

**Marine Life Protection Act Initiative  
Public Comments Submitted  
through November 3, 2010**

**From:** Jeanine Pfeiffer  
**Sent:** Friday, October 29, 2010 10:14 AM  
**To:** MLPAComments  
**Cc:** Megan Rocha  
**Subject:** Copy of comments read at the October 25, 2010 BRTF Meeting

Good evening. My name is Dr. Jeanine Pfeiffer and I am an ethnoecologist with UC Davis. I've been contracted by the County of Mendocino, together with Jim Martin, as the MPLA Program Outreach Team since the process began in our county, and more recently by the Yurok Tribe in response to the Science Advisory Team's refusal to adequately answer three questions relating to Native Harvesting, noting rightly that the SAT did not have the necessary expertise to answer those questions.

Following on Assemblyman Wes Chesbro's and Noreen Evan's comments, and the comments of hundreds of other constituents in previous meetings, what I say here – within an extremely abbreviated time limit – relate to a paper we – myself, Megan Rocha, Bob McConnell, and the Yurok Tribe, wrote to address the lack of a formal evaluation of historical impacts on marine resources by tribes and tribal communities, the lack of any studies on how proposed MPAs may affect traditional tribal uses, the refusal to take into consideration tribal conservation practices which would revise the assessed level of protection for culturally important species to the tribe, and the continued lack of recognition of tribes and tribal communities as unique and sovereign entities.

The Yurok Tribe contracted their own scientific study, a 27-page paper entitled "Yurok Native Science, Harvesting, and Conservation," which will be emailed to the BRTF, will be available as a hard copy in tomorrow's meetings, and is available by request. This paper both addresses deficiencies in the MLPAI process, and looks beyond the confines of this process.

The findings are as follows:

- Native peoples have sustainably harvested and conserved coastal and marine resources, including mammals, fish, shellfish, and seaweed, for at least 7500 – 10,000 years.
- Native harvesting, drawing from spiritual traditions that hold the natural world to be sacred, and supported by a constellation of stewardship traditions that conserve species *in situ*, is less impactful and more beneficial to ecosystems than any other extractive activity along the coast, including the establishment of marine protected areas.
- Allowing the continuation of traditional uses and harvesting practices of culturally important species and habitats does not equate with a low level of protection for those species as has been inferred by the SAT analysis.
- Marine Protected Areas that deprive tribes and tribal communities of continued access to resources that sustain them spiritually, culturally, and physically, go against the United Nations 2007 Declaration for the Rights of Indigenous Peoples

which states:

Article 8: “Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.”

“States shall provide effective mechanisms for prevention of, and redress for: any action which has the aim or effect of dispossessing them of their lands, territories or resources.

Article 11: “Indigenous peoples have the right to practise and revitalize their cultural traditions and customs.”

Article 24: “Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals.

Co-management of coastal and marine resources with local, traditional, and indigenous peoples, including the establishment, oversight, and monitoring of marine protected areas, is successfully practiced across the world, including the United States. We have a tremendously promising opportunity here on the North Coast to enact co-management and adaptive management, something North Coast constituents have been advocating since the beginning of this process.

Joint stewardship within Yurok Ancestral Territories, in the form of co-management programs for coastal and marine resources would serve to conserve, restore, and revitalize both biological and cultural diversity. We propose a system that combines western scientific knowledge and traditional ecological and cultural knowledge for improved resource management and effectiveness of MPAs within an inclusionary, consensus-based approach that includes the sharing of decision-making power.

Thank you for your consideration of these comments and the associated paper.