

STAFF SUMMARY FOR JUNE 10-11, 2015

3. TRIBAL CONSULTATION POLICY**Today's Item**Information Action

Consider adoption of tribal consultation policy

Summary of Previous/Future Actions

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|-----------------------------------|---------------------------------------|
| • TC discussion and drafting | April 17, 2014; Solvang |
| • TC discussion and drafting | June 5, 2014; Fortuna |
| • TC discussion and drafting | Sept. 17, 2014; Sacramento |
| • Receipt of draft policy | Dec. 3, 2014; Van Nuys |
| • Discussion hearing | Feb 11, 2015; Sacramento |
| • Discussion hearing | April 7, 2015; Santa Rosa |
| • Today's adoption hearing | Jun 10-11, 2015; Mammoth Lakes |

Background

FGC announced the beginning of its process to implement Governor Brown's Executive Order B-10-11 to develop a Tribal Consultation Policy at its February 5, 2014, meeting. To strengthen communication and collaboration between FGC and California federally-recognized tribes and tribal communities, FGC created the Tribal Committee as one of its working committees. FGC asked the Tribal Committee to develop an effective government-to-government consultation policy to guide work between FGC and tribes on policies that affect California tribal communities.

In summary, the draft policy focuses on early communication and coordination rather than on formal consultation. Most of the issues that might warrant formal consultation would require the participation of the DFW using its formal consultation policy.

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

FGC staff: Adopt tribal consultation policy.

Exhibits

1. Draft Tribal Consultation Policy

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the proposed tribal consultation policy.

California Fish and Game Commission

Draft Tribal Consultation Policy

March 2015

The Policy

On September 19, 2011, Governor Edmund G. Brown, Jr., issued Executive Order B-10-11, which provides, among other things, that it is the policy of the administration that every state agency and department subject to executive control implement effective government-to-government consultation with California Indian Tribes.

Purpose of the Policy

The mission of the California Fish and Game Commission (FGC) is, on the behalf of California citizens, to ensure the long term sustainability of California's fish and wildlife resources by setting policies, establishing appropriate rules and regulations, guiding scientific evaluation and assessments, and building partnerships to implement this mission. California Native American Tribes, whether federally recognized or not, have distinct cultural, spiritual, environmental, economic and public health interests and unique traditional knowledge about the natural resources of California.

The purpose of this policy is to create a means by which tribes and FGC can effectively work together to realize sustainably-managed natural resources of mutual interest.

Policy Implementation

1. **Communication.** Both FGC and the tribes are faced with innumerable demands on their limited time and resources. In the interest of efficiency, FGC will annually host a tribal planning meeting to coordinate the upcoming regulatory and policy activities before FGC. The meeting will provide a venue for education about process, identifying regulatory and policy needs, and developing collaborative interests; this will include inviting sister agencies to participate.
2. **Collaboration.** In areas or subjects of mutual interest, FGC will pursue partnerships with tribes to collaborate on solutions tailored to each tribe's unique needs and capacity. The structure of these collaborative efforts can range from informal information sharing, to Memorandum Of Understanding with more specific agreements regarding working relationships and desired outcomes, to co-management agreements with specific responsibilities and authorities.
3. **Record-keeping.** FGC will maintain a record of all comments provided by tribes and will include them in administrative records where appropriate.
4. **Training.** FGC will provide training to interested tribes on its processes for regulation and policy development.