

## Inconvenient as Truth: MAXXAM's Blue Legacy

### Inconvenient as Truth: MAXXAM's Blue Legacy

Two decades ago, the master plan framework of MAXXAM cultural despots Dr. John Mick "ENRON" Seidl, and Chancellor Barry Munitz (President & CEO, and VP; resp) led to an era of hostile takeovers and golden parachutes. Methods employed included: subsidiaries owning mother companies to buffer liabilities, bankruptcy, the looting of the Redwood forests and workers pension funds of NW California, corporate inappropriateness in the art and culture scene of LA at the Getty (2006), and finally 2 coats of Big Greenwash.

Indifference to Indigenous Culture and Subsistence Lifestyles has gone through the green governor certified program and is as carbon neutral as protected areas and eco-tourism.  
<http://www.indybay.org/newsitems/2009/10/20/18626155.php>

Cultural Capital is the exchange rate, generated along with Natural Capital use. It's the board game of our lives, but the rules are theirs.

Look for cultural **Memes** and **Linguistics** as **Planning Aides**;  
in the California Coast **Makeover Licensing and Privatization Act**.

### In the Court of the Crimson King:

Seidl, Munitz, Sen Barry Keene, Gov Gray Davis, BofA Lew Coleman, The Gordon & Betty Moore Foundation, Packard Foundation, NRDC, the Resources Legacy Fund Foundation, The Global Borderless Giving Philanthropy Forums, Costa Rica (Eco-Tourism capital of the world), The Nature Conservancy, the Getty Trust, The Western States Petroleum Association, the BRTF...

### The Review Process by Truncated Purview: Zero Sum Game Theory

It is important to understand that the charge of the peer review entity is not to authenticate the data presented to them, but to evaluate the scientific methodology employed and the facial plausibility of the conclusions that can be drawn therefrom. More importantly, the peer review entity is not expected to approve, disapprove, or comment on the wisdom of those conclusions.

Inadequacy of Socioeconomic Analysis, nothing in the MLPA imposes an affirmative duty to generate socioeconomic data ... the MLPA authorizes the establishment of a Master Plan team of scientists, one of which "may" have expertise in socioeconomics [subsection 2855(b)(3)(A)].

The preferred siting alternative must incorporate information and views provided by people who live in the area and other interested parties, including economic information [subsection 2857(a)]. Here, the term "economic information" relates back to "information" so we

## Inconvenient as Truth: MAXXAM's Blue Legacy

reasonably interpret this to mean that it is the “people who live in the area and other interested parties” that provide the economic information.

*From the Central Coast MLPA Initiative Final Statement of Regulatory Reasons for Regulatory Action Hearings and Regulatory Compliance, & Kelp Harvest Allowances Date of Final Statement of Reasons: May 14, 2007*

Last Month,

The State AG office "informal opinion" of 092509 regarding MPA design, eloquently leaves out any discussion of access to oil and LNG reserves (under State lands, waters) from outside the 3 nm demarcation of State controlled waters. New technologies such as slant drilling techniques and budget drilling by voter initiatives, unless fully understood, will cause a backlash of divisive alliances among coast residents.

Here in Mendocino County we face an attempt by **Measure A** to privative politics and zoning by mis-information campaigns, and then the vote. How many thick high gloss lies can you buy? In Ventura County, residents and local government face the same re-zoning challenges, but by Venoco Oil to slant drill from shore to an oilfield under State Waters. This is similar to the earlier proposed Tranquillon Ridge project - slant drilling by PXP from a platform in Federal Waters to an oilfield off Vandenberg Air Force Base in northern Santa Barbara County.

Project Paredon, Santa Barbara Independent, "Carpinteria voters to decide fate of oil project", July 30, 2009. A Carpinteria Oil Drilling Initiative may appear on the June 8, 2010 ballot in the City of Carpinteria in Santa Barbara County, ....

Any subsequent reviews by public agencies in offshore resource extraction, are often truncated by legal constraints on agency purview. The State Lands Commission is likely the main bureaucratic hurdle to any drilling project.

From the (U.S. Department of Energy) "Fields under wetlands or cities can be accessed without disruption of the surface. Accessing reserves in environmentally sensitive areas: In some areas, drilling is restricted for environmental reasons or because a rig cannot be set up on the proposed pad site. This often occurs when the targeted formation is under a building, below a shallow lake, or in a protected wildlife habitat. In cases where a vertical well cannot be used, horizontal drilling can access the targeted reservoir while leaving the surface habitat undisturbed."

**But there is no "Take" of Protected Species as a Result of Exposure to Oil.**

The National Marine Fisheries Service issues no-jeopardy Biological Opinions that contain the following language “NMFS does not include an incidental take statement for the incidental

## Inconvenient as Truth: MAXXAM's Blue Legacy

take of listed species due to oil exposure. Incidental take, as defined at 50 CFR 402.02, refers only to takings that result from an otherwise lawful activity. The Clean Water Act (33 USC 1251, et seq.), as amended by the Oil Pollution Act of 1990 (33 USC 2701 et seq.), prohibits discharges of harmful quantities of oil, as defined at 40 CFR 110.3, into the waters of the United States. Therefore, even though this biological opinion has the effects on listed species by oil spills that may result from the proposed action, those takings that would result from an unlawful activity (i.e., oil spills) have no protective coverage under section 7 (o)(2) of the Endangered Species Act.”

Locally in Fort Bragg, Frank Hartzell's interview with Melissa Henson re: interpretation of an informal opinion, and Federal Jurisdictions, Consistency laws and 21st Century Ocean Planning ... well I thought it could use some enlightened conversation, and a little less "Enlightened Management".

- 1)The original MOU has changed considerably by amendment at the discretion of the Secretary of Resources, Mike Chrisman.
- 2)The previous study regions are mostly in open revolt.
- 3)The master plan for MPAs recommends that MPAs be re-assessed approximately every five years, but no particular action is authorized.
- 4)"The chair of the BRTF oversees the work of the executive director of the MLPA Initiative" which means Oil Interests are in charge.
- 5)"some of the MLPA Blue Ribbon task Force (BRTF) members continued from the previous study region and" one went on to be a DFG Commissioner who cast the 3rd vote out of 5 for the BRTF IPA on 080509, and Sea Lion cove near Point Arena was closed. Like the revolving doors and rubber stamp policy of the commission that Cindy Gustafson once alluded to, before she stepped down as F&G Commission Chairperson.

Perhaps Jane L. the Blue Whale, in death pains our awakening outrage at the inherent relationships between MLPA-I network design aspects and ecosystem response ... and effectiveness in protecting the state's marine life... and educational and study opportunities provided by marine ecosystems that are subject to “minimal human disturbance.”

Frank Hartzell's last question to Melissa Henson went like this: "President Obama's Ocean zoning process, which is said to contemplate federal MLPAs, are the consultants of the MLPAI planning to work with the feds to connect MLPAs beyond imaginary lines? Who is in charge of that with MLPAI?

Go I-Team!

"The MLPA Initiative planning process extends only to California's state waters, three nautical miles off the coast. The MLPA does not grant authority to manage uses in federal waters (3 to 200 miles)."

## Inconvenient as Truth: MAXXAM's Blue Legacy

Well duh!

There are Federal MPA's, there are State MPA's, these are Marine Protected Areas. The MLPA is an Act, a State law. The MLPA-I is a business partnership between the State and several Private Billion Dollar Corporations ... Mussolini described it as Fascism.

Fisheries Fascism is a term that evolved this last summer to describe the net impact of the MLPA-I process to coastal communities relying on commercial and recreational fishing, family anglers, subsistence ocean food gatherers, Indigenous ancestral food gathering ways supporting culture and ceremony; and has been given the Green Renaissance Award in the category of "Cultural Genocide".

Overall, the interview(ee) never offers an acceptable answer. Integrated Marine Spatial Planning is the term Frank sought. Vicki Spruill President of The Ocean Conservancy since 2006 and SeaWeb before that, is out there collecting money for TOC, and selling the MLPA-I off California's Coast to the nation and Obama as recently as July 19th, and August 17 2009 as i-MSP when it's not. All we are getting is Eco-system Based Management, no different than FERC, or MMS siting an Oil lease, or a WAVE Energy lease without an integrated view of current (and planned) regional and local ocean uses. Spatial landscape dynamics and impacts used to be included in the Cumulative Impacts Assessment. But that could be argued. One difference between i-MSP and EBM is the human component, (socio-economic impacts, cultural uses) of an area, the relationship to resources.... One drawback to i-MSP, is the process takes a lot longer. There are others.

Back to this corporate web we weave.

PEW funded the NRDC startup project SeaWeb, it is a COMPASS Partner, and COMPASS is funded by the Packard Foundation.

Seafood Choices Alliance is a program of SeaWeb. The Seafood Summit 2010 is in Paris. Seafood Choices Keynote Speaker is Susan Ashcraft, Senior Marine Biologist and Supervisor of Marine Protected Areas, California Department of Fish and Game

<http://www.seafoodchoices.org/seafoodsummit.php>

"Interesting discussions explored the sustainability of open ocean aquaculture, fisheries management, international trade and catch shares." Not Good...

Anyways read Morgan Gopnick's report on Integrated Marine Spatial Planning in US Waters: "The Path Forward" by Morgan Gopnik for the Marine Conservation Initiative of the Gordon and Betty Moore Foundation (October 2008).

"Creative state and local efforts that involve elements of spatial planning but fall short of true i-MSP such as the MLPA process in California,..."

## Inconvenient as Truth: MAXXAM's Blue Legacy

Eco-tourism is coming and the MLPA Initiative is part of it. Eco-tourism has increasingly become articulated with environmental policies, in particular the creation of protected areas. Such policies have privileged those environments that are of interest to the eco-tourism industry. They have also served to restrict competing forms of resource use. Local populations in particular have seen their access to natural resources diminished. And Cultural Assets? Everything is for sale, price not negotiable, but payment is.

<http://www.indybay.org/newsitems/2009/10/20/18626155.php>

California Department of Fish and Game Master Plan for Marine Protected Areas July 21, 2006 p85 Task force recommendations related to appropriate sources of funds: "A state statute should be pursued establishing an occupancy tax on lodging in coastal areas, which is a reasonable way to capture benefits from enhanced marine life to fund implementation of the MLPA."

Tomas DiFiore

Seaweed Rebellion Brain Food Resources: Requires knowledge of how to use a depth finder.

<http://www.astral-arts.com/resources.html>