

**Marine Life Protection Act Initiative
Public Comments Submitted
through May 19, 2010**

Blue Ribbon Task Force of the Marine Mammal
Protection Act - North Coast Region
May 6, 2010 Marcia Ehrlich, Box 84, Petrolia, CA

This initiative is an attempt to address the dwindling abundance of the Pacific Ocean. The problem is as great as the ocean itself. The Department of Fish and Game regulations have previously tried to address what, when and how much extraction can take place. This initiative mostly focuses on where.

Who does the extraction does not seem to be as important as why. This may be a flaw the Blue Ribbon Task Force cannot address except by recommendations to the DFG and ultimately the Legislature. Please keep it in mind however.

The small fisherman and the individual subsistence gatherer use the ocean with a far lighter touch than corporate fishing concerns using huge nets or practicing dragging. The small users have to contend with the limitations of adverse weather conditions. These small users are more mindful of their impact on the bounty of our ocean than factory ships or dragging operations. You might encourage the DFG to look at the higher limits awarded these entities.

Frankly the component missing in the overall approach to the abundance of our ocean is education. I hope the Task Force will

Consider making recommendations to promote respect for the populations in the sea. This can be included in public school curricula and be a part of licensing that goes forward much the way this happens for operating motor vehicles of all classes. It can also be included in the language of all documents that regulate use and commerce on the sea.

Yes you hear how fishermen respect the awesome power of the ocean, they make movies about it. However California needs to address the lack of respect for marine life in the sea. At Petrolia, scientists from HSU came and harvested some vital organs of a juvenile whale that died on the coast. Subsequently beach goers built a fire against the side of this huge mammal. The result was a revolting desecration of a once intelligent, sentient mammal.

This is a deeply disturbing symptom of our culture and part and parcel of the decline of the abundance of our shores. This initiative addresses where our extraction goes forward. Can you also make recommendations to expand guidance on how our culture can better live in harmony with the ocean? This could help as much as placing new restrictions on usack.



CITY OF FORT BRAGG

Incorporated August 5, 1889

416 N. Franklin St.

Fort Bragg, CA 95437

Phone: (707) 961-2823

Fax: (707) 961-2802

<http://city.fortbragg.com>

May 10, 2010

Honorable Cindy Gustafson, Chair
MLPA Blue Ribbon Task Force
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

SUBJECT: Increasing the effectiveness of the North Coast Regional Stakeholder Group (NCRSG)

Dear Ms. Gustafson and BRTF Members:

The North Coast Regional Stakeholder Group (NCRSG) has met three times thus far (February – Eureka; March – Crescent City; April – Fort Bragg), and we understand there will be three more meetings prior to the end of the MLPA process in this Study Region.

According to the *Charge and Draft Ground Rules* (prepared January 2010) for the NCRSG, the group is to strive for broad-based and cross-interest of support of proposals, and to achieve a high level of agreement in developing and advancing alternative proposals for marine protected areas.

As you are aware, prior to the formation of the NCRSG, a broad-based, cross-interest group of representatives met as a Tri-County Working Group (now known as the North Coast Local Interest Group) achieved considerable consensus regarding potential MPA arrays for this region. To our dismay, we hear from a number of RSG members and constituents that the consensus achieved in these meetings is being jeopardized by the newly adopted NCRSG format.

Instead of building on what went on before (e.g., the hundreds of meeting hours in the Tri-County Working Group, the Mendocino Ocean Community Alliance, and individual and group

consultations), in the words of one seasoned meeting attendee and NCRSG member, “it seemed like the working groups went backward.” NCRSG members also reported how hard it was to spend additional time trying to “catch up” on what happened in the separate working group sessions, especially when neither session was recorded or reported on comprehensively. The group’s division also makes it difficult for the concerns of tribes and tribal communities in the North Coast and North Central Coast Study Regions to be adequately addressed.

NCRSG members, local experts, tribes and tribal community representatives, and the general public are finding it very hard to follow and participate in the process when the NCRSG is divided into two separate groups meeting in separate rooms during the work sessions. Simultaneous observers in both rooms witnessed time being wasted when the same issues were discussed in separate groups without having the relevant experts present (e.g., only 1 seaweed harvester, only 1 geologist, only 1 sea urchin processor, only 1 tribal representative from the southern part of the study region, only 1 game warden, or only 1 State parks representative present in the discussion); which then required the groups to revisit the issues when the experts were present.

We request the MLPA I-Team revisit the NCRSG meeting strategy, to enable a single-group meeting format which is more conducive to building consensus. Temporary break-out groups can assemble, at the request of NCRSG members, if certain issues require fleshing out with a subset of RSG members who then bring the sub-group’s consensus to the larger group.

We wish to speak to one other issue mentioned in the *Charge and Draft Ground Rules*: that of information gathering and sharing. The document states that: “MLPA Initiative, DFG, and State Parks staff intend to create multiple opportunities for data sharing and joint fact-finding within the NCRSG. Joint fact-finding refers to a process where: stakeholders are able to provide their knowledge and identify information sources, needs, and questions for analysis; deliberations of scientific advisors are transparent; data are pooled to support better informed recommendations; and a serious effort is made of identify and narrow sources of scientific disagreement.”

One of the most deep-seated issues that has been repeatedly been addressed by our constituents, and has yet to be effectively addressed by the MLPA process, involves the disconnect between the formally-recognized (and largely externally-based) Science Advisory Team and the experiential knowledge base held by coastal residents, especially our more senior experts. The most active MOCA members have logged hundreds, thousands, or even tens-of-thousands of person-hours in State waters and along our coastlines. These experts include conservationists and educators who have been actively involved in resource and species conservation issues for decades; multi-generational commercial and recreational fishermen who possess intimate knowledge of our coastline, seaweed harvesters who cooperatively developed sustainable practices (e.g., the Seaweed Stewardship Alliance), and tribal and tribal community representatives whose ancestral ties stretch back for millennia.

Currently the near shore (0-30 m) data – especially for rocky and kelp habitat - used in Marine Map is based on proxies and extrapolations. A number of our NCRSG members have

expressed concern about the continued discrediting of local knowledge as "anecdotal" (versus the prominence given to academic/scientific data) and the lack of effort put into ground-truthing shallow habitats where we have missing data along the coastline. NCRSG members have repeatedly offered their expertise, time, and equipment to collect critical habitat data, and did so again during the most recent meeting.

We request that the SAT work directly with NCRSG members and local constituents to develop a rapid response plan to address key data deficiencies in the North Coast Study Region, and for that data to be made available prior to the completion of Round Two of the MLPA process.

We welcome the opportunity to speak further with you about these issues. We thank you for your consideration of these requests.

Sincerely,



Doug Hammerstrom
Mayor



Dave Turner
Vice Mayor



Meg Courtney
Councilmember



Dan Gjerde
Councilmember



Jere Melo
Councilmember

Cc: League of California Cities
Ukiah Field Rep Kathy Kelley
Governor Schwarzenegger
Senator Pat Wiggins
Assembly Member Wes Chesbro

Independent
Coast Observer

P.O. BOX 1200 • GUALALA, CA 95445 • edpub@mendonoma.com

707 884-3501; FAX: 707 884-1710

May 13, 2010

Ken Wiseman, Executive Director
Marine Life Protection Act Initiative
California Resources Agency
1416 Ninth St. Suite 1311
Sacramento, CA 95814

Dear Mr. Wiseman:

This letter is an official request by the Independent Coast Observer to protest the MLPAI policy which prohibits audio or video recording and photography at its meetings.

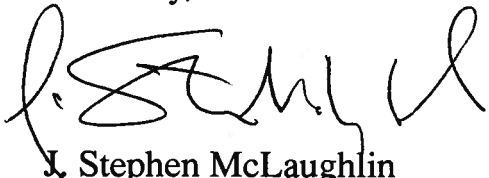
This policy banning such recordings is a violation of the Bagley-Keene Open Meetings Act. We hereby request the policy be rescinded.

According to California Newspaper Publishers Assn. General Counsel Jim Ewert, because of the Memorandum of Understanding, the MLPAI is performing functions which would otherwise be done by state agencies, which makes it subject to Bagley-Keene.

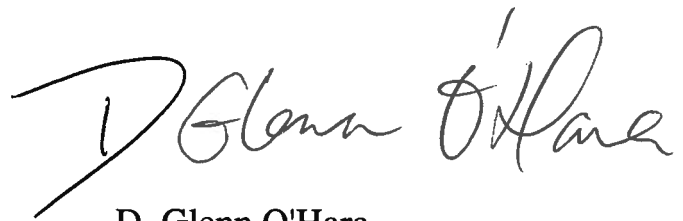
Bagley-Keene applies to all meetings and workshops of the MLPAI.

We look forward to prompt response to this request.

Sincerely,



J. Stephen McLaughlin
Editor and Publisher



D. Glenn O'Hara
News Editor

From: HAYDOCKI@aol.com [mailto:HAYDOCKI@aol.com]

Sent: Thursday, May 13, 2010 4:47 PM

To: MLPAComments

Cc: haydocki@aol.com

Subject: MLPA North Coast Goal 3 Comments

MLPA,

Please accept my heartfelt comments on your quest to achieve Goal 3 of the northcoast MLPA array.

Irwin Haydock

Email MLPAComments@resources.ca.gov

Attention: Melissa Miller-Henson

MLPA Initiative:

Subject: Comments on Goal 3 guidance document

Who: Interested members of the public

What: Invitation to review and comment on the *Draft Guidelines to Assist Stakeholders in Addressing Goal 3 of the Marine Life Protection Act in the MLPA North Coast Study Region*

When: Comments are requested no later than Thursday, May 13, 2010

April 13, 2010 Draft

California Marine Life Protection Act, Goal 3:

"To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity." (Subsection 2853(b)(3), California Fish and Game Code)

Milissa, Checked my e-mail and see that today is the deadline for commenting on Goal 3. Here is my opinion and input.

Goal 3 is by far the most important in implementing the MLPA in a successful way to protect and enhance our previously abundant natural resources through the use of set-asides of protected areas. The public's help will be key to this effort by virtue of MLPAs determination to enhance their education and experience with a year-by-year status of our marine resources available on the internet. Only a knowledgeable public can provide the strength in numbers required to reign in over-exploitation of our most precious resources. This will be assured by their demanding more appropriate means of reducing impacts. Here are my suggestions. It will be up to us all to learn how to love our resources without destroying what we do love. This will require better education and decent mentoring to learn to love lightly while still being able to touch appropriately. Finally, it will be essential for the public to be knowledgeable as they will be the watchful eyes providing a strong deterrent to the over-reaching of others. In college, I found that the honor system only works if everyone present is involved in enforcing it! Also, many hands make light work. There is no way we can afford or expect that hired guns will be able to adequately watch over even the most precious reaches. I would call for extensive use of cellphone technology and internet real-time cameras (with callable regs and GPS locations for each MLPA in order to immediately submit text and pictures of possible violations or deviations to DF&G for action).

My own experience in marine ecology is extensive, and my education included years of study at Hopkins Marine Station in Monterey in the 1950s, the Pacific Marine Station in Marin County in the 1960s, the NMFS NOAA La Jolla Laboratory and at SCCWRP in the 1970s, and at the LA County and Orange County Ocean Monitoring & Research Programs in the 80s & 90s . I am also well aware of the "love-to-death syndrome direct impacts can have on intertidal and subtidal rocky reaches and sandy beaches that are so vital a part of the public's experience and education. I am also well aware of the effects of overfishing (both commercial and sports) that can occur under misunderstood or misguided management

In the 1950s I rowed glass bottom boats in the Pacific Grove Marine Gardens. This activity has been discontinued now for many decades, but it was absolutely the best way to educate the public about

the life in the ocean that they could actually see if not touch. This activity has now been usurped by the Monterey Bay Aquarium which is doing a fine (but very different) job of educating (exciting) the public by the millions. We need more efforts by all of our coastal science centers, museums, and aquaria. I could only hope that Goal 3 would allow some insightful entrepreneurs to once again provide the direct involvement that we had when I was a kid. They have bike tours down the volcano road on the Big Island. No reason why we can't have similar business ventures, appropriately authorized here too for marine resources viewing and handling.

Grunion provide another example of a resource that can provide a lot of public attention and some good lessons can be taught to demonstrate conservation techniques and the importance of watching without harming the resource. The Cabrillo Aquarium has a wonderful program allowing the public to participate in hatching eggs without having to dig them up from the sandy beaches. With the help of trained docents much good information gets imbibed by the visitors. More of this would be welcome coastwide. My dream would be to have every aquarium, museum and science center on the west coast be funded to provide one person responsible for setting up a local MLPA program, explaining its purpose and demonstrating year-by-year its outcomes, positive and negative.

I have read many papers and talked with researchers who have studied intertidal trampling of non-supervised coastal access. Moss Beach in San Mateo County comes to mind, where a dozen busses may be lined up on a day of very low tide. Some years ago I suggested to the Ranger that they appeal to the County to alternatively close large portions of the reef in order to achieve some sort of self-renewal. (time period unspecified, but probably 5-10 years). I am unsure if this technique was ever adopted. This approach could also be applied to MLPA sites, if they are large enough to allow large swaths to be closed for long periods while still leaving equally large areas for visits (i.e., think big when allocating MLPA space).

Laguna Beach uses another approach, a full time city employee who can plan supervised trips to interact with the ocean. I believe it is vital for the public to be able to actually see and touch the natural marine world to really appreciate what we want to save. There are structured ways of doing this that could be implemented using docents and hired locals. The San Simeon Elephant Seal Rookery is a good example of what is possible, even in a remote area.

Regarding allowing fisheries: my experience goes back to the late 1950, when I hired on to DF&G as a diver-deckhand seasonal aide for the Abalone Project. In those years up to 4.5 million pounds of abalone were being taken for the commercial market. Now we have none, almost! The basic premise of the program was that a long-term ecological study would lead to better long-term management of the resource. When I met my former boss, Keith Cox, a year later he told me that the project had been considered complete after his 10-years study and his publication DF&G Fish Bulletin #118, California Abalone, 1962. Go figure! If DF&G can't come up with better, more innovative, and more public involvement ways of managing OUR marine resources all is lost, regardless of MLPA or any other proscription.

Regarding the Level Of Protection provided, it is essential to make that decision while understanding the facts and experiences I can share. In the case of Palos Verdes Peninsula, a part of the coastal reach that my employment as Ocean Research and Monitoring Manager for the Los Angeles County Sanitation Districts provided an abundance of experience, my staff and I noted that the fish and game abalone closure was often violated by fishers during the open lobster season. The lesson learned is that all human traffic (i.e. divers, spearfishers) must be excluded if conservation is to be effective, because you can't tell what is in their bags/boats.

A second lesson was learned when LA County opened Abalone Cove to the public as a park, after having been held private for many decades. Within weeks the entire cove was stripped of all large showy and/or edible resources. Again, the lesson learned is that MLPAs must be closed, or large enough to limit access to portions that can serve as a control for resources that are being “protected”.

In the 1970s I served as an Ecological Advisor to Congressman Alphonso Bell. My task was to assist his endeavor to set aside the Northern Channel Islands (NCI) as a National Park. I will never forget the day we were going to transport several reporters to the islands via helicopters from the Westwood Federal Building for a press briefing, all of which quickly came apart as they learned that Richard Nixon was on a plane headed for El Toro and forced retirement to his San Clemente property. Fortunately, a few reporters stuck with us and we later stood atop Anacapa Island and dedicated what has become a great National Park and marine asset to California. By the way, I believe that the MLPA reaches now federally designated and monitored around the NCIs are probably the most compliant with State MLPA scientific criterion, and stand the best chance of demonstrating the benefits of the program to the public. They should be clearly marked and remotely monitored for all human usage over the coming years.

The coastal MPAs are, for the most part, in my humble opinion, far too compromised to fit the wishes of every user group to be very useful in demonstrating the value of the program to long-term restoration and management of impacted resources. To effectively adaptively monitor and manage MPAs a far more rigorous set of criteria must be set and achieved in the future. The present array should be looked on merely as pilot projects for the next decade or so. Much, much more will be necessary to actually demonstrate the success of the MLPA hypotheses being tested.

Thus endith today’s reading. For MLPAs to be effective they should emphasize Goal 3:

“To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.”

The key to this is to educate the public to love this resource in all ways, and to create a human force that will provide the format for an “honor system” approach to maintaining the rules to be applied in each individual MLPA location. They will need both education and tools (web and mobile based) and alternatives such as real-time cameras in key locations with internet AI software that can alert authorities to possible infractions or identify those responsible. The alternative seems to be more of the same: nothing left for us to study and play with at all.

I see that it is 04:30 pm so I am sending off to you merely what I have finished. Sorry I do not have more time to help you save some of the marine environment for our grandchildren

Good luck

Irwin Haydock, Ph.D.
(714) 775-4415
11570 Aquamarine Circle
Fountain Valley, CA 92708



Cindy Gustafson and Members of the Marine Life Protection Act Blue Ribbon Task Force
c/o MLPA Initiative
1416 Ninth Street, Suite 1311
Sacramento, CA 94518

RE: Blue Ribbon Task Force Policy Direction for the North Coast Regarding Tribal Uses of Marine Resources -
May 17, 2010

Dear Chair Gustafson and Members of the Blue Ribbon Task Force:

Please accept the following comments on behalf of Ocean Conservancy and the Natural Resources Defense Council. Our organizations are generally supportive of the Proposed Motion by MLPA Blue Ribbon Task Force Member Meg Caldwell Regarding Traditional, Non-Commercial Tribal Uses of Marine Resources in the MLPA North Coast Study Region discussed at the May 4, 2010 BRTF meeting and posted on the MLPA website.

We offer the following recommended clarifications:

Tribal Resource Protection marine protected areas should be designated as State Marine Parks (SMPs) and not State Marine Conservation Areas since they are intended for non-commercial uses only.

Consistent with the MLPA Initiative staff guidance memo dated April 30, 2010, the BRTF should encourage the North Coast Regional Stakeholder Group (RSG) to design offshore marine protected areas (MPAs) coupled with nearshore Tribal Resource Protection SMPs that allow for shore-based non-commercial tribal uses. This will allow the RSG to assign specific uses (species and gear types) to the offshore MPA and allow the Scientific Advisory Team to assign a standard LOP to the offshore MPAs where uses can be specifically identified and evaluate them accordingly.

If uses (species and gear types) cannot be specified for Nearshore Tribal Resource Protection SMPs, these areas should be assigned a neutral, "undetermined" or "no category" Level of Protection (LOP) for the purpose of SAT evaluation. If or when specific uses can be identified by the RSG, BRTF or DFG in consultation with the region's Tribes these MPAs should be assigned a specific LOP and evaluated accordingly.

Although we support the proposed policy language regarding Non-Commercial Tribal Uses of Marine Resources as noted above, we view this as a first step. We strongly support ongoing consultation at all appropriate levels to ensure that traditional Tribal uses are allowed to continue and to ensure the highest possible level of compliance with the goals of the MLPA and the science guidelines.

Sincerely,

Jennifer Savage
Ocean Conservancy
North Coast Program Coordinator