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astral arts mendocino

ORCA: OCEAN RESOURCES CARE AND AWARENESS

**As the MLPA Initiative moves to the North Coast Region resistance has grown.**

Coastal Governments to the Oregon Border, Harbor Districts, Game Wardens of the State of California, Fishing Associations, Dive Clubs, Scientists, and many more are voicing opposition to the imposition of the 'Initiative Process'.

We didn't Vote for it, and we won't get to either.

It all began (for North Coast Seaweed Harvesters) early one foggy wet morning at dawn.

## History:

John Lewallen and Barbara Stephens-Lewallen of Mendocino Sea Vegetable Company had been working on the MLPA Initiative Process for sometime and brought together for the first time Fishere, divers, and seaweed harvesters for an Ocean Feast from a proposed "Closed Area" at Sea Lion Cove in Point Arena.

John has been harvesting seaweed in the same places for 30 years.  
'Babs' has a long history of seaweed harvests spanning both coasts.

## June 13, 2009

**Point Arena Upwelling:** Citizens Roast the Marine Life Protection Act "Process" when Local divers, fishers and seaweed harvesters, representatives from Wes Chebro's office, and the press met in the morning south of the Lighthouse at the edge of the intertidal zone's abalone and seaweed beds.

## June 23, 2009

**EcoTrust** corporation holds MLPA meeting in Fort Bragg: 'Pushing the Process'.  
**Ocean Conservancy** bumper stickers read "My other state park is underwater."  
**Ecotrust**, contracts Packard Foundation funding and the MLPA process to "conduct socioeconomic research" and "identify stakeholders" being processed through permanent fisheries closures and intertidal access closures from Point Arena to the Oregon Border.

## July 21, 2009

MLPA 'open house' by DFG and MLPA I-Team in Fort Bragg at the Dana Gray Elementary School, 1197 Chestnut St., on Tuesday, July 21, 2009 from 5:00 pm to 8:00 pm.

## In 2004

The Gordon and Betty Moore Foundation, the David and Lucile Packard Foundation, and the Marisla Foundation created a once-in-a-generation opportunity to improve ocean ecosystems by providing funds to implement California's Marine Life Protection Act (MLPA) through the MLPA <http://www.dfg.ca.gov/MRD/mlpa/>. Using these funds, Resources Legacy Fund Foundation (RLFF) designed the Marine Protected Areas program to assist in the implementation of the MLPA and the creation of marine protected areas (MPAs) by the State of California. [http://www.resourceslegacyfund.org/pages/p\\_marine.html](http://www.resourceslegacyfund.org/pages/p_marine.html)

**EcoTrust**, <http://www.ecotrust.org/fisheries/> contracts Packard Foundation and Resources Legacy Foundation funding and the MLPA process to conduct socioeconomic research and identify stakeholders" being processed through permanent fisheries closures and intertidal access closures from Point Arena to the Oregon Border, the last wild ocean stronghold left of 5 State regions.

**The California Marine Life Protection Act**, (1999) is the first state law in the US to establish a network of coastal protected areas. The MLPA process has become a statewide scandal. Fish & Game Commissioner Jim Kellogg has called for a suspension of the process until it is understood clearly how to fund the \$34 million dollars per year needed to keep people from sustainable harvests of ocean food.

**State Fish & Game Commissioner Michael Sutton**, has been a longtime employee of the Packard Foundation which finances the MLPA process and the Monterey Bay Aquarium, where Sutton pulled down a \$152,750 salary in 2007 as vice president of the Center for the Future of the Oceans, is the subject of investigation for his conflict-of-interest by the Fair Political Practices Committee. The FPPC's enforcement division could remove him before the vote, an action that could potentially nullify past Fish and Game Commission decisions in which Sutton took part. **As of 080509 it hasn't happened and instead:** Cindy Gustafson not only was president of the state Fish and Game Commission, but she also was considered a swing vote on a five-member panel that faces some critical votes regarding California's resources. But on Friday, quite suddenly, Gustafson resigned her appointed post after being advised to do so by the state Attorney General's office. Of the 4 remaining commissioners Kellogg, with support from Richards, has called for a halt in the Marine Life Protection Act process until the state has proper funding for the implementation of the marine protected area closures. Sutton and Rogers have been against such a halt to the MLPA.

<http://www.pierfishing.com/msgboard/viewtopic.php?p=39605>

Catherine Reheis-Boyd, CEO and Chief of Staff for the Western States Petroleum Association is on the five-member Blue Ribbon Task Force (BRTF) of "fisheries experts".

[http://www.abalonenetwork.org/scan\\_mlpa\\_dfg\\_member\\_announcement.html](http://www.abalonenetwork.org/scan_mlpa_dfg_member_announcement.html)

**The Point Arena Basin** is currently in the process of being leased for offshore oil/gas development by federal MMS. **Public comment is open until September 2009.**

### **062309 Fort Bragg - NO SCIENCE**

With fishers and seaweed harvesters present, MLPA I-Team Executive Director Ken Wiseman and Susan Ashcraft of DFG state: "Science was not used to validate the need for MPA's ... there is only the 1999 law" ... EcoTrust's role is to package compromises and public approval. The MLPA process ... does not consider economic impacts to Primary or Secondary Fisheries, and subsistence harvesting was not considered admitted the EcoTrust and DFG presenters.

**Subsistence Food Gathering** was not researched, and SEAWEED - the basis of the food chain was entirely left out of their 2 year study until October 2nd, 2008 at the Santa Rosa meeting with the Lt Governor present, the heads of DFG, and the BRTF. The Native American Seaweed Harvesters of the Sonoma Coast and the Seaweed Stewardship Alliance (Commercial Seaweed Harvesters) of the North Coast halted the MLPA process and sun dried Sea Palm was served. DFG archived audio and video at: <http://www.fgc.ca.gov/meetings/FGCmeetingsvideolinks.asp>  
All meetings (previous) <http://www.cal-span.org/cgi-bin/media.pl?folder=CFG>

[Upcoming Events: Ecotrust Workshops and Public Open Houses](#)  
(posted June 18, 2009) <http://www.dfg.ca.gov/mlpa/index.asp>

## EVERYONE WHO CATCHES OR EATS FISH FROM CALIFORNIA COASTAL WATERS WILL BE AFFECTED

070209 With NO Legislative oversight special interest money could be in total control of fishing throughout the State. The entire fishing community (recreational and commercial) has been anticipating for months if the CA Legislature would assert its rightful role and oversee the administration of Marine Protected Areas (MPAs) by its wealthy private supporters. But the Legislature just accepts that the process was based on good science and lots of public input.

The fishing community had hopes that two prominent legislators (Senators Florez and Ducheny) would help ensure transparency - special oversight hearings to examine the quality of the science, the economic impacts, and the availability of state funds to actually manage MPAs.

Ducheny and Florez tried their best but in Senate President proTempore Steinberg's office, language requiring (1) the same financial standards that controls public money be applied to the MLPA private money and (2) a delay in new MPAs until fishery management is fully integrated with previously adopted MPAs was solidly rejected from going into a "budget trailer bill."

Senator Steinberg changed the language to compliment the Governor on the use of private money and private agreements for creating MPAs and encouraged the Governor to do the same for adopting Fishery Management Plans (FMPs) to regulate fishing in areas outside of MPAs.

071409 Humboldt Harbor District filed a California Public Records Act request to CDFG last year asking for data on key species constraining fisheries off our coast, they said they didn't have any," wrote Pat Higgins, fishery scientist and commissioner for the Humboldt Harbor District in the Arcata Eye on July 8. "Interviews by Ecotrust of fishermen do not constitute science. The value of having the best marine scientists in the State on a panel is lost without data because their views without data are only opinions."

### Public input

The Marine Reserves and Protected Areas (MRPA) are scheduled to be adopted by the California State Fish & Game Commission in August. The MLPA requires public input. There will be an 'open house' at Dana Gray Elementary School, 1197 Chestnut St., Fort Bragg, on Tuesday July 21, from 5:00 to 8:00pm.

1st - Call Senators Florez (916-651-4016) and Ducheny (916-651-4040) and thank them for their efforts regarding MLPA Legislative oversight and ask them to continue.

2nd Call Senator Steinberg (916-651-4006 Capitol or 916-651-1529 District)

Ask: Why is he undermining Legislative oversight of the MLPA? Why does he support burdening DFG with tens of millions of dollars in unfunded mandates? How can he allow costly new programs to start up while cutting critical existing programs?

3rd Call your local Assembly member and State Senator - ask their help in getting meaningful oversight and controls on this expensive unfunded MLPA program. You can find you local representatives at [www.leginfo.ca.gov](http://www.leginfo.ca.gov) Click on "Your Legislature" and insert your zip code. *CA Fisheries Coalition*

To get involved as a stakeholder or to learn more:

'MLPA Open House Meetings' Location/Times: <http://www.dfg.ca.gov/mlpa/northcoast.asp>

contact Delbra Gibbs ([DGA\\_MLPA@sbcglobal.net](mailto:DGA_MLPA@sbcglobal.net) or 916.424.8897)

For more information, go to <http://www.dfg.ca.gov/mlpa/>

Visit: <http://www.seaweed.net/OceanProtection/>

Also visit [http://www.astral-arts.com/farallon\\_mpa.html](http://www.astral-arts.com/farallon_mpa.html)

**Please send comments** on the proposed Point Arena Basin offshore oil and gas leasing and development which would open the Point Arena Basin for leasing in the year 2014. MMS, the Minerals Management Service, asks that we include our names and return addresses when commenting, and reference:

"2010-2015 Oil and Gas Leasing in the Outer Continental Shelf Lease Sale 236".

Send comments to:

Ms Renee Orr, Chief, Leasing Division

Minerals Management Service

MS-4010

381 Elden St.

Herndon, VA 20170-4817

Visit <http://www.mms.gov> to add your comment.

**MPA's on the North Coast don't protect marine resources from pollution, or oil exploration/drilling, seabed development, aquaculture, industrialization of coastal waters, or militarization, just food gathering.**

**"The Abalone fishery** has had a very large reserve component for fifty years. Scuba gear is prohibited, and breath-hold free divers cannot reach the deeper animals. As a result, abalone populations that are deeper than free divers can dive (20 feet) Abnormally high population densities of abalone on the north coast exist because of good fishery management. Stocks are managed for abundance. Current DFG estimates indicate that abalone abundance averages 7,400 per hectare fishery wide -well above the sustainable fishery levels of 6,000 per hectare.

Northern California recreational abalone divers have worked for decades to preserve what has become the world's premier example of good fishery management. From the banning of scuba gear back in the 1960's, to the reduced harvest limits we have today...." September 4th, 2008 SCAN (Sonoma County Ab Divers Network) to Richard Rogers President CA F&G Commission

### **Saturday, June 13:**

About seventy citizens got together at the Point Arena City Hall on Saturday to prepare and share a freshly caught meal of rockfish, albacore, gourmet seaweed, abalone and uni (sea urchin), and to make an outcry about the Marine Life Protection Act (MLPA) "process." Over half of the crowd had been out seaside near the Lighthouse that morning as Seaweed was freshly harvested and 3 LARGE Abalone were brought in from the proposed Sea Lion Cove Marine Protected Area.

**Everyone's Always Invited: Mr. Lewallen of Mendocino Seaweed Company** read from an email he received as "a leader in the fishing community" from Ecotrust ... "I've been asked to invite other stakeholders," Mr. Lewallen said, "but the definition of 'stakeholder' is not clear. I define 'stakeholder' as 'a person who eats ocean food'".

**Craig Bell, Mendocino Fish & Game Advisory Commissioner** Described the proposed ocean fishing closures bracketing the Point Arena Pier on both sides as a major livelihood blow to a fishing community already impacted by several closures, including the complete closure of the salmon season and depth-defined bottom fishing closures Mr. Bell called "the largest fishing area closure in the world." Stop the process Mr. Bell suggested, until the marine science and knowledge of long experience could allow creation of reserves that make ecological and economic sense.

**Milo Vukovich, President of Sonoma County Abalone Network** said the MLPA area-based closures, imposed from above with no scientific backing, would conflict with longstanding fisheries management more suitable to the people and wild ocean ecosystem. Most of the Sonoma and Mendocino abalone habitat already is a de-facto no-take zone, where steep cliffs and large ranches offer few access points for abalone divers. Limiting abalone diving to free diving for personal use without SCUBA tanks protects abalone in deeper waters. The greatest threat to the North coast abalone is poaching, which is growing due to lack of funding for wardens and economic stress. "Half of the North Coast abalone take is poached, and that is figured in to setting the limits." When numbers fall below 3,000 Abalone per hectare (about 1200 per acre) there is a voluntary closure in association with DFG - an acre is measured at 208 feet on a side.

**Mendocino County Board of Supervisors** in June 2009:

Approves letter of concern regarding the implementation of the Marine Life Protection Act (MLPA) Initiative/North Coast Study Region and the proposed Marine Protected Area (MPA) Planning Process; authorize Chair to sign same; and direct staff to transmit letter to the California Natural Resources Agency, the Governor of California, legislative representatives, and the California Fish and Game Commission Members.

AFTER EVERYONE GOES BACK HOME, AND BACK TO WORK  
AND THE TOURIST DIVE SEASON IS OVER

**The MLPA interview process** is scheduled to take place this summer and fall, including interviews along the Northern California coast with about 160 commercial fishers, 200 recreational and 30 charter boat owner/operators.

*The Humboldt Bay Recreation and Harbor District are hosting public meetings in Eureka*

**Zeke Grader**, executive director of the Pacific Coast Federation of Fishermen's Associations, complains that the process focuses only on fishing and not other environmental problems.

"WHAT IS SO GRATING IS THAT PEOPLE ARE PRETENDING THAT THIS IS ABOUT CONSERVATION WHEN ALL IT REALLY DOES IS SHUT DOWN FISHING," GRADER SAID. "THESE GUYS ARE DEATHLY AFRAID TO TAKE ON ANY SORT OF WATER POLLUTION THAT IS GOING TO AFFECT THESE FISHERIES. IN THE END, FISHERMEN WILL BE STUCK WITH THESE CLOSURES FOREVER WHETHER THEY WORK OR NOT." Thursday, April 24, 2008 North Coast Reserve Plan Goes To State SF Chronicle

**Last Year** in 2008 news was made:

The Gulf of the Farallones National Marine Sanctuary was added to the MPA system.

**"The Farallones Islands**, that string of rock outcroppings 27 miles west of the Golden Gate Bridge is an important and valuable spot for area fishermen. From the beginning of the North-Central Coast process, everyone had assumed that deciding the fate of the Farallones would be the toughest, but not so." *Ecotrust*

**Marine Sanctuaries: Protected from Offshore Oil Drilling...** (excerpts)

Senator Dianne Feinstein 082808

I am a cosponsor of the "Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act" (S. 2635), which prohibits oil and gas exploration in the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary off the coast of Northern California. A healthy coast is vital to California's economy and our quality of life, and I am committed to protecting the coast of California from the threat of offshore drilling.

**(ed)** Who actually thinks the oil companies are interested in drilling through or disturbing an underwater nuclear dump site?

FINWDS ... (Farallones Islands Nuclear Waste Dump Site) a.k.a. National Wildlife Sanctuary  
<http://www.sfweekly.com/2001-05-09/news/fallout/full>

Dr. Thomas Suchanek found **americium, an isotope that emits more radioactivity than radium, in fish collected near the Farallon Islands**. The U.S. Environmental Protection Agency's own contractors have said the site contains material that might be transported into the food chain, or even onto beaches or into San Francisco Bay.

**NRDL Naval Radiological Defense Laboratory** at Hunters Point, was the military's leading laboratory for applied nuclear research.

It's been only 63 years since radioactive waste was first dumped (1946-1981) at the heart of a major fishery just off San Francisco; there has been no comprehensive study or regular monitoring of the site, the fish that swim there, or the fish that have been caught there and sold for human consumption. Voluminous documentation strongly suggests that high-level, long-lived radioactive waste has been dumped in the Farallones.

**The Legality of Dumping of Nuclear Waste**

<http://www.law.berkeley.edu/centers/ilr/ona/pages/dumping2.htm>

**The London Dumping Convention** (LDC) first met in 1972 and prohibited dumping of high level radioactive waste, and then adopted a voluntary moratorium on dumping of low and intermediate level nuclear waste in 1983 at the LDC's seventh meeting. A decade later in 1993, the delegates to the sixteenth meeting of the LDC made the ban on the dumping of nuclear material at sea formal, permanent, and binding.

**The United States** opposed the ban until a widely-publicized event in which Russia dumped 237,000 gallons of low level waste (LLW) into the Sea of Japan. It was an open secret that Russia had been dumping LLW into the ocean for thirty years, but it was only after Greenpeace publicized the event in the United States that the Carter administration overruled the objections of the Navy and supported the LDC's permanent ban.

### **January 1981**

The day before leaving office, President Jimmy Carter signed the bill to create the Gulf of the Farallones National Marine Sanctuary.

The Third United Nations Law of the Sea Conference (UNCLOSIII), which met between 1973 and 1982, adopted the dumping definition of the LDC almost verbatim. The language of the treaty exhorts signatories to minimize to the fullest possible extent the release of toxic, harmful or noxious substances, especially those which are persistent. Although 145 nations have ratified UNCLOSIII, As of 2004 The United States is not among them.

**Subseabed Disposal (SSD)** remains the most promising alternative to the politically difficult process of disposing of nuclear waste on land. In November of 1990, contracting parties approved a proposal by Spain (the Spanish Resolution) that clearly defined SSD as dumping, and hence is forbidden. The United States, Britain, France and the Soviet Union voted against the proposal and have indicated that while they consider the Spanish Resolution non-binding, they will comply voluntarily for the time being. *Eleven sources originally cited in 4 paragraphs.*

### **1994**

Occurrences imposed on Marine Protected Areas/Sanctuaries often require mitigations as when the Southern end of Bolinas Lagoon was restored as part of mitigation for dumping into the ocean near the Sanctuary during Highway 1 road repairs in 1990 (Loma Prieta earthquake).

#### **And...**

With new technology, radioactive barrels from the world's largest ocean nuclear dump site are located and photographed on the sea floor by a joint research project funded by US Geological Survey, the Navy, the Environmental Protection Agency and Sanctuary.

<http://farallones.noaa.gov/explore/history.html>

What is the status of fishery resources on the North Coast?

What is the result of the amount of water taken from rivers for agriculture? Rivers left with no contiguous original species flora canopy closure over streams and tributaries that feed the rivers of the north coast here in the Redwood Region? Wine is often paired with fish, but what are the consequences related to large river water allotments and the low flow high temperatures?

<http://www.fishsniffer.com/guest/030703AFSklamathfishkill.html>

*American Fisheries Society 2003*

Rivers, streams, wetlands, and marshes are all as important as the ocean and coastal waters. Broad based voluminous scientific research points to upstream conditions, particularly water temperature as the most important critical factor in reduced Pacific Coast fishery numbers.

**Please Contact:**

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THIS IS MORE THAN A COUNTY CONCERN, IT IS A STATEWIDE CONCERN  
ADVOCATE FOR WILD CLEAN HEALTHY COASTAL WATERS AND OCEANS  
RESOURCES ARE NOT ASSETS WITHOUT ACCESS

**Fishing Associations actively involved in the MLPA process.** Their voices, and knowledge base of experience need to echo in the places of power and the press.

The MLPA Initiative just may founder in the coastal waters of the rugged North Coast.

California Fisheries Coalition: <http://californiafisheriescoalition.blogspot.com/2009/05/marine-life-act-on-north-coast-doorstep.html>

Sonoma County Abalone Network: <http://www.abalonenetwork.org/>

Recreational Fishing Alliance: [www.JoinRFA.org](http://www.JoinRFA.org)

Pacific Coast Federation of Fishermen's Associations (PCFFA) <http://www.pcffa.org/fn.htm>

*scroll down to articles Oct, Nov 2007 and Sept 2008*

Estimated Economic Value of North Coast Fisheries:

**John Innes, North Coast Fishing Association: January 19, 2008 Fort Bragg WAVE Energy Forum**

**Salt Water Fishing:**

**“This last year (2007) 435,000 anglers spent 5,635,000 days fishing in the ocean.**

**Specifically up in our area we had 30,573 recreational angler trips plus an additional 18,000 party boat angler trips. In our area right off the Fort Bragg Mill, we have had an impact of better than \$47,000,000.00 dollars for our Salmon season and bottom fishing season. That's a big input for a little community like Fort Bragg.**

**Estimated to be around 480 jobs.”**

<http://ci.fort-bragg.ca.us/main/Wave%20Energy%20Forum%20Presentations.html>

Order the DVD.

Another great movie on You Tube: Sea Lion Cove Abalone

[http://av.rds.yahoo.com/\\_ylt=A0oGkt9Pg15KxRUBLSTzHaMX;\\_ylu=X3oDMTBvdmM3bGlxBHBndANhdl93ZWJfcmVzdWx0BHNIYwNzcg-/SIG=120esdmcs/EXP=1247794383/\\*\\*http%3A//www.youtube.com/watch%3Fv=cN6djI0ZZ\\_Y](http://av.rds.yahoo.com/_ylt=A0oGkt9Pg15KxRUBLSTzHaMX;_ylu=X3oDMTBvdmM3bGlxBHBndANhdl93ZWJfcmVzdWx0BHNIYwNzcg-/SIG=120esdmcs/EXP=1247794383/**http%3A//www.youtube.com/watch%3Fv=cN6djI0ZZ_Y)

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Tomas DiFiore