

STAFF SUMMARY FOR AUGUST 24-25, 2016

10. MASTER PLAN FOR MARINE PROTECTED AREAS**Today's Item**Information Action

Approve text related to traditional ecological knowledge (TEK); and adopt proposed final master plan for marine protected areas (MPAs) and the Marine Life Protection Program, pursuant to the Marine Life Protection Act (MLPA)

Summary of Previous/Future Actions

- Receive draft proposed final master plan Dec 9-10, 2015; San Diego
- Discuss proposed final master plan Feb 10-11, 2016; Sacramento
- Discuss final master plan; close comment except TEK Apr 13-14, 2016; Santa Rosa
- Tribal Committee review of draft TEK language Jun 21, 2016; TC, Bakersfield
- Discuss adoption of master plan Jun 22-23, 2016; Bakersfield
- **Today adopt final master plan Aug 24-25, 2016; Sacramento**

Background

The MLPA directs DFW to prepare, and FGC to adopt, a “master plan” to guide design, implementation, and management of a redesigned network of MPAs in California (Fish and Game Code Section 2855). FGC adopted a draft master plan in 2008, with the intent to adopt an updated final master plan at the conclusion of regional MPA planning efforts. A FGC review of the proposed final master plan has been underway since Dec 2015. Adoption of the 2016 final master plan would formally enact the Marine Life Protection Program pursuant to MLPA (Fish and Game Code Section 2850, et seq.).

At the Apr 2016 meeting, FGC closed all comments on the final draft plan, except to allow additional time for Tribal input regarding traditional ecological knowledge (TEK). At the Jun 2016 FGC meeting, adoption of the master plan was continued to the Aug 2016 FGC meeting. This provided Tribes with additional time to review and respond to proposed TEK text developed by DFW in response to Tribal input received at the FGC Tribal Committee meeting on Jun 21, 2016. A letter sent from FGC Executive Director Valerie Termini to all Tribes provided the draft language and response deadline set by FGC for Jul 29 (Exhibit 1).

Comment letters responding to the draft TEK text were received from three tribes: the Yurok Tribe, the Cher-Ae Heights Indian Community of the Trinidad Rancheria, and the Tolowa Dee-ni' Nation (exhibits 2-4). DFW has integrated the input from the Tribes' comments into the proposed TEK text and provided it for FGC consideration and adoption with the 2016 master plan today (Exhibit 5).

Significant Public Comments

1. Comments on draft TEK language from the Yurok Tribe (offering specific wording suggestions and definitions); the Cher-Ae Heights Indian Community of the Trinidad Rancheria (with specific wording suggestions); and the Tolowa Dee-ni' Nation (with comments relevant to the topic without specific changes proposed) (exhibits 2-4).
2. Two multi-stakeholder letters in support of adoption of the 2016 master plan, from the co-chairs of 14 MPA Collaborative Network collaboratives, and from 25 former MLPA Regional Stakeholder Group (RSG) members from all regions (exhibits 6-7).

STAFF SUMMARY FOR AUGUST 24-25, 2016

Recommendation

FGC Staff: Adopt the 2016 final master plan for MPAs as modified by the revised TEK text proposed by DFW in exhibit 5.

DFW Staff: Adopt and include the revised proposed TEK text and adopt the 2016 proposed final master plan for MPAs.

Exhibits

1. [Letter from FGC to Tribes including draft TEK text, dated Jul 19, 2016](#)
2. [Yurok Tribe comment letter, dated Jul 19, 2016](#)
3. [Cher-Ae Heights Indian Community of the Trinidad Rancheria comment letter, received Aug 3, 2016](#)
4. [Tolowa Dee-ni' Nation comment letter, received Aug 4, 2016](#)
5. [DFW Transmittal memo and revised draft TEK text, dated Aug 8, 2016](#)
6. [Letter from 14 MPA Collaboratives, dated Aug 11, 2016](#)
7. [Letter from 25 former RSG members, dated Aug 11, 2016](#)

Motion/Direction

- (A) Moved by _____ and seconded by _____ that the Commission approves the text related to traditional ecological knowledge as proposed in Exhibit 5.
- and**
- (B) Moved by _____ and seconded by _____ that the Commission approves and adopts the final 2016 Master Plan for Marine Protected Areas and the Marine Life Protection Program pursuant to Section 2850, et Seq. of the Fish and Game Code.

Valerie Termini, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Commissioners
Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell E. Burns, Member
Napa
Peter S. Silva, Member
Chula Vista

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

July 19, 2016

Dear Honorable Tribal Representative:

The California Fish and Game Commission (Commission) respectfully requests your Tribe's input regarding draft text related traditional knowledge (TK), including traditional ecological knowledge (TEK), that is proposed for incorporation in the final draft Marine Life Protection Act Master Plan for Marine Protected Areas (Master Plan for MPAs). The Department of Fish and Wildlife (Department) has been working on updating the Master Plan for MPAs in preparation for adoption by the Commission. The Department and Commission have sought input from Tribes for the Master Plan for MPAs update prior to and during the public comment process; the Master Plan for MPAs is now scheduled for adoption at the August 23-24, 2016 meeting in Folsom.

On May 5, 2016, the Commission and the Department sent a joint letter to your tribe inviting input concerning TEK information by June 1, 2016. The May 5 letter, which provides additional background regarding the process leading up to the request, is attached for your reference.

No formal response or input from Tribes was received in response to the May 5 letter. However, the Commission's Tribal Committee meeting agenda for June 21, 2016 (available at <http://fgc.ca.gov/meetings/2016/June/TC/062116tcagd.pdf>) included a review and discussion of draft text related to TEK for possible inclusion in the final draft 2016 Master Plan for MPAs. The discussion included draft ideas from Department and Commission staff and informal intertribal input from collaborators on the Traditional Ecological Knowledge of Keystone Marine Species and Ecosystems project, which is part of the North Coast MPA Baseline Monitoring Program project.

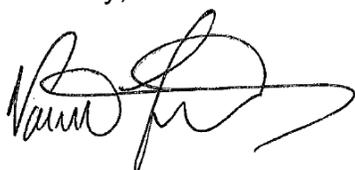
Based on discussion and input from tribal representatives attending the Tribal Committee meeting, the Department developed draft proposed text regarding TEK and TK for the final draft 2016 Master Plan for MPAs (see attached table). The draft text was provided to the Commission for consideration and discussion at their meeting on June 22-23, 2016, in Bakersfield (Under item 10 of agenda at <http://fgc.ca.gov/meetings/2016/June/FGC/0622216agd.pdf>; see attached table for draft text). Tribal leaders requested additional time for tribal review and potential formal approval from Tribal Councils. In response, the Commission chose to delay adoption of the final draft 2016 Master Plan for MPAs to allow additional time for Tribal input on the drafted text.

Honorable Tribal Representative
July 19, 2016
Page 2

The Commission respectfully requests that all input on the draft text be provided by **July 29, 2016**. The attached table includes the text related to TEK and TK that is proposed for incorporation in the final draft Master Plan for MPAs. This table, as well as the final draft Master Plan for MPAs, is available on the Department's website, at www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan. Please feel free to contact me with questions or your input at valerie.termini@fgc.ca.gov, or by mail at California Fish and Game Commission, 1416 9th Street, Suite 1320, Sacramento, CA 95814.

We look forward to receiving your response and input on the final draft TK and TEK text by July 29, 2016, in advance of Commission's consideration to adopt the final 2016 Master Plan for MPAs at the August 23-24, 2016 meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Valerie Termini', with a long horizontal flourish extending to the right.

Valerie Termini
Executive Director
California Fish and Game Commission

Attachments

ec: FGC Commissioners

Nathan Voegeli, Tribal Liaison
Office of the General Counsel
Department of Fish and Wildlife

Craig Shuman, Regional Manager
Marine Region
Department of Fish and Wildlife

ATTACHMENT 1

STATE OF CALIFORNIA
EDMUND G. BROWN JR., GOVERNOR

NATURAL RESOURCES AGENCY



California Department of Fish and Wildlife
1416 Ninth Street, #1205
Sacramento, CA 95814



California Fish and Wildlife Commission
1416 Ninth Street, #1320
Sacramento, CA 95814

May 5, 2016

Honorable [Name, Title
Federally recognized tribe name
Address]

Dear Honorable Tribal Representative:

The California Fish and Game Commission (Commission) and the California Department of Fish and Wildlife (Department) respectfully request your Tribe's comments regarding the incorporation of information from tribes in the final draft Marine Life Protection Act Master Plan for Marine Protected Areas (Master Plan for MPAs). The Department has been working on updating the Master Plan for MPAs.

To facilitate the planning and scoping process, the Department on February 6, 2015, sent a letter to your Tribe inviting your input regarding the update prior to the public comment process. A follow up letter was sent by the Department on September 25, 2015, to inform you that a preliminary draft Master Plan for MPAs was available for your review and input prior to the Department's release of a draft document for public comment. These letters also welcomed your additional input during the public comment period. The Department has incorporated tribal input received up to the date of this letter into the draft Master Plan for MPAs.

The Department presented the draft Master Plan for MPAs to the Commission at their December 9, 2015, meeting, and the Commission set a public comment deadline of January 28, 2016. At the Commission's February 10, 2016, discussion hearing, the Department provided an overview of public comments received, and the Commission directed Commission staff to work with Tribal leaders and the Department to incorporate traditional ecological knowledge (TEK) into the Master Plan for MPAs as it relates to MPA management and monitoring.

The Department revised the draft Master Plan for MPAs to address comments received and minor errors identified, and submitted the final draft Master Plan for MPAs to the Commission for their April 13, 2016 adoption hearing.

Honorable [Name, Title
Federally recognized tribe name
Address]
Insert current date
Page 2

At their April 13, 2016, meeting, the Commission closed all comments on the final draft Master Plan for MPAs except for tribal comments regarding the incorporation of TEK. The Commission held open this aspect of the comment period through June 1, 2016, to allow more time for tribal input.

The Commission and the Department respectfully request your input regarding the final draft Master Plan for MPAs by June 1, 2016. The final draft Master Plan for MPAs is available on the Department's website:

<https://www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan>. If you would like more information on the final draft Master Plan for MPAs, please contact Environmental Scientist Adam Frimodig by email Adam.Frimodig@wildlife.ca.gov or by mail at Department of Fish and Wildlife, 619 2nd Street, Eureka, California, CA 95501.

To request formal government-to-government consultation with the Department, please contact the Tribal Liaison Nathan Voegeli by email tribal.liaison@wildlife.ca.gov or by mail at California Department of Fish and Wildlife, 1416 9th Street, Suite 1341, Sacramento, CA 95814. To request formal government-to-government consultation with the Commission, please contact Acting Deputy Director Susan Ashcraft by email Susan.Ashcraft@fgc.ca.gov or by mail at California Fish and Game Commission, 1416 9th Street, Suite 1320, Sacramento, CA 95814.

We look forward to receiving your response and input on the final draft Master Plan for MPAs.

Sincerely,



Craig Shuman, D. Env.
Regional Manager
Department of Fish and Wildlife



Mike Yaun
Acting Executive Director
California Fish and Game Commission

ec: FGC Commissioners

Nathan Voegeli, Tribal Liaison
Office of the General Counsel
Department of Fish and Wildlife

Becky Ota
Environmental Program Manager
Marine Region
Department of Fish and Wildlife

ATTACHMENT 2

Proposed draft text developed by CDFW based on input from the Fish and Game Commission Tribal Committee discussion on June 21, 2016, to incorporate into the final draft 2016 Master Plan for MPAs

Document section (page numbers) ¹	Proposed draft text developed by CDFW based on Tribal Committee input
Acronyms (page v)	Suggest adding <u>TEK (traditional ecological knowledge)</u> and <u>TK (traditional knowledge)</u> to the acronyms table
Chapter 1.1, 2 nd paragraph (pages 5-6)	<p>California's inhabitants have depended on the state's marine and coastal resources for at least 11,500 years, with some estimates indicating 19,000 years or more millennia (Walker & DeNiro 1986, Pritzker 2000, Erlandson et al. 2005, Rick et al. 2008). For countless generations, since time immemorial, California Tribes have stewarded and utilized marine and coastal resources in the region and stewarded marine and coastal ecosystems across California's approximately 1,100 mile coastline. The foundation of their management is a <u>collective storehouse of knowledge about the natural world, acquired through direct experience and contact with the environment, and gained through many generations of learning passed down by elders about practical as well as spiritual practices (Anderson 2005).</u> This knowledge, which is the product of keen observation, patience, experimentation, and long-term relationships with the resources, today is commonly called "<u>traditional ecological knowledge</u>" (TEK) (Anderson 2005, and references therein). TK encompasses <u>TEK, science, and other relevant information from tribes.</u> Many California Tribes continue to <u>regularly harvest marine resources within their ancestral territories and maintain relationships with the coast for ongoing customary uses.</u> Today, California's inhabitants and visitors continue to gain significant benefits from the state's oceans and coasts <u>coastal waters,</u> including economic, nutritional, recreational, cultural, spiritual, and educational, as well as climate regulation and protection from coastal hazards. Many California Tribes continue to regularly harvest marine resources within their ancestral territories and maintain relationships with the coast for ongoing cultural uses, including spiritual and ceremonial purposes.</p> <p><u>Anderson, K. (2005). <i>Tending the wild: Native American knowledge and the management of California's natural resources.</i> Berkeley and Los Angeles, California: University of California Press.</u></p>

¹ Page numbers correspond to the Final Draft 2016 Master Plan for MPAs: <https://www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan>

Document section (page numbers) ¹	Proposed draft text developed by CDFW based on Tribal Committee input
Chapter 4.3, 2 nd paragraph (page 43)	<p>This need is described in the MLPA, which requires “monitoring, research, and evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the [MPA] system meets the goals.”¹²⁷ Therefore, monitoring results and additional information potentially collected from TK, other scientific data, governance and management review, workshops, and public forums is are an accumulation of information that could be used to inform adaptive management which is a response to that information (see Chapter 4.5). <u>For example, the North Coast Regional MPA Baseline Monitoring Program is the first regional MPA baseline monitoring program in California to incorporate a TK research project (see Appendix C, Section 5).</u>¹²⁸ The MLPA, together with policy guidance including the Partnership Plan and the MSLT Work Plan, have guided and will continue to guide the MPA monitoring approach outlined in this section, which will be used to inform adaptive management of California’s MPA network.</p> <p>¹²⁸ Rocha, M., Rosales, H., Sundberg, R., and T. Torma. <i>Traditional Ecological Knowledge of Keystone Marine Species and Ecosystems</i>. Retrieved Feb 18, 2016 from https://caseagrant.ucsd.edu/news/new-projects-to-take-snapshot-of-north-coasts-mpas#keystone-marine-species</p>
Chapter 4.3, Using a Partnership-Based Approach, 3 rd paragraph (Page 46)	<p>To date, the partnership-based approach to MPA management has involved more than 70 agencies, California Tribes and Tribal governments, and organizations in regional baseline MPA monitoring programs. Long-term monitoring will build on this experience, continuing to leverage capacity and establish partnerships to build a cost-effective, sustainable monitoring program statewide. <u>For example, incorporating TK can improve the understanding of historical and current ocean conditions.</u> The MSLT has developed an MSLT Work Plan that emphasizes the ongoing need to build partnerships, broaden participation, include knowledge from diverse sources, and build a deeper understanding of ocean health. The MSLT Work Plan reflects the philosophy that all quality science may be useful in building a robust monitoring program, including academic, local, traditional, and citizen science contributions. Citizen science programs provide monitoring support through activities such as trainings to gather biological data in key habitats and recording observations of consumptive and non-consumptive uses of MPAs.</p>



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



Sent via electronic mail

July 19, 2016

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

Re: Draft Text Related to “Traditional Ecological Knowledge” for Proposed Final Master Plan for MPAs

Aiy-ye-kwee’ President Sklar and Commissioners,

The purpose of this letter is to provide feedback on the most recently proposed traditional ecological knowledge (“TEK”) and traditional knowledge (“TK”) text to be included in the 2016 Master Plan, as it relates to marine protected area management and monitoring.

Yurok proposes the following revisions be made to the June 21, 2016 proposed text developed by CDFW based on input from the Fish and Game Commission Tribal Committee:

For Chapter 1.1, pages 5-6, Yurok proposes adding the following points, cited by the USGS:

- No single definition of TEK is accepted
- TEK is “A cumulative body of knowledge, practice and belief, evolving by adoptive processes and handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with the environment.” (Berkes 1999)
- “TEK refers specifically to all types of knowledge about the environment derived from the experience and traditions of a particular group of people.” (Usher 2000)

For Chapter 4.3, page 43, Yurok proposes rejecting the proposed strikeout of the word “other” so the text reads as follows:

“Therefore, monitoring results and additional information potentially collected from TK, other scientific data, governance and management review, workshops, and public forums is are an accumulation of information that could be used to inform adaptive management which is a response to that information (see Chapter 4.5).”

The Yurok Tribe interprets removal of the work "other" from the above proposed sentence as necessarily implying that TK does not include scientific data, which is not the case. Including the word "other" is most consistent with the proposed text seen in Chapter 1.1., pages 5-6.

We appreciate your careful review of our proposed revisions to the draft text. If you have any questions, please contact Office of Tribal Attorney at 707-482-1350.

Sincerely,

A handwritten signature in blue ink, appearing to read "Th. P. O'Rourke, Sr.", with a stylized flourish at the end.

Thomas P. O'Rourke, Sr.
Chairman

Cc: Valerie Termini, Executive Director California Fish and Game Commission



Cher-Ae Heights Indian Community of the Trinidad Rancheria



July 28, 2016

Eric Sklar, President
California Fish and Game Commission
1416 9th Street, Suite 1320
Sacramento, CA 95814

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2016 AUG -3 PM 2:51
MS

RE: Tribal Input on TK and TEK Draft Text

Dear Honorable Commissioners:

The Trinidad Rancheria appreciates the opportunity to submit comments on the draft text related to traditional knowledge (TK) and traditional ecological knowledge (TEK) that is proposed for incorporation in the final draft Marine Life Protection Act Master Plan for Marine Protected Areas. Also, we would like to thank the Commission for extending the tribal comment period to July 29, 2016 at the request of tribal leaders present at the Tribal Committee meeting on June 21, 2016.

Trinidad Rancheria is a Federally Recognized Tribe located in Humboldt County, California, with the Pacific Ocean as the western boundary of our tribal lands. We have been an active participant throughout the MLPA process and attend the Commission's Tribal Committee meetings when possible. The tribe's culture is inextricably intertwined with the marine environment and the ecological resources in our tribal area, and the Rancheria has an active role in the stewardship of the marine ecosystem. Additionally, Trinidad Rancheria has contributed informal inter-tribal input through collaboration on the Traditional Ecological Knowledge of Keystone Marine Species and Ecosystems project. This collaborative effort provided a foundation for the current proposed language.

Rachel Sundberg, our Tribal Historic Preservation Officer, participated in the TEK Ecosystems project and provided perspective for our comments. Our input is:

Acronyms (page v)	Agree to add TK and TEK to the acronyms table
Chapter 1.1, 2 nd Paragraph (p.5-6)	Agree with the proposed draft. However, we would like to comment that TEK is a cumulative body of scientific knowledge; therefore TEK is science and should be defined as such.



Chapter 4.3 (p.43) Delete the "For example" in the sentence "For example, the North Coast Regional MPA Baseline Monitoring Program is the first regional MPA baseline monitoring program in California to incorporate a TK research project (see Appendix C, Section 5)." It is a statement of fact, not only an example, which could imply and be construed as optional, something that can be disregarded. By using the sentence as a statement of fact and not an example, the information is a more meaningful and integral part of the paragraph.

Chapter 4.3 (p.46) Delete the "For example" in the sentence "For example, incorporating TK can improve the understanding of historical and current ocean conditions." Same reasons as above.

Thank you for your consideration of the Trinidad Rancheria's input to the proposed TK and TEK draft text for incorporation into the Master Plan for MPA's. Please contact Shirley Laos, Governmental Affairs Coordinator at (707) 677-0211 or slaos@trinidadrancheria.com should you have questions regarding this matter.

Sincerely,



Garth Sundberg
Chairman



Tolowa Dee-ni' Nation

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

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2016 AUG -4 PM 2:15
MLS

Loren Me'-lash-ne
Bommelyn
Chairman

Denise Padgette
Vice Chairperson

Scott D. Sullivan
Council Secretary

Dr. Joseph
Giovannetti
Treasurer

Marvin Richards Sr.
Council Member

Jeri Lynn Thompson
Council Member

Leann McCallum
Council Member

Elizabeth Wray
Chief Executive
Officer



July 26, 2016

California Fish and Game Commission
c/o Valerie Termini, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814

RE: Formal input regarding draft text related to traditional knowledge proposed for incorporation in the final draft Marine Life Protection Act Master Plan for Marine Protected Areas.

Dv-laa-ha~ Commissioners,

On behalf of the Tolowa Dee-ni' Nation ("Nation"), a federally recognized Indian Tribe, with aboriginal lands and territory throughout Northern California and Southern Oregon, and organized pursuant to the duly adopted Constitution of the Tolowa Dee-ni' Nation, the Nation would like to formally provide context and input in regards to the draft text related to traditional knowledge (TK), including traditional ecological knowledge (TEK), that is proposed for incorporation in the final draft Marine Life Protection Act Master Plan for Marine Protected Areas (Master Plan for MPAs).

Since 2009, the Nation has been intimately involved in the Marine Life Protection Act Initiative process, and has held a position on the Initiative that the Nation has never ceded any rights to use and govern the resources found within the Nation's aboriginal territory. The Nation has been at the forefront in the development of co-management in relationship to shared resources of the State and federally recognized Indian Tribes. Since time immemorial, the Nation has retained inherent aboriginal rights for the use, regulation and stewardship of the resources within our aboriginal territory as defined in Article I, Section I of the Nations' Constitution.

Affirming this position, the Nation advocated for federally recognized Indian Tribes to be at the table for the monitoring and establishment of the baseline of MPAs within their respected regions. In 2013, after the regulations were adopted for the North Coast study region, the Nation, through strong advocacy, key legal arguments, common platform, solution-orientated approach, and persistence, the MPA network was shaped in a manner that acknowledged Tribal rights within the marine environment by the State of California.

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

The need for inclusion of Traditional Knowledge through co-management is a result of the regulations that resulted in tribal exemptions within certain MPAs.

In 2013, the Nation was awarded the *Informing the North Coast MPA Baseline: Traditional Ecological Knowledge of Keystone Marine Species and Ecosystems* Project for the establishment of a baseline of ecological features and keystone species observations as well as to identify areas of concern and/or threats for long-term monitoring of MPAs and to inform North Coast ocean policy and adaptive management. In the Tribe's proposal, TEK is defined as a cumulative body of scientific knowledge, passed through cultural transmission, that evolves adaptively through time as a result of Indigenous Peoples living in and observing the local environment for many generations; it is a form of adaptive management. (Berkes 1999; Berkes et al. 2000). The information gathered through this Project spanned beyond data sets of TEK, and a broader definition of Traditional Knowledge was needed to understand the role federally recognized Indian tribal governments played in the stewardship and management of the marine environment. Through this development, TEK is encompassed into the broader scope of Traditional Knowledge, where TK refers to indigenous communities' ways of knowing that both guide and result from their community members' close relationships with, and responsibilities towards, the landscapes, waterscapes, plants, and animals that are vital to the flourishing of indigenous cultures. These ways of knowing and living have been accrued over thousands of years of experience, relationships, and upheld responsibilities towards other living beings and places (Wildcat 2009). In Berke's definition there are six faces of TEK, compartmentalizing the use of TEK in a way that can be transferred into a western paradigm of scientific analysis. Autonomous sovereign Nations have inherent responsibilities to their family, community, and environment and their own ways to express and protect TK. The development of the Nations' TK Baseline Project has given further understanding to the fact that these responsibilities cannot be broken down in a western science context, further demonstrating the Nation's position on the need for co-management

The Nation has monitored the development of the Master Plan for MPAs, requesting the need to define and move towards a governance structure of co-management for the governance of resources in part due to the shared responsibilities of resources as well as the inability to alienate TK from the knowledge group who defines it. The Nation provided public comment to the Fish and Game Commission in 2016 stating official comments were not provided on the Master Plan for MPAs as the nexus for co-management has not been incorporated in the Master Plan for MPAs after numerous requests to expand beyond monitoring and education and to move towards a co-governance structure in all the areas of management as identified in the plan.

The Nation's support of draft text language of TEK and TK will hinge on the understanding that these definitions are systems of knowledge best understood through the co-management by the Individual federally recognized Indian Tribe in partnership with the State. Any potential impact to the resources governed by the Master Plan shall be presented and consulted on with the Nation per Governor's Executive Order B-10-11 to seek a mutually beneficial outcome in the absence of a co-management agreement.

We thank you for your attention to this important matter in developing our working relationship with the State on the management of our shared resources and the Commission's commitment to Indian Country. For questions regarding this matter please contact Chief Governance Officer Briannon Fraley at (707) 487-9255 ex 1125 or Briannon.Fraley@tolowa.com.

Shu' shaa nin-la,



Loren Me'-lash-ne Bommelyn

Chairperson on behalf of Tribal Council

CC: TK Baseline Project Tribes: Tolowa Dee-ni' Nation, Trinidad Rancheria, Wiyot Tribe, Intertribal Sinkyone Wilderness Council

John Laird, Secretary for Natural resources,
California Natural Resources Agency

Deborah Halberstadt, OPC Executive Director/Deputy Secretary for Oceans and Coastal Policy,
California Natural Resources Agency

Charlton Bonham, Director,
Department of Fish and Wildlife

Nathan Voegeli, Tribal Liaison, Office of the General Counsel,
Department of Fish and Wildlife

Craig Shuman, Regional Manager Marine Region,
Department of Fish and Wildlife

OSG/bkf

Memorandum

Date: August 8, 2016

To: Valerie Termini
Executive Director
California Fish and Game Commission

From: Craig Shuman 
Regional Manager, Marine Region

Subject: **Agenda Item for the August 23 and 24, 2016, Fish and Game Commission Meeting Regarding Proposed Traditional Ecological Knowledge Text for Final Draft Master Plan for Marine Protected Areas**

At its April 13, 2016 adoption hearing for the 2016 Master Plan for Marine Protected Areas (MPAs), the Commission closed all comments on the final draft plan, except to allow additional time for Tribal input regarding traditional ecological knowledge (TEK). On June 23, 2016, the Commission moved adoption of the final draft 2016 Master Plan for MPAs to their August 24-25, 2016 meeting. This provided Tribes with additional time to review and respond to the Department's proposed text regarding TEK that was developed in response to Tribal input received at the Commission's June 21, 2016 Tribal Committee meeting.

The attached document shows the Department's final proposed TEK text for incorporation into the final draft 2016 Master Plan for MPAs. The proposed text is based on input received at the June 21, 2016 Tribal Committee meeting and comment letters submitted by the Tolowa Dee-ni' Nation, Trinidad Rancheria, and Yurok Tribe to the Commission office following the June 23, 2016 Commission meeting.

If you have any questions regarding this item, please contact Dr. Craig Shuman, Regional Manager, Marine Region at (805) 568-1246.

Attachment

ec: Nathan Voegeli, Attorney and Tribal Liaison
Office of General Counsel
Nathan.Voegeli@wildlife.ca.gov

Becky Ota, Program Manager
Marine Region
Becky.Ota@wildlife.ca.gov

Stephen Wertz, Senior Environmental Scientist
Marine Region
Stephen.Wertz@wildlife.ca.gov

Attachment. Final proposed traditional ecological knowledge and traditional knowledge text for incorporation into the final draft 2016 Master Plan for Marine Protected Areas developed by California Department of Fish and Wildlife based on input from the Fish and Game Commission Tribal Committee discussion on June 21, 2016, and comment letters submitted by Tribes received by July 29, 2016.

Document Section (page numbers) ¹	Final Proposed Text
Acronyms (page v)	Suggest a Adding <u>TEK (traditional ecological knowledge)</u> and <u>TK (traditional knowledge)</u> to the acronyms table
Chapter 1.1, 2 nd paragraph (pages 5-6)	<p>California's inhabitants have depended on the state's marine and coastal resources for at least 11,500 years, with some estimates indicating 19,000 years or more millennia (Walker & DeNiro 1986, Pritzker 2000, Erlandson et al. 2005, Rick et al. 2008). For countless generations, Since time immemorial, California Tribes have <u>stewarded and utilized marine and coastal resources in the region and stewarded marine and coastal ecosystems across California's approximately 1,100 mile coastline.</u> <u>The foundation of their management is a collective storehouse of knowledge about the natural world, acquired through direct experience and contact with the environment, and gained through many generations of learning passed down by elders about practical as well as spiritual practices (Anderson 2005). This knowledge, which is the product of keen observation, patience, experimentation, and long-term relationships with the resources, today is commonly called "traditional ecological knowledge" (TEK) (Anderson 2005). While no single definition of TEK is universally accepted, it has been described as "a cumulative body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment" (Berkes 1999), and references therein. TK Traditional Knowledge (TK) encompasses TEK, science, and other relevant information from tribes. Many California Tribes continue to regularly harvest marine resources within their ancestral territories and maintain relationships with the coast for ongoing customary uses. Today, California's inhabitants and visitors continue to gain significant benefits from the state's oceans and coasts coastal waters, including economic, nutritional, recreational, cultural, spiritual, and educational, as well as climate regulation and protection from coastal hazards. Many California Tribes continue to regularly harvest marine resources within their ancestral territories and maintain relationships with the coast for ongoing cultural uses, including spiritual and ceremonial purposes.</u></p> <p><u>Berkes, F. (1999). Sacred ecology: traditional ecological knowledge and management systems. Taylor and Francis, Philadelphia and London, UK.</u></p> <p><u>Anderson, K. (2005). Tending the wild: Native American knowledge and the management of California's natural resources. Berkeley and Los Angeles, California: University of California Press.</u></p>

¹ Page numbers correspond to the Final Draft 2016 Master Plan for MPAs: <https://www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan>

Attachment. Final proposed traditional ecological knowledge and traditional knowledge text for incorporation into the final draft 2016 Master Plan for Marine Protected Areas developed by California Department of Fish and Wildlife based on input from the Fish and Game Commission Tribal Committee discussion on June 21, 2016, and comment letters submitted by Tribes received by July 29, 2016.

Document section (page numbers) ¹	Final Proposed Text
Chapter 4.3, 2 nd paragraph (page 43)	<p>This need is described in the MLPA, which requires “monitoring, research, and evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the [MPA] system meets the goals.”¹²⁷ Therefore, monitoring results and additional information potentially collected from TK, other <u>other</u> scientific data, governance and management review, workshops, and public forums is <u>are</u> an accumulation of information that could be used to inform adaptive management which is a response to that information (see Chapter 4.5). For example, the <u>The North Coast Regional MPA Baseline Monitoring Program is the first regional MPA baseline monitoring program in California to incorporate a TK research project (see Appendix C, Section 5).</u>¹²⁸ The MLPA, together with policy guidance including the Partnership Plan and the MSLT Work Plan, have guided and will continue to guide the MPA monitoring approach outlined in this section, which will be used to inform adaptive management of California’s MPA network.</p> <p>¹²⁸<u>Rocha, M., Rosales, H., Sundberg, R., and T. Torma. <i>Traditional Ecological Knowledge of Keystone Marine Species and Ecosystems</i>. Retrieved Feb 18, 2016 from https://caseagrant.ucsd.edu/news/new-projects-to-take-snapshot-of-north-coasts-mpas#keystone-marine-species</u></p>
Chapter 4.3, Using a Partnership-Based Approach, 3 rd paragraph (Page 46)	<p>To date, the partnership-based approach to MPA management has involved more than 70 agencies, California Tribes and Tribal governments, and organizations in regional baseline MPA monitoring programs. Long-term monitoring will build on this experience, continuing to leverage capacity and establish partnerships to build a cost-effective, sustainable monitoring program statewide. For example, incorporating TK can improve the understanding of historical and current ocean conditions. The MSLT has developed an MSLT Work Plan that emphasizes the ongoing need to build partnerships, broaden participation, include knowledge from diverse sources, and build a deeper understanding of ocean health. The MSLT Work Plan reflects the philosophy that all quality science may be useful in building a robust monitoring program, including academic, local, traditional, and citizen science contributions. Citizen science programs provide monitoring support through activities such as trainings to gather biological data in key habitats and recording observations of consumptive and non-consumptive uses of MPAs.</p>



August 11, 2016

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

Via email: fgc@fgc.ca.gov, valerie.termini@fgc.ca.gov

RE: Marine Life Protection Act Master Plan Update Adoption

Dear President Sklar and Members of the Commission:

Over the past several years, the Marine Protected Area (MPA) Collaborative Network has been actively engaged in MPA implementation efforts and has made great progress in strengthening public awareness, compliance and monitoring of MPAs. We are pleased to see that the Marine Life Protection Act (MLPA) Master Plan update has a strong focus on the need for partnerships to sustain long-term MPA durability **and urge you to adopt this updated plan at your meeting on August 24, 2016.**

The MPA Collaborative Network is made up of community partners in fourteen coastal counties who provide local expertise and support MPA activities including outreach and education, compliance and enforcement, and research and monitoring. Our members include lifeguards, tribes, local municipalities, beach managers, academic institutions, federal agencies, non-profit organizations, and others, all working together to create the social infrastructure necessary to protect California's MPAs into the future.

We believe that the lasting success of the state's MPAs relies heavily on local stewardship and civic investment in these special places. The MPA Collaborative Network is committed to ensuring our protected areas are woven into community culture and viewed as public assets for recreation and exploration. We look forward to continuing our work in support of MPA management and encourage you to adopt the Master Plan update at your next meeting.

Sincerely,

Rosa Laucci, Co-Chair
Del Norte Collaborative

Beth Chaton, Co-Chair
Humboldt Collaborative

Delia Bense-Kang, Co-Chair
Humboldt Collaborative

Michele Luna, Co-Chair
Sonoma Collaborative

Brian Baird, Co-Chair
Golden Gate Collaborative

David McGuire, Co-Chair
Golden Gate Collaborative

Rikki Dunsmore, Co-Chair
Santa Cruz Collaborative

Phyllis Grifman, Co-Chair
Los Angeles Collaborative

Zach Plopper, Co-Chair
San Diego Collaborative

Rebecca Johnson, Co-Chair
San Mateo Collaborative

Kristen Hislop, Co-Chair
Santa Barbara Collaborative

Joe Tyburczy, Co-Chair
Humboldt Collaborative

Karen Grimmer, Co-Chair
Monterey Collaborative

Carla Navarro, Chair
Orange County Marine Protected Area Council

August 11, 2016

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

Via email: fgc@fgc.ca.gov, valerie.termini@fgc.ca.gov

RE: Support for Marine Life Protection Act Master Plan

Dear President Sklar and Members of the Commission:

Between 2004 and 2012, we served as members of the four Marine Life Protection Act (MLPA) Regional Stakeholder Groups (RSG), dedicating ourselves to work collaboratively with our fellow stakeholders to help the State of California design its globally significant network of marine protected areas (MPAs). We are writing to you now in support of the MLPA Master Plan (Master Plan) update and to **urge your Commission to approve this important document at its August 2016 meeting.**

The MLPA Master Plan provides an important record of the MPA planning process and outlines a vision and actions for successful ongoing management, which includes leveraging existing activities and collaborative partnerships, as well as a scientifically based adaptive management review cycle to facilitate improved MPA network effectiveness over time.

The MPAs that string the coast of California today represent a network of hard fought compromises, a network of protections where each individual MPA reflects painstaking attempts to meet science guidelines while balancing the sometimes conflicting perspectives and values around fishing, recreation, conservation, culture, and tradition.

California's MPA network was always intended to provide lasting protection for the state's ocean habitats and wildlife. The massive social and financial investments required to create and implement the MPA network were not made with the intent to simply "reopen" these areas to satisfy a particular stakeholder group after a few years. Instead, the care and effort that went into designing the state's MPA network was an investment to ensure that California's marine ecosystems, which support booming tourism, fishing and recreational economies and hold intrinsic and cultural value for residents and visitors alike, are thriving and sustainable into the future.

Thank you for consideration of these comments and we urge you to approve the Master Plan at your August meeting.

Sincerely,

Jenn Eckerle
South Coast

Samantha Murray
North Central Coast

Bill Lemos
North Coast

Frederick Smith
North Central Coast

Marce Gutiérrez-Graudiņš
South Coast

Jim Webb
Central Coast

Greg Helms
South Coast

David Jensen
North Coast

Francesca Koe
North Central Coast

Ray Hiemstra
South Coast

Karen Garrison
North Central Coast

Jennifer Savage
North Coast

Steve Shimek
Central Coast

Phyllis Grifman
South Coast

Bob Wilson
North Central Coast

John Pearse
Central Coast

Lia Protopapadakis
South Coast

Jack Engle
South Coast

Marc Shargel
Central Coast

Lance Morgan
North Central Coast

Roberta Cordero
South Coast

Rick Johnson
North Central Coast

Kate Hanley
South Coast

Mike Osmond
Central Coast

Craig Swolgaard
North Central Coast