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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)**