

Key Outcomes Memorandum

Date: March 8, 2010

To: Members, MLPA North Coast Regional Stakeholder Group (NCRSG)

From: Eric Poncelet and Ben Gettleman, Kearns & West

Re: Key Outcomes Memorandum – February 25, 2010 NCRSG Meeting

cc: MLPA Initiative staff, California Department of Fish and Game staff, and California Department of Parks and Recreation staff (collectively known as the I-Team)

On February 25, 2010, the NCRSG participated remotely in a webinar/teleconference meeting. This *Key Outcomes Memorandum* summarizes the meeting's main results.

I. Meeting Objectives, Participants and Materials

The primary objectives of the meeting were to:

1. Outline the process for developing NCRSG process recommendations to the BRTF
2. Introduce, discuss, revise as appropriate, and confirm the proposed NCRSG process recommendation to the BRTF regarding tribal uses
3. Outline the next steps to complete the voting process

Twenty-six NCRSG members participated in the meeting.

MLPA Blue Ribbon Task Force (BRTF) members Meg Caldwell and Greg Schem observed the meeting.

MLPA Initiative, California Department of Parks and Recreation (State Parks), and California Department of Fish and Game (DFG) staff – collectively known as the “I-Team” – staffed the meeting.

Meeting materials may be found on the MLPA website at:

http://www.dfg.ca.gov/mlpa/meeting_022510.asp

II. Key Outcomes

A. Discussion of Memorandum Summarizing Legal Guidance from the California Department of Fish and Game and California Fish and Game Commission Staff, February 19, 2010

NCRSG members and I-Team staff discussed the February 19, 2010 memorandum summarizing anticipated legal guidance from the California Department of Fish and Game

(DFG) and California Fish and Game Commission staff regarding how California tribal and tribal community marine resource uses should be addressed in the MLPA Initiative process.

Key themes expressed by NCRSG members during their discussion included the following:

- NCRSG tribal and tribal community representatives, and other NCRSG members, expressed a general feeling of disappointment – though not great surprise – with the anticipated guidance outlined in the memo.
- NCRSG tribal and tribal community representatives stated that California tribes and tribal communities will need more time to develop an agreed-upon statement about tribal uses of marine resources. The statement will need to be discussed and approved by each of the tribal councils and governing bodies, and this cannot happen in time for the next BRTF meeting (March 1-2, 2010).
- Several NCRSG members stated that it will be difficult for the NCRSG to proceed effectively with its work without clear guidance of how tribal uses of marine resources will be considered in the MPA planning process.
- There was strong support for tribal perspectives to be heard in BRTF discussions about tribal uses of marine resources, and a desire for direct dialogue between tribal representatives and the BRTF regarding this matter.
- Several NCRSG members stated that the issue of tribal rights – including tribal uses of marine resources – needs to be addressed outside of the MLPA framework.
- There was a general concern that the views of all affected California tribes and tribal communities be considered in the development of the guidance.

B. Text for NCRSG Recommendation to the BRTF

NCRSG members discussed and revised the draft text for the proposed NCRSG recommendation to the BRTF regarding tribal and tribal community marine resource uses. NCRSG members agreed upon the following final text for the proposed recommendation:

The NCRSG promotes the following to the BRTF:

1. *The NCRSG recognizes that California tribes and tribal communities are inadequately dealt with in the MLPA framework, including the Master Plan;*
2. *That the NCRSG requires policy guidance on how to address this issue and that without such guidance, the NCRSG is unable to properly discharge its function and runs the risk of developing proposals that are less than robust;*
3. *That the MLPA Initiative shall appropriately acknowledge that California tribes and tribal communities have aboriginal rights to take marine resources and to use and manage coastal areas for traditional subsistence, cultural, religious, ceremonial, and other customary purposes. The tribal coalition will provide draft language to the NCRSG, BRTF, and SAT.*
4. *The NCRSG suggests establishing a separate tribal advisory group to the BRTF consisting of BRTF members, policy officials from DFG / Natural Resources Agency, appropriate federal agencies, and California tribes and tribal communities (at a minimum the NCRSG representatives) for the purposes of developing appropriate policy guidance to the NCRSG and to the CA Fish and Game Commission, and with a view toward amending the Master Plan.*

C. NCRSG Vote on Recommendation to the BRTF

Following the meeting, the proposed language was electronically sent to the NCRSG. NCRSG members were given three days to review the materials and submit their votes on the proposed recommendation directly to the facilitation team by email or phone. NCRSG members were asked to vote on whether they support (i.e., “can live with”) the proposed NCRSG recommendation to the BRTF. The preliminary results of the vote were reported at the March 1, 2010, BRTF meeting.¹

The final results of the vote are as follows (includes votes from all 34 NCRSG members):

Yes	28
No	3
Abstain	3

D. Next Steps

The next NCRSG meeting is scheduled to take place on March 24-25, 2010 in Crescent City.

¹ The preliminary voting results reported to the BRTF were as follow: yes-25, no-3, abstain-1, votes not yet received-5.