
N C T C A

North Coast Tribal Chairmen's Association

December 6, 2010

Ms. Cindy Gustafson, Chair
Blue Ribbon Task Force
c/o Marine Life Protection Act
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Blue Ribbon Task Force Amendment

Dear Chairman Cindy Gustafson:

These comments and the appearance of the Northern California Tribal Chairman's Association (NCTCA) are made with a full reservation of all Tribal rights.

Representatives of the Tribes expressed opposition to the original motion four, Enhanced Compliance Alternative, by Gregory F. Schem, at the October 25, 26, Blue Ribbon Task Force, (BRTF) meeting in Fortuna on the specific grounds that once the BRTF starting changing the Unified proposal it would be an invitation to make further changes and concerns about Tribal Rights. Our worst fears have already been realized.

The Proposed additional motion for BRTF consideration is:

"only include proposed allowed uses with a moderate-high or high level of protection for any MPAall proposed uses with a moderate moderate-low or low level of protection would not be included."

Almost all of the Native American traditional subsistence gathering species have been characterized as moderate or less in the level of protection. The net result of the motion and clarification would be the IMMEDIATE TERMINATION of Native American marine harvesting rights. The NCTCA notes that you cannot fairly characterize yourself as being a supporter of Tribal Rights when your first action is to immediately terminate those Native American rights.



Blue Lake Rancheria



Elk Valley Rancheria



Hoopa Valley Tribe



Klamath Tribe



Rogue River Rancheria



Smith River Rancheria



Trinidad Rancheria



Yurok Tribe

The Regional Stakeholders Group (RSG) and Unified Proposal comprised a unique effort that brought consensus among all stakeholders of the North Coast Group. Such a consensus has not been achieved in any other MLPA Group area. The RSG made it very clear that they wanted a ribbon to provide for Native American harvesting. To the extent that this also required recreational uses, they were still in support of allowing those uses while the legislature was deliberating. Throughout the process the Stakeholders Group were concerned that their nearly unanimous view was not always portrayed strongly enough to the BRTF. The NCTCA is including a petition signed by 30 members of the RSG. The purpose of the petition was to make sure Native American uses would be continued throughout the MLPA process. The Unified proposal and Native American subsistence rights were supported by an amazing 31 public entities in Mendocino, Humboldt, and Del Norte Counties. Clearly, the proposed amendment completely changes the Unified proposal. It is ironic that there was so much praise for the North Coast Stakeholders coming up with a Unified proposal and yet so little adherence is now being proposed. Future stakeholders in others areas of the State will no doubt conclude there is little value in working together to come up with a common proposal that can so easily be cast aside.

The California Fish and Game Commission has provided for a regulatory avoidance ribbon for both Native American and recreational uses in other MLPA regions. For example at the June 24, 2010 and September 16, 2010 meeting, the Kashia Band of Pomo Indians and recreational users were provided for by proposal to amend subsection 632 (b) (11) Title 14 CCR Re: Stewarts Point Marine Reserve. After all the testimony and input from Native Americans and the support of thirty one North Group area governmental entities the NCTCA is frankly shocked that the proposed motion recommends that the North Group area have greater restrictions against Native American subsistence harvesting than has occurred anywhere else under the MLPA process. We believe a compelling case has been made about the number and strength of Tribes in the North Group Area and that a wise public policy would include Tribes as part of the management solution at all stages of the process. To come out with an interim policy so antagonistic to the Tribal uses is worse than if the BRTF had stated nothing. When the California Fish and Game Commission considers Native American and recreational users avoidance, as in the Central Coast Region, the Commission will have to do so against expressed opposition by the BRTF. Such specific and express opposition to Native American avoidance has not existed in any other MLPA.

The "Science Guidelines" as developed by the Science Advisory Team (SAT) are supposed to be as titled "Guidelines". There should be no essential difference between the application of the Science Guidelines for the Stewart Point Kashia Pomo Native Americans and the application of Science Guidelines for the North Coast Group. The NCTCA objects to the use of the Science Guidelines in that Tribal participation with the Science Panel has not been

forthcoming or legally adequate. Any observer of marine life in the North Coast Group area and every scientific survey has noted the robust abundance of mussels. Only the Levels of Protection (LOP) has determined there is a problem with mussels. There has been no evidence that Native American harvesting has negatively impacted the marine resource in the North Group Area. Nor has there been any proof that the recreational take has damaged marine mussels in the North Group Area. As a consequence, there is no compelling, nor any need of any kind, to immediately terminate Native American subsistence take.

In conclusion, the proposed amendment is unwise and the adoption of the amendment by the BRTF would be considered extremely provocative by the NCTCA.

The NCTCA requests the following substitute motion be adopted:

“The BRTF intends that Native American and recreational uses be continued in all North Coast Region MLPA designations until such time as the California legislature allows for separate Native American gathering and harvesting for traditional, subsistence, ceremonial, religious and stewardship purposes.”

Sincerely,



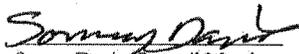
Claudia Brundin, Chairwoman
Blue Lake Rancheria



Dale A. Miller, Chairman
Elk Valley Rancheria



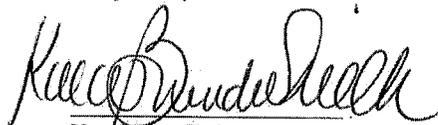
Byron Nelson Jr, Vice Chairman
Hoopa Valley Tribe



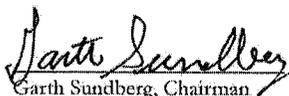
Sonny Davig, Council Member
Karuk Tribe



Rick Dowd, Chairman
Resighini Rancheria



Kara Miller, Chairwoman
Smith River Rancheria



Garth Sundberg, Chairman
Trinidad Rancheria



Thomas O'Rourke, Chairman
Yurok Tribe