

STAFF SUMMARY FOR AUGUST 24-25, 2016

11. TRIBAL TAKE IN MPAS**Today's Item**Information Action

Authorize publication of notice of intent to change regulations regarding tribal take in marine protected areas (MPAs).

Summary of Previous/Future Actions

- FGC direction to initiate rulemaking Apr 13-14, 2016; Sacramento
- **Today's Notice hearing Aug 24-25, 2016; Folsom**
- Discussion hearing Oct 19-20, 2016; Eureka
- Adoption hearing Dec 7-8, 2016; San Diego

Background

Existing regulations in Section 632, Title 14, provide definitions, and site-specific area classifications, boundary descriptions, commercial and recreational take restrictions, and other restricted/allowed uses, including tribal take allowances within select MPAs in recognition of traditional tribal uses in the north coast region.

The originally proposed language of the 2012 MPA rulemaking included the Cher-Ae Heights Indian Community of the Trinidad Rancheria and Resighini Rancheria in the list of tribes exempt from the area and take regulations for Reading Rock State Marine Conservation Area (SMCA) based on their submitted factual records (exhibits 2 and 3). However, FGC ultimately adopted the no-change alternative concerning these tribes in this area and listed the Yurok Tribe as the only federally-recognized tribe exempt from regulations within the SMCA.

Following the adoption of the 2012 regulations, Cher-Ae Heights Indian Community of the Trinidad Rancheria and Resighini Rancheria requested that FGC reconsider adding an exemption for their respective Tribes in the Reading Rock SMCA, based on their status as independent federally recognized Sovereign Tribal Nations and their fulfillment of FGC's requirement for documentation of historic or current uses of the area through a factual record (exhibits 4-6).

After vetting in the Tribal Committee and before FGC in 2014 and 2015, FGC provided direction to staff in Apr 2016 to begin to prepare a rulemaking package that would add Cher-Ae Heights Indian Community of the Trinidad Rancheria and Resighini Rancheria to the list of tribes exempt from the area and take regulations for Reading Rock SMCA (subsection 632(b)(6)).

In addition, FGC directed staff to update MPAs that include an exemption for Smith River Rancheria. The tribe notified FGC that in 2015 Smith River Rancheria changed its name to Tolowa Dee-ni' Nation and requested that the regulations be updated to reflect the change. The regulatory text in subsections 632(b)(1) and 632(b)(2) is proposed to be updated to reflect Smith River Rancheria's name change to Tolowa Dee-Ni' Nation. Other changes are proposed for clarity and consistency (Exhibit 1).

In Jun 2016, the Yurok Tribe submitted a comment letter (Exhibit 7) requesting formal consultation before action is considered. FGC Executive Director Valerie Termini sent a letter responsive to the request to the Yurok Tribe, as well as letters to Cher-Ae Heights Indian Community of the Trinidad

STAFF SUMMARY FOR AUGUST 24-25, 2016

Rancheria and Resighini Rancheria offering similar opportunities for consultation, and offered to schedule the consultations in Oct (adjacent to Oct FGC meeting).

Significant Public Comments

1. Letter from Yurok Tribe opposing the change at Reading Rock and requesting formal consultation between FGC and the Yurok Tribe before any action is taken on the requests from Cher-Ae Heights Indian Community of the Trinidad Rancheria and Resighini Rancheria (Exhibit 7).

Recommendation

FGC staff: The proposed changes have been discussed before FGC for several years. As such, staff recommends going to notice at this meeting while concurrently engaging in consultation with the Yurok, Cher-Ae Heights Indian Community of Trinidad Rancheria and Resighini Rancheria.

Exhibits

1. [Executive Director memo and draft proposed regulatory language, dated Aug 16, 2016](#)
2. [Factual Record of Current and Historical Uses by the Cher-Ae Heights Indian Community of the Trinidad Rancheria, dated Aug 29, 2011](#)
3. [Letter and Factual Record from Resighini Rancheria, received Oct 31, 2011](#)
4. [Letter from Resighini Rancheria, received Aug 20, 2012](#)
5. [Letter from Cher-Ae Heights Indian Community of the Trinidad Rancheria, dated Apr 10, 2012](#)
6. [Letters from Cher-Ae Heights Indian Community of the Trinidad Rancheria, received Aug 14, 2013](#)
7. [Letter from Yurok Tribe, received Jun 30, 2016](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend Section 632, Title 14, California Code of Regulations, related to tribal take in marine protected areas.

**STATE OF CALIFORNIA
FISH AND GAME COMMISSION
MEMORANDUM**

DATE: August 16, 2016

TO: All Commissioners

FROM: Valerie Termini, Executive Director 

SUBJECT: Agenda item for August 24-25, 2016, Commission meeting, authorize publication of notice of intent to amend regulations concerning tribal take in marine protected areas, Section 632, Title 14, California Code of Regulations

At its April 13-14, 2016, meeting, the Commission directed staff to initiate a rulemaking concerning tribal take in marine protected areas in the north coast study region. The Initial Statement of Reasons to establish the regulations is still under development, and the proposed regulations cover the following items:

- The regulatory text in subsection 632(b)(6) is proposed to be amended to add Cher-Ae Heights Indian Community of the Trinidad Rancheria and Resighini Rancheria to the list of tribes exempt from the area and take regulations for Reading Rock State Marine Conservation Area.
- The regulatory text in subsections 632(b)(1) and 632(b)(2) is proposed to be updated to reflect Smith River Rancheria's name change to Tolowa Dee-Ni' Nation.
- Other changes are proposed for clarity and consistency.

Authorization of this request to publish notice will allow for discussion at the October 19-20, 2016, meeting, and possible adoption at the December 7-8, 2016, Commission meeting.

If you have any questions or need additional information, please contact Susan Ashcraft at (916) 653-1803 or Susan.Ashcraft@fgc.ca.gov.

Attachment: Draft Proposed Regulatory Language

Proposed Regulatory Language

Section 632, Title 14, CCR, is amended to read:

§ 632. Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures.

(a) General Rules and Regulations:

The areas specified in this section have been declared by the commission to be marine protected areas, marine managed areas, or special closures. Public use of marine protected areas, marine managed areas, or special closures shall be compatible with the primary purposes of such areas. MPAs, MMAs, and special closures are subject to the following general rules and regulations in addition to existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b), areas and special regulations for use. Nothing in this section expressly or implicitly precludes, restricts or requires modification of current or future uses of the waters identified as marine protected areas, special closures, or the lands or waters adjacent to these designated areas by the Department of Defense, its allies or agents.

[No changes to subsections (a)(1) through (a)(10)]

- (11) Tribal Take. For purposes of this regulation, “federally recognized tribe” means any tribe on the *List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs*, published annually in the Federal Register. Any member of a federally recognized tribe authorized to take living marine resources from an area with area-specific take restrictions in subsection 632(b), when engaging in take within an authorized area shall possess on his person, in his immediate possession, or where otherwise specifically required by law to be kept, any valid license, report card, tag, stamp, validation, permit, or any other entitlement that is required in the Fish and Game Code, or required by other state, federal, or local entities, in order to take living marine resources. Members shall possess a valid photo identification card issued by a federally recognized tribe that contains expiration date, tribal name, tribal member number, name, signature, date of birth, height, color of eyes, color of hair, weight, and sex; and display any of the items listed above upon demand to any peace officer. Members taking living marine resources under this provision are subject to current seasonal, bag, possession, gear and size limits in existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b). No member, while taking living marine resources pursuant to this section, may be assisted by any person who does not possess a valid tribal identification card and is not properly licensed to take living marine resources. Nothing in the regulation is intended to conflict with, or supersede, any state or federal law regarding the take of protected, threatened or endangered species.

[No changes to subsection (a)(13)]

(b) Areas and Special Regulations for Use. Pursuant to the commission's authority in Fish and Game Code Section 2860 to regulate commercial and recreational fishing and any other taking of marine species in MPAs, Fish and Game Code Sections 10500(f), 10500(g), 10502.5, 10502.6, 10502.7, 10502.8, 10655, 10655.5, 10656, 10657, 10657.5, 10658, 10660, 10661, 10664, 10666, 10667, 10711, 10801, 10900, 10901, 10902, 10903, 10904, 10905, 10906, 10907, 10908, 10909, 10910, 10911, 10912, 10913, and 10932 are superseded as they apply to designations in Subsection 632(b). All geographic coordinates listed use the North American Datum 1983 (NAD83) reference datum:

(1) Pyramid Point State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

42° 00.000' N. lat. 124° 12.735' W. long.;

42° 00.000' N. lat. 124° 19.814' W. long.; thence southward along the three nautical mile offshore boundary to

41° 57.500' N. lat. 124° 17.101' W. long.; and

41° 57.500' N. lat. 124° 12.423' W. long.

(B) Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:

1. The recreational take of surf smelt [Section 28.45] by dip net or Hawaiian type throw net [Section 28.80] is allowed.

2. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(1) of these regulations and shall comply with all other existing regulations and statutes:

Smith River Rancheria Tolowa Dee-Ni' Nation.

(2) Point St. George Reef Offshore State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

41° 52.000' N. lat. 124° 23.189' W. long.;

41° 52.000' N. lat. 124° 25.805' W. long.; thence southward along the three nautical mile offshore boundary to

41° 49.000' N. lat. 124° 26.252' W. long.;

41° 49.000' N. lat. 124° 23.189' W. long.; and

41° 52.000' N. lat. 124° 23.189' W. long.

(B) Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:

1. The recreational take of salmon by trolling [subsection 27.80(a)(3)]; and Dungeness crab by trap is allowed.

2. The commercial take of salmon with troll fishing gear [subsection 182(c)(4)]; and Dungeness crab by trap is allowed.

3. The following federally recognized tribes (listed

alphabetically) are exempt from the area and take regulations found in subsection 632(b)(2) of these regulations and shall comply with all other existing regulations and statutes:

Elk Valley Rancheria, and

Smith River Rancheria Tolowa Dee-Ni' Nation.

[No changes to subsections (b)(3) through (b)(5)]

(6) Reading Rock State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

41° 20.100' N. lat. 124° 04.911' W. long.;

41° 20.100' N. lat. 124° 10.000' W. long.;

41° 17.600' N. lat. 124° 10.000' W. long.; and

41° 17.600' N. lat. 124° 05.399' W. long.

(B) Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:

1. The recreational take of salmon by trolling [subsection 27.80(a)(3)]; surf smelt [Section 28.45] by dip net or Hawaiian type throw net [Section 28.80]; and Dungeness crab by trap, hoop net or hand is allowed.

2. The commercial take of salmon with troll fishing gear [subsection 182(c)(4)]; surf smelt by dip net; and Dungeness crab by trap is allowed.

3. The following federally recognized ~~tribe~~ tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(6) of these regulations and shall comply with all other existing regulations and statutes:

Cher-Ae Heights Indian Community of the Trinidad Rancheria,
Resighini Rancheria, and

Yurok Tribe of the Yurok Reservation.

[No changes to subsections (b)(7) through (b)(147)]

Note: Authority cited: Sections 200, 202, 205(c), 220, 240, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code. Reference: Sections 200, 202, 205(c), 220, 240, 2861, 5521, 6653, 8420(e) and 8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code.

Factual Record of Current and Historical Uses by the Cher-Ae Heights Indian Community of the Trinidad Rancheria
Submission to the California Fish and Game Commission
August 29, 2011

INTRODUCTION

On June 29, 2011, the California Fish & Game Commission, on a 4-1 vote, moved to adopt Tribal Option 1, as presented by the June 9, 2011 joint report prepared by the California Department of Fish & Game and the Marine Life Protection Act Initiative staff.

The Commission adopted Tribal Option 1 as the preferred alternative within the North Coast Study Region, to allow tribal gathering to continue within proposed State Marine Conservation Areas (SMCAs) by federally recognized tribes who, within sixty (60) days, submitted a factual record with sufficient documentation confirming current or historical use within the proposed SMCAs.

In response to the Commission's request, the following factual record has been prepared and is being submitted on behalf of the Cher-Ae Heights Indian Community of the Trinidad Rancheria. Given the time constraints, if necessary, the Tribe respectfully requests the opportunity to supplement the record at a later date. Further, although this record is being submitted within the timeframe proposed by the Fish & Game Commission, other federally recognized tribes who are unaware of this process should be afforded the opportunity to provide their submission at a later date.

HISTORY, CULTURAL GEOGRAPHY AND HUMAN ECOLOGY OF THE YUOK OF THE TRINIDAD RANCHERIA

The Cher-Ae Heights Indian Community of the Trinidad Rancheria is a federally recognized tribe¹ with ancestral ties to the Yurok, Wiyot, Tolowa, Chetco, Karuk and Hupa peoples. While they share similar cultural and historical traditions, each tribe has a distinct heritage. The Rancheria is within the aboriginal territory of the Yurok peoples and is located in an area of great cultural significance to the Trinidad Rancheria and other local tribal entities. While the Rancheria's membership maintains ancestral and cultural ties to several culture groups in the North Coast Study Region, our membership is primarily Yurok and as such we will focus on Yurok cultural geography and history.

¹ Federal Register, Vol. 75, No. 190, p. 60810, Oct 1, 2010.

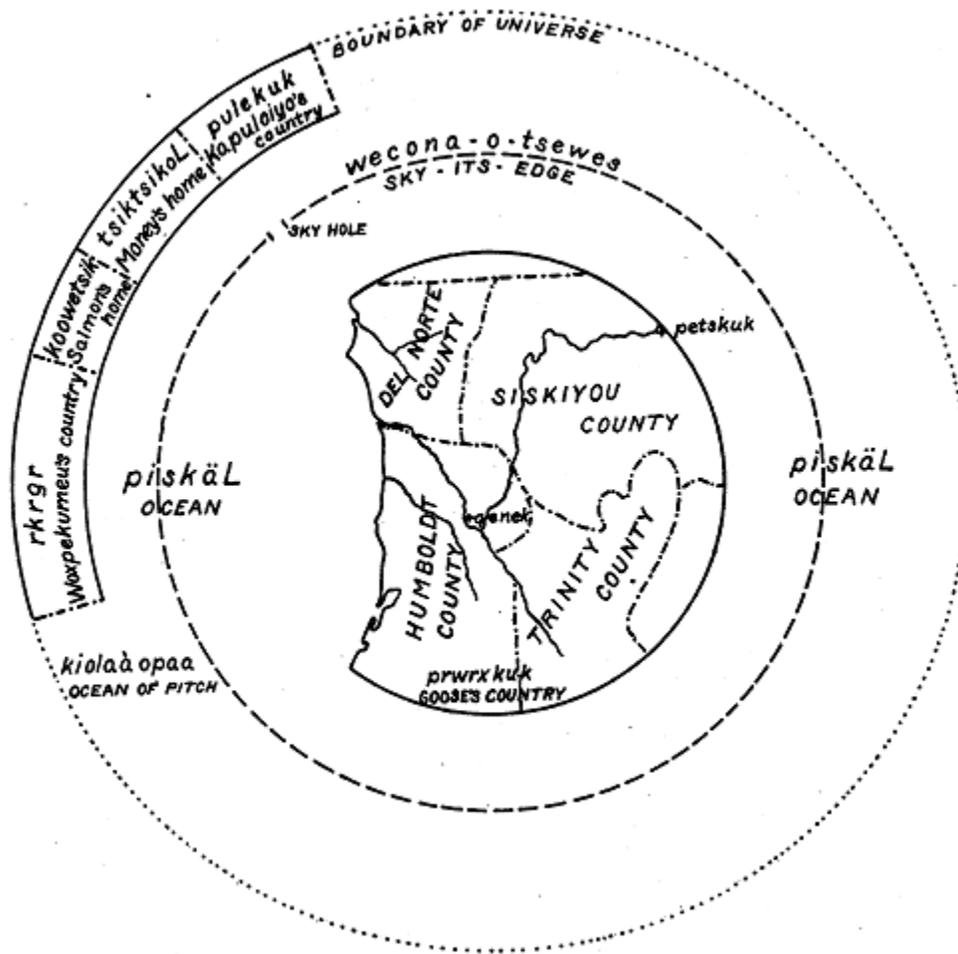


Fig. 1 Diagram showing the Yurok idea of the world. (Waterman; 1920)

A. Historic Documentation of the Tribe within the North Coast Study Region

Yurok ancestral territory encompasses approximately 320,000 acres of the North Coast extending north from the villages on the Little River (Me'tsko and S're-por) in Humboldt County to the mouth of Damnation Creek in Del Norte County, and inland along the Klamath River from the mouth of the river at Requa (Re'kwoi) to the confluence of Slate Creek and the Klamath River. Though our people have been confined to a small portion of this territory, whether as members of the Trinidad, Big Lagoon or Resighini Rancherias or of the Yurok Tribe, the people have continued to practice their traditional life ways.

Ancestral Lands include all submerged lands, lagoons, and the beds, banks, and waters of all the tributaries within the territory just described, comprising approximately seven and a half percent (7.5%) of the California coastline, and off this coastline west to the horizon. Also included within the Ancestral Lands are shared interests with other tribes in usual and customary hunting, fishing, and gathering sites (Yurok Tribe 1993, 2010).

Trinidad Rancheria

Page 3

Yurok ancestral lands are powerful cultural landscapes with ritual, spiritual, social, narrative, and economic associations. The 20th century ethnographer Thomas T. Waterman documented over 1,000 place-names within Yurok territory.

“My impression is that local geography seems to mean rather more to the Yurok than is ordinarily the case with Indian tribes. The Yurok have a very large number of local names...In certain areas the separate place names crowd so thickly that it is difficult to find space for them on a map. In their nomenclature certain principles are very clearly visible, which it is interesting to point out, particularly with reference to those features in which the Yurok practice differs from our own. The places having names exhibit in themselves a good deal of variety; for example, a place name in a given case may become attached to a flat of thirty acres, or to a village site, or to a boulder the size of a steamer trunk, or to a few elderberry bushes, or to a single tan-oak tree...”²

Yurok place names and narratives identify village sites, gathering, hunting, and fishing places, major and minor topographical features, microhabitats and ephemeral phenomena. In addition to naming and revering hundreds of marine and terrestrial species, the Yurok named and revered sloughs, flats along the river, crags, coves, sea stacks, flat rocks, rocks that were partially submerged, points where rocks are always falling; places where water drips from a cave, and points in the ocean you could swim to; creeks, riffles, areas where salmon spawn on gravel, places to set annual and seasonal weirs and nets for fish and lamprey; places where smelt gather, where smelt can and cannot be dried, where the fattest salmon can be found, where the bluff “gets low” or terminates at the shoreline, where seabirds gather in crags, where to launch a boat into the sea, places to catch eels, to collect oysters, clams, mussels, and small game and waterfowl (Waterman 1920).

“...He lived at Sumig, Thunder lived at Sumig. He was the one who said, ‘Where shall we make water to be? How will they live if we leave prairie there? Let us have it so...He said to Earthquake, ‘What do you think? Do you think it would be right to have it so? I want water to be there, so that people may live. (Otherwise) they will have nothing to subsist on.’ Then Earthquake thought, ‘That is what I believe,’ He said, ‘That is true. Far off I always see it, see water there, and there are salmon there...’ (Kroeber: 460-461)

-Ann of Espau

Within the Yurok territory, stretches of beach, river, or rock are designated as localities where sweat houses and fish camps were established, and where ecological and geographical features embody, and are infused by, ancient stories.

² Waterman 1920 p.195

Trinidad Rancheria

Page 4

The Trinidad Head (Chue-rey-wa or Tsurewa), for instance, figures prominently in tribal histories regarding ceremonial practices.



As the story begins, we meet a young man from Tsurau (Chue-rey). He had a sister. He told her one morning, "I should like to see a pretty hill be" "What for?" she asked. "I always hear laughing when the wind blows from there. I almost hear someone laughing. That is why I want to make a good hill here. I want to sit it on it that I may look about. There may be people somewhere. Perhaps they will see me when they come by." (Kroeber 1976:18).

He then went down to the beach, gathered a pile of sand in his hands and made the pile round, and set it down again. So he made Tsurewa. After the young man had created Tsurewa, he sat upon it and said, "I wish you would be higher," and the sand grew higher. After some time, the young man said, "I wish you would be a little higher," and the sand grew a little more. He looked around and said, "That is all," (Kroeber 1976:19).

As the story continues the young man sits upon the top of Tsurewa and creates a spring and it is at the spring that he goes to get woodpecker crests for his regalia. The story concludes as the young man of Tsurai travels within Yurok Ancestral Territory and visits many villages to instruct other Yurok on how to properly conduct ceremonies (Kroeber 1976:19-28).



Fig. 2 Close up of a traditional ceremonial dress (muen-chehl) owned by Tribal Member C. Jean (Natt) Walker (Yurok, Tolowa, Tututni) featuring abalone and clam shell decoration.

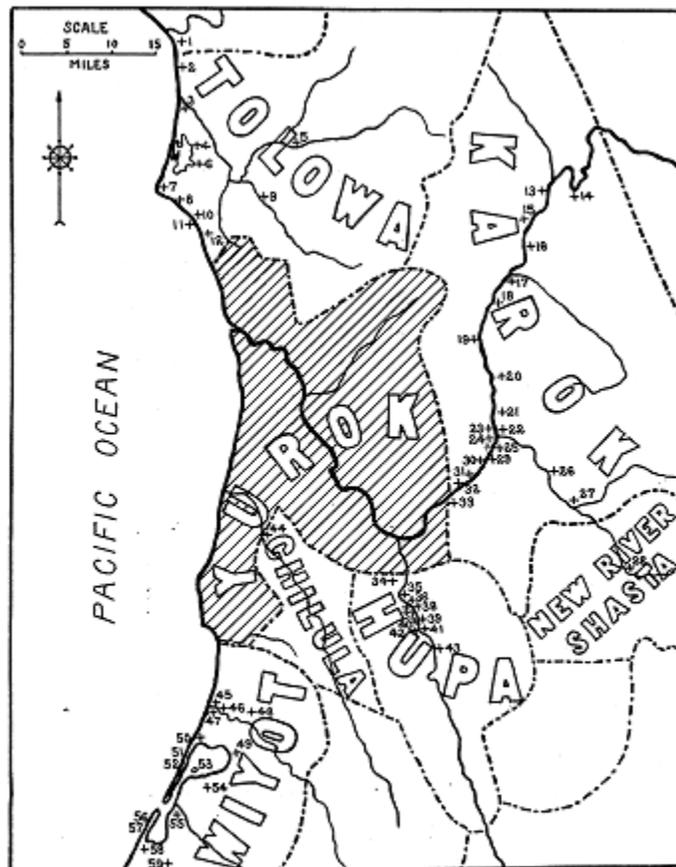
B. Traditional Practices and Uses of Marine Resources within the North Coast Region

Traditional tribal practices and use of marine resources are consistent with the goals of the Marine Life Protection Act. Yurok harvesting, hunting, and fishing practices are sustainable and contribute to the health and resilience of the ecosystem, while simultaneously helping to maintain the health and resilience of the Yurok culture and way of life.

Yurok people have existed as an intrinsic part of the marine environment since time immemorial. Our people are known as great fisherman, eelers, basket weavers, canoe makers, storytellers, singers, dancers, healers and strong medicine people. Over the course of this 10,000 plus year experience intimately linked adaptive management practices have been developed to mirror the natural life cycles of this unique marine environment now recognized by Western society as the North Coast of California.

These traditional management practices, reflected in prayer and incorporated in everyday life activity, gave protection to resources with an “elaborate system of rights assuming the force of law” (Kroeber(c):3).

Historically, Yurok hunting, fishing, and gathering areas were very firmly monitored and controlled. As Waterman noted, “The Yurok talk a great deal about ‘beach rights.’ Certainly the territories belonging to different towns were carefully discriminated and the limits very accurately known. The people who could by right share in a given piece of good fortune, such as a stranded whale, were the individuals who owned rights in that particular stretch of beach” (1920: 220-21)



Map 2. Northwest California, showing distribution of Yurok place-names outside Yurok territory.

Towns and places represented on the map.

1. Hup'	12. Hup'oluk	21. Hup'	30. Hup'	40. Hup'oluk
2. Hup'	13. Hup'oluk	22. Hup'	31. Hup'	41. Hup'oluk
3. Hup'	14. Hup'oluk	23. Hup'	32. Hup'	42. Hup'oluk
4. Hup'	15. Hup'oluk	24. Hup'	33. Hup'	43. Hup'oluk
5. Hup'	16. Hup'oluk	25. Hup'	34. Hup'	44. Hup'oluk
6. Hup'	17. Hup'oluk	26. Hup'	35. Hup'	45. Hup'oluk
7. Hup'	18. Hup'oluk	27. Hup'	36. Hup'	46. Hup'oluk
8. Hup'	19. Hup'oluk	28. Hup'	37. Hup'	47. Hup'oluk
9. Hup'	20. Hup'oluk	29. Hup'	38. Hup'	48. Hup'oluk
		39. Hup'	49. Hup'oluk	50. Hup'oluk

Fig 3. Map showing distribution of Yurok place names outside Yurok Territory (Waterman; 1920)

C. Overlapping Territory and the Interrelatedness of North Coast Tribes

This application for a non-exclusive right to harvest may overlap with other eligible Tribes. The boundaries provided delineating ancestral and/or aboriginal lands and waters

by each California Tribe shall be understood as defined in the document of the respective Tribe. However, it must also be recognized that there was always and continues to be traditional subsistence, ceremonial, and customary uses that may be inter-tribal and intra-tribal within a specific geography beyond and/or within those defined boundaries. This may be based on ownership, gathering, hunting, and/or harvesting rights obtained through permission, heredity, marriage, trade, gambling, dowry, need for resource, etc... Furthermore, there are areas shared for ceremonial, trade, and other customary purposes. Within the North Coast Study Region, there are a wealth of connections intertwined between California Tribes, Tribal communities, and individual Indians that are both familial and evident in shared cultural traits. For fishing, some of the similarities in technique and stewardship may be seen in the detailed report prepared by Kroeber and Barrett (1960) specific to northwestern California.

It is also understood that there are certainly areas of geographic overlap identified among California Tribes. This is a result of relationships described above, as well as the individual history unique to each Tribe post-contact. The assertion, negotiation, claims, by each California Tribe of their respective ancestral and/or aboriginal lands and waters is a matter for California Tribes to resolve among ourselves. This is not a matter for the State of California to broach in any manner; nor is it necessary to address or resolve in order to move forward on legislative, administrative, and/or regulatory solutions between California Tribes and the State in the MLPA process. Rather, this is and will continue to be a matter for resolution between California Tribes, Tribal communities, and individual Indians on into the future.

D. Historic Overview and Documentation of the Contact with Non-Indians

California's incorporation to the Union in 1850 brought about a new wave of laws that attempted to break and control California Indian populations. The 1850 California's Act for the Government and Protection of Indians facilitated the removal of California Indians from their traditional lands, separating generations of children and adults from their families, languages, and cultures (Johnston-Dodds:1).

Between first land contact with Euro-Americans in 1849 and the California gold rush a hundred years later, the tribal population of Chue-rey Village (one of the largest pre-contact Yurok villages in the region) was decimated—by 1916, only a single Chue-rey resident remained.

Thus, in recovering from near annihilation a century ago, the continuation and preservation of the native culture, languages, and traditional life ways have been a very high priority among members of the Trinidad Rancheria. Critical to the social and spiritual recovery of these tribal members is the ability to access traditional food staples from the ancestral coastline. Subsistence fishing and seaweed gathering continue to be essential to both physical and cultural survival.

E. Trinidad Rancheria's Current Reservation and Population

The Trinidad Rancheria was established in 1906 by an act of the U.S. Congress that authorized the purchase of small tracts of land for "homeless Indians". In 1908, 60 acres of land were purchased on Trinidad Bay to accommodate the Tribe. The Tribe's Federal Recognition was granted by the Department of the Interior in 1917, and between 1950 and 1961 the Trinidad Rancheria approved home assignments on the reservation and enacted their original Articles of Association. In 2008 the Tribe passed a new constitution that replaced the original Articles of Association and has increased their Enrolled Membership to 199.

The Trinidad Rancheria is now comprised of three separate parcels that total 82 acres. The largest parcel is located on the west side of Highway 101 along the Pacific Coast and is made up of 46.5 acres. This parcel accommodates Tribal Member Housing, Tribal Offices, a Tribal Library, and the Cher-Ae Heights Casino.

In 1962, when the current layout of Highway 101 was constructed, it bisected the Rancheria on the north eastern corner which left small nine-acre parcel on the eastern side of Highway 101. This parcel was subsequently disposed of by the Bureau of Indian Affairs because an adjacent land owner refused to give the Rancheria the right-of-way. Through economic development and self sufficiency, the Tribe was able to purchase additional land. Approximately 8 acres were purchased in Westhaven, directly across Highway 101 in the late 1980s and a third 27.5-acre parcel, located in the unincorporated community of McKinleyville, was purchased in the 1990s and now houses 12 residential properties.

In addition to Rancheria property, the Tribe also owns the Trinidad Pier & Harbor and Seascope Restaurant in the City of Trinidad. This property includes the main entrance and access point to the Trinidad Head, which hosts walking trails, and cultural and historical points of interest.

F. Trinidad Rancheria Tribal Government

The membership of the Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria) is currently comprised of 199 enrolled individuals. The membership consists of persons listed on the Trinidad Rancheria Base Roll and their direct lineal descendants. Enrolled members are categorized by four groups: Base Roll, Voting Members, Non-Voting members, and Minors. The governing body of the Tribe (Community Council) consists of all duly enrolled, base roll and voting members (eighteen years of age or over and who satisfy a number of annual requirements to maintain voting privileges).

The Trinidad Rancheria Community Council meets monthly and establishes the dates, time and location on an annual basis. Community Council Meetings are facilitated by the

Trinidad Rancheria

Page 9

Tribal Council and provide a regular forum in which the community is able to come together and conduct business on behalf of the Tribe.

From the Community Council, a Tribal Council is elected. It is the duty of the Tribal Council to govern all the people, resources, land, and water reserved to the Tribe in accordance with the Trinidad Rancheria Constitution, such laws as adopted by the Tribal Council, such limitations as may lawfully be imposed by the Tribal Council, and such limitations as may be lawfully imposed by the statutes or the Constitution of the United States.

The Tribal Council consists of a Chairperson, Vice-Chairperson, Secretary/Treasurer and two (2) additional members to serve as Tribal Council Members. Any Community Council member (eighteen years of age or over) is eligible to serve on the Tribal Council if duly elected. The Tribal Council meets twice a month - regular times, dates and location are established by the Chairperson.

The Tribal Council Officer's duties include a wide range of responsibility including attending all meetings, serving as liaisons to advisory committees, and most importantly, upholding the Tribal Constitution. Specific responsibilities, duties, expectations, and guidelines are thoroughly outlined in the Trinidad Rancheria's Tribal Constitution.

The Chairperson is entitled to vote in all meetings and exercises the following powers as the chief executive officer of the tribe: preside over and vote in all meetings of the Tribal Council and Community Council; establish such boards, committees, or subcommittees as the business of the Tribal Council may require, and to serve as an ex-officio member of all such committees and boards; and serve as a contracting officer or agent for the Tribe including authority to retain legal counsel.

The Vice-Chairperson shall, in the absence or incapacity of the Chairperson, perform all duties and assume all the responsibilities vested in the Chairperson. The Vice-Chairperson shall, upon request of the Council, assist in carrying out the duties of the Chairperson. The Vice-Chairperson shall perform any other duties of the Chairperson and any other duties as the Council may direct. The Vice-Chairperson is entitled to vote in all meetings.

The Secretary/Treasurer shall be entitled to vote in all meetings and have the following powers and duties: Ensure that the minutes of the meetings are kept on the Community Council and the Tribal Council; certify all official enactments or petitions of the Community Council and the Tribal Council; monitor financials and report them to the Community Council; and approve all vouchers for payment in accordance with a written procedure approved and adopted by the Tribal Council by resolution.

Trinidad Rancheria

Page 10

The additional two Council Members assist the Chairperson and other Officers in carrying out the functions of the Tribal Council and shall be entitled to vote in all meetings.

The jurisdiction of the Trinidad Rancheria, with its Community Council and Tribal Council, shall extend to the fullest extent permitted by applicable law to the following: all lands, water and other resources within the exterior boundaries of the Trinidad Rancheria established by the Secretary of the Department of the Interior in 1917; other lands, water and resources as may be hereafter acquired by the tribe, whether within or without said boundary lines, under any grant, transfer, purchase, adjudication, treaty, Executive Order, Act of Congress or other acquisition; all members of the Trinidad Rancheria and other non-member Indians within any territory under the jurisdiction of the tribe; and all tribal members, wherever located.

THE TRIBE'S CURRENT TRADITIONAL PRACTICES

Since time immemorial, despite the successive waves of immigration, colonization, genocide, ethnic cleansing, subjugation, and illegal expropriation of tribal lands and material culture, the members of the Trinidad Rancheria have always lived within their aboriginal homelands and sustained a continuous relationship with the ocean, coastline, and marine resources.

The Rancheria's members maintain active tangible and intangible relationships with sites, i.e. tangible (sites used for harvesting, hunting, or habitat maintenance, social or ritual gatherings, shelter, or trade - including reciprocal site-sharing relationships with other tribes), or intangible relationships (sites referred to in stories, songs, sayings, or the traditional knowledge base of the tribe).

Trinidad Rancheria tribal members depend upon the rich diversity of marine and coastal plant resources found within Rancheria lands, as well as throughout ancestral territory, as part of their daily lives. The Rancheria's lands support many types of culturally significant plants such as red alder (*Alnus rubra*), Douglas fir (*Pseudotsuga mezesii*), Blue blossom or soap plant (*Ceanothus thyrsiflorus*), bracken fern (*Pteridium aquilinum*), sword fern (*Polystichum munitum*) and Sitka Spruce (*Picea sitchensis*), and various other roots and herbs. Tribal members regularly gather these plant materials for medicinal and cultural uses.

Important marine resources include salmon, clams and abalone (as both food sources and for the shells, which are used in ceremonial regalia), mussels, seaweed, eels, crab, surf fish, candle fish and sea salt. Rancheria Tribal Elders relate memories of subsistence gathering and prayer activities all along the coast line from the Luffenholtz Beach area to the Trinidad Harbor and beyond. Subsistence fishing for crab, salmon, surf fish (smelt), mussels and clams occurred regularly from the rocky beaches within the Rancheria's

borders. Families would set up fish camps during the dry months and would harvest and dry these important resources. Non-plant or animal materials with cultural significance found on Rancheria lands in the coastal zone include steatite and chert (Verwayen, 2007) which are used to make items such as bowls and arrow points respectively

During the MLPAI process Initiative staff compiled a list of species harvested by California Tribes and Tribal Communities in the North Coast Region (California MLPAI 2010). This list, as most ethnographic information compiled externally by anthropologists, is incomplete. For purposes of building a factual record of categories of species traditionally taken by Yurok and other local tribal peoples are as follows:

- Fin Fish
- Pinnipeds
- Marine Plants
- Invertebrates
- Marine Mammals
- Marine Birds
- Shells

Currently take of Pinnipeds, marine mammals and others are restricted pursuant the Endangered Species Act and other applicable law.

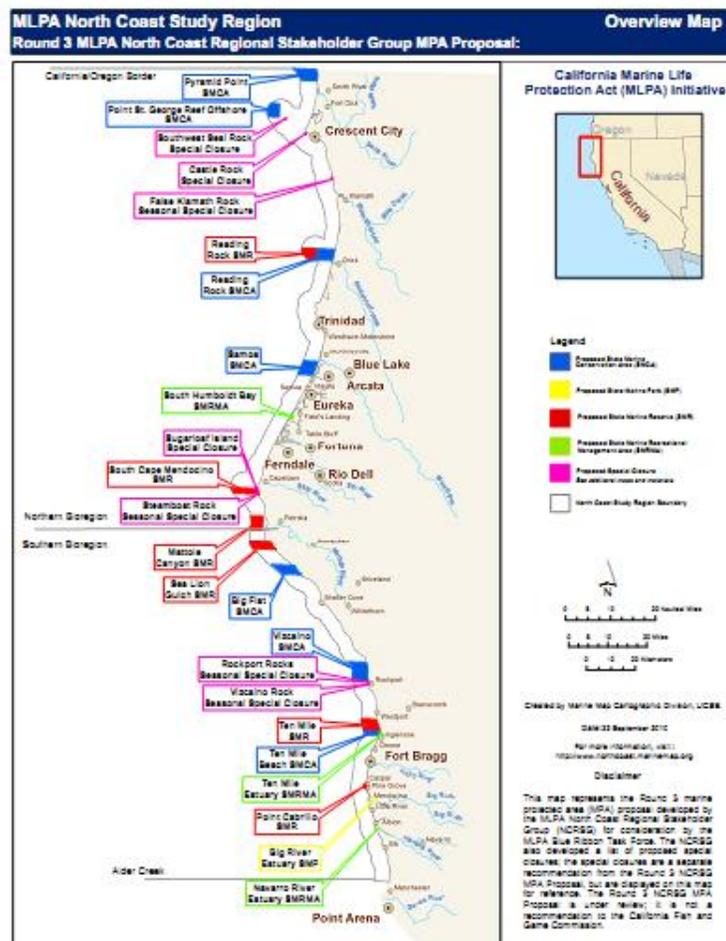


Fig. 4- Proposed Marine Protected Areas (MPAs) within Yurok Ancestral Territory and Traditional Fishing Grounds

The entirety of Yurok Ancestral territory lies within the area described as the North Coast Study Region by the Marine Life Protection Act Initiative (MLPAI). This includes, but is in no way limited to the Marine Protected Areas and Special Closures as follows:

Pyramid Point SMCA

Point St. George SMCA

Southwest Seal Rock Special Closure

Castle Rock Special Closure

False Klamath Cove Special Closure

Reading Rock SMCA/SMR

Reading Rock

Reading Rock, as it is known to the non-Yurok world, is a place of immense important to Ner-er-ner, Coastal Yuroks. Archaeological evidence suggests that Yuroks have historically hunted sea lion with harpoons at Reading Rock. (Milburn *et al*: 1979)

Er'Hler-ger' (False Klamath Rock), 'O Men 'We-Roy

Er'Hler-ger', or False Klamath Rock, is a significant location for Yurok people, most specifically the village of 'Omen, or what is known today as False Klamath Cove near the mouth of Wilson Creek. Yurok history in relation to False Klamath Rock dates back to the time of its creation:

The youngest of five brothers became transformed into a supernatural being and took up his abode in this rock ['R Hlrgr']. He has a pipe, of mysterious powers, which he keeps in a pipe-case of weasel skin. This latter 'becomes alive' and runs about the country, and occasionally enters houses where people are eating ... It may be recognized as the supernatural animal by a white stripe across its nose, and a short tail. The owner of the pipe said long ago when he went into the rock that if people looked at the rock and cried, they would get many woodpecker heads (chii's) (Yurok Language Project: YG230).

Southwest Seal Rock (Special Closure)

Sea lion hunting,

[Gould—*Seagoing Canoes of the Northwest...Yurok and Tolowa*]

Point St. George – Ko-pey • n • Crescent City, site of Crescent City

Kee lahchue' so Ko-pey. They are making a voyage to Crescent City. (Yurok Language Project)

Pyramid Point Hee-neg • pn • a Tolowa town on Smith River, Smith River

Pyramid Point, known to the Tolowa as *Tr'uu'luu'k'wvt*, is known to Yuroks as *Hee-neg*. Yurok's used this area, under traditional inter-tribal use agreements, to gather many traditional food staples.

Health implications of Limiting Access to Traditional Foods



Fig. 5: Acorns in shell (woo-mehl)

Native Americans are at the greatest risk for diabetes than any other population in the United States. According to the American Diabetes Association, American Indians and Alaskan Natives are 2.2 times more likely to have Type II Diabetes than non-Hispanic whites.³ Diabetes diagnosis brings costly complications which include blindness, amputations of lower extremities, kidney failure, cardiovascular disease, decreased quality of life and premature death.⁴

³ "Native American Complications". American Diabetes Association. <http://www.diabetes.org/living-with-diabetes/complications/native-americans.html>

⁴ Harris MI. Summary. In: Harris MI, Cowie CC, Stern MP, et al., eds. Diabetes in America, 2nd ed. Washington, DC: U.S. Department of Health and Human Services, Public Health Service, National Institutes of Health, 1995 (DHHS publication no. NIH 95-1468).

Current dietary choices of Native American people are the result of systematic loss of culture, historical trauma stemming from systematic genocide, forced removal, and assimilation policies of the United States government which forced Native Americans to become dependent upon government rations and food programs. Other contributing factors to the extreme rates of diabetes in Native communities are the high rates of poverty, low education levels, lack of resources, facilities and equipment and lack of access to nutritious foods.

Direct access to a traditional food source is essential to the health, safety and survival of Native American communities. Utilizing traditional knowledge and lifestyles can influence positive change in Native American communities. Regular engagement in traditional gathering provides necessary physical activity and access to nourishing foods like seaweed, mussels, barnacles and surf fish (Ferreira).

The limitation and prohibition of traditional tribal uses of marine resources by the State of California will further contribute to the declining health of Native American populations by denying access to a reliable healthy traditional food source

Traditional Cultural Properties

A Traditional Cultural Property is any place-a site, structure, a district made up of multiple sites or structures, a landscape....to which a living community ascribes cultural significance that is rooted in the group's traditions and history. TCP's are most often found eligible under criterion "A", for association with significant patterns of events in the traditional history and culture of the group that ascribes value to them.

CONCLUSION

Trinidad Rancheria's membership descends from Yurok, Tolowa, and Wiyot people who have occupied the North Coast since time immemorial. Rancheria members maintain spiritual, cultural, and customary relationships with a wide variety of marine resources. Tribal harvesting, hunting, and fishing practices are sustainable and contribute to ecological and cultural health and resilience. The historical record demonstrates that each of these distinct cultural groups have taken finfish, invertebrates, mammals, and marine plants since time immemorial and should be included as traditional uses protected under the regulations.

The extensive and irreplaceable cultural heritage of our people and other tribes within the North Coast region has been well documented throughout history. Traditional tribal practices are consistent with the goals of the MLPA, and are permitted uses. A prohibition on fishing and gathering in the proposed MPAs would significantly interfere with the Tribe's religious, spiritual, customary, subsistence, and cultural practices.

Trinidad Rancheria

Page 15

Disruption of these activities would have detrimental effects to the health and spiritual well being of our membership. The tribe is applying for continued use of all species currently covered within DFG regulations.

The Cher-Ae Heights Indian Community of the Trinidad Rancheria is a sovereign nation, in perpetuity. No tribal rights have been ceded. The tribe will continue to assert its rights to continue to fish and gather within our ancestral homelands. This factual record is being submitted as an act of good faith by the Trinidad Rancheria, who wish to establish a collaborative relationship with the State of California to work toward our mutual goals with respect to the protection and preservation of marine resources.



Fig. 6: Tribal Member Kayla Maulson (Yurok; Ner-er-ner; Ojibwe) in traditional dress

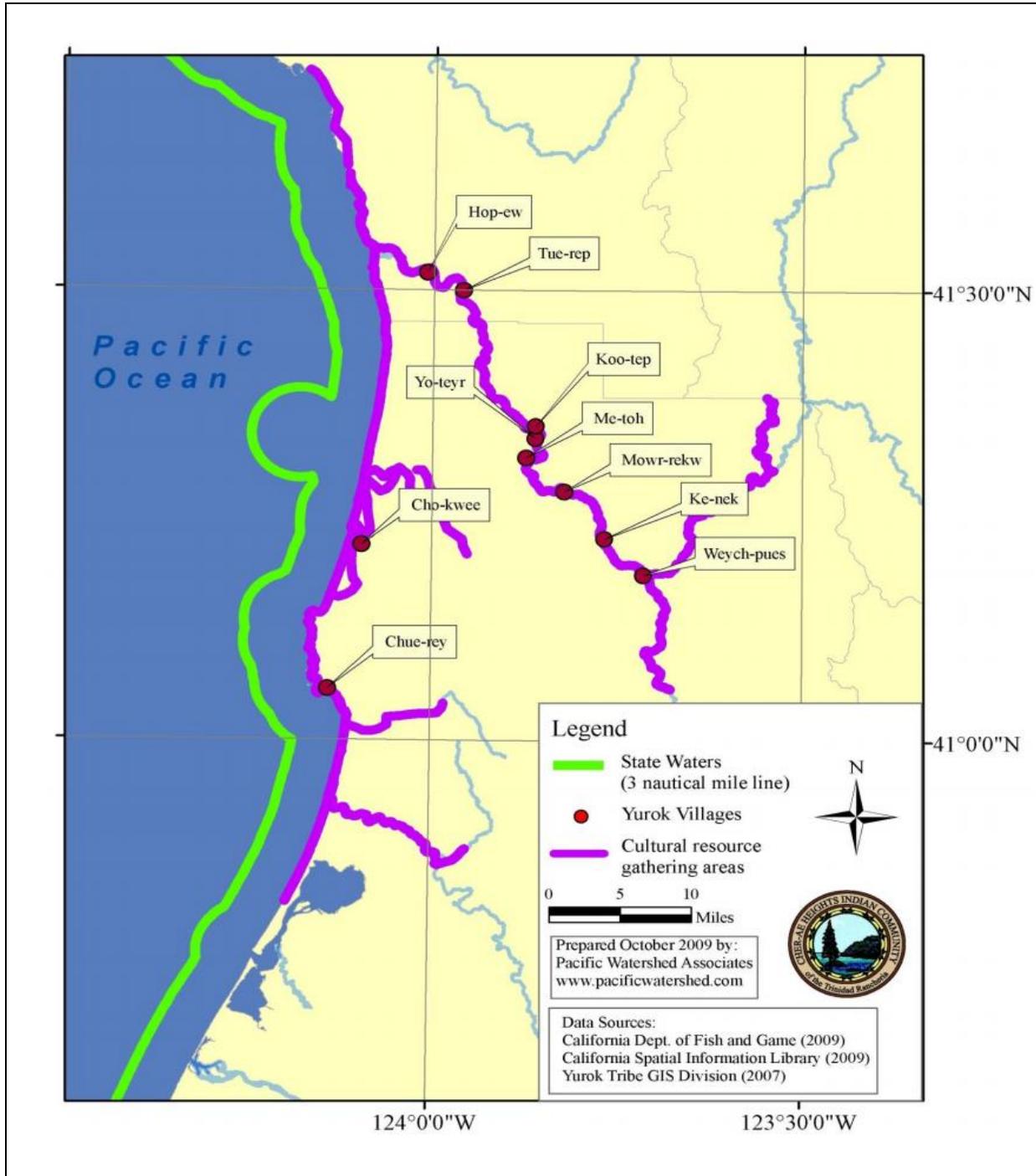
Trinidad Rancheria

Page 16

BIBLIOGRAPHY

- Ferreira, Mariana. *Sweet Tears and Bitter Pills: The Politics of Health among Yuroks of Northern California*. Berkeley: University of California Ph. D. dissertation in Medical Anthropology, 1996: 20.
- Gould, Richard A. 1968. *Seagoing Canoes among the Indians of Northwestern California*. University of California Berkeley. Ethnohistory. [Vol. 15, No. 1, Winter, 1968](#)
- Johnston-Dodds, Kimberly. 2002. *Early California Laws and Policies Related to California Indians*. Prepared at the request of senator John L. Burton, President pro Tempore. California Research Bureau. California State Library.
- Kroeber, A. L. a. S. A. B. (1960). *Fishing Among the Indians of Northwest California*. Anthropological Records. U. o. C. Press.
- Kroeber, A. L. *Yurok Myths*. Berkeley: University of California Press. 1976. 452-467.
- Kroeber, A.L. Robert Scott. 1942. *Yurok Narratives*. Berkeley: University of California Press. University of California Publication in American Archaeology and Ethnology, 35 (9). 143-256.
- Milburn, J.W., D.A. Frederickson, M. Dre3iss, L. Demichael, W. Van Dusen. (1979) *A Preliminary Report on the Archaeology of Ca-Hum-129, Volume 1*. The Anthropological Studies Center. Cultural Resources Facility, Sonoma State University.
- “Native American Complications”. American Diabetes Association. <http://www.diabetes.org/living-with-diabetes/complications/native-americans.html>.
- Verwayen, Donald. (2007), *A Cultural Resource Investigation of the Scenic Drive Rehabilitation & Realignment, Post Mile 2.3 Near Trinidad, Humboldt County, CA*. Prepared for the Trinidad Rancheria. Trinidad, CA
- Waterman, T. T. 1920. *Yurok Geography*. University of California Publications in American Archaeology and Ethnology. 16(5): 177-314.
- Yurok Language Project. <http://www.linguistics.berkeley.edu/~yurok>.
- Yurok Tribe. 2010. *Yurok Tribe Profile*. Pages 293-310 in California Marine Life Protection Act Initiative (MLPAI). 2010. Regional Profile of the North Coast Study Region (California-Oregon Border to Alder Creek)—April 2010. California MLP AI, Sacramento.

Appendix A – Map of Cultural Resource Gathering Areas



APPENDIX B - Villages

Preliminary list of Villages Trinidad Rancheria Original Assignees descend from, compiled by Rachel Sundberg (lineal descendant of Trinidad Rancheria Original Assignee, Joy Sundberg). Complete list pending further historical research.

Bill Crutchfield		
Village	County	Tribal Territory
Yah-ter	Humboldt	Yurok
Tuley Creek	Humboldt	Yurok
Turup	Del Norte	Yurok
Koh-tep	Humboldt	Yurok
Chue-rey (Tsurai)	Humboldt	Yurok (Ner-er-ner)
Cho'-kwee (Stone Lagoon)	Humboldt	Yurok (Ner-er-ner)
Peen-pey (Big Lagoon)	Humboldt	Yurok (Ner-er-ner)

Eva Duncan		
Village	County	Tribal Territory
Table Bluff	Humboldt	Wiyot
Eel River Valley	Humboldt	Wiyot

Carol Ervin		
Village	County	Tribal Territory
Weych-pues (Weitchpec)	Humboldt	Yurok
Warseck	Humboldt	Yurok
Katamiin	Siskiyou	Karuk

Vera Green		
Village	County	Tribal Territory
Twehl-keyr	Humboldt	Yurok
Pecwan	Humboldt	Yurok
Yah-ter (Yocta)	Humboldt	Yurok

Henry Hancorne, Jr.		
Village	County	Tribal Territory
Natchko (Hancorne Ranch)	Humboldt	Yurok
Mettah	Humboldt	Yurok
Capell	Humboldt	Yurok
Moreck	Humboldt	Yurok
Hoppel	Del Norte	Yurok

Appendix B-Continued

Theodore "Teddy" James		
Village	County	Tribal Territory
Chue-rey (Tsurai)	Humboldt	Yurok (Ner-er-Ner)
Weych-pues (weitchpec)	Humboldt	Yurok
Mettah	Humboldt	Yurok
Moreck	Humboldt	Yurok

Mayme (John) Keparisis		
Village	County	Tribal Territory
Mettah	Humboldt	Yurok
Moreck	Humboldt	Yurok
Lake Earl	Del Norte	Tolowa

Fred Lamberson, Jr.		
Village	County	Tribal Territory
Weych-pues (Weitchpec)	Humboldt	Yurok
Eel River Valley	Humboldt	Wiyot
Mad River	Humboldt	Wiyot

Myra (Lamberson) Lowe		
Village	County	Tribal Territory
Weych-pues (Weitchpec)	Humboldt	Yurok
Eel River Valley	Humboldt	Wiyot
Mad River	Humboldt	Wiyot

Betty (John) Najmon		
Village	County	Tribal Territory
Mettah	Humboldt	Yurok
Moreck	Humboldt	Yurok
Lake Earl	Del Norte	Tolowa

Lillian J. Quinn		
Village	County	Tribal Territory
Hoppel	Del Norte	Yurok
Hoopa (probably Takmilding)	Humboldt	Hupa
Capell	Humboldt	Yurok
Koh-tep	Humboldt	Yurok

Appendix B-Continued

Juanita Samuels (Letson)		
Village	County	Tribal Territory
Requa	Del Norte	Yurok
Mettah	Humboldt	Yurok
Moreck	Humboldt	Yurok
Lake Earl	Del Norte	Tolowa

Marian Seidner (Crutchfield)		
Village	County	Tribal Territory
Table Bluff	Humboldt	Wiyot
Eel River	Humboldt	Wiyot

Rose Joy (Crutchfield) Sundberg		
Village	County	Tribal Territory
Yah-ter	Humboldt	Yurok
Tuley Creek	Humboldt	Yurok
Turup	Del Norte	Yurok
Koh-tep	Humboldt	Yurok
Chue-rey (Tsurai)	Humboldt	Yurok (Ner-er-ner)
Cho'-kwee (Stone Lagoon)	Humboldt	Yurok (Ner-er-ner)
Peen-pey (Big Lagoon)	Humboldt	Yurok (Ner-er-ner)

Harry J. Walker		
Village	County	Tribal Territory
Waukell Flat	Del Norte	Yurok
Requa	Del Norte	Yurok
Pecwan	Humboldt	Yurok
Weych-pues (Weitchpec)	Humboldt	Yurok

Cornelia Jean (Natt) Walker		
Village	County	Tribal Territory
Koh-tep	Humboldt	Yurok
Chue-rey (Tsurai)	Humboldt	Yurok (Ner-er-ner)
Winchuck River	Curry (OR)	Chetco
Yontocket	Del Norte	Tolowa

George Williams		
Village	County	Tribal Territory
Weych-pues (Weitchpec)	Humboldt	Yurok
Capell (possibly)	Humboldt	Yurok



RESIGHINI RANCHERIA

October 24, 2011

P.O. Box 529 • Klamath, CA 95548
Tel (707) 482-2431 • Fax (707) 482-3425

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

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
OCT 31 PM 2:43

SUBJECT: Resighini Rancheria Factual Record of Historic or Current Uses in North Coast Marine Protected Areas

Dear Mr. Mastrup:

On June 29, 2011, the California Fish & Game Commission (Commission) moved, on a 4-1 vote, to adopt Tribal Option 1, as presented in the June 9, 2011 joint report prepared by the California Department of Fish & Game (Department) and the Marine Life Protection Act Initiative (MLPAI) staff. The Commission adopted Tribal Option 1 as the Preferred Alternative within the North Coast Study Region, to allow tribal gathering to continue within proposed State Marine Conservation Areas (SMCAs) by federally-recognized tribes who, within sixty (60) days, submitted a factual record confirming current or historical use within the proposed Marine Protected Areas (MPAs).

Since there was no outreach, informal or formal, conducted by the State, the Resighini Rancheria only recently became aware of the Commission's request. Regardless of the arbitrary timeframe developed by the Commission, the Resighini Rancheria would like to take this opportunity to provide the following in response to the Commission's request. We trust you will take this submission into account in the similar manner in which you accepted the factual records from other North Coast federally-recognized Tribes during the created 60 day period.

The Resighini Rancheria is a federally-recognized Indian Tribe, eligible to receive services from the United States Bureau of Indian Affairs (Federal Register Vol. 75, No. 190). Our reservation lands are located along the south bank of the Klamath River and on the west by Highway 101 bridge and backed up against privately owned land within what is now known as the Yurok Reservation in southern Del Norte County. As a sovereign nation, our tribal government consists of a General Council with an elected Tribal Council to operate our governmental and private tribal affairs as well as represent the tribal needs of our small membership (133). The Tribal Council consists of 5 tribal members who are elected annually by staggered two year term of Chairman, Vice Chairman, Secretary, Treasurer and councilperson. Our general membership serves on boards, committees, commission and corporations to assist the Tribal Council.

Members of the Resighini Rancheria have always been known to have exercised the same rights as all other Yurok Indian individuals. We encourage and support tribal members to participate in



local cultural activities offered in our traditional areas. We continue to assert our sovereign status and aboriginal marine use rights for all of our citizens; rights that have never been ceded and are non-negotiable. The Tribe continues to assert a full reservation of rights and recognize that the State may desire a mutual reservation of rights in this process.

Marine Protected Areas proposed in the Preferred Alternative and/or Alternative Two that include current or historical uses by citizens of the Resighini Rancheria include Pyramid Point SMCA and the Redding Rock SMCA/SMR complex. The False Klamath Rock and Castle Rock Special Closures are also areas of historic or current use. A myriad of marine species have historically or currently been harvested by citizens of the Resighini Rancheria for subsistence, ceremonial, and/or other customary uses along the coastline of our aboriginal territory. We reserve the right to continue to use these areas and all species contained within for our continued use. This includes, but is not limited to finfish, invertebrates, marine plants, birds, and marine mammals. Resighini Rancheria seeks formal inclusion by the Commission and Department in Tribal Option 1 for these identified areas.

We look forward to being included in the dialog regarding the North Coast MLPA process. Please feel free to contact us if you have any questions.

Woh-klaw,

Rick Dowd
Chairman



cc: Charlton H. Bonham, Director, CA Fish and Game Department

RESIGHINI RANCHERIA

P.O. Box 529 • Klamath, CA 95548
Tel (707) 482-2431 • Fax (707) 482-3425

August 13, 2012

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

Dear Mr. Mastrup:

The Resighini Rancheria would like to respectfully request to be included on the October 3-2012 agenda of the California Fish and Game Commission (Commission) to reconsider the exclusion of our Tribe on Marine Protected Areas within our ancestral waters within the North Coast Study Region.

Problem Statement: On June 6th, 2012, the Commission adopted regulations that designated a network of marine protected areas (MPAs) within the North Coast Study Region under the California Marine Life Protection Act (MLPA). Those adopted regulations included the identification of certain federally-recognized Tribes that could continue to harvest for traditional, non-commercial purposes under the newly adopted definition of "tribal take" within specific MPAs. For a Tribe to be identified as eligible for "tribal take" within specific MPAs, a Factual Record had to be submitted that demonstrated a current or historic use within that geography and that the Tribe was federally-recognized.

Resighini Rancheria submitted a brief factual record affirming that we are a federally-recognized Indian Tribe of Yurok Indians, eligible to receive services from the United States Bureau of Indian Affairs (Federal Register Vol. 75, No. 190) and that our citizens have current or historic uses within specific MPAs and Special Closures proposed in the North Coast Study Region. Subsequently, we were included in the Initial Statement of Reasons for Regulatory Action in the following MPAs: Pyramid Point SMCA, Point St. George Reef SMCA, and the Redding Rock SMCA/SMR Complex.

Although we do maintain current or historic uses within those MPAs and reserve all rights to continue to rely on the ocean and marine resources in all usual and customary fishing places, due to the implied/perceived jurisdictional concerns that the State associated with this process,

2012 AUG 20 AM 9:16
RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

MS. S. Farbuena
CC: S. Shuman
A. Biederman
B. Ota
S. Mastrup

A. Shea

we signed on to a joint multi-tribal letter that was sent to the Commission, requesting to be removed from the Pyramid Point SMCA and Point St. George Reef SMCA, out of respect for the Smith River Rancheria and Elk Valley Rancheria. However, Resighini Rancheria should have remained on the Redding Rock SMCA/SMR complex for the Commission's consideration at your June 6th meeting in Eureka.

In the interim, Chairman McCovey contacted Mr. Mastrup to confirm that no other information was required by the Commission to ensure our inclusion at Redding Rock and that the Tribe was included in the draft regulations as required for adoption consideration. Mr. Mastrup confirmed that no other information was required and the item would proceed accordingly. Then at the June 6th meeting Mr. Mastrup made the erroneous statement for the Motion of only including the Yurok Tribe as a Tribe eligible of "tribal take" within the Redding Rock MPAs, which the Commission ultimately adopted. We understand this may have been a misunderstanding and thus, we request this to be amended appropriately.

On July 26, 2012, in a meeting with Resighini Rancheria, Mr. Mastrup suggested a request be made of the Commission to reconsider our Tribe as eligible for "tribal take" at the Redding Rock SMCA/SMR complex to resolve this misunderstanding. This request for reconsideration should include substantiating from a federal entity that we are a federally-recognized Tribe of Yurok people. The following is a factual basis demonstrating that the United States federal government recognizes us as a federally-recognized Tribe of Yurok people.

Factual Basis: The Yurok people are aboriginal to Northern California and are dispersed among several distinct federally recognized Tribes located within their ancestral territory, including the Resighini Rancheria. The Resighini Rancheria is a federally recognized Indian Tribe that is formally organized under the authority of the Indian Reorganization Act of 1934.

By deed dated January 7, 1938, Gus Resighini deeded to the United States in trust approximately 228 acres¹ of land that constitutes the Resighini Rancheria, under the authority of the Indian Reorganization Act. By Proclamation dated October 21, 1939, the Secretary of the Interior declared the land purchased to be an Indian reservation. All of the lands that comprise the Reservation are located within the exterior boundaries of the original Klamath River Reservation and are located at the intersection of Highway 101 and the Klamath River.

After the establishment of the Reservation, two disastrous floods occurred, one in 1955 and another in 1964. The tragic flood of 1964 swept away all but two homes, forcing thirteen families to evacuate and move. Despite this, the people of the Resighini Rancheria stood together and remained a structured Indian organization with a strong desire to return to the

¹ The 1973 survey map of the Reservation recorded by Richard B. Davis shows the original lands purchased from Gus Resighini that because the Resighini Rancheria as containing 238.78 acres.

reservation. On April 4, 1975, the people of the Resighini Rancheria formed a Tribal government and adopted a Constitution.

Since 1975, when members adopted a Constitution, the Tribe has been actively involved in developing a tribal government and in protecting its land base and advocating for our traditional rights as Yurok Indians. In 1988, Congress enacted the Hoopa-Yurok Settlement Act, which partitioned the extended Hoopa Valley Reservation into the present Hoopa Valley Reservation, consisting of the original twelve-mile square bisected by the Trinity River and established under Executive Order in 1864, and the Yurok Reservation, consisting of the area along the Klamath River within the old Klamath River Reservation, including the 1892 Extension,² and excluding the Resighini Rancheria. The Resighini Rancheria is the only Indian Reservation in California situated within the exterior boundaries of lands granted to a separate federally recognized Indian Tribe.

The fact that members of the Resighini Rancheria are Yurok is indisputable. The first federally-published list in the Federal Register of Indian Tribes that maintain a government-to-government relationship with the United States and are eligible to receive related services was on January 31, 1979. It includes the “*Resighini Rancheria, Coast Indian Community of Yurok Indians, California*” (see Exhibit A). As Exhibit B demonstrates, all subsequent lists from 1979 to 2003 also recognize that the Resighini Rancheria are Yurok. After 2003, the Tribe changed our name to simply the *Resighini Rancheria* for solely simplification purposes (see Exhibit C). This is reflected in the Federal Register from 2005 to the most recent list published in 2010.

Under Article of the Tribe’s Secretari ally-approved Constitution, the jurisdiction of the Tribe, acting through its Tribal Council, extends to: (a) all land encompassing the ancestral territory of the Klamath River Tribe; (b) all lands, water, and other resources within the exterior boundaries of those lands constituting what is commonly known as the Resighini Rancheria purchased by the Secretary of the Interior on January 7, 1938, under the authority of the Wheeler Howard Act,³ June 18, 1934; (c) all of the lands, water, and resources as may hereinafter be acquired by the Tribe, whether within or without said boundary lines, under any grant, transfer, purchase, adjudication, treaty, Executive Order, Act of Congress, or other acquisitions; (d) all persons within any territory under the jurisdiction of the tribe; and (e) all tribal members, wherever located.

The Yurok people of the Resighini Rancheria historically and currently have exercised our rights to hunt, fish, and gather foods and materials for subsistence, ceremonial, and customary uses throughout our ancestral lands. We also maintain that we have unceded rights that have never

² The “Extension” included a stretch, one-mile on each side of the Klamath River, connecting the old Klamath River Reservation to the Hoopa Square.

³ Also referred to as the Indian Reorganization Act.

been extinguished, to continue to fish in all usual and customary traditional fishing places as identified by our members. We reserve all rights to continue these practices that are inherent to use as Yurok. Like our ancestors, we have continued to practice traditional Yurok customs, traditions, and religious practices. We are committed to our culture and language. Tribal members are recognized as skilled basket weavers and makers of ceremonial regalia and many participate in local Yurok ceremonies and dances.

Request: To agendize this request at your October 3-4, 2012 meeting in Sacramento in order to resolve this issue of extreme importance to our members and include the Resighini Rancheria within the Redding Rock SMCA/SMR complex at this time.

Please contact us to confirm whether we will be included on the October 3-4, 2012 agenda. We wish to deal with this issue expeditiously before the regulatory review process concludes for the North Coast Study Region.

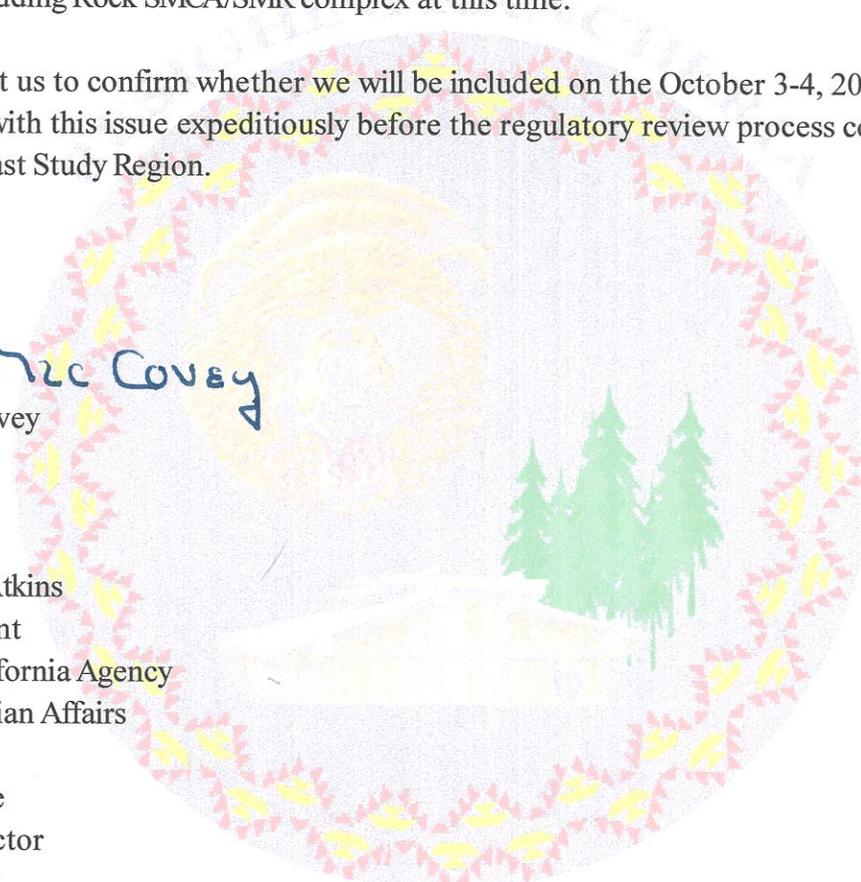
Sincerely,

A handwritten signature in blue ink that reads "Donald McCovey". The signature is written in a cursive, slightly slanted style.

Donald McCovey
Chairman

cc: Dr. Virgil Atkins
Superintendent
Northern California Agency
Bureau of Indian Affairs

Amy Dutschke
Regional Director
Pacific Region
Bureau of Indian Affairs



[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

INDIAN TRIBAL ENTITIES THAT HAVE A GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH THE UNITED STATES

Delegation of Authority

JANUARY 31, 1979.

This notice is published in exercise of authority delegated by the Assistant Secretary—Indian Affairs under 5 U.S.C. 2 and 9; and 230 DM 1 and 2.

Notice is hereby given in accordance with 25 CFR 54.6(b) by the Bureau of Indian Affairs of the tribal entities that have a government-to-government relationship with the United States. The United States recognizes its trust responsibility to these Indian entities and, therefore, acknowledges their eligibility for programs administered by the Bureau of Indian Affairs. The listed entities are not necessarily eligible for programs administered by other Federal Agencies. The list of eligible Alaskan entities will be published at a later date.

INDIAN TRIBAL ENTITIES THAT HAVE A GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH THE UNITED STATES

Absentee-Shawnee Tribe of Oklahoma, Acoma Pueblo of New Mexico
 Aqua-Caliente Band of Cahulla Indians (Palm Springs), Aqua-Caliente Indian Reservation, California
 Ak Chin Indian Community, Maricopa, Ak Chin Reservation, Arizona
 Alabama-Quassarte Creek Tribal Town, Oklahoma
 Alturas Rancheria of Pit River Indians, California
 Apache Tribe of Oklahoma
 Arapahoe Tribe of Wind River Reservation, Wyoming
 Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana
 Augustine Band of Cahulla Mission Indians, Augustine Reservation, California
 Bad River Band of Lake Superior Chippewa Indians, Bad River Reservation, Wisconsin
 Barona Capitan Grande Band of Diegueno Mission Indians, Barona Reservation, California
 Bay Mills Indian Community, Bay Mills Reservation, Michigan
 Berry Creek Rancheria of Maldu Indians, California
 Big Bend Rancheria of Pit River Indians, California
 Big Lagoon Rancheria of Smith River Indians, California
 Big Pine Band of Owens Valley Paiute Shoshone Indians, Big Pine Reservation, California
 Blackfeet Tribe, Blackfeet Indian Reservation, Montana
 Bridgeport Paiute Indian Colony, California
 Burns Paiute Indian Colony, Oregon
 Cabazon Band of Cahulla Mission Indians, Cabazon Reservation, California

*Includes within its meaning Indian tribes, bands, villages, groups and pueblos as well as Eskimos and Aleuts.

Cachil Delle Band of Wintun Indians of Colusa Rancheria, California
 Caddo Tribe of Oklahoma
 Cahulla Band of Mission Indians, Cahulla Reservation, California
 Cahto Indian Tribe of the Laytonville Rancheria, California
 Campo Band of Diegueno Mission Indians, Campo Reservation, California
 Capitan Grande Band of Diegueno Mission Indians, Capitan Grande Reservation, California
 Cayuga Nation of New York
 Cedarville Rancheria of Northern Paiute Indians, California
 Chemehuevi Tribe, Chemehuevi Reservation, Arizona
 Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
 Cherokee Nation of Oklahoma
 Cheyenne-Arapaho Tribes of Oklahoma
 Cheyenne River Sioux Tribe, Cheyenne River Reservation, South Dakota
 Chickasaw Nation of Oklahoma
 Chippewa-Cree Tribe of the Rocky Boy Reservation, Montana
 Chitimacha Tribe of Louisiana
 Choctaw Nation of Oklahoma
 Citizen Band of Potawatomi Indians of Oklahoma
 Cochiti Pueblo of New Mexico
 Cocopah Tribe of Arizona
 Coeur D'Alene Tribe, Coeur D'Alene Reservation, Idaho
 Cold Springs Rancheria of Mono Indians, California
 Colorado River Tribes of the Colorado River Indian Reservation, Arizona
 Comanche Tribe of Oklahoma
 Confederated Tribes of the Chichalts Reservation, Washington
 Confederated Tribes of the Colville Reservation, Washington
 Confederated Tribes of the Goshute Reservation, Nevada & Utah
 Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
 Confederated Tribes of the Siletz Reservation, Oregon
 Confederated Tribes of the Umatilla Reservation, Oregon
 Confederated Tribes of the Warm Springs Reservation, Oregon
 Cortina Rancheria of Wintun Indians, California
 Coshatta Tribe of Louisiana
 Covelo Indian Community of the Round Valley Reservation, California
 Coyote Valley Band of Pomo Indians, California
 Creek Nation of Oklahoma
 Crow Tribe of Montana
 Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
 Cuyapaipe Band of Diegueno Mission Indians, Cuyapaipe Reservation, California
 Delaware Tribe of Western Oklahoma
 Devils Lake Sioux Tribe, Devils Lake Sioux Reservation, North Dakota
 Dry Creek Rancheria of Pomo Indians, California
 Duckwater Shoshone Tribe, Duckwater Reservation, Nevada
 Eastern Band of Cherokee Indians of North Carolina
 Eastern Shawnee Tribe of Oklahoma
 Elem Indian Colony of Pomo Indians of California
 Ely Indian Colony, Nevada
 Enterprise Rancheria of Maldu Indians, California
 Flandreau Santee Sioux Tribe, South Dakota
 Forest County Potawatomi Indian Community of Wisconsin
 Fort Belknap Indian Community, Fort Belknap Reservation, Montana
 Fort Bidwell Indian Community, Paiute Indians of the Fort Bidwell Reservation, California
 Fort Independence Indian Community, Paiute Indians of the Fort Independence Reservation, California
 Fort McDermitt Paiute-Shoshone Tribes, Fort McDermitt Reservation, Nevada
 Fort McDowell, Mohave-Apache Indian Community, Fort McDowell Indian Reservation, Arizona
 Fort Mojave Tribe of Arizona
 Fort Still Apache Tribe of Oklahoma
 Gila River Indian Community, Gila River Reservation, Arizona
 Grindstone Indian Rancheria of Wintun-Wallaki Indians, California
 Hannahville Potawatomi Indian Community of Michigan
 Havasupai Tribe, Havasupai Reservation, Arizona
 Hoh Tribe, Hoh Indian Reservation, Washington
 Hoopa Valley Tribe of the Hoopa Valley Reservation, California
 Hopi Tribe of Arizona
 Hopland Band of Pomo Indians, Hopland Rancheria, California
 Hualapai Tribe, Hualapai Reservation, Arizona
 Inaja & Comit Reservation (Diegueno Indians), California
 Iowa Tribe of Kansas & Nebraska
 Iowa Tribe of Oklahoma
 Isleta Pueblo of New Mexico
 Jackson Rancheria of Me-Wuk Indians, California
 Jemez Pueblo of New Mexico
 Jicarilla Apache Tribe, Jicarilla Apache Indian Reservation, Arizona
 Kaibab Band of Paiute Indians, Kaibab Indian Reservation, Arizona
 Kalkspel Indian Community, Kalkspel Reservation, Washington
 Karok Tribe of California
 Kasha Band of Pomo Indians of Stewards Point Rancheria, California
 Kaw Tribe of Oklahoma
 Keweenaw Bay Chippewa Indian Community, L'Anse Reservation, Michigan
 Kialagee Tribal Town of Creek Indians, Oklahoma
 Kickapoo Tribe of Kansas
 Kickapoo Tribe of Oklahoma
 Kiowa Tribe of Oklahoma
 Kootenai Tribe of Idaho
 La Jolla Band of Luiseno Mission Indians, La Jolla Reservation, California
 La Posta Band of Diegueno Mission Indians, La Posta Reservation, California
 Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Reservation, Wisconsin
 Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac du Flambeau Reservation, Wisconsin
 Laguna Pueblo of New Mexico
 Las Vegas Tribe of Paiute Indians, Las Vegas Colony, Nevada
 Lookout Rancheria of Pit River Indians, California
 Los Coyotes Band of Cahulla Mission Indians, Los Coyotes Reservation, California
 Lovelock Paiute Tribe, Lovelock Indian Colony, Nevada

NOTICES

- ower Brule Sioux Tribe, Lower Brule Reservation, South Dakota
- ower Elwha Tribal Community, Lower Elwha Reservation, Washington
- ower Sioux Indian Community, Lower Sioux Reservation, Minnesota
- ummi Tribe, Lummi Reservation, Washington
- akah Tribe, Makah Reservation, Washington
- anchester Band of Pomo Indians, Manchester-Pt. Arena Rancheria, California
- anzanita Band of Diegueno Mission Indians, Manzanita Reservation, California
- enominee Tribe, Menominee Reservation, Wisconsin
- esa Grande Band of Diegueno Mission Indians, Mesa Grande Reservation, California
- escalero Apache Tribe, Mescalero Reservation, New Mexico
- iami Tribe of Oklahoma
- iccosukee Tribe of Florida
- iddleton Rancheria of Pomo Indians, California
- innesota Chippewa Tribe, Minnesota (Six component reservations: Boise Fort Band (Nett Lake), Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lac Band, White Earth Band)
- ississippi Band of Choctaw Indians, Mississippi
- oapa Band of Paiute Indians, Moapa River Reservation, Nevada
- odoc Tribe of Oklahoma
- ontgomery Creek Rancheria of Pit River Indians, California
- orongo Band of Cahulla Mission Indians, Morongo Reservation, California
- uckleshoot Tribe, Muckleshoot Reservation, Washington
- ambe Pueblo of New Mexico
- avajo Tribe of Arizona, New Mexico and Utah
- ez Perce Tribe of Idaho, Nez Perce Reservation, Idaho
- lsqually Indian Community, Nisqually Reservation, Washington
- ooksack Indian Tribe of Washington
- orthern Cheyenne Tribe, Northern Cheyenne Reservation, Montana
- orthwestern Band of Shoshone Indians of Utah (Washakie)
- glala Sioux Tribe of the Pine Ridge Reservation, South Dakota
- amaha Tribe of Nebraska
- neida Nation of New York
- neida Tribe of Wisconsin, Oneida Reservation, Wisconsin
- ondaga Nation of New York
- sage Tribe of Oklahoma
- ttawa Tribe of Oklahoma
- toe-Missouri Tribe, Oklahoma
- alute-Shoshone Indians of the Bishop Community, Bishop Colony, California
- alute-Shoshone Indians of the Fallon Reservation, Nevada
- alute-Shoshone Indians of the Lone Pine Community, Lone Pine Reservation, California
- ala Band of Luiseno Mission Indians, Pala Reservation, California
- apago Tribe of Arizona
- ascua Yaqui Tribe of Arizona
- assamquoddy Tribe of Maine
- auma Band of Luiseno Mission Indians, Puma & Yuma Reservation, California
- awnee Tribe of Oklahoma
- ayson Tonto Apache Tribe of Arizona
- echanga Band of Luiseno Mission Indians, Pechanga Reservation, California
- enobscot Tribe of Maine
- Peoria Tribe of Oklahoma
- Picuris Pueblo of New Mexico
- Pit River Tribe, X-L Ranch Reservation, California
- Pojoaque Pueblo of New Mexico
- Ponca Tribe of Oklahoma
- Port Gamble Indian Community, Port Gamble Reservation, Washington
- Prairie Band of Potawatomi Indians of Kansas
- Prairie Island Sioux Indian Community, Prairie Island Reservation, Minnesota
- Puyallup Tribe, Puyallup Reservation, Washington
- Pyramid Lake Paiute Tribe, Pyramid Lake Reservation, Nevada
- Quapaw Tribe of Oklahoma
- Quechan Tribe of the Fort Yuma Indian Reservation, California
- Quileute Tribe, Quileute Reservation, Washington
- Quinault Tribe, Quinault Reservation, Washington
- Ramona Reservation, California
- Red Cliff Band of Lake Superior Chippewa Indians, Red Cliff Reservation, Wisconsin
- Red Lake Band of Chippewa Indians, Red Lake Reservation, Minnesota
- Reno-Sparks Indian Colony, Nevada
- Resighini Rancheria, Coast Indian Community of Yurok Indians, California
- Rincon Band of Luiseno Mission Indians, Rincon Reservation, California
- Roaring Creek Rancheria of Pit River Indians, California
- Robinson Rancheria of Pomo Indians, California
- Rosebud Sioux Tribe, Rosebud Indian Reservation, South Dakota
- Runsey Rancheria of Wintun Indians, California
- Sac & Fox Tribe of the Mississippi in Iowa
- Sac & Fox Tribe of the Missouri in Kansas
- Sac & Fox Tribe of Oklahoma
- Saginaw Chippewa Tribe of the Isabella Reservation, Michigan
- Salt River Pima-Maricopa Indian Community, Salt River Reservation, Arizona
- San Carlos Apache Tribe, San Carlos Reservation, Arizona
- San Felipe Pueblo of New Mexico
- San Ildefonso Pueblo of New Mexico
- San Juan Pueblo of New Mexico
- San Manuel Band of Serrano Mission Indians, San Manuel Reservation, California
- San Pasqual Band of Diegueno Indians, San Pasqual Reservation, California
- Sandia Pueblo of New Mexico
- Santa Ana Pueblo of New Mexico
- Santa Clara Pueblo of New Mexico
- Santa Rosa Indian Community, Santa Rosa Rancheria of California
- Santa Rosa Band of Cahulla Mission Indians, Santa Rosa Reservation, California
- Santa Ynez Band of Chumash Mission Indians; Santa Ynez Reservation, California
- Santa Ysabel Band of Diegueno Mission Indians, Santa Ysabel Reservation, California
- Santee Sioux Tribe, Santee Reservation, Nebraska
- Santo Domingo Pueblo of New Mexico
- Sauk-Suiattle Indian Tribe of Washington
- Sault Ste. Marie Chippewa Tribe of Michigan
- Seminole Nation of Oklahoma
- Seminole Tribe of Florida
- Seneca Nation of New York
- Seneca-Cayuga Tribe of Oklahoma
- Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake)
- Sheep Ranch Rancheria of Me-Wuk Indians, California
- Sherwood Valley Rancheria of Pomo Indians, California
- Shingle Springs Rancheria (Verona Tract) of Miwok Indians, California
- Shoalwater Bay Tribe, Shoalwater Bay Reservation, Washington
- Shoshone Tribe of the Wind River Reservation, Wyoming
- Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho
- Shoshone-Paiute Tribe of the Duck Valley Reservation, Nevada
- Sisseton-Wahpeton Sioux Tribe, Lake Traverse Reservation, South Dakota
- Skokomish Tribe, Skokomish Reservation, Washington
- Skull Valley Band of Goshute Indians, Utah
- Soboba Band of Luiseno Mission Indians, Soboba Reservation, California
- Sokoagon Chippewa Community, Mole Lake Band, Wisconsin
- Southern Ute Tribe, Southern Ute Reservation, Colorado
- Spokane Tribe of the Spokane Reservation, Washington
- Squaxin Island Tribe, Squaxin Island Reservation, Washington
- St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation, Wisconsin
- St. Regis Band of Mohawk Indians of New York
- Standing Rock Sioux Tribe, Standing Rock Reservation, North & South Dakota
- Stockbridge-Munsee Mohican Indian Community, Wisconsin
- Stillaguamish Tribe of Washington
- Summit Lake Paiute Tribe, Summit Lake Reservation, Nevada
- Sugamish Tribe, Port Madison Reservation, Washington
- Susanville Rancheria of Paiute, Malibu, Pit River & Washoe Indians of California
- Swinomish Indian Tribal Community, Swinomish Reservation, Washington
- Sycuan Band of Diegueno Mission Indians, Sycuan Reservation, California
- Table Bluff Rancheria of California
- Table Mountain Rancheria of Yokut Indians of California
- Taos Pueblo of New Mexico
- Te-Moak Bands of Western Shoshone Indians, Nevada (Battle Mountain, Elko & South Fork)
- Tesuque Pueblo of New Mexico
- Thlopthlocco Creek Tribal Town of Oklahoma
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
- Tonawanda Band of Seneca Indians of New York
- Tonkawa Tribe of Oklahoma
- Torres-Martinez Band of Cahulla Mission Indians, Torres-Martinez Reservation, California
- Tule River Tribe, Tule River Reservation, California
- Tulalip Tribes of the Tulalip Reservation, Washington
- Tuolumne Band of Me-Wuk Indians, Tuolumne Rancheria, California
- Turtle Mountain Band of Chippewa Indians, Turtle Mountain Reservation, North Dakota
- Tuscarora Nation of New York
- Twenty-Nine Palms Band of Luiseno Mission Indians, 29 Palms Reservation, California
- United Keetoowah Band of Cherokee Indians, Oklahoma

Exhibit B. All References of the Resighini Rancheria as a
Federally Recognized Tribe in the Federal Register

1979	Federal Register Vol. 44 No. 26 7236	Resighini Rancheria, Coast Indian Community of Yurok Indians, California
1980	Federal Register Vol. 45 No. 81 27828	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
1988	Federal Register Vol. 53 52829	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
1995	Federal Register Vol. 60 No. 32 9250	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
1996	Federal Register Vol. 61 No. 220 58211	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
1997	Federal Register Vol. 62 No. 205 55270	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
1998	Federal Register Vol. 63, No. 250 71941	Resighini Rancheria, California (formerly known as the Coast Indian Community of Yurok Indians of the Resighini Rancheria)
1999	Federal Register Vol. 62 No. 250 55270	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
2000	Federal Register Vol. 65 No. 49 13298	Resighini Rancheria, California (formerly known as the Coast Indian Community of Yurok Indians of the Resighini Rancheria)
2002	Federal Register Vol. 67 No. 134 46328	Resighini Rancheria, California (formerly the Coast Indian Community of Yurok Indians of the Resighini Rancheria)
2003	Federal Register Vol. 68 No. 234 68180	Resighini Rancheria, California (formerly the Coast Indian Community of Yurok Indians of the Resighini Rancheria)
2005	Federal Register Vol. 70 No. 226 71194	Resighini Rancheria, California
2007	Federal Register Vol. 72 No. 055 13648	Resighini Rancheria, California
2008	Federal Register Vol. 73 No. 066 18553	Resighini Rancheria, California
2009	Federal Register Vol. 74 No. 153 40218	Resighini Rancheria, California
2010	Federal Register Vol. 75 No. 190 60810	Resighini Rancheria, California

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the current list of 561 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. The list is updated from the notice published on December 5, 2003 (68 FR 68180).

FOR FURTHER INFORMATION CONTACT: Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 320-SIB, 1951 Constitution Avenue, NW., Washington, DC 20240. Telephone number: (202) 513-7641.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792), and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below is a list of federally acknowledged tribes in the contiguous 48 states and in Alaska.

The Delaware Tribe of Indians, Oklahoma, was removed from the list in response to a final judgment and order sought by the Cherokee Nation of Oklahoma in the United States District Court for the Northern District of Oklahoma in *Cherokee Nation of Oklahoma v. Norton, et al.*, Case No. 98-CV-903-TCK-FHM on remand from the Tenth Circuit Court of Appeals in *Cherokee Nation of Oklahoma v. Norton*, 389 F.3d 1074 (10th Cir. 2004), as amended, 2005 U.S. App. LEXIS 2773 (10th Cir. Feb. 16, 2005).

The list does not include any additional new tribes. The updates are limited to several tribal name changes. To aid in identifying tribal name changes, the tribe's former name is included with the new tribal name. We will continue to list the tribe's former name for several years before dropping the former name from the list. We have also made several corrections. To aid in identifying corrections, the tribe's previously listed name is included with the tribal name.

The listed entities are acknowledged to have the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as

well as the responsibilities, powers, limitations and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

Dated: November 14, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

- Absentee-Shawnee Tribe of Indians of Oklahoma
- Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
- Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona
- Alabama-Coushatta Tribes of Texas
- Alabama-Quassarte Tribal Town, Oklahoma
- Alturas Indian Rancheria, California
- Apache Tribe of Oklahoma
- Arapahoe Tribe of the Wind River Reservation, Wyoming
- Aroostook Band of Micmac Indians of Maine
- Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
- Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
- Bay Mills Indian Community, Michigan
- Bear River Band of the Rohnerville Rancheria, California
- Berry Creek Rancheria of Maidu Indians of California
- Big Lagoon Rancheria, California
- Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California
- Big Sandy Rancheria of Mono Indians of California
- Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
- Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
- Blue Lake Rancheria, California
- Bridgeport Paiute Indian Colony of California
- Buena Vista Rancheria of Me-Wuk Indians of California
- Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon
- Cabazon Band of Mission Indians, California (previously listed as the Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation)

- Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
- Caddo Nation of Oklahoma (formerly the Caddo Indian Tribe of Oklahoma)
- Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
- Cahto Indian Tribe of the Laytonville Rancheria, California
- California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
- Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
- Capitan Grande Band of Diegueno Mission Indians of California: Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California
- Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California
- Catawba Indian Nation (aka Catawba Tribe of South Carolina)
- Cayuga Nation of New York
- Cedarville Rancheria, California
- Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
- Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
- Cherokee Nation, Oklahoma
- Cheyenne-Arapaho Tribes of Oklahoma
- Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
- Chickasaw Nation, Oklahoma
- Chicken Ranch Rancheria of Me-Wuk Indians of California
- Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
- Chitimacha Tribe of Louisiana
- Choctaw Nation of Oklahoma
- Citizen Potawatomi Nation, Oklahoma
- Cloverdale Rancheria of Pomo Indians of California
- Cocopah Tribe of Arizona
- Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho
- Cold Springs Rancheria of Mono Indians of California
- Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
- Comanche Nation, Oklahoma
- Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
- Confederated Tribes of the Chehalis Reservation, Washington
- Confederated Tribes of the Colville Reservation, Washington
- Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon
- Confederated Tribes of the Goshute Reservation, Nevada and Utah
- Confederated Tribes of the Grand Ronde Community of Oregon

- Confederated Tribes of the Siletz Reservation, Oregon
- Confederated Tribes of the Umatilla Reservation, Oregon
- Confederated Tribes of the Warm Springs Reservation of Oregon
- Confederated Tribes and Bands of the Yakama Nation, Washington
- Coquille Tribe of Oregon
- Cortina Indian Rancheria of Wintun Indians of California
- Coushatta Tribe of Louisiana
- Cow Creek Band of Umpqua Indians of Oregon
- Cowlitz Indian Tribe, Washington
- Coyote Valley Band of Pomo Indians of California
- Crow Tribe of Montana
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Death Valley Timbi-Sha Shoshone Band of California
- Delaware Nation, Oklahoma
- Dry Creek Rancheria of Pomo Indians of California
- Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
- Eastern Band of Cherokee Indians of North Carolina
- Eastern Shawnee Tribe of Oklahoma
- Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
- Elk Valley Rancheria, California
- Ely Shoshone Tribe of Nevada
- Enterprise Rancheria of Maidu Indians of California
- Ewiiaapaay Band of Kumeyaay Indians, California (formerly the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation)
- Federated Indians of Graton Rancheria, California (formerly the Graton Rancheria)
- Flandreau Santee Sioux Tribe of South Dakota
- Forest County Potawatomi Community, Wisconsin
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
- Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
- Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
- Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
- Fort McDowell Yavapai Nation, Arizona
- Fort Mojave Indian Tribe of Arizona, California & Nevada
- Fort Sill Apache Tribe of Oklahoma
- Gila River Indian Community of the Gila River Indian Reservation, Arizona
- Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
- Greenville Rancheria of Maidu Indians of California
- Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
- Guidiville Rancheria of California
- Habematolel Pomo of Upper Lake, California (formerly the Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California)
- Hannahville Indian Community, Michigan
- Havasupai Tribe of the Havasupai Reservation, Arizona
- Ho-Chunk Nation of Wisconsin
- Hoh Indian Tribe of the Hoh Indian Reservation, Washington
- Hoopa Valley Tribe, California
- Hopi Tribe of Arizona
- Hopland Band of Pomo Indians of the Hopland Rancheria, California
- Houlton Band of Maliseet Indians of Maine
- Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
- Huron Potawatomi, Inc., Michigan
- Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
- Ione Band of Miwok Indians of California
- Iowa Tribe of Kansas and Nebraska
- Iowa Tribe of Oklahoma
- Jackson Rancheria of Me-Wuk Indians of California
- Jamestown S'Klallam Tribe of Washington
- Jamul Indian Village of California
- Jena Band of Choctaw Indians, Louisiana
- Jicarilla Apache Nation, New Mexico
- Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
- Kalispel Indian Community of the Kalispel Reservation, Washington
- Karuk Tribe of California
- Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
- Kaw Nation, Oklahoma
- Keweenaw Bay Indian Community, Michigan
- Kialegee Tribal Town, Oklahoma
- Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
- Kickapoo Tribe of Oklahoma
- Kickapoo Traditional Tribe of Texas
- Kiowa Indian Tribe of Oklahoma
- Klamath Tribes, Oregon (formerly the Klamath Indian Tribe of Oregon)
- Kootenai Tribe of Idaho
- La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California
- La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
- Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
- Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
- Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan
- Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
- Little River Band of Ottawa Indians, Michigan
- Little Traverse Bay Bands of Odawa Indians, Michigan
- Lower Lake Rancheria, California
- Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes Reservation, California (formerly the Los Coyotes Band of Cahuilla Mission Indians of the Los Coyotes Reservation)
- Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
- Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
- Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington
- Lower Sioux Indian Community in the State of Minnesota
- Lummi Tribe of the Lummi Reservation, Washington
- Lytton Rancheria of California
- Makah Indian Tribe of the Makah Indian Reservation, Washington
- Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California
- Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
- Mashantucket Pequot Tribe of Connecticut
- Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
- Mechoopda Indian Tribe of Chico Rancheria, California
- Menominee Indian Tribe of Wisconsin
- Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
- Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
- Miami Tribe of Oklahoma
- Miccosukee Tribe of Indians of Florida
- Middletown Rancheria of Pomo Indians of California
- Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
- Mississippi Band of Choctaw Indians, Mississippi
- Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
- Modoc Tribe of Oklahoma
- Mohegan Indian Tribe of Connecticut
- Mooretown Rancheria of Maidu Indians of California
- Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California

- Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington
- Muscogee (Creek) Nation, Oklahoma
- Narragansett Indian Tribe of Rhode Island
- Navajo Nation, Arizona, New Mexico & Utah
- Nez Perce Tribe of Idaho
- Nisqually Indian Tribe of the Nisqually Reservation, Washington
- Nooksack Indian Tribe of Washington
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
- Northfork Rancheria of Mono Indians of California
- Northwestern Band of Shoshoni Nation of Utah (Washakie)
- Ogala Sioux Tribe of the Pine Ridge Reservation, South Dakota
- Omaha Tribe of Nebraska
- Oneida Nation of New York
- Oneida Tribe of Indians of Wisconsin
- Onondaga Nation of New York
- Osage Tribe, Oklahoma
- Ottawa Tribe of Oklahoma
- Otoe-Missouria Tribe of Indians, Oklahoma
- Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)
- Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California
- Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
- Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California
- Pala Band of Luiseno Mission Indians of the Pala Reservation, California
- Pascua Yaqui Tribe of Arizona
- Paskenta Band of Nomlaki Indians of California
- Passamaquoddy Tribe of Maine
- Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
- Pawnee Nation of Oklahoma
- Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
- Penobscot Tribe of Maine
- Peoria Tribe of Indians of Oklahoma
- Picayune Rancheria of Chukchansi Indians of California
- Pinoleville Rancheria of Pomo Indians of California
- Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias)
- Poarch Band of Creek Indians of Alabama
- Pokagon Band of Potawatomi Indians, Michigan and Indiana
- Ponca Tribe of Indians of Oklahoma
- Ponca Tribe of Nebraska
- Port Gamble Indian Community of the Port Gamble Reservation, Washington
- Potter Valley Tribe, California (formerly the Potter Valley Rancheria of Pomo Indians of California)
- Prairie Band of Potawatomi Nation, Kansas
- Prairie Island Indian Community in the State of Minnesota
- Pueblo of Acoma, New Mexico
- Pueblo of Cochiti, New Mexico
- Pueblo of Jemez, New Mexico
- Pueblo of Isleta, New Mexico
- Pueblo of Laguna, New Mexico
- Pueblo of Nambe, New Mexico
- Pueblo of Picuris, New Mexico
- Pueblo of Pojoaque, New Mexico
- Pueblo of San Felipe, New Mexico
- Pueblo of San Juan, New Mexico
- Pueblo of San Ildefonso, New Mexico
- Pueblo of Sandia, New Mexico
- Pueblo of Santa Ana, New Mexico
- Pueblo of Santa Clara, New Mexico
- Pueblo of Santo Domingo, New Mexico
- Pueblo of Taos, New Mexico
- Pueblo of Tesuque, New Mexico
- Pueblo of Zia, New Mexico
- Puyallup Tribe of the Puyallup Reservation, Washington
- Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
- Quapaw Tribe of Indians, Oklahoma
- Quartz Valley Indian Community of the Quartz Valley Reservation of California
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
- Quileute Tribe of the Quileute Reservation, Washington
- Quinault Tribe of the Quinault Reservation, Washington
- Ramona Band or Village of Cahuilla Mission Indians of California
- Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
- Red Lake Band of Chippewa Indians, Minnesota
- Redding Rancheria, California
- Redwood Valley Rancheria of Pomo Indians of California
- Reno-Sparks Indian Colony, Nevada
- Resighini Rancheria, California
- Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
- Robinson Rancheria of Pomo Indians of California
- Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
- Round Valley Indian Tribes of the Round Valley Reservation, California
- Rumsey Indian Rancheria of Wintun Indians of California
- Sac & Fox Tribe of the Mississippi in Iowa
- Sac & Fox Nation of Missouri in Kansas and Nebraska
- Sac & Fox Nation, Oklahoma
- Saginaw Chippewa Indian Tribe of Michigan
- St. Croix Chippewa Indians of Wisconsin
- St. Regis Band of Mohawk Indians of New York
- Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
- Samish Indian Tribe, Washington
- San Carlos Apache Tribe of the San Carlos Reservation, Arizona
- San Juan Southern Paiute Tribe of Arizona
- San Manual Band of Serrano Mission Indians of the San Manual Reservation, California
- San Pasqual Band of Diegueno Mission Indians of California
- Santa Rosa Indian Community of the Santa Rosa Rancheria, California
- Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation, California
- Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
- Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California
- Santee Sioux Nation, Nebraska (formerly the Santee Sioux Tribe of the Santee Reservation of Nebraska)
- Sauk-Suiattle Indian Tribe of Washington
- Sault Ste. Marie Tribe of Chippewa Indians of Michigan
- Scotts Valley Band of Pomo Indians of California
- Seminole Nation of Oklahoma
- Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations
- Seneca Nation of New York
- Seneca-Cayuga Tribe of Oklahoma
- Shakopee Mdewakanton Sioux Community of Minnesota
- Shawnee Tribe, Oklahoma
- Sherwood Valley Rancheria of Pomo Indians of California
- Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
- Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington
- Shoshone Tribe of the Wind River Reservation, Wyoming
- Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
- Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
- Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota (formerly the Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation)
- Skokomish Indian Tribe of the Skokomish Reservation, Washington
- Skull Valley Band of Goshute Indians of Utah



Cher-Ae Heights Indian Community of the Trinidad Rancheria



April 10, 2012

President Daniel Richards
California Fish and Game Commission
POB 944209
Sacramento, CA. 94244-2090

Re: Formal Comments to the Marine Life Protection Act, Draft EIR

President Richmond and Commissioners:

Please accept this letter as Cher-Ae Heights Indian Community of the Trinidad Rancheria's (Trinidad Rancheria) formal request to adopt North Coast Study Region Draft Regulations Sub-Option (B) to re-designate Reading Rock as a State Marine Conservation Area, (SMCA), rather than the current preferred alternative as a State Marine Reserve.

The Reading Rock SMCA designation sub-option before you now, reflects the Trinidad Rancheria's need to maintain access to the location for cultural, religious and ceremonial subsistence gather purposes as we have since time immemorial.

The Declaration of Rose Joy Crutchfield Sundberg, an enrolled member and one of the Original Assignees of the Cher-Ae Heights Indian Community of the Trinidad Rancheria, is attached and gives a detailed history of the villages she descended from and the creation story of Reading Rock.

Additionally, Trinidad Rancheria Resolution TC-12-05 declares the area of Sek-kwo-nar (Reading Rock) as a traditional cultural property within a Yurok cultural landscape eligible for inclusion on the National Register of Historic Places.

A SMCA designation at Reading Rock would align the Marine Life Protection Act regulations with the 2006 MOU between the Bureau of Land Management and the Trinidad Rancheria, which states that the Trinidad Rancheria will serve as a steward of the portion of the California Coastal National Monument (CCNM), in the vicinity of the Trinidad Rancheria, in Humboldt County, a portion of the ancestral territory of the Trinidad Rancheria.

We also support the Yurok Tribe's request for a "no change" for the specific location of False Klamath Rock Special Closure. This Special Closure was included at the last minute in the October 26th, 2010, Blue Ribbon Task Force meeting and was not part of earlier consultation or discussions.



www.trinidadrancheria.com

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

Trinidad Rancheria requests that our Nation be deleted from the Tribes listed in the Pyramid Point and Point St. George Marine Protected areas within the ancestral territory of the Smith River Rancheria. The Rancheria further commits to continue through consultation to move forward in the Marine Life Protection Act process and formally requests the development of a Memorandum of Understanding to addressing monitoring and enforcement. We do not agree with the recommendation from the Department of Fish and Game to enforce tribal gathering and subsistence through fishing licenses. We formally request this be included in the MOU and enforced through Tribal Ordinances and Tribal monitoring cooperatively with the Fish and Game Law enforcement.

The Trinidad Rancheria makes a full reservation of rights and specifically asserts the right to regulate all Native Americans within the boundaries of the Trinidad Rancheria.

Sincerely,



Garth Sundberg
Tribal Chairman
Trinidad Rancheria

Attachments: Declaration of Rose Joy Crutchfield Sundberg
Trinidad Rancheria Resolution TC-12-05
Bureau of Land Management MOU with Trinidad Rancheria



Cher-Ae Heights Indian Community of the Trinidad Rancheria

DECLARATION OF ROSE JOY CRUTCHFIELD SUNDBERG

I. Rose Joy Crutchfield Sundberg, Declare:

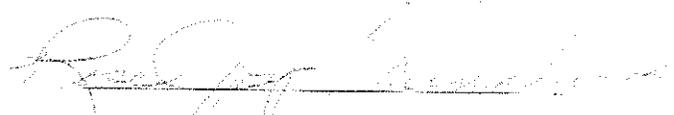
1. My name is Rose Joy Crutchfield Sundberg.
2. I was born at Yo-teyr he-wan (above the village of Yo-teyr, also known as Donnelly Prairie) on the Klamath River, California.
3. I was raised there at Yo-teyr he-wan for the first three years of my life until my family moved to Blue Lake, California. However I still maintain ties and have a home above the village of Yah-ter to the present day.
4. I was raised by my parents Edward Crutchfield and Lila Shaffer Natt.
5. I descend from the coastal Yurok villages of Chue-rey (Tsurai) through my grandmother Mary Shaffer Natt; Peen-pey (at Big Lagoon) through my great grandmother Annie Turner; Cho-kwee through my grandmother Susan Donnelly Crutchfield; as well as the Yurok villages of Hop-ew through my great grandmother Mary Donnelly; Koo-tep through my grandfather Robert Natt; and Tue-rep through grandma Crutchfield's father.
6. My birth date is March 25, 1932.
7. I am an enrolled member of the Cher-Ae Heights Indian Community of the Trinidad Rancheria and have lived in on the coast in Trinidad, California for 56 years.
8. I have knowledge of the spiritual and cultural significance of Reading Rock as told to me by my relatives.
9. My uncle Frank Douglas told me the origin story of Reading Rock and it is as follows:

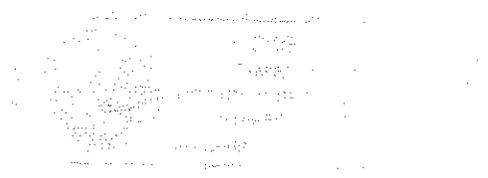
There was a woman from Stone Lagoon (Chah-pek-w) that was bought by a man up at Red Mountain. They were married and had a baby. He was very cruel to her. When the baby was still in its basket, she planned to leave him. She started hiding food in the baby's basket to ready for their escape. He continued to be cruel to her and she became desperate to leave. And so one night she was cooking sturgeon for him, for his dinner. She cooked it with the skin on in the coals, as they did at her home at Chah-pek-w. Her husband got very angry with her because he didn't like the way she cooked it, so he beat her. She decided to leave that night. She had to very quietly sneak out of the village with the baby. When she got to the ocean she found a canoe. I can't remember how she got it but she did. She started

31 paddling south to her home. Her husband was standing up on Red Mountain and
32 he saw her. He was so angry that she left him, he picked up her pestle and threw
33 at it her, hitting the back side of her boat, which broke off. That pestle is still there
34 where it landed. It is called Sek-kwo-nar, Reading Rock. That is also why the
35 ends of the canoes boats are sheared off like that. When she landed at her home, at
36 the village of Chah-pek w her family was very happy to see her.

37 10. I know that Sek-kwo-nar, was also a place where people would go fishing for seals and
38 fish and gather.

39
40 Dated: August 10, 1919


41 Rose Joy Crutchfield Sundberg


APR 16, 2012
Vickie L. Keene
Vickie L. Keene
1-28-2011



Cher-Ae Heights Indian Community of the Trinidad Rancheria



CHER-AE HEIGHTS INDIAN COMMUNITY OF THE TRINIDAD RANCHERIA RESOLUTION OF THE TRIBAL COUNCIL

RESOLUTION NO.: TC-12-05

SUBJECT: Trinidad Rancheria Cultural Landscape and Traditional Cultural Property Designation for Sek-kwo-nar (Reading Rock).

WHEREAS: The Cher-Ae Heights Indian Community of the Trinidad Rancheria (hereinafter the "Tribe") is a federally recognized Indian Tribe eligible for all rights and privileges afforded to recognized Tribes; and

WHEREAS: The Cher-Ae Heights Indian Community Tribal Council (hereinafter "Tribal Council") is the governing body of the Tribe under the authority of the Tribe's Constitution; and

WHEREAS: The Tribe, as a sovereign Indian Nation, has a Tribal Historic Preservation Officer (THPO) who has assumed the responsibilities of the State Historic Preservation Officer (SHPO) for National Historic Preservation Act (NHPA), Section 106 and 110 duties; and

WHEREAS: The Tribe operates a cultural resource program which works directly with Yurok elders in documenting cultural resources and traditional cultural properties and said elders have determined that the place known as Sek-kwo-nar (Reading Rock) is presently and has always been a place of immeasurable religious, and spiritual significance for Yurok people; and

WHEREAS: The Tribe declares that Sek-kwo-nar (Reading Rock) must be protected and managed in a traditional manner as a traditional cultural property within the Yurok cultural landscape and it must be accessed by Yurok people for cultural and spiritual purposes forever;

NOW THEREFORE BE IT RESOLVED: That the Trinidad Rancheria Tribal Council hereby declares the area of Sek-kwo-nar (Reading Rock) as a traditional cultural property within a Yurok cultural landscape eligible for inclusion on the National Register of Historic Places; and

BE IT FURTHER RESOLVED: The Tribal Vice Chairperson is hereby authorized to sign this resolution and to negotiate all matters pertaining hereto and that the Recording Secretary is authorized to attest.

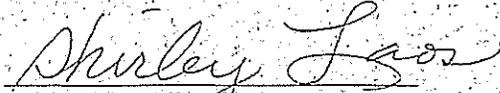


www.trinidadrancheria.com

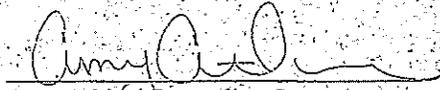
CERTIFICATION

This is to certify that Resolution TC-12-05 was approved through the standard Trinidad Rancheria Tribal Council Polling Procedure, through which a quorum was established, and that this Resolution was adopted by a vote of 4 in favor, 0 opposed, and 0 abstaining.

Dated this 16th day of April 2012,


Shirley Laos, Vice Chairperson

ATTEST:


Amy Atkins, Recording Secretary

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CHER-AE HEIGHTS INDIAN COMMUNITY
OF THE TRINIDAD RANCHERIA
AND THE
BUREAU OF LAND MANAGEMENT
REGARDING THE
CALIFORNIA COASTAL NATIONAL MONUMENT**

I. PARTIES AND PURPOSE

This Memorandum of Understanding (MOU) is entered into by and between the Cher-Ae Heights Indian Community of the Trinidad Rancheria (hereinafter referred to as the "Trinidad Rancheria") and the United States Department of the Interior's Bureau of Land Management (hereinafter referred to as the "BLM") to establish an agreement whereby the Trinidad Rancheria will serve as a steward for a portion of the California Coastal National Monument (CCNM) in the vicinity of the Trinidad Rancheria in Humboldt County, California.

II. INTRODUCTION

- A. **BLM & the California Coastal National Monument.** By Presidential Proclamation on January 11, 2000, all unappropriated or unreserved lands and interest in lands owned or controlled by the United States in the form of islands, rocks, and pinnacles above mean high tide within 12 nautical miles of the shoreline of the State of California were designated as the CCNM. The CCNM was nationally recognized in the Presidential Proclamation as a biological and geological treasure, rich in biodiversity, and providing essential habitat for many species of scientific interest. The CCNM designation mandates the protection of historic and scientific objects, particularly wildlife species which normally inhabit the CCNM area, and limits management discretion that the Federal managers otherwise have. The Secretary of the Interior manages the CCNM through the BLM and under the BLM's existing authorities, subject to the overriding purpose of protecting the resources described in the Presidential Proclamation. The BLM is directed by Congress to administer the public lands so that all various land and resource uses and values are managed in combinations that will best meet the needs of the American people.
- B. **Core-Managing Partners.** BLM, the California Department of Fish and Game (CDFG), and the California Department of Parks and Recreation (CDPR) serve as the "Core-Managing Partners" of the CCNM. Through an interim MOU signed in the spring of 2000, BLM extended its partnership with CDFG and added CDPR, the State agency that administers 25% of the California coast. Collectively, BLM, CDFG, and CDPR are responsible for the management of the CCNM.

- C. **Stewardship.** With a national monument as extensive and connected to so many varied jurisdictions as the CCNM, the opportunities for partnerships are not only enormous, but also necessary. The BLM is committed to continuing existing partnerships and establishing new ones in order to effectively administer the CCNM. Consistent with appropriate authorities, stewardship agreements will be developed with select entities with management interests along the coast. "CCNM Stewards" will work in partnership with BLM to help in the management of a specific portion of the CCNM (See Attachment A, CCNM Stewardship Program Fact Sheet).
- D. **Trinidad Rancheria.** As a Federally recognized tribe, the Trinidad Rancheria is interested in serving as a "CCNM Steward" for the management of the portion of the CCNM adjacent to the Trinidad Rancheria (See Attachment B, Map of Trinidad Rancheria Stewardship Area of the CCNM).

III. AUTHORITIES

- A. **BLM Authority.** The Federal Land Policy and Management Act of 1976, Section 307(b) provides that the Secretary of the Interior may undertake programs of resource management through cooperative agreements.
- B. **Trinidad Rancheria Authority.** Trinidad Rancheria, as a federally recognized tribe, has established a Business Committee to conduct business on behalf of the Community Council. Approval by the Business Committee and the signing of this MOU by the Tribal Chair constitutes authority to enter into this agreement.

IV. PRINCIPLES OF STEWARDSHIP AGREEMENT

A. The Trinidad Rancheria Agrees To:

1. Serve as a CCNM Steward and work closely with the Core-Managing Partners of CCNM and other CCNM partners, as appropriate, to assist with the protection and administration of the portion of the CCNM and its various resources and resource values within the Trinidad Rancheria Stewardship Area (hereinafter referred to as the "Stewardship Area").
2. Designate a contact person to serve as the Trinidad Rancheria liaison with the CCNM.
3. Cooperate with the BLM on the protection, monitoring, and research needs for the CCNM in the Stewardship Area consistent with the Trinidad Rancheria's Environmental Program and associated annual work plans.
4. Work with the BLM to develop interpretive and environmental education opportunities associated with CCNM's cultural and ecological resources. This could include the placement of interpretive displays on Trinidad Rancheria property where agreed upon by both parties.
5. Alert BLM to known and potential problems related to activities on the CCNM within the Stewardship Area.

6. Implement Trinidad Rancheria activities to avoid or minimize impacts to the CCNM as practicable.
7. Report to BLM on a quarterly basis, or more frequent, on any activity or action related to the CCNM.

B. The BLM Agrees To:

1. Respect any existing Trinidad Rancheria rights to the use of or access to the CCNM and surrounding coastal waters.
2. Provide the Trinidad Rancheria with a local contact for items and actions related to the CCNM and provide guidance regarding the role of a CCNM Steward (See CCNM Stewardship Program Fact Sheet, Attachment A).
3. Keep the Trinidad Rancheria informed and updated on matters related to the CCNM.
4. Identify potential funding opportunities for the Trinidad Rancheria that might relate to the various aspects of the implementation of this MOU.

B. The Trinidad Rancheria and the BLM Mutually Agree To:

1. Seek opportunities to coordinate, share, and/or combine resources and data to carry out protection, monitoring, research, and/or public education initiatives associated with unique coastal habitats and resource values associated with this Stewardship Area of the CCNM.
2. Work together to ensure consistency and coordination in the protection and management of the CCNM.

V. OTHER PROVISIONS

A. Limits of Authority and Funding

1. Nothing in this MOU shall be construed as limiting or affecting in any way the authority or legal responsibility of the Parties.
2. Nothing in this MOU binds the Parties to perform beyond their respective authorities.
3. Nothing in this MOU requires the Parties to assume or expend any funds in excess of available appropriations.
4. The mission requirements, funding, personnel, and other priorities of either Party may affect that Party's ability to fully implement all the provisions identified in this MOU.
5. This MOU is neither a fiscal nor a funds obligation document. Specific activities that involve the transfer of money, services, or property between the Parties shall require execution of separate agreement or contract.

Attachment A

CALIFORNIA COASTAL NATIONAL MONUMENT STEWARDSHIP PROGRAM FACT SHEET

PURPOSE:

To establish a series of California Coastal National Monument (CCNM) "Stewards" to work with the U.S. Department of the Interior's Bureau of Land Management (BLM), California Department of Fish and Game (CDFG), California Department of Parks and Recreation (CDPR), and other CCNM partners for long-term protection and management of CCNM and its various resources and resource values.

GOALS & OBJECTIVES:

- Increase protection and monitoring of the CCNM.
- Involve adjacent landowners and/or resource managers of properties with various coastal and marine protection programs, initiatives, and/or interests associated with portions of the CCNM in the integrated, long-term management of the CCNM.
- Increase the knowledge and understanding of the various resources and resource values of the CCNM.
- Enhance the cooperative management of fragile ecosystems of California's coastline.

BACKGROUND & ORGANIZATION:

- CCNM was established by Presidential Proclamation of January 11, 2000, and BLM, under the Secretary of the Interior, was directed to provide long-term management.
- Through a memorandum of understanding (MOU), signed in the Summer of 2000, CDFG and CDPR were brought in as managing partners to assist BLM, who retains the ultimate legal responsibility for the CCNM, in "...preserving the [CCNM's] objects of historic and scientific interest, ...mapping and understanding resources within the Monument, [and] ...working with the public to explain the values of the Monument."
- In order to effectively deal with the wide array of partnership opportunities associated with the CCNM, three basic categories have been developed:
 - Core-Managing Partner - Each of the three "core" agencies- -BLM, CDFG, and CDPR- -responsible for collaborating in the overall management of the entire CCNM.
 - Collaborative Partner - An organization, governmental or private, that is interested in collaborating with the core-managing partners in any of a variety of programs, actions, and management elements associated with the long-term management of

the CCNM.

- o Steward - A select entity with ownership and management responsibility for a portion of the coast that adjoins part of the CCNM and that is interested in serving as the "steward" for that portion of CCNM.
- Stewards will work with BLM and other partners to help in the management of their specific portion of the CCNM, a portion that is offshore of the Steward's onshore property.

METHODS:

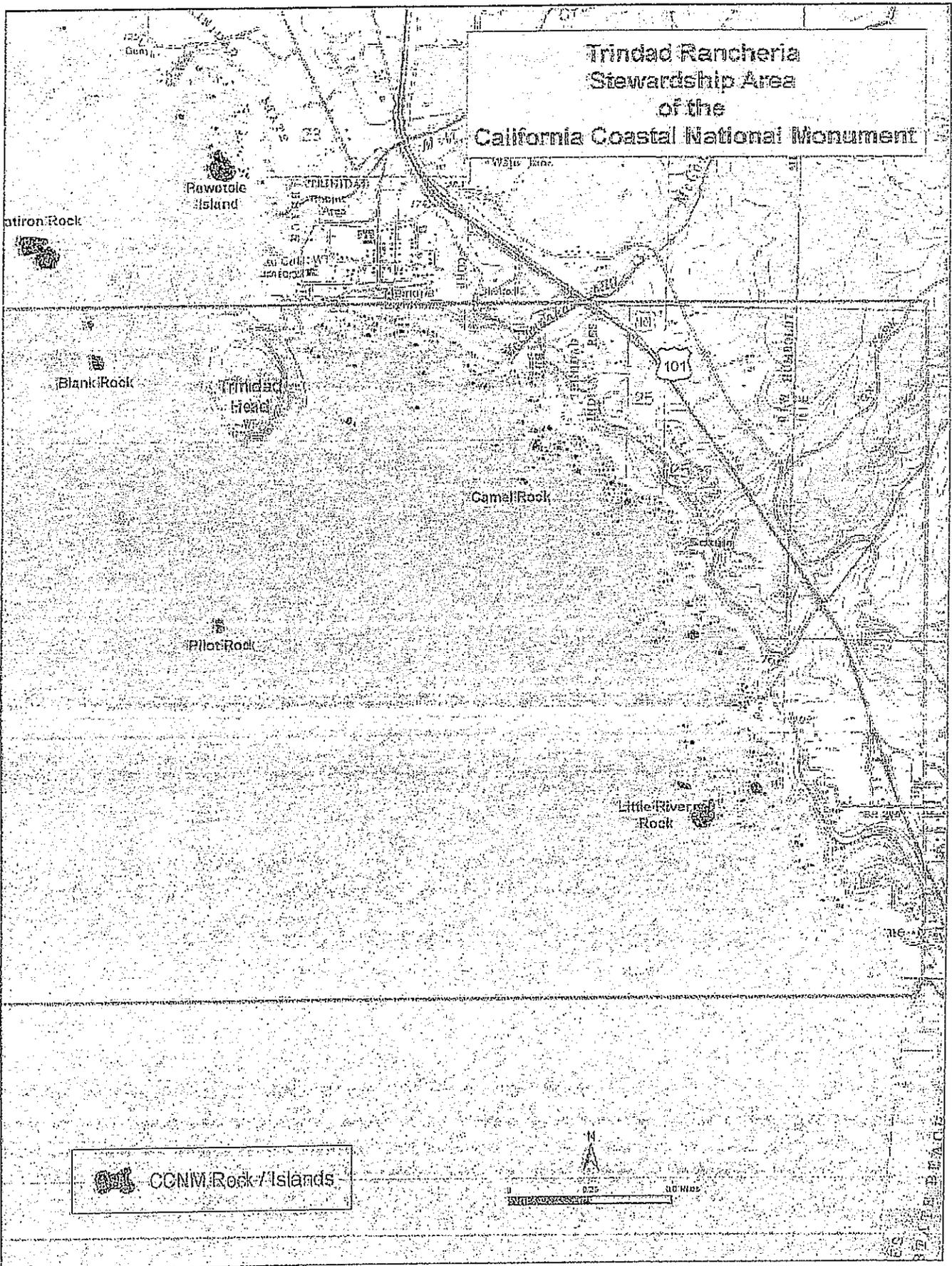
- BLM will invite other governmental, tribal, or private organizations that own coastal lands and manage programs that provide for the protection and long-term management of portions of the California coast adjacent to parts of the CCNM, to be "Stewards" for that portion of the CCNM.
- A stewardship agreement will be developed with each approved Steward and each agreement will identify the specific portion of the CCNM for which the Steward will assist in the long-term management, as well as outline the expected role and responsibilities in working with the BLM and its various CCNM partners.
- The Steward will serve as the local CCNM representative for the assigned portion of the CCNM by:
 - o Designating a contact person to serve as the CCNM liaison.
 - o Providing local contact point for items and actions related to the CCNM.
 - o Alerting BLM to known and potential problems.
 - o Identifying specific management needs, including protection, monitoring, and research.
 - o Integrating the management of its portion of the CCNM with its other resource management responsibilities.
 - o Reporting to BLM on a quarterly basis on any activity or action related to the CCNM.
- BLM will provide the Stewards with guidance and direction regarding the role of a CCNM Steward and keep the Stewards updated on the evolving protection and management needs and requirements related to the CCNM.

INTENDED OUTCOMES & BENEFITS:

- Increased monitoring and protection of the CCNM.
- Greater involvement of partners in the long-term management of the CCNM.

- Increased awareness and knowledge of the specific resources and resource values of the CCNM.
- Regular reports on the condition of the CCNM resources and on the activities in and around the CCNM.
- Identification of actions needed related to enhance the long-term management of the CCNM.
- More effective use of limited funding and capabilities.

Trinidad Rancheria Stewardship Area of the California Coastal National Monument



 CCNIM Rock/Islands



6. Nothing in this MOU restricts the Parties from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals

7. BLM retains the sole decision-making authority for public lands and resources it administers.

B. **Amendment of Agreement.** Amendments or supplements to this MOU may be proposed by either Party and shall become effective upon written approval of both Parties.

C. **Dispute Resolution.** The Parties shall attempt to resolve controversies through alternative dispute resolution methods that are mutually acceptable to both Parties. Methods may include, but are not limited to fact-finding, mediation, and non-binding arbitration.

D. **Termination of Agreement.** Either Party may terminate its participation in this MOU at any time through written notification to the other Party at least 90 days prior to termination.

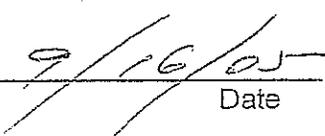
E. **Effective Date of Agreement.** This MOU shall become effective upon signature by both Parties. This MOU may be executed in one or more counterparts, each of which will be considered an original document.

VI. APPROVALS

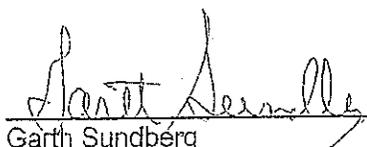
The Parties Hereto have executed this agreement as of the last date shown below.



Mike Pool
State Director
Bureau of Land Management



Date



Garth Sundberg
Tribal Council Chairperson
Cher-Ae Heights Indian Community of the Trinidad Rancheria



Date

2 ATTACHMENTS:

Attachment A - CCNM Stewardship Program Fact Sheet

Attachment B - Map of Trinidad Rancheria's Stewardship Area of the CCNM



Cher-Ae Heights Indian Community of the Trinidad Rancheria



August 9, 2013

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

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2013 AUG 14 PM 1:59
MS

Director Mastrup:

The Cher-Ae Heights Indian Community of the Trinidad Rancheria ("Trinidad Rancheria" or "Tribe") is a Federally Recognized Sovereign Tribal Nation located on the Northern California Coast. The Tribe's culture is inextricably intertwined with marine resources and those marine resources continue to play a vital role in the Tribe's beliefs, ceremonies, traditional arts, diet, substance activities, and stewardship of these resources is an important the role of the tribal government. For thousands of years, the Trinidad Rancheria and other tribes have been the stewards of the North Coast and have regulated the use of the marine resources located within this area. The traditional tribal uses, which continue today, reflect the Tribe's stewardship and the Tribe's regulation of its traditional practices. The manner and timing of these uses, and the tribes' regulation of them, are an integral part of the cultural system and beliefs of the North Coast tribes.

On April 10, 2012, the Trinidad Rancheria submitted the attached documents to Fish and Game Commission President Richards regarding Reading Rock and the Tribe's request that Reading Rock be designated as a State Marine Conservation Area, (SMCA), rather than a State Marine Reserve. The Tribe made this formal request to secure the Trinidad Rancheria's need to maintain access to the location for cultural, religious and ceremonial subsistence gather purposes as we have since time immemorial.

Upon receipt of the *Notice to Tribes and Tribal Communities regarding the New and Revised Marine Protected Areas in Effect in Northern California, Effective December 19, 2012* the Tribe became aware that Reading Rock was designated as a State Marine Conservation Area, (SMCA), but that the exceptions for Take of All Living Marine Resources list the Yurok Tribe as the only Federally Recognized tribe exempt from regulations within the SMCA.

As a Federally Recognized Tribe and Sovereign Nation we share a unique political and legal relationship with the Federal, State and local governments. A key aspect to this relationship is the establishment and continuance of meaningful Government to Government Consultation between Tribes and various Federal, State and local governments. On behalf of the Trinidad Rancheria, I would like to request Government to Government Consultation with the CA Fish and Game Commission regarding the SMCA designation of Reading Rock and the fact that the Cher-Ae Heights Indian Community of the Trinidad Rancheria was not listed as a Federally Recognized tribe exempt from regulations within this SMCA.

Please contact Trinidad Rancheria Chief Executive Officer Jacque Hostler-Carmesin at (707) 677-0211 ext. 2736 to plan and coordinate meeting dates and times for a Government to Government Consultation.

Sincerely,



Garth Sundberg
Tribal Chairman
Trinidad Rancheria



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



YUROK TRIBE

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



June 13, 2016

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

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

2016 JUN 30 PM 3:36

MLS

Re: Amendments to Tribal Take at Sek-kwo-nar (Reading Rock) SMCA

Aiy-ye-kwee' President Sklar and Commissioners,

This letter is in response to the current requests for exemptions to Marine Protected Area ("MPA") take regulations from the Resighini Rancheria and Cher-Ae Heights Indian Community of the Trinidad Rancheria for the Sek-kwo-nar (Reading Rock) SMCA in Humboldt County. **The Yurok Tribe opposes both requests.**

The Yurok Tribe is the largest tribe in California, with over 6,100 tribal members. Yurok ancestral territory extends continuously for eighty-three miles along the Pacific Ocean coast, in northern California. This area represents approximately 7.5% of the total California coastline. Yurok aboriginal rights include the right to manage and utilize all natural resources – a right that Yurok has never relinquished. The Sek-kwo-nar (Reading Rock) SMCA is outside the exterior boundaries of the Yurok Reservation, but within Yurok ancestral territory.

As evidenced by the Tribe's work with Yurok elders and subsequent documentation of the Tribes' cultural resources and cultural properties, Sek-kwo-nar has since time immemorial held immense spiritual significance to the Yurok Tribe. Through Yurok Tribal Resolution 12-06 (attached), the Tribe has designated Sek-kwo-nar as a traditional cultural property eligible for inclusion in the National Register of Historic Places. The Yurok Tribe is currently the only federally recognized tribe exempt from the MPA area and take regulations pertaining to Sek-kwo-nar.

The Yurok Constitution mandates the Tribe to protect our natural and cultural resources, well beyond the scope of protection provided by the Marine Life Protection Act ("MLPA"). Yurok Tribal members shall maintain access to all locations within Yurok ancestral territory for cultural, religious and ceremonial purposes, including Sek-kwo-nar. The Yurok Tribe has demonstrated unparalleled capacity to monitor gathering and harvesting areas within Yurok ancestral territory.

The Yurok Tribe has had the opportunity to review the August 13, 2012 letter from the Resighini Rancheria requesting exemption to the take regulations at Sek-kwo-nar (Reading Rock) SMCA. We reject some of Resighini Rancheria's assertions of fact and law supporting their claim for exemption. Similarly, the Yurok Tribe has had the opportunity to review the August 14, 2013, August 9, 2013, and April 10, 2012 letters from the Cher-Ae Heights Indian Community of the Trinidad Rancheria requesting exemption to the take regulations at Sek-kwo-nar (Reading Rock) SMCA. The Yurok Tribe rejects some of Trinidad Rancheria's assertions of facts and law supporting their claim for exemption. It is the understanding of the Yurok Tribe that the Commission is contemplating a review of additional information from the Resighini Rancheria and Cher-Ae Heights Indian Community of the Trinidad Rancheria in support of their claims. To the extent that the Commission considers their requests, the Yurok Tribe asks that our Tribal Council, staff, and elders be invited to present an alternative perspective on the validity of their claims to the Sek-kwo-nar. The Yurok Tribe further requests that no action on Resighini Rancheria and Cher-Ae Heights Indian Community of the Trinidad Rancheria's requests for exemption be taken until formal consultation takes place between the Commission and the Yurok Tribe on this issue.

We appreciate your careful review of this letter. Should you have any questions, please contact Javier Kinney, Director of Self-Governance at jkinney@yuroktribe.nsn.us or 707-482-1350 ext. 1369.

Sincerely,

A handwritten signature in blue ink that reads "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