

STAFF SUMMARY FOR APRIL 26-27, 2017

22. TRIBAL TAKE IN SMCAs**Today's Item**Information Action

Receive and approve Santa Ynez Band of Chumash Indians' proposed amendments to its request for tribal take in state marine conservation areas (SMCAs) near Santa Barbara

Summary of Previous/Future Actions

- Received request Jun 22-23; Bakersfield
- Accepted request to amend Feb 8-9, 2017; Rohnert Park
- **Today accept amended request Apr 26-27, 2017; Van Nuys**

Background

The Santa Ynez Band of Chumash Indians requests amendments to its existing request for tribal take in SMCAs near Santa Barbara. Initially, representatives of the Santa Ynez Band of Chumash came before FGC at the Jun 2016 FGC meeting in Bakersfield requesting FGC approve tribal take provisions for unspecified marine protected areas (MPAs) in Santa Barbara. Following that meeting, staff worked with the tribe and conducted site visits to the MPAs in the Santa Barbara area along with other interested parties.

At the Feb 7, 2017 TC meeting, members of the Santa Ynez Band of Chumash Indians requested tribal take provisions at four MPAs, including Kashtayit SMCA, Naples SMCA, Campus Point SMCA (No Take) and Goleta Slough SMCA (No Take). At its Feb 8-9, 2017 meeting, FGC approved the request to include Kashtayit and Naples SMCAs, but did not grant inclusion of Goleta Slough and Campus Point SMCAs as they are designated as no take.

Following the Feb 2017 FGC meeting, the Santa Ynez Band of Chumash asked to amend its request to now include Point Dume SMCA and Anacapa Island SMCA (Exhibit 1). The tribe's historical record for these areas has been submitted.

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

FGC staff: Staff recommends granting request to add Point Dume and Anacapa Island SMCAs to the request

Exhibits

1. [Email from Sam Cohen on behalf of the Santa Ynez Band of Chumash Indians, received Feb 14, 2017](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission amends the regulatory calendar to add a rulemaking for the Santa Ynez Band of Chumash Indians for tribal take (recreational take) at Kashtayit SMCA, Naples SMCA, Point Dume SMCA and Anacapa Island SMCA.

Termini, Valerie@FGC

From: Sam Cohen <scohen@santaynezchumash.org>
Sent: Tuesday, February 14, 2017 5:14 PM
To: Termini, Valerie@FGC; Ashcraft, Susan@FGC
Cc: Jacque Hostler-Carmesin; Sam Cohen; nativepaddler ; Cynthia Gomez; Joe Dhillon; Frank Molina
Subject: Fish and Game Commission Tuesday Feb. 8--refusal of requests for tribal MPA exceptions: South Coast MPAs off of Channel Islands

I have been informed that the Commission (based on staff advice I assume) refused to initiate rule making on the two no-take SMCAs for the Santa Ynez Band of Chumash Indians.

Of course, your "No Take" designation was a result of the process where all Chumash and tribal requests for co-management and consultation were refused.

Please thank the Commission and your staff for at least agreeing to initiate rule making on the Kashtayit SMCA and the Naples SMCA.

In lieu of the Goleta Slough and Campus Point SMCAs (No-Take), we propose tribal cultural, ceremonial and subsistence exceptions for the following replacement SMCAs:

Anacapa Island SMCA; and

Point Dume SMCA.

Please advise me if this would be acceptable to you and you staff.

Sincerely,
Sam Cohen
Government Affairs and Legal Officer
Santa Ynez band of Chumash Indians
Cell: 805-245-9083