February 1, 2010

Marine Life Protection Act Initiative
c/o California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: External Array Proposal for the MLPAI North Coast Study Region

To the MLPA I-Team:

This narrative accompanies the Mendocino Ocean Community Alliance's proposed array; an array that is identical to the Tri-County Working Group, or "North Coast Local Interest" array submitted by Adam Wagschal.

We appreciate receiving analytical feedback on this array from the MLPAI Science Advisory Team regarding the array's ecological merits. Our constituents are particularly concerned about the potential for "effort shift" – i.e., the potential for newly established MPAs to shift harvesting impacts from one area to another, greatly increasing the pressure on marine resources previously subjected to minimal or sustainable harvesting levels.

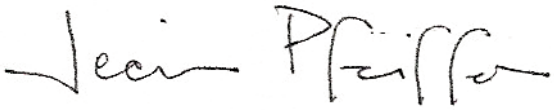
We hope that additional scientific consultancy will be provided to assess the array's potential economic impacts: not simply "up to the dock" (e.g., EcoTrust data), but beyond the dock, as new MPAs will affect our larger business community. On the one hand, well-placed MPAs can provide vital protected habitat for native, rare, endangered, and economically important species. On the other hand, a single MPA could eliminate 80% of our crabbing fleet's fishing grounds; while the placement of a no-take zone within areas historically frequented by thousands of campground (State Park or private) or motel visitors could have a similar impact on our small coastal businesses.

We continue to be concerned about the lack of scientific attention paid to the potential socio-cultural impacts of the MPAs, especially to members of our community with deep, multi-generational ties to the coast and our marine resources. Residents of the North Coast Study Region have a unique and profound relationship to the ocean; a relationship that has not yet been fully recognized or honored by this process.

The unfortunate and costly contentiousness of the MLPAI in the North Coast Study Region (which could have been avoided) has necessitated a proactive approach to building cooperative and trustworthy relationships among different sectors of our community. MPAs that are established, quite literally, have the potential to both positively and negatively impact the lives, livelihoods, cultural identity and businesses of our neighbors, colleagues, friends, and families. In an area such as Mendocino County, this translates into an enormous amount of time spent listening and responding to stakeholders' concerns expressed both privately and publically, and coordinating small, informal gatherings to enable our diverse constituency to listen to each other in non-threatening arenas.

Yet our MOCA meetings and External Array Working Group sessions have served as opportunities for our community to learn from each other: we have heard testimony from sea urchin and abalone divers, salmon fishermen, crabbers, sport fishermen, and seaweed harvesters, and from biologists and kayakers, diving instructors and educators. We have a tremendous wealth of experiential knowledge within our community: knowledge that deserves to play a greater role in this process.

To that end, we look forward to increasing the quality of our interactions with the SAT and the BRTF, and to the newly formed Regional Stakeholders Group as our Region moves through the next stages of the MLPAI process.



Jeanine Pfeiffer, PhD
Mendocino County MLPAI Outreach Program Facilitator

General Approach and Rationale Taken in Developing the MOCA Array

The Mendocino County Community Alliance (MOCA), with a constituency of over 100 members, **is the largest and most diverse community group** formed in response to the MLPA Initiative in the North Coast Study Region (NCSR). Due to demographic and historical reasons, our members' lives, livelihoods, and cultural identities are profoundly connected with our coastal and marine resources: our members include multi-generational Native American tribes, environmentalists, fishermen and processors, seaweed harvesters and processors, city officials, campground owners, divers, kayakers, researchers, biologists, educators, rangers, birders, guides, musicians, nature artists and artisans, beachcombers, and nature-lovers.

Most members of our community wear "multiple hats" and cannot be confined to one label: thus, each MPA proposed in our array takes into account multiple viewpoints and concerns. In Mendocino County, we have conservationists with academic degrees who fish and dive recreationally, business owners who routinely participate in beach and river clean-ups and restoration projects, and seafood providers who pushed for fishing regulations when there were none (e.g., sea urchins and abalone) and actively oppose destructive marine practices (such as offshore drilling). Our residents include a number of both federally-recognized tribes and non-federally recognized tribes, with distinct ancestral relationships with coastal marine resources.

MOCA's approach to developing the array focused on identifying areas that encompassed the highest range of unique habitat types while striving for the lowest potential negative impact to our native wildlife and our native human life. We recognize the importance of maintaining access for visitors, including tourists, students, and scientists. Yet our first priority is to ensure that our proposed MPAs are ecologically and economically viable while being easily monitored and enforced by our community in collaboration with invited scientists, and by designated State and Federal agencies.

The MOCA array was designed over a period of three months (Nov. 09 – Jan. 10) in consultation with our membership and participants in the Tri-County Working Group. **We estimate that over 1000 hours were spent in achieving consensus and hammering out the details** in formal and informal meetings, while our members attended and provided testimony to BRTF and SAT meetings on crucial decisions (e.g., ecologically unique characteristics of the NCSR, proposed bioregional divisions and Levels of Protection), poured over hundreds of pages of MLPAI documentation and relevant scientific articles, shared critical information (based on the first-hand knowledge of our most seasoned fishermen, divers and seaweed harvesters), trained ourselves in MarineMap, ground-truthed the proposed boundaries, solicited input from scientists, Department of Fish and Game personnel and State Park staff, brought in consultants who had participated actively in the South Coast and North Central Coast Study Regions, and critiqued the *Draft Regional Profile for the North Coast Study Region*.

The narrative accompanying our array in Marine Map is most highly developed for seven proposed MPAs located in the area encompassed by Punta Gorda to the North and Pt. Arena to the South. These seven MPAs are contained within the larger Tri-County Working Group, or "North Coast Local Interest" array.

To recognize and honor our Mendocino County Native American tribes, within each of our proposed MPAs we have inserted the following phrase: "*It is not the intention of the array proponents to prohibit traditional native tribal access, harvest, or uses, or to interfere with their sovereignty on their ancestral lands*." **We echo the statement made by the North Coast Tribal Coalition**, as stated below:

"Tribal Indigenous Peoples have inhabited the Pacific North Coast since time immemorial and continue to rely on the coast and the ocean for a variety of customary uses, including but not limited to subsistence harvesting and gathering of marine life; and spiritual, ceremonial and other traditional cultural activities. These uses and activities are undertaken pursuant to aboriginal rights founded in federal law, which the State of California is obligated to respect and protect. As an intrinsic part of the ecosystem, Indigenous Peoples have been and continue to be responsible stewards of the environment. Traditional ecological and cultural knowledge forms

the basis of sustainable management by Indigenous Tribal peoples of the North Coast Region. Due to the nature, methods, and amounts harvested, the take of marine species by Indigenous Peoples is minimal.

Each of the North Coast Tribes is a distinct sovereign nation and each has identified certain areas in the North Coast Region where traditional customary uses and cultural activities are carried out. Furthermore, each federally-recognized Tribal Nation retains a government-to-government relationship with the Federal government. In implementing the MLPA, the Initiative should likewise engage in government-to-government consultations to address Tribal concerns. There are also federal trust responsibilities that are based on the unique legal relationship between the United States and recognized Indian Tribes. In the spirit of these responsibilities, the State of California should ensure that the preferred alternative for MPAs in the North Coast Region contains provisions recognizing and protecting traditional customary and cultural uses of Indigenous Peoples in the areas identified as such by the Tribes. Sustainable harvesting and gathering is a key principle in cultural and ecological preservation, and it is fully consistent with the goals and purposes of the Marine Life Protection Act. Moreover, as Tribes in California have never ceded their aboriginal rights to continue to harvest and gather from the marine environment, the State should recognize those uses and ensure that the regulations adopted as part of the MLPA process do not infringe upon them in any manner, unless expressly authorized by the affected Tribe."

Description of How the Array Meets the MLPA Goals

The relevance of our array to MLPA Goals 1-6 is stated in the information boxes associated with each proposed MPA in MarineMap. We have paid particular attention to enforceability. We are proposing MPAs with:

- exceptionally high ecological habitat representation (*Ten Mile SMR, Pyramid Point SMR*)
- high vertical niche habitat (due to deep marine canyons and rocky shores) and invertebrate diversity (*Punta Gorda SMR, Pt. Cabrillo SMR and SMCA*);
- high importance as breeding and rearing grounds for salmonids, flatfish, surf perch, herring, lampreys, tidewater gobies, gaper clams, and crabs (*Ten Mile Estuary SMR, Navarro River SMR, Humboldt Bay SMRMA*)
- high importance as feeding, nesting, and haul-out habitat for pinnipeds, seabirds, and other waterfowl and coastal wildlife (*Humboldt Bay SMRMA, Eel River SCMA*).

We are particularly enthusiastic about the potential for a side-by-side comparative study of the ecological impacts of excluding sea urchin harvests in areas with low natural predator pressure; this study would involve the proposed Pt. Cabrillo SMR and SMCA, involving an area subject to no sea urchin harvesting for over 35 years.

We are concerned, however, with the lack of recognition of biocultural complexity in the MLPA Master Plan, the lack of adequate social science expertise on the Science Advisory Team, and the apparent lack of socio-cultural analytical methods to be applied in evaluating the MPAs.

Research has demonstrated that biological and cultural diversity are intrinsically connected – as demonstrated by the scientific term *biocultural diversity*. Protecting cultural Heritage is not just about preserving the ability to kayak, photograph, or walk along the beach. The knowledge base, livelihoods, traditions, and cultural identities of coastal communities are tightly interwoven with our coastal and marine resources. Cultural heritage involves deep and long-term relationship sto oceanic resources embodied in the millennia-old cultural practices of Northern California tribes and multi-generational fisheries.

The MLPA treats marine resources as if they were divorced from a cultural context. The MLPA goals do not point to the need for conserving cultural heritage, or to improve the cultural opportunities provided by marine ecosystems. **For all these reasons, our proposed MPAs go beyond the stated MLPA goals, in an attempt to hold the State of California to a higher conservation standard: one that protects both biological and cultural diversity.**

MOCA External Array List of Contributors*

Dirk Ammerman, *sea urchin diver*
Jim Bassler, *commercial nearshore fishing, Salmon Troller's Marketing Association*
Carson Bell, *sea urchin diver*
Craig Bell, *recreational fishing*, *President, Mendocino County Fish & Game Advisory Commission*
Dave Bitts, *commercial fishing*
Adam Bremer, *sea urchin diver*
Autumn Bremer, *sea urchin processor*
Eileen Broderick, *general public*
Bruce Campbell, *manager, Albion River Campground*
Tony Cannia, *commercial fishing*
Mike Carpenter, *sea urchin, Albion Harbor Regional Alliance*
Kevin Collins, *recreational fishing*
T.J. Colvin, *recreational fishing*
Russ Crabtree, *Smith River Rancheria*
Don Cruser, *educator*
Meg Courtney, *Fort Bragg City Council*
Greg Dale, *oyster aquaculture, Coast Seafood Company*
Tomas DiFiore, *seaweed harvester, Albion Harbor Regional Alliance*
Henry "Ben" Doane, *recreational fishing*
Brandi Easter, *recreational diver*
Tom Estes, *commercial crab, groundfish*
Erica Fielder, *environmentalist*, *Rising Tide Sea Vegetables*
Charlotte Flum, *Ocean Protection Council*
Bill Forkner, *commercial fishing*
John Gebers, *Noyo Fishing Center, President, North Coast Fishing Association*
Greg Grantham, *College of the Redwoods, Marine Biology Instructor*
Terry Gross, *Deputy Counsel, County of Mendocino*
Doug Hammerstrom, *Mayor, City of Fort Bragg*
Liz Haapanen, *member of the public*
Frank Hartzell, *reporter, Fort Bragg Advocate-News*
Bill Heil, *Conservation First, Sierra Club*
Benjamin Henthorne, *Hopland Band of Pomo Indians*
Patrick Higgens,
Jacque Hostler, *Trinidad Rancheria*
John Innes, *rec. fishing, North Coast Fishing Association*
Allan Jacobs, *Point Arena recreational fishing, NCC stakeholder*
Robert Jamgochian, *School of Natural Resources (SONAR), Mendocino High School*
Bob Juntz, *sea urchin processor*
Tim Klaussen, *recreational fishing*
Larry Knowles, *Rising Tide Sea Vegetables*
Zack Larson, *Del Norte County Fish and Game Advisory Commission*
William Lemos, *Conservation First, NRDC, Mendocino Abalone Watch, Mendocino Volunteer Fire Dept.*
Christopher Stuart Lloyd, *general public, former sea urchin boat owner*
Charles Lorenz, *recreational abalone diver*
Sonny Maas, *commercial fishing*
Jim Martin, *recreational fishing*
Jim Mastin, *5th District Candidate, Mendocino Board of Supervisors*
Dennis Mayo, *Open Beaches & Trails*
Bernie McDonald, *Conservation First, Ocean Protection Coalition, Sierra Club*
Kevin McGrath, *recreational fishing*
Jere Melo, *Fort Bragg City Council*

(List continued on the following page)

(List continued from the previous page)

Beth Mitchell, *general public*
Pete Nelson, *consultant, Humboldt Bay Harbor Recreation and Conservation District*
Pete Nichols, *Humboldt Baykeeper*
Terry Nieves, *Ocean Harvest Sea Vegetable Company*
Doug Nunn, *School of Natural Resources (SONAR), Mendocino High School*
Bill Osborne, *Reverend of St. Michael's & All Angels Episcopal Church*
Linda Perkins, *Conservation First, Sierra Club*
Jeanine Pfeiffer, *researcher, UC Davis, Society for Conservation Biology*
Ben Platt, *commercial fishing*
Dan Platt, *commercial fishing*
Gabriel Quinn Maroni, *general public*
Megan Rocha, *Yurok Tribe*
Linda Ruffing, *City Manager, Fort Bragg*
Alan Sansano, *NorCal Kayak Fishing Association*
Jennifer Savage, *Ocean Conservancy*
Brian Shaw, *sea urchin diver*
Javier Silva, *Sherwood Valley Rancheria*
Ron Sommer, *recreational fishing*
Lucy Stanley, *Noyo River Indian Community*
Randy Thorton, *charter vessel operator*
Judy Trumper, *sea urchin processor*
Tom Trumper, *sea urchin processor*
Blake Tallman, *Subsurface Progression diveshop owner*
Mark Taylor, *recreational fishing*
Todd VanHerpe, *oyster aquaculture*
Judi Vidaver, *Ocean Protection Coalition*
Milo Vukovitch, *recreational diving*
Adam Wagschal, *Conservation Director, Humboldt Bay Harbor Recreation and Conservation District*
Mary Walsh, *Conservation First, Sierra Club*
Bill Watson, *member of the public*
Beth Werner, *Humboldt Baykeeper*
Dave Wright, *fisheries biologist, kayaker, surfer*
Dan Yoakum, *commercial fishing*
Mike Zamboni, *commercial fishing*

*Note: this list includes persons who actively participated in commenting on our arrays at general MOCA meetings, at External Working Array Group meetings, and/or the Tri-County Working Group meetings. Contact information is not provided on an individual basis, as our contributors as a whole did not feel comfortable with sharing this personal data.

Groups and Associations:

Albion Harbor Regional Alliance
California Fisheries Coalition
California Sea Urchin Commission
College of the Redwoods – Mendocino Branch
Humboldt Area Saltwater Anglers
Mendocino Abalone Watch
Mendocino County Fish and Game Advisory Commission
Northern California Kayak Fishing Association
North Coast Fishing Association
Ocean Protection Coalition
Recreational Fishing Alliance
Salmon Restoration Association
Salmon Trollers Marketing Association
Seaweed Stewardship Alliance
Sonoma County Abalone Network
Students for Environmental Action (SEA), School of Natural Resources, Mendocino High School