

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

From: Robert Sutherland  
Sent: Sunday, July 11, 2010 8:09 PM  
To: MLPAComments  
Subject: MLPA comments

Friends:

Here for the permanent record are my comments on the proposed MLPAs. I will especially appreciate it if you will please provide a timely copy of these comments to Dr. Christopher Costello and Dr. Will White, among others.

I have resided in southern Humboldt County around forty years, and am well familiar with the nearby coast. I had hoped the proposed set-aside areas would be much larger than are now proposed. Even the Sapphire #1 proposal, the largest under consideration, is much too small. I had hoped the entire King Range Area of Special Biological Significance (ASBS) would be reserved from fishing activities.

The King Range Area of Special Biological Significance was designated on March 21, 1974 by the California State Water Resources Control Board. This Area of Special Biological Significance extends for thirty miles from Punta Gorda in Humboldt County south to the mouth of Whale Gulch Creek in Mendocino County, and extends west to the 100-foot isobath or to 1000 feet offshore, whichever is farther. It includes Shelter Cove waters. Such Areas of Special Biological Significance (34 are identified in California, most much smaller) are designated for areas "requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable." They are mandated by the federal Environmental Protection Agency. (SWRCB 1976).

According to Water Resources Control board staff (pers. comm. 1979), the State Board recognized the water quality of this designated area to be of exceptional purity. This is thought to be the most undisturbed, and hence unpolluted, stretch of coast in the United States, on either coast, south of Canada. It is therefore especially valuable to conserve as a baseline for future studies of Human impacts to ocean water quality. Because the coast here and its waters are of exceptional interest, I envision that other authorities should join in establishing effective long-term protection for the area.

In addition to the water quality issues noted above, I add the following comments by fisheries Professor Dr. Milt Boyd, who has scuba-dived the entire coast of the King Range Area of Special Biological Significance, from his writings about the richness of the biological resource there: "The best developed mussel bed habitat in the two northern counties of California is found immediately north of Pt. Delgada." And: "In terms of biological diversity, Pt. Delgada is the jewel of the King Range National Conservation Area intertidal zone. Almost every plant and animal species found elsewhere along the coast can be found at Pt. Delgada, along with many species found only

in this rather small area." (Both in Boyd, 1978). These areas mentioned are presently not proposed for MLPA protection, alas.

Also relevant are the comments of Karen Sjogren of the California Department of Fish and Game, from a paper she wrote (Sjogren, 1978) on the uses of the King Range Area of Special Biological Significance: "The fishing grounds here are worked primarily by boats out of Fort Bragg, sixty miles to the south." This suggests the economic impacts locally (Shelter Cove) of a much larger closure will not be significant, despite the domineering inputs by the few such fishermen left, and the farther users (such as those from Fort Bragg) are now less likely to travel here because of rising fuel costs anyway. She also wrote that "Although salmon of commercial size occur within the 100 foot isobath, most commercial fishing is in deeper water." This suggests that an alternative to designating an MLPA closure zone as extensive as the Area of Special Biological Significance could perhaps be to limit the closure to the same area as the Area of Special Biological Significance, that is, westward to the 100-foot isobath or to 1000 feet offshore, whichever is farther, thus leaving open the larger deeper area. In reducing fishing access, there is likely to be a reduction of vessel discharge to the Area of Special Biological Significance. As Sjogren notes, "When transient boat use of the Shelter Cove anchorage is high, a great deal of raw sewage is discharged into the cove."

I want also to note the statement of biologist G. Victor Morejohn (Morejohn, 1977): "Nowhere else in the world can the diversity of marine mammals be found that exists off central and northern California." Huge assemblages of California Sea Lions gather at north coast beaches on their annual passage northward; upwards of 1500 at once may be found at such places as the mouth of Jackass Creek, just south of the Area of Special Biological Significance. Also present in the Area of Special Biological Significance are good numbers of Steller's Sea Lions, which since 1990 is federally listed under the Endangered Species Act as a "threatened" species. I have found numerous examples of freshly shot sea lions, including Steller's, along the coast of the Area of Special Biological Significance. In inquiring of Shelter Cove fishermen about this, I found they are well aware which fishermen commit this outrage, but they decline to say who. This indicates that all those fishermen have poor respect for the natural environment, and are only interested in the money. Why should the general public, which supports wildlife conservation, concede such a special population of animals to such scofflaws? Their economics are not worth our heritage.

I have reported some of these shootings to the Department of Fish and Game, but they are hard pressed to respond to such a remote area in any timely manner. The Department is understaffed and underfunded. Former local Department of Fish and Game warden Larry Bruckenstein believes the issue of enforcement is why the MLPA program is headed for failure. He points out that the Department cannot recruit new officers because wardens as qualified peace officers make only half

what a highway patrolman or a prison guard makes. Without recruitment there can be no enforcement, he says (pers. comm. 7/2010). I infer then from his comments that the fishermen asking for your lenience are not intending to comply with the law but are seeking instead to reduce their liabilities of getting caught. My impression is the issue of enforcement would be significantly less difficult if protection were generalized to fewer but larger areas, such as the King Range Area of Special Biological Significance. Please also consider then this issue of enforcement in your design. Actual "protection" cannot exist just on paper.

Here are the references I've cited:

Boyd, Milton. July 1978. A reconnaissance survey of the intertidal of the King Range National Conservation Area Area of Special Biological Significance. Report to the State Water Resources Control Board.

Morejohn, G. Victor. 1977. Marine mammals. Vol. II chapter v in Winzler and Kelly Consulting Engineers: A summary of knowledge of the central and northern California coastal zone and offshore areas.

Sjogren, Karen. July 1978. A reconnaissance survey of land/water use and sources of water pollution to King Range National Conservation Area Area of Special Biological Significance. Report to the State Water Resources Control Board.

State Water Resources Control Board. July 1976. Areas of Special Biological Significance. (ca. 58 pp)

In conclusion, I request you greatly expand the area of protection for the region corresponding to the King Range Area of Special Biological Significance. Please keep me informed of your progress. Pursuant to the California Environmental Quality Act, I request a full written response to all significant environmental points I have raised. Thank you for considering my comments.

by e-mail  
Robert Sutherland  
Redway California 95560

**From:** Tom Wing  
**Sent:** Tuesday, July 13, 2010 8:30 AM  
**To:** MLPAComments  
**Cc:** Kevin B Mc Grath  
**Subject:** mlpa comment

My wife, Leslye, and I have a cabin in Shelter Cove. The Ruby 2 proposal seems to have both the environmental and impact on humans in balance. We like many residents are part time and look forward to spending part of our retirement in Shelter Cove. Because of the remote nature of the village and the difficulty in getting your boat in the water the already shortened season looks to a lay person like me to have had the desired effect. While I don't care about catching any more fish than my wife and I can consume fresh, I have noticed an overall increase in size to the groundfish I catch.

Please consider our comment when making the determination that my wife and I support the Ruby 2 proposal.

Thank you  
Tom Wing Jr.

**From: InterTribal Sinkyone Wilderness Council**

Date: Wed, Jul 14, 2010 at 10:23 PM

Subject: Request to be on Agenda

To: Cindy Gustafson

Cc: Roberta Cordero, Meg Caldwell, Virginia Strom-Martin, Catherine Reheis-Boyd, Jimmy Smith, Bill Anderson, Greg Schem

Dear Cindy,

At its meeting today, our board directed me to make a formal request to you that the InterTribal Sinkyone Wilderness Council be placed on the agenda of the Blue Ribbon Task Force meeting on either July 21 or 22.

There are a number of Tribal issues that we do not believe have been resolved, including implementation of the Tribal guidance policy that the BRTF approved on May 17. We are particularly disturbed that, according to a Department of Fish and Game representative, Tribal traditional uses apparently will not be included in the wording of the final MPAs. We would like the opportunity to address these and related issues formally at the meeting on either July 21 or 22.

Thank you for your consideration. Please provide us with your response at your earliest convenience.

Sincerely,  
Hawk

**Hawk Rosales, Executive Director  
InterTribal Sinkyone Wilderness Council  
Ukiah, CA 95482**