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.
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.

Sincerely,

Brian Mead
Vice-Chair, Wiyot Tribe
3. Responses to Comments

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.
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
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

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 29th 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.
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 Nothoff, 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
Sonke Mastrup, Executive Director
California Fish & Game Commission
PO Box 944209
Sacramento CA 94244

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.

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
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.