

**Marine Life Protection Act Initiative
Public Comments Submitted
through June 2, 2010**

From: Abi Queen
Sent: Friday, May 28, 2010 1:47 PM
To: ncrsg
Subject: from Petrolia

Dear North Coast Stakeholders,

The Petrolia community is submitting a request to the SAT that the three Petrolia MPAs be counted as a cluster, and as a “backbone” MPA. We would greatly appreciate if any of you would take the time to write a short note (as short as you want) to the SAT recommending our proposal. If you email them to me (Abi, albqueen@gmail.com) or Stephen (stephenu@gmail.com), we will collect them and submit them to the SAT and BRTF along with our proposal and copies of our petition signatures (716 now!); or you can email them directly to the SAT if you prefer. We would be very grateful for any support you can give. The proposal helps everyone, not just Mattole Valley interests.

When counted as a cluster, instead of separate MPAs, the three Petrolia MPAs replicate 8 out of the 9 key habitats, just like the single, large Gorda MPA that was originally proposed on the external arrays. This helps the whole NCSR MPA network. In a way, it takes the pressure to replicate the key habitats off of surrounding areas. For example, with the Petrolia cluster’s MPA just south of Cape Mendocino, the proposed MPA at False Cape becomes superfluous, which keeps that important fishing ground open. Some advantages of the Petrolia cluster MPA are:

- replicates 8 of the 9 key habitats (excepting only kelp, a replicate of which is not available for capture in the northern bioregion), helping the NCSR MPA network meet the science guidelines
- captures some unique and rare habitat and habitat replicates (like sea lion and bird colonies, kelp, deep canyon (the only one in the northern bioregion), and the elusive hard 0-30m threshold)
- improves spacing
- avoids disproportionate socio-cultural impact on the Mattole Valley
- provides an important study opportunity:

Some studies have shown that a tight network of small MPAs, rather than a loose network of large MPAs, is more effective in restoring and protecting marine life. The small, close-proximity MPAs of the Petrolia cluster within the NCSR’s looser network of larger MPAs would provide a unique opportunity to test this hypothesis.

We think that the Petrolia cluster will help everyone. We would be very grateful if you would be willing to write a short note recommending our proposal to the SAT and BRTF, and email it to me or Stephen as soon as you can.

Thank you for your consideration. Thank you also for including us in the work session discussions in recent months. We appreciate all of your concern, support, and good humor.

Warm regards,
the Petrolia delegation

Attached to this email are two pdf documents for reference.

1) The first, and most important, is a summary of the Petrolia community's limits with respect to moving the borders of the three MPAs we have proposed. We are ok with shifting the borders as necessary to meet the RSG and SAT needs, but only within the limits described. An important fact to keep in mind when considering these limits is that from the Petrolia cluster, the distance to the next SMR north (Redding Rock) is 70 miles, and the distance to the next SMR south (Ten Mile) is 50 miles. Petrolia is accepting over 30 square miles of closures in the only ocean access within 2 hours of driving time. We hope that no one will want to push past the limits that the community has advocated.

2) The second document contains maps, habitat representation tables, and summary boundary descriptions of the three MPAs (and yes, the southern boundary stays off of Roger's Break).

Petrolia MPA limits

20.May.2010

The following points are a summary of the Petrolia community's "bottom line" with respect to the borders of the MPAs developed at the May 19th Crescent City work session.

- Cape Mendocino – Steamboat SMR:
 - must not capture the rocks around Devil's Gate (beginning at Dry Creek / Steamboat):
A number of Petrolia folks gather mussels, seaweed, and abs there. We launch our Zodiacs at Zanoni's beach or the bay just south of Steamboat to rockfish around Devil's Gate. Also, non-Petrolia kayak fishermen and divers use this area. A huge number of Petrolia people and others who signed our petitions would be seriously impacted by the loss of shore and rock fishing area south of Steamboat Rock around Devil's Gate.

- Mattole Canyon Offshore SMR:
 - must be feasible for Fish & Game enforcement: DFG has been supportive of this offshore shape because it captures the only canyon in the northern bioregion. However, this support is contingent on enforcement feasibility. Currently the boundaries are on full minutes of latitude, and a longitudinal line clearly demarcated by Gorda Rock (40°14'58N, 124°22'05W); DFG seems happy with this. The road up to Windy Point provides easy access for wardens. This MPA area could be extended a small distance north and south, but this would fatally compromise DFG feasibility (by moving the north and south borders off of full minutes of latitude). It must not touch the shore (for enforcement feasibility reasons). Extending this shape north cuts into local zodiac/kayak fishing grounds, and extending it south cuts into out-of-town fishermen's halibut grounds.
 - no hybrid shape with SMCA on shore: An onshore SMCA that allowed any shore harvest would have an LOP of below "moderate-high", so it wouldn't "count" toward meeting the science guidelines; such an SMCA would serve no purpose whatsoever in the NCSR MPA network. In addition, at the Petrolia community meetings (and elsewhere), people have been very clear that they do not want any kind of protected area along the shore. From a conservation point of view, the mouth of the Mattole is already protected under several designations. The beach itself south of the mouth is already protected by BLM as a wilderness area (no vehicles allowed, etc.). Furthermore, the human participation in the shore ecology here is minimal, even compared to what it was during the floruit of the tribal settlements (as evinced by the large mussel shell midden heaps on the beach). The need for a protected area along the shore is negligible compared to the significant need to allow subsistence marine harvest to local people.

- Sea Lion – Spanish SMR:
 - must not extend north of Sea Lion Gulch (Sea Lion Rock on northern end of the gulch is at 40°14'20.50N, 124°20'03.50W): A high percentage of the Petrolia population ab dives, gathers seaweed and mussels, and rock fishes in the area from Punta Gorda to Sea Lion Gulch. We are already giving up Sea Lion Gulch itself. Petrolia is not willing to give up ground north of Sea Lion.

- Other considerations:
 - trade False Cape MPA for Cape Mendocino MPA: Out of consideration for the needs of the Eureka/Trinidad fishermen, our intention with proposing the Cape Mendocino – Steamboat SMR was to use it as a replacement for a proposed False Cape MPA. Petrolia doesn't care directly about this, but in the interest of supporting the fishermen's needs, we advocate the

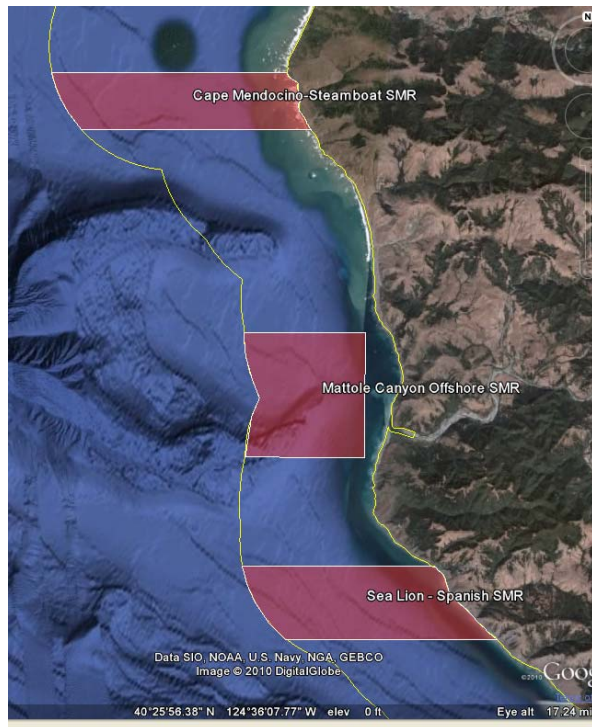
- removal of the False Cape MPA and its replacement with the Cape Mendocino – Steamboat SMR. A special closure would protect Sugarloaf itself.
- rehabilitation of abs around Steamboat and Sugarloaf: Some Petrolia folks have noted that the abs around Steamboat and Sugarloaf are depleted and small. This is the first place that out-of-town divers tend to stop and pillage. It would be fine with us to close this area; we actually would like to see it closed at least for a while. *N.B.* this is where that bad shipwreck happened years ago, so latent pollution might have something to do with the poor ab stocks.
 - Sea Lion – Spanish SMR should not extend south of Rogers Break (about 40°12'20N to 40°11'50N): Shelter Cove fishermen are adamant that Rogers Break is crucial to their fishing industry. Shelter Cove does not want Rogers Break to be captured by this MPA. Petrolia supports this view. On the other hand, if it is necessary to move the Sea Lion – Spanish MPA borders north beyond Sea Lion or south to below Rogers Break, Petrolia must vote to sacrifice Roger's Break. The ground between Punta Gorda and Sea Lion is *very* important to the Petrolia community.

While we are in favor of placing conservation areas on our coast to protect the marine life that is integral to our culture, it is crucial that we hold to the limitations outlined above. Sacrificing ground beyond these limitations would significantly damage – rather than protect – the integral role of marine life in our culture and lifestyle. We are already giving up a lot of ground (more than other communities). The nearest SMR north is 70 miles away (Redding Rock), and the nearest SMR south is 50 miles away (Ten Mile), while Petrolia is giving up 30 square miles of the only ocean access within 2 hours of driving distance.

Thank you for considering these points.

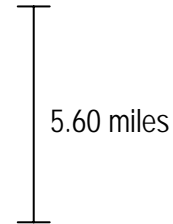
- Maps

These shapes were drawn in early May and then adjusted to accommodate the concerns of the stakeholders as expressed in the Ruby room's discussions at the RSG work session on May 19th in Crescent City. The Petrolia community will accept further adjustments of these MPAs' borders as required by the Stakeholders and SAT, *but only within the limitations set forth in the "Petrolia MPA limits" page.*

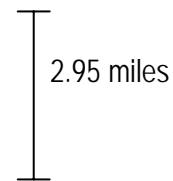


<-- Petrolia cluster:¹

Cape Mendocino – Steamboat SMR: 10.3 sq mi



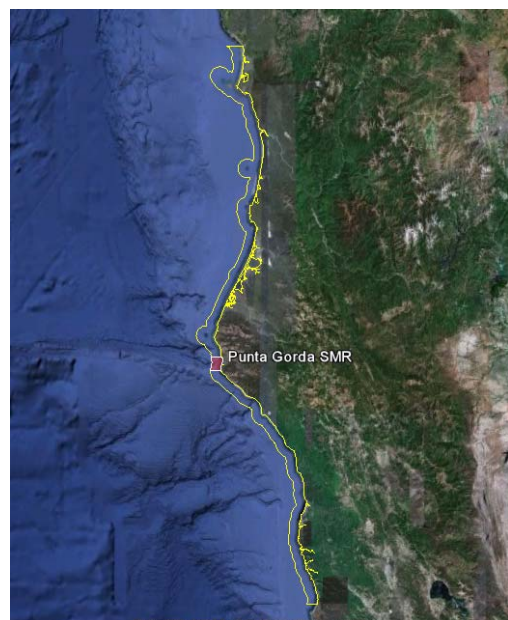
Mattole Canyon Offshore SMR: 11 sq mi



Sea Lion – Spanish SMR: 11.5 sq mi



view of Petrolia cluster as NCSR backbone



view of external arrays' old Gorda MPA as NCSR backbone

¹ These shapes are shared on Marine Map under <share with all users, Abi Queen>.

- Science guidelines
 - Habitat replication
- The proposed Petrolia MPA cluster replicates 8 of the 9 of the NCSR key habitats, just as the external arrays' single, large Gorda MPA did.² See "Table 1" below.

Table 1: Petrolia cluster habitat replication³

| | 90% | Petrolia cluster total | external Gorda MPAs (19 sq mi) ⁴ | Cape Mendocino – Steamboat SMR (10.3 sq mi) | Mattole Canyon Offshore SMR (11 sq mi) | Sea Lion – Spanish (11.5 sq mi) |
|-----------------------------|-----|------------------------|---|---|--|---------------------------------|
| rocky shore, offshore rocks | .55 | 3.79* | 3.10 | 1.09 | 0 | 2.70 |
| kelp | 1.1 | .19 | .38 | 0 | 0 | .19 |
| rocky reef 0-30m | 1.1 | .91 | 1.81 | .24 | .26 | .41 |
| 15m iso.** | | .81 | 1.47 | .15 | .54 | .12 |
| rocky reef 30-100m | .13 | 6.8 | .89 | 3.2 | .57 | 3.03 |
| rocky reef <100m | .13 | .27 | .19 | 0 | .15 | .12 |
| beaches | 1.1 | 1.19 | 3.30 | .09 | 0 | 1.1 ⁵ |
| soft bottom 0-30m | 1.1 | 4.04 | 3.49 | 1.46 | .16 | 2.42 |
| 15m iso.** | | | 3.92 | 1.57 | .37 | 2.73 |
| soft bottom 30-100m | 5 | 14.96 | 8.44 | 4.46 | 6.12 | 4.38 |
| soft bottom >100m | 1 | 4.64 | 5.45 | 0 | 3.43 | 1.21 |

*numbers in bold indicate where the Petrolia cluster captures more key habitat than the representative external arrays' Gorda MPA

** 15m iso. is not a not key habitat; for reference only

- Rocky reef 0-30m:

The Petrolia cluster comes within .19 miles of meeting the rocky reef 0-30m habitat threshold. This habitat is difficult to replicate in the northern bioregion: no other MPA comes within half of the 0-30 hard bottom threshold. Petrolia would be willing to adjust the borders of their MPAs – *within the important limits set forth by Petrolia* – to gain another .19 miles of 0-30 hard bottom, but that would fatally compromise the DFG enforcement feasibility of our shapes by moving their borders off of clear landmarks or full minutes of latitude. If the SAT or other stakeholders can negotiate a way to meet this threshold *without violating our limits*, we are willing to accept any reasonable solution. Perhaps the SAT, in view of the approximate nature of the Marine Map data in this category (a remotely generated, proxy extrapolation), would agree to round up our .91 miles to 1 mile, and accept it as sufficient.

- Beaches:

² Key habitats for the NCSR listed in *Draft Methods*, pp. 29-30; habitat replication thresholds listed in 'Table ES-2', *Draft Methods*, pp. x-xi. (I'm assuming that what the *Draft Methods* tables call "rocky reef" is what Marine Map calls "hard bottom"?)

³ The values for "rocky shore, offshore rocks" and "beaches" are skewed because about almost 1 mile of the "rocky shore" Marine Map tabulates for the Sea Lion – Spanish SMR is actually "beaches".

⁴ A couple of the external arrays have slightly larger MPAs at Gorda. The numbers in 'Table 1' above are from Array F's Gorda SMR which, at 19.3 square miles, is fairly representative of the other external arrays' Gorda proposals.

⁵ see discussion of "beaches", this page

According to Marine Map, the cluster fails to replicate “beaches”. Marine Map and the North Coast Regional Profile show only rocky shores from Sea Lion Gulch south to Spanish Flat, but *in reality*, there is a 1.1 mile stretch of sandy beach between Cooskie Creek and Randall Creek. We hike there a lot, and it is indisputably sandy beach (definitely not rocky shore) from just above Cooskie Creek to Randall Creek where it turns back to rocky shore for a while. You can even see it quite clearly on Google Earth. It seems methodologically sound to reflect this real, verifiable data in the Sea Lion – Spanish SMR’s habitat representation values. Reflecting this data would also be consistent with the BRTF guidance that “stakeholder input and local knowledge is important, and should be used to supplement the best readily available scientific information.”⁶ It is also important to note that all the beaches from the Mattole mouth south are already protected as a BLM wilderness area.

- Kelp

Neither the external arrays’ large Gorda MPA nor the Petrolia cluster captures a replicate of kelp. In the northern bioregion, the only area of kelp large enough to come even halfway to meeting the 1.1 mile 90% threshold is at Crescent City – which means it cannot be captured in the MPA network because it is within 10 miles of a port. No northern bioregion MPA will capture 1.1 miles of kelp. The Petrolia cluster straddles the boundary (at the mouth of the Mattole) between the NCSR’s northern and southern bioregions. It stretches 9 miles into the northern bioregion and 5 miles into the southern bioregion. Perhaps the kelp it captures at Sea Lion Gulch could be counted toward meeting the challenging goal of including kelp in the northern bioregion’s MPA network.

- Comparison to the external arrays’ Gorda MPA:

Like the external arrays’ Gorda MPA, the Petrolia cluster replicates 8 of the 9 key habitats. The Petrolia cluster captures larger amounts of 5 habitat replicates (in **bold** in Table 1).

- Each constituent cluster MPA replicates at least 3 key habitats:

- Cape Mendocino – Steamboat SMR
 - rocky shores and offshore rocks, at 1.09 > .55
 - hard rock 30-100m, at 3.2 > .13
 - soft bottom 0-30m, at 1.46 > 1.1
 - [soft bottom 30-100m, at 4.46 almost = 5]

- Mattole Canyon Offshore SMR
 - hard rock 30-100m, at .57 > .13
 - hard rock 100-3000m, at .15 > .13
 - soft 30-100m, at 6.12 > 5
 - soft bottom >100m, at 3.43 > 1

- Sea Lion – Spanish SMR
 - rocky shores and offshore rocks, at 2.70 > .55
 - hard rock 30-100m, at 3.03 > .13
 - [hard rock >100m, at .12 almost = .13]
 - beaches, at 1.11 > 1.1

⁶ This BRTF guidance was reaffirmed at the May 3-4, 2010 BRTF Meeting in Crescent City, as reported in “meeting highlights”, *MLPAI North Coast News*, vol. 4.

- soft bottom 0-30m, at $2.42 > 1.1$
- [soft bottom 30-100m, at 4.38 almost = 5]
- soft bottom >100m, at $1.21 > 1$