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Fish and Game Commission



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TRIBAL COMMITTEE

Committee Co-Chairs: Commissioner Hostler-Carmesin and Commissioner Baylis

ANNOTATED Meeting Agenda September 17, 2014, 1:00 p.m. – 4:00 p.m.

Department of Consumer Affairs – Hearing Room 1747 Market Blvd., Sacramento

*All agenda items are informational and/or discussion only. The Tribal Committee does not have authority to make policy or regulatory decisions on behalf of the Commission. **Please see important information about public comment deadlines and Committee procedures at the end of the agenda.***

1. INTRODUCTIONS
(10 MIN)

2. DISCUSSION ON THE DEVELOPMENT OF THE COMMISSION'S TRIBAL
CONSULTATION POLICY
(45 MIN)

- **POSSIBLE PRESENTATION** – Steve Ingram, DFW, may provide a few comments about ongoing development of the Department's Tribal Consultation Policy.

NOTES:

- Department will be using annual meeting and will have grievance process.
- Key feature of consultation relative to regulatory process will be to coordinate between DFW and FGC. DFW will also make adjustments to their policy based on final FGC policy.
- It would have been nice if agencies had established a set of standards for each departments policy.
- Not like the words: may, should, might. This sends the message to staff that they don't have to. Need to use definitive words.
- Consultation should last beyond the project.
- Clarify that gov to gov relationships can only be with federally recognized tribes. Modify FGC draft to reflect this.

- Public law 280. Claim that proper interpretation is that this prohibits restricting tribal hunting and fishing so long as it is within their territory.

3. TRIBAL TAKE IN MARINE PROTECTED AREAS (45 MIN)

➤ **BACKGROUND:**

- The Commission's regulatory calendar indicates the following timeline for the next MPA rulemaking:

Notice hearing	December 2014 (Van Nuys)
Discussion hearing	February 2015 (TBD)
Adoption hearing	April 2015 (TBD)
- It is anticipated that the Commission will follow the same process as used in the north coast MPA process, which includes submission of a factual record of current and historic uses and that no-take MPAs will not be considered for take.

Notes:

- MPA – perhaps we should send out a joint DFW-FGC letter to the federally recognized tribes regarding effort to deal with tribal MPA regulations.
- The policy should be clear that it is a living document.
- We could make MPAs a key agenda item in tribal/fgc planning meeting.
- Concern that MPA master plan lacks any recognition of tribes. The consulting identified in the plan needs to be amended to include tribes.
- Also looking a funding for tribal participation. Questions about the \$3 million funding for monitoring plan. Is some of that money available for the tribes to facilitate participation by tribes.
- DFW and FGC staff will develop a tribal consultation process for the master plan redraft.
- Committee wants information on the tribes that have been involved in the collaboratives.

4. DISCUSSION OF MONITORING PLAN FOR CENTRAL CALIFORNIA COAST (30 MIN)

- **BACKGROUND:** A memo from the California Ocean Science Trust details how central coast native communities were engaged during the central coast MPA monitoring planning process.

[Exhibit 4.1 – OST Memo]

NOTE: Chair supports approval of monitoring plan based on update.

5. UPDATE ON UPCOMING REGULATORY ACTIVITIES OF THE COMMISSION (30 MIN)

➤ **October Meeting:**

- Adoption:
 1. Revised Central Coast MPA Monitoring Plan
- Discussion:

1. Prohibition on prizes for take of nongame and furbearers
 2. Proposed changes to sport fishing regulations for 2015 season
 3. Proposed changes to recreational groundfish regulations
- Findings:
 1. To list the gray wolf as an endangered species under CESA
 2. To list the Clear Lake hitch as a threatened species under CESA

➤ **December Meeting:**

- Possible Notice:
 1. Proposed regulations for tribal take in marine protected areas
 2. Proposed changes to ocean salmon regulations (Apr)
 3. Proposed changes to ocean salmon regulations (May-Nov)
 4. Proposed changes to Klamath River salmon regulations
 5. Proposed changes to mammal hunting regulations
 6. Proposed regulations to implement Bobcat Protection Act
 7. Proposed regulations to implement Lead Free Ammunition Act
- Possible Adoption:
 1. Prohibition on prizes for take of nongame and furbearers
 2. Proposed changes to sport fish regulations
 3. Proposed changes to recreational groundfish regulations
- Possible Findings:
 1. To list the Pacific fisher as a threatened or endangered species

➤ **2015 Process for Engagement – SM to elaborate**

**6. PUBLIC FORUM
(20 MIN)**

**2014 FISH AND GAME COMMISSION
MEETING SCHEDULE**
www.fgc.ca.gov

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
Oct. 8	Mount Shasta Hatchery Museum 1 North Old Stage Road Mount Shasta, CA 96067	
Oct. 9	Joint meeting with Oregon Fish & Wildlife Commission Jackson County Fairgrounds & Exposition Park Mace Building 1 Peninger Road Central Point, OR 97502	
Nov. 5		Marine Resources West Ed Building Ed Meyers Classroom 4655 Lampson Ave., Suite A Los Alamitos, CA 90720
Dec. 3	Airtel Plaza Hotel 7277 Valjean Avenue Van Nuys, CA 94106	

OTHER MEETINGS OF INTEREST

- Pacific Fishery Management Council meeting, November 14-19, Costa Mesa, CA
- California Wildlife Conservation Board meeting, November 20, Sacramento, CA

IMPORTANT COMMITTEE MEETING PROCEDURES INFORMATION

PERSONS WITH DISABILITIES

These facilities are accessible to persons with disabilities.

1. To request reasonable accommodations for a disability, please contact the California Fish and Game Commission at (916) 653-4899 as soon as possible and no later than five (5) business days prior to the meeting.
2. For persons with a hearing or speech disability, please contact the California Relay Service as soon as possible and no later than five (5) business days prior to the meeting at 1-800-735-2929 (TTY) or 1-800-735-2922 (voice) and request your message be relayed to the California Fish and Game Commission.
3. If a request for an accommodation has been submitted but due to circumstances is no longer needed, please contact the California Fish and Game Commission at (916) 653-4899.

SUBMITTING WRITTEN MATERIALS

The public is encouraged to comment on items on the agenda. You may submit your written comments by one of the following methods (only one is necessary): **Email to fgc@fgc.ca.gov; fax to (916) 653-5040; deliver to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or hand-deliver to a Committee meeting.**

Written comments received before September 5, 2014, at 11:59 p.m. will be made available to the Committee at the meeting. Written comments received between September 6, 2014, and 12:00 noon on September 12, 2014, will be made available to the Committee at the meeting. After September 5, five copies of written comments must be delivered at the meeting if you would like the Committee to consider them at the meeting; otherwise they will be made available to the Committee after the meeting.

The Committee **will not** consider comments regarding proposed changes to regulations that have been noticed. If you wish to provide comment on an otherwise noticed item, please provide your comments during Commission Business meetings, via email or fax, or deliver to the commission office.

NOTE: Any materials provided to the Committee may be made available to the general public.

SPEAKING AT THE MEETING

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

1. Raise your hand and wait to be recognized by the Committee.
2. Once recognized, please begin by giving your name and affiliation (if any) and the number of people you represent.
3. Time is limited; please keep your comments precise so that everyone has an opportunity to speak.
4. If there are several speakers with the same concerns, please try to appoint a spokesperson and avoid repetitive comments.

5. If you would like to present handouts or written materials to the Committee, please provide five copies to the designated staff member just prior to speaking.
6. If speaking during public forum, 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 forum is an opportunity to bring matters to the attention of the Committee, but you may also do so via email, standard mail, and fax. At the discretion of the Committee, staff may be requested to follow up on the subject you raise.

WHEN WILL MY AGENDA ITEM BE HEARD?

The Committee begins each session at the time listed on the agenda and generally considers each agenda item in the sequence listed, except in extraordinary circumstances.

VISUAL PRESENTATIONS/MATERIALS

Visual presentation (PowerPoint presentations) will not be accepted at this meeting.