



May 5, 2009

SCRSG Members; MLPA Blue Ribbon Task Force Members; Scientific Advisory Team;  
California Department of Fish and Game  
MLPA Initiative  
1416 9<sup>th</sup> Street, Room 1311  
Sacramento, CA 95814

**Re: Chumash MPA Co-Management Proposal - Sequit MPA SMCA with a  
Moderate High Protection Level**

Dear SCRSG Members, MLPA Blue Ribbon Task Force Members, Scientific Advisory  
Team, and the California Department of Fish and Game staff:

Below is Wishtoyo Foundation's revised proposal for a Chumash Co-Managed MPA (Sequit MPA) from Leo Carrillo State Beach to Zuma Beach (Trancas) in Malibu, California. Wishtoyo's proposal has evolved following Wishtoyo's and its Ventura Coastkeeper program's: 1.) April 9, 2009 Comment Letter; 2.) April 28, 2009 public comment at the SCRSG MLPA meeting; 3.) work with and feedback from the SCRSG workgroups on April 29, 2009; 4.) The hosting of and Chumash co-management presentation to SCRSG members, MLPA Initiative Staff, and representatives from the California Department of Fish and Game at Wishtoyo's Chumash Discovery Village on April 30, 2009.

As MPA development under the MLPA Initiative continues, Wishtoyo will continue to reach out to the Chumash community for its input through the Chumash's SCRSG representatives, through meetings and conferences at the Chumash Discovery Village and other locations, via website updates, and via email and phone communications. Additionally, Wishtoyo is in the process of establishing a work plan on how to best reach out to, share information with, and engage Chumash tribal groups. Wishtoyo also hopes that the Sequit zone that it is proposing serves a blueprint for the establishment of additional Chumash and Tribal Co-managed MPA's.

Wishtoyo also proposes that the proposed allowable activities for traditional and ceremonial utilization needs of the Chumash People included in this proposal are allowed in all SMCAs. The Wishtoyo Foundation would like to note that while the enforcement

services, Chumash cultural preservation services, and educational services that Wishtoyo proposes to commit to assist the DFG in implementing the proposed Sequit MPA will be provided by and from the Wishtoyo Foundation's resources, the Wishtoyo Foundation encourages other Chumash organizations, entities, and individuals to assist with and add to the implementation of the proposed Sequit Chumash co-managed MPA by offering their resources and services as well.

In regards to state policy making implications of a Chumash Co-managed MPA, Wishtoyo would like to clarify that its Chumash Co-Management proposal is not a proposal that is asking the DFG to share MPA policy making authority. Wishtoyo's co-management proposal is a proposal to preserve Chumash People's right to participate and assist with the protection and recovery of their marine environment, which they share with modern society, while allowing Chumash people to continue their traditional and ceremonial utilization needs of ocean resources in a manner that is consistent with ecological protections established via MPAs under the MLPA.

Thank you for your time and efforts to achieve the goals of the MLPA to its fullest and to help the Chumash people continue to maintain and revitalize their culture. As MPA development continues in the MLPA Initiative, we look forward to continuing our work with all stakeholders to ensure that a Chumash Co-Managed MPA is established.

Below is the Chumash Co-Management proposal for the Sequit MPA:

## **I. Proposed Locations for Chumash Co-Management Component (Sequit MPA)**

1. Leo Carrillo State Beach to Zuma Beach in the Rincon to Point Dume Sub-region
  - a. Dimensions: From the coast extending out to the 3 nautical mile offshore state waters boundary from Leo Carrillo to Zuma Beach (Trancas), which is roughly 6 linear miles of coastline.

## **II. The overarching impetus behind the Chumash Co-management component is**

1. Preserving & protecting the ecological integrity of MPA's
  - a. Preservation Rational: This region of the Los Angeles County coast is dominated by low relief reef and patchy sand, kelp forests to depths of about 50 feet, patchy eelgrass beds, rich intertidal diversity, a pronounced steep shelf near the 3-mile boundary, and distinctly different oceanographic patterns than the areas within the Santa Monica Bay. With the many streams along this stretch, this site is known as a steelhead trout barring area and the subtidal habitats support a diverse assemblage of invertebrates and fishes including lobster, white sea bass, angel sharks, giant black sea bass, as well as being known for common sightings of the Gray whale seasonal migrations and pods of dolphins.

2. Preserving Chumash Culture and its relationship with the ocean by allowing Chumash to continue their traditional and ceremonial utilization needs of ocean resources in a manner that is consistent with ecological protections established via MPAs under the MLPA.
3. Maintaining the Chumash People's right to participate in the protection and recovery of their marine environment, which they share with modern society.
4. Educating the general public about the Chumash's intimate relationship with and dependency on the environment, which in turn will better protect our marine resources by helping society redefine their relationship with the ocean and its resources.

### **III. Summary of 2 main components:**

1. Implementation: Co-beneficial Partnership with the Chumash and the California Department of Fish and Game (DFG) to implement the "co-managed" MPAs
  - a. The Chumash people would provide an added service that would assist the DFG in:
    - i. MPA enforcement (to protect the ecological integrity according to the MPA type)
    - ii. Achieving the cultural preservation goals of the MLPA
    - iii. Education and Public Outreach
2. Traditional & Ceremonial Utilization needs of the Chumash people:
  - b. MPA type: SMCA
  - c. Protection Level: Moderate High (activities allowed include a list of traditional Chumash takes and methods of take)
  - d. Activities Allowed:
    - i. The MPA would allow for takes of species that have been traditionally used by Chumash People via traditional methods of take
    - ii. These takes and methods of take would preserve the ecological integrity of the MPAs

### **IV. Component #1: Implementation**

1. Outline:
  - a. Co-beneficial Partnership with the Chumash and the California Department of Fish and Game to implement the "co-managed" MPAs
  - b. Chumash Organizations / Entities providing the added service

- i. Wishtoyo Foundation at the Chumash Discovery Village, a 8,000 year old Chumash Site, at Nicholas Canyon State Beach, Malibu, CA.
- c. The Chumash people would help provide an added service that would assist the DFG in:
  - 1. **MPA enforcement** (to protect the ecological integrity according to the MPA type)
    - a. Wishtoyo will provide additional eyes on the water and MPA enforcement assistance from the overlook of the proposed Chumash co-managed MPA at Wishtoyo’s Chumash Discovery Village, via modern power boats, and via traditional Tomols (canoes)
  - 2. **Achieving the maritime cultural preservation goals of the MLPA**
    - a. The establishment of a Chumash co-managed MPA that recognizes Chumash people’s stewardship and cultural responsibility to protect the ocean ecosystems their culture depends upon, while allowing Chumash people to continue their traditional and ceremonial utilization needs of ocean resources in a manner that is consistent with ecological protections established via MPAs under the MLPA is an important component to better enable Chumash people to continue to maintain and revitalize their culture.
    - b. Allowing Chumash people to assist in implementing the MPA’s will better enable Chumash people to re-align and maintain their traditional relationship and utilization of ocean resources with modern society and the current ecological state of the ocean.
    - c. Permitting traditional and spiritual utilization of ocean resources in MPA that align with moderate-high protection levels in SMCA’s allow Chumash people to continue their commitment to maintain their cultural identity and relationship with their ancestors, and to not lose their culture.
  - 3. **Educating the general public about the importance of protecting and preserving marine protected areas**
    - a. Wishtoyo Discovery Village’s interpretive MPA ecological and Chumash cultural educational center will provide a powerful educational platform to promote sustainable ocean ecosystem management and to redefine our relationship with the ocean

- i. This center will:
  1. Be designed to educate the public about the importance of preserving the marine environment
  2. Will aim to change the way society views its relationship with the ocean by educating them about Chumash culture and the interdependent relationship Chumash people shared with the ocean. Chumash culture and traditions foster a conservation and marine protection ethic.
- ii. Center Management
  1. Wishtoyo will have Chumash representatives on site 7 days a week
  2. Through programs and walk in visitors, Wishtoyo already attracts over a thousand school children and people to its discovery village to educate them about Chumash culture and the importance of preserving, protecting, and respecting our environment.

## **V. Component #2: Traditional & Ceremonial Utilization needs of the Chumash People for Cultural Preservation**

1. Proposal Overview:
  - a. MPA type: SMCA
  - b. Protection Level: Moderate High
    - i. The MPA would allow for takes of species that have been traditionally used by Chumash People via traditional methods of take
    - ii. These takes and methods of take would preserve the ecological integrity of the MPAs
    - iii. The proposed Chumash traditional and ceremonial utilization of ocean resources acknowledges and respects the current ecological condition of the ocean and as such, our proposed traditional utilizations would foster a greater level of preservation that is just as, if not, more protective of marine plants and sea creatures than afforded at the Moderate High Protection Level.
    - iv. The use of ocean resources for Chumash ceremonies and traditional cultural uses that not only preserves Chumash culture and maintain

Chumash people's connection with their lifeways, but that also, by the manner in which these ocean resources will be used, cherished, and respected, will promote societal conservation of our ocean resources.

- c. Moderate – High Protection Level with Chumash Cultural Protection
- i. **Current Proposed Activities Allowed (Take of all living marine resources is prohibited except):**
    1. (high) Coastal pelagic finfish, bonito, and market squid (pelagic seine, dip-net, crowder); jumbo squid (squid jigs); swordfish (harpoon); **In water depth > 50m:** pelagic finfish, bonito and white seabass (H&L; spear at any depth)
    2. (moderate high) Catch and release in <10m water or using surface gear (H&L single barbless hooks and artificial lures only); pier-based fishing (H&L, hoop-net); halibut (spear); **In water depth 30<50m on mainland:** pelagic finfish, bonito and white seabass (H&L)
  - ii. **Proposed Chumash Activities Allowed (methods of take), also allowed for the general public (in all SMCA's)<sup>1</sup>**
    1. The take of all living marine resources is prohibited except as provided for in V.1.c.i. above and in this section.
    2. Additionally, we propose the traditional Chumash methods of take listed in this section to be allowed for the marine resources and species listed above, except for market squid and jumbo squid.
    3. **Traps:**
      - a. Requirement: Traps must be made of woven sticks of plants such as mulefat (*Baccharis glutinosa*), sometimes in combination with netting
      - b. Types:
        - i. Weir Trap: a conical device into which freshwater fish were skillfully driven using a team strategy
    4. **Nets:**
      - a. Requirement: must be made from 2 or 3 ply net cordage, several kinds of fibers can be used according to preference and availability: tok or dogbane (*Apocinum cannabinum*), yucca

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<sup>1</sup> Where specific types of species being taken under a Chumash Traditional “activities” are not listed, only the type of species listed under the current proposed activities allowed under “moderate – high” protection level are allowed to be taken (see V.1.)c.i.1-2).

(*Yucca whipplii*), nettle (*Urtica dioeca*), and surf grass (*Phyllospadix* spp.)

- b. Types of allowed nets & methods of netting
  - i. Seine Net: is a long, weighted net that hangs vertically in the water to encircle and trap schools of ocean fish. The top edge will be kept afloat with wooden floats, while the whole will be pulled along by tomols (Chumash canoe).
  - ii. Dip Net: a small bag-like net baited with ground-up cactus leaves and hand-cast to snare sardines and other small fish
  - iii. Drag Net: a tubular small-mesh net used to catch bonita, dragged on a long line from the stern of a tomol

**5. Fish Spear (ti'wo'y):**

- a. Materials: shaft will be made from toyon (*Heteomeles arbutifolia*) with a bone point fixed with asphaltum into a hole at the end.

**6. Harpoon / Spear fishing:**

- a. Harpoon Regulations
  - i. Will be made with a fletched cane shaft and a detachable foreshaft with barbed point and retrieval line.
  - ii. Must be shot from the prow of a tomol
- b. Composite Spear
  - i. Is a 8-9 foot long harpoon used for taking species in accordance with moderate high protection. The shaft would be 4 inches in diameter and made of ironwood or holly. Styles of points for the harpoon could be barbed, composite bone or stone, or a toggle point. The retrieval line will be made from horsenettle or from tok, 1/4 inch diameter and anywhere from 240 to 350 feet in length. A shallow basket will be kept in the tomol for the coiled harpoon line; the basket exterior may have been coated with asphaltum for protection from wear and water.

**7. Hook and Line Fishing:**

- a. Allowed for: surf fishing, kelp fishing, and trolling in tomols powered by oars
- b. Line Regulations: Lines for this method of fishing will be as long as 160 feet and will be made from the same variety of plant fibers listed above for nets, with "tok" or dogbane being preferred by many because it shrinks when wet, thus becoming harder and tougher in the water.

- c. Hook Regulations & Materials:
  - i. The circular hook will be somewhat J-shaped and will be made from a single piece of bone or hard shell such as abalone, mussel, or clam.
  - ii. The V-shaped composite hooks will be made from two pointed pieces of shell, wood or bone bound together at one end to form an acute angle.
  - iii. Custom hooks will be made from bones and shells designed for the swallowing behaviors of specific kinds of fish.

**d. Chumash Submerged Sacred and Cultural Site Protection**

- i. The SMCA protection level of Moderate High will include a prohibition of bottom trawling and similar activities that could destroy or disturb sacred submerged Chumash cultural sites and villages.
- ii. The SMCA protection level of Moderate High will prohibit divers from disturbing submerged Chumash cultural sites and villages.

**VI. MLPA Policy Justifications:**

- 1. A Tribal Co-Management Component will help best achieve the MLPA goals for seven reasons:
  - i. It protects an ecologically important Marine Habitat;
  - ii. It provides for sound management and enforcement of the SMCA;
  - iii. It provides a powerful educational platform to promote sustainable ocean ecosystem and fisheries management and to redefine our relationship with the ocean;
  - iv. It protects and preserves Chumash maritime culture and traditional connection with the ocean and its resources in accordance with the mandates of the MLPA regarding cultural preservation;
  - v. It best protects submerged cultural and sacred resources and archeological sites;
  - vi. It satisfies nine "Design Considerations" approved by the MLPA Blue Ribbon Task Force that will be difficult to achieve without its inclusion, including ;
    - 1. siting MPAs adjacent to "eyes on the water" to facilitate management, enforcement, monitoring, education and outreach

2. siting MPAs to facilitate use of volunteers to assist in monitoring and management
  3. designing MPA boundaries that facilitate ease of public recognition and ease of enforcement;
  4. preserving the diversity of cultural uses;
  5. ensuring some MPAs include areas of educational and cultural use.
- vii. It facilitates all of the “Implementation and Management Activities” to be included in regional MPA plans as set forth and approved by the MLPA Blue Ribbon Task Force.

**VII. Other Considerations:** With the multitude of adjacent state parks, state beaches, and county beaches at Leo Carrillo, Nicholas Canyon, El Pescador, La Piedra, El Matador and Robert H. Meyer Memorial, as well as being an ASBS and sites of on-going CRANE study, this part of the coast offers a wide range of opportunities for public access, shore –based recreation, consumptive recreation (including shore-based fishing, kayak fishing, and spear fishing), education and research.

Thank you again for your time and effort to achieve the goals of the MLPA to its fullest and to help the Chumash people continue to maintain and revitalize their culture. As MPA development continues in the MLPA Initiative we look forward to continuing our work with all stakeholders to ensure that a Chumash co-managed MPA is established

Please contact us to collaborate further, or with any questions or comments.

Warmest Regards,



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