

**Marine Life Protection Act Initiative
Public Comments Submitted
through November 17, 2010**



Wilderness Unlimited - 22425 Meekland Ave., Hayward, CA 94541

November 16, 2010

MLPA North Coast

Master Plan Science Advisory Team (SAT) meeting

Attn: Mr. Ken Wiseman
Science Advisory Team
MLPA-I Team
Regional Stakeholders
Blue Ribbon Task Force

To whom it may concern:

The purpose of the letter is to request that the SAT review the proposed Vizcaino SMCA's boundaries or include a 1000' access ribbon to the existing SMCA based on the following:

The north coast's UNIFIED MLPA proposal that was proposed by the NCRSG and supported by the BRTF at the October 25 and 26 meetings did have legitimate objections raised regarding the Soper's Company's DeVillbiss Ranch. The DeVillbiss Ranch shoreline in fact comprises the entire length of the proposed Vizcaino SMCA. Wilderness Unlimited has managed the renewable recreational resources on the ranch for many years.

At the BRTF meeting, it was stated by a north coast resident that the property in question is managed by an outsider group, "they are not from here, a rich man's group". The opposite couldn't be truer. Both Wilderness Unlimited and Soper Company, being small companies do/did not have the resources to attend the many stakeholders meetings. Both did participate, unsuccessfully via the public comment process.

Please review the prior posted documents by Soper Company, Wilderness Unlimited and others regarding the conservation program already in place that has kept this area pristine to date.

Since the North Coast MPA plan was supported by the BRTF even though the required LOP's are less than originally planned. (Rough water, rugged coastline etc.) It seems reasonable that the SAT could step in and correct a wrong and support an adjustment of the proposed south boundary of the Vizcaino SMCA north approximately 2 miles to Soldier Frank Point (39 45' 25.00). This would be the proposed south boundary that was represented by the Sapphire 2 plan from the Round 2 that was rejected at the last second.

The resulting LOP would be adequate as far as the rest of the MLPA is concerned and would still encompass approximately 9 square miles. This would allow for the long-standing Soper/Wilderness Unlimited conservation program to continue. In addition, the prior stated socio economic ramifications of closing the DeVillbiss ocean access might not have been considered.

Under the precedence of the lower LOP's that are being supported in the north coast MLP in general; it only makes sense to enact this change.

Respectfully,

WILDERNESS UNLIMITED

Rick Copeland

Rick Copeland, President

22425 Meekland Ave.

Hayward, CA 94541

510-785-4868

www.wildernessunlimited.com

From: Loretta Vanzetti
Sent: Wednesday, November 17, 2010 8:52 AM
To: MLPACComments
Subject: Call in comments by Chris West for Nov 17 meeting

Copy of call in comments for MLPA meeting of November 17, 2010

Loretta Vanzetti
Legal Secretary

Yurok Tribe
Office of the Tribal Attorney

... ^ _ . . > < ((((° > ` ^ _ > < ((((° > ... ^ _ . . > < ((((° >

190 Klamath Blvd.
P.O. Box 1027
Klamath, CA 95548
(707) 482-1350, ext. 389
Fax: (707) 482-1363

lvanzetti@yuroktribe.nsn.us

PRIVILEGED AND CONFIDENTIAL COMMUNICATION This Messages is intended for only the individual(s) to whom it was addressed and may contain Privileged and Confidential Communications. If the recipient is not the intended recipient you are hereby notified that any distribution, dissemination, copying or storing of this message by any means is strictly prohibited. You are further notified that this message should be immediately deleted.

Good morning. My name is Chris West and I am the Senior Wildlife Biologist with the Yurok Tribe. I graduated with a bachelor's degree in Biology from UC Santa Cruz in 1997 and completed my master's work at Humboldt State University in 2009. I was initially hired by the Tribe to head up their new Wildlife Program with an emphasis on terrestrial wildlife and a specific focus on investigating the feasibility of reintroducing California condors to Yurok Ancestral Territory in the lower Klamath Basin. I have been working with California condor management and research since 1999.

- The research needs of the project are diverse, but one major focus relates to organochlorine pesticides remaining in marine resources likely to be accessible to condors. Due to the lipophilic nature of these compounds we are focusing our investigations on marine mammals which may store organochlorines for decades in blubber.
- The first analyses of collected cetacean blubber are currently being undertaken as part of a collaborative effort between Humboldt State University, the National Oceanic and Atmospheric Administration, and the Yurok Tribe.
- Pinniped studies are part of a large collaborative effort including the Ventana Wildlife Society, the U.S. Fish and Wildlife Service, the Bodega Bay Institute, UC Santa Cruz, the Marine Mammal Society, Moss Landing Marine Laboratory, and the Yurok Tribe.
- Joint work between the Moss Landing Marine Laboratory and the Yurok Tribe, with laboratory analyses performed by the Institute for Integrated Research on Materials Environment and Society at California State Long Beach, has so far revealed that localized contaminant signals observed in harbor seals from the Humboldt region are far lower than those observed in central and southern portions of the California coast.
- Additional studies focus on the use avian scavenger surrogates to investigate blood contaminant levels in Northern California. Collaborative work with Michigan State University investigated whether turkey vultures feeding in coastal areas had higher levels of organochlorines than inland birds due to potential foraging on marine mammals. Levels of organochlorines in all vultures in Northern California were below detection limits in all but one case.
- Additional California condor related work, in collaboration with researchers at Stanford University, has been completed relating to clarifying the diet of historic condor populations in the Pacific Northwest. This work was required to better understand the relative contributions of marine and terrestrial resources being used by the birds. Although only two individuals, both collected in the Kneeland area in the late 1800's were sampled, it brought the total sample up to three individuals that have been analyzed using carbon and nitrogen in a stable isotope analysis technique.
- I look forward to the opportunity to work with you in the future.
- Chris West, Yurok Tribe

From: Loretta Vanzetti
Sent: Wednesday, November 17, 2010 8:51 AM
To: MLPACComments
Subject: Call in comments by Hans Voight for Nov 17 meeting

Copy of call in comments for MLPA meeting of November 17, 2010

Loretta Vanzetti
Legal Secretary

Yurok Tribe
Office of the Tribal Attorney

... ^-` .><(((°>` ^-` ><(((°> ... ^-` . . ><(((°>

190 Klamath Blvd.
P.O. Box 1027
Klamath, CA 95548
(707) 482-1350, ext. 389
Fax: (707) 482-1363

lvanzetti@yuroktribe.nsn.us

PRIVILEGED AND CONFIDENTIAL COMMUNICATION This Messages is intended for only the individual(s) to whom it was addressed and may contain Privileged and Confidential Communications. If the recipient is not the intended recipient you are hereby notified that any distribution, dissemination, copying or storing of this message by any means is strictly prohibited. You are further notified that this message should be immediately deleted.

Hans Voight's bullet points for MLPA call in

- Hello my name is Hans Voight and I'm a Fisheries Biologist with 15 years experience in the north coastal counties of Humboldt and Del Norte, California. I graduated from Humboldt State University (B.S., Biology, 1995) and also completed graduate fisheries work at Humboldt State.
- I conducted a scientific literature review and identified various biological assumptions utilized by the MLPA Master Plan Science Advisory Team (SAT) that are problematic when applied to north coast mussel populations thus providing evidence why the proposed LOP lacks credibility/validity.

Key findings include:

- Disturbance is a main force driving intertidal community structure;
- Removal of biogenic habitat does not necessarily reduce biodiversity versus an unharvested area;
- There is an inherent background variability of age/size structure between mussel beds in both harvested and unharvested areas;
- Proposed LOPs recreational use estimates need to be reassessed to account for frequency and magnitude of human visitation;
- Frequency of bad weather events is significantly higher near Crescent City, California than San Diego, California and negatively affects annual fishing and shell fish opportunities relative to south and central coasts of California;
- Other MLPA type approaches have not shown statistical differences of species diversity between harvested and unharvested mussels areas.
- And I am looking forward to the opportunity to present in the future.

From: Loretta Vanzetti
Sent: Wednesday, November 17, 2010 8:51 AM
To: MLPACComments
Subject: Call in comments by Jeniine Pfeiffer for Nov 17 meeting

Copy of call in comments for MLPA meeting of November 17, 2010

Loretta Vanzetti
Legal Secretary

Yurok Tribe
Office of the Tribal Attorney

...><(((o>`...><(((o> ...><(((o>

190 Klamath Blvd.
P.O. Box 1027
Klamath, CA 95548
(707) 482-1350, ext. 389
Fax: (707) 482-1363

lvanzetti@yuroktribe.nsn.us

PRIVILEGED AND CONFIDENTIAL COMMUNICATION This Messages is intended for only the individual(s) to whom it was addressed and may contain Privileged and Confidential Communications. If the recipient is not the intended recipient you are hereby notified that any distribution, dissemination, copying or storing of this message by any means is strictly prohibited. You are further notified that this message should be immediately deleted.

Jeanine Pfeiffer 's bullet points for MLPA call in:

Within any planning processes, policy decisions and scientific research pertaining to ancestral tribal territories and tribal interests, the Yurok Tribe expects:

To be considered as equal partners and co-managers.

To have our cultural rights, values, and traditions retained and protected.

To maintain access to our ancestral territories and resources.

To have tribal knowledge, expertise, and data respected and incorporated.

We encourage all agencies to adhere to the principles outlined in the United Nations 2007 Declaration of the Rights of Indigenous Peoples and international agreements regarding ethical standards in research involving indigenous peoples, including (among others) the: Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples (New Zealand 1993), Charter of the Indigenous Peoples of the Tropical Forests (Malaysia 1993), the American Anthropological Association Code of Ethics (United States, 1998), and the International Society of Ethnobiology Code of Ethics (Thailand, 2005).

From: Loretta Vanzetti
Sent: Wednesday, November 17, 2010 8:51 AM
To: MLPAComments
Subject: Call in comments by Suzanne Fluharty for Nov 17 meeting

Copy of call in comments for MLPA meeting of November 17, 2010

Loretta Vanzetti
Legal Secretary

Yurok Tribe
Office of the Tribal Attorney

... ^ _ . . > < ((((° > ` ^ _ > < ((((° > ... ^ _ . . > < ((((° >

190 Klamath Blvd.
P.O. Box 1027
Klamath, CA 95548
(707) 482-1350, ext. 389
Fax: (707) 482-1363

lvanzetti@yuroktribe.nsn.us

PRIVILEGED AND CONFIDENTIAL COMMUNICATION This Messages is intended for only the individual(s) to whom it was addressed and may contain Privileged and Confidential Communications. If the recipient is not the intended recipient you are hereby notified that any distribution, dissemination, copying or storing of this message by any means is strictly prohibited. You are further notified that this message should be immediately deleted.

Suzanne Fluharty's bullet points for MLPA Call in

- Greetings, I'm Dr. Suzanne Fluharty, currently an Environmental Specialist with the Yurok Tribe's Environmental Program and Project Field Manager responsible for the aquatic toxicology reporting for a US EPA STAR Grant awarded to the Tribe. I am coordinating the research, field sampling, and analysis to meet the Tribe's EPA peer reviewed quality assurance standards as well as those of the California Department of Fish and Game, Fish and Wildlife Water Pollution Control Laboratory; California State University Marine Pollution Studies Lab at Moss Landing; and the California Tribal Epidemiology Center.
- I received my PhD in Environmental Sciences from Oregon State University and have been working with natural resource issues with various Native American Tribes along Oregon's and California's Pacific Coast for over ten years.
- It's standard, accepted quality assurance protocol for any scientific studies and modeling that both adequate and accurate data is necessary to insure consistency, comparability, and representativeness of the data.
- In order to achieve this, the most current and highest resolution (or most local) data is sought. This generates robust scientific results and insures the integrity of any findings.
- The best science should not knowingly exclude current, accurate, and available data.
- I and other Yurok Tribal Staff have offered and been denied the opportunity to share current, ground truthed information on various species found within Yurok Ancestral Territory, including data collected under both strict USEPA and Department of Fish and Game standards.
- I look forward to working with you individually, as scientists, or as a group in the near future.

From: Loretta Vanzetti
Sent: Wednesday, November 17, 2010 11:18 AM
To: MLPAComments
Subject: Robert Tennyson comments for MLPA call in

Copy of call in comments for MLPA meeting of November 17, 2010

Loretta Vanzetti
Legal Secretary

Yurok Tribe
Office of the Tribal Attorney

... ^-` .><(((°>` ^-` ><(((°> ... ^-` . . ><(((°>

190 Klamath Blvd.
P.O. Box 1027
Klamath, CA 95548
(707) 482-1350, ext. 389
Fax: (707) 482-1363

lvanzetti@yuroktribe.nsn.us

PRIVILEGED AND CONFIDENTIAL COMMUNICATION This Messages is intended for only the individual(s) to whom it was addressed and may contain Privileged and Confidential Communications. If the recipient is not the intended recipient you are hereby notified that any distribution, dissemination, copying or storing of this message by any means is strictly prohibited. You are further notified that this message should be immediately deleted.

Robert Tennyson comments for November 17, 2010

Greetings, my name is Robert Tennyson. I am a PhD in Jurisprudence and Social Policy from the University of California, Berkeley. I am currently a visiting scholar at the Center for the Study of Law & Society at the University of California, Berkeley. In the winter, I will begin assisting the Yurok Tribe as a staff attorney for the Tribe.

First, I want to commend the SAT its hard work and the attempt to create a panel that gives objective, independent and unbiased advice. It is difficult to create an administrative process that doesn't devolve into battles between competing experts and this is a step forward in the right direction.

At the same time, the structure of the MLPA initiative creates a temptation to disregard all outside work as inherently biased or subjective. I suspect that this temptation has taken hold, specifically with regard to the scientific research carried out by the Yurok Tribe.

I would like to recommend the scientific studies undertaken by the Yurok Tribe for consideration by the committee. The Tribe regularly conducts objective, unbiased scientific studies related to natural resources use on its lands and sets its policy based upon the results of that research. Moreover, the interest of the Tribe in sustainable use matches that of the MLPA initiative. It is therefore appropriate, I believe, to consider those studies the collaborative work of crafting policy.

On a separate matter, I was wondering when members of the SAT and its staff received and had an opportunity to review the enhanced proposal? From an external perspective, these materials were only posted this morning and we've hardly had a chance to review them. I would like some sense of the internal action on the proposal.

Thanks again for you work.