



April 9, 2009

Members of the MLPA Blue Ribbon Task Force, the Science Advisory Team, and the MLPA South Coast Regional Stakeholder Group  
MLPA Initiative  
1416 9<sup>th</sup> Street, Room 1311  
Sacramento, CA 95814

Re: Support for Draft MPA External Proposal C and the Addition of a Tribal Co-Management Component

Dear Members of the MLPA Blue Ribbon Task Force, Science Advisory Team, and MLPA South Coast Regional Stakeholder Group:

The Ventura Coastkeeper (“VCK”) appreciates the opportunity to comment on and add to the Marine Protected Area (MPA) draft arrays.

VCK is a program of the Wishtoyo Foundation, a community based 501(c)(3) non profit with over 700 members consisting of Ventura County residents, Chumash Native Americans, and the general public that enjoys, depends on, and visits Ventura County’s inland and coastal waterbodies. Wishtoyo uses traditional Native American Chumash beliefs, practices, songs, stories and dances to increase awareness of our connection with the environment and to preserve the maritime culture and resources of coastal communities. Core values of the Chumash include sustainable living and respect for the environment. In 2000, the Wishtoyo Foundation launched VCK to specifically focus on protecting, preserving, and restoring the ecological integrity and water quality of Ventura County's inland waterbodies, coastal waters, and watersheds.

VCK is commenting on and adding to the MPA draft arrays to protect Southern California’s marine and coastal ecosystems for its residents and the general public, to maintain and restore Southern California’s marine fisheries, and to preserve the Chumash Native American culture. In submitting its comments and additions to the MPA draft arrays, The Wishtoyo Foundation/VCK draws upon its white paper: Tribal Marine Protected Areas: Protecting Maritime Ways and Cultural Practices.<sup>1</sup> We also draw upon our longstanding work to establish MPA’s off of the Southern California coast and our application to the Department of Commerce for a Tribal Network of MPA’s in the Channel Islands Harbor in response to the May 2000 Executive Order encouraging Native American involvement in the preservation of Marine Protected Areas. It is noteworthy that the Wishtoyo Foundation was awarded the EPA’s 2003 Environmental Achievement Award for its efforts to establish Tribal MPAs and in recognition of its environmental achievements.

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<sup>1</sup> Available at: <http://ocpc.msi.ucsb.edu/pdfs/TribalMPAs04.pdf>



The VCK would like to take this opportunity to support Draft External MPA Proposal C (External Proposal C) generated by the Santa Barbara Channelkeeper and the Santa Monica Baykeeper. Out of all of the arrays, we feel this proposal best meets the goals of the MLPA to protect, conserve and restore California's marine life, habitats, natural heritage and ecosystem functions, while supporting and cultivating recreational, educational, study, efficient management, and enforcement opportunities.

The VCK would also like to take this opportunity to strengthen External Proposal C and all other proposals by proposing the addition of a Tribal Co-Management Component ("Tribal MPA") to External Proposal C's "Lechuza" State Marine Park (Lechuza SMP) in the Rincon to Point Dume subregion. The addition of a Tribal Co-Management Component is consistent with and supports Federal Executive Order 13158 establishing MPAs to "protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations."

As proposed by VCK, the Lechuza SMP would be co-managed by Chumash Native Americans and would permit traditional Chumash subsistence fishing and sustainable gathering of the oceans natural resources. The Chumash people, with the support of the Wishtoyo Foundation, and other Chumash government and non government organizations, have the capacity and resources to effectively co-manage the Lechuza SMP. As discussed in greater detail below, the Wishtoyo Foundation's Chumash Demonstration Village would provide unmatched management, monitoring, educational, and cultural preservation opportunities and capabilities to the Lechuza SMP.

External Proposal C's Lechuza SMP with a Tribal Co-Management Component led by the Wishtoyo Foundation, and other Chumash government and non-government organizations will help best achieve the MLPA goals for six reasons:

- (1) It provides for sound management and enforcement of the SMP;
- (2) It provides a powerful educational platform to promote sustainable ocean ecosystem and fisheries management and to redefine our relationship with the ocean;
- (3) 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;
- (4) It best protects submerged cultural and sacred resources and archeological sites;
- (5) It satisfies nine "Design Considerations" approved by the MLPA Blue Ribbon Task Force that will be difficult to achieve without its inclusion;
- (6) 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.

#### **1.) Provides for Sound Management and Enforcement of the SMP**

A Tribal Co-Management Component for the Lechuza SMP set forth in External Proposal C, would strengthen the management, monitoring, and enforceability of the Lechuza SMP. The Wishtoyo Foundation would offer its resources to train of local Chumash personnel in MPA management techniques. Further, the Wishtoyo Foundation would use its modern ocean going vessels, traditional tomols (ocean going canoes made from redwood), and the coastal vantage point from the Chumash Demonstration Village to enforce



via patrol the Lechuza SMP around the clock. The protection and restoration of marine resources in the Lechuza zone such as kelp forests, squid, and abalone, not only further marine ecological restoration programs, but preserve Chumash Cultural resources.

Co-management is viewed as a “middle ground” between state level concerns for equity and efficiency in management and local level concerns for self-governance, self-regulation and active participation. Co-management involves governments going beyond the call for more community involvement and participation in management decisions - a commensurate delegation of rights and power to regional governing councils is also recommended (U.S. Commission on Ocean Policy 2004).<sup>2</sup>

The importance of designating a network of large MPAs that include co-management by government agencies, fishers, and local communities is increasingly recognized (U.S. Ocean Commission 2004).<sup>3</sup> Co-management of designated MPAs by tribal people has been shown to be an important part of general ecosystem-based management and cultural renewal. Co-management regimes, which can be defined as collaborative strategies between government and local stakeholders that incorporate institutional mechanisms to share the power, responsibility and accountability for marine ecosystem-based management and planning<sup>4</sup> are one strategy that have shown demonstrable success at improving marine ecosystem management.<sup>5</sup>

The last 10-15 years have seen an increasing trend toward recognition of traditional and tribal roles in marine use and management.<sup>6</sup> One reason for this is that indigenous and traditional peoples have a great understanding and culture-based respect for nature, which has typically developed from their long and profound associations with coastal and marine ecosystems. There is also wider acknowledgement for the need to secure tribal rights to traditional lands, waters and resources - including the right to full and effective protection of some areas.<sup>7</sup>

## **2.) Provides a Powerful Educational Platform to Promote Sustainable Ocean Ecosystem and Fisheries Management and to Redefine our Relationship with the Ocean**

The Chumash were so well-integrated into and adapted to their habitats that they were able to thrive on the Southern California coastline continuously and sustainably for thirteen thousand years.

The Chumash Demonstration Village at Nicholas Canyon State Beach within the proposed Lechuza SMP, that provides a platform overlooking the Lechuza SMP, could incorporate a public visitor’s interpretive center displaying the practices and traditions of the Chumash people relating to their sustainable management and interdependency on marine resources. The Village could also serve as the base for a

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<sup>2</sup> U.S. Commission on Ocean Policy. 2004. *An Ocean Blueprint for the 21st Century*. Final Report of the U.S. Commission on Ocean Policy. <http://www.oceancommission.gov/>

<sup>3</sup> *Id.*

<sup>4</sup> Singelton, S. 1998. *Constructing cooperation: The evolution of Institutions of co-management*. University of Michigan Press, Anne Harbor, Michigan USA.

<sup>5</sup> Karp, W. A., Rose, C. S., Guavin, J. R., Gaichas, S. K., Dorn, M. D. and Stauffer, G. D. 2001. Government-Industry cooperative fisheries research in the North Pacific under the MSFCMA. *Marine Fisheries Review* 63(1) pp. 40-46.

<sup>6</sup> Adams, T. 1998. The interface between traditional and modern methods of fishery management in the Pacific Islands. *Ocean and Coastal Management* 40 pp. 127-142.

<sup>7</sup> Beltran, J. (Ed.) 2000. *Indigenous and Traditional Peoples and Protected Areas: Principles, Guidelines and Case Studies*. ICUN, Gland, Switzerland and Cambridge, UK and WWF International, Gland, Switzerland. xi + 133pp. [http://www.iucn.org/themes/wcpa/pubs/pdfs/Indig\\_people.pdf](http://www.iucn.org/themes/wcpa/pubs/pdfs/Indig_people.pdf)



public education program and center that imparts an understanding of the Chumash maritime culture and an outline of their role in thousands of years of conservation efforts.

Utilizing a public MPA Interpretive Center and a Public MPA Educational Program and Center to educate the public about the importance and methods of sustainable marine and fisheries management through exposing modern society to the interdependent relationship the Chumash shared with the marine environment would also help redefine our relationship with the ocean. Redefining our relationship with the ocean is a step that must be taken to preserve marine ecosystems. The Pew Oceans Commission writes: National ocean policy and governance must be realigned to reflect and apply principles of ecosystem health and integrity, sustainability, and precaution. *We must redefine our relationship with the ocean to reflect an understanding of the land-sea connection and organize institutions and forums capable of managing on an ecosystem basis.* These forums must be accessible, inclusive, and accountable. Decisions should be founded upon the best available science and flow from processes that are equitable, transparent, and collaborative [*emphasis added*].<sup>8</sup>

The opportunity to incorporate the values of the Chumash people and other coastal tribes of California into the MPA process is an educational tool that should not be overlooked. Recognizing the cultural significance of the first inhabitants of this region, the Chumash peoples, and the role they have traditionally played in preservation and conservation of habitats and species is an invaluable opportunity to educate the public about marine ecosystem stewardship and to preserve Chumash culture.

### **3.) Protects and Preserves Chumash Culture in Accordance with the Mandates of the MLPA Regarding Cultural Preservation.**

Co-management of designated MPAs is one way for tribal people to maintain their traditional maritime ways and practices.<sup>9</sup>

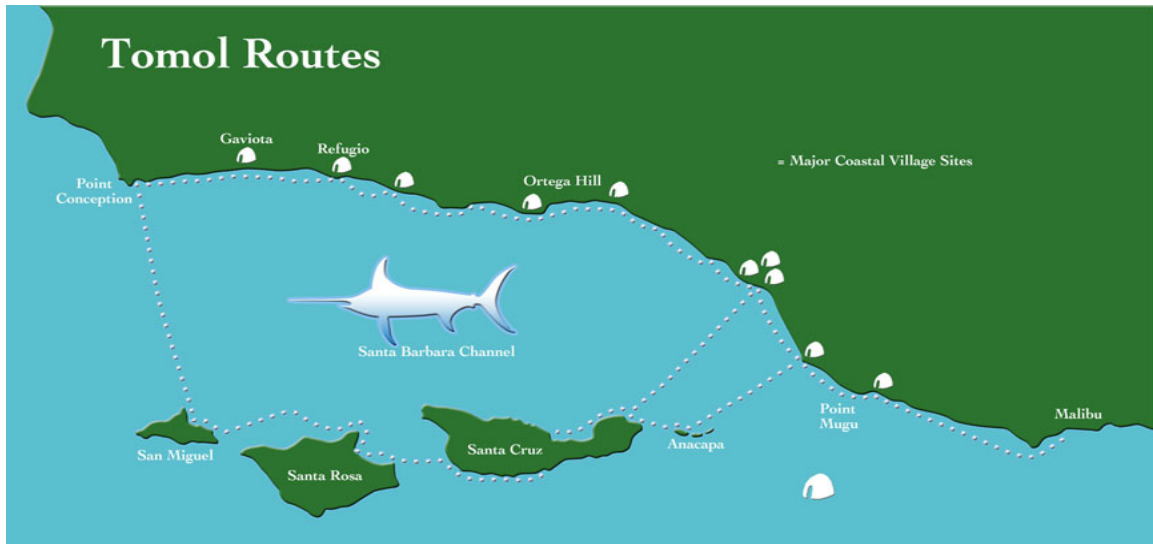
Inhabiting the Southern California Coast for more than 10,000 years, the Chumash had an intimate relationship with the culture, sea, and northern Channel Islands. They were heavily dependent on a healthy marine environment as the marine component of the Chumash diet consisted of over 150 types of marine fishes as well as a variety of shellfish including crabs, lobsters, mussels, abalone, clams, oysters, chitons, and other gastropods. Additionally, many sea creatures, such as the swordfish, played a central role in Chumash maritime song, ceremony, ritual and dance, as the Chumash recognized and celebrated the connection between coastal, marine and island areas and the necessity to maintain these ecosystems to sustain their people. Evidence of Chumash village sites and tomol routes in Map 1 show the intimate relationship that Chumash culture shared with the sea and northern Channel Islands.

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<sup>8</sup> PEW Oceans Commission. 2003. America's Living Oceans: Charting a course for Sea Change. Summary Report. Recommendations for a New Ocean Policy. (2003: 3) May, 2003. <http://www.pewoceans.org/>

<sup>9</sup> Witty, D. 1994. The practice behind the theory: Co-management as a community development tool. *Plan Canada*, January: 23-27; Adams, T. 1998. The interface between traditional and modern methods of fishery management in the Pacific Islands. *Ocean and Coastal Management* 40 pp. 127-142; Lam, M. 1998, Consideration of customary marine tenure system in the establishment of marine protected areas in the South Pacific, *Ocean and Coastal Management* 39 pp. 97-104.





Map 1

Today, as the Chumash are recovering a sense of place and community, they are recognizing the urgent need to re-build a bridge to their historic maritime traditions and to the creatures that share this region with us. Marcus Lopez, a member of Chumash Maritime Association, builder and crew member of a recent tomol (Chumash ocean vessel made from redwood) crossing to Limuw (Santa Cruz Island), writes, “One can imagine ... life among the Chumash people, especially if one is Chumash, always looking to the ocean and to the beach for answers of who our people were and – most importantly – what lies ahead of us.”<sup>10</sup> The building of ‘Elye’wun (swordfish) and the crossing to the island is a manifestation of a new effort by the Chumash people to reconnect and restore their relationship to the sea and northern Channel Islands.

Protection of marine ecosystems is integral to protection of cultural heritage. Designating the Lechuza SMP as a Chumash co-management MPA, would be a big and necessary step towards preserving Chumash culture.

#### 4.) Best Protects Submerged Cultural Resources and Archeological Sites

The Lechuza proposed SMP encompasses coastal waters that are home to 8,000 year old Chumash archeological sites and other artifacts from non Native American cultures. Protection of the Lechuza zone as a park with enforcement from Native Americans who have knowledge of the locations of their ancient communities would protect Chumash archeological sites from looting, tampering, poor diving techniques, vessel activity such as anchor dropping and dragging, and seabed disturbance by mobile bottom fishing gear has such as heavy trawl doors and dragging nets.

#### 5.) Satisfies 9 Design Considerations Approved by the MLPA Blue Ribbon Task Force that will be Difficult to Achieve Without its Inclusion

<sup>10</sup> Cordero, Roberta Reyes. 1998. Our Ancestors’ Gift Across Time. *News from Native California*: 4-12 (11).



The co-benefits outlined above in points 1-4 from implementing External Proposal C's Lechuza SMP with a Tribal Management Component will Enable nine "Design Considerations" approved by the MLPA Blue Ribbon Task Force that will otherwise be difficult to achieve.

These include, but are not limited to: siting MPAs to prevent fishing effort shifts that would result in serial depletion; siting MPAs adjacent to terrestrial federal, state, county, or city parks, marine laboratories, or other "eyes on the water" to facilitate management, enforcement, monitoring, education and outreach; siting MPAs to facilitate use of volunteers to assist in monitoring and management; designing MPA boundaries that facilitate ease of public recognition and ease of enforcement; considering existing public coastal access points when designing MPAs; considering the benefits and drawbacks of siting MPAs near to or remote from public access; preserving the diversity of recreational, educational, commercial, and cultural uses; optimizing the design of the MPA network to facilitate monitoring and research that answers resource management questions; ensuring some MPAs are close to population centers, coastal access points, and/or research and education institutions and include areas of educational, recreational, and cultural use.

Additionally, the remaining six design considerations can be just as easily achieved in the Lechuza region under a co-management regime with the Chumash people.

**6.) 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**

The co-benefits outlined above in points 1-4 from implementing External Proposal C's Lechuza SMP with a Tribal Management Component led by the Wishtoyo Foundation will facilitate 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.

The Chumash Demonstration Village can be used as a base to improve public outreach related to MPAs through the use of docents, improved signage, and the distribution of educational brochures for south coast MPAs. Additionally, utilization of the Chumash demonstration village as an education, management, and enforcement base, will assist in the phasing of the implementation of south coast MPAs to ensure their effective management, monitoring, and enforcement. Further, the Wishtoyo Foundation will help ensure adequate funding for monitoring, management, outreach and enforcement is available for implementing new MPAs and will help develop coordinated regional management and enforcement plans in coordination with state, local, and federal entities, including cooperative enforcement agreements, adaptive management, and jurisdictional maps, which can be effectively used, adopted statewide, and periodically reviewed. Lastly, the Wishtoyo Foundation, with the assistance of the Ventura Coastkeeper, will help incorporate volunteer monitoring and/or cooperative research, where appropriate.

Thank you for considering our comments. Please feel to contact us with any questions concerning this letter.

Sincerely,



Mati Waiya  
Executive Director  
Wishtoyo Foundation/Ventura Coastkeeper



Jason Weiner  
Associate Director & Staff Attorney  
Ventura Coastkeeper

