

**Marine Life Protection Act Initiative  
Public Comments Submitted  
through July 7, 2010**

**From:** Doug Monroe  
**Sent:** Thursday, July 01, 2010 11:35 AM  
**To:** MLPAComments  
**Subject:** California Marine Life Protection Act

I'm a sea kayaker and a lover of all of our animals and birds that have been protected over the years in our marine sanctuaries. I am particularly fond of the Pt. Reyes National Seashore (including Tomales Bay and the estuaries and sloughs that interact with Drakes Bay), the Mendocino Coast, Monterey Bay and Elkhorn Slough, as well as all of San Francisco Bay and the Sacramento River Delta that feeds it.

So I fervently believe that we need a strong network of marine protected areas and special closures to sustain seabirds and other marine life and seabirds. Please see that that happens.

In concern for our wild neighbors,  
Doug Monroe

Rio Vista, CA 94571



From: **InterTribal Sinkyone Wilderness Council** <[intertribalsinkyone@sbcglobal.net](mailto:intertribalsinkyone@sbcglobal.net)>  
Date: Fri, Jul 2, 2010 at 5:55 PM  
Subject: Statements to SAT  
To: Kelly Sayce  
Cc: Melissa Miller-Henson, Ken Wiseman

Dear Kelly,

Attached are statements read at the June 30 SAT meeting by InterTribal Sinkyone Wilderness Council representatives Priscilla Hunter and Hawk Rosales. At the meeting, we noted that we would provide the SAT members with these statements in electronic format. Please forward the attached statements to the SAT.

We also respectfully request that you provide all members of the NCRSG with these statements.

Sincerely,  
Hawk  
**Hawk Rosales, Executive Director**  
**InterTribal Sinkyone Wilderness Council**  
**P.O. Box 1523**  
**Ukiah, CA 95482**  
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**Statement by Hawk Rosales of the InterTribal Sinkyone Wilderness Council**

**Submitted to MLPA Master Plan Science Advisory Team**

**June 29-30, 2010**

**Eureka, California**

My name is Hawk Rosales. I am the Executive Director of the InterTribal Sinkyone Wilderness Council.

Our Council also is concerned that the conceptual model used to determine Levels of Protection is not sufficiently flexible to account for the many ways in which the Tribes contribute to a healthy marine environment. The model frames the question as follows: “Does proposed activity alter natural habitat directly?” Various follow-up questions lead to different levels of protection depending on the answer to this threshold question. But that question is too narrow. We know that traditional Tribal gathering practices positively alter the natural habitat in the short term; additionally, for the longer term, the Tribes’ gathering practices significantly enhance marine plant and animal communities. Gathering areas are traditionally harvested in rotation, and are sometimes left alone for several seasons or even years to improve the health and abundance of plant and animal populations.

Other practices are equally benign. Let me give you one example.

Traditional gatherers always remove the portion of seaweeds that are located above the root system. They never scrape away the seaweeds' roots from the rocks the way commercial harvesters often do. Yet under the science guidelines, the Tribes' practices would qualify as an activity that alters the natural habitat, which could lead to a finding of a lower level of protection as a result of these practices. The Tribal Profile submitted by the InterTribal Sinkyone Wilderness Council contains information about Tribal gathering practices that are relevant to the determination of a level of protection. That information seems to have been ignored so far.

We ask you to work with the Tribes to find mutually-acceptable ways to accurately account for the impact Tribal gathering has on the marine resources, while at the same time complying with the science guidelines.

Even if an analysis of Tribal gathering practices leads to a designation of moderate or low level of protection, that conclusion is not necessarily inconsistent with the Marine Life Protection Act or the science guidelines. The Act provides that the Fish and Game Commission shall adopt a master plan to guide the design and implementation of MPAs. The Department of Fish and Game adopted a Master Plan for Marine Protected Areas in January 2008, but to the best of our knowledge, the Commission has not yet adopted the plan. As a result, the master plan can be modified to take into account new information developed in the

planning process. This suggests that the current master plan should not be taken as the final word on how levels of protection should be determined.

The master plan presently in use sets out 9 guidelines for designing MPAs, but the plan concedes that not every MPA will necessarily achieve all 9 of the guidelines. Much of the discussion in the North Coast Region has taken place outside of the public's view, but it appears to us that the first five guidelines have been the focus of the evaluations thus far. These five are: 1) the diversity of species, habitats, and human uses prevents a single best network design in all environments; 2) every key marine habitat should be represented in the MPA network; 3) MPAs should extend from the intertidal zone to deep waters offshore; 4) MPAs should extend along shoreline at least 3 to 6 miles; and 5) MPAs should be placed within 31 to 62 miles of each other.

From the Council's perspective, the evaluations so far have largely ignored a very important guideline. Let me quote it verbatim: "To lessen negative impact, while maintaining value, placement of MPAs should take into account local resource use and stakeholder activities." This language is certainly broad enough to require the Regional Stakeholder Group and the Science Advisory Team to take into account traditional Tribal uses and to seek to avoid impacts on such uses, **as a science guideline**. This means that even if a Tribal use results in a lower level of

protection for a particular species, such use should be considered consistent with the science guidelines. **The guidelines do not give greater weight to one over the other.** We are concerned that this guideline is not being followed. We are concerned that traditional, non-commercial Tribal uses will be omitted if the Science Advisory Team or Regional Stakeholder Group mechanically calculate levels of protection without regard for this guideline. We ask that you make sure that does not happen to ensure that indigenous peoples' interests can be met in this process.

Thank you for your attention.

**Statement by Priscilla Hunter of the InterTribal Sinkyone Wilderness Council**

**Submitted to MLPA Master Plan Science Advisory Team**

**June 29-30, 2010**

**Eureka, California**

Hello, my name is Priscilla Hunter. I am the Chairwoman of the InterTribal Sinkyone Wilderness Council. We are a consortium of ten federally-recognized sovereign Tribes from Mendocino and Lake Counties. Our ancestral territories include the coastlines and marine waters of Mendocino and Humboldt Counties.

I would like to make three points today. First, the evaluation of the Round 2 proposed MPAs did not properly implement the avoidance policy adopted by the Blue Ribbon Task Force on May 17. Under the policy, avoiding areas used by Indian Tribes is the primary method for accommodating traditional, non-commercial Tribal uses. If that is not possible, only then is the Stakeholder Group directed to design MPAs that include Tribal uses. In other words, designing MPAs with Tribal uses allowed within the boundaries is an alternative approach. We have not seen any evidence that shows that MPAs have been designed specifically to avoid Tribal use areas in the Round 2 evaluations. For the Council's Tribes, there are many proposed MPAs that overlap with areas the Tribes have used since time immemorial. We ask that all of the MPAs proposed within the ancestral



territories of the Council's member Tribes be re-evaluated to carry out the policy of avoidance.

Second, we were informed on June 16 by **Beck Ota**, the Department of Fish and Game's **Acting Habitat Conservation Program Manager**, that ultimately it will not be possible to identify specific Tribal uses within MPAs that were supposedly designed to allow such uses. In fact, **Ms. Ota** also informed our Council that the North Coast Regional Stakeholder Group should not have even included wording about Tribal uses in the descriptions for the Round 2 MPAs, and that Tribal use wording would not be included in the final MPAs. This message is in complete contradiction to the guidance motion approved unanimously by the Blue Ribbon Task Force last month. The MLPA Initiative staff apparently takes the position that where Tribal uses are allowed, they cannot be separately identified but must be treated as a form of recreational use only—apparently applicable to all citizens of California. We are concerned this will mean that all the Tribal use information we have provided to the Initiative would have been for nothing.

For purposes of your work, however, we ask that you continue to include Tribal uses as a separate category of permitted uses within designated MPAs. The policy guidance provided by the Blue Ribbon Task Force separately identifies Tribal uses as worthy of special protection. In fact, the policy specifically

mentions that MPAs, which include Tribal uses, are, quote “designed for tribal resource protection.” To include Tribal uses as a mere subset of recreational use is demeaning to the Tribes, who have been good stewards of the marine resources since the beginning of time, and whose gathering, harvesting, and other traditional stewardship practices have sustained those resources long before Europeans arrived here and began depleting our precious marine resources. Traditional Tribal gathering conducted as part of our spiritual beliefs and practices can hardly be classified as recreational. The **Fish and Game** Program Manager does not have authority to revise the Tribal guidance adopted by the Blue Ribbon Task Force. That policy should be fully applied as the Round 2 evaluations are considered.

Third, the relationship between the Tribal Use Policy and the Science Guidelines should be clarified. The Tribal Use Policy adopted by the Blue Ribbon Task Force did not assign a level of protection to MPAs designed for Tribal resource protection. This task was left until after additional information was provided by the Tribes. We understand that the process of developing information about Tribal gathering practices is ongoing. Our concern here is the risk that during the next round of evaluations, Tribal uses will not be included in response to the perceived mandate that high or moderately high levels of protection are required to comply with the science guidelines.

The marine resources the Tribes use should be designated as a high level of protection even before information about them has been obtained and analyzed. The Regional stakeholder Group and the Science Advisory Team would be justified in giving a high protection level to Tribal uses. Impacts on marine resources from Tribal uses are minimal. The Tribes have already shown that their gathering practices contribute to sustainable and healthy marine environments. One does not need extensive analysis of impacts or complex conceptual models to know that the Tribes have been and continue to be exemplary stewards.

All these concerns raise legal questions that our Council will take up with the attorneys for the Department of Fish and Game and with the Fish and Game Commission.

Thank you for your time.



## Support Marine Protection on California's North Coast

Dear BRTF,

EUREKA, CA 955



The coast and ocean are a critically important part of what makes the North Coast of California a great place to live and visit. The Marine Life Protection Act provides us with a unique opportunity to map a vision for our coast that will benefit all Californians. A well-informed network of marine protected areas from Point Arena to the Oregon border will ensure a rich legacy of ocean resources, enduring respect for indigenous cultures, and a vibrant fishery for generations to come.

I urge you to support the protection of the North Coast's diverse marine resources and way of life as implementation of the Marine Life Protection Act proceeds in the region.

MLPA Initiative - BRTF  
c/o CA Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento CA 95814

Sincerely,

*Kenneth Conell*  
(Name and City) P.O. Box 2001  
McKinleville CA 95517

Sincerely,

*Ken Farley*  
(Name and City)