

Integrating Tribal Resource Use in California's Marine Life Protection Act Initiative

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Introduction

The California Marine Life Protection Act* (MLPA) Initiative is a planning process that is creating a network of marine protected areas (MPAs) along the coast of California. As the Initiative assembled a wide range of data for the north coast planning process, the lack of data regarding resource use of the region's 35 Native American tribes and tribal communities became evident.

The goals of this project were to:

- Collect data on tribal marine resource use to inform MPA network development
- Analyze how tribal groups participated in the planning process
- Evaluate the final MPA network proposals
- Discuss the implications of accommodating tribal needs on the marine protected area networks

*State law AB 993

Tribal Marine Resource Use

Working with MLPA Initiative staff, we interviewed members of north coast tribes and tribal communities to gather data on:

- Proposed MPAs that overlapped with areas of traditional tribal gathering
- Uses, defined by specific combinations of species taken and gear types used for extraction, that tribes would want allowed in MPAs if geographical overlap could not be avoided

The California Department of Fish and Game (DFG) needed information on tribal resource use in order to create regulations within MPAs for recreational uses intended to accommodate tribal groups.

This data sheet was designed to facilitate the communication of species and gear type information. Because tribal groups often use different names for species, the inclusion of photographs was an essential design element. To protect the confidentiality of tribal groups, input was received only for proposed MPAs. That information was then aggregated and submitted to MLPA decision makers for inclusion in the planning of MPA networks.

Tribal Impact on North Coast Regional Stakeholder Group MPA Proposal



Proposed MPAs in north coast study region with allowed uses intended to accommodate tribes

Legend:

- MPAs that meet minimum conservation requirements
- MPAs that do not meet minimum conservation requirements due to the number and variety of uses intended to accommodate tribes
- MPAs that do not meet minimum conservation requirements due to other proposed uses
- State waters, 0-3 nautical miles offshore
- MPAs of less than 0.5 square miles in size
- SMR: State Marine Reserve, no take allowed
- SMCA: State Marine Conservation Area, some commercial and recreational uses allowed
- SMRMA: State Marine Recreational Management Area, some recreational uses allowed
- SMP: State Marine Park, some recreational uses allowed

Under the current legal framework, accommodation of tribal resource use requires allowing the proposed activities for all recreational users, thus lowering protection for species and habitats in MPAs.

As a result, **7 of the 17 MPAs** in the proposal fell below a critical threshold and were not considered in the scientific evaluation determining whether the proposed network meets conservation goals of the MLPA.

Tribal groups had a strong influence on the design of the north coast MPA network. The lack of an existing legal mechanism to accommodate traditional tribal gathering and harvesting resulted in MPA proposals that included a much broader group of users. By allowing all recreational users, the MPA proposals did not meet science guidelines for habitat protection and may compromise the MLPA's conservation goals.

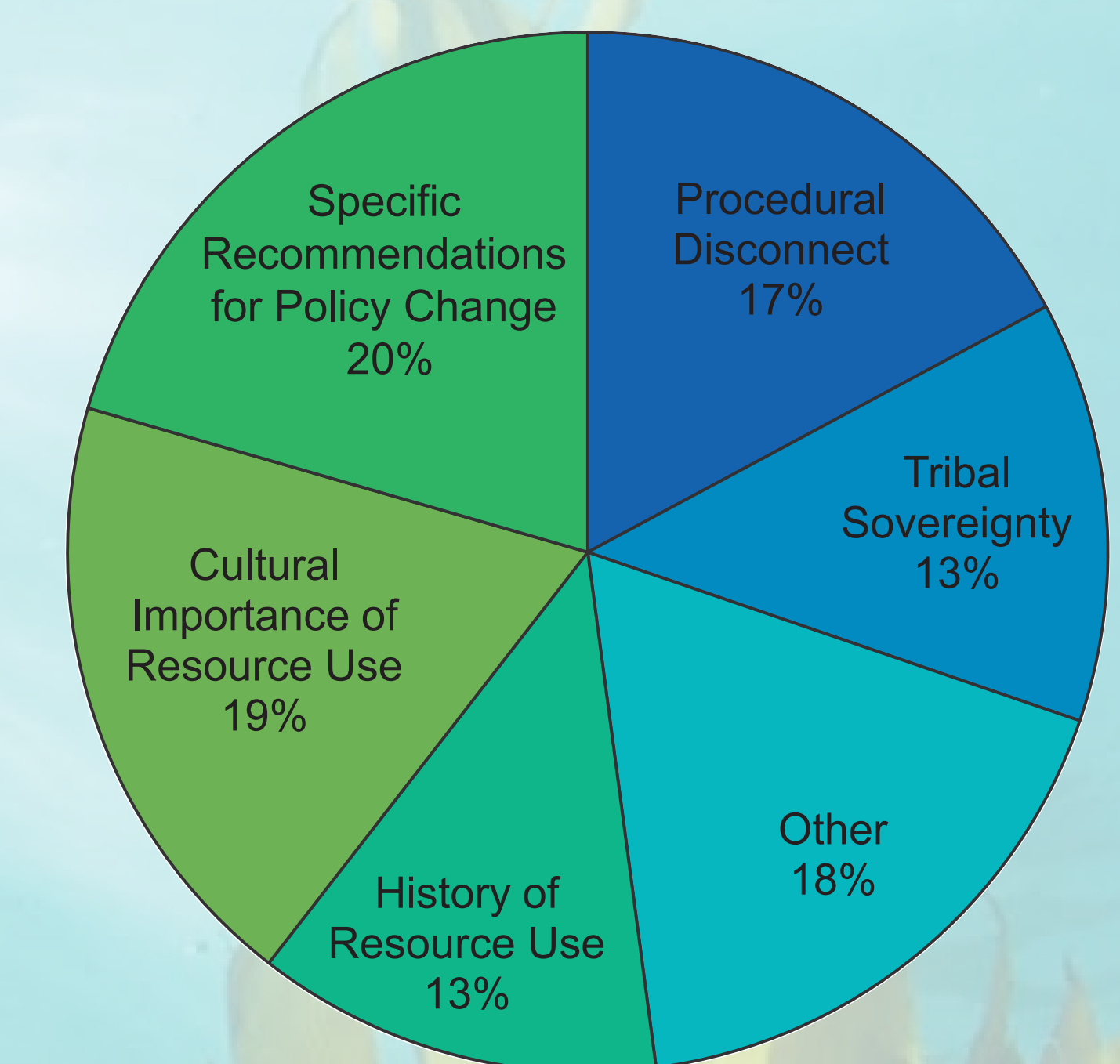


Recommendations for Future Planning Processes

1. Incorporate into the legal framework clear direction for tribal consultation and consideration of tribal rights. Identify legal mechanisms to regulate traditional tribal resource use
2. Pursue a hybrid approach to tribal representation that involves tribal groups in the planning process both as stakeholders and as sovereign nations
3. Within the stakeholder process, determine how best to represent and structure the variety of tribal interests
4. Develop a method of analysis and collect field data to better assess potential ecological effects of traditional harvesting and gathering
5. Commit ample time and resources to engage in outreach to tribal groups in ways that build trust and enhance collaboration

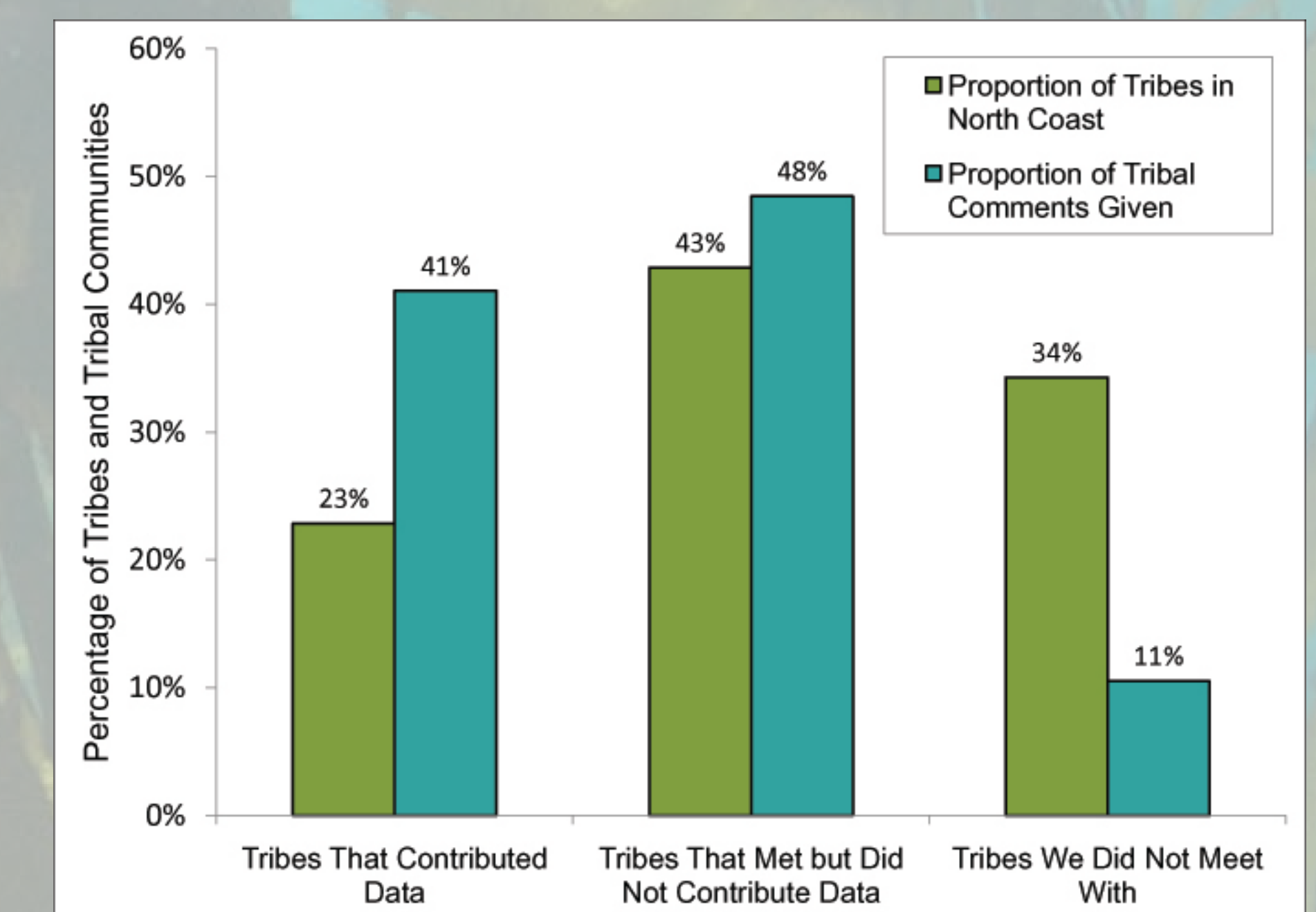
Public Comment Analysis

In order to assess how tribes participated in the MLPA process, we reviewed all 1,703 public comments given from November 2009 to January 2011. Sources included general written comments, written comments on specific proposals, and verbal public comments given at MLPA Initiative meetings.



Most frequently mentioned topics addressing tribal concerns

We assessed which tribal groups made use of opportunities for input in the MLPA process. The majority of public comments regarding tribal issues were given by tribal members. The graph below shows the percentage of tribal groups that contributed data, those that met with us but did not provide data, and tribal groups that did not meet.



We found that tribal groups were consistent in their engagement in the process: those that contributed data and engaged in meetings with Initiative staff were much more likely to give written and verbal public comments.

Acknowledgements

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