

**Marine Life Protection Act Initiative  
Public Comments Submitted  
through September 1, 2010**

**From:** Lydia Garvey  
**Sent:** Thursday, August 26, 2010 11:42 AM  
**To:** MLPAComments  
**Subject:** Support marine protection to the fullest!

It is vital for our health, economy & sanity.

Your attention to this most urgent matter would be much appreciated by all present & future generations of all species.

Thank you

Lydia Garvey Public Health Nurse  
Clinton OK 73601

From: Michael Evenson  
Sent: Friday, August 27, 2010 10:27 AM  
To: MLPAComments  
Cc: Jimmy Smith; Abi Queen  
Subject: Public Comment to BRTF

To whom it may concern,

This is to urge you to adopt the Petrolia shapes (rather than a full Punta Gorda) for closures. I've lived on the coast here for 40 plus years and expect to continue harvesting shell fish, fish, seaweed and other bounties from the sea, which is just a short walk from our home.

Our community's impact on all these resources is miniscule compared with the commercial boats we see just offshore, scraping away at the bottom or extracting tonnages from the water.

Every so often, when the water is calm (which is rare), we see very modern, well painted, sleek, ships (not boats) pull in and work the area, or anchor in deep water very close to shore and have smaller boats bring catch to them. Last time I called DFG about this, I couldn't reach the officer in charge of enforcement. By the time he called back, the ship was long gone.

That's where the enforcement is needed and the restrictions properly placed - on the wholesale extractors, Not on us local, subsistence fishers and gatherers. For now, we are the indigenous people of the Petrolia coast.

Sincerely,  
Michael Evenson  
Petrolia, CA 95558

**From:** Cliff Hart

**Sent:** Monday, August 30, 2010 3:55 PM

**To:** MLPAComments

**Subject:** North Coast

It is apparent after listening to the RSG today online that there are complex scientific needs in order for the group to make well thought out educated decisions on where these reserves will be placed. A lot is at stake and I urge you to request more time from the BRTF and DFG in order to get the information you need. The impacts of rushed decisions will affect us all who utilize the north coast for its wonderful resources.

Cliff Hart

# YUROK TRIBE

## OFFICE OF THE TRIBAL ATTORNEY

P.O. BOX 1027, 190 KLAMATH BLVD. KLAMATH, CA 95548

PHONE: (707) 482-1350 FAX: (707)482-1363



August 27, 2010

Mr. Ken Wiseman, Executive Director  
Marine Life Protection Initiative  
c/o California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA. 95814

Dear Mr. Wiseman:

Thank you for getting back to the Yurok Tribe on Director McCamman's decision that it is not appropriate to make an additional appointment at this time to the Science Advisory Team (SAT). We are, of course, disappointed but will continue to try to participate to the best of our ability on SAT and Marine Life Protection Act (MLPA) issues.

As previously explained to you, we did not nominate a member to the SAT panel as Megan Rocha and Shaunna McCovey of the Yurok Tribe were under the impression from MLPA staff, including yourself, that tribal concerns could be handled politically and Science Advisory Team participation was not necessary.

We only learned at the May 3-4 2010 Blue Ribbon Task Force (BRTF) meeting that the Science Levels of Protection (LOP) are a constraint on finding an interim political solution of avoidance. Since that time we have attempted every way we know how to participate in the Science Advisory Team Process. The problem is basically twofold: 1) The LOP is not very predictive in that species in the lowest LOP categories such as mussels, barnacles and limpets are in fact plentiful in the intertidal areas of the North Coast Region; 2) The very low LOP protection determination sets an impossibly high burden on Native peoples. The assumption for a low LOP is that "any extractive activity can occur locally to the maximum extent allowable under current state and federal regulations." (Assumptions used in LOP designations). In other words, if you even harvest one mussel, it is assumed that you will harvest all the mussels. This is simply impossible for the Tribes or any user to meet.

There seems an obvious explanation for the lack of predictability of the LOP. The LOP did not consider many very important variables. The LOP assumes equal access to harvesting by human populations throughout California. This means the harvest threat from 150,000 residents of Del Norte and Humboldt Counties are deemed equal to the threat of harvesting from 20 million people in Southern California. A principal reason that mussels, barnacles and limpets are so abundant is simply that they are by and large inaccessible to harvest. Consider the topography of much of the North Coast

Mr. Ken Weisman

August 27, 2010

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with its steep cliffs, huge beach boulders, and generally difficult terrain. In addition to the low population base, rough seas, sparse road transportation, and wildlife patterns including beach rattlesnakes, contribute to inaccessibility, along with the fact that 69% of Yurok ancestral territory is located in preservation orientated parks. Skin and scuba diving are generally infeasible because of low ocean visibility caused by heavy sediment from the Eel, Mad, Klamath, and other north coast rivers. Strong North-South currents push the sediment along the intertidal reaches.

A simple mathematical application of your peer reviewed larvae math model for such naturally protected intertidal sites would show that such areas mimic marine sanctuary larvae dispersal rates for intertidal species. The LOP does not appear to account for restrictions on consumption of mussels from May 1, 2010 until October 31, 2010 due to toxicity concerns. Most people don't harvest when the mussels are toxic. According to the 2009 Annual Report of the California Department of Public Health, Marine Biotoxin Monitoring Program, prepared by Gregg W. Langlois, there have been 542 reported illnesses including 39 deaths attributable to paralytic shellfish poisoning since 1927.

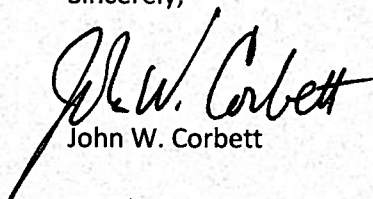
A consideration of such factors limiting access and the motivation to harvest would provide the scientific basis for an interim avoidance approach which currently does not exist. This approach would maintain the discretion for both the California Fish and Game Commission and the State Legislature to give advisement on Indian Tribes and the MLPA. Further it would provide a qualifier to make the LOP more credible.

Whenever a model has massive predictability problems as the LOP model, it suggests that a reasoned scientific examination of the model's shortcomings is warranted.

Since May the Yurok Tribe has been trying various ways to participate with the Science Panel. So far these efforts have not been successful. We tried to get on the agenda and were turned down. We presented a question to the SAT and the question was changed. We have sought a nomination to the SAT which was unsuccessful. Despite our complete lack of success to date, the Yurok Tribe will continue our efforts to engage the MLPA process.

While the Yurok Tribe envisions a two-year process with the California Fish and Game Commission and the California legislature to arrive at a mutually satisfactory approach, the Tribe is encouraged by the progress of recent discussions. When such agreement is reached, the Tribe will be able to restart our three year old Federal Marine Sanctuary Act process. We are hoping that the context of our Federal Marine Sanctuary efforts can be a mutual alliance between the California Department of Fish and Game and the Yurok Tribe.

Sincerely,



John W. Corbett

JWC:lv

From: dale maharidge  
Sent: Tuesday, August 31, 2010 4:09 AM  
To: MLPAComments  
Subject: public comment to BTRF

MLPA Initiative  
NCSR Blue Ribbon Task Force  
California Natural Resource Agency  
1416 Ninth St., Suite 1311  
Sacramento, California 95814

August 31, 2010

Hello,

I own a piece of land on Prosper Ridge near Petrolia, a piece of the ocean headland right above Punta Gorda. I purchased my land 15 years ago and have worked very, very hard to create an off the grid home here. I have spent over a quarter of a million dollars doing this.

A big part of my purchasing this land was the lifestyle in Petrolia, and a huge part of that lifestyle is fishing and gathering shellfish on the ocean reefs right below my home.

If the full Punta Gorda closure were put in effect to create a marine sanctuary, it would severely harm the reason I moved here--and in turn harm my property value. It will also harm other businesses in Petrolia, the bed and breakfasts, the store, and so on, because tourists who camp on the beach in the BLM campground also in part come for shore fishing.

I am writing to support the Petrolia ?shapes? proposal, which will create three zones and fulfill the needs of the sanctuary, yet preserve our lifestyle and our small local businesses.

I am a strong supporter of creating marine reserves in California. But they must be done with balanced consideration of commercial fishermen and locals in places such as Petrolia.

I am sending a copy of this email via the Postal Service as well.

Sincerely,

Dale Maharidge

**From:** joe stoops  
**Sent:** Tuesday, August 31, 2010 10:25 AM  
**To:** MLPAComments  
**Subject:** Stakeholder comment on proposed Wilson Creek MPA

To whom it may concern:

I am a displaced Charter captain who had a successful business running fishing trips out of Santa Cruz, California. With the implementation of MPA's in that area virtually all but shut down my business, removing areas I had consistently sport, charter and commercially fished for Halibut, Lingcod and healthy Black Rockfish for over 25 years. These closures, changed the public's mentality of not wanting to fish for so called "depleted fish stocks" or the thought that the there area was completely "closed off to fishing" took a huge 40% gross income loss to both the Charter and Commercial parts of our business.

Since I was on the Monterey Bay Sanctuary Advisory Council at that time I saw the ax falling on small fishing operations for the Monterey Bay area.

My wife and I started looking for areas where we could still fish and support our family, we found the far North Coast of California had the healthiest fish stocks on the west coast and in turn larger quotas to obtain, making it viable to still commercially fish to support or family.

Our permit allow us to catch from 6000 to 7000 pounds of nearshore species per the 2-month period, since our permit is for Deeper nearshore we target the Black Rockfish exclusively and have extremely little bycatch in one area in particular.

After almost 4 years of fishing this remote part of the coast we found the Wilson Creek to Klamath River area to have the largest sustainable population of Black Rockfish and best weather due to its bay like characteristics and fish this area 90% of the season.

Since we fish using the most sustainable means possible by using only hand lines with single hooks, gear loss and bycatch are relatively nonexistent.

Wilson Creek due to it's close proximity to the Crescent City harbor, with it's micro climate with lighter winds and protected waters that we can fish here safely on otherwise so called "unfishable days".

We fish this area between late March and early November when the bulk of the transient Black rockfish migrate to this area to feed and utilize the relatively warmer water (upper 50's) allowing them quicker reflexes to capture bait.

This area however is void of most fish during the winter months Dec-Feb when river flows and high swells invade the area lowering the salinity levels and adding high amounts of silt to the water creating an inhospitable environment for the migrating fish.

This area produces 80-90% of all Black Rockfish that I land during the season accounting for roughly \$50,000 annually. The proposed closing of this area would remove that income from me



causing financial hardship for my family and the families of my deckhands and force me to fish smaller areas that have a more non target nearshore and shelf species, due to my permit being “deeper nearshore only” most of these species would become bycatch, costing more time and effort with less of correct species being landed.

Thank you for your time,  
Captain Joe Stoops