal representatives. The level of formality in the context of this policy refers to the number and status of decision-making attendees. All input and feedback received during consultations shall be meaningfully considered regardless of the level of "formality."
- **Assembly Bill 52 (Gatto, 2014) consultation** is a process that is specific to actions subject to CEQA with effects "that may cause a substantial adverse change in the significance of a tribal cultural resource." Assembly Bill 52 (Gatto, 2014) requires "a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project."

²⁴ Agreement need not be formal (e.g., via resolution) but may come from official tribal representatives or staff.

Draft Tribal Consultation Best Practices Tribal Consultation and Public Comment

If the lead agency determines that a project may significantly negatively affect tribal cultural resources, it must consider appropriate avoidance or mitigation measures. For projects where CNRA or one of its departments is the lead agency under CEQA, CNRA or the department will comply with the statutory requirements regarding tribal consultation. The CNRA Tribal Consultation Policy and Best Practices Appendix are intended to provide additional best practices and standards that may go above and beyond the minimum requirements associated with Assembly Bill 52 (Gatto, 2014).²⁵

For more resources on requirements and best practices for Assembly Bill 52 (Gatto, 2014) consultations, please see the California Governor's Office of Land Use and Climate Innovation (previously the Office of Planning and Research) website: <https://lci.ca.gov/ceqa/tribal/>.

- **Section 106 consultation** pursuant to the National Historic Preservation Act,²⁶ as amended, is a process that is specific to federal, federally funded, or federally permitted projects. Under Section 106, the state's Office of Historic Preservation Office (OHP), is responsible for ensuring that projects carried out, sponsored, or permitted by federal agencies comply with federal historic preservation laws²⁷ and that projects are planned in ways that avoid or minimize adverse effects to heritage resources. While consultations that occur pursuant to Section 106 are conducted by the federal government, CNRA and CNRA departments with projects that have a federal nexus are encouraged to reach out to OHP if there are questions about the process. For additional information concerning Section 106 or OHP's role in reviewing, please see the California Park's [Office of Historic Preservation's website](#).²⁸

Regardless of the type of consultation, it is important to clarify with the tribe who will be attending to ensure the appropriate department representatives are present and prepared to discuss relevant topics.

Determining With Whom to Consult

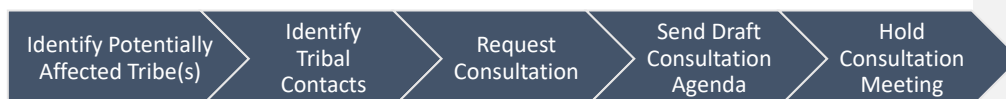
This section outlines how tribal liaisons might determine which potentially affected tribes to notify of a department action, identify appropriate tribal contacts, effectively request consultation, and draft consultation agendas. Please note these best practices are intended to help inform consultation practices with California Native American tribes and officially-appointed tribal government representatives or staff, and meetings with impacted tribal individuals or tribal organizations should follow other state guidelines including the CNRA Environmental Justice or due process policies.

²⁵ [INSERT LINK TO TCP once finalized and published]

²⁶ Pub. L. No. 89-665, as amended by Pub. L. No. 96-515

²⁷ State programs and projects are reviewed pursuant to Sections 5024 and 5024.5 of the California Public Resources Code (PRC)

²⁸ https://ohp.parks.ca.gov/?page_id=1071



Identifying Which Tribe(s) May be Affected by a Department Action.

Determining which tribes to contact depends on the type of decision a department is making. Generally speaking, department actions may be divided into two categories for the purposes of this guidance:

- 1.) Actions that are site-specific, or
- 2.) Actions that are not associated with a particular location but that have the potential to have tribal implications (e.g., statewide policy decisions, grant programs, regulations).

The decision on who to contact will ultimately depend on which tribes have the potential to be affected. For actions that are not site-specific, and depending on a department's jurisdiction as well as the action's geographical reach, a department may need to contact all California Native American tribes. On the other hand, a department may only need to contact a select tribe(s) for actions that are associated with a particular area. In this case, the department will need to identify which tribes have ancestral ties to the area in question.

While it is not the role of the state to define a tribe's ancestral territory, and great care should be taken to avoid doing so, departments need to know which tribes, if any, may be affected by a decision, which requires an understanding of tribal history and ancestral territories. Tribal contacts for a specific location may be identified by several different mechanisms:

- 1.) By using the Native American Heritage Commission's Tribal Contact list(s),
- 2.) By researching appropriate tribal government representatives and staff on tribal websites, and
- 3.) By developing solid relationships with tribes and tribal representatives or staff.

Native American Heritage Commission Tribal Contact List

The California Native American Heritage Commission (NAHC) maintains a list of tribal contacts for tribes that are traditionally and culturally affiliated to various territories throughout the state for the purposes of Senate Bill 18 (Burton, 2004) (tribal consultation in land use planning) and Assembly Bill 52 (Gatto, 2014) (CEQA tribal consultation). Additionally, tribes listed on the NAHC contact list are included on a separate list of tribes created for the purposes of Assembly Bill 275 (Ramos, 2020)²⁹ (California Native American Graves Protection and Repatriation Act).

The NAHC relies upon tribes to inform them when specific contacts need to be updated. For more information concerning the NAHC list, please see the [NAHC's](https://nahc.ca.gov/) website.³⁰ Further, other laws may rely on the NAHC Contact List for the definition of "tribe" or to direct departments to consult with particular

²⁹ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB275

³⁰ <https://nahc.ca.gov/>

entities for a specific purpose. The department's legal counsel and tribal liaison should review pertinent statutes to determine if the NAHC Contact List should be utilized for an agency action.

While the NAHC list provides tribal contacts for specific areas for the purposes of Senate Bill 18 and Assembly Bill 52, it does so for the express purposes identified above and should not be considered an all-encompassing list nor relied on unless explicitly permitted by the law.

The NAHC Tribal Contact list may not include contacts for other tribal departments (e.g., tribal natural resources departments, tribal legal staff, etc.) and personnel that are tasked with managing or overseeing other tribal resources (e.g., natural resources, tribal treaty rights, etc.). It is the responsibility of the tribal liaisons to learn and understand the governmental structure for each tribe and to create and maintain a good relationship with each tribe.

The NAHC Tribal Contact list is one resource but should not be the only resource. If department leadership, tribal liaison(s), or staff know that particular tribes have an interest in a given action or topic area, they should notify those tribes and offer the opportunity to consult.

Identifying Contacts Within a Tribe

Once it has been determined that a department action has or may have tribal implications and the tribe(s) that may be impacted have been identified, the tribal liaison will need to determine whom to contact within the respective tribe(s). As a best practice, it is common to notify multiple representatives within a tribe: Tribal Chairperson, Tribal Council, and tribal staff from various tribal departments alike. It is important to reiterate that each tribal government has a unique structure, and it is the tribal liaison's responsibility as the delegate between the state and tribal governments to learn and understand said structure, including appropriate points of contact within a tribe for specific department actions or topical areas. Tribal liaisons are encouraged to ask tribes about their preferred means and personnel of contact for varying types of department actions, topics, or geographic areas.

The tribal liaison's responsibility also includes building and maintaining an up-to-date list of tribal contacts. It is recommended that tribal liaisons check in with tribes at least once a year, if not more frequently, to ensure all contact information is up to date. A portion of a tribe's contacts may be supplied by the NAHC; however, the NAHC may not be appropriate for every department action and may not include the appropriate contacts within a tribe depending on the issue.

Many tribes have a public website with contact information for tribal councils or tribal representatives in differing tribal departments (e.g., Environmental Resources, Cultural Resources, Legal Council, etc.). Additionally, the federal government maintains points of contact for federally recognized tribes. This information can be found on the U.S. Department of Interior Indian Affairs website³¹ and the U.S. Environmental Protection Agency's website.³² Tribal liaisons might also find contact information for tribes with Tribal Historic Preservation Office (THPO) status on the California Parks and National Parks Service websites.³³

³¹ <https://www.bia.gov/service/tribal-leaders-directory>

³² <https://www.epa.gov/ust/underground-storage-tank-ust-tribal-contacts#:~:text=Donna%20Prentiss-Meeks%2C,Environmental%20Director>

³³ https://ohp.parks.ca.gov/?page_id=27626 and https://grantsdev.cr.nps.gov/THPO_Review/index.cfm, respectively

Determining who to contact will depend on the information being requested or transmitted. For example, if a state department is taking an action that will potentially affect a tribe, its government, or its members as a whole, tribal councils and their staff should be contacted using multiple means of communication. If a state department is requesting input from a tribe (whether formal or informal), tribal councils or other tribal decision-maker(s) should always be contacted, and all parties should receive a courtesy copy to know who has been included in the outreach.

However, if tribal liaisons or state staff have a simple question that does not necessitate a definitive response on behalf of a tribe or if they are unsure whom to contact, it may be appropriate to reach out to general tribal staff first to determine the most appropriate tribal contact and method. Note that a response from tribal staff or representatives does not necessarily indicate a response on behalf of the tribal government itself, unless otherwise indicated.

For more details on how to request consultation, please see the section below.

Requesting Consultation

Departments should request consultation with California Native American tribes as early as possible in the planning process. Each tribe has different communication styles and preferences, so departments should aim to learn the unique communication preferences of each tribe and accommodate them to the maximum extent possible. If a tribe's preferred communication style is unknown, the department should use multiple outreach methods, such as phone, email, and hard-copy letter. Some tribes may also have online submission portals through which they prefer to receive consultation requests.

Departments should send both an email and a hard-copy letter to tribes when requesting consultation. Requests for consultation should be signed by the department's final decision-maker and tribal liaison.

Request for Consultation Letter- What to Include

A request for consultation shall include the following items at a minimum:

- A summary of the proposed department action, including the purpose and need for the activity.
- A summary of relevant state processes, policies, and authorities under which consultation is taking place and the department is acting.
- Any pertinent information necessary for a tribe to make an informed decision.
- A summary of potential impacts to tribal interests, if known.
- Department and tribal liaison points of contact.
- A timeline for the proposed action, including a date by which to request consultation.

Relevant information may include, but is not limited to, maps of the project area, blueprints or engineering site plans, legislative and legal context (e.g., links to pertinent laws and regulations driving the decision-making process), and applicable technical information if available (e.g., environmental and cultural resource impact studies).

Best practice is to avoid the use of acronyms as well as to include questions the department would like the tribe to respond to or provide specific feedback on. These questions can also be used during tribal roundtable discussions.

Setting the Consultation Period

When feasible, the consultation period should provide adequate time for a tribe to receive, process, review, and respond to a request (with the exception of emergency actions or other legislative mandates). Tribal liaisons should acknowledge that each tribal government has a different operational structure and timeline (e.g., some tribal councils only meet once every couple of months). Thus, consultation periods that are only 30 or 60 days may not give tribes enough time to respond considering the high volume of consultation requests they receive and the frequency with which their tribal councils meet. Acknowledging this, the best practice is to provide 90 days for each request for consultation.

It is important to note that tribes receive frequent requests for consultation from numerous agencies (i.e., every local, state, and federal agency taking action within a tribe's ancestral territory) and often have limited capacity to respond to each and every request. If a tribe does not respond to a request for consultation, a lack of response should not be interpreted as a lack of interest or lack of potential for tribal impacts resulting from the proposed activity. Whenever possible, if tribes do not respond to a request for consultation, the department should send a follow-up email and in many cases a follow-up phone call.

Tribes can always request consultation on a particular action, even after a consultation period has closed. However, it may not always be possible for a department to meaningfully consider tribal input or modify an action if a decision has already been made. That said, departments should respond to requests for consultation outside of consultation periods and meaningfully consider if or how the department might incorporate a tribe's comments into the decision-making or implementation process to the extent feasible.

Tribes may also request consultation regarding their priorities, projects, or policies and on activities for which a department has not sent a request for consultation. Departments should make every effort to respond to consultation requests within 30 days of receiving them and consult within 60 days of the request.³⁴

Scheduling Consultation

Once a tribe has responded to a department's request for consultation, or initiated its own request with a department, the department or deputy department tribal liaison should respond to set up the logistics for the meeting. A best practice is to send several dates and timing options for the tribe to select from. Department staff should take care to avoid scheduling consultations on or around culturally significant days or seasons as well as dates or times in which other state or federal agencies have already scheduled meetings (to the extent that they are known).

The subsequent sections outline additional best practices for setting up consultation meetings and determining department attendance.

Drafting Consultation Agendas

Departments should send a draft agenda to a tribe prior to a consultation. Depending on the formality of the meeting, the timing of the action, as well as the level of complexity of the consultation topic, the notice time may vary between several weeks to days before a meeting. Department staff are

³⁴ CEQA lead agencies shall begin the consultation process within 30 days of receiving the tribes consultation request (PRC Sec. 21080.3.1.e.).

encouraged to send an agenda as early as possible. The draft agenda should include the following at a minimum:

- Time for introductions, welcomes, and/or blessings.
- The names, titles, and email addresses of the department staff who will be attending the consultation.
- A proposed meeting location or virtual attendance information.
- Proposed topic(s) of discussion.
- Closing remarks and next steps.

The department should invite a tribe to make edits to the draft agenda and should be open to the tribe's suggestions. The agenda topics should be agreed upon before the start of consultation and confirmed again at the beginning of the consultation meeting with the highest-ranking representative of the tribe who is present.

It is important to remember that tribal consultation meetings are the tribe's meeting. Thus, the highest-ranking person representing the tribe should direct the meeting topics, timing, and tone, unless otherwise expressed at the beginning of the meeting. Tribal liaisons can help facilitate meetings but should defer to the tribe.

Determining Department Attendance

Determining appropriate department staff for attendance during a consultation may depend on the type of consultation, topics of discussion or decisions, or anticipated tribal representation. If department staff are unsure which tribal representatives will be in attendance, a best practice is to respectfully ask who will be attending on behalf of a tribe ahead of time.

If a tribe anticipates tribal leaders attending, it is important that department leadership, or their designated personnel with decision-making authority, is also present. If a tribe does not anticipate tribal leader attendance or the meeting is primarily for informational purposes, it may be appropriate for department staff to attend without department leadership.

If the state department anticipates having an attorney present during the consultation, the department should inform the tribe so they have the opportunity to bring their attorney as well.

It is important to note that departments should strive to reduce the number of attendees to only those necessary for the conversation. It is best practice to keep the number of tribal representatives higher or equal to state representatives to help create a more comfortable conversation. Smaller meetings tend to allow people to be more open and collaborative.

Determining Where to Consult

When drafting an agenda in preparation for the consultation, the department and the tribe will determine the consultation location. Consultations can take place in person or virtually. In-person consultations are usually preferred but may not always be possible due to budget or time constraints. If meetings are held virtually, ensure that all tribal and state participants have access to the internet and can utilize the specific virtual meeting software. When possible, offer in-person consultations, preferably on or near the tribe's lands or center of operations (when agreeable to the tribe), and defer to the tribe's preferences.

It is best practice to meet in-person for consultation meetings longer than two hours or on difficult topics. Further, when consulting on actions that are location-specific and when invited by the consulting tribe, it is a best practice to visit the site with the tribe and “walk the land.” This will allow state representatives the opportunity to learn and see tribal priorities and concerns first-hand.

If a meeting is hosted at a state department building or location, a best practice is to be a good host and accommodate attendees to the extent feasible (e.g., offering free parking opportunities, providing water and snacks, etc.).

Tribes prefer to have consultations on their lands and in their buildings. When feasible, departments should visit tribes. This not only allows for in-person conversations but also shows respect and commitment to meaningful partnerships.

Basic Consultation Meeting Principles

The following section outlines a few basic consultation meeting principles that tribal liaisons should consider and follow when conducting consultation meetings with tribes. The principles are broken down by consultation meeting stage (i.e., pre-consultation, during consultation, and post-consultation), after a request for consultation has been received and a meeting has been scheduled.

Pre-Consultation

Prior to a consultation meeting, the department or deputy department tribal liaison should:

1. Perform background research on the history, customs, location, and ancestral territories of the tribe. Research the tribe’s involvement with the topic of consultation.
2. Determine the appropriate staff to represent the department.
3. Brief other department staff who will be attending the consultation on the consultation topics, any communication with the tribe to date, consultation best practices, and cultural humility.
4. Correspond with tribes requesting consultation to identify a meeting time and location and decide upon the agenda topics and necessary attendees.
5. Send the tribe a draft agenda and invite the tribe to make any edits.
6. Send the tribe any relevant information, including, but not limited to:
 - A detailed project description
 - Potential impacts to tribal interests
 - Current plans for the proposed activity
 - A proposed timeline for the activity
 - A department point of contact (typically the tribal liaison)
 - Maps and blueprints
 - Geographic information system (GIS) shapefiles
 - Clearly defined preliminary area of potential impacts
 - Information on previous environmental and cultural studies and recorded archeological sites or cultural resources within the project area
 - Photographs of the proposed project area from different views and perspectives
 - PowerPoint presentations and other informational items

During Consultation

During consultations, the department and its designated tribal liaison should endeavor to follow the following best practices:

- **Welcome and greet all attendees.**
- **Let the tribe and its leaders speak first:** When the meeting begins, let the tribe and its leaders speak and introduce themselves first. If the tribe is waiting for the department to start the meeting, invite the tribal chair or highest-ranking member of the tribal delegation to open the meeting. Note, some tribes and tribal representatives will prefer to begin meetings with prayer or song. If such is the case, it is customary to stand up, respectfully listen and wait. After the chairperson has introduced themselves, request introductions from other tribal leaders, and then tribal staff, before moving on to department introductions.
- **Use proper titles:** When addressing elected tribal leaders, use proper titles such as Chairperson, President, or Councilmember. It is proper to use gender neutral terms or mirror the titles used by the elected tribal leader. Even if you have a personal relationship with a tribal leader and use first names in casual conversation, it is a best practice to use their formal title in consultation meetings.
- **Confirm the agenda** after introductions and refer to the identified topics. Ask the tribe if they would like to propose any changes to the agenda and accommodate these requests to the maximum extent possible.
- **Be clear and transparent** about agency limitations, such as confidentiality and legal constraints. Specifically, remind everyone in the room about the Public Records Act, how it applies to the consultation and notes taken at the consultation, the department's preference not to receive or hear confidential information from the tribe, and offer to stop taking notes if requested by any of the speakers. If the tribe requests that department staff not take notes, it is good practice to put your writing utensil down and close your laptop or notebook and show that your hands are not occupied (e.g., hands clasped together or in lap). It is best practice to not record meetings or use AI technology to take notes. The tribe must give explicit permission to be recorded or for AI technology to be used during a consultation or roundtable setting.
- **Listen and observe** more than you speak. If there are longer pauses or silences between speakers, avoid automatically interjecting and trying to control the conversation or agenda. Pauses are helpful to allow people to think and process the information they are receiving.
- **Avoid the use of jargon and acronyms.** If someone does use one, it is the tribal liaison's job to remind department speakers to use plain language and to define acronyms verbally and in the chat.
- **Be mindful** of cultural differences, languages, and customs. For example, tribes may refer to Traditional Knowledge (or Traditional Ecological Knowledge). Such knowledge should be elevated to the same status as that of Western science and does not require the validation of Western science to be duly and meaningfully considered. Along these lines, some tribal representatives may prefer to speak using stories. Listen carefully and ask questions once the sharer has finished if the meaning is unclear.
- **Be patient:** Tribal leaders and elders may not speak in a linear way and may use stories or oral histories to support a position or point they would like to make during the consultation. Be

mindful and respectful of hearing information in a new way and avoid interrupting or insulting the speaker.

- **Share information:** tribal liaisons should coordinate before consultations and send materials that are helpful for the tribe to have and review after the consultation. These materials can be printed and handed out for in-person meetings or shared in the chat for virtual meetings. Electronic copies of all materials shared should be emailed to the tribe after the consultation.
- **Summarize:** Near the end of the meeting, the tribal liaisons should summarize discussion points, areas of agreement or disagreement, identify next steps, and schedule additional consultations as needed.
- **Express gratitude:** At the end of the meeting, be sure to thank the tribe for their time, meaningful comments, discussion, and expertise. Ask the tribe if it is ok to end the meeting, unless there is more they would like to discuss.

Post-Consultation:

After a consultation meeting has ended, tribal liaisons should:

- Provide the tribe with a meeting summary that includes notes, next steps, and timelines.
- Provide electronic copies of materials and information shared during the consultation.
- Follow through with action items identified during the consultation.
- Identify next steps and whether additional consultation meetings are necessary.
- Explain how tribal input was considered and how it will be implemented into the decision-making process. If for some reason a department cannot implement a tribe's requests into its decision-making process, it is a best practice to provide a rationale.

When is Consultation Complete?

Government-to-government consultations should be considered complete when both parties have had an adequate opportunity to share and consider one another's perspectives. This process does not require consensus or consent, though attaining such should be an objective when feasible. A best practice is to notify a tribe when the department believes consultation on a particular agency action has been completed. Ideally, the tribe will agree and affirm this understanding. If not, the department should continue to consult with a tribe to ensure the tribe's priorities and concerns are fully understood.

CEQA consultations are considered completed when either "(1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached".³⁵

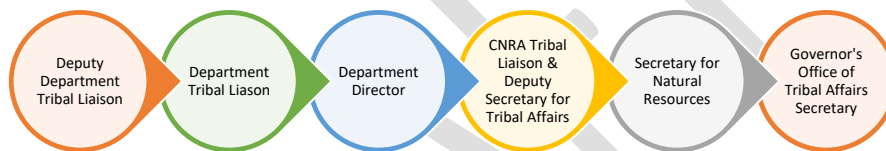
It is a best practice to seek mutual agreement on when consultation is concluded. This may be accomplished by asking a tribe if they wish to discuss a department action or decision further or need additional time to provide comment. In the event the parties do not agree on concluding a consultation, it is a best practice to provide clear written reasoning to the other party explaining why the party is concluding a consultation unilaterally.

³⁵ Assembly Bill 52 (Gatto, 2014), Section 21080.3.2 (b)

Elevating Concerns:

While a goal of tribal consultation is to reach mutual understanding and ideally agreement, agreement may not always be feasible for one or both parties. If a tribe is not satisfied with a particular outcome and wishes to elevate a specific concern, we respectfully request that tribes follow the typical chain of command. Following the typical chain of command will allow departments and CNRA to work through the state's internal process and to address the tribe's concerns on agency actions.

- Step 0: Work with department staff to address any concerns
- Step 1: Request a meeting with the Deputy Department Tribal Liaison (if applicable)
- Step 2: Request a meeting with the Department Tribal Liaison
- Step 3: Request a meeting with the Department Director
- Step 4: Request a meeting with the CNRA Tribal Liaison and Deputy Secretary for Tribal Affairs
- Step 5: Request a meeting with the Secretary for Natural Resources
- Step 6: Request a meeting with the Governor's Office of Tribal Affairs Secretary



Mapping Out Early, Often, and Meaningful Consultation Models

Consultations may occur through a variety of methods. The respective method will depend upon the department action, associated tribal and state timelines, as well as tribal or state preferences. The following section provides a few examples of different consultation models that are frequently used by CNRA departments consulting with tribes. These examples are by no means exhaustive, and CNRA departments should ultimately decide the format of consultation that fits best for their statutory obligations as well as their needs and those of the tribe. Tribal liaisons and department staff are encouraged to ask a tribe if they have a specific preference for how a consultation should occur in the initial stages of outreach.

Regardless of the model or methods used for early, often, and meaningful consultations, departments should always be available for one-on-one formal consultations with a tribe.

Example 1: Multi-Stage Consultation (90-90) Model

The multi-stage consultation model (or the 90-90 model) emphasizes the importance of early consultation and providing tribes with adequate time and multiple opportunities to respond to a request for consultation. The general process for each stage might be as follows:

1. Initiate an early 90-day consultation period with a consultation letter that includes dates for tribal roundtables.

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2. Hold tribal roundtables approximately 45 days into the early consultation period.
3. Create draft deliverable based on early consultations and feedback.
4. Send second (or subsequent) 90-day consultation period with a consultation letter that includes dates for tribal roundtables. With this letter, include the draft agency action (policy, regulations, proposal etc.).
5. Hold second tribal roundtables approximately 45 days into the second consultation period.
6. Either finalize deliverable or hold additional consultation periods and roundtables as necessary.

The following sections outline each of the above steps in greater detail.

Dual Consultation Periods

Under this model, departments would initiate an early consultation period as early as possible in the planning process. Ideally, departments should request early consultation when an agency action is first being considered. The goal of these early consultations is to receive tribal feedback and understand tribal priorities before any key decisions are made.

Tribal Roundtables

Around the midpoint of the early and secondary tribal consultation periods (e.g., if a consultation period is 90 days, around the 45-day mark), departments would host either virtual or in-person roundtable discussions, inviting all potentially affected tribes to participate.³⁶ The goal of these roundtables should be to provide information to tribal representatives so they can brief their leadership, receive initial tribal feedback, answer questions, and understand tribal priorities. The following list contains some best practices for inter-tribal roundtables:

- Offer 2, two-hour roundtables, one during work hours (9am – 5pm) and one after workhours (5:30pm – 7:30pm).³⁷
- These roundtables should only be open to elected tribal leaders and designated tribal representatives; they should not be open to non-tribal entities or the broader public. It is strongly recommended to not post this information online. The tribal liaison can remind people at the top of the roundtable that this is a space for tribes and ask those not officially representing a tribe to please exit the meeting. The tribal liaison can offer to set up a separate meeting or opportunity for unofficial (i.e., not elected or officially designated) tribal members, non-governmental tribal organizations, or members of the public to participate in the agency action.
- At the beginning of the roundtable, provide a quick welcome and ask for introductions. Typically, the tribal liaison facilitates this opening by welcoming elected tribal leaders then tribal staff to introduce themselves. Once all the tribal representatives have been introduced, then department leadership and staff can introduce themselves.

³⁶ A roundtable is a group discussion between two or more parties with a specific topic of focus. Unlike a listening session, where one party does most of the talking, a roundtable format is intended to facilitate equal participation and provide a space for all parties to share their thoughts.

³⁷ A roundtable after work hours can help accommodate tribal leaders, members, and representatives' schedules if they have other jobs or are taking care of family members during the day.

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- After introductions, but before starting the presentation, remind participants that this roundtable doesn't constitute tribal consultation and that your department is available to consult with tribes on this topic. Further, ask participants to not share confidential information during this roundtable.
- Do not record roundtable discussion but inform participants that you are taking notes.
- During these roundtables, departments should give a brief presentation on the proposed activity and leave the rest of the time for tribal feedback, questions, and discussion. For example, if the roundtable time is scheduled for 2 hours, the department's presentation should take no more than 30 minutes (i.e., a fourth of the time) to leave adequate room for listening and discussion.
- Prepare and provide initial questions to help guide the conversation and have a visual to prompt discussion. Provide questions in the request for consultation letter before the roundtable.
- It is important to note these inter-tribal roundtable sessions do not constitute a tribal consultation and cannot be provided in lieu of a consultation. Remind participants that the department is available for a one-on-one consultation at the beginning and end of the roundtable.

Secondary Consultation Period

Once the early consultation period concludes and a draft of an agency action is prepared, the department should incorporate tribal feedback into the decision-making process as feasible. As the project progresses past the initial planning and scoping phases, the department should initiate a second consultation period. The purpose of a second consultation period is to receive feedback concerning how the project or action has progressed, to review draft agency actions, and to illustrate how tribal input has been incorporated.

It is a best practice that each "round" of consultation is 90 days. At the midpoint of the second consultation period, the department should host another roundtable. After this second consultation period concludes, the department should again incorporate tribal feedback into agency action as feasible.

When tribal consultation has concluded, it is important to share with the tribes the final decision, explain how tribal feedback was incorporated, and be available to answer any questions.

Example 2: Memorandum of Understanding (MOUs) or Agreement (MOAs) Model

MOUs are formal but generally nonbinding agreements between two or more parties (e.g., a CNRA department and California Native American tribe(s)) that outline the intentions, roles, and objectives of the partnership. There is no difference between an MOU or MOA. As such, the remainder of this section will refer to both simply as "MOU." These agreements often indicate a commitment to work collaboratively and in good faith to achieve a shared goal or navigate a detailed or difficult process. MOUs can be useful for clarifying the intentions of a partnership, identifying shared priorities and tasks, facilitating transparent and regular communication, and establishing confidentiality protocols, among other purposes.

Either a tribe or the department may request to enter into an MOU. The development of an MOU is initially a time-consuming process but will likely lead to efficiencies for tribes and departments in the long run and provide smoother transitions in the event of leadership and staff changes. MOUs should be

viewed as a written articulation of a relationship. Creating an MOU will likely require multiple meetings to discuss the scope, goals, and language of the MOU, sharing multiple drafts between the department and tribe, and an in-person signing celebration. It is a best practice for a department to designate one person to manage the department's writing and review of the MOU.

The following best practices should be considered when writing an MOU with a tribe:

- The agreement should be in writing.
- Include the names and descriptions of all parties.
- Provide identification of the area and/or topics covered.
- Provide identification of relevant tribal, federal, state, or local authority.
- Determine an effective date. The effective date is typically the date when the last signature is provided.
- Determine an expiration date or renewal period. Some MOUs have automatic renewal periods and provide check-ins every five years on the terms of the MOU.
- Provide an amendment clause to allow amendment to the agreement through a mutually agreed upon process. Typically, all parties have to agree to the amendment and the agreement has to be amended in writing.
- Provide a termination clause to allow any party to terminate an agreement at will, with a mutually-agreed upon notice, and within a mutually-agreed upon timeframe.
- Provide an articulation of the agreement's objectives, purposes, goals, and scope.
- Provide clauses of the responsibilities and commitments necessary to realize the objectives and purposes of the agreement. This can include how often the parties will meet, where they will meet, meeting topics, shared goals, and shared priorities.
- Signature of authorized representative of the tribe and department.

Example 3: Regular Working Groups or Task Force Model

Some agency actions, such as those that are more complex, involve multiple agencies, or have a long timeline, may benefit from the establishment of a regular working group or task force to focus on specific topics or processes. Working groups provide more opportunities for tribes to help shape agency actions and can be a space where tribal and department staff can work through complex issues together and can help inform leadership of new or updated information as an action progresses. A best practice is to seek early consultation as described in Example 1: Multi-Stage Consultation (90-90 Model), above, and ask tribes if they would like to schedule regular working group meetings.

The following best practices should be considered when developing working groups:

- Designate one department staff to serve as the working group facilitator and meeting coordinator.
- Ask the tribe(s) to provide one point of contact for the working group. That said, if the tribe(s) would like to send more representatives that should be welcomed.
- Develop a work plan and shared goals and objectives with working group participants. The work plan should be mutually agreed upon.

- Set regular meetings that participants agree to attend and at an interval that is agreeable to all parties. Note, in some cases the frequency of meetings may need to be dictated by statutory timelines and/or staff and leadership availability.
- Host meetings in a manner that is conducive to participation and productive conversations (e.g. virtual, in-person, or hybrid).
- Provide agendas at least one week ahead of the working group meeting.
- Ensure the majority of the time allotted is for discussion. A best practice is to limit state presentations to ¼ of the time provided.

Example 4: Regular Check-Ins Model

Departments may choose to have quarterly, biannual, or annual check-ins with tribes. As opposed to an individualized consultation, which often covers a specific topic, these regular meetings allow a tribe and a department to cover a wide array of topics and upcoming actions. They also give departments an opportunity to build relationships with tribes, discuss any pressing issues, and gain a better understanding of tribal priorities and concerns. Though regular check-ins are highly encouraged, they may not necessarily be considered consultation, wherein a tribe is providing a more formal response to a specific agency action. Even if a department and a tribe have regular check-ins scheduled, the department should still include the tribe on requests for consultations that may affect them and meet outside of a regular check-in meeting if requested.

Potential Consultation Challenges:

Acting as a facilitator between two entities can be an exciting, and sometimes challenging position to be in. The following section outlines several frequent challenges that tribal liaisons have experienced to date. These challenges are not offered as impassible roadblocks, but rather, as important considerations for tribal liaisons as they embark upon tribal consultations and endeavor to build relationships with tribes.

Tribal and State Agency Capacity

It is important to acknowledge that both tribes and departments have limited staff capacity, which impacts their ability to consult and build relationships. Tribes with limited staff and funding may not have the capacity to respond to each consultation request that interests or impacts them. Departments also have limited staff and resources.

To address these capacity challenges, departments should make consultation periods as long as possible to meet tribal needs whenever feasible. A best practice is 90 days.

Confidentiality

During the many different periods of settlement and colonialism, many California Native American tribes had to safeguard information about their cultural resources and traditions because the information would be weaponized to eradicate tribal religions and ways of life. These historical wrongs are still felt today and while California is working to heal those wrongs, it is understandable that tribes may hesitate or outright refuse to share information with the state. Unfortunately, at present there are still individuals who actively review state documents to learn the location of tribal cultural resources to loot or otherwise harm the resources for their benefit. Thus, even if the tribe trusts you, sharing sensitive information may put the tribe and its resources at risk for public disclosure and destruction.

Maintaining the confidentiality of sensitive tribal information must be a priority for all departments. Often, to protect an important cultural resource, tribes must share a certain amount of sensitive information about that resource (e.g., the location of said resource).

One challenge to keeping sensitive tribal information confidential is the California Public Records Act (PRA).³⁸ The PRA was passed to allow the public to monitor the government's actions and enables members of the public to request access to any government document in the spirit of open transparency. While there are exemptions within the PRA to protect certain sensitive resources, they may not be as protective as a tribe may desire. To avoid breaches of confidentiality, departments should:

- Avoid requesting or receiving confidential information from tribes, unless absolutely necessary to inform decision-making.
- Avoid creating written records of sensitive information that a tribe isn't aware of. Be sure to inform tribes of the PRA and when notes are being taken.
- When possible, support the verbal sharing of sensitive tribal information and discuss what is appropriate and not appropriate to be included in written records with the tribe.
- Request that tribes disclose when sensitive information is shared before sharing it.
- Return sensitive information to the tribe when possible. Do not keep copies of sensitive information unless necessary.
- Be fully transparent with tribes regarding what information the department can or cannot keep confidential according to the Public Records Act at the beginning of consultations.
- Work with tribes to determine what and how information should be shared and presented in public-facing documents.
- If a tribe or department determines that it is necessary to share sensitive information, both the tribe and the respective department should work together with legal staff to identify the most appropriate and protective means to do so.
- Designate a limited number of staff with authority to view, store, and transmit (if necessary) confidential tribal information. Utilize file-sharing platforms that support restricted access to confidential or culturally sensitive information, limited only to those who need access with tribal permission.
- Rely on existing public information when possible.
- Label information and all correspondences as "confidential."
- Consider entering into MOUs or Non-Disclosure Agreements (NDAs) with tribes to outline the department's access to and use of tribal knowledge or other information shared during consultations.

Another challenge many face is the use of Artificial Intelligence (AI) in meetings. California law (Cal. Penal Code Section 632³⁹) prohibits the use of recording without express consent by all attending parties. If a meeting is recorded, said recording or any notes that are generated from the recording may become public records. While it may be tempting to use artificial intelligence or other means to capture

³⁸https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=10.&title=1.&part=2.&chapter=&article=&goUp=Y

³⁹ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=632&lawCode=PEN

tribal input during consultations, department and tribal staff are strongly encouraged to turn off AI features or other recording devices when meeting.

Funding

As previously noted, in-person meetings are encouraged, and sometimes preferred, by all parties involved in tribal consultations. In-person meetings allow for better communication and oftentimes a better understanding of tribal interests, especially when meetings occur on or near a tribe's ancestral territory. Given the size of the State of California however, as well as limited staff capacity, hosting or attending in-person meetings may not always be practicable due to the financial constraints associated with travel. These constraints may be felt by both state and tribal representatives alike.

State agencies can also try to coalesce meetings around ongoing conferences or other events that have high tribal attendance to minimize travel costs. Lastly, it is always possible to offer virtual meetings.

Language and Cultural Differences

Language and cultural differences can create tension between department and tribal staff, which can hinder relationship building efforts and make consultations less productive. To address these challenges, CNRA and departments can provide cultural humility trainings, host educational events, encourage attendance of tribally organized events, and identify other ways to connect meaningfully with tribal communities. Please see Appendix XX for additional information regarding cultural humility best practices.

Inter-Tribal Conflict

California Native American tribes were exercising their sovereignty long before the creation of the United States and the State of California. While many tribes had clearly defined territories and resources, typically there were not hard jurisdictional borders. Further, the vast trading routes provided interconnection between communities and the sharing of knowledge, cultures, and resources. On occasion there were disagreements or in severe circumstances, war, between neighboring tribes. In addition to long-standing pre-contact inter-tribal conflicts, many tribes were forcibly removed from their ancestral territories and forced onto small areas of land with limited resources. This and other actions taken by the federal and state government caused additional inter-tribal conflicts and competition for limited resources. It is within each tribe's right to self-determine how they will operate and engage with other governments, including other tribes and the State of California.

Inter-tribal conflict and diverging opinions from different tribes (especially those with shared ancestral territories) may make it difficult, or impossible in some cases, to reach agreement and find a solution that satisfies all parties involved. While consensus amongst all parties might not be feasible, departments should:

- Avoid entering into inter-tribal conflict.
- Respect each tribe's sovereignty and position.
- Endeavor to create opportunities for discussion and consensus but ultimately accept if tribes do not want to work together or build shared outcomes.

CNRA staff are encouraged to work closely with their department tribal liaisons, and department tribal liaisons are encouraged to work closely with the CNRA Deputy Secretary for Tribal Affairs if conflicts arise where additional and more nuanced guidance may be needed.

Gifts

Giving before taking is a core principle ingrained in many Native cultures, and as such, gifts are not uncommon. For example, it is commonplace for Native people to bring a gift when visiting another's lands or home, and in some cases, to give gifts to those visiting. Gifts may take the form of food and beverages, jewelry, memorabilia, etc.

Unfortunately, receiving gifts may conflict with the [state's regulations](#) and/or your department's policies, which impose limits on the amount, type, or source of gifts received. It is recommended that CNRA and department staff familiarize themselves with these policies so they know what they can and cannot accept. In some cases, staff may be able to accept a gift of a certain type or under a certain value so long as it is reported. In other cases, the type or amount of the gift may be strictly prohibited. Note, it is considered extremely rude to reject either gifts or food when offered, so if you must to decline, a best practice is to be considerate, polite, and gently explain your department's strict gift rules.

Giving gifts on the other hand, especially when the gift is given from personal funds as opposed to state funds, is generally less regulated. The best gifts are food, homemade items of importance, and culturally relevant items. However, as with receiving gifts, please consult with your department and the state's policies on gifts and conflicts of interest before doing so. If in doubt, it is recommended that you work with your human resources department and legal counsel.

Accountability

The CNRA Tribal Consultation Policy and this Best Practices document are intended to provide a framework and standards by which all CNRA departments conduct consultations and engagement with California Native American tribes and may be held accountable. Given the many historic wrongs inflicted by the State of California on California Native Americans, accountability and trust are essential components to rebuilding relationships.

CNRA departments and staff are encouraged to frequently seek feedback from tribes on how consultations are going or how the process of a given consultation is going and to request areas for improvement. To this end, CNRA will endeavor to host an annual consultation policy tribal roundtable, wherein all CNRA department tribal liaisons will be requested to attend and tribes can openly discuss and provide feedback on how CNRA and its departments are doing with respect to implementing this guidance and the CNRA Tribal Consultation Policy.

Addendums to this Guidance

Additional guidance regarding more specific and nuanced department actions with tribal implications may be developed as addendums to this guidance at a later date. If a tribe or department has additional information or questions, please contact CNRA at tribalaffairs@resources.ca.gov.

Limitations of this Guidance

This CNRA Tribal Consultations Best Practices document is intended solely for the guidance of employees of the California Natural Resources Agency and its departments and does not extend to other governmental entities. The California Natural Resources Agency encourages cooperation, education, and communication on the part of all governmental entities. This guidance is not intended, and should not be construed, to define the legal relationship between the Natural Resources Agency and its

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departments and California Native American tribes or tribal communities. This guidance is not a regulation, and it does not create, expand, limit, waive, or interpret any laws, legal rights, or obligations.

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Appendix XX: Cultural Humility Best Practices

Cultural humility is an attitude of humility and respect toward other cultures that pushes one to challenge their own cultural biases, realize they cannot possibly know everything about other cultures and approach learning about other cultures as a lifelong goal and process. Not to be confused with the concept of cultural competency, which may implicitly place non-western cultures as “other” cultures that can possibly be mastered with enough effort. The following non-exhaustive list contains a set of best practices that should be considered and employed by CNRA and department staff to effectively practice cultural humility.

- **Be a good guest:** If you are visiting a tribal community or space, understand that you are a guest—observe and ask questions humbly, when necessary, but remember that you are not entitled to know everything about the community.
- **Listen and observe** more than you speak—learn to be comfortable with long pauses in conversation and narrative-style communication.
- **Give your full attention** to the meeting participants. Do not multitask, email, text, or take other calls during a meeting with tribes.
- **Be honest and clear** about what you are doing. Do not make promises you do not intend to or cannot keep.
- **Practice respectful body language:** Preferred body language, posture and concept of personal space depend on the community norms and nature of the personal relationship—observe others and allow them to initiate or ask for physical contact.
- **Try not to take things personally:** You may experience people expressing their mistrust, frustration, or disappointment from situations outside your control. Learn not to take it personally.
- **Properly honor elders:** Elders or cultural practitioners are often asked to offer such opening and/or closing words and are given a small gift as a sign of respect (honoraria are common). Remember that many elders and cultural practitioners are taking time away from their jobs, families, or communities to offer prayers or blessings at State events—please be sure to accommodate their needs where possible.
- **Show humility:** If community members tease you, understand that this can indicate rapport-building.
- **Respect confidentiality** and the right of the tribe to control information and data. Where confidentiality cannot be guaranteed, be explicit about such limitations. Never use information gained without a tribe's expressed written consent and clarify whether the tribe has agreed to be identified.
- **Avoid intrusive questions** (cultural, personal, etc.). Be careful not to impose your personal values, morals, or beliefs.
- **Explain or limit the use of acronyms.**
- **Be self-aware:** Moderate the tone and speed of your voice when speaking. Tribes may be especially sensitive to government representatives speaking too loud and fast.

California Fish and Game Commission

Potential Modifications to the Commission Naming Installations Policy

April 30, 2025

Strikeout indicates delete and underline indicates add.

Naming ~~Installations~~ Protected Areas Policy

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

- I. No protected area, including fish hatchery, game refuge, wildlife areas, ecological reserves, and marine protected areas or any installation, other than Marine Protected Areas (MPAs), shall be named for any person, living or dead. ~~Installations~~ Protected areas shall be named in a manner ~~which~~ that will indicate their geographical location, avoiding as far as possible the names of local political units. ~~Vessels shall be named for fish.~~
- II. When identifying the name for, or an opportunity to rename, a protected area, the Commission and Department shall invite tribes to identify a name. In selecting a name, the Commission will prioritize tribally-identified names.
- II. ~~The Commission may commemorate an individual by including that individual's name after the geographic name of an MPA if all of the following criteria are met:~~
 1. ~~The individual has been deceased for a minimum of 5 years;~~
 2. ~~It has been determined the individual has made an extraordinary, unique, and long-lasting contribution to the conservation, use, and/or enjoyment of California's living marine resources;~~
 3. ~~It has been determined with reasonable care and consideration that the individual's merit and/or contribution can stand the test of time;~~
 4. ~~The individual and/or their efforts have a direct connection with the geographic location of the MPA or immediate vicinity.~~
- III. The Commission shall be represented at and may participate in all ceremonies dedicating ~~the launching or inauguration of any of the facilities mentioned above~~ or inaugurating any protected area. The Department and the Commission staff shall coordinate their work and efforts in ~~setting up or~~ arranging such dedication or inauguration ceremonies programs.

(Amended 4/7/1994, ~~and~~ 5/23/2012, x/xx/2025)

**California Fish and Game Commission
Tribal Committee Meeting
May 7, 2025**

California Department of Fish and Wildlife Updates

TRIBAL LIAISON UPDATES

These are updates that have been identified as potentially important or significant to California Native American tribes. The information below is not an exhaustive list of what is happening across the regions and programs of California Department of Fish and Wildlife (CDFW).

If your tribe has any questions, would like to schedule a consultation or informational meeting, or need assistance connecting you to a program... you can contact CDFW's Department Tribal Liaison, Sarah Fonseca, at Tribal.Liaison@wildlife.ca.gov. There are also some resources available on CDFW's Office of Tribal Affairs website <https://wildlife.ca.gov/Tribal-Affairs>.

CDFW TRIBAL LISTENING SESSIONS

Various programs and regions throughout CDFW have been offering Tribal Listening Sessions, a space where California Native American tribes are invited to attend and ask us questions, share your tribal insights and perspectives, or get more information about the particular project or program.

The main purpose for our Tribal Listening Sessions is to hear from the tribes. We always provide at least 2 sessions, one during the day and one in the evening to accommodate work schedules. Additional details and registration links for upcoming topics are provided below.

If your tribe is unable to attend a Listening Session and/or would prefer to schedule a consultation or informational meeting with CDFW, you can please reach to Tribal.Liaison@wildlife.ca.gov or to the corresponding programs contact information.

- CESA 5-Year Status Review Lost River and Shortnose Sucker
 - May 29 – 11-Noon
 - Registration link <https://wildlife-ca-gov.zoom.us/meeting/register/2yjNbkQ1R-e3wCQDO0PmeQ>
 - June 5 – 5:30-6:30 pm
 - Registration link <https://wildlife-ca-gov.zoom.us/meeting/register/MtHfBiyVRPGiEqZbaX9rlQ>

CDFW TRIBAL NOTIFICATIONS

CDFW will be sending some notifications shortly to California Native American tribes for early engagement and opportunity to provide input, feedback, consult, etc.

Those “projects” sending out notifications are below (this list is not exhaustive):

- Mendocino Coast Salmonid Habitat Restoration Priorities (SHaRP) Action Plan
- Lost River and Shortnose Sucker 5-Year Status Review

CDFW GRANT OPPORTUNITIES

Office of Cannabis - Cannabis Restoration Grant Program (CRGP)

Committed to promoting ecosystem restoration and ecological health throughout California, CRGP currently offers approximately \$20 million on a rolling basis under three funding opportunities:

- 1) Cleanup, Remediation, and Watershed Enhancement Funding Opportunity
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=209227&inline>
- 2) Qualified Cultivator Funding Opportunity
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207683&inline>
- 3) Research and Innovation
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=225124&inline>

Funding is available to California Native American tribes, public agencies within California, and nonprofit organizations qualified to do business in California. Applications accepted on a rolling basis. Questions can be directed to the CRGP program via email at cannggrantprogram@wildlife.ca.gov.

Office of Spill Prevention and Response - Response Equipment Grant Program

An ongoing grant of up to \$45,000 for the purchase of an oil spill emergency response trailer. The grant is available to Native American tribes, counties, cities and special districts.

Further details, including a FAQ and the one-page grant application, can be found at <https://wildlife.ca.gov/OSPR/Local-Government-Outreach>. Questions can be directed to Cindy Murphy, Office of Spill Prevention and Response Tribal Liaison at cindy.murphy@wildlife.ca.gov.

CALIFORNIA ENDANGERED SPECIES ACT (CESA) SPECIES REVIEW

5-year Species Review

CDFW has or will be initiating 5-year species reviews for various threatened or endangered species protected under the California Endangered Species Act (CESA; Fish & Game Code, Section 2050 et seq.).

CDFW is required to review certain aspects of the species biology and environment. With the goal of each review to:

- Determine if the conditions that led to the original listing of the species are still present,

- Provide a recommendation to the California Fish and Game Commission (Commission) to retain or change the species threatened or endangered status, and
- Provide management recommendations for the species.

When completed, the species reviews will be made publicly available on CDFW's website, at: <http://wildlife.ca.gov/Conservation/CESA/Five-Year-Reviews> for at least 60 days before the Commission considers CDFW's recommendations at a public meeting.

During these reviews, there are many areas in which tribes may be interested in providing input. This includes, but is not limited to; Traditional Ecological Knowledge or practices, traditional and cultural uses and significance, tribal perspectives, input on life history and current or historical distribution and abundance. Additionally, CDFW is seeking input on existing management and recommendations for future management. For many species review, CDFW will also hold Tribal Listening sessions to provide a space for tribes to learn about the species being review and be able to ask staff questions.

The following species are undergoing 5-year species review right now:

- Calistoga popcornflower and Napa bluegrass
 - There are only three populations remaining for Calistoga popcornflower and two populations remaining for Napa bluegrass. Both species are found only in Calistoga.
 - February 2025 - Tribal notification letters sent to tribes within the geographical area of these species to invite tribal participation and/or provide comments.
 - May 12, 2025 - Feedback and/or request for consultation for these species can be provided at any time, but is requested to be submitted by this date
 - To Be Determined – Draft completion of both Five-Year Species Reviews
 - For more information, contact NativePlants@wildlife.ca.gov.
- Central Valley Spring-run Chinook Salmon
 - February 2025 – Two Tribal Listening sessions held
 - March 2025 - Feedback and/or request for consultation for these species can be provided at any time, but is requested to be submitted by this date
 - August 2025 – Draft completion of Five-Year Species Review
 - For more information, contact Tracy.Grimes@wildlife.ca.gov

- Lost River and Shortnose Sucker
 - April 2025 – Tribal notification letters will be sent out
 - May 29 – 11-Noon Tribal Listening Session registration link <https://wildlife-ca-gov.zoom.us/meeting/register/2yjNbkQ1R-e3wCQDO0PmeQ>
 - June 5 – 5:30-6:30 pm Tribal Listening Sessions registration link <https://wildlife-ca-gov.zoom.us/meeting/register/MtHfBiyVRPGiEqZbaX9rIQ>
- Mohave Ground Squirrel
 - Found in Inyo, Kern, San Bernardino, and Los Angeles Counties
 - February 2025 - Tribal notification letters sent to tribes within the geographical area of these species to invite tribal participation and/or provide comments.
 - TBD – If requested, CDFW can hold Tribal Listening sessions in the coming months
 - May 1, 2025 - Feedback and/or request for consultation for these species can be provided at any time, but is requested to be submitted by this date
 - For more information, contact wildlifemgmt@wildlife.ca.gov
- Southern Oregon/Northern California Coast (SONCC) Coho Salmon and Central California Coast (CCC) Coho Salmon
 - April 2025 – Two Tribal Listening sessions held
 - May 2, 2025 - Feedback and/or request for consultation for these species can be provided at any time, but is requested to be submitted by this date
 - To Be Determined – Draft completion of both Five-Year Species Reviews
 - For more information, contact Stephen.swales@wildlife.ca.gov

CESA Candidate Listing Review

Similar to the 5-year review, once the Commission makes the decision to list a species as a candidate under CESA (California Regulatory Notice Register 2024, No. 43-Z, p. 1400), CDFW will initiate a status review on the action to list that species as threatened or endangered through CESA.

Within 12–18 months, CDFW will produce a report which will include a recommendation as to whether the petitioned action is warranted (Fish & Game Code, Section 2074.6). The report will be made publicly available on CDFW's website at <https://wildlife.ca.gov/Conservation/CESA/One-Year-Reviews> for at least 30 days before the Commission considers acting on the petition.

The following are species undergoing review:

- Western burrowing owl
 - Notifications sent out to Tribes
 - February 2025 - Two Tribal Listening sessions held
 - 2026 - Draft completion of Draft Species Review Report
 - For more information, contact wildlifemgmt@wildlife.ca.gov
- White Sturgeon
 - September 2024 – Tribal notifications sent out
 - January 2025 – Two Tribal Listening sessions held
 - Generally, there was support for the 5-year species review and the work being conducted for spring-run Chinook conservation and management. There were questions about predation, water-quality and pumping/diversions.
 - For more information, contact sturgeon@wildlife.ca.gov

The following are potential:

- Quino checkerspot butterfly – Commission to decide during June 2025 meeting

SPECIFIC PROJECT/PROGRAM/EFFORTS

CESA Recovery Process and Guidelines Tribal Listening Sessions

CDFW's Biodiversity Resiliency Recovery Team (Team) recently hosted two informal tribal listening sessions on February 20, 2025. The purpose of the listening sessions was to allow California Native American tribes the opportunity to provide early input and feedback on CDFW's proposed recovery planning framework, including its draft Recovery Guidelines document, for California Endangered Species (CESA) listed species. These guidelines will align the recovery for the various CDFW programs including fish, wildlife, marine and plant species.

A total of 16 tribal representatives attended the two one-hour long listening sessions, which were held in the morning and evening hours. At the start of each session, CDFW staff gave a high-level informational presentation on the proposed recovery planning framework, followed by an open forum allowing tribal representatives to provide any feedback, input or ask staff questions.

CDFW received valuable feedback during both listening sessions from many tribal representatives. Below is a high-level summary of reoccurring comments received:

- Tribal interest should be a strong consideration in the prioritization of species for recovery planning.

- There is a high need to preserve tribal beneficial uses in recovery planning and incorporate tribal uses such as harvest numbers and cultural landscape considerations into recovery actions and criteria.
- Recovery actions should emphasize funding, specifically for California Native American Tribes that in many cases have the burden of recovery because they manage significant portions of land where listed species occur.
- CDFW should consider incorporating strong management criteria and actions in recovery plans that encourage entities to work with partner agencies early and often.

Western Joshua Tree Conservation Act Implementation

The Western Joshua Tree Conservation Act (WJTCA) was enacted July 10, 2023, and it requires California Department of Fish and Wildlife (CDFW) to develop a Western Joshua Tree Conservation Plan (Conservation Plan). The Conservation Plan must include Co-Management principles, incorporate Traditional Ecological Knowledge, and provide for the relocation of western Joshua trees to Tribal lands upon request.

Recent Meeting Video Links

- February 12, 2025 – CDFW presented the draft Conservation Plan at the February Fish and Game Commission meeting (https://cal-span.org/meeting/cfg_20250212/)
- March 10, 2025 – CDFW held two public workshops to continue engaging the public on WJTCA, western Joshua tree permitting, and the Conservation Plan (<https://www.youtube.com/watch?v=6BUVaim83yl>)

Important Upcoming Dates for the Conservation Plan

- April 16, 2025 – CDFW presentation of draft Conservation Plan amendments to the Commission and public comment
- April to June 2025 – Ongoing collaboration with Tribes (stipends available)
- June 30, 2025 – Deadline for Commission to take action whether to adopt the Conservation Plan

How Tribes Can Continue to Engage (Even After Draft Plan Submission)

- With CDFW – consultation and informational meetings. May request facilitated meetings with Native American Land Conservancy. CDFW will collaborate with Tribes for approved Tribal input to update the Conservation Plan document with an Addendum before June 2025.
- With Commission – Tribal comment at the Commission meetings. Commission meeting dates can be found on the Fish and Game Commission website (<https://fgc.ca.gov/Meetings>).

- With Commission and CDFW – Tribal input and comment on the Conservation Plan submitted during the public review period, starting in January 2025.

CDFW is committed to ongoing engagement with Tribes throughout this process, and interested Tribes may reach out regarding western Joshua tree by emailing WJT.TribalEngage@wildlife.ca.gov.

WILDLIFE AND FISHERIES DIVISION UPDATES

Central Valley and Klamath Annual Sport Fish Regulations

The Commission adjusts the regulations regarding sport fishing of Sacramento River fall-run Chinook salmon in the Central Valley and the Klamath River fall-run Chinook salmon in the Klamath region every year, depending on the recommendations from CDFW. These recommendations are intended to align with the marine recommendations provided by the Pacific Fisheries Management Council.

Once that assessment is released in April, CDFW will propose options to the Commission for the level of take. For the past two years, the Commission has closed the fisheries to protect the population. The recommendations will be discussed publicly at the April Commission meeting and potentially adopted at the May Commission meeting.

Draft Deer Conservation and Management Plan Tribal Listening Sessions

CDFW is working on a draft Conservation and Management Plan for black tailed and mule deer in California. There will be various opportunities for California Native American tribes to contribute to the development and review of this Conservation Plan.

CDFW held two Tribal Listening Sessions in March 2025 to provide Tribes the opportunity to ask us questions, provide input and share insights regarding the importance of, conservation and management of deer.

Tribes will also have an opportunity to review the plan prior to general public review, which is anticipated Fall of 2025.

If you'd like a copy of the draft plan, request consultation or an informational meeting, and/or provide comments and input contact Brian Leo, the Statewide Deer Coordinator at Brian.Leo@wildlife.ca.gov.

Ocean Enhancement Salmon Program

In November 2024, CDFW mailed tribal notifications regarding the planned Ocean Enhancement of Chinook Salmon project. CEQA notices were mailed late March/early April by CDFW.

The Monterey Bay Salmon and Trout Project (MBSTP) proposes to release up to 160,000 juvenile hatchery-origin Central Valley fall-run Chinook Salmon (CV FRCS) into Monterey Bay from the Santa Cruz Wharf and up to 160,000 juvenile hatchery-origin CV FRCS into Monterey Bay at the Monterey Harbor each spring annually for 5 years (2025-2029). The Coastside Fishing Club proposes to release up to 750,000 juvenile juvenile HO CV FRCS into Pillar Point Harbor each spring annually for 5 years (2025-2029).

For all Project years, CDFW staff would tag juvenile hatchery salmon with a coded wire tag and mark with an adipose fin-clip at a rate of 100% of the total number of released fish at Santa Cruz Wharf and Monterey Harbor, and a rate of 25% of the total number of released fish at Pillar Point Harbor.

All Project fish would be evaluated by CDFW Fish Health pathologist and certified to be disease-free prior to leaving the hatchery. The Project's objective is to enhance local sport and commercial salmon fisheries. Released smolts will feed and grow along the coast and be available for harvest as adults in one to three years.

Striped Bass Fishing Regulation Changes

At the June 2025, the Commission will begin the process of evaluating a proposed sport fish regulation change to striped bass size limits in response to a petition submitted by the NorCal Guides and Sportsman's Association. The proposed regulation change will also be in front of the Commission at the August and October meetings.

The proposed change adds a top end harvest limit of 30 inches to the existing 18-inch minimum regulation. The daily bag and possession limits are proposed to remain unchanged.

CDFW completed a regulation change petition evaluation and presented the details of that evaluation, along with the proposed regulations, at the [September 2024](#) and [January 2025](#) Wildlife Resources Committee meetings (the petition evaluation and presentation slides from those two presentations are available in the links provided).

If you would like to provide input to CDFW, either in writing or through consultation, please reach out to the CDFW Department Tribal Liaison at tribal.liaison@wildlife.ca.gov. If you would like to provide input on this regulation change directly to the California Fish and Game Commission, please reach out to FGC@fgc.ca.gov.

White Sturgeon Fishing Regulations changes

CDFW is proposing to make long-term the current temporary emergency regulations regarding the white sturgeon recreational fishery. White sturgeon have declined in

population in the last few years, due in large part to a die-off caused by an algae bloom.

Currently, white sturgeon are undergoing a status review to determine if they should be listed as threatened under the California Endangered Species Act, and for now they are considered a “candidate species”. Candidate species are typically protected from all take, but emergency regulations allowed for a catch-and-release fishery to continue by using a special exemption.

The long-term regulations, first heard at the February Commission meeting, will ensure the catch-and-release regulations continue after the emergency regulations expire. The April Commission meeting will provide an opportunity for public discussion.

MARINE REGION UPDATES

Abalone Closure Presentation

CDFW staff will give a presentation on the Recreational Red Abalone Fishing Closure. A link to the presentation is available in the meeting materials.

Marine Protected Area (MPA) DMR Petition Update

In the materials for this meeting is an informational update on California's Marine Protected Area Network Decadal Management Review and Subsequent Marine Protected Area Regulation Amendment Petition Process.



MPA Enforcement Report

March 2025

Assistant Chief Eric Kord
Marine Enforcement
District



MPA Enforcement Stats – 2024 Totals

MPA Patrol effort from eDARs

- Patrol Hours – 35,109 Hrs.
- Contacts – 52,858
- Warnings Given – 2,934
- Citations Issued on MPA Patrol – 1,877 (eDAR)



RMS Data

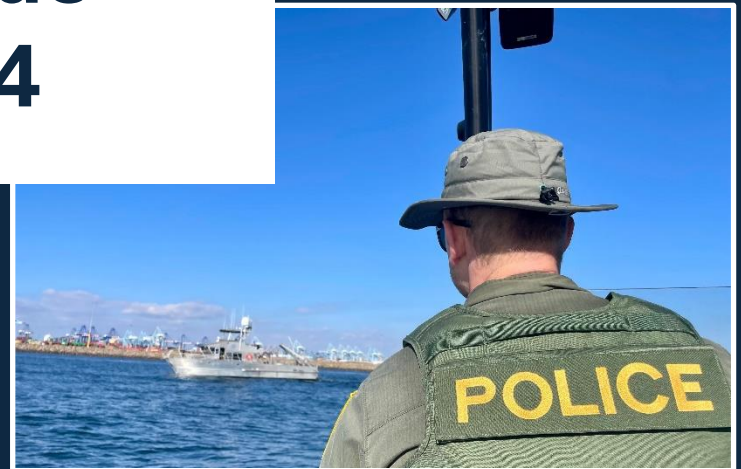
- Total Ocean Citations – 3,743
- Total Ocean Violations – 5,556
- Citations in MPAs – 471
 - Violations in MPAs - 696
 - MPA (Title 14, Sec. 632) violations – 370



eDAR- Electronic Daily Activity Report

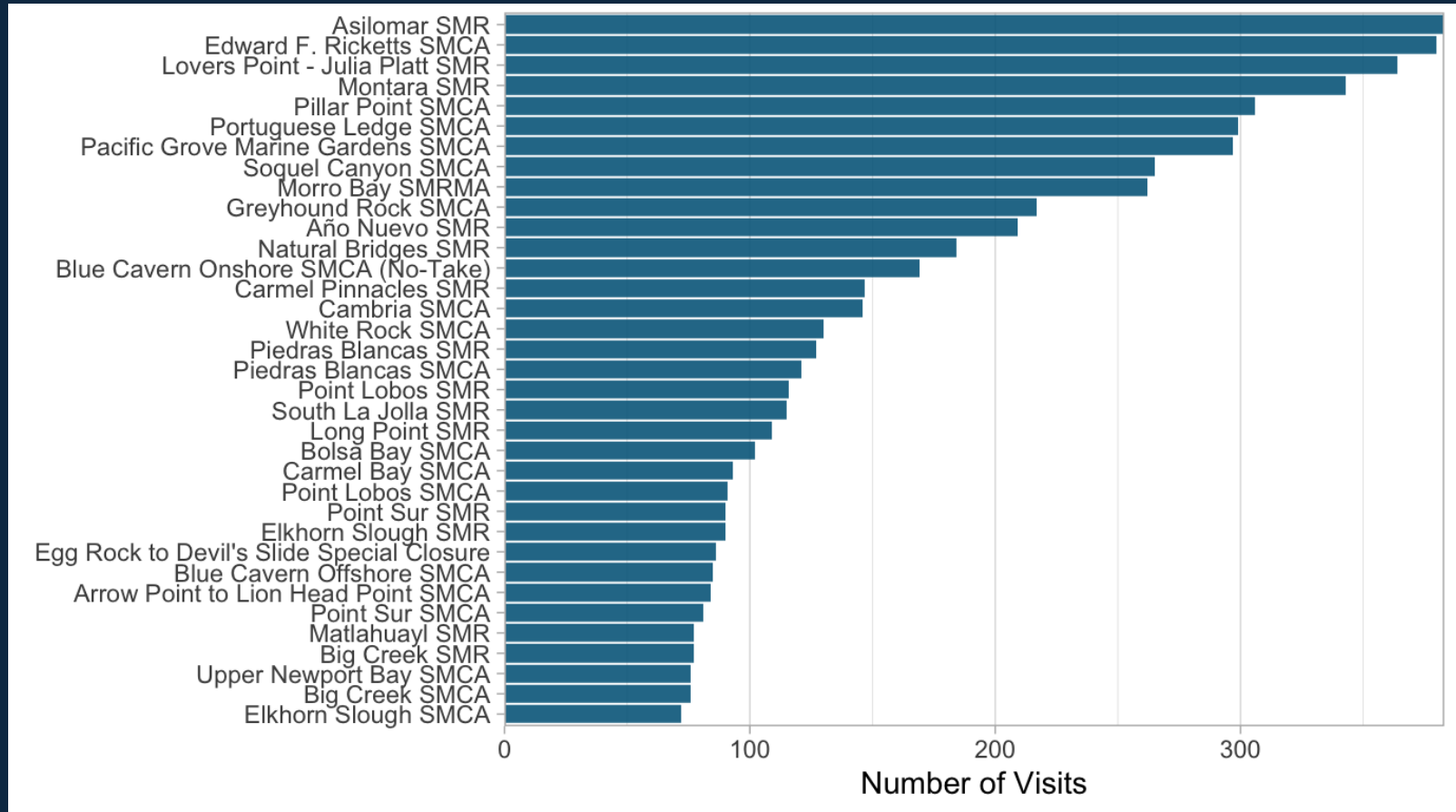


**7,461 MPA
individual officer
entries/ visits
statewide
in 2024**



Total MPA individual officer visits (eDAR)

Top 35 MPAs

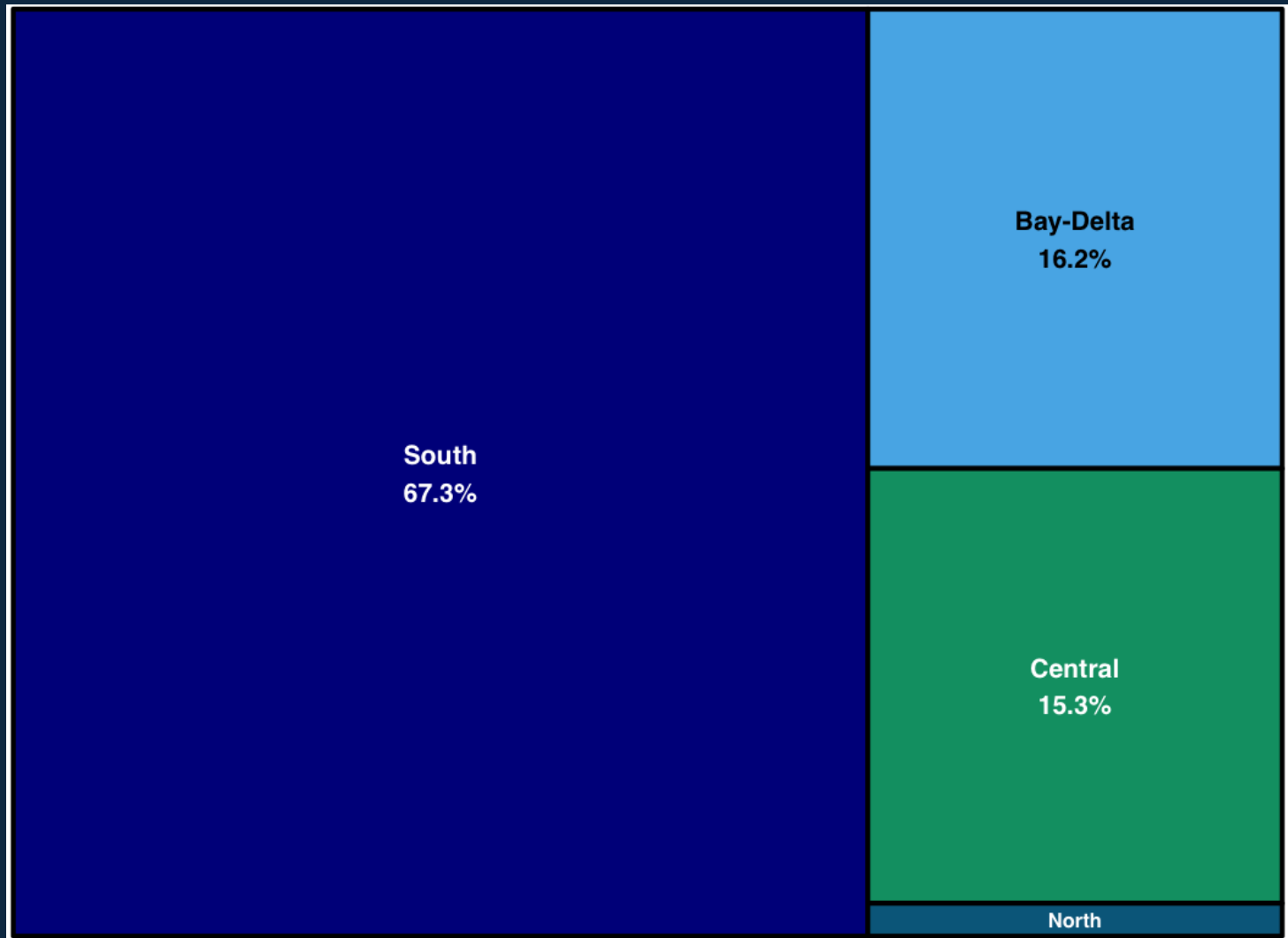


Number of Violations by MPA

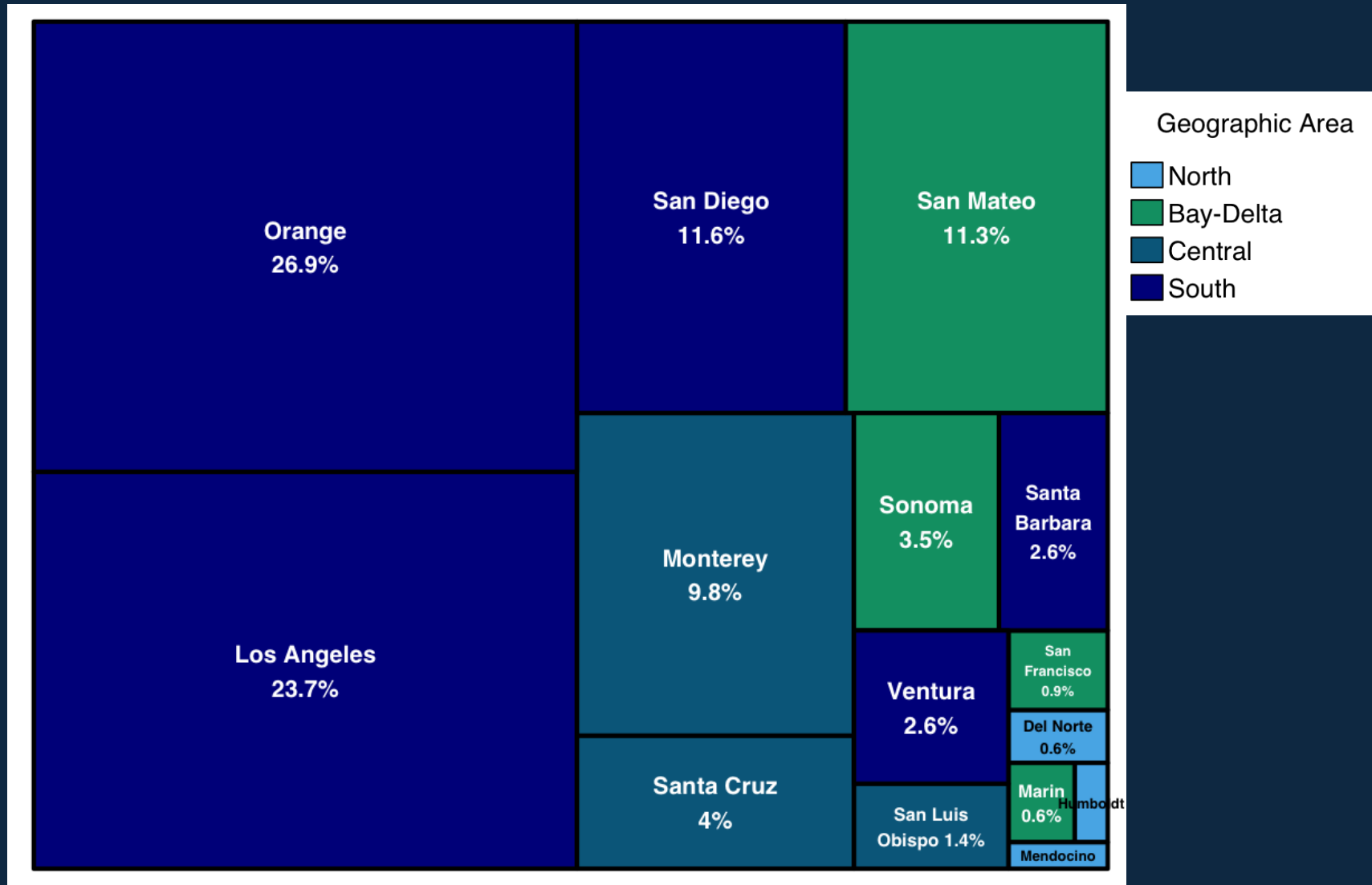
(MPAs with zero violations not shown)



MPA Violations (Sec. 632) by Geographic Area



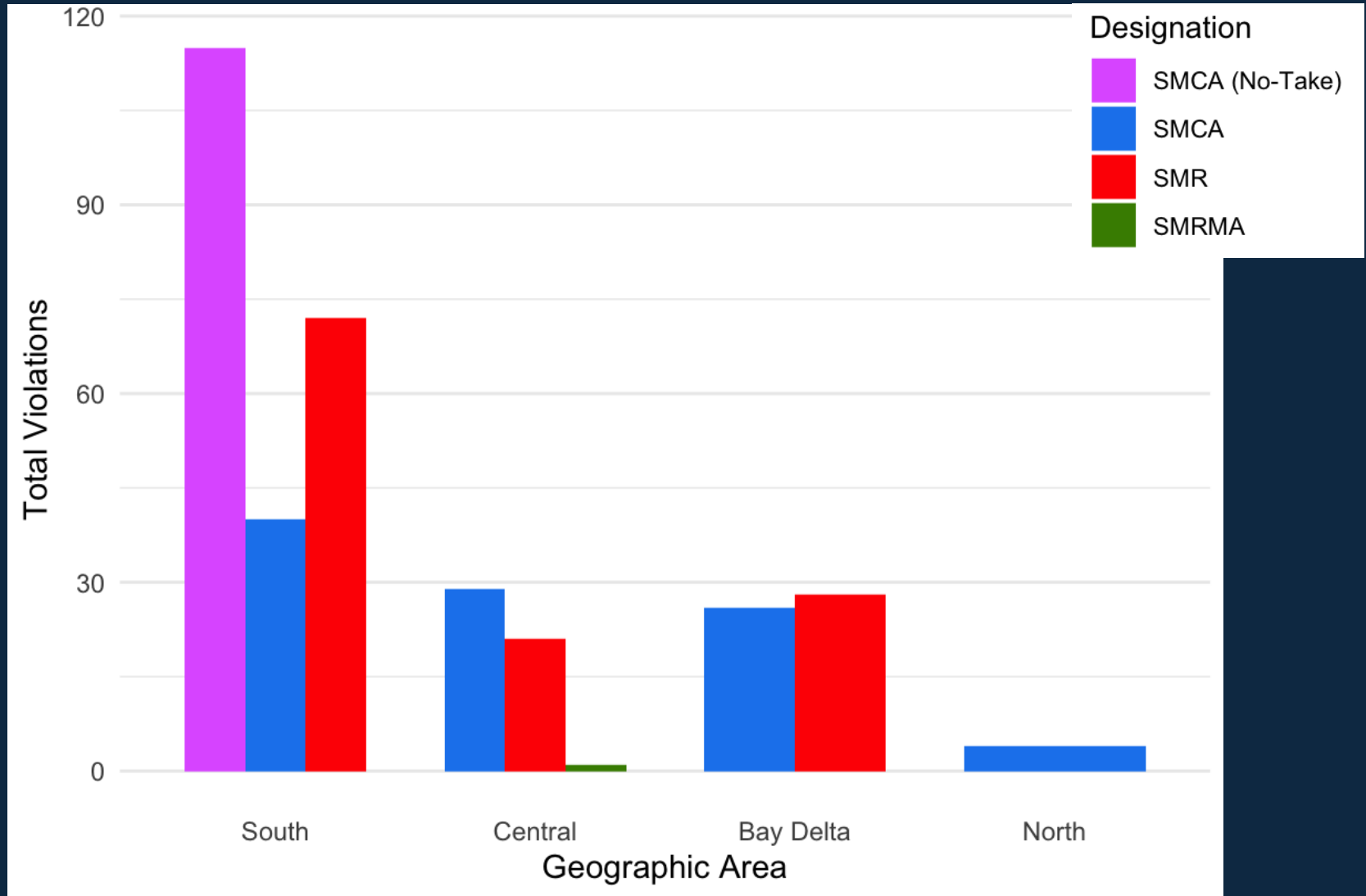
MPA Violations (Sec. 632) by County



Statewide MPA Violations (Sec. 632) by Month

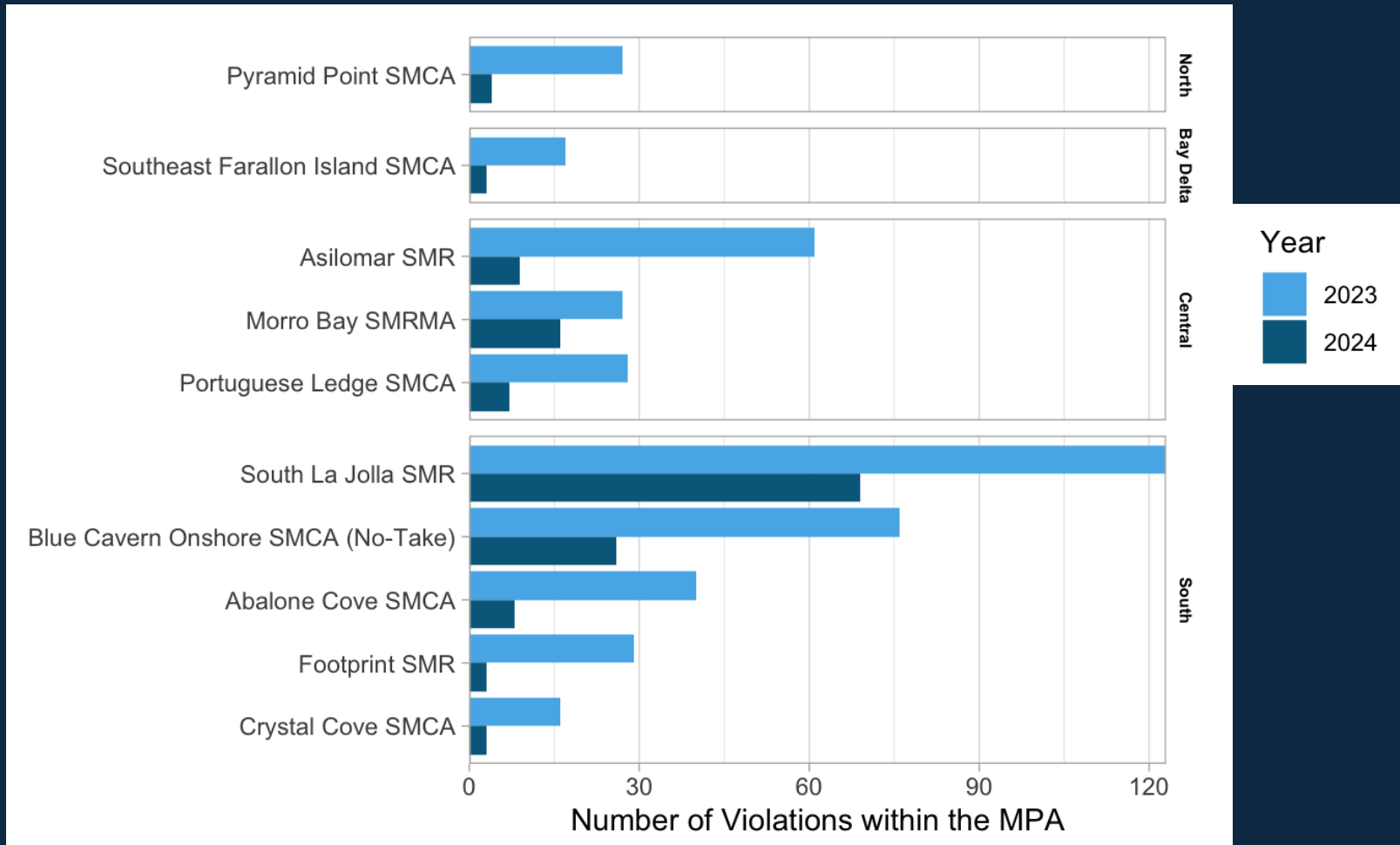


Total Violations by MPA Designation



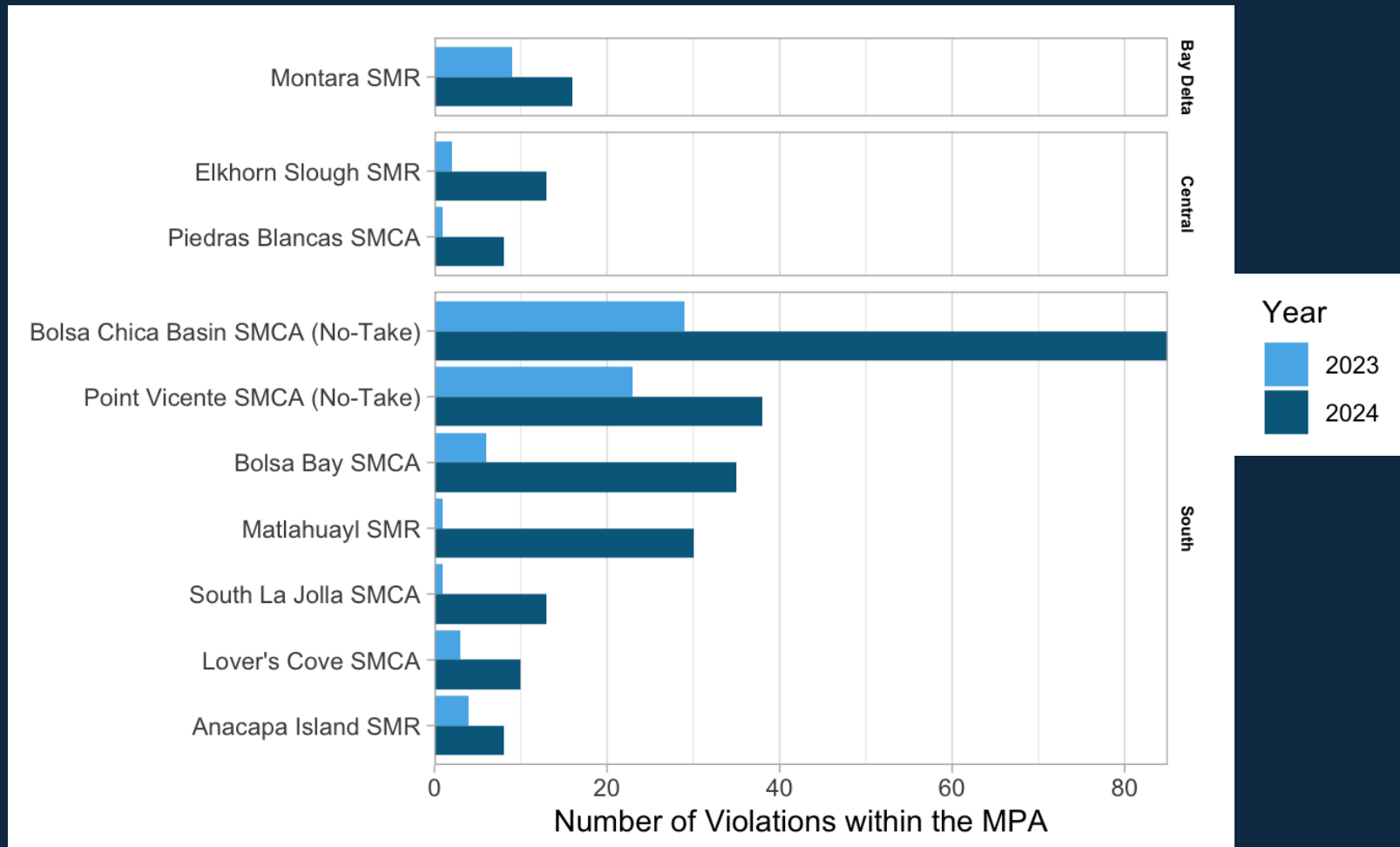
MPAs with largest *decrease* in number of violations

From 2023 to 2024



MPAs with largest *increase* in number of violations

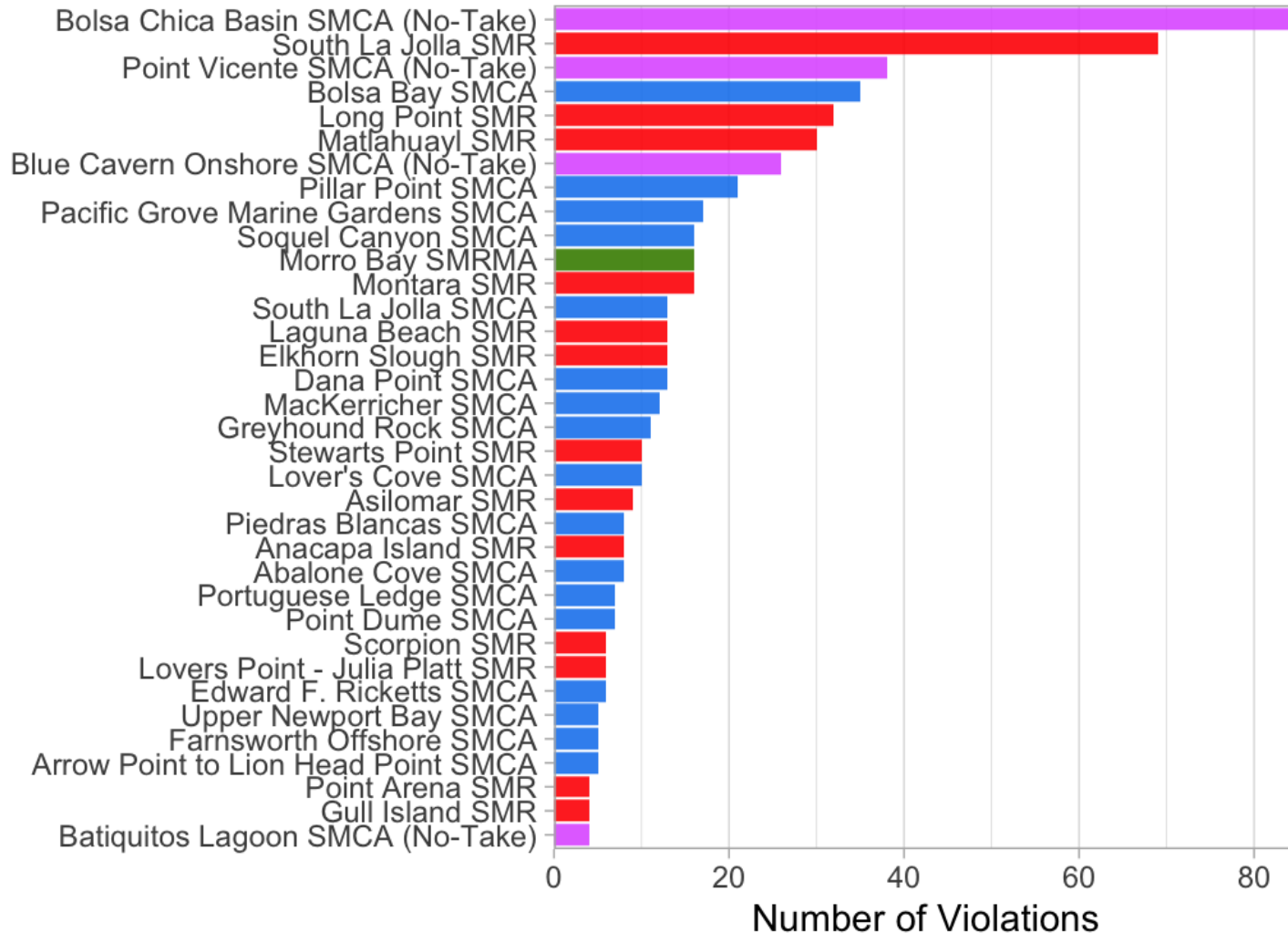
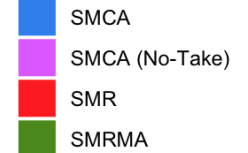
From 2023 to 2024



Violations within MPAs (count-696)

Top 35 MPAs

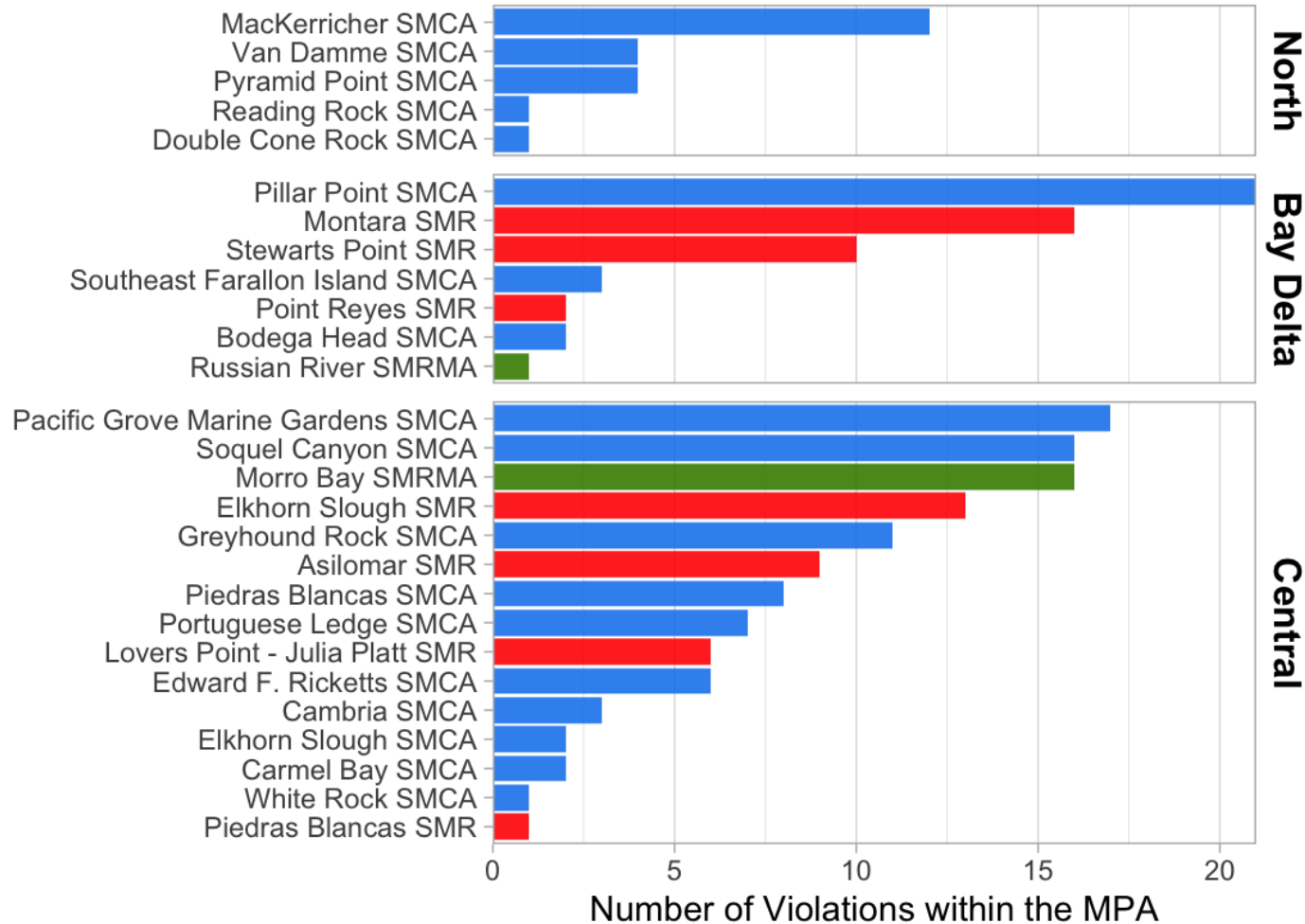
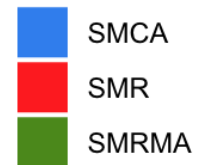
Designation



Violations within MPAs (count-696)

By Geographic Area: North - Central

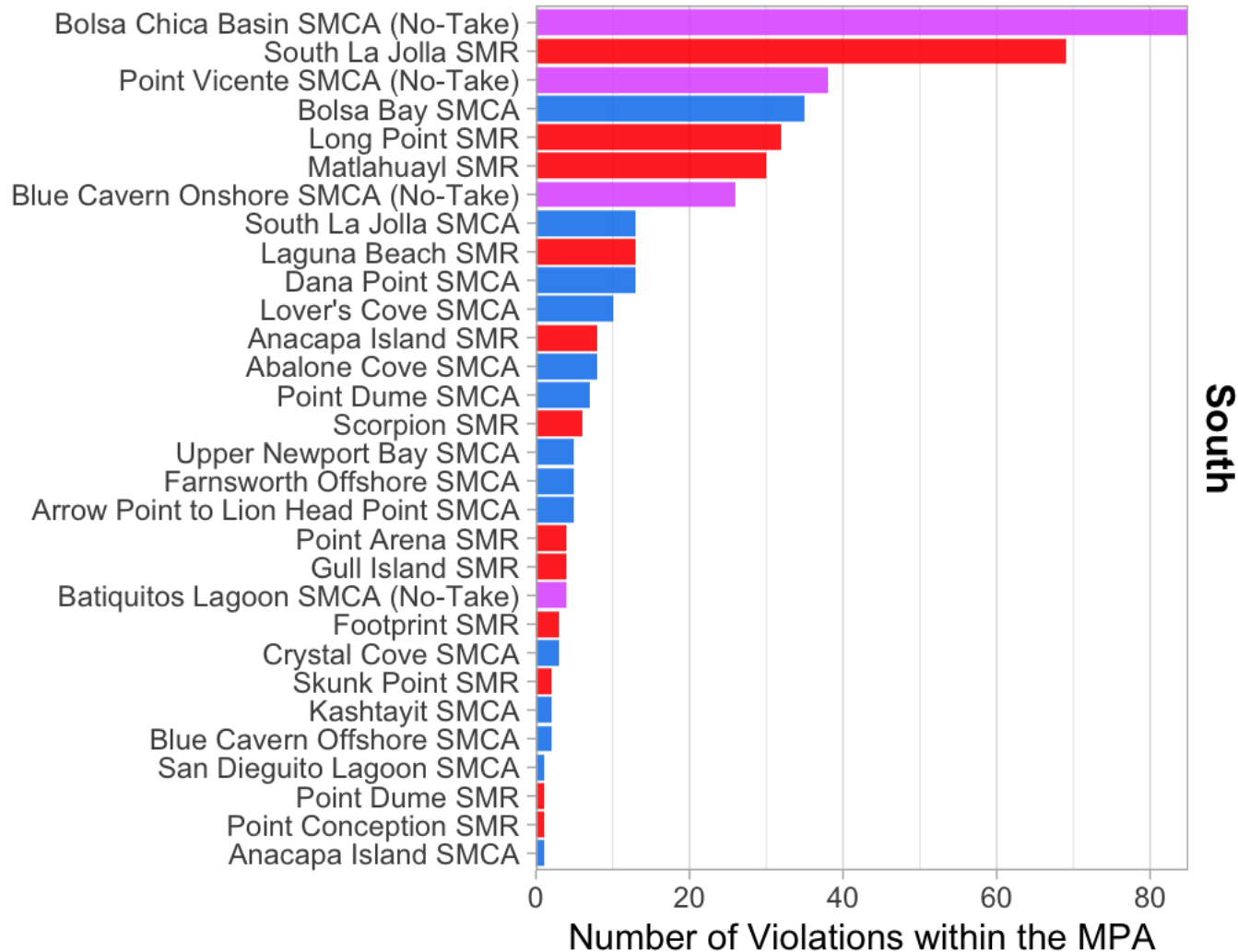
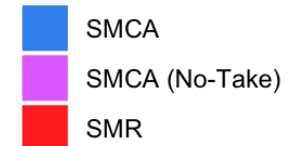
Designation



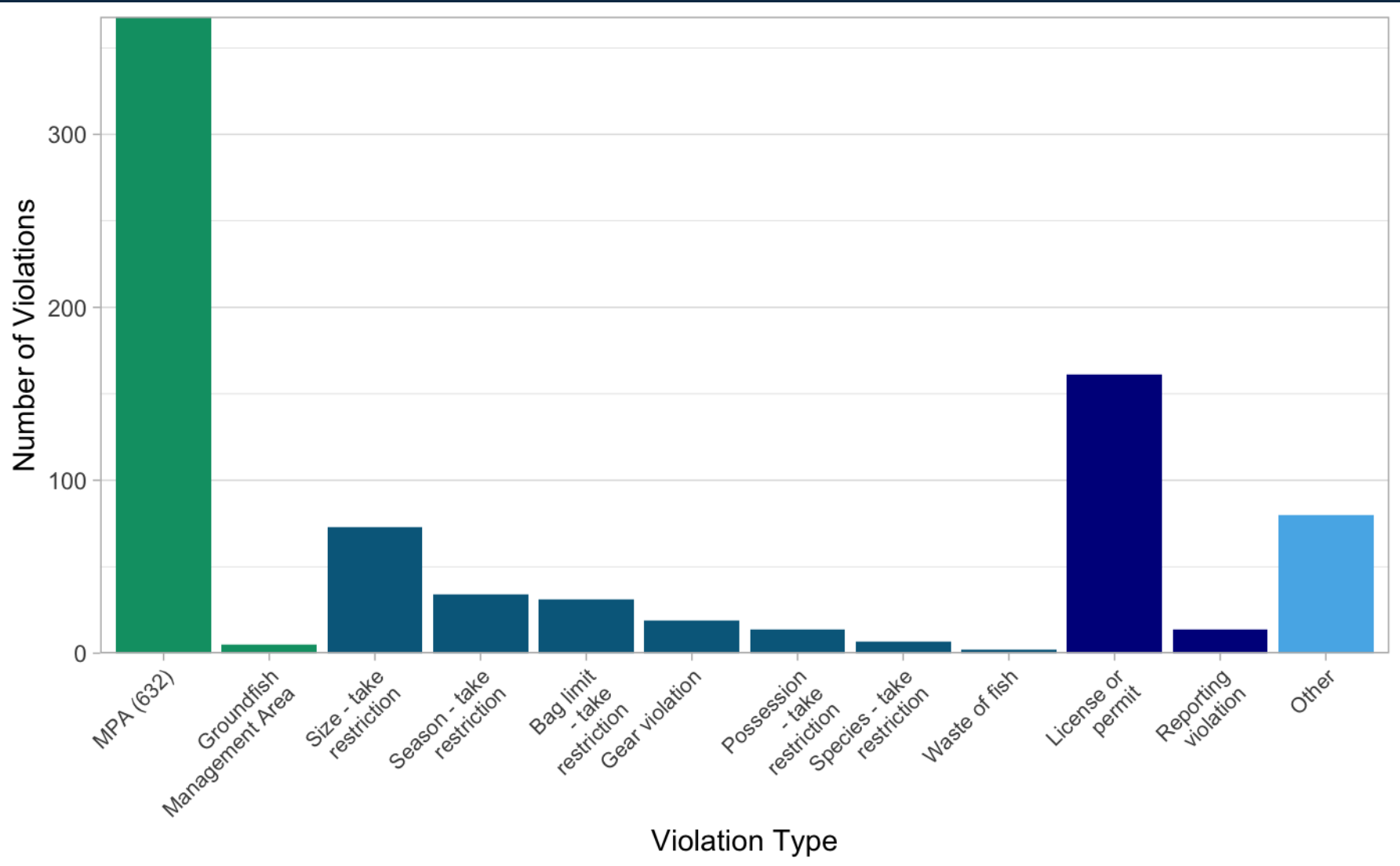
Violations within MPAs (count-696)

By Geographic Area: South

Designation

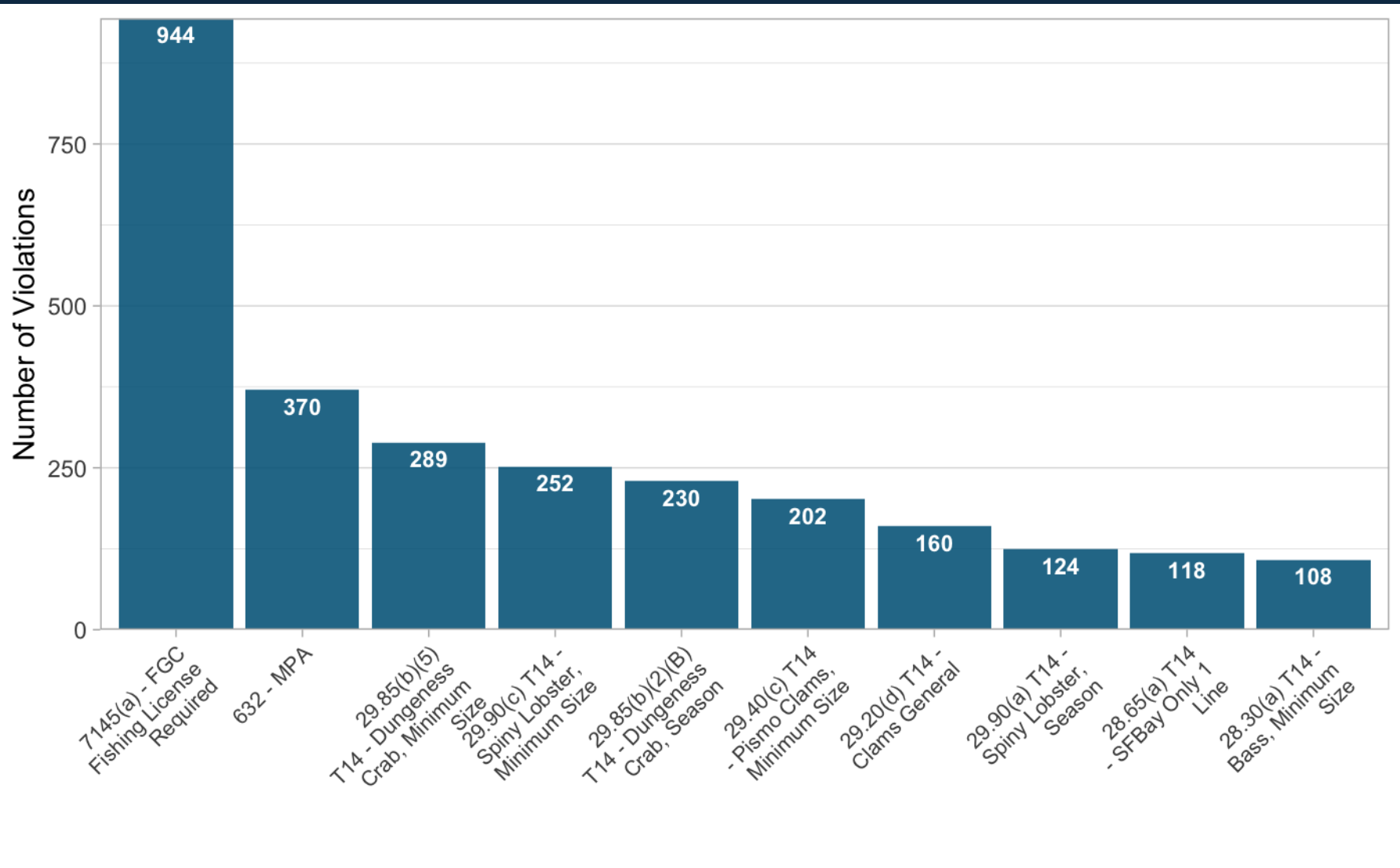


Categories of Violations in MPAs



Top 10 Ocean Violations

5,556 total ocean violations



Questions?





Recreational Red Abalone Fishing Closure

April 15, 2025

Presented to:

Tribal Committee

CA Fish and Game Commission

Presented by:

Joanna Grebel

**Invertebrate Program Manager
Marine Region**



Overview

- Background on Fishery Closures
- Current Status
- Department Recommendation

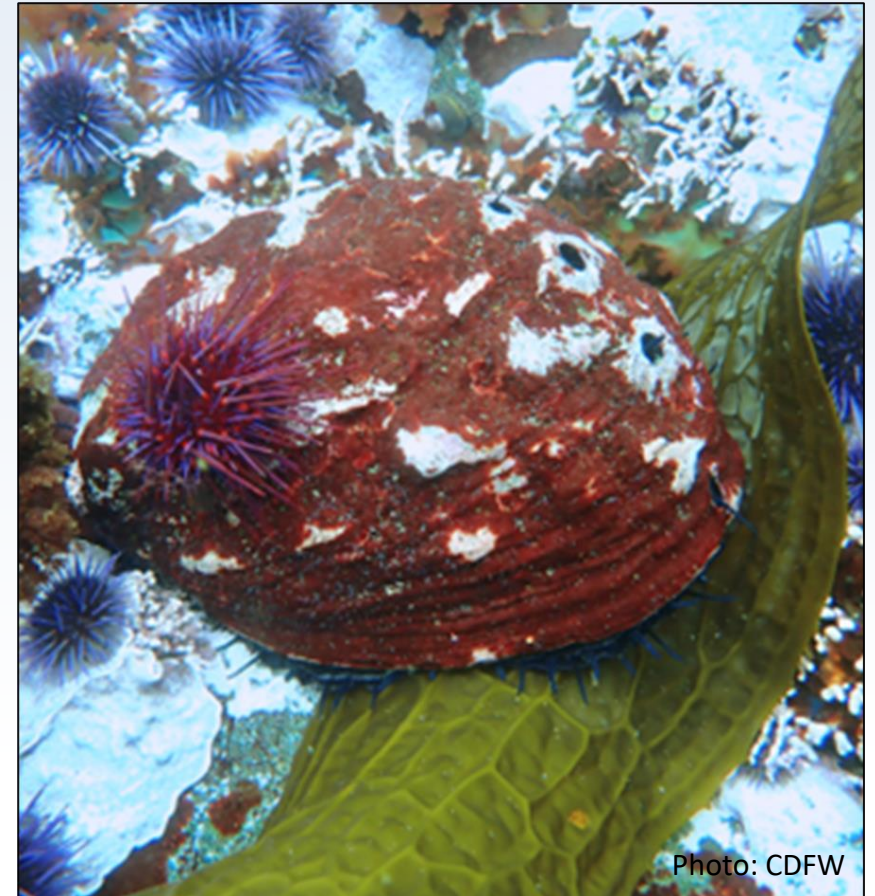


Photo: CDFW



Background – Red Abalone

- Fishery closed in 2018 (one year)
- Second sunset implemented in 2019 (two years)
- Last sunset implemented in 2021 (five years)
- Fishery to automatically reopen on April 1, 2026



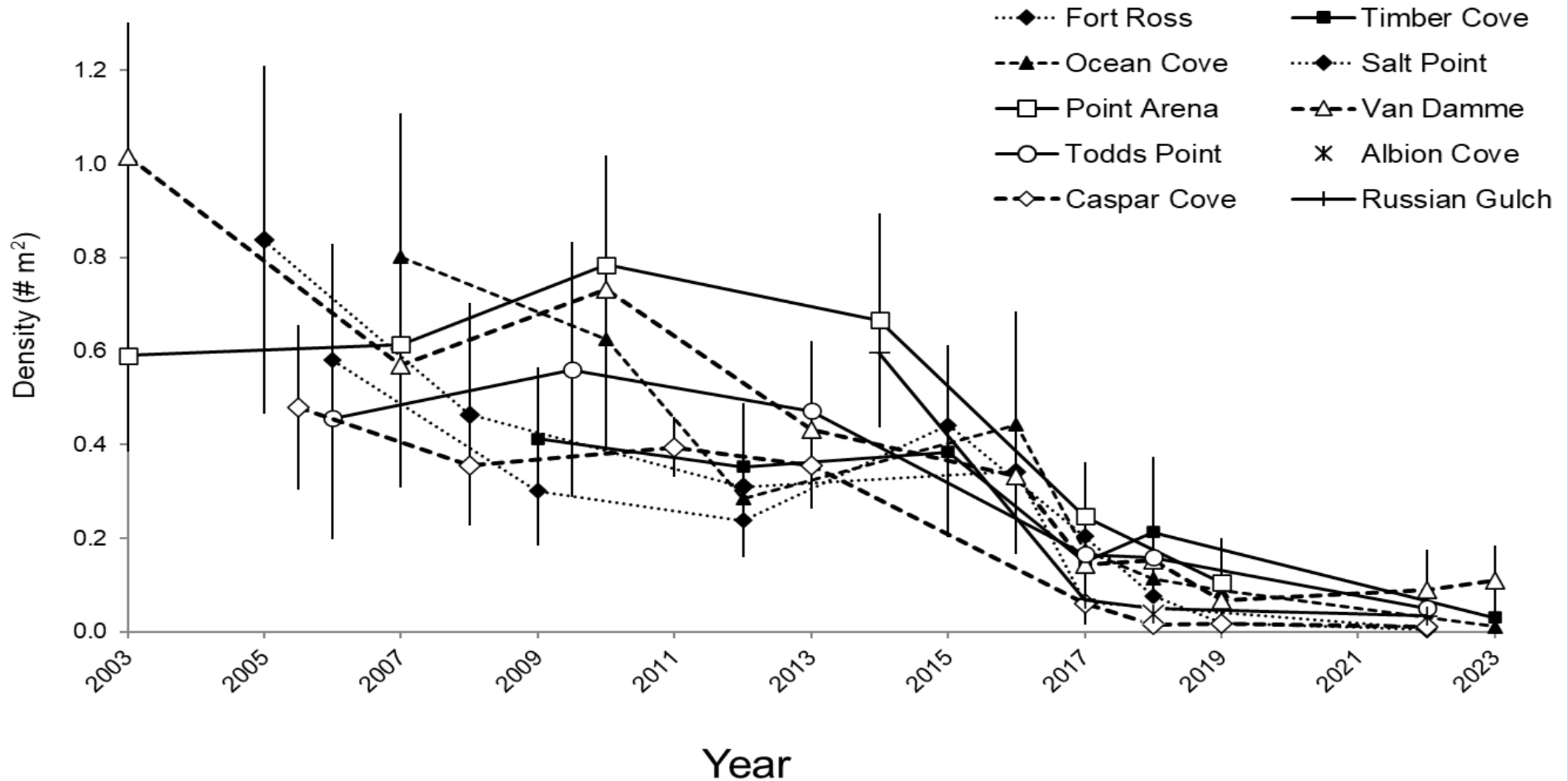
Current State of Knowledge

- Red abalone
- Kelp
- Purple Sea Urchin
- *Pycnopodia sp.*



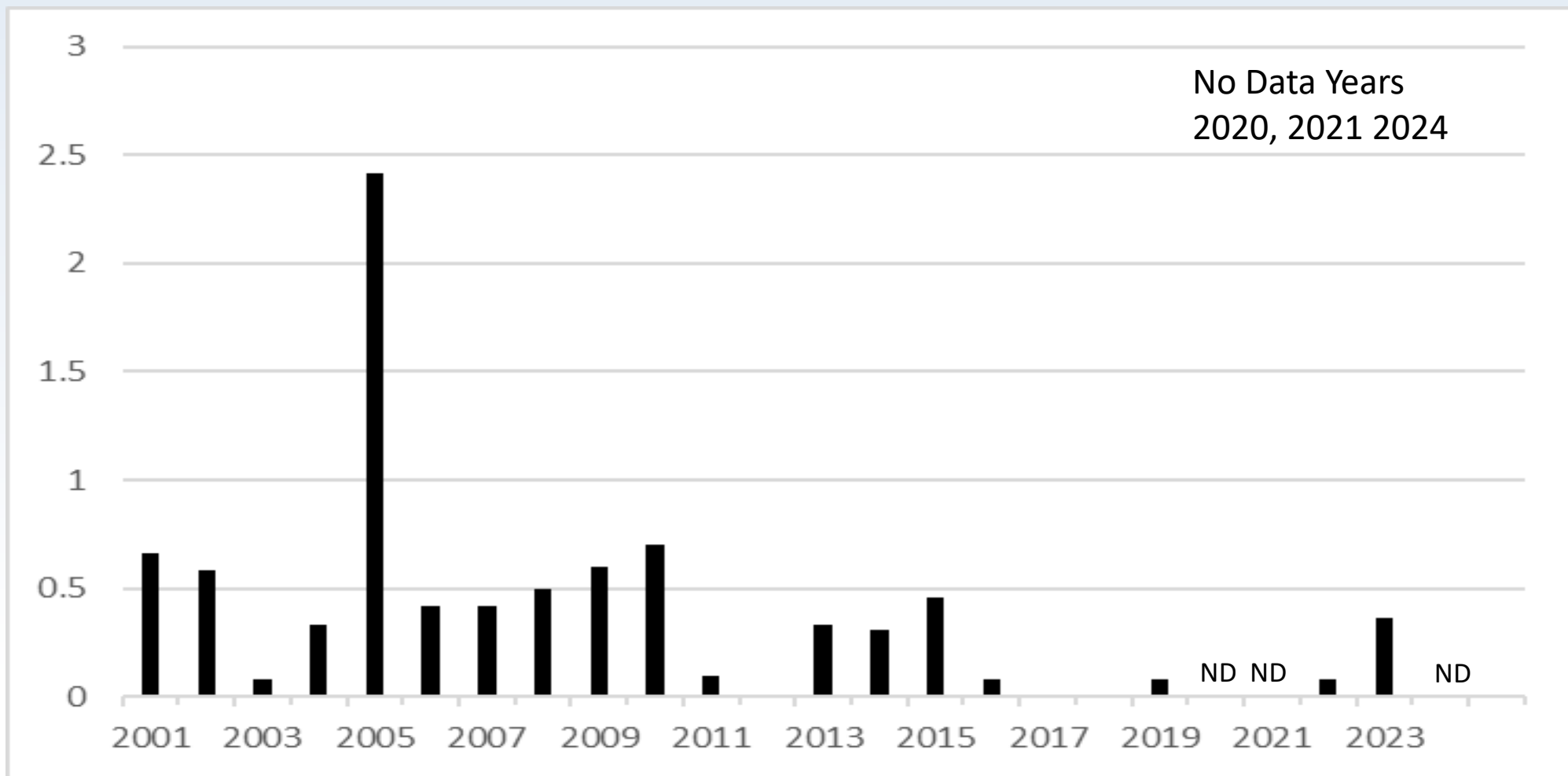
Photo: K. Joe

Current Status – Red Abalone Density





Current Status – Red Abalone Recruitment

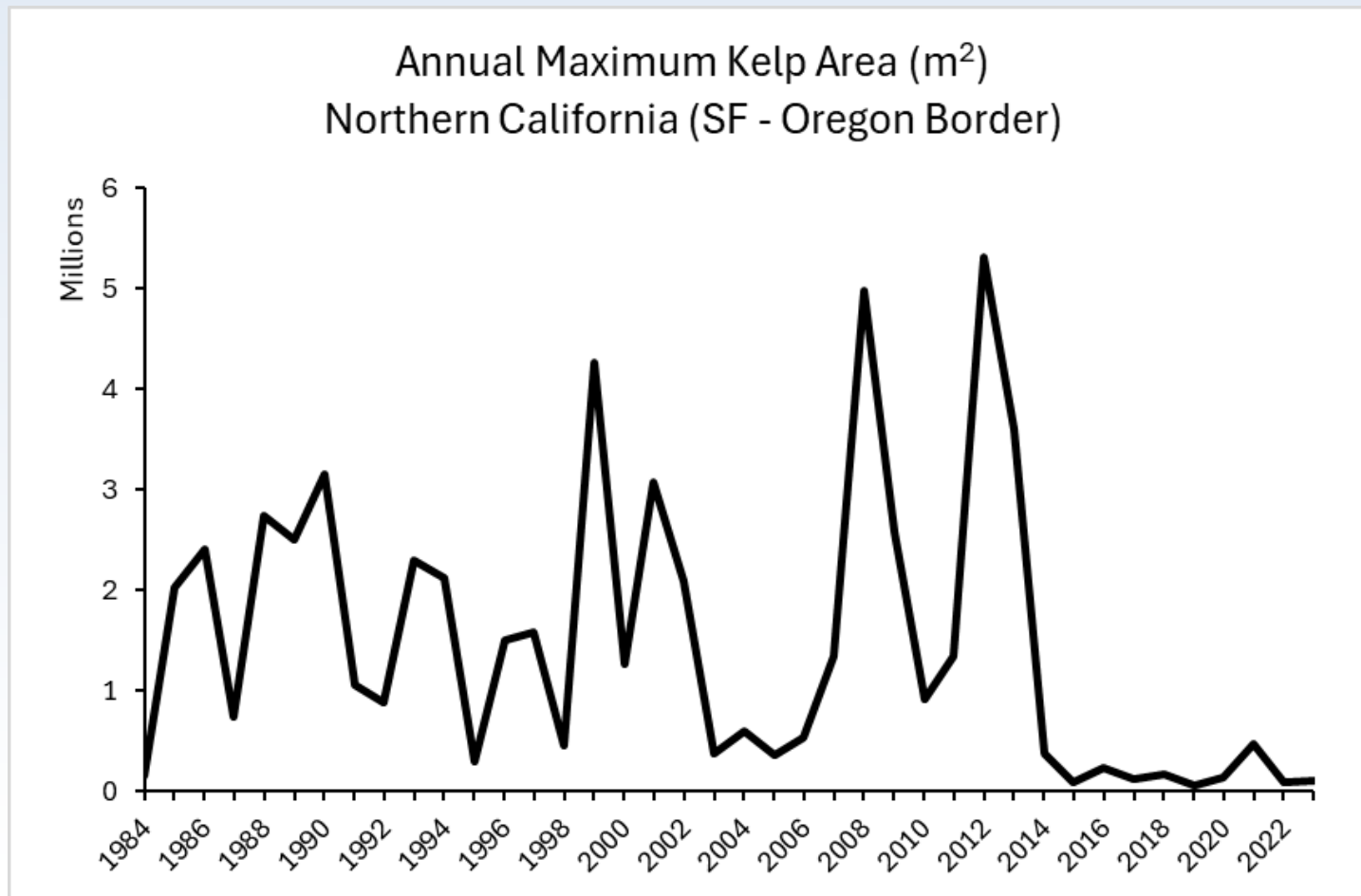


Data: CDFW



Current Status - Kelp

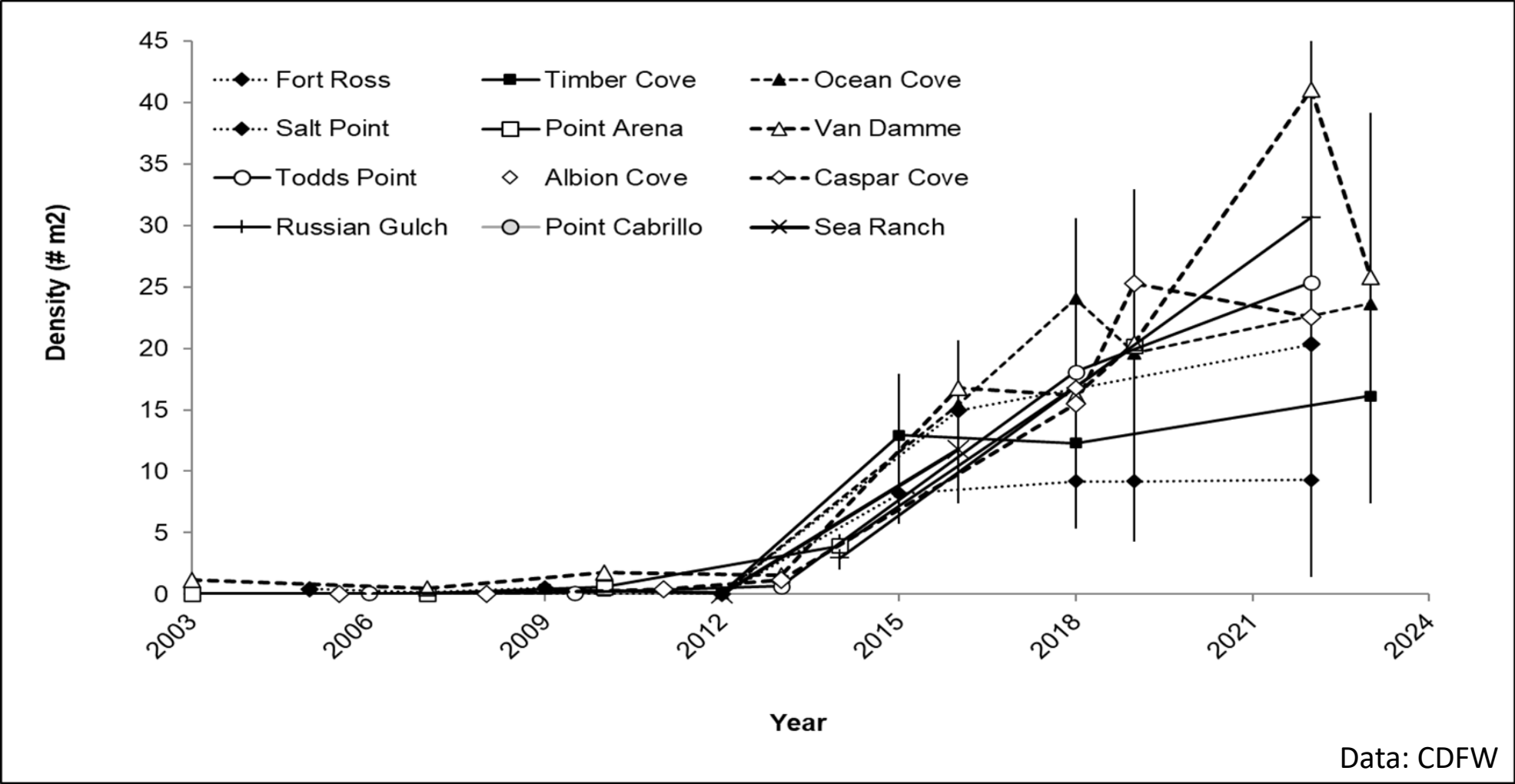
- Over 90% loss of bull kelp canopy in Sonoma and Mendocino
- Minimal recovery since kelp die-off events began in 2014



Data: Kelpwatch.org



Current Status – Purple Sea Urchin





Current Status – *Pycnopodia* sp.

- *Pycnopodia* sp. are functionally extinct in California waters due to disease
- Only 5 observed in CA in 2023



Photo: CDFW

Summary

- Abalone: No widescale recovery.
- Kelp: No widescale recovery.
- Purple Sea Urchin: Continued increases.
- *Pycnopodia*: No recovery.



Photo: CDFW



Recommendation

- Continue fishery closure indefinitely
- MRC recommended 10 year closure and work with partners on data collection





Regulatory Timeline

- Tribal Notification Letter: Late March 2025
- Tribal Committee Meeting: April 2025
- Notice: Aug 2025
- Discussion: October 2025
- Adoption: December 2025
- Target effective date for regulation: March 31, 2026

Thank You



Questions: Abalone@wildlife.ca.gov



March 28, 2025

Informational Update: California's Marine Protected Area Network Decadal Management Review and Subsequent Marine Protected Area Regulation Amendment Petition Process

California Department of Fish and Wildlife (CDFW), California Fish and Game Commission (CFGC), and Ocean Protection Council (OPC) are working together to implement the adaptive management recommendations following the first comprehensive review of California's Marine Protected Area (MPA) Network and Management Program. This document is intended to provide California Native American tribes an update on the actions taken to date.

Background

In December 2022, CDFW completed the first 10-year comprehensive review of California's Marine Protected Area (MPA) Network, and distributed a copy of the [Decadal Management Review](#) (DMR) to California Native American tribes. The DMR included 28 adaptive management recommendations for the next decade of MPA management (see pages 109-117 of the DMR). Recommendations 1, 2, and 3 were provided directly by tribal consultants through a [report](#) delivered to CDFW to inform the DMR. While this report provides an overview of their perspectives and opinions regarding MPA management, it does not represent the viewpoints of all tribes in California.

In March 2023, CDFW hosted a [Management Review Forum](#). Tribal leaders and citizens, culture bearers, knowledge holders and tribal communities, were formally invited to attend the forum and/or participate on panels facilitated by the CDFW. Panels centered on each of the four pillars of the MPA management program:

- Research and Monitoring,
- Enforcement and Compliance,
- Outreach and Education, and
- Policy and Permitting.

The Management Review Forum was also an opportunity for dialogue about key findings and adaptive management recommendations, and how they fit within the broader context of California's MPA Management Program. Tribal participants expressed their desire to have tribal knowledge, increased consultation, and co-management integrated into the MPA Management Program and the next adaptive management cycle. The results of this forum were [reported to CFGC in April 2023](#).

In July 2023, CDFW presented proposed near-term, mid-term and long-term [priorities for the 28 DMR recommendations](#) to the Marine Resources Committee (MRC), a committee of CFGC, based in part on the discussion held at the Management Review Forum. The MRC received extensive public comment to prioritize recommendation 4: to apply what is learned from the first DMR to support proposed changes to the MPA Network and Management Program.

DMR MPA Petition Process

To advance recommendation 4, CFGC utilized its [established petition process](#) to receive proposed MPA changes from tribes and the public. CDFW recommended and the MRC supported an evaluation framework and criteria¹, stating that petitions should: be compatible with the goals and guidelines of the Marine Life Protection Act (MLPA), garner strong community support, and/or advance adaptive management recommendations.

At their August 2023 meeting, CFGC reviewed and approved CDFW's petition evaluation framework and [requested that petitions be submitted for their December 2023 meeting](#). The prioritized list of recommendations and the process for considering petitions to modify the network of MPAs was presented to the Tribal Committee (TC), another committee of CFGC, in [December 2023](#). California Native American tribes were given until February 1, 2024, to submit petitions to CFGC.

CFGC received 20 petitions with over 80 unique requests for changes to the MPA Network². [This table of CFGC's current petitions](#) (as of December 2024) includes direct links to each individual petition for closer review.

At their February 2024 meeting, [CFGC referred all 20 MPA petitions received to CDFW](#) for review, evaluation, and recommendation. In addition, they requested CDFW provide an update at the March MRC 2024 meeting on the approach they would take to evaluate the petitions.

In March 2024, [CDFW proposed the following three-phase approach to the petition evaluation process](#):

- Phase 1: Bin Whole Petitions. Divide the 20 petitions into two bins, bin 1 ("near-term") and bin 2 ("long-term") based on whether:
 - Policy direction was needed from CFGC on the topic of the petition
 - The petition was within CFGC regulatory authority
 - Immediate evaluation of the petition was possible
 - Clarification was needed from the petitioner
 - A limited degree of controversy was anticipated
- Phase 2: Separate into Action Items and Determine Pathway. Divide petitions into individual proposed actions.
 - Bin 1 petitions - proceed to phase 3.
 - Bin 2 petitions - For proposed action items identify policy guidance, information, and resources needed prior to proceeding to phase 3.
- Phase 3: Adaptive Management Evaluation and Recommendations. Evaluate proposed action items based on the previously approved criteria and provide recommendations to CFGC to grant or deny the petitions.

CFGC approved this approach at their April 2024 meeting. At their June 2024 meeting, CFGC also requested an update from CDFW on the other 27 DMR adaptive management recommendations.

¹ See page 232 of the [August 2023 CFGC Staff Summary for item 23A, Marine Resource Committee](#).

² See page 4 of the [December 2023 CFGC Staff Summary for item 22, Petitions for Regulation Change](#) for a summary of all petitions received.

[CDFW completed Phase 1 at the end of May 2024](#). Five petitions were categorized as near-term and the remaining 15 fell into long-term. A public discussion was held at the July 2024 MRC meeting, where the MRC recommended that CFGC approve the proposed results. The petition evaluation process and draft binning results were presented to the TC in [August 2024](#).

At their August 2024 meeting, CFGC approved the proposed results of the Phase 1 categorization of petitions. At the same meeting, CDFW gave an [update on progress on implementation of the other 27 DMR adaptive management recommendations](#). This helped identify gaps where tribes and partners can begin (and in many cases already have begun) work to help the state achieve MPA management goals.

In October 2024, CDFW [released a tool](#) called [MPA Petition StoryMap](#) to aid with transparent communications about petitions and updates on the evaluation process.

At the November 2024 MRC meeting, CDFW staff made [recommendations for actions on the five near-term Bin 1 petitions](#).

At the December 2024 CFGC meeting, CFGC adopted³ the MRC recommended petition actions, and near term petitions actions that were granted or supported are now awaiting implementation. CDFW also provided an Annual Report on MPA Management Program⁴ accomplishments and challenges for 2024, including an update on progress on all 28 DMR recommendations with information gathered from partners.

At the March 2025 MRC meeting, OPC announced the launch of [SeaSketch California](#), an open-source mapping platform that can be used to visualize and analyze spatial data related to the 2023 petitions. CDFW presented on their proposed petition evaluation timeline and deliverables for the remainder of 2025.

Towards the end of 2024, CFGC offered the petitioners with the 15 more complex, longer term petitions the opportunity to conduct additional outreach and submit amended petitions by March 14, 2025. CFGC received amendments for 7 of the remaining 15 petitions.

Next Steps

At the April 2025 CFGC meeting, CFGC staff will provide a summary of the remaining 15 MPA petitions, including identifying amended proposed actions.

At the July 2025 MRC meeting, CDFW staff anticipate presenting a draft proposed Bin 2 petition evaluation framework to MRC for discussion.

During the petition evaluation process, CDFW is available for input and consultation with California Native American tribes that may be affected by proposed actions in MPA petitions.

If you have any questions please contact, Tribal.Liaison@wildlife.ca.gov or by mail at Marine Region Tribal Coordinator, Department of Fish and Wildlife, 1010 Riverside Parkway, West Sacramento, CA 95605.

³ For a complete list of the final recommendations for action that CFGC adopted for these five petitions, see page 16 of the [December 2024 CFGC Staff Summary for item 8, Marine Protected Area \(MPA\) Petitions for Regulation Change and Non-Regulatory Requests](#).

⁴ See page 4 of the [December 2024 CFGC Staff Summary for item 11, Department Marine Region Report](#).

March 28, 2025

Page 4 of 4

Upcoming meetings where the 2023 MPA Petitions may be on the agenda - [2025 Meetings](#)

- April 16-17, 2025 California Fish and Game Commission Meeting
- July 16-17, 2025 Commission Marine Resources Committee Meeting
- August 13-14, 2025 California Fish and Game Commission Meeting



Marine Protected Area Petition Evaluation Status and Next Steps

13 March 2025

Presented to:

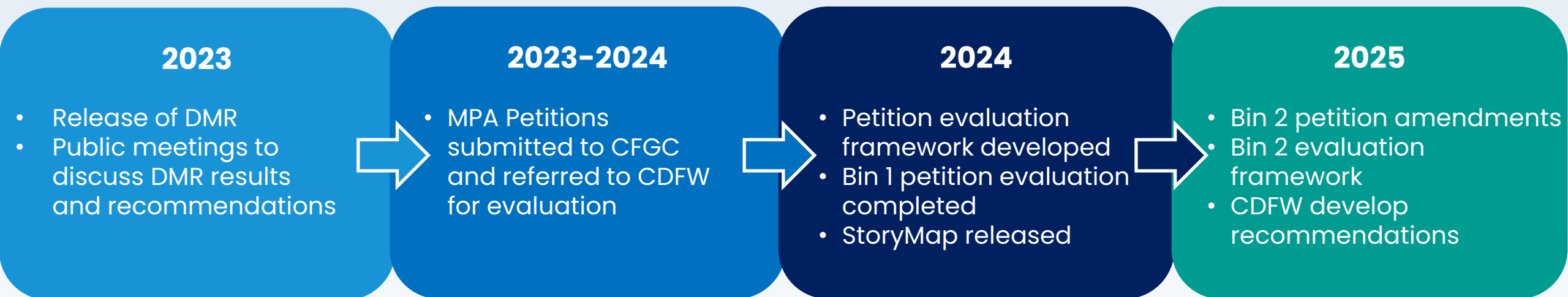
Marine Resources Committee
California Fish and Game Commission

Presented by:

Claire Waggoner
Marine Region Habitat
Conservation Program Manager



Recap: Decadal Management Review and Petition Timeline



Common acronyms:

CFGC=California Fish and Game Commission

CDFW=California Department of Fish and Wildlife

DMR=Decadal Management Review

MRC=Marine Resources Committee

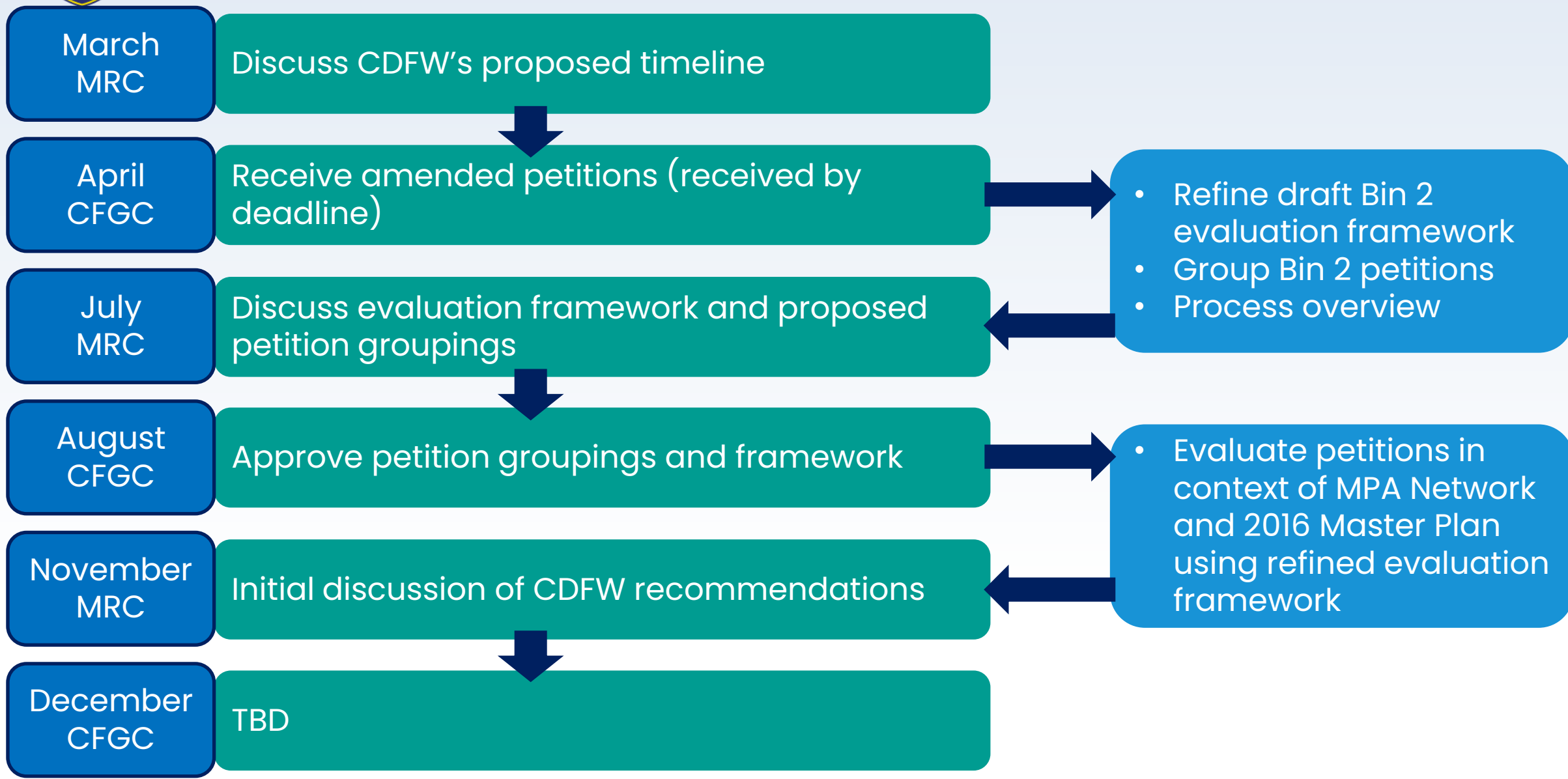


Petition Evaluation Framework: Status





Proposed Bin 2 Petition Milestones and Timeline





MPA Petition Updates: StoryMap



Marine Protected Areas (MPA) Petition Process

California Department of Fish and Wildlife

Click through the collection to:

→ See an **overview** of the petition process, petition evaluation framework, and anticipated timeline

→ Dive into an **interactive map** to visualize proposed changes

→ Explore **petitions sorted** by numerical order, change category, or county, and click the links to learn more about each petition. Any petition proposing a change that can be visualized on a map (e.g., boundary or designation change) will have an image with a slider to swipe between the existing network and the proposed change. Any petition proposing a non-spatial change (e.g., take allowance or regulatory language change) will have a static image showing the location of the affected MPA(s).



Current status:

- CDFW is in Phase 2 of its 3-phased petition evaluation framework and splitting each petition into individual action items
- At the December Commission meeting, CDFW provided its annual report on MPA Management Program accomplishments for 2024; next steps for Bin 2 petition evaluation were discussed, including setting a timeline for accepting amendments to Bin 2 petitions; and, as recommended by the MRC, the Commission adopted a slightly modified version of CDFW's [draft recommendations](#) for Bin 1 petitions

Up next:

- For Bin 2 petitioners who submitted a notice to amend their petition, the full amendment package is due March 14, 2025



Stay up to date!





Next Steps: Implement DMR Recommendations

Near-Term (ongoing – 2 years)

- Rec 1: Improve state agencies tribal engagement
- Rec 4: Apply Review knowledge to Network/Management changes
- Rec 7: Expand outreach and education materials
- Rec 9: Continue OPC coordination
- Rec 10: Improve coordination across Management Program pillars
- Rec 11: Update Action Plan
- Rec 16: More targeted outreach to specific audiences
- Rec 17: Improve SCP process
- Rec 18: Use policy to review MPA restoration/mitigation efforts
- Rec 20: Increase enforcement capacity
- Rec 21: Enhance citation record keeping and management
- Rec 25: Implement MPA climate change research
- Rec 27: Improve understanding of MPA effects on fisheries

Mid-Term (2 – 5 years)

- Rec 2: Create pathway to tribal MPA management
- Rec 3: Build tribal capacity to participate in MPA management
- Rec 6: Include and fund more diverse researchers and stakeholders
- Rec 8: Evaluate MPA accessibility
- Rec 12: Improve understanding of human dimensions
- Rec 13: Explore innovative technologies
- Rec 14: Develop MPA community science strategy
- Rec 15: Evaluate Outreach needs and resource effectiveness
- Rec 22: Increase knowledge on MPA judicial outcomes
- Rec 23: Examine MPA Network design attribute more effectively
- Rec 26: Consider climate change in human dimensions monitoring
- Rec 28: Integrate influencing factors into MPA performance evaluations

Long-Term (5- 10 years)

- Rec 5: Establish targets to meet MLPA goals
- Rec 19: Create MPA Enforcement Plan
- Rec 24: Better incorporate marine cultural heritage into MPA Network





Thank You

Questions?

fgc@fgc.ca.gov

mpamanagementreview@wildlife.ca.gov



California Fish and Game Commission
Wildlife Resources Committee (WRC) Work Plan
Scheduled Topics and Timeline for Items Referred to WRC
Updated April 9, 2025

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

Topics	Category	Jan 2025	May 2025	Sep 2025
Periodic and Annual Regulations				
Upland (Resident) Game Birds	Regulatory		X	X/R
Big Game Hunting	Regulatory	X/R	X	X/R
Waterfowl Hunting	Annual Regulatory		X	X/R
Central Valley Sport Fishing	Annual Regulatory		X	X/R
Klamath River Basin Sport Fishing	Annual Regulatory		X	X/R
Inland Sport Fishing (including striped bass)	Regulatory	X/R		X
Department Lands	Regulatory		X	X/R
Regulations & Legislative Mandates				
<u>Falconry</u>	<u>Referral for Review</u>	X	X	
Restricted Species	Regulatory			
<u>Take of Nongame Mammals</u> <u>Take of Coyotes</u>	Referral for Review	X/R	X/R	X/R
<u>Black Bear Hunting</u>	<u>Referral for Review</u>		X	X/R

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

Commissioners

Erika Zavaleta, President
Santa Cruz

Samantha Murray, Vice President
La Jolla

Jacque Hostler-Carmesin, Member
McKinleyville

Eric Sklar, Member
Saint Helena

Darius W. Anderson, Member
Kenwood

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

Melissa A. Miller-Henson
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Wildlife Resources Committee

Committee Co-Chairs: Commissioner Zavaleta and Commissioner Anderson

**Meeting Agenda
May 15, 2025; 10:00 a.m.**

In Person

**Natural Resources Headquarters Building
715 P Street, Second Floor
Sacramento, CA 95814**

and

Zoom and Phone

To participate in the meeting remotely, you may join via Zoom or by telephone directly at <https://wildlife-ca-gov.zoom.us/j/82201466595>. For complete instructions on how to join the meeting via Zoom or telephone, [click here](#) or visit www.fgc.ca.gov/meetings/2025.

- Notes:**
- (1) See important meeting information and procedures, including written public comment deadlines, starting on page 5.
 - (2) Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.
 - (3) 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 regulation changes**
Initial vetting for 2026-27 seasons:
 - (A) Waterfowl hunting
 - (B) Central Valley sport fishing
 - (C) Klamath River Basin sport fishing

3. Periodic regulation changes

Initial vetting for 2026-27 seasons:

- (A) Upland (resident) game bird hunting
- (B) Department lands
- (C) Big game hunting
 - I. Deer
 - II. Elk
 - III. Bighorn sheep
 - IV. Pronghorn antelope
 - V. Bear

4. Take of coyotes

Discussion and potential recommendations for changes to regulations regarding the take of coyotes.

5. Department updates

The Department will highlight items of note since the last committee meeting.

- (A) Wildlife Branch
 - I. Bighorn sheep plan
- (B) Fisheries Branch
- (C) Law Enforcement Division

6. General public comment for items not on the agenda

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].

7. Future agenda items

- (A) Review work plan agenda topics and timeline
- (B) Potential new agenda topics for Commission consideration

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
June 11-12, 2025	East End Complex Auditorium 1500 Capitol Avenue Sacramento, CA 95814	
July 16-17, 2025		Marine Resources California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
August 12, 2025		Tribal California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
August 13-14, 2025	California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814	
September 11, 2025		Wildlife Resources California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
October 8-9, 2025	Sacramento area	
November 5-6, 2025		Marine Resources California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
December 9, 2025		Tribal Sacramento area
December 10-11, 2025	Sacramento area	

Other Meetings of Interest

Meetings listed here are organizations for which the Commission: (1) is a member, or (2) takes action based upon regulations developed by that organization.

Association of Fish and Wildlife Agencies

- September 21-24, 2025 – Tucson, AZ

Pacific Fishery Management Council

- June 12-18, 2025 – Rohnert Park, CA
- September 18-24, 2025 – Spokane, WA
- November 13-19, 2025 – Costa Mesa, CA

Pacific Flyway Council

- September 2025 – Provo, UT

Western Association of Fish and Wildlife Agencies

- June 2-6, 2025 – Provo, UT
- June 1-5, 2026 – Boise, ID

Wildlife Conservation Board

- May 22, 2025 – Sacramento, CA
- August 28, 2025 – Sacramento, CA
- November 20, 2025 – Sacramento, CA
- February 2026 – Sacramento, CA

Committee Meeting Procedures and Information

Welcome to a meeting of the California Fish and Game Commission's Wildlife Resources 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 topics before the Commission than would otherwise be possible. Committee meetings are less formal in nature and provide additional access to commissioners. The Committee does not take action independent of the Commission; instead, the Committee makes recommendations to the full Commission at regularly scheduled Commission 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 as possible.

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 Civil Rights Office at (916) 653-9089 or civilrights@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. For those joining by Zoom, you may be able to enable closed-captioning via the Zoom platform. If a request for an accommodation has been submitted but is no longer needed, please contact the Civil Rights 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; **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; or **hand-deliver** to a Committee meeting.

Comment Deadlines

The **Written Comment Deadline** for this meeting is 5:00 p.m. on **May 2, 2025**. 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 **May 12, 2025**. Comments received by this deadline will be made available to Commissioners at the meeting.

After these deadlines, written information may be delivered in person to the meeting; please bring **six** copies and provide them to staff during the relevant agenda item.

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

Regulation Changes

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 regulation change, please provide your comments during Commission business meetings, via email, or by delivering to the Commission office.

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](#). 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 contribute to the dialogue. If you wish to speak on an agenda item, please follow these guidelines:

- You will be given instructions during the meeting for how to be recognized by the Committee chair or co-chair to speak.
- If you have written information to share, please provide **six** copies to staff before you begin speaking.
- Once recognized, please begin by giving your name and affiliation (if any) and the number of people you represent.
- Time is limited; please keep your contributions concise so that everyone has an opportunity to speak.
- We encourage you to avoid repeating previous commentary. You may wish to appoint a spokesperson, or simply state you agree with a previous comment.
- If speaking during general public comment for items not on the agenda, 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.

- 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.
- All electronic formats must be Windows PC compatible.
- If participating in person, it is recommended that you bring a print copy of any electronic presentation in case of technical difficulties.

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

Updated April 9, 2025

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

Topics	Category	Nov 2024	Mar 2025	Jul 2025
Planning Documents, Fishery Management Plans (FMP)				
MLMA Master Plan for Fisheries – Implementation Updates	Plan Implementation			
Red Abalone Recovery Plan (statewide)	Recovery Plan			<u>X</u>
- Risk Tolerance for Reopening Fishery Harvest	Recovery		X/R	
California Halibut Fishery Management Review (CA Halibut Review) – CA Halibut Trawl Grounds Review	Management Review			
CA Halibut Review – Bycatch Evaluation for Trawl Gear	Management Review			X
<u>Market Squid Fishery Management and FMP Review</u>	<u>Management/FMP Review</u>	X/R		
Kelp Recovery and Management Plan (KRMP) Development	Recovery/ Management Plan	*		X
Marine Protected Area (MPA) Network 2022 Decadal Management Review Implementation: <i>MPA Petitions</i>	Management Review	X/R	*	X
Regulations				
Kelp and Algae Commercial Harvest – Sea Palm (Postelsia)	<u>Commercial Take</u>	<u>X/R</u>		
Recreational Crab Trap Gear Options and Trap Validation for Commercial Passenger Fishing Vessels	<u>Recreational Take</u>	<u>X/R</u>		
Recreational Barred Sand Bass Fishery	<u>Recreational Take</u>	<u>X/R</u>		
Recreational Red Abalone Fishery Closure Sunset Date	Recreational Take		X/R	
Commercial Coonstripe Shrimp Fishery Management	Commercial Take			X/R
<u>Commercial Bull Kelp Harvest Sunset Date</u>	<u>Commercial Take</u>		<u>X</u>	<u>X/R</u>
Marine Aquaculture and State Water Bottom Leases				
Statewide Aquaculture Action Plan	Planning Document			<u>*</u>
Status of Existing Leaseholder Requests	Current Leases		X	
Applications for New Leases	Lease Applications			
- San Andreas Shellfish Company (in Tomales Bay)		X		
- Santa Barbara Sea Ranch (off Santa Barbara County coast)			X	
Lease Best Management Practices Plans (Hold, TBD)	Leases–Regulatory			<u>*</u>
Special Projects, Informational Topics, and Emerging Management Issues				
Coastal Fishing Communities Project	MRC Project	*	*	
Kelp Restoration and Recovery Tracking	Kelp			X
Experimental Fishing Permit (EFP) Program				
Box Crab Exploratory Fishing	EFP	X		
Pop-Up Gear in State-Managed Fisheries	EFP	X		

Key: X = Discussion X/R = Recommendation and may move to Commission * = Written or oral agency update

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

April 23, 2025

Subject of Rulemaking	Title 14 Section(s)	FGC Teleconference May 14, 2025	WRC Sacramento May 15, 2025	FGC Sacramento June 11, 2025	FGC Sacramento June 12, 2025	MRC Sacramento July 17, 2025	TC Sacramento August 12, 2025	FGC Sacramento August 13, 2025	FGC Sacramento August 14, 2025	WRC Sacramento September 11, 2025	FGC Sacramento October 8, 2025	FGC Sacramento October 9, 2025	MRC Sacramento November 6, 2025	TC Sacramento December 9, 2025	FGC Sacramento December 10, 2025	FGC Sacramento December 11, 2025	WRC Ontario / San Bernardino January 13, 2026	FGC Sacramento February 11, 2026	FGC Sacramento February 12, 2026	MRC Santa Rosa or Monterey March 12, 2026	TC Fresno or Redding April 14, 2026	FGC Fresno or Redding April 15, 2026	FGC Fresno or Redding April 16, 2026
Central Valley Sport Fishing (Annual)	7.40(b)(4), (43), (66), (80)	A				E 7/15																	
Klamath River Basin Sport Fishing (Annual)	7.40(b)(50)	A				E 7/1																	
Waterfowl Hunting, 2025-26 (Annual)	502					E 7/1																	
Commercial California Halibut and White Seabass Set Gill Nets	174.1				Resubmitted to OAL on 4/22. X EUF																		
Recreational Take of Barred Sand Bass	28.30			X E 6/1																			
Commercial Red Sea Urchin ²	120.7, 120.8, 128					E 7/1																	
White Sturgeon Sport Fishing During CESA Candidacy Emergency (First 90-Day Extension)	5.78, 27.93			EE 6/3																			
White Sturgeon Sport Fishing During CESA Candidacy Emergency (Second 90-Day Extension)	5.78, 27.93	A		E 6/3						EE 9/1													
White Sturgeon Sport Fishing 2084	5.78, 5.79, 5.80, 27.90, 27.92, 27.93				A					E 9/1													
Adding Golden Mussel to the List of Restricted Species Emergency	671					EE 6/17																	
Adding Golden Mussel to the List of Restricted Species Emergency (First 90-Day Extension)	671					E 6/17					EE 9/15												
Adding Golden Mussel to the List of Restricted Species Emergency (Second 90-Day Extension)	671				A						E 9/15						EE 12/14						
Commercial Harvest of Sea Palm; Kelp and Other Aquatic Plants Harvest Reporting	165, 705.1																E 1/1						
Commercial Coonstripe Shrimp Fishery Emergency	180.15		E 5/1										EE 10/28										
Market Squid Fishery Management Plan Amendment	53.01, 53.02, 53.03			D					A								E 1/1						
Commercial Take of Market Squid	149, 149.1			D					A								E 1/1						
Recreational Crab Fishing Gear and Commercial Passenger Fishing Vessel Trap Validation	29.80, 29.85, 190, 195, 701			D					A								E 1/1						
Falconry	670	D			A					E 10/1													
Striped Bass Harvest Size Limits	5.75, 27.85				N			D			A						E 1/1						
Golden Mussel Response - Restricted Species ⁵	671								N			D/A					E 1/1						
Big Game Preference Points	708							N			D				A					E 4/1			
Big Game Hunting, 2025-26 Seasons, and Chronic Wasting Disease Testing	360, 362, 363, 364, 364.1, 708.5					E 7/1																	

Future Rulemakings: Schedule to be Determined

Subject of Rulemaking	Title 14 Section(s)	FGC Teleconference May 14, 2025	WRC Sacramento May 15, 2025	FGC Sacramento June 11, 2025	FGC Sacramento June 12, 2025	MRC Sacramento July 17, 2025	TC Sacramento August 12, 2025	FGC Sacramento August 13, 2025	FGC Sacramento August 14, 2025	WRC Sacramento September 11, 2025	FGC Sacramento October 8, 2025	FGC Sacramento October 9, 2025	MRC Sacramento November 6, 2025	TC Sacramento December 9, 2025	FGC Sacramento December 10, 2025	FGC Sacramento December 11, 2025	WRC Ontario / San Bernardino January 13, 2026	FGC Sacramento February 11, 2026	FGC Sacramento February 12, 2026	MRC Santa Rosa or Monterey March 12, 2026	TC Fresno or Redding April 14, 2026	FGC Fresno or Redding April 15, 2026	FGC Fresno or Redding April 16, 2026
Santa Cruz Harbor Salmon Fishing (CFGC Petition 2016-018)	TBD																						
Possess Game / Process Into Food	TBD																						
American Zoological Association / Zoo and Aquarium Association	671.1																						
Night Hunting in Gray Wolf Range (CFGC Petition 2015-010)	474																						
Donation of Fish to Non-Profit Organizations ¹	TBD																						
Electronic Report Cards	1.74, 5.79, 5.80, 5.81, 5.87, 5.88																						
Shellfish Aquaculture Best Management Practices	TBD																						
Ridgeback Prawn Incidental Take Allowance	120(e)																						
Marine Protected Areas (MPAs) ³	632																						
Lands Pass - Hope Valley Wildlife Area ⁴	TBD																						

KEY
 CFGC = California Fish and Game Commission MRC = CFGC Marine Resources Committee WRC = CFGC Wildlife Resources Committee TC = CFGC 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 = Committee Vetting R = Committee Recommendation 1 = Considers CFGC Petition 2023-10 2 = Considers CFGC Petition 2023-04
 3 = Considers MPA Petitions/sub-actions: 2023-22MPA (sub-actions 1, 2, 4, 6); 2023-25MPA (sub-actions 1, 3); 2023-26MPA (sub-actions 2, 3, 4); and 2023-31MPA (sub-actions 1, 2) 4 = Considers CFGC Petition 2018-016(a) 5 = Considers CFGC Petition 2017-006

California Fish and Game Commission
Potential Agenda Items for the May and June 2025 Commission meetings
April 13, 2025

The next Commission meetings are scheduled for May 14, 2025 via teleconference and June 11-12, 2025 in Sacramento, with Zoom and phone options for the public. This document identifies potential agenda items for each meeting, including items to be received from staff and the California Department of Fish and Wildlife (Department). For two-day meetings, marine-related items will be heard on the first day and wildlife-related items on the second day, as approved by the Commission at its February 2025 meeting.

Wednesday, May 14

1. Discussion hearing: Falconry
2. Adoption hearing: Central Valley sport fishing
3. Adoption hearing: Klamath River Basin sport fishing
4. Adoption hearing: White sturgeon emergency regulations, second 90-day extension
5. General public comment for items not on the agenda

Wednesday, June 11: Marine-related and Administrative items

1. General public comment for items not on the agenda
2. Discussion hearing: Market squid fishery management plan amendments
3. Discussion hearing: Commercial take of market squid regulations
4. Discussion hearing: Recreational crab fishing gear and commercial passenger fishing vessel trap validation regulations
5. Application for a restricted species permit amendment (*if staff recommendation is approved during today's meeting*)
6. Commission policies review: *Naming Installations Policy*
7. Commission justice, equity, diversity and inclusion plan update
8. Marine petitions for regulation change¹
9. Marine non-regulatory requests from previous meetings¹
10. Commission committee reports (Marine Resources Committee and Tribal Committee) and Department report (Marine Region)
11. Executive (closed) session

Thursday, June 12: Wildlife- and Inland Fisheries-Related and Administrative Items

12. Potentially approve initial, annual, and five-year private lands wildlife habitat enhancement and management plans and licenses
13. Potentially approve proposed projects for the Duck Stamp Dedicated Account funds in Fiscal Year 2025-26

14. Commission executive director report and Department reports (director and Law Enforcement Division)
15. Announce the recipient of the Commission's annual Wildlife Prosecutor of the Year award
16. Determine whether listing quino checkerspot butterfly (*Euphydryas editha quino*) as endangered under the California Endangered Species Act is warranted
17. Adoption hearing: White sturgeon sport fishing 2084 regular rulemaking regulations
18. Adoption hearing: Golden mussel emergency regulations, second 90-day extension
19. Adoption hearing: Falconry regulations
20. Discuss and potentially approve: Draft western Joshua tree conservation plan
21. Wildlife and inland fisheries petitions for regulation change¹
22. Wildlife and inland fisheries non-regulatory requests from previous meetings¹
23. Commission committee reports (Wildlife Resources Committee) and Department reports (Wildlife and Fisheries Division, and Ecosystem Conservation Division)
24. Administrative items (legislative report, rulemaking timetable updates, future meetings, and new business)
25. General public comment for items not on the agenda

Expected Reports or Other Significant Documents to be Received

- Department's one-year status review report for Temblor legless lizard (*Anniella alexanderae*)
- Department's five-year status review report for Bogg's Lake hedge-hyssop (*Gratiola heterosepala*)

¹ Staff is authorized to remove this agenda item if there are no actionable, referred, or new items, in which case any new regulation change petitions or non-regulatory requests delivered at the meeting will be received under the general public comment agenda items on Wednesday or Thursday.

**California Fish and Game Commission and
California Department of Fish and Wildlife**
**Criteria and Framework for Evaluating if a
New State Water Bottom Lease is in the Public Interest**

**as approved by the Commission on August 23, 2023
September 29, 2023¹**

This document provides evaluation criteria to support a California Fish and Game Commission (Commission) public interest determination, as required by California Fish and Game Code (FGC) Section 15400, prior to issuing a state water bottom lease for aquaculture purposes. The criteria and evaluation framework were approved by the Commission following several workshops and conversations with agency partners, industry members, environmental non-governmental organizations and the Marine Resources Committee (MRC).

At the March 2023 MRC meeting, MRC requested that Commission staff work with the Department to revise the second draft public interest determination criteria, presented at the November 2022 MRC meeting, into a third and proposed final draft. MRC directed staff to restructure the draft criteria as a framework for evaluating if a lease is in the public interest as recommended by staff, develop options for the Commission public interest determination process, and bring a final proposal to the July 2023 MRC meeting for potential MRC recommendation.

At the July 2023 MRC meeting, the MRC directed Commission staff to work with various stakeholders to refine the public interest criteria for potential approval at the August Commission meeting based on input during the meeting. This document provides the final proposed draft of criteria and a high-level overview of their use within the leasing process. A process diagram is provided in a separate document.

Overview of Public Interest Evaluation Criteria

An analysis to support a determination by the Commission of whether a state water bottom lease is in the public interest is structured around a series of criteria, divided into two categories: “Requirements”, which limit or constrain lease locations or activities by statute, regulation, or other lease entitlements, and “Considerations”, which include a suite of potential impacts or concerns, and potential benefits for the Commission to weigh in making a determination of public interest.

Requirements Criterion

Evaluation of requirements is based on a single criterion:

¹ Note: Document updated following approval to: (a) correct wording in Considerations Criteria 2 from “impingement on” to “impeding of” for consistency with statute; (b) add additional references to footnote 8 under Consideration Criteria 3 inquiries for clarity; (c) add missing word “mitigate” in footnote 8 consistent with CEQA; and (d) clarified references to the state aquaculture action plan under 1.a. and Commission coastal fishing communities policy under footnote 10 as being “once adopted.”

1. Legality under existing laws, regulations or entitlements related to aquaculture.

Evaluation of the requirements criterion is structured around a series of related inquiries that are binary in nature and, therefore, can be objectively assessed by staff.

Considerations Criteria:

The considerations criteria consist of a broader list of environmental, social, economic and cultural factors that may be reasonably anticipated for consideration during the planning, evaluation, and decision-making process. The factors are divided into six criteria:

1. Compatibility with state aquaculture policy standards.
2. Social, cultural, and/or economic impeding of access for public uses or other interests, or tribal uses.
3. Degree of threat to environmental protection, ecosystem sustainability goals, and public trust values
4. Best management practices measures.
5. Potential environmental benefits.
6. Potential social, cultural, or economic benefits.

Evaluating the considerations criteria is structured around a series of related inquiries to explore the potential impacts or benefits of each unique lease application. The answers to inquiries associated with these criteria are not proposed to be used in a prescriptive way, but rather are intended to inform staff review of any lease application's specific facts and staff's associated recommendations, and the Commission's eventual discretionary determination.

Evaluating the considerations criteria requires in-depth analyses, including those conducted pursuant to CEQA review; thus, the evaluation cannot be completed prior to CEQA. Consequently, evaluating these criteria is proposed to occur after CEQA environmental and cultural analysis and supplemental social and economic analyses. However, the criteria are expected to serve as a guide in pre-application lease design and siting, and during the application process to inform public discussion and CEQA review.

Initial Review: Requirements Criteria

Following Commission receipt of a new lease application, an initial review and confirmation of lease requirements will be completed by staff to determine if lease requirements are met under a single criterion with seven corresponding inquiries.

Legality under Existing Laws and Regulations Related to Aquaculture

This criterion verifies that any location or proposed culture species or method would not be illegal under any relevant state or federal law, regulation, or legal entitlement or existing lease agreement. Information sources for evaluating this criterion include California State Lands Commission (CSLC), the Department, the Native American Heritage Commission, and the California Department of Public Health (CDPH).

Inquiries:

1. Lease is located in an area that is certified by the California State Lands Commission as unencumbered and available for aquaculture use².
2. Lease area avoids areas used by the public for digging clams, as designated by CDFW³.
3. Lease is not located within designated areas or jurisdictions that prohibit aquaculture.
4. Lease is not located in an area where it will adversely impact previously identified Native American cultural resources, as identified by the Native American Heritage Commission.
5. Lease does not propose finfish aquaculture in state waters.⁴
6. Lease area is compatible with activities occurring within administrative kelp bed designations.⁵
7. *For products cultivated for human consumption only:* Lease is not sited in areas with *unresolvable* risks to public health as defined by the California Department of Public Health in compliance with the National Shellfish Sanitation Program.⁶

Recommended actions:

- If all requirements are met, the Commission will direct staff to advance the application to MRC and Tribal Committee (TC) for review and commence CEQA an in-depth analysis, which will contribute information to support evaluation of the considerations criteria.
- If any requirements are not met, consideration of the application is concluded. An applicant may reapply if deficiencies in the requirements are addressed.
- Staff will report the outcome of the requirements evaluation at the next regularly scheduled Commission meeting. Note that if the requirements are met, advancement to MRC and TC can precede the outcome report at the next Commission meeting.

² T14, CCR, Section 237(b)(3).

³ FGC Section 15401.

⁴ FGC Section 15400(b).

⁵ T14, CCR, Section 165.5.

⁶ This is independent from any required certificates, licenses, permits, and registrations issued by CDPH that must be pursued by an aquaculturist subsequent to lease approval.

Final Review and Evaluation: Considerations Criteria

A final evaluation of lease public interest is supported by analyses conducted pursuant to CEQA and supplemental evaluation by Department staff based on six criteria and corresponding inquiries.

1. *Compatibility with State Aquaculture Policy Standards*

This criterion considers any activities or methods that conflict with state aquaculture policy. Information sources for evaluating this criterion include the Department and other partner agencies.

Inquiries:

- a. Are proposed lease activities, culture methods, and species compatible with the State aquaculture action plan (once adopted)?

2. *Social, Cultural, and/or Economic Impeding of Access for Public Uses or Other Interests, or Tribal Uses*

This criterion considers locations that would interfere with public access to state waters or commercial or recreational uses. Information sources for evaluating this criterion include the Department, CSLC, California Coastal Commission, United States Coast Guard, industry members, and stakeholders.

Inquiries:

- a. Would the lease unreasonably impede public access to state waters, waterfronts, or fishing grounds for purposes of commercial and/or recreational fishing and harvesting, commerce, or coastal recreation, including documented high-use vessel routes, shipping lanes, or navigation channels?⁷
- b. Would the lease unreasonably impede tribal access to state waters for the purpose of exercising customary hunting, gathering, and fishing rights (e.g., as afforded by exemptions to marine protected area restrictions)?

⁷ FGC Section 15411.

3. *Degree of Threat to Environmental Protection, Ecosystem Sustainability Goals, and Public Trust Values*

This criterion considers the degree of impact of the lease (including the location, culture species, or methods) on the environment and/or the ecosystem and explores whether the lease would impede the ability of the ecosystem to function properly. Information sources for evaluating this criterion include CEQA⁸, the Department, and National Marine Fisheries Service Office of Protected Resources consultation.

Inquiries:

- a. Does the lease propose use of culture methods, chemicals, feeds, or materials known to cause significant environmental degradation?
- b. Do lease activities include culture of any species at any location where it has been determined, based on best available science, it would be detrimental to adjacent native wildlife?⁹
- c. What is the risk that the lease would unreasonably interfere with, or significantly impact the ability of the site and surrounding areas to support ecologically significant flora and fauna and the ecosystem services they provide, including blue carbon sequestration and wetland migration as sea levels rise, or to achieve ecological goals of overlapping or adjacent marine protected areas?⁸
- d. Is the lease sited to avoid impacts to areas within recognized sensitive habitats (including biogenic habitat such as eelgrass)?^{8,10}
- e. Is the lease sited to avoid impacts to special-status species, including species with a threatened or endangered designation-or species protected under Marine Mammal Protection Act, or Migratory Bird Treaty Act?⁸
- f. Does the lease propose culture of any non-native species not currently cultured in California waters? If so:
 - i. Are any of the non-native species documented to be invasive?

⁸ Note: CEQA measures to avoid, minimize, or mitigate significant impacts would be relevant to this evaluation and other inquiries reliant on CEQA review.

⁹ FGC Section 15102 is a provision for potential Department action (generally applies after lease issuance and can be applied as an adaptive management tool at any time within a lease area). The Department currently does not have a list of pre-determined locations where an aquaculture operation or cultured species would be detrimental to adjacent native wildlife; however, if the Department formally determines these designations, this consideration inquiry should be added to the Requirement criterion. In addition, information sources for this inquiry may include determinations by other agencies.

¹⁰ Note: This inquiry can be adaptively managed as more information is released from emerging science, such as studies that indicate specific measures that avoid impacts to or support eelgrass (e.g., compatibility of specific gear types, harvesting methods, or culture depths). In the interim, the Commission generally takes a precautionary approach.

- ii. Does the proposal demonstrate the culture practices will not be detrimental to native fish and wildlife consistent with the Commission's Introduction of Non-Native Species Policy?¹¹

4. Best Management Practices Measures

This criterion considers methods and measures that would reduce the leases environmental impact on local species and the surrounding habitat. Information sources for evaluating this criterion include CEQA and the Department.

Inquiries:

- a. Does the proposed lease include measures to:
 - i. Avoid and/or minimize the risk of marine life entanglements?
 - ii. Prevent introduction, transmission, and/or spread of invasive species, pathogens, disease, and pests?
 - iii. Prevent, minimize, clean up, and monitor marine debris?
 - iv. Maintain regular inspections of infrastructure and culture activities, keep infrastructure in good repair, address any damaged or lost cultivation materials within specified time frames, and report on gear and infrastructure conditions?
 - v. Meet minimum planting and harvesting requirements per acre?¹²
 - vi. Account for any potential environmental or logistical challenges associated with the lease location (e.g., depth and trampling or vessel scouring of eelgrass, proximity to seabird and shorebird rookeries and avoidance of rookery habitat loss or bird disturbance, proximity to marine mammal haul-outs, proximity to river run-off or seasonal siltation events, vessel transit routes, etc.)?

5. Potential Environmental Benefits

This criterion includes any potential benefits or adaptation strategies to the local environment. Information sources for evaluating this criterion include CEQA and the Department.

Inquiries:

- a. Would lease activities contribute environmental benefits, such as habitat creation, nutrient uptake or filtration, species recovery, supporting ecologically significant flora, or other ecosystem services?
- b. Would lease activities advance mitigation, adaptation strategies, and/or climate resilience such as blue carbon sequestration or reducing carbon footprint ("food miles")?

¹¹ Commission Policy on the Introduction of Non-native Species

¹² T14, CCR, Section 237.

- c. Would lease activities contribute to collaborative monitoring and/or academic research efforts that enhance scientific knowledge and/or inform adaptive management?

6. *Potential Social, Cultural, or Economic Benefits*

This criterion includes any potential benefits that would positively affect local, regional and/or statewide communities. The information source for evaluating this criterion is the Department.

Inquiries:

- a. What employment and other economic opportunity would lease activities provide to the state and surrounding community?
- b. Would lease activities provide fresh, locally-sourced product, benefiting California food security, and/or supplement wild-harvested supplies?
- c. Would lease activities help increase native fish stocks or enhance commercial and recreational fishing?
- d. Would approval of the proposed lease align with Commission goals for equitable access to leasing?¹³
- e. Would lease activities help to educate the public about aquaculture practices and/or the local environment through activities such as public tours or informational boards?
- f. Does the lease application:
 - i. Have cross-interest community support?
 - ii. Seek to align with coastal fishing community goals reflected in the Commission's policy¹⁴, including enhancing availability and stability of shoreside infrastructure?

Recommended actions:

- Request the Department evaluate the inquiries in consultation with other state, federal and tribal agencies, where relevant; highlight areas of uncertainty or unmitigated impacts; and develop a public interest recommendation.
- Deliver recommendations to MRC and TC for potential committee recommendations for Commission consideration.
- Commission consider evaluations and recommendations, along with public input, in making its public interest determination.

¹³ Includes the Commission's Policy on Justice, Equity, Diversity, and Inclusion

¹⁴ As defined in the Commission's Policy on Coastal Fishing Communities, once adopted

- If the Commission determines that the lease is in the public interest, then the application may be considered for approval.
- If the Commission does not determine that the lease is in the public interest, consideration of the application is concluded.

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

Updated April 4, 2025

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

Topic / Goal	Type / Lead	Dec 2024	Apr 2025	Aug 2025
CFGC justice, equity, diversity and inclusion plan	CFGC Project	X	X	X
Commission Tribal Consultation Policy	CFGC Policy	X	X	X
Tribal subsistence definition and related management mechanisms	TC Project	X	X	X
Co-management roundtable discussion	TC Project	X	X	X
Santa Barbara Sea Ranch state water bottom lease application for aquaculture purposes	CFGC		X	
San Andreas Shellfish Company state water bottom lease application for aquaculture purposes	CFGC	X		
Review of all Commission policies: <i>Naming Installations Policy</i>	CFGC Project	X		
Coastal Fishing Communities Policy implementation	MRC Project			
Annual tribal planning meeting	CFGC Project	X	X	X
California Natural Resources Agency (CNRA)	CNRA	X		
California Ocean Protection Council (OPC)	OPC	X	X	X
CDFW – Possible items include: <ul style="list-style-type: none"> - Marine protected area petitions - Species management plans (sheep, deer, elk, antelope, bear, trout, etc.) - 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 CDFW 	CDFW		X X	X X
Cross-pollination with MRC and WRC: Identify tribal concerns and common themes with MRC and WRC	CFGC Committees	X	X	X
Coastal Fishing Communities Project updates	MRC Project			
CFGC regulatory and non-regulatory updates	CFGC staff	X	X	X

Key: X = Discussion scheduled X/R = Recommendation developed and moved to CFGC

CFGC = California Fish and Game Commission

MRC = CFGC Marine Resources Committee

CDFW = California Department of Fish and Wildlife

WRC = CFGC Wildlife Resources Committee