

Santa Ynez Band of Chumash Indians

P.O. Box 517 • Santa Ynez, CA 93460
805-688-7997 • Fax 805-686-9578
www.santaynezchumash.org

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November 1, 2011

Mr. Jim Kellogg, President
California Fish and Game Commission (F&GC)
P.O. Box 944209
Sacramento, CA 94244-2090

RE: Santa Ynez Band of Chumash Indians Request for Exemption for Cultural and Ceremonial Fishing in Marine Protected Areas (MPAs) pursuant to the Marine Life Protection Act (MLPA)

Dear Mr. Kellogg:

The Santa Ynez Band of Chumash Indians (Chumash) makes this request for an exemption from the Fish and Game Commission for cultural and ceremonial fishing and gathering within State Marine Conservation Areas and Marine Parks in Santa Barbara County under the MLPA.

In support of such exemption, the Chumash provide the attached: *“Factual Record of Current and Historical Uses by the Santa Ynez Band of Chumash Indians within the proposed State Marine Conservation Areas and Marine Parks of Santa Barbara County.”* In addition, this request for exemption incorporates by reference the following documents which have been previously delivered to Mr. Sonke Mastrup, F&GC Executive Director:

1. Summary of our August 5, 2011 meeting regarding an exemption;
2. Santa Barbara County Marine Conservation Areas and Parks;
3. Chumash cultural and ceremonial gathering list;
4. Possible additional provisions to gathering list;
5. Chumash fishing and gathering text from the Santa Barbara Museum of Natural History website;
6. Chumash towns at the time of European settlement;
7. “The Origins of a Pacific Coast Chiefdom, The Chumash of the Channel Islands”;
8. “Ethnohistoric and Archaeological Evidence for Chumash Use of Marine Plants”;
9. “A Review of the Analysis of Fish Remains in Chumash Sites”;
10. “The Economics of Island Chumash Fishing Practices”; and
11. Summary of Chumash Coastal Sites—January 2011.

Sincerely,

Vincent P. Armenta, Tribal Chairman

CC: Mr. Richard B. Rogers, Vice President
Mr. Michael Sutton, Member
Mr. Daniel W. Richards, Member
Mr. Jack Baylis, Member

Factual Record of Current and Historical Uses by the Santa Ynez Band of Chumash Indians within the proposed State Marine Conservation Areas and Marine Parks of Santa Barbara County

The Santa Ynez Band of Chumash Indians have been actively engaged in the Marine Life Protection Act (MLPA) process since 2007. It started with Chumash attempts to get any Tribal consultation in the South Central Coast Marine Protected Area (MPA) from Pointe Conception north. Our letters from 2007 remain unresponded to even after we personally attended Fish and Game Commission meetings and requested a response.

After the South Central Coast MPA, the Chumash began demanding Tribal consultation in the South Coast MPA from Point Conception south to the border of Mexico. All Tribes in this long stretch of coast were given two representatives in the South Coast Regional Stakeholders Group, Louis Guassac and Roberta Cordero. Again we requested consultation with the federally recognized tribes in this region and were told to contact "our" stakeholders. Ultimately, the Tribal South Coast Regional Stakeholders Committee recommended an elaborate system of co-management and co-enforcement, which also included cultural and ceremonial MPA access, none of which were accepted by the Blue Ribbon Task Force (BRTF) nor included in the final regulations.

During 2009 we also learned of a Memorandum of Understanding (MOU) between the Department of Fish and Game and Vandenberg Air Force Base pursuant to the MLPA restricting Chumash historical fishing rights at the Base. After multiple California Public Records Act (CPRA) requests beginning in 2009 we are pleased to have just received a copy of the MOU in 2011.

Upon the completion of the South Central and South Coast MPAs without any recognition of Tribal rights, we then learned of the North Coast MPA process. We read with interest the motion made by Jacque Hostler in the North Coast Regional Stakeholders Group (NCRSG) and the emergency subsistence regulations proposed for the Kashia Band of Pomo Indians. We wrote letters to Ms. Hostler offering our assistance and to work together with the Northern Tribes in October of 2010. We also saw the response of the BRTF to Ms. Hostler and the NCRSG that the legal authority for tribal cultural and ceremonial MPA access needed to be clarified. To date, we are informed that federally recognized Tribes within the North Coast MPA have been invited to submit a factual record upon which an exception can be considered for Tribal cultural, ceremonial and subsistence fishing in State Marine Conservation Areas and Marine Parks but not Marine Reserves.

The Santa Ynez Band of Chumash Indians hereby introduce this factual record the South Coast and South Central Coast MPAs upon which an exception can be considered for Tribal cultural, ceremonial and subsistence fishing in State Marine Conservation Areas and Marine Parks but not Marine Reserves in Santa Barbara County.

Chumash Historical Summary

The Chumash occupied the region from San Luis Obispo County to Malibu Canyon on the coast, and inland as far as the western edge of the San Joaquin Valley, and the four northern Channel Islands (Grant 1978). The Chumash are subdivided into factions based on distinct dialects.

Chumash society developed over the course of some 9,000 years and achieved a level of social, political and economic complexity not ordinarily associated with hunting and gathering groups (Morrato, 1984). The prehistoric Chumash are believed to have maintained one of the most elaborate bead money systems in the world, as well as one of the most complex non-agricultural societies (King, 1990).

The archaeological record indicates that Chumash populations occupied the coastal regions of California more than 9,000 years ago (Greenwood 1972). Several chronological frameworks have been developed for the Chumash region. One of the most definitive works on Chumash chronology is that of King (1990). King postulates three major periods; Early, Middle and Late. Based on artifact typologies from a great number of sites, he was able to discern numerous style changes within each of the major periods.

The Early Period (8000 to 3350 Before Present [B.P.]) is characterized by a primarily seed processing subsistence economy. The Middle Period (3350 to 800 B.P.) is marked by a shift in the economic/subsistence focus from plant gathering and the use of hard seeds, to a more generalized hunting-maritime gathering adaptation, with an increased focus on acorns. The full development of the Chumash culture, one of the most socially and economically complex hunting and gathering groups in North America, occurred during the Late Period (800 to 150 B.P.).

The Chumash aboriginal way of life ended with Spanish colonization. As neophytes were brought into the mission system, they were transformed from fishermen, hunters and gatherers into agricultural laborers and exposed to diseases from which they had no resistance. By the end of the Mission Period in 1834, the Chumash population had been decimated by disease and declining birthrates. Population loss as a result of disease and economic deprivation continued into the next century.

The Mission Era

The Spanish built five Catholic missions among the Chumash people. Mission Santa Ines was established in 1804 as a halfway point between the Santa Barbara and La Purisma (Lompoc) missions. Each mission was granted about seven square leagues of land surrounding it for the use and support of the local Indian communities.

In practice, the missionaries and soldiers were brutal men who enslaved the local Chumash people and nearly decimated them through disease, starvation and harsh treatment. Despite this, the sentiment of the Spanish and Mexican governments and the Catholic Church was that the land of the missions essentially were what we know of today as reservations, for the use and upkeep of the Indians. The tribal members forced to live and work near the missions were considered to be neophytes or Christianized Indians.

The Church viewed the land to be held in trust for the Indians, who had a "natural" right of occupancy. The Church and Spain considered title to the land to be with the Indians as decreed from the "laws of nature and imminent occupation." The priests were just the administrators of the land on behalf of their Indian "wards."

The slave-like conditions at the mission led to the Chumash Revolt of 1824. It started when soldiers flogged an Indian from La Purisma mission who was at Santa Ines. The revolt spread to the Santa Barbara and La Purisma missions and led to the burning of the Santa Ines mission. Many Chumash feared the soldiers would kill them and fled to the San Joaquin Valley. The priests and military knew they couldn't keep the missions going without the Indian slave labor. Soldiers rounded up the Chumash and brought them back to the mission.

A decade after the revolt, the Mexican government secularized the missions and intended to disperse the lands to the Indians and settlers. The goal never was fully accomplished. The missionaries still were regarded as the guardians of the Indians and the tribal lands.

Many Chumash after the secularization efforts did flee the mission and ended up in the area around Zanja de Cota Creek in the Canada de la Cota. The area still was considered to be within the lands of the Catholic Church.

Significance of Refugio Bay

The marine environment of the Santa Barbara Channel supports a wide variety of habitats that include kelp beds, sandy beaches, rocky intertidal, bays, estuaries, and lagoons. Historically, the largest kelp beds on the California coast occurred between Point Conception and Rincon Point. Kelp beds support a large invertebrate community including abalone, crabs, clams, oysters, shrimp, lobster, and squid. Kelp beds also feed and provide shelter for numerous species of fish. Seals and sea lions feed in the kelp beds and haul out and breed on adjacent sandy beaches. The bays, estuaries, and lagoons are important habitats for resident bird species as well as migrating waterfowl. The Mediterranean climate of the project area is typified by long, hot summers, and wet, mild winters. Perennial and seasonal drainages run down the slopes of the Santa Ynez Mountains and foothills to the coast.

The rich plant and animal resources of the surrounding terrestrial and marine environments, availability of fresh water, and Mediterranean climate combined

to make the Santa Barbara Channel region a desirable location for prehistoric habitation and supported one of the highest prehistoric population densities among hunter-gatherers anywhere in the world. These same attributes would later encourage settlement of the Santa Barbara Channel region by the Spanish, Mexican, and American cultures.

In 1769, Gaspar de Portola and Father Junipero Serra departed the newly established San Diego settlement and marched northward toward Monterey, with the objective to secure that port and establish five missions along the route. The combined sea and land 1769-1770 Portola expedition, which passed through Santa Barbara County on its way to Monterey, was the prelude to systematic Spanish colonization of Alta California.

In 1795, Jose Francisco Ortega (the original founder of the Santa Barbara Presidio) was granted six leagues known as the *Rancho Nuestra Senora del Refugio* (Cowan, 1977). This was the only land grant licensed under Spanish Rule in what today is known as Santa Barbara County. The Ortegas built adobes at Refugio and later at Tajiguas Canyon, Arroyo Hondo, and Cañada del Corral. They grew wheat, maintained a vineyard, and ran large herds of cattle and horses on the rancho.

By the early 1800's Refugio Bay was a well-known port to ships visiting the California coast, as the captains could trade at the Ortega settlement free of the duties imposed by the Spanish colonial government (Bancroft 1886, Tomkins 1960). However, the pirate Bouchard effectively ended the bay's era as a trading/smuggling port when he sacked and burned the Refugio hacienda in 1818.

In 1822, Mexico gained its independence from Spain, and in 1834 the Missions were secularized and their lands granted as rewards for loyal service or in response to an individual's petition.

Significance of the Goleta Slough

According to Dr. John Johnson at the Santa Barbara Museum of Natural History, the Goleta Slough villages had the highest population density in the Santa Barbara region at the time of European settlement." Dr. John Johnson, personal communication, April 9, 2008.

This is due to the great diversity of habitat and wildlife within this setting providing for a wide variety of subsistence adaptations.

One example of such villages within the prehistoric time frame of the Goleta Slough was the village of heló or Mescalitan Island. It was occupied continuously for thousands of years by the early Chumash.

There has been study after study by over a dozen accredited, credentialed archaeological specialists/professors regarding the Goleta Slough. No matter what was their particular expertise, all agree that these villages are significant and tell much about the prehistory of the Chumash.

Professor Jon Erlandson, along with David Stone, described the entire Goleta Slough as the sociopolitical nexus of the Chumash world:

Subsequent archaeological studies of Rogers' sites have contributed to our growing understanding of the past in the Santa Barbara Channel area. Radiocarbon dating of sites excavated by Rogers, when combined with the development of calibration programs for ¹⁴C dates, has allowed us to place his cultural stages—Oak Grove, Hunting People, and Canaliño—in real time, and a probable cultural continuum that may span more than 9000 years. In the process, archaeologists working in the Chumash area have constructed one of the longest and best documented coastal sequences in the world. Unfortunately, the past 75 years have also seen phenomenal population growth and unprecedented development along the California Coast, destroying or damaging countless archaeological sites. These include many of the 100 or so sites Rogers (1929) described along the Santa Barbara Coast. Among the hardest hit was the remarkable complex of sites that formed a nearly continuous ring around the Goleta Slough, the sociopolitical nexus of the Chumash world. Fortunately, there are still intact remnants of many of these Goleta Slough sites, including some key sites once thought to have been completely destroyed. Many of these site remnants have also been investigated by archaeologists using methods more advanced than Rogers' relatively crude techniques.

Erlandson, et al., CA-SBA-56: An "Oak Grove" and "Canaliño" Site on Goleta Lagoon, California, p. 1 (emphasis added.)

Conclusion

There is a clear factual basis for an exception for Tribal cultural, ceremonial and subsistence fishing in State Marine Conservation Areas and Marine Parks in the South Coast and South Central Coast MPAs in Santa Barbara County for the Santa Ynez Band of Chumash Indians, a federally recognized Indian Tribe.

The historical record demonstrates that the Chumash have taken finfish, invertebrates, mammals, and marine plants within this region since time immemorial, and should be included as traditional uses protected under the proposed state regulations. This factual record is being submitted as an act of good faith by the Chumash, who wish to establish a collaborative relationship with the State of California, to work towards our mutual respective goal to protect the marine resources that are of such significance to all of us. Given the time constraints, if necessary, the Chumash reserve the right to supplement the record at a later date.

Historical Connections of the Santa Ynez Chumash
to Refugio Beach, Goleta Beach, and Santa Rosa Island

John R. Johnson, Ph.D.
Santa Barbara Museum of Natural History

October, 2011

Refugio Beach

The ethnohistoric ranchería of *Qasil* (spelled “Casil” in the mission registers) was located at Refugio Beach. Not long after Mission Santa Bárbara was established, the missionaries wrote that a number of native people from the Santa Ynez Valley had established themselves at *Qasil* and its nearest neighbor *Shish'uchi* at Arroyo Quemada. Indeed, the mission registers record a number of marriages and family relationships between the citizens of these two coastal towns and the principal ranchería of *Kalawashaq'* (spelled “Calahuasa” in the mission books). After Mission Santa Inés was founded in 1804, most of the people who came from *Qasil* and *Shish'uchi* became affiliated with that mission, including their chiefs, showing the close social and political relationships that existed between the peoples who had lived in these two coastal towns and those who inhabited the Santa Ynez rancherías.

Those rancherías in the central Santa Ynez Valley that have been investigated by archaeologists show that there had been abundant access to marine resources by their indigenous inhabitants. In particular, the skeletal elements of many species of marine fishes and shells of marine mollusks are quite common in archaeological assemblages from inland sites. These material remains demonstrate that the close social connections documented through mission records also extended to economic exchange and/or that periodic visits over Refugio Pass by inland peoples to fish and gather shellfish were permitted by the rancherías on the coast.

The social, political, and economic connections documented in mission records and archaeological excavations are not the only evidence that we have of the connections of the Santa Ynez Chumash to the Refugio area. There are also direct links revealed in the genealogies of most residents of the Santa Ynez Reservation today. One of the family lineages that has many descendants who are tribal members is the direct descendant of a woman from *Qasil* named Policarpa, who had been born at that ranchería about 1751. Policarpa's second husband was Bernabé Pilaljaut, who was listed as the capitán (chief) of *Qasil* in a 1796 census prepared by the *comandante* of the Santa Bárbara Presidio, Felipe de Goycochea. Bernabé Pilaljaut originally had been born in *Kalawashaq'*. Another family connection pertains to the ancestry of María Solares, whose grandparents, Estevan and Eulalia, although originally from *Kalawashaq'*, had lived for a time at *Qasil*, where one of their children was born.

Goleta Beach

The Goleta lagoon, referred to as “Mescalitán” by the Spanish, was perhaps the most densely settled region in all of the territory where Chumash languages were spoken. While most of the citizens of the Goleta Chumash towns were baptized at Mission Santa Bárbara, there exist nonetheless numerous connections to the Santa Ynez Chumash. Some of these links include marriages revealed in mission records between people from the four principal towns that existed in the Goleta Valley (*S'axpilil*, *Helo*’, *Heliyik*, and *'Alkash*) and spouses who came from rancherías in the Santa Ynez Valley.

In 1798, Comandante Goycoechea conducted a reconnaissance of the valley in order to select a suitable site for the future mission of Santa Inés. When he visited two of the largest Santa Ynez Valley rancherías, *Kalawashaq*’ and *Teqepsh*, he reported that many of the residents were absent because they were attending a fiesta at one of the Goleta Chumash towns.

One family with Goleta Chumash connections that was historically associated with the Santa Ynez tribe was that of Francisca Flores (aka Francisca Solares). Francisca had been born at the Santa Barbara Chumash community of La Cieneguita, but her mother married a man from Mission Santa Inés and the family moved to Zanja de Cota when she was a small girl. On her mother’s side, Francisca was descended from Pedro Yanonali, the chief of *Syuxtun* on the Santa Barbara waterfront. On her father’s side, both of her paternal grandparents were descended from citizens of *Helo*’, the famous Goleta Chumash town that once existed on what later became known as Mescalitan Island. After moving to Zanja de Cota, Francisca became a lifelong member of the Santa Ynez Indian community. She was a member of the Santa Ynez Reservation when it was established in 1901, and her children Frank Flores and Gus Flores, and granddaughter Juanita (“Jennie”) Espinosa Wilson were all Santa Ynez tribal members listed on reservation rolls until their deaths.

Santa Rosa Island

The Santa Ynez Chumash tribal connections to Santa Rosa Island extend back to the days of the missions. A large number of people from rancherías on Santa Rosa Island were baptized at Mission Santa Inés in 1815-1816. These islanders continued to intermarry and reside among Santa Ynez Chumash families when the community became established at Zanja de Cota in 1855. María Solares’s second husband was named Nicomedes, whose mother had come from *Qshiwqshiw*, the largest ranchería on Santa Rosa Island. The daughter Nicomedes and María Solares was Clara Miranda, who is the direct ancestor of many Santa Ynez tribal members today.