

**Marine Life Protection Act Initiative
Public Comments Submitted
through April 14, 2010**

From: Brook Hoalton
Sent: Sunday, April 11, 2010 6:53 PM
To: MLPAComments
Subject: ATTN: MLPA initiative

To: Marine Life Protection Act Initiative
c/o California Resources Agency
RE: Proposed MPA at Punta Gorda,

To whom it may concern,

I am writing in regards to the proposed MPA at Punta Gorda in Petrolia, CA. I strongly urge you to reconsider this proposal. As a landowner in Petrolia, and a steward of the land; who utilizes this area for fishing, Abalone-diving and seaweed harvesting, I feel it is not right to take away our ability to provide subsistence for ourselves and future generations. Please consider moving the protection area south along the king range/ lost coast.

Punta Gorda has been use for subsistence for a long time. Indigenous people and early settlers used this area, and even now you can see remains of shells from the indigenous peoples habitations. At the recent meeting here in Petrolia there were 7th generation people present, who have used this area for fishing, muscling, Abalone diving, ect. Taking away our ability and tradition to provide food for our families is a tragic loss for our community and future generations.

According to surveys, sport fishing provides less than one percent of the take, prohibiting the small amount of fishing at Punta Gorda will have no effect on fish populations. Do not punish those who are not harming the water and land. Time and time again, it has been shown that outdoor enthusiasts protect the land & are the stewards of the land. Dont take a way our way of life and responsible use of the water and its creatures.

I feel Punta Gorda was chosen due to geographic conveniences and under representation during the RSG. In fact after researching other attempts at establishing MPAs in California, I came across a scientific article which reconfirmed my feelings. In 2006 Dr. Ray Hilgard, a professor at the School of Aquatic and Fishery Sciences at the University of Washington, and others reviewed the MLPA model for size and spacing of MPAs and found: It appears to us that those prescriptions were pulled out of the air, based on intuitive reasoning. In the Science Magazine article Rebuilding Global Fisheries (July 2009), Boris Worm, Ray Hilborn et al conclude: 1) California and New Zealand have the least over-exploited fisheries in the world. 2) Existing fisheries management tools (e.g., catch limits) are sufficient to rebuild these fisheries without MPAs. 3) Closure via marine protected areas will result in increased abundance of species with low mobility, rather than the larval dispersal panacea touted by MLPA

Please hear our concerns! During the Petrolia meeting, we came up with several alternatives to the proposed MPA: General consensus in Petrolia is to change the location. I urge you to consider relocating the protection area 2-4 miles south of Four Mile Creek. This compromise will be agreeable to all, as it is the lost coast area. Thank you for taking the time to read and consider my letter. This issue is so important to our whole community.

Sincerely,
Brook Hoalton

From: Marva Jacobs
Sent: Friday, April 09, 2010 2:58 PM
To: Melissa Miller-Henson
Subject: public input from Point Arena

Hi Melissa,

I am a member of the City of Point Arena's MLPA Committee. It has become my responsibility to forward the attached "Resolution No, 2010-03" to the appropriate individuals and entities. This resolution, which was approved by the Point Arena City Council at their regular March 23rd meeting, is a formal document of public input to the MLP AI process and we expect it to be disseminated as such. Would you please forward copies of this resolution to the appropriate MLP AI staff, including the Blue Ribbon Task Force members, and other agencies and personnel who are directly involved in the North Coast MLPA Process. If you or any others would prefer a signed copy with seals, rather than the attached electronic copy, please send me the addresses of contact persons and I will arrange the delivery of an official hard copy.

Thank you for your help,

Allan Jacobs
Point Arena, Ca 95468



RESOLUTION NO. 2010-03

Resolution of Position Regarding the Establishment of New MPAs On the Coast of Mendocino County

March 22, 2010

Whereas, the City of Point Arena recognizes the need for responsible Marine Resource Management; and

Whereas, the City of Point Arena recognizes the government agencies of the State of California have already been successfully managing the marine resources adjacent to Mendocino County, at sustainable levels, without the use of additional MPAs; and

Whereas, the Science Advisory Team's Science Guidelines for size and spacing of MPAs and the MLPA Masterplan goals and objectives, recommend that MPAs should be placed between 31 and 62 miles apart, as documented in the January 13, 2010 updated summary to the BRTF from the MLPA Staff on page 7 of the "Appendix B"; and

Whereas, the "Tri-County Group" has adopted a policy of including a "Small Craft Safety Buffer Zone" with no MPAs within a ten miles radius around ports, and experienced local experts agree that this safety zone is necessary due to the nature of North Coast weather and sea conditions; and

Whereas, the MPAs already approved during the North Central Coast MLPA process include an area of over 20 square miles within a ten mile radius of Arena Cove; and,

Whereas, the MLPAI, in the Ecotrust report of May 13, 2008, has already projected a loss to the Commercial Fishermen alone from Arena Cove of 16.5% of their income; and,

Whereas, the City's main income for maintaining and operating the Arena Cove Harbor facilities comes from fishing activities; and

Whereas, due to the existing MPAs as of April 1, 2010, the fishermen from Arena Cove already will be subjected to longer trips, greater hazards and greater expenses in order to expand their range; and,

Whereas, the ports of Mendocino County have historically shared marine resources, infrastructure, search and rescue, enforcement, and navigational aides and they expect to continue this practice;

Now, therefore, the City of Point Arena resolves that it is in the best interests of the City, the Port of Arena Cove, local citizens, local fishermen and sea food gatherers, and all mariners in general: that no new MPAs should be added to the coast, estuaries or bays

within a distance of 31 miles northward from the Point Arena SMR, and not closer than ten miles to any of the historic neighboring Ports of Albion River and Noyo River.

Further be it resolved that in the North Coast MLPA Study Region, all socioeconomic data will include references to Point Arena and the Port of Arena Cove and that all maps of Proposed MPA Arrays will include the Four Existing MPAS near Arena Cove.

The only exceptions to this resolution are the following:

1. We recognize the necessity for the currently proposed Navarro River Estuary SMR. Although the spacing of Estuarine MPAs is less critical, the Navarro River Estuary is the closest estuary to the Russian River SMR to our south (at a distance of about 65 miles) that meets the MLPAI Guidelines.
2. We recommend the continued existence of the Point Cabrillo MPA(s) with only minor adjustments to the size and shape (not to exceed 10%) and changes to the existing regulations for the sole scientific purpose of setting up controlled experiments to study the interactions of Red Sea Urchins, Red Abalone, and Kelp and the sustainable harvest of these species by humans.

Of the recently released eight “Round 1 – North Coast External Proposed Arrays” the following four arrays meet the above standards: Array B from the Mendocino County Community Alliance (MOCA), Array F from the Albion Harbor Regional Alliance (AHRA), Array G from North Coast Local interest MPA Work Group (formerly The Tri-County Group), and Array H from the California Fisheries Coalition (CFC).

PASSED AND ADOPTED this 23rd day of March, 2010 by the following roll call vote:

AYES: Councilmembers **Ingham, Riboli, Sinnott**
NOES: None
ABSENT: Councilmember Oropeza, Riehl

Lauren Sinnott, **MAYOR**

ATTEST:

Claudia B. Hillary, **CITY CLERK**

(SEAL)

To: MLP AI North Coast Regional Stakeholder Group
From: Tom Shaver, Foodshed Array Creator
Re: External Array A
March 24, 2010

External Array A was created to address several concerns about the MLP AI process in the North Coast study region:

That placement of an MPA near a port could have a devastating effect on the ability of local people to obtain sustainably harvested food from the ocean.

That if the overly precautionary size and spacing pattern of MPAs in previously established study regions were imposed on the North Coast, that this would cause severe socioeconomic harm and be an impediment to more attractive modes of marine management.

That the MLP A master plan size and spacing guidelines and level of protection ratings may be based on dubious science and inaccurate assumptions.

That management in general and adaptive management in particular are not to be considered in the MLP AI process.

That fundamental socioeconomic and ecological differences between the North Coast and other study regions would not adequately be taken into account.

That tribal peoples could be denied their rights to use the ocean for ceremonial and subsistence purposes.

Therefore, external Array A proposes an alternative to the approach taken by the MLP A Initiative in other study regions. The idea for Mobile MPAs came from talking with fishermen. Every fisherman who I have had the opportunity to dialog with about mobile MPAs likes the concept. There is scientific support for rotational MPAs and they have a track record of success in a variety of locations and fisheries. Mobile MPAs are presented in Array A for the primary purpose of offering fishermen and local community members at each port an alternative to advocate for should they be threatened with the location of a permanent MPA within 10 miles of their port mouth.

Because the mobile MPAs in Array A are presented as an alternative to permanent MPAs and are depicted in their specific locations in MarineMap for discussion and comparison purposes only, they should **not** be depicted on the map showing overlap among external arrays. I do not approve of their use to support the location of permanent MPAs near port zones. I have requested that the staff remove mobile MPAs from the overlap map.

Another purpose of including mobile MPAs in Array A is to more strongly advocate for locally designed adaptive management. Providing a concrete example of a potential adaptive management technique with strong parallels to the MLP A Master Plan Guidelines allows for a greater degree of comparison to static management than would be possible were adaptive management proposed merely as an abstract concept.

Adaptive management has a greater chance of leading to the fundamental social changes that we must make to live sustainably. Tribal peoples have a long history of land and marine management practices in which human benefit and ecological abundance go hand in hand. 2009 Nobel Economics Laureate Eleanor Ostrom has compiled a large body of knowledge to draw from about successful management of the commons. We have an opportunity in the abundantly productive North Coast ecosystem with a small population base to create a model system of marine stewardship that maximizes both socioeconomic benefit and ecosystem vitality.

Array A demonstrates how low economic impact and high conservation value can be achieved together with a fewer/larger pattern of MPAs and locally designed adaptive management in between. The SAT evaluations show Array A to have the lowest net economic impact according to Ecotrust data while rating highest in conservation value in some bioeconomic modeling categories.

The reason the habitat assessments and size and spacing evaluations are low in Array A relative to others is because only those MPAs with a level of protection above moderate high are counted. Many MPAs in Array A include take of edible kelp, sea urchin, abalone and/or a few other species that drop the LOP rating for those MPAs below moderate high. This was done in anticipation of the LOP rating for these uses eventually being raised for the region or adjusted to account for predictable take in a specific reserve. When compared with other arrays at all levels of protection, Array A comes out highest or among the highest in representation of many soft and hard bottom types.

The SAT's assessments of the LOP rating for some species does not adequately take into account the predictable amount of take by the method specified both in the general sense for the entire region and for a particular proposed reserve. The assessments for take of all edible kelp species are inaccurate regarding harvest techniques and predictable amount of take. I am working on a thorough critique of assessed levels of protection for take of edible kelp, red abalone and sea urchin which I will be happy to share with you when I finish it.

The 4 MPAs with the most commonality among the external arrays - Pyramid Point, Reading Rock, Punta Gorda, and Ten Mile – come very close on their own to adequately meeting the goals of the MLPA for the North Coast. I personally feel that those reserves alone, with perhaps the addition of some special closures for specific habitat representation or protection of birds or mammals, would be more than adequate to preserve marine life on the North Coast given current fishery management practices.

Here are some suggestions for actions that the NCRSG could take:

Regarding the creation of an integrated NCRSG array the NCRSG could:

1. Begin by concentrating on the 4 MPAs with the most commonality among the external arrays: Pyramid Point, Reading Rock, Punta Gorda, and Ten Mile.
2. Next, consider the addition of special closures to fill gaps in habitat representation and bird and mammal protection.
3. Establish a guiding principle that the NCRSG will not propose any permanent MPAs of preferred size within 10 miles of a port.
4. Refrain from getting distracted by discussion of mobile MPAs until a group advocates for a specific mobile MPA as an alternative to a proposal from another MLPAAI body that a permanent MPA be located within 10 miles of a port.
5. Develop a clear and persuasive rationale for the North Coast pattern of MPAs to differ from that of other regions.

The NCRSG could request that the SAT:

1. Raise the LOP rating for take of all edible kelp by hand harvest to at least Moderate High.
2. Take into account the predictable level of take for a proposed allowed use at a particular proposed MPA when assessing its LOP rating.

I am encouraged by the unanimous effort by all arrays to defend sovereign tribal use rights and that port areas were largely avoided for placement of permanent MPAs.

Please let me know how I can assist you in taking the above actions.

Sincerely,

Tom Shaver

To all RSG Members

At this meeting I am asking the RSG to walk out of this process until three issues are resolved with a signed understanding between the RSG and the Blue Ribbon Task Force. This agreement must cover three conditions.

One, Native American gathering rights are respected by California throughout its marine reserve network. This is simple, wording in the reserve language that allows native gathering in all northern area reserves, and language from the SAT that states that native gathering does not affect ecosystems where it has been ongoing through history. The risk of non-native usages growing through this loophole is slight, and can be addressed when and if they happen.

Two, Ten nautical miles on each side of the outside buoys of Crescent City, Trinidad, Shelter Cove, Fort Brag, and the first ten miles of rocks south of Eureka harbor are dedicated as Safety zones free of any closures.

Three, the sizing and spacing of reserves must reflect the fact that above Cape Mendocino there is insufficient hard bottom to support spacing of less then 70 miles between reserves.

These are simple requests that do not endanger any reasonable network of reserves, and can be supported by science, considerations of historic native use, safety on the water, and the realistic reflection of our areas habitats. These conditions will not impact the overall reserves values, or protection. I hope that you will take this action seriously, and fallow though with a stoppage of this process.

