



Photo courtesy of Christa Norton

False Klamath Cove/Rock Seasonal Special Closure



Photo courtesy of Christa Norton

Request: Department of Fish and Wildlife support Yurok Tribal efforts before the Fish and Game Commission to remove False Klamath Cove/Rock, March 1 through August 31st, Seasonal Special Closure requirement.

Yurok Tribe History of Responsible Stewardship:

The Seasonal Special Closure as currently adopted for Marine Protected Areas prohibits boating and access within 300 feet of False Klamath Cove/Rock from March 1 through August 31st to protect the nesting season of several bird species. Employees of United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and the United States Coast Guard are exempted from this closure. The Yurok Tribe is primarily impacted by the closure despite a 10,000 year history of successful environmental management. The Yurok sustainably harvests several local species including: kelp, seaweed, and mussels in the vicinity of False Klamath Cove/Rock with no adverse impact on bird populations. Moreover, bird populations thrived under traditional Yurok management practices and a special seasonal closure is unwarranted and False Klamath Cove/Rock should be removed. Under the current closure, even Yurok scientists and wildlife managers are prohibited from going on False Klamath Cove/Rock to conduct scientific studies of the bird populations. In the meantime, all State vital interests are completely protected. There is the precedent that based upon cooperative agreements other neighboring smoke stack rocks like Flat Iron and Green Rock were not included.

Photo courtesy of Yurok Tribe



Seasonal Special Closure Faulty Assumption:

The Marine Life Protection Act (MLPA) Science Advisory Team (SAT) recommended the Seasonal Special Closure of False Klamath Rock based upon an estimated beach usage of 422.3 million visitors per year. This estimate was calculated under the Levels of Protection (LOP) assumption that the fishing take is equivalent to the maximum allowable amount under existing federal and state law, and that every recreational fishing license holder in California is fishing at False Klamath Cove/Rock every day. The SAT justified the Seasonal Special Closure of False Klamath Cove/Rock based on this unrealistic beach usage.

False Klamath Cove/Rock Exaggerated Beach Utilization:

False Klamath Cove/Rock is a small strip of beach less than a mile long located in rural Northern

California in Del Norte County. At high tide the beach is completely covered by water (see Figure 1) leaving it inaccessible to beach visitors. The natural inaccessibility of the beach due to high tide is not considered in the LOP model.



Image courtesy of John W. Corbett

Figure 1. False Klamath Cove at high tide where water completely covers the beach making the beach completely inaccessible. Notice the lone couple enjoying the beach from the highway shoulder.

The population of Del Norte County is 28,290 based on 2012 Census estimates, and the area is connected to the rest of California by a two (2) lane limited capacity highway running North/South, and a two (2) lane highway running to the East. There are no shuttles or buses that serve the beach, and no lodgings, restaurants or restroom facilities adjacent to the beach. Approximately twenty (20) parking spaces are available. Despite the lack of infrastructure and amenities, the LOP model estimates that False Klamath Rock/Cove receives 422 million annual visitors. By comparison, Venice Beach is the most popular beach in the United States and receives only 16 million annual visitors (see Figure 2).

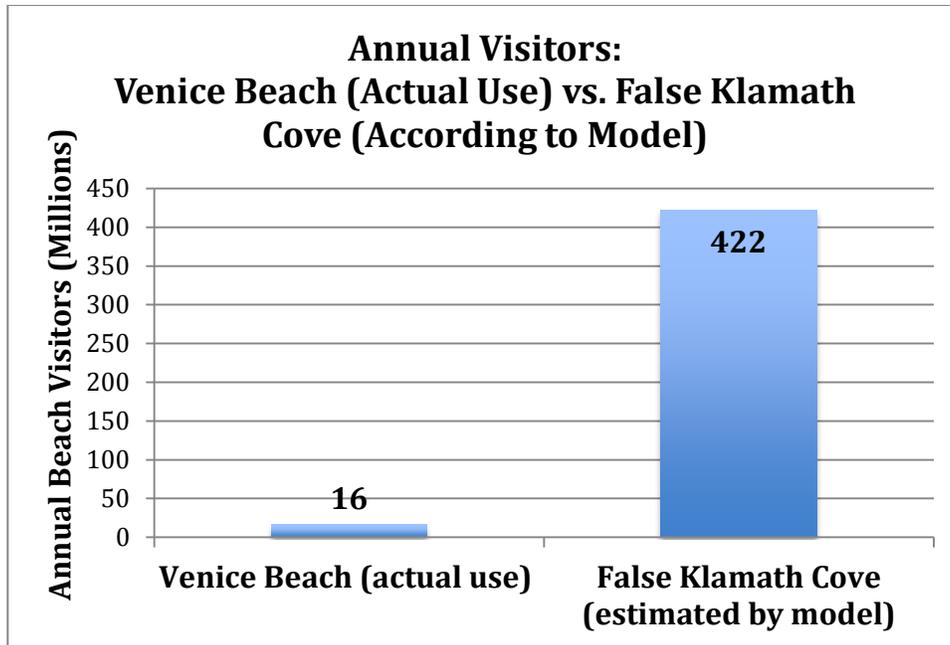


Figure 2. Annual visitor comparison between the actual number of visitors to Venice Beach CA and the LOP estimated visitors to False Klamath Cove/Rock.

To further illustrate the difference, Venice Beach is located in Los Angeles County, CA, the second-largest metropolitan area in the United States. The 2012 estimated population of Los Angeles County was 9,962,789. Venice Beach is served by multiple shuttles and bus routes, has dozens of hotels within walking distance of the beach, and dozens of public and private parking garages and lots. Unlike False Klamath Cove/Rock, Venice Beach has the infrastructure to support millions of annual visitors.

The seasonal special closure of False Klamath Cove/Rock was put in place to protect the birds from 422 million visitors to False Klamath Cove/Rock, compared to the 16 million that visit the most popular beach in the United States (see Figure 3).



Venice Beach, CA
Image courtesy of Wikimedia Commons



False Klamath Cove, CA
Image © Patrick Holleran, www.shannontech.com

Figure 3. Visual comparison of Venice Beach, CA to False Klamath Cove/Rock, CA. Venice Beach boasts 16 million annual visitors whereas False Klamath Cove/Rock is isolated and littered with driftwood that washes ashore during high tide.

Co-Chair of Science Advisory Team (SAT) under Federal Indictment for Science Fraud:

The MLPA SAT approved the erroneous model that justified the Special Seasonal closure of False Klamath Cove/Rock under the leadership of Ron LeValley, the co-chair of the SAT at the time of the recommendation. Mr. LeValley is also currently under Federal Indictment for committing science fraud and submitting false invoices resulting in embezzlement of over \$900,000 from the Yurok Tribe. Despite the clear conflict of interest in any matters that would affect Yurok Tribe fishing rights, Mr. LeValley used his position in the SAT to advocate for a special requirement that implicitly targeted the Yurok Tribe's fishing and harvesting practices.

The SAT failed to follow legal requirements in adopting the closure.

The Marine Life Preservation Act requires that models be independently peer reviewed and meet Best Available Science Standards. The model was never independently peer reviewed. Best Available Science legal standards require that assumptions be plausible and according to National Academy of Science Standards that the process has to be inclusive of all scientific articles and thoughts. The Yurok Tribe was denied the right including Ph.D. tribal scientists to get on the SAT agenda despite at least fifteen plus tries. The Tribe was summarily refused the right to submit over 200 scientific articles, analysis and reports for the SAT review. Bagley-Keene open meeting laws were regularly violated by the SAT.

Conclusion:

The Yurok Tribe has sustainably harvested kelp, seaweed, and mussels from False Klamath Cove/Rock for over 10,000 years. The bird population on False Klamath Cove/Rock has survived and thrived during that time under Yurok stewardship. The alleged need for the Seasonal Special Closure is based on a deeply flawed assumption that exaggerates beach usage to a level over 25 times that of the busiest beach in the United States.

Even members of the SAT expressed misgivings about the flawed model. SAT member Strong stated during the final SAT meeting: "I mean the assumption of the maximum allowable take on the North Coast is simply not real so it renders the whole structure subject to question" (MLPA SAT meeting January 13, 2011, Transcripts p 66 Line 25, p 67 Lines 1-2). As recognized by SAT member Strong, the LOP model by which the Seasonal Special Closure was justified is unrealistic, and is not a sound base for policy. Therefore, the Seasonal Special Closure of False Klamath Cove/Rock is unwarranted and unscientific, and should be removed.

Attachments: *Charts comparing annual population of the ten most popular beaches in the USA compared to LOP False Klamath Cove figures. (3 Pages)

*Charging papers of SAT co-chair Ron LaValley. (5 Pages)