

# Point Buchon

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Petition submitted by the  
Santa Ynez Band of Chumash Indians  
2023-20MPA



10/10/2023; Map Designed by Sophie Wilhoit; Tribal Marine Stewards Network; Base map by Esri



# The Petition

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NOT A NEW MPA – a request for adjustments to existing, no affect to existing fishing

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To ensure 30% of California's waters are fully protected by 2030

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To foster tribal engagement and co-management

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Adjust the northern boundary changes recommended by the MPA Collaborative Network's Regulatory Recommendation (Row 104, Column E)

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Tribal take exemption for Santa Ynez Band

# Background



It is in the state waters directly north of the Chumash Heritage National Marine Sanctuary, which is subject to a co-stewardship agreement with NOAA



Culturally important to the Tribe historically and currently



This is deep, rough water but it is also more nutrient rich and important fish transit through this area

# CDFW Evaluation Framework

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- Already an MPA, so bar here should be low
- Meets several specific criteria in framework
- Meets goals of Master Plan
- Meets numerous state law goals and directives as well as EO B-10-11 and EN N-82-20, among others
- = not a traditional petition, but one that checks many other boxes

# Some questions that have been posed on tribal take and Tribally led MPAs

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1. Can you reconcile an aboriginal right to fish and the California State Constitutional right to fish?

An aboriginal right to fish is from federal law based on “long term use and occupancy”

CA right is from state law (but agencies set seasons and conditions)

Supremacy Clause

2. Nature of tribal take

Not a racial classification

Article 1, Section 8 of Constitution; Tribes are governments; a political classification

Requires Tribe to issue ID; enrollment and IDs determined as a matter of tribal law

3. How does Free Prior and Informed Consent (FPIC) apply?

FPIC doctrine provides that *Indigenous Peoples* may grant or withhold permission for projects affecting their lands, territories, and resources. It mandates that consent be given freely, without coercion, before activities start, based on full information