

STAFF SUMMARY FOR JUNE 10-11, 2015

2. TRIBAL COMMITTEE**Today's Item****Information** **Action**

Receive and discuss results of the Tribal Committee (TC) meeting held June 9, 2015.

Summary of Previous/Future Actions

- TC tribal take (TT) discussion April 7, 2015; Santa Rosa
- **Today's TC TT discussion Jun 9, 2015; Mammoth Lakes**

Background

During FGC's rulemaking process to adopt a network of marine protected areas (MPAs), the issue of impacting traditional gathering by Native American tribes surfaced. In particular, during the north coast study region planning effort, the issue of tribal take of living marine resources was recognized as a traditional use to avoid impacting through the siting and designation of MPAs. FGC exempted take by tribes that could demonstrate traditional use of those resources in MPAs; this exemption did not apply to MPAs designated as "reserves". FGC has received several requests since then from tribes that were not afforded that exemption in other study regions (for example: Exhibits 1-6). TC was asked to explore the more recent requests and provide recommendations to FGC.

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits**

1. Letter from the U.S. Bureau of Indian Affairs regarding tribal take in MPAs by Resighini Rancheria, received Aug 20, 2012
2. Letter from the Pala Tribal Historic Preservation Office regarding tribal use of marine resources, received Mar 13, 2013
3. Letter from Smith River Rancheria to California Department of Fish and Game regarding jurisdiction over coastal waters and marine resources, received Mar 21, 2012
4. Letter from the Sherwood Valley Rancheria regarding tribal use options for MPAs in the north coast study region, received Jun 27, 2011
5. Letter from Cher-Ae Heights Indian Community of the Trinidad Rancheria, regarding consultation about Reading Rock, received Aug 14, 2013
6. Letter from the Wishtoyo Foundation and Ventura Coastkeeper regarding the Chumash co-management proposal for Sequit State Marine Conservation Area, received May 5, 2009
7. TC meeting agenda, June 9, 2015

Motion/Direction (N/A)



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Northern California Agency
1900 Churn Creek Road, Suite 300
Redding, California 96002-0292



2012 AUG 20 PM 2:30
TAKE PRIDE IN AMERICA

MLS

IN REPLY REFER TO:

Executive Direction

AUG 15 2012

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

Dear Mr. Mastrup:

At the request of the Resighini Rancheria, this correspondence is in support of the Tribe's position that the Resighini Rancheria should be identified as eligible for "tribal take" as defined in the California Marine Life Protection Act, Marine Protected Areas.

Resighini Rancheria is a Federally Recognized Tribe comprised of Yurok people, and is aboriginal to the area within the North Coast Study Area. Further, the Resighini Rancheria has been listed on the Department of Interior, Bureau of Indian Affairs, list of Indian Entities Recognized to Receive Services From the Bureau of Indian Affairs, published annually in the Federal Register, since its inception. The original list, Federal Register, Vol. 44, No. 26 – Tuesday, February 6, 1979, Indian Tribal Entities that Have a Government-to-Government Relationship with the United States, lists the Resighini Rancheria as Resighini Rancheria, Coast Indian Community of Yurok Indians, California.

The Northern California Agency is unaware of any Federal Law that grants any state agency the authority to exclude the Resighini Rancheria under the current circumstances.

If there is a question, please contact me, at (530) 246-5141, Ext. 31, or you may write to the above address.

Sincerely,

Dr. Virgil Akins
Superintendent

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax



March 13, 2013

California Fish and Game Commission
PO Box 944209
Sacramento, CA.,
94224-2090

To Whom It May Concern:

The Pala Band of Mission Indians is a federally recognized tribe with members who trace their descent to two bands, the Luiseño and Cupeño. Both of these bands have a documented ethnographic history of using marine resources. They would travel seasonally along the San Luis Rey River to the Pacific to procure fish and conduct subsistence activities.

Sincerely,



Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer



Smith River Rancheria

140 Rowdy Creek Rd, Smith River, CA 95567-9525
Ph: (707) 487-9255 Fax: (707) 487-0930

Kara Brundin Miller
Chairperson

March 21, 2012

Denise Padgett
Vice Chairperson

California Department of Fish and Game
c/o Horizon Water and Environment
P.O. Box 2727
Oakland, CA 94602

Loren Bommelyn
Council Secretary

Re: MLPA North Coast CEQA Comments

Joel Bravo
Treasurer

Dear Horizon:

Marian Lopez
Council Member

The Smith River Rancheria has a long tradition of gathering and harvesting marine resources for cultural and religious purposes and for subsistence. We have always emphasized that Smith River Rancheria inherited and still today possess strong values about the stewardship and conservation of marine resources. The Tolowa Dee-ni' (people) have a strong held belief that they have an ongoing responsibility to be the stewards of their ancestral lands. The use of traditional cultural knowledge empowered tribes to thrive for thousands of years. It is a tribal practice to take only those resources needed in the spirit of respect and reciprocity.

Dr. Joseph
Giovannetti
Council Member

Pyramid Point and Prince Island proposed boundary is a California Coastal National Monument and the jurisdiction is under the Smith River Rancheria Tribal Government. The question of the waters and marine resources has never been fully vetted throughout this MPA process. Rather it has been discarded as one of those unanswered questions to be avoided and continues to be not addressed. Again, in the draft EIR we do not see adequate reference made to this question.

Lenora Hall
Council Member

Russ Crabtree
Tribal
Administrator

The Smith River Rancheria's position is they have full jurisdiction over Prince Island and the surrounding seascape. As stated in the Smith River Rancheria Factual Based Record, that we were given 60 days to complete. As stated in the several Tribal Factual Based Records, "there would be areas of geographical overlap identified among Tribes. Any assertion and claims made by each tribe of their respective ancestral and or aboriginal lands and waters is a matter for tribes to resolve amongst themselves. It is not something for the State to attempt to mandate for tribes". Pyramid Point and Point Saint George is a very valid case and point.

The Department of Fish and Game has placed in several public records that other tribes are authorized to practice customary uses in the ancestral lands and seascape of the Smith River Rancheria. The Smith River Rancheria could certainly make this same point in other North Coast MPA's. As we have stated numerous times, it our strong held belief that this is a question to be decided only by tribes, and should not be broached in any manner by the State of California.

*Waa-saa-ghitlh-'a' Wee-ni Naa-ch'aa-ghitlh-ni
Our Heritage Is Why We Are Strong*

The EIR should be revised to reflect this fact along with any other documents that in our view attempts to undermine the rights of tribes over their ancestral lands and water. Until an Inter-Tribal Agreement is negotiated with Smith River Rancheria and any other federally recognized tribes, it would be premature for the proposed regulations to identify any other tribes as being authorized to fish and gather within the Pyramid Point and Point Saint George proposed SMCAs.

It has been and will continue to be, the position of the Smith River Rancheria that the California Fish and Game has no authority to assert regulatory jurisdiction within the Smith River Rancheria boundaries, including the seascape surrounding Pyramid Point and Point Saint George. The Commission should adhere to the policy of avoidance adopted by the North Coast Regional Stakeholders Group and the Blue Ribbon Taskforce and not make these attempts to circumvent the traditional, historical and sovereign authority of the Smith River Rancheria.

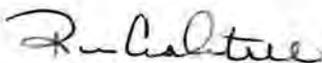
Additional, there should be expanded discussion in the EIR on:

- The Federal nexus and compliance with the National Environment Policy Act;
- The positive impacts of co-management between federally recognized tribes and the Department of Fish and Game;
- Tribal Cultural Impacts;
- Ensure adequate Tribal Consultation and the development of a binding MOU.

Furthermore, it should be noted that the entire North Coast is effectively a traditional cultural property for tribes whom have inhabited this region for millenniums. This proposed project should ensure that it does not set the stage for impacts to the diverse and culturally important traditional tribal uses. The State of California needs tribal support and local buy-in to sustain successful implementation of the Marine Life Protection Act.

Failure to do will only result in adverse effects on the marine environment, which will be coupled with insufficient enforcement capabilities. Such protection capacity can only be provide by the tribes and the local communities.

Sincerely,



Russ Crabtree
Tribal Administrator

Attachments:

SRR, Fish and Game Commission
Cher-Ae Heights Indian Community of the Trinidad Rancheria
Yurok Tribe Correspondence



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548
Phone: 707-482-1350 • Fax: 707-482-1377



February 14, 2012

Russ Crabtree, Tribal Administrator
Smith River Rancheria
140 Rowdy Creek Rd
Smith River, CA 95567-9525

Dear Mr. Crabtree,

It has come to our attention that there is some confusion regarding the Yurok Tribe's intentions in including Pyramid Point and Point St. George State Marine Conservation Areas (SMCAs) in the *Yurok MLPA Marine Plan Factual Record of Use* presented to the Fish and Game Commission September 15, 2011.

The Yurok Tribe in no way intended to assert authority or regulatory jurisdiction over the Pyramid Point or Point St. George State Marine Conservation Areas in our inclusion of information on those sites in our Factual Record. The inclusion of these sites was merely to acknowledge historic Yurok use under traditional, Tolowa authorized inter-Tribal use agreements and allow flexibility for formal Inter-tribal use agreements to be negotiated and authorized by the Smith River Rancheria. The Yurok Tribe respects and defers to the sovereign, federally recognized authority of the Smith River Rancheria to manage use at Pyramid Point and Point St. George State Marine Conservation areas.

As we have discussed throughout the MLPA process it is imperative for us to reach agreement between Tribes regarding traditionally shared or permitted use areas without the State of California's influence or dictation.

The Yurok Tribe appreciates the good working relationship we have with Smith River Rancheria and hopes to continue to work together in order to protect our inalienable sovereign right to traditionally fishing and gathering for generations to come.

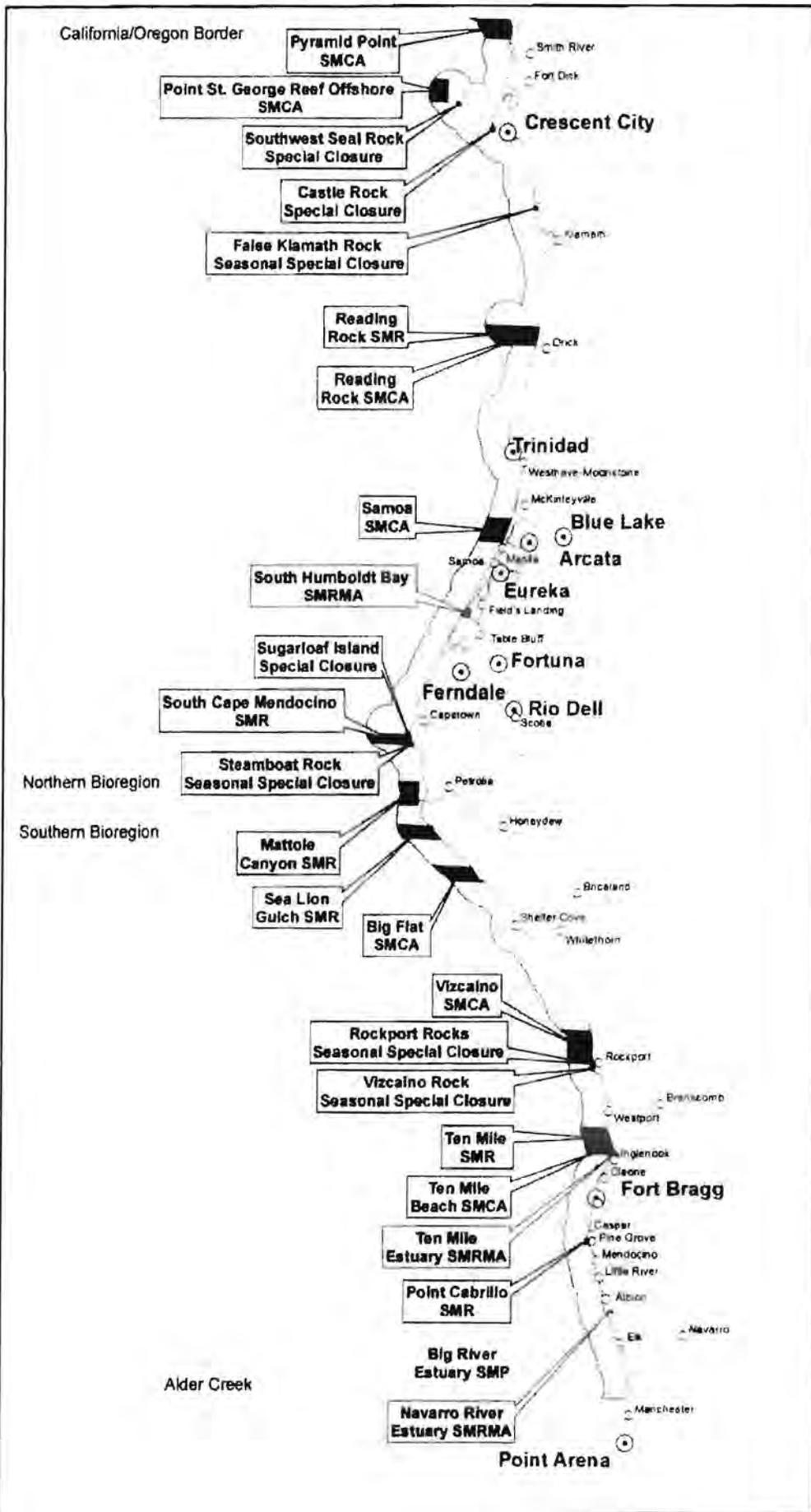
Sincerely,



2-14-12

Thomas O'Rourke
Chairman Yurok Tribe

CC: Sonke Mastrup, Director Fish and Game Commission

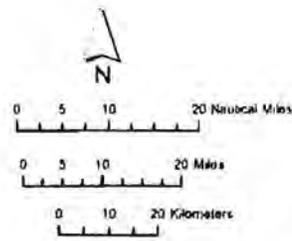


California Marine Life Protection Act (MLPA) Initiative



Legend

-  Proposed State Marine Conservation Area (SMCA)
-  Proposed State Marine Park (SMP)
-  Proposed State Marine Reserve (SMR)
-  Proposed State Marine Recreational Management Area (SMRMA)
-  Proposed Special Closure
See additional maps and materials.
-  North Coast Study Region Boundary



Created by Marine Map Cartographic Division, UCSB

Date: 22 September 2010

For more information, visit:
<http://www.northcoast.marinemap.org>

Disclaimer

This map represents the Round 3 marine protected area (MPA) proposal developed by the MLPA North Coast Regional Stakeholder Group (NCRSG) for consideration by the MLPA Blue Ribbon Task Force. The NCRSG also developed a list of proposed special closures; the special closures are a separate recommendation from the Round 3 NCRSG MPA Proposal, but are displayed on this map for reference. The Round 3 NCRSG MPA Proposal is under review; it is not a recommendation to the California Fish and Game Commission.



Cher-Ae Heights Indian Community of the Trinidad Rancheria



November 28, 2011

Russ Crabtree, Tribal Administrator
Smith River Rancheria
140 Rowdy Creek Road
Smith River, CA 95567

Mr. Crabtree,

It has come to my attention that there is some concern regarding the content of the factual record the Trinidad Rancheria submitted to the Department of Fish and Game concerning the proposed Marine Conservation Areas within the North Coast Region, specifically in relation to Point St. George and Pyramid Point.

The Trinidad Rancheria in no way intended to indicate that it asserts any authority or jurisdiction over Tolowa ancestral territory and respectfully apologizes for any misunderstanding pertaining to our factual record. The Trinidad Rancheria included the map, "Fig 4. Proposed Marine Protected Areas (MPAs) within Yurok Ancestral Territory and Traditional Fishing Grounds", to illustrate the Proposed Marine Protected Areas within the North Coast Study Region. We in no way intended this map to illustrate cultural jurisdiction over the area or to imply that Trinidad Rancheria members would have fishing and gathering rights at Pyramid Point and Point St. George without explicit authorization from the Smith River Rancheria.

The authority to regulate gathering at traditional places within Tolowa ancestral territory naturally rests with the Smith River Rancheria. The Trinidad Rancheria does not claim Pyramid Point or Point St. George to fall within Yurok ancestral territory and want to ensure that the Department of Fish and Game Regulations are clear regarding fishing and gather at these locations. If in fact, the situation arises where inter-tribal use agreements are created and negotiated on a government to government basis, between our two sovereign nations, it will be with the absolute acknowledgement of the Smith River Rancheria's right of jurisdiction over its ancestral territory.



www.trinidadrancheria.com

1 Cher-Ae Lane • PO Box 630 • Trinidad, California • 95570 • 707.677.0211 • 707.677.3921 (fax)

The Trinidad Rancheria is confident that we will be able to create inter-tribal agreements to address individual fishing and gathering rights within the proposed MPA's and recognize that fishing and gathering within the ancestral territory of the Tolowa Dee-ni' will only occur with the permission of the Smith River Rancheria. It was never our intention to insinuate otherwise, nor would we attempt to circumvent the sovereign rights of the Smith River Rancheria.

I hope that this clarifies the Trinidad Rancheria's position regarding Pyramid Point and Point St. George. Please accept my sincere apologies for any confusion that has occurred.

Thank You,



Jacque Hostler
Chief Executive Officer
Trinidad Rancheria

CC: *Anna Kimber, Attorney*
Law Office of Anna Kimber

Sonke Mastrup, Executive Director
Fish and Game Commission



Smith River Rancheria

140 Rowdy Creek Rd, Smith River, CA 95567-9525
Ph: (707) 487-9255 Fax: (707) 487-0930

Kara Brundin Miller
Chairperson

November 30, 2011

Denise Padgette
Vice Chairperson

Mr. Sonke Mastrup, Director
California Fish & Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814
SMastrup@fgc.ca.gov

Loren Bommelyn
Council Secretary

Joel Bravo
Treasurer

RE: Addressing State Marine Conservation Areas Pyramid Point and Point St. George

Marian Lopez
Council Member

Dear Mr. Mastrup:

Dr. Joseph
Giovannetti
Council Member

I am following up on our earlier conversation regarding the concerns of the Smith River Rancheria with respect to the proposed regulations addressing the State Marine Conservation Areas Pyramid Point and Point St. George.

Lenora Hall
Council Member

In the September 27, 2011 report to the Fish & Game Commission, both the Cher-Ae Heights Indian Community of the Trinidad Rancheria and the Yurok Tribe were identified as being authorized to take marine resources within both Pyramid Point and Point St. George. This report is contrary to the factual record submitted by both Tribes, which included a map, which clearly indicated both these SMCAs fall within the aboriginal and ancestral territory of the Tolowa people.

Russ Crabtree
Tribal
Administrator

Although there may be individuals of Yurok descent who have fished and gathered within the ancestral territories of the Tolowa people, those practices have occurred pursuant to the authorization of the Smith River Rancheria, the federally recognized Tribe that has exerted jurisdiction over individuals within these areas since time immemorial. The factual record submitted by both Trinidad Rancheria and the Yurok Tribe made it clear that any individual's right to fish and gather within those MPAs would be conducted pursuant to an "inter-tribal use agreement;" an agreement which has not been negotiated.

Until such an agreement is negotiated between the Smith River Rancheria and any other federally recognized tribe, it would be premature for the proposed regulations to identify any other tribe as being authorized to fish and gather within the Pyramid Point and Point St. George proposed SMCAs.

*Waa-saa-ghitlh-'a~ Wee-ni Naa-ch'aa-ghitlh-ni
Our Heritage Is Why We Are Strong*

When this issue was brought to the attention of the Cher-Ae Heights Indian Community of the Trinidad Rancheria, they were quick to correct the record by sending a letter to me, a copy of which is enclosed.

Any individual tribal member's fishing and gathering activities within these MPAs can only occur with the permission of the Smith River Rancheria. Until such time as an inter-tribal use agreement can be negotiated between the Smith River Rancheria and other federally recognized tribes, the regulations prepared by the Department of Fish & Game must be corrected to reflect the factual record: that the Pyramid Point and Point St. George SMCAs are not within their ancestral territory of the Cher-Ae Heights Indian Community of the Trinidad Rancheria and the Yurok Tribe, but instead fall within the territory of the Tolowa Dee-ni of the Smith River Rancheria.

Please feel free to call if you have any questions.

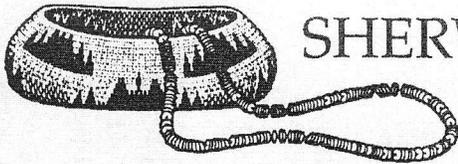
Sincerely,



Russ Crabtree
Tribal Administrator
Smith River Rancheria

Enclosure

cc: Becky Ota
California Department of Fish & Game



SHERWOOD VALLEY RANCHERIA

June 27, 2011

Jim Kellogg, President
California Fish and Game Commission
PO Box 944209
Sacramento CA 94244-2090

Re: Tribal Use Options for MPAs in North Coast Study Region

Dear Mr. Kellogg:

Sherwood Valley Rancheria strongly supports the Tribal Use Option 1 concept for Tribal use of North Coast MPAs. We believe this will provide the highest level of protection for Tribal traditional, non-commercial use of marine resources, and because it also provides protection for the ocean environment. We urge the Fish and Game Commission to adopt the Tribal Use Option 1 concept as the preferred alternative for the purpose of the CEQA review and subsequent development of regulations that will authorize a special category of Tribal use.

Option 1 will allow for continued Tribal gathering in the proposed MPAs and it appropriately distinguishes between Tribal uses and public recreational uses. We believe Option 1 provides the highest level of protection for the proposed MPAs. Of the three possible options the State has developed, Option 1 most closely follows the recommendations of the Tribes, the Regional Stakeholder Group, the Blue Ribbon Task Force, and the many other participants in the MLPA Initiative process in regard to ensuring the continuation of Tribal uses, as well as the long term conservation and recovery of critical marine species and habitats.

We hereby request the Commission to apply the Tribal Use Option 1 concept throughout the MPA network, so that it is applicable not only to all State Marine Conservation Areas (SMCAs), but also to all State Marine Recreational Management Areas (SMRMAs) because SMRMAs are located in cultural use areas for Tribes of the North Coast.

Thank you to the Commission for your work to ensure protection for the ocean and the Tribes' traditional cultural use of ocean resources.

Sincerely,

Michael Fitzgerral
Tribal Chairman

Cc: Secretary John Laird, California Natural Resources Agency
Chairwoman Priscilla Hunter, Inter Tribal Sinkyone Wilderness Council

190 Sherwood Hill Drive • Willits, California 95490
(707) 459-9690 • Fax (707) 459-6936



Cher-Ae Heights Indian Community of the Trinidad Rancheria



August 14, 2013

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

Director Mastrup:

On behalf of the Cher-Ae Heights Indian Community of the Trinidad Rancheria, please accept this letter to clarify an error made in the August 9, 2013 Trinidad Rancheria letter to you requesting formal Government to Government Consultation with the CA Fish and Game Commission. I inadvertently noted Trinidad Rancheria CEO Jacque Hostler-Carmesin as the point of contact for the Trinidad Rancheria in regards to this consultation request. As Mrs. Hostler-Carmesin was recently appointed to serve on the CA Fish and Game Commission, she has requested recusal from any interactions between the Tribe and the Commission in order to avoid any potential conflict of interest due to her due positions.

Please contact Trinidad Rancheria Executive Manager Amy Atkins at (707) 677-0211 ext. 2702 or Tribal Historic Preservation Officer Rachel Sundberg at (707) 677-0211 ext. 2726 to plan and coordinate meeting dates and times for a Government to Government Consultation of Reading Rock as originally requested in the August 9, 2013 letter.

Sincerely,

Garth Sundberg
Tribal Chairman
Trinidad Rancheria



May 5, 2009

SCRSO Members; MLPA Blue Ribbon Task Force Members; Scientific Advisory Team;
California Department of Fish and Game
MLPA Initiative
1416 9th Street, Room 1311
Sacramento, CA 95814

**Re: Chumash MPA Co-Management Proposal - Sequit SMCA MPA with a
Moderate High Protection Level**

Dear SCRSO Members, MLPA Blue Ribbon Task Force Members, Scientific Advisory
Team, and the California Department of Fish and Game staff:

Below is Wishtoyo Foundation's revised proposal for a Chumash Co-Managed MPA
(Sequit MPA) from Leo Carrillo State Beach to Zuma Beach (Trancas) in Malibu,
California. Wishtoyo's proposal has evolved following Wishtoyo's and its Ventura
Coastkeeper program's: 1.) April 9, 2009 Comment Letter; 2.) April 28, 2009 public
comment at the SCRSO MLPA meeting; 3.) work with and feedback from the SCRSO
workgroups on April 29, 2009; 4.) The hosting of and Chumash co-management
presentation to SCRSO members, MLPA Initiative Staff, and representatives from the
California Department of Fish and Game at Wishtoyo's Chumash Discovery Village on
April 30, 2009.

As MPA development under the MLPA Initiative continues, Wishtoyo will continue to
reach out to the Chumash community for its input through the Chumash's SCRSO
representatives, through meetings and conferences at the Chumash Discovery Village and
other locations, via website updates, and via email and phone communications.
Additionally, Wishtoyo is in the process of establishing a work plan on how to best reach
out to, share information with, and engage Chumash tribal groups. Wishtoyo also hopes
that the Sequit zone that it is proposing serves a blueprint for the establishment of
additional Chumash and Tribal Co-managed MPA's.

Wishtoyo also proposes that the proposed allowable activities for traditional and
ceremonial utilization needs of the Chumash People included in this proposal are allowed
in all SMCAs. The Wishtoyo Foundation would like to note that while the enforcement

services, Chumash cultural preservation services, and educational services that Wishtoyo proposes to commit to assist the DFG in implementing the proposed Sequit MPA will be provided by and from the Wishtoyo Foundation's resources, the Wishtoyo Foundation encourages other Chumash organizations, entities, and individuals to assist with and add to the implementation of the proposed Sequit Chumash co-managed MPA by offering their resources and services as well.

In regards to state policy making implications of a Chumash Co-managed MPA, Wishtoyo would like to clarify that its Chumash Co-Management proposal is not a proposal that is asking the DFG to share MPA policy making authority. Wishtoyo's co-management proposal is a proposal to preserve Chumash People's right to participate and assist with the protection and recovery of their marine environment, which they share with modern society, while allowing Chumash people to continue their traditional and ceremonial utilization needs of ocean resources in a manner that is consistent with ecological protections established via MPAs under the MLPA.

Thank you for your time and efforts to achieve the goals of the MLPA to its fullest and to help the Chumash people continue to maintain and revitalize their culture. As MPA development continues in the MLPA Initiative, we look forward to continuing our work with all stakeholders to ensure that a Chumash Co-Managed MPA is established.

Below is the Chumash Co-Management proposal for the Sequit MPA:

I. Proposed Locations for Chumash Co-Management Component (Sequit MPA)

1. Leo Carrillo State Beach to Zuma Beach in the Rincon to Point Dume Sub-region
 - a. Dimensions: From the coast extending out to the 3 nautical mile offshore state waters boundary from Leo Carrillo to Zuma Beach (Trancas), which is roughly 6 linear miles of coastline.

II. The overarching impetus behind the Chumash Co-management component is

1. Preserving & protecting the ecological integrity of MPA's
 - a. Preservation Rational: This region of the Los Angeles County coast is dominated by low relief reef and patchy sand, kelp forests to depths of about 50 feet, patchy eelgrass beds, rich intertidal diversity, a pronounced steep shelf near the 3-mile boundary, and distinctly different oceanographic patterns than the areas within the Santa Monica Bay. With the many streams along this stretch, this site is known as a steelhead trout barring area and the subtidal habitats support a diverse assemblage of invertebrates and fishes including lobster, white sea bass, angel sharks, giant black sea bass, as well as being known for common sightings of the Gray whale seasonal migrations and pods of dolphins.

2. Preserving Chumash Culture and its relationship with the ocean by allowing Chumash to continue their traditional and ceremonial utilization needs of ocean resources in a manner that is consistent with ecological protections established via MPAs under the MLPA.
3. Maintaining the Chumash People's right to participate in the protection and recovery of their marine environment, which they share with modern society.
4. Educating the general public about the Chumash's intimate relationship with and dependency on the environment, which in turn will better protect our marine resources by helping society redefine their relationship with the ocean and its resources.

III. Summary of 2 main components:

1. Implementation: Co-beneficial Partnership with the Chumash and the California Department of Fish and Game (DFG) to implement the "co-managed" MPAs
 - a. The Chumash people would provide an added service that would assist the DFG in:
 - i. MPA enforcement (to protect the ecological integrity according to the MPA type)
 - ii. Achieving the cultural preservation goals of the MLPA
 - iii. Education and Public Outreach
2. Traditional & Ceremonial Utilization needs of the Chumash people:
 - b. MPA type: SMCA
 - c. Protection Level: Moderate High (activities allowed include a list of traditional Chumash takes and methods of take)
 - d. Activities Allowed:
 - i. The MPA would allow for takes of species that have been traditionally used by Chumash People via traditional methods of take
 - ii. These takes and methods of take would preserve the ecological integrity of the MPAs

IV. Component #1: Implementation

1. Outline:
 - a. Co-beneficial Partnership with the Chumash and the California Department of Fish and Game to implement the "co-managed" MPAs
 - b. Chumash Organizations / Entities providing the added service

- i. Wishtoyo Foundation at the Chumash Discovery Village, a 8,000 year old Chumash Site, at Nicholas Canyon State Beach, Malibu, CA.
- c. The Chumash people would help provide an added service that would assist the DFG in:
 1. **MPA enforcement** (to protect the ecological integrity according to the MPA type)
 - a. Wishtoyo will provide additional eyes on the water and MPA enforcement assistance from the overlook of the proposed Chumash co-managed MPA at Wishtoyo's Chumash Discovery Village, via modern power boats, and via traditional Tomols (canoes)
 2. **Achieving the maritime cultural preservation goals of the MLPA**
 - a. The establishment of a Chumash co-managed MPA that recognizes Chumash people's stewardship and cultural responsibility to protect the ocean ecosystems their culture depends upon, while allowing Chumash people to continue their traditional and ceremonial utilization needs of ocean resources in a manner that is consistent with ecological protections established via MPAs under the MLPA is an important component to better enable Chumash people to continue to maintain and revitalize their culture.
 - b. Allowing Chumash people to assist in implementing the MPA's will better enable Chumash people to re-align and maintain their traditional relationship and utilization of ocean resources with modern society and the current ecological state of the ocean.
 - c. Permitting traditional and spiritual utilization of ocean resources in MPA that align with moderate-high protection levels in SMCA's allow Chumash people to continue their commitment to maintain their cultural identity and relationship with their ancestors, and to not lose their culture.
 3. **Educating the general public about the importance of protecting and preserving marine protected areas**
 - a. Wishtoyo Discovery Village's interpretive MPA ecological and Chumash cultural educational center will provide a powerful educational platform to promote sustainable ocean ecosystem management and to redefine our relationship with the ocean

- i. This center will:
 1. Be designed to educate the public about the importance of preserving the marine environment
 2. Will aim to change the way society views its relationship with the ocean by educating them about Chumash culture and the interdependent relationship Chumash people shared with the ocean. Chumash culture and traditions foster a conservation and marine protection ethic.
- ii. Center Management
 1. Wishtoyo will have Chumash representatives on site 7 days a week
 2. Through programs and walk in visitors, Wishtoyo already attracts over a thousand school children and people to its discovery village to educate them about Chumash culture and the importance of preserving, protecting, and respecting our environment.

V. Component #2: Traditional & Ceremonial Utilization needs of the Chumash People for Cultural Preservation

1. Proposal Overview:
 - a. MPA type: SMCA
 - b. Protection Level: Moderate High
 - i. The MPA would allow for takes of species that have been traditionally used by Chumash People via traditional methods of take
 - ii. These takes and methods of take would preserve the ecological integrity of the MPAs
 - iii. The proposed Chumash traditional and ceremonial utilization of ocean resources acknowledges and respects the current ecological condition of the ocean and as such, our proposed traditional utilizations would foster a greater level of preservation that is just as, if not, more protective of marine plants and sea creatures than afforded at the Moderate High Protection Level.
 - iv. The use of ocean resources for Chumash ceremonies and traditional cultural uses that not only preserves Chumash culture and maintain

Chumash people’s connection with their lifeways, but that also, by the manner in which these ocean resources will be used, cherished, and respected, will promote societal conservation of our ocean resources.

- c. Moderate – High Protection Level with Chumash Cultural Protection
 - i. **Current Proposed Activities Allowed (Take of all living marine resources is prohibited except):**
 1. (high) Coastal pelagic finfish, bonito, and market squid (pelagic seine, dip-net, crowder); jumbo squid (squid jigs); swordfish (harpoon); **In water depth > 50m:** pelagic finfish, bonito and white seabass (H&L; spear at any depth)
 2. (moderate high) Catch and release in <10m water or using surface gear (H&L single barbless hooks and artificial lures only); pier-based fishing (H&L, hoop-net); halibut (spear); **In water depth 30<50m on mainland:** pelagic finfish, bonito and white seabass (H&L)
 - ii. **Proposed Chumash Activities Allowed (methods of take), also allowed for the general public (in all SMCA’s)¹**
 1. The take of all living marine resources is prohibited except as provided for in V.1.c.i. above and in this section.
 2. Additionally, we propose the traditional Chumash methods of take listed in this section to be allowed for the marine resources and species listed above, except for market squid and jumbo squid.
 3. **Traps:**
 - a. Requirement: Traps must be made of woven sticks of plants such as mulefat (*Baccharis glutinosa*), sometimes in combination with netting
 - b. Types:
 - i. Weir Trap: a conical device into which freshwater fish were skillfully driven using a team strategy
 4. **Nets:**
 - a. Requirement: must be made from 2 or 3 ply net cordage, several kinds of fibers can be used according to preference and availability: tok or dogbane (*Apocinum cannabinum*), yucca

¹ Where specific types of species being taken under a Chumash Traditional “activities” are not listed, only the type of species listed under the current proposed activities allowed under “moderate – high” protection level are allowed to be taken (see V.1.)c.i.1-2).

(*Yucca whipplii*), nettle (*Urtica dioeca*), and surf grass (*Phyllospadix* spp.)

- b. Types of allowed nets & methods of netting
 - i. Seine Net: is a long, weighted net that hangs vertically in the water to encircle and trap schools of ocean fish. The top edge will be kept afloat with wooden floats, while the whole will be pulled along by tomols (Chumash canoe).
 - ii. Dip Net: a small bag-like net baited with ground-up cactus leaves and hand-cast to snare sardines and other small fish
 - iii. Drag Net: a tubular small-mesh net used to catch bonita, dragged on a long line from the stern of a tomol

5. Fish Spear (ti'wo'y):

- a. Materials: shaft will be made from toyon (*Heteomeles arbutifolia*) with a bone point fixed with asphaltum into a hole at the end.

6. Harpoon / Spear fishing:

- a. Harpoon Regulations
 - i. Will be made with a fletched cane shaft and a detachable foreshaft with barbed point and retrieval line.
 - ii. Must be shot from the prow of a tomol
- b. Composite Spear
 - i. Is a 8-9 foot long harpoon used for taking species in accordance with moderate high protection. The shaft would be 4 inches in diameter and made of ironwood or holly. Styles of points for the harpoon could be barbed, composite bone or stone, or a toggle point. The retrieval line will be made from horsenettle or from tok, ¼ inch diameter and anywhere from 240 to 350 feet in length. A shallow basket will be kept in the tomol for the coiled harpoon line; the basket exterior may have been coated with asphaltum for protection from wear and water.

7. Hook and Line Fishing:

- a. Allowed for: surf fishing, kelp fishing, and trolling in tomols powered by oars
- b. Line Regulations: Lines for this method of fishing will be as long as 160 feet and will be made from the same variety of plant fibers listed above for nets, with “tok” or dogbane being preferred by many because it shrinks when wet, thus becoming harder and tougher in the water.

- c. Hook Regulations & Materials:
 - i. The circular hook will be somewhat J-shaped and will be made from a single piece of bone or hard shell such as abalone, mussel, or clam.
 - ii. The V-shaped composite hooks will be made from two pointed pieces of shell, wood or bone bound together at one end to form an acute angle.
 - iii. Custom hooks will be made from bones and shells designed for the swallowing behaviors of specific kinds of fish.

d. Chumash Submerged Sacred and Cultural Site Protection

- i. The SMCA protection level of Moderate High will include a prohibition of bottom trawling and similar activities that could destroy or disturb sacred submerged Chumash cultural sites and villages.
- ii. The SMCA protection level of Moderate High will prohibit divers from disturbing submerged Chumash cultural sites and villages.

VI. MLPA Policy Justifications:

- 1. A Tribal Co-Management Component will help best achieve the MLPA goals for seven reasons:
 - i. It protects an ecologically important Marine Habitat;
 - ii. It provides for sound management and enforcement of the SMCA;
 - iii. It provides a powerful educational platform to promote sustainable ocean ecosystem and fisheries management and to redefine our relationship with the ocean;
 - iv. It protects and preserves Chumash maritime culture and traditional connection with the ocean and its resources in accordance with the mandates of the MLPA regarding cultural preservation;
 - v. It best protects submerged cultural and sacred resources and archeological sites;
 - vi. It satisfies nine "Design Considerations" approved by the MLPA Blue Ribbon Task Force that will be difficult to achieve without its inclusion, including ;
 - 1. siting MPAs adjacent to "eyes on the water" to facilitate management, enforcement, monitoring, education and outreach

2. siting MPAs to facilitate use of volunteers to assist in monitoring and management
 3. designing MPA boundaries that facilitate ease of public recognition and ease of enforcement;
 4. preserving the diversity of cultural uses;
 5. ensuring some MPAs include areas of educational and cultural use.
- vii. It facilitates all of the “Implementation and Management Activities” to be included in regional MPA plans as set forth and approved by the MLPA Blue Ribbon Task Force.

VII. Other Considerations: With the multitude of adjacent state parks, state beaches, and county beaches at Leo Carrillo, Nicholas Canyon, El Pescador, La Piedra, El Matador and Robert H. Meyer Memorial, as well as being an ASBS and sites of ongoing CRANE study, this part of the coast offers a wide range of opportunities for public access, shore –based recreation, consumptive recreation (including shore-based fishing, kayak fishing, and spear fishing), education and research.

Thank you again for your time and effort to achieve the goals of the MLPA to its fullest and to help the Chumash people continue to maintain and revitalize their culture. As MPA development continues in the MLPA Initiative we look forward to continuing our work with all stakeholders to ensure that a Chumash co-managed MPA is established

Please contact us to collaborate further, or with any questions or comments.

Warmest Regards,



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Fish and Game Commission



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TRIBAL COMMITTEE

Committee Co-Chairs: Commissioner Sutton and Commissioner Hostler-Carmesin

Meeting Agenda

June 9, 2015, 3:00 p.m.

Mountainside Conference Center
1 Minaret Road, Mammoth Lakes

NOTE: Please see important information about public comment deadlines and Committee procedures at the end of the agenda; the comment deadline is 5:00 p.m. on June 3, 2015. All agenda items are informational and/or discussion only. The Committee develops recommendations to the Commission but does not have authority to make policy or regulatory decisions on behalf of the Commission.

1. Public forum
2. Discuss tribal hunting, fishing and gathering opportunities off trust lands: Current practices, unfulfilled needs, and lessons learned
3. Discuss creating annual regulation training and planning event associated with Native American Day
4. Discuss issues affecting tribes needing legislative resolution – protecting confidential information and co-management

**FISH AND GAME COMMISSION
2015 MEETING SCHEDULE**
www.fgc.ca.gov

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
June 10-11	Mountainside Conference Center 1 Minaret Road Mammoth Lakes, CA 93456	
July 8		Marine Resources Trinidad Town Hall 409 Trinity Street Trinidad, CA 95570
August 4-5	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	
September 9		Wildlife Resources Department of Industrial Relations 2550 Mariposa Mall, Room 1036 Fresno, CA 93721
October 6		Tribal Committee Embassy Suites – LAX North 9801 Airport Boulevard Los Angeles, CA 90045
October 7-8	Embassy Suites – LAX North 9801 Airport Boulevard Los Angeles, CA 90045	
November 4		Marine Resources Four Points by Sheraton Ventura Harbor Resort 1050 Schooner Drive Ventura, CA 93001
December 9-10	Town and Country Resort & Convention Center 500 Hotel Circle North San Diego, CA 92108	

OTHER MEETINGS OF INTEREST

Pacific Fishery Management Council

- June 12-17, Spokane, WA
- September 11-16, Sacramento, CA
- November 14-19, Garden Grove, CA

Wildlife Conservation Board

- September 3, Sacramento, CA
- November 19, Sacramento, CA

Western Association of Fish and Wildlife Agencies

- July 16-22, Reno, NV

Pacific Flyway Council

- July 24, Reno, NV

IMPORTANT COMMITTEE MEETING PROCEDURES INFORMATION

PERSONS WITH DISABILITIES

These facilities are accessible to persons with disabilities.

1. To request reasonable accommodations for a disability, please contact the California Fish and Game Commission at (916) 653-4899 as soon as possible and no later than five (5) business days prior to the meeting.
2. For persons with a hearing or speech disability, please contact the California Relay Service as soon as possible and no later than five (5) business days prior to the meeting at 1-800-735-2929 (TTY) or 1-800-735-2922 (voice) and request your message be relayed to the California Fish and Game Commission.
3. If a request for an accommodation has been submitted but due to circumstances is no longer needed, please contact the California Fish and Game Commission at (916) 653-4899.

SUBMITTING WRITTEN MATERIALS

The public is encouraged to attend Committee meetings and engage in the discussion about items on the agenda; the public is also welcome to comment on agenda items in writing. You may submit your written comments by one of the following methods (only one is necessary): **Email to fgc@fgc.ca.gov; fax to (916) 653-5040; deliver to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or hand-deliver to a Committee meeting.**

Written comments received at the Commission office by 5:00 p.m. on June 3, will be made available to the Committee prior to the meeting. Written comments received between 5:00 p.m. on June 3 and 12 noon on June 5 will be made available to the Committee at the meeting. After 12 noon on June 5, five copies of written comments must be delivered at the meeting, otherwise they will not be made available to the Committee until after the meeting.

The Committee **will not** consider comments regarding proposed changes to regulations that have been noticed. If you wish to provide comment on an otherwise noticed item, please provide your comments during Commission business meetings, via email or fax, or deliver to the commission office.

NOTE: Materials provided to the Committee may be made available to the general public.

SPEAKING AT THE MEETING

Committee meetings operate informally and provide opportunity for everyone to comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:

1. Raise your hand and wait to be recognized by the Committee co-chair(s).
2. Once recognized, please begin by giving your name and affiliation (if any) and the number of people you represent.
3. Time is limited; please keep your comments precise so that everyone has an opportunity to speak.
4. If there are several speakers with the same concerns, please try to appoint a spokesperson and avoid repetitive comments.

5. If you would like to present handouts or written materials to the Committee, please provide five copies to the designated staff member just prior to speaking.
6. If speaking during public forum, the subject matter you present should not be related to any item on the current agenda (public comment on agenda items will be taken at the time the Committee members discuss that item). As a general rule, public forum is an opportunity to bring matters to the attention of the Committee, but you may also do so via email, standard mail, and fax. At the discretion of the Committee, staff may be requested to follow up on the subject you raise.

WHEN WILL MY AGENDA ITEM BE HEARD?

The Committee begins each session at the time listed on the agenda and generally considers each agenda item in the sequence listed, except in extraordinary circumstances.

VISUAL PRESENTATIONS/MATERIALS

All PowerPoint presentations must be submitted by 12 noon on June 5 and approved by the Commission executive director before the meeting.

1. All electronic formats must be Windows PC compatible.
2. Files created on a Mac are not supported.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available.

LASER POINTERS may only be used by a speaker during a presentation.