

BLUE LAKE RANCHERIA

P.O. Box 428  
Blue Lake, CA 95525-0428



[www.bluelakerancheria-nsn.gov](http://www.bluelakerancheria-nsn.gov)

(707) 668-5101 Phone

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APR 11 2012

COMMISSION MEETING

AGENDA ITEM 2 A + B  
*Janet Eidsness*

**Memorandum**

Date: July 1, 2010

To: MLPA Initiative and California Department of Fish & Game Staff

From: Claudia Brundin, Chair, Blue Lake Rancheria Tribe

Re: Marine Life Protection Act, Tribal Consultation Authority for Blue Lake Rancheria

This letter confirms the authority given to our appointed Tribal Heritage Preservation Officer (THPO), Janet P. Eidsness, to consult and speak on behalf of the Blue Lake Rancheria regarding the MLPA.





# Wiyot Tribe

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COMMISSION MEETING  
AGENDA ITEM 210

Jahet E. Idness

April 10, 2012

Sonke Mastrup, Executive Director  
California Fish and Game Commission  
PO Box 944209  
Sacramento, CA 94244-2090

Re: Wiyot Tribal Council support for State Fish & Game Commission to recognize aboriginal rights of Blue Lake Rancheria Tribal Citizens to take living marine resources in proposed Samoa State Marine Conservation Area (SMCA), per proposed regulations for the Marine Life Protection Act (MLPA), North Coast Study Region Draft Environmental Impact Report (DEIR)

The Wiyot Tribal Council hereby expresses its support for the Blue Lake Rancheria to be recognized and identified by the California Fish & Game Commission as a federally recognized tribe, along with the Wiyot Tribe, whose citizens may take living marine resources pursuant to the regulations proposed for the proposed Samoa SMCA as described in the subject MLPA DEIR at Table 2-1, page 2-20.

Both Wiyot and Blue Lake Rancheria Tribal Citizens have a strong connection and history of practicing traditional Indian fishing and harvesting of certain marine resources located within the proposed Samoa SMCA. The citizens of both Tribes should be expressly included in the regulations recognizing their sovereign rights with the proposed Samoa SMCA.

X-1

Sincerely,

Brian Mead  
Vice-Chair, Wiyot Tribe



## Comment Letter X – Eidsness, Janet

### Response to Comment X-1

These comments raise complex issues of law and policy and do not address the sufficiency of the EIR. As a matter of law, the MLPA cannot interfere with any tribal right that has been conferred by the federal government. No further response on this topic is warranted.

In addition, this comment contains statements related to proposed MPA regulations and/or regulatory sub-options under consideration by the Commission as part of its current rulemaking process conducted pursuant to the APA. See *Response to Comment A1-6*.

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2A



BOARD OF SUPERVISORS

## COUNTY OF HUMBOLDT

825 5<sup>TH</sup> STREET

EUREKA, CALIFORNIA 95501-1153 PHONE (707) 476-2390 FAX (707) 445-7299

April 3, 2012

Daniel Richards, President  
California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

Dear President Richards,

The Humboldt County Board of Supervisors would like to reaffirm its support for the North Coast Study Regions Unified Array. A very diverse group of Stakeholders came together to generate a Marine Protected Area proposal for Northern California. The Regional Stakeholder Group (RSG) and the Blue Ribbon Task Force have recommended adoption of that document. The Humboldt County Board of Supervisors supported that array earlier in the process.

The Board is respectfully requesting that the same array be adopted by the Commission without deviation. We appreciate the opportunity to comment on this important subject.

Sincerely,

Virginia Bass, Chair  
Humboldt County Board of Supervisors

VB:kh

cc: Senator Noreen Evans  
Assemblyman Wes Chesbro  
Humboldt Bay Harbor Recreation and Conservation District

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COMMISSION

MLS

Y-1

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## Comment Letter Y – Bass, Virginia

### Response to Comment Y-1

Comment noted. The DEIR including a description of the proposed regulations was circulated to solicit public comments regarding the sufficiency of the related environmental analysis. Comments expressing a policy preference are noted and will be considered by the Commission as they contemplate final action.

No changes to the DEIR are necessary.

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April 10, 2012

Sonke Mastrup, Executive Director  
California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

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COMMISSION MEETING  
AGENDA ITEM 2  
*Brandi Easter*

**RE: MLPA North Coast Initial Statement of Reasons for Regulatory Action**

Dear Mr. Mastrup,

As you know, local stakeholders on the North Coast worked tirelessly to develop a proposed marine protected area network in accordance with the Marine Life Protection Act. The substantial effort and subsequent accomplishment of the North Coast Regional Stakeholder Group (NCRSG) to achieve consensus on a single MPA network design was a major accomplishment supported by both conservation and fishing organizations, city and county governing agencies, harbor districts, our state elected officials and the Blue Ribbon Task Force, among others. We are gratified to see that the California Fish and Game Commission has honored this effort by making it the "Proposed Regulation" in its Initial Statement of Reasons (ISOR).

As a result of its June 29<sup>th</sup> 2011 meeting, the Commission now has regulatory sub-options for eight of the marine protected areas (MPAs) in its Proposed Regulation. Many of these are based on perceived ease of enforcement. However, the differences between sub-options are not trivial. Each MPA boundary and regulation was carefully considered – and often debated at length – by the NCRSG and what may appear as minor differences on a map can have major consequences to affected communities. For this reason, we ask that you retain the NCRSG designations, boundaries, levels of take and coordinates from the Proposed Regulation for all suboptions.

This widely supported network design represents numerous compromises and considerations regarding ecological and socio-economic issues. We believe keeping the boundaries and regulations as recommended by the stakeholders is the best way to ensure compliance and a positive relationship between ocean users and the Department of Fish and Game (DFG). Additionally, placement of boundaries stemmed greatly from local knowledge provided by the people who best know the coast and were designed for ease of understanding. Shifting a boundary from a latitude to an onshore landmark, for example, is less than useful when more fishermen rely on GPS than an often-foggy coastline. Each recommendation is based on user experience and DFG guidance.

The tribal use provisions of the proposed regulation are the result of widespread community support for formal State recognition and protection of North Coast tribes' traditional marine uses, and the recognition that traditional subsistence, ceremonial and stewardship practices are inextricably linked to the tribes' spiritual and cultural ways of life. We support future collaborations between North Coast tribes and the California Department of Fish and Game and the Fish and Game Commission to develop ways for preventing negative impacts to tribal traditional gathering practices.

Z-1

Z-2

We also note that with respect to recent DFG “revisioning,” this proposal creates great potential for DFG to establish collaborative relationships with other agencies including harbor districts and North Coast tribes. For all these reasons, we strongly encourage you to continue supporting the recommendations of the NCRSG as put forth by the BRTF and adopt the Proposed Regulation as designed by the stakeholder group. Thank you again for your ongoing support.

Sincerely,

Jennifer Savage, Ocean Conservancy, RSG  
Greg Dale, Coast Seafoods, RSG  
Bill Lemos, Natural Resources Defense Council, RSG  
Brandi Easter, Recreational Divers, RSG  
Zack Larson, Del Norte County MLPA Coordinator, RSG  
Adam Wagschal, former Conservation Director, Humboldt Bay Harbor, Recreation and Conservation District, RSG  
Dave Wright, recreational fisherman, RSG  
Tim Klassen, Humboldt Area Saltwater Anglers, RSG  
Rich Young, Crescent City Harbor District, RSG  
Charlie Notthoff, RSG  
Aaron Newman, RSG  
Larry Knowles, RSG  
Kevin McGrath, RSG  
Ben Doane, RSG  
Ben Henthorne III, RSG  
Dave Jensen, RSG  
Tom Trumper, RSG  
Beth Werner, Humboldt Baykeeper  
Humboldt Fishermen’s Marketing Association  
John and Michelle Collins, Patricks Point Charters  
Mendocino Abalone Watch  
David Tyson, City Manager, City of Eureka  
Central California Council of Dive Clubs (CenCal)  
Underwater Society of America (USOA)  
North Coast Fishing Association Sonoma County Abalone Network (SCAN)  
Humboldt Skindivers Dive Club Saltwater Revival Dive Club  
Waterman's Alliance Sonoma  
Aqua Tutus Dive Club  
Recreational Fishing Alliance  
Humboldt Bay Harbor, Recreation and Conservation District  
Mendocino Coast Audubon Society  
California Sea Urchin Commission  
Pacific Rim Seafood

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**UNDERWATER SOCIETY OF AMERICA**  
**PO BOX 628, DALY CITY CA 94015**  
**650 583 8492/FAX 650 583 6184**

COMMISSION MEETING  
AGENDA ITEM 2

*Brandi Easter*

**SERVING DIVERS SINCE 1959**

Sonke Mastrup, Executive Director  
California Fish & Game Commission  
PO Box 944209  
Sacramento CA 94244

9 April 2012

Mr. Mastrup and the Commission:

The Stakeholders and local communities worked extremely hard to develop the required marine protected area network for the North Coast. They all spent countless hours, often to the detriment of their lives and businesses. And, amazingly, they achieved consensus on a single design. No other group/area was able to accomplish this feat. Everyone is very, very pleased the Commission made their Plan the Preferred Alternative in the DEIR.

But, there is a catch – proposed options would alter and expand some boundaries. The options are not minor or insignificant and would have major consequences to the local communities. Altering the boundaries to theoretically allow easier enforcement creates major problems, and the options do not consider the time, expertise and knowledge of the local input by local stakeholders and communities. Evaluating and altering from a map ignores the local expertise that was put into the Preferred Alternative.

Z-3

Please do not accept or include any of the proposed options – leave the Plan as designed.

The Underwater Society of America is a national organization of skin and scuba divers. Approximately 1/3 of our membership, including two of the executive committee and several national underwater sports directors, live and dive in California.

Carol Rose

Carol Rose, President

Member:  
USOC

Member:  
DEMA

Member:  
World Underwater Federation

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## Comment Letter Z – Easter, Brandi

### Response to Comments Z-1 through Z-3

Comments noted. The DEIR including a description of the proposed regulations was circulated to solicit public comments regarding the sufficiency of the related environmental analysis. Comments expressing a policy preference are noted and will be considered by the Commission as they contemplate final action. No changes to the DEIR are necessary.