

### **Tribal Natural Resource Rights, Consultation and Co-management**

The Department of Fish and Game (DFG) engages with entities at all levels of local, state and national government, stakeholders and constituencies in its role as the state's resource stewards. The management of wildlife resources and habitats for recreational, commercial and conservation activities also requires a positive working relationship with Native American tribes located throughout California. However, these relationships have been strained over the years.

A current issue is the state's passage of legislation establishing the Marine Life Protection Act (MLPA). The MLPA requires the redesign of the state's system of marine protected areas (MPAs), which are discrete geographic marine or estuarine areas established to protect or conserve marine life and habitat. The state worked extensively with stakeholders, scientists and other experts, resource managers and the public to identify and classify the MPAs. However the tribes do not believe they were appropriately consulted and contend that the established MPAs interfere with their sovereign rights to harvest natural resources. In an effort to avoid misunderstandings going forward, they have proposed the co-management of natural resources of mutual interest.

Consultation clearly is a cornerstone in successful tribal-federal relationships. While DFG believes consultation could be an important tool in improving the state's tribal relations and recognizes co-management of resources as a creative approach to resource management concerns, it does not have a formal consultation process for this purpose and state law does not provide a legal framework for entering into a co-management relationship with the tribes.

It is clear positive relations with the tribes would benefit the people and resources of the state, and DFG is working on developing and implementing a formal consultation process to work with the tribes. However, the tribes do not have exclusive rights to marine resources or the right to harvest natural resources outside of their lands independent of the Fish and Game Code. DFG is in support of exploring a legal framework for co-management of natural resources of common interest and will assist the Legislature as it works to provide clarification in these matters.