

California MLPA North Coast Regional Stakeholder Group
Marine Protected Area Proposal Supplemental Narrative
Submitted October 21, 2010

Throughout the marine protected area (MPA) design process, the MLPA North Coast Regional Stakeholder Group (NCRSG) has been both unified and consistent in its support for the continuation of traditional, non-commercial, customary uses of coastal resources by North Coast tribes and tribal communities. We recognize that tribal uses within the context of the Marine Life Protection Act (MLPA) will need to be addressed at a higher decision-making level than the NCRSG.

We acknowledge that the inherent conflict between fully complying with MLPA science guidelines and protecting tribal uses has led to some inconsistencies and even contradictions in the NCRSG's design of specific MPAs. The NCRSG's intent is to not infringe on traditional, non-commercial, customary uses. Unless explicitly noted in the MPA allowed uses, our intent is to allow only traditional tribal non-commercial, customary uses.

Based on our understanding that traditional, non-commercial, customary uses are more often than not intertidal and beach-based forms of harvest, it was our expectation that MPAs allowing only tribal uses would function effectively as state marine reserves for all offshore habitats and would provide significant conservation value even if they did not fully comply with the MLPA science guidelines. A major assumption of the NCRSG was that MPAs with tribal uses would have at least a moderate-high level of protection (LOP) because of the general view that these uses should be considered *de minimus*. Based on this assumption, MPAs in the Round 3 MPA Proposal were intended to have moderate-high or above LOP irrespective of SAT determination of LOPs.

We encourage the MLPA Blue Ribbon Task Force (BRTF) to respect our intentions, to support our unified proposal, and to urge the California Department of Fish and Game and the California Fish and Game Commission to formally consult with the affected tribes to seek mutually satisfactory solutions to these issues.

We thoroughly believe that our unified proposal meets the goals of the MLPA. We acknowledge that the NCRSG MPA proposal contains some gaps in habitat replication. However, it does include a core network of MPAs that meet or exceed minimum size guidelines and are intended to provide a moderate-high or above LOP. Limitations in availability of certain habitats, combined with the particularly challenging weather and oceanographic conditions of the North Coast, as compared to the rest of the state, create unique challenges for fully complying with the MLPA science guidelines in our region while ensuring safe access to important shore-based users and fishing grounds.

The specific gaps that warrant further explanation are:

Kelp: Due to the scarcity of kelp in the northern bioregion, the only option for capturing that habitat is to place an MPA near the Crescent City harbor. Due to the significant potential socio-economic impact and safety concerns, we concluded an MPA at that location would result in unacceptable potential impacts to the Crescent City fishing fleets and shore-based users/activities and therefore did not include a kelp replication in an MPA. However, although a full replication is not met, there is substantial kelp protected within the MPA system, including in the northern bioregion.

Hard 0-30m: We examined every option possible in attempts to close the existing spacing gap. But to place an MPA at any of these locations – Point St. George, Wilson Rock, Patrick’s Point or Trinidad Head – would have triggered unacceptable socio-economic impacts upon the Crescent City and Trinidad fishing fleets and shore-based users/activities. Further, in our view, an MPA at Patrick’s Point or Trinidad Head could imperil the safety of the fishermen based in Trinidad Harbor by limiting access to reefs closest to port. Although the threshold for replication is not reached, there is substantial protection of hard 0-30m habitats throughout the MPA proposal.

Beaches and 0-30m soft: This gap was created when the California Fish and Game Commission altered a previously approved MPA within the MLPA North Central Coast Study Region midway through the NCRSG process. We do not believe the commission intended for this decision to shift compliance with additional habitat spacing requirements to the North Coast region.

Soft 30-100m: The Unified Proposal barely exceeds the spacing guidelines with 64 miles between the Ten Mile and Stewarts Point MPAs.

Soft and hard 100-3000m: Spacing for soft and hard 100-3000m habitats is very close to the minimum gaps possible. This habitat is virtually nonexistent North of Cape Mendocino. The offshore SMCA at Pt. St. George includes this habitat in our unified MPA proposal.

Estuarine: The SAT’s evaluation of estuarine spacing guidelines was only brought to our attention following the NCRSG’s submittal of its Round 2 draft MPA proposals. It was not clear to the NCRSG more than one replicate per bioregion would be needed in order to meet the MLPA science guidelines.

Additionally, the success of the unified proposal was achieved through NCRSG members working together to carefully balance the science and conservation values of the MPA network as a whole with the diverse needs and interests of the varied stakeholders and their constituencies. Changes to MPA boundaries could therefore have repercussions on the viability of the entire proposal’s acceptance by the NCRSG and North Coast community. We urge the BRTF to respect the trade-offs made by the NCRSG and support our unified MPA proposal.