

STAFF SUMMARY FOR APRIL 13-14, 2016

12. TRIBAL TAKE IN MARINE PROTECTED AREAS**Today's Item**Information Action

Receive presentation from tribal leaders regarding their requests submitted for exemptions from take in certain MPAs. Discuss and provide direction regarding draft rulemaking for current tribal requests for changes to specified MPA regulations (Section 632, Title 14, CCR).

Summary of Previous/Future Actions

- | | |
|--|------------------------------------|
| • TC tribal take discussion | Apr 7, 2015; Santa Rosa |
| • TC tribal take discussion | Jun 9, 2015; Mammoth Lakes |
| • TC discussion to draft rulemaking | Oct 6, 2015; Los Angeles |
| • FGC receives TC recommendation | Oct 7, 2015; Los Angeles |
| • FGC discussion of progress | Feb 11, 2016; Sacramento |
| • Today discuss and provide direction | Apr 13-14, 2016; Santa Rosa |

Background

Over the past two years TC has discussed exemptions for tribal take in specific marine protected areas (MPAs). This topic arose during FGC's regional rulemaking processes to adopt a network of MPAs, where the issue of impacts to traditional gathering by Native American tribes surfaced. In particular, during the north coast planning effort (Point Arena to the California-Oregon border), the issue of tribal take of living marine resources was recognized as a traditional use to avoid impacting when siting and designating MPAs. FGC agreed to exempt area and take regulations for living marine resources in specific MPAs by tribes that could demonstrate traditional use of those resources in those MPAs; this exemption did not apply to MPAs designated as State Marine Reserves (SMRs).

FGC received several requests since the north coast process from tribes that were not afforded the take exemptions in other study regions (exhibits 1-2), or to address follow-up requests in the north coast (exhibits 3-4). TC meetings have provided a forum for tribes to discuss tribal take exemptions in specific MPAs.

Current requests for exemptions to MPA take regulations include:

- Santa Ynez Band of Chumash Indians, at all SMCAs or State Marine Parks in Santa Barbara County.
- Resighini Rancheria, at Reading Rock SMCA in Humboldt County
- Cher-Ae Heights Indian Community of the Trinidad Rancheria, at Reading Rock SMCA in Humboldt County

At the Feb 2016 FGC meeting, TC recommended moving the current requests forward to a rulemaking. However, a policy issue was identified that requires FGC direction prior to addressing the request from Santa Ynez Band of Chumash Indians. In particular, two of the requested SMCAs in Santa Barbara County are designated as *no-take* State Marine Conservation Areas (SMCAs). No-take SMCAs, a unique classification used only in the south coast region, were intended to be designated as SMRs but, in order to address pre-existing activities that would normally not be allowed in an SMR, the areas were designated as SMCAs that only allow non-

STAFF SUMMARY FOR APRIL 13-14, 2016

direct take incidental to the pre-existing activities such as maintenance of artificial structures. While individual former commissioners have made statements during FGC meetings that no take should be allowed in no-take SMCAs, staff is not aware of FGC as a body having made a formal statement or determination.

FGC directed staff to schedule a discussion at the April 13-14, 2016 meeting the discussions about (1) a potential rulemaking for tribal take in marine protected areas, to include invited presentations from the tribal elders of those tribes requesting take within MPAs, and (2) discuss and provide direction regarding tribal take in “no-take” SMCAs.

Tribal leaders from the three tribes that submitted factual records and MPA take exemption requests from specific MPAs were invited to attend and give presentations under this agenda item as follows:

1. Presentation from Santa Ynez Band of Chumash Indians
2. Potential presentation from Resighini Rancheria
3. Presentation from Cher-Ae Heights Indian Community of the Trinidad Rancheria

Significant Public Comments

1. Comment from NRDC, concerning original intent of no-take SMCAs in Southern California and the importance of maintaining their protective integrity intact (Exhibit 5).

Recommendation

Clarify requests from each of the three tribes, provide direction on whether an exemption to area and take regulations will be applied to MPAs designated as no-take SMCAs, direct staff to prepare draft regulations.

Exhibits

1. [Letter from Santa Ynez Band of Chumash Indians](#) requesting tribal take exemption in SMCAs in Santa Barbara County, received Nov 1, 2011
2. [Letter from Santa Ynez Band of Chumash Indians](#), received Oct 14, 2015
3. [Letter from Resighini Rancheria](#) requesting tribal take exemptions in select MPAs in north coast, received Aug 20, 2012
4. [Letters from Cher-Ae Heights Indian Community of the Trinidad Rancheria](#), regarding consultation about tribal take exemption for Reading Rock SMCA, dated Aug 9, 2013 and Aug 14, 2013
5. [Informational handout on no-take SMCAs](#) from Jenn Eckerle, Natural Resources Defense Council, received Feb 9, 2016

Motion/Direction

Direct staff to prepare any motions for future agendas or otherwise give staff direction on the tribal requests

SANTA YNEZ BAND OF CHUMASH INDIANS

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July 3, 2012 & October 14, 2015

Mr. Sonke Mastrup,
Executive Director
Fish and Game Commission
1416 Ninth Street, Box 944209
Sacramento, CA 944209-2090

RECEIVED
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COMMISSION
2015 OCT 21 PM 2:05
NLS

RE: Santa Ynez Band of Chumash Indians;
Marine Life Protection Act (MLPA) and Marine Protected Areas (MPAs);
Request for MPA exemption for Cultural and Ceremonial fishing and gathering;
Request for Tribal Consultation

Dear Mr. Mastrup:

The Santa Ynez Band of Chumash Indians (“Chumash” or “Tribe”) re-states its request for an MPA exemption for cultural and ceremonial fishing and gathering and formally requests Tribal consultation.

BACKGROUND FROM 2007 TO COMPLETION OF NORTH COAST MPA

The Chumash have been actively engaged in the Marine Life Protection Act (MLPA) process since 2007. It started with attempts by the Chumash to request tribal consultation in the South Central Coast Marine Protected Area (MPA) from Pointe Conception north. Our letters from 2007 remain unresponded to even after we personally attended Fish and Game Commission meetings and requested a response.

After the South Central Coast MPA, the Chumash requested tribal consultation in the South Coast MPA from Point Conception south to the border of Mexico. All Tribes in this long stretch of coast we given two representatives in the South Coast Regional Stakeholders Group, Louis Guassac and Roberta Cordero. Again we requested consultation with the federally recognized tribes in this region and were told to contact “our” stakeholders. Ultimately, the Tribal South Coast Regional Stakeholders Committee recommended an elaborate system of co-management and co-enforcement, which also included cultural and ceremonial MPA access, all of which were neither accepted by the Blue Ribbon Task Force (BRTF) nor included in the final regulations.

During 2009 we also learned of a Memorandum of Understanding (MOU) between the Department of Fish and Game and Vandenberg Air Force Base pursuant to the MLPA restricting Chumash historical

fishing rights at the Base. After multiple California Public Records Act (CPRA) requests beginning in 2009 we are pleased to have just received a copy of the MOU in 2011.

The MLPA process having completed the South Central and South Coast MPAs without much recognition of Tribal concerns, we then learned of the North Coast MPA process. We read with interest the motion made by Jacque Hostler in the North Coast Regional Stakeholders Group (NCRSG) and the emergency subsistence regulations proposed for the Kashia Band of Pomo Indians. We wrote letters to Ms. Hostler offering our assistance and to work together with the Northern Tribes in October of 2010. We are pleased to see that final regulations for the North Coast MPA with tribal provisions have been recently adopted this June of 2012.

CHUMASH MPA EXCEPTION AFTER COMPLETION OF NORTH COAST MPA

The Chumash provided its historical record and request for exemption for cultural and ceremonial fishing to the FGC on November 1, 2011. The Chumash then made a presentation before the FGC at its Santa Barbara meeting on November 17, 2011. By letter dated November 23, 2011, FGC Executive Director Sonke Mastrup informed the Chumash that its presentation “meets the standard set for by the Commission for requests related to tribal specific gathering in specified MPAs.”

The staff summary of the November 17, 2011 FGC meeting noted that a so-called Chumash exemption might be considered after the North Coast MPA regulations were completed:

17. RECEIPT AND DISCUSSION OF REQUEST OF THE SANTA YNEZ BAND OF CHUMASH INDIANS FOR EXEMPTIONS TO REGULATIONS FOR SOUTHERN CALIFORNIA MARINE PROTECTED AREAS FOR CULTURAL AND CEREMONIAL PURPOSES.

Received presentations from Sam Cohen, Kathy Conti, Reggie Pagaling, and Willie Wyatt. Received public testimony. Commission directed staff/Department to reach out to other tribes and indicated it would consider a rulemaking package after completion of the North Coast MPA rulemaking.

<http://www.fgc.ca.gov/meetings/2011/111711summary.pdf>

Chumash representatives would like to restart and complete this process with the FGC as to a Chumash MPA exemption.

Please contact our Government and Legal Specialist Sam Cohen (cell: 805-245-9083) so that we can further coordinate our efforts.

Sincerely,



Vincent Armenta
Tribal Chairman



Santa Ynez Band of Chumash Indians

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November 1, 2011

Mr. Jim Kellogg, President
California Fish and Game Commission (F&GC)
P.O. Box 944209
Sacramento, CA 94244-2090

RE: Santa Ynez Band of Chumash Indians Request for Exemption for Cultural and Ceremonial Fishing in Marine Protected Areas (MPAs) pursuant to the Marine Life Protection Act (MLPA)

Dear Mr. Kellogg:

The Santa Ynez Band of Chumash Indians (Chumash) makes this request for an exemption from the Fish and Game Commission for cultural and ceremonial fishing and gathering within State Marine Conservation Areas and Marine Parks in Santa Barbara County under the MLPA.

In support of such exemption, the Chumash provide the attached: *"Factual Record of Current and Historical Uses by the Santa Ynez Band of Chumash Indians within the proposed State Marine Conservation Areas and Marine Parks of Santa Barbara County."* In addition, this request for exemption incorporates by reference the following documents which have been previously delivered to Mr. Sonke Mastrup, F&GC Executive Director:

1. Summary of our August 5, 2011 meeting regarding an exemption;
2. Santa Barbara County Marine Conservation Areas and Parks;
3. Chumash cultural and ceremonial gathering list;
4. Possible additional provisions to gathering list;
5. Chumash fishing and gathering text from the Santa Barbara Museum of Natural History website;
6. Chumash towns at the time of European settlement;
7. "The Origins of a Pacific Coast Chiefdom, The Chumash of the Channel Islands";
8. "Ethnohistoric and Archaeological Evidence for Chumash Use of Marine Plants";
9. "A Review of the Analysis of Fish Remains in Chumash Sites";
10. "The Economics of Island Chumash Fishing Practices"; and
11. Summary of Chumash Coastal Sites—January 2011.

Sincerely,

Vincent P. Armenta, Tribal Chairman

CC: Mr. Richard B. Rogers, Vice President
Mr. Michael Sutton, Member
Mr. Daniel W. Richards, Member
Mr. Jack Baylis, Member

Factual Record of Current and Historical Uses by the Santa Ynez Band of Chumash Indians within the proposed State Marine Conservation Areas and Marine Parks of Santa Barbara County

The Santa Ynez Band of Chumash Indians have been actively engaged in the Marine Life Protection Act (MLPA) process since 2007. It started with Chumash attempts to get any Tribal consultation in the South Central Coast Marine Protected Area (MPA) from Pointe Conception north. Our letters from 2007 remain unresponded to even after we personally attended Fish and Game Commission meetings and requested a response.

After the South Central Coast MPA, the Chumash began demanding Tribal consultation in the South Coast MPA from Point Conception south to the border of Mexico. All Tribes in this long stretch of coast we given two representatives in the South Coast Regional Stakeholders Group, Louis Guassac and Roberta Cordero. Again we requested consultation with the federally recognized tribes in this region and were told to contact "our" stakeholders. Ultimately, the Tribal South Coast Regional Stakeholders Committee recommended an elaborate system of co-management and co-enforcement, which also included cultural and ceremonial MPA access, none of which were accepted by the Blue Ribbon Task Force (BRTF) nor included in the final regulations.

During 2009 we also learned of a Memorandum of Understanding (MOU) between the Department of Fish and Game and Vandenberg Air Force Base pursuant to the MLPA restricting Chumash historical fishing rights at the Base. After multiple California Public Records Act (CPRA) requests beginning in 2009 we are pleased to have just received a copy of the MOU in 2011.

Upon the completion of the South Central and South Coast MPAs without any recognition of Tribal rights, we then learned of the North Coast MPA process. We read with interest the motion made by Jacque Hostler in the North Coast Regional Stakeholders Group (NCRSG) and the emergency subsistence regulations proposed for the Kashia Band of Pomo Indians. We wrote letters to Ms. Hostler offering our assistance and to work together with the Northern Tribes in October of 2010. We also saw the response of the BRTF to Ms. Hostler and the NCRSG that the legal authority for tribal cultural and ceremonial MPA access needed to be clarified. To date, we are informed that federally recognized Tribes within the North Coast MPA have been invited to submit a factual record upon which an exception can be considered for Tribal cultural, ceremonial and subsistence fishing in State Marine Conservation Areas and Marine Parks but not Marine Reserves.

The Santa Ynez Band of Chumash Indians hereby introduce this factual record the South Coast and South Central Coast MPAs upon which an exception can be considered for Tribal cultural, ceremonial and subsistence fishing in State Marine Conservation Areas and Marine Parks but not Marine Reserves in Santa Barbara County.

Chumash Historical Summary

The Chumash occupied the region from San Luis Obispo County to Malibu Canyon on the coast, and inland as far as the western edge of the San Joaquin Valley, and the four northern Channel Islands (Grant 1978). The Chumash are subdivided into factions based on distinct dialects.

Chumash society developed over the course of some 9,000 years and achieved a level of social, political and economic complexity not ordinarily associated with hunting and gathering groups (Morrato, 1984). The prehistoric Chumash are believed to have maintained one of the most elaborate bead money systems in the world, as well as one of the most complex non-agricultural societies (King, 1990).

The archaeological record indicates that Chumash populations occupied the coastal regions of California more than 9,000 years ago (Greenwood 1972). Several chronological frameworks have been developed for the Chumash region. One of the most definitive works on Chumash chronology is that of King (1990). King postulates three major periods; Early, Middle and Late. Based on artifact typologies from a great number of sites, he was able to discern numerous style changes within each of the major periods.

The Early Period (8000 to 3350 Before Present [B.P.]) is characterized by a primarily seed processing subsistence economy. The Middle Period (3350 to 800 B.P.) is marked by a shift in the economic/subsistence focus from plant gathering and the use of hard seeds, to a more generalized hunting-maritime gathering adaptation, with an increased focus on acorns. The full development of the Chumash culture, one of the most socially and economically complex hunting and gathering groups in North America, occurred during the Late Period (800 to 150 B.P.).

The Chumash aboriginal way of life ended with Spanish colonization. As neophytes were brought into the mission system, they were transformed from fishermen, hunters and gatherers into agricultural laborers and exposed to diseases from which they had no resistance. By the end of the Mission Period in 1834, the Chumash population had been decimated by disease and declining birthrates. Population loss as a result of disease and economic deprivation continued into the next century.

The Mission Era

The Spanish built five Catholic missions among the Chumash people. Mission Santa Ines was established in 1804 as a halfway point between the Santa Barbara and La Purisma (Lompoc) missions. Each mission was granted about seven square leagues of land surrounding it for the use and support of the local Indian communities.

In practice, the missionaries and soldiers were brutal men who enslaved the local Chumash people and nearly decimated them through disease, starvation and harsh treatment. Despite this, the sentiment of the Spanish and Mexican governments and the Catholic Church was that the land of the missions essentially were what we know of today as reservations, for the use and upkeep of the Indians. The tribal members forced to live and work near the missions were considered to be neophytes or Christianized Indians.

The Church viewed the land to be held in trust for the Indians, who had a "natural" right of occupancy. The Church and Spain considered title to the land to be with the Indians as decreed from the "laws of nature and imminent occupation." The priests were just the administrators of the land on behalf of their Indian "wards."

The slave-like conditions at the mission led to the Chumash Revolt of 1824. It started when soldiers flogged an Indian from La Purisma mission who was at Santa Ines. The revolt spread to the Santa Barbara and La Purisma missions and led to the burning of the Santa Ines mission. Many Chumash feared the soldiers would kill them and fled to the San Joaquin Valley. The priests and military knew they couldn't keep the missions going without the Indian slave labor. Soldiers rounded up the Chumash and brought them back to the mission.

A decade after the revolt, the Mexican government secularized the missions and intended to disperse the lands to the Indians and settlers. The goal never was fully accomplished. The missionaries still were regarded as the guardians of the Indians and the tribal lands.

Many Chumash after the secularization efforts did flee the mission and ended up in the area around Zanja de Cota Creek in the Canada de la Cota. The area still was considered to be within the lands of the Catholic Church.

Significance of Refugio Bay

The marine environment of the Santa Barbara Channel supports a wide variety of habitats that include kelp beds, sandy beaches, rocky intertidal, bays, estuaries, and lagoons. Historically, the largest kelp beds on the California coast occurred between Point Conception and Rincon Point. Kelp beds support a large invertebrate community including abalone, crabs, clams, oysters, shrimp, lobster, and squid. Kelp beds also feed and provide shelter for numerous species of fish. Seals and sea lions feed in the kelp beds and haul out and breed on adjacent sandy beaches. The bays, estuaries, and lagoons are important habitats for resident bird species as well as migrating waterfowl. The Mediterranean climate of the project area is typified by long, hot summers, and wet, mild winters. Perennial and seasonal drainages run down the slopes of the Santa Ynez Mountains and foothills to the coast.

The rich plant and animal resources of the surrounding terrestrial and marine environments, availability of fresh water, and Mediterranean climate combined

to make the Santa Barbara Channel region a desirable location for prehistoric habitation and supported one of the highest prehistoric population densities among hunter-gatherers anywhere in the world. These same attributes would later encourage settlement of the Santa Barbara Channel region by the Spanish, Mexican, and American cultures.

In 1769, Gaspar de Portola and Father Junipero Serra departed the newly established San Diego settlement and marched northward toward Monterey, with the objective to secure that port and establish five missions along the route. The combined sea and land 1769-1770 Portola expedition, which passed through Santa Barbara County on its way to Monterey, was the prelude to systematic Spanish colonization of Alta California.

In 1795, Jose Francisco Ortega (the original founder of the Santa Barbara Presidio) was granted six leagues known as the *Rancho Nuestra Senora del Refugio* (Cowan, 1977). This was the only land grant licensed under Spanish Rule in what today is known as Santa Barbara County. The Ortegas built adobes at Refugio and later at Tajiguas Canyon, Arroyo Hondo, and Cañada del Corral. They grew wheat, maintained a vineyard, and ran large herds of cattle and horses on the rancho.

By the early 1800's Refugio Bay was a well-known port to ships visiting the California coast, as the captains could trade at the Ortega settlement free of the duties imposed by the Spanish colonial government (Bancroft 1886, Tomkins 1960). However, the pirate Bouchard effectively ended the bay's era as a trading/smuggling port when he sacked and burned the Refugio hacienda in 1818.

In 1822, Mexico gained its independence from Spain, and in 1834 the Missions were secularized and their lands granted as rewards for loyal service or in response to an individual's petition.

Significance of the Goleta Slough

According to Dr. John Johnson at the Santa Barbara Museum of Natural History, the Goleta Slough villages had the highest population density in the Santa Barbara region at the time of European settlement." Dr. John Johnson, personal communication, April 9, 2008.

This is due to the great diversity of habitat and wildlife within this setting providing for a wide variety of subsistence adaptations.

One example of such villages within the prehistoric time frame of the Goleta Slough was the village of heló or Mescalitan Island. It was occupied continuously for thousands of years by the early Chumash.

There has been study after study by over a dozen accredited, credentialed archaeological specialists/professors regarding the Goleta Slough. No matter what was their particular expertise, all agree that these villages are significant and tell much about the prehistory of the Chumash.

Professor Jon Erlandson, along with David Stone, described the entire Goleta Slough as the sociopolitical nexus of the Chumash world:

Subsequent archaeological studies of Rogers' sites have contributed to our growing understanding of the past in the Santa Barbara Channel area. Radiocarbon dating of sites excavated by Rogers, when combined with the development of calibration programs for ¹⁴C dates, has allowed us to place his cultural stages—Oak Grove, Hunting People, and Canaliño—in real time, and a probable cultural continuum that may span more than 9000 years. In the process, archaeologists working in the Chumash area have constructed one of the longest and best documented coastal sequences in the world. Unfortunately, the past 75 years have also seen phenomenal population growth and unprecedented development along the California Coast, destroying or damaging countless archaeological sites. These include many of the 100 or so sites Rogers (1929) described along the Santa Barbara Coast. Among the hardest hit was the remarkable complex of sites that formed a nearly continuous ring around the Goleta Slough, the sociopolitical nexus of the Chumash world. Fortunately, there are still intact remnants of many of these Goleta Slough sites, including some key sites once thought to have been completely destroyed. Many of these site remnants have also been investigated by archaeologists using methods more advanced than Rogers' relatively crude techniques.

Erlandson, et al., CA-SBA-56: An "Oak Grove" and "Canaliño" Site on Goleta Lagoon, California, p. 1 (emphasis added.)

Conclusion

There is a clear factual basis for an exception for Tribal cultural, ceremonial and subsistence fishing in State Marine Conservation Areas and Marine Parks in the South Coast and South Central Coast MPAs in Santa Barbara County for the Santa Ynez Band of Chumash Indians, a federally recognized Indian Tribe.

The historical record demonstrates that the Chumash have taken finfish, invertebrates, mammals, and marine plants within this region since time immemorial, and should be included as traditional uses protected under the proposed state regulations. This factual record is being submitted as an act of good faith by the Chumash, who wish to establish a collaborative relationship with the State of California, to work towards our mutual respective goal to protect the marine resources that are of such significance to all of us. Given the time constraints, if necessary, the Chumash reserve the right to supplement the record at a later date.

Historical Connections of the Santa Ynez Chumash
to Refugio Beach, Goleta Beach, and Santa Rosa Island

John R. Johnson, Ph.D.
Santa Barbara Museum of Natural History

October, 2011

Refugio Beach

The ethnohistoric ranchería of *Qasil* (spelled “Casil” in the mission registers) was located at Refugio Beach. Not long after Mission Santa Bárbara was established, the missionaries wrote that a number of native people from the Santa Ynez Valley had established themselves at *Qasil* and its nearest neighbor *Shish'uchi* at Arroyo Quemada. Indeed, the mission registers record a number of marriages and family relationships between the citizens of these two coastal towns and the principal ranchería of *Kalawashaq'* (spelled “Calahuasa” in the mission books). After Mission Santa Inés was founded in 1804, most of the people who came from *Qasil* and *Shish'uchi* became affiliated with that mission, including their chiefs, showing the close social and political relationships that existed between the peoples who had lived in these two coastal towns and those who inhabited the Santa Ynez rancherías.

Those rancherías in the central Santa Ynez Valley that have been investigated by archaeologists show that there had been abundant access to marine resources by their indigenous inhabitants. In particular, the skeletal elements of many species of marine fishes and shells of marine mollusks are quite common in archaeological assemblages from inland sites. These material remains demonstrate that the close social connections documented through mission records also extended to economic exchange and/or that periodic visits over Refugio Pass by inland peoples to fish and gather shellfish were permitted by the rancherías on the coast.

The social, political, and economic connections documented in mission records and archaeological excavations are not the only evidence that we have of the connections of the Santa Ynez Chumash to the Refugio area. There are also direct links revealed in the genealogies of most residents of the Santa Ynez Reservation today. One of the family lineages that has many descendants who are tribal members is the direct descendant of a woman from *Qasil* named Policarpa, who had been born at that ranchería about 1751. Policarpa's second husband was Bernabé Pilaljaut, who was listed as the capitán (chief) of *Qasil* in a 1796 census prepared by the *comandante* of the Santa Bárbara Presidio, Felipe de Goycochea. Bernabé Pilaljaut originally had been born in *Kalawashaq'*. Another family connection pertains to the ancestry of María Solares, whose grandparents, Estevan and Eulalia, although originally from *Kalawashaq'*, had lived for a time at *Qasil*, where one of their children was born.

Goleta Beach

The Goleta lagoon, referred to as “Mescalitán” by the Spanish, was perhaps the most densely settled region in all of the territory where Chumash languages were spoken. While most of the citizens of the Goleta Chumash towns were baptized at Mission Santa Bárbara, there exist nonetheless numerous connections to the Santa Ynez Chumash. Some of these links include marriages revealed in mission records between people from the four principal towns that existed in the Goleta Valley (*S'axpilil*, *Helo*’, *Heliyik*, and *'Alkash*) and spouses who came from rancherías in the Santa Ynez Valley.

In 1798, Comandante Goycoechea conducted a reconnaissance of the valley in order to select a suitable site for the future mission of Santa Inés. When he visited two of the largest Santa Ynez Valley rancherías, *Kalawashaq*’ and *Teqepsh*, he reported that many of the residents were absent because they were attending a fiesta at one of the Goleta Chumash towns.

One family with Goleta Chumash connections that was historically associated with the Santa Ynez tribe was that of Francisca Flores (aka Francisca Solares). Francisca had been born at the Santa Barbara Chumash community of La Cieneguita, but her mother married a man from Mission Santa Inés and the family moved to Zanja de Cota when she was a small girl. On her mother’s side, Francisca was descended from Pedro Yanonali, the chief of *Syuxtun* on the Santa Barbara waterfront. On her father’s side, both of her paternal grandparents were descended from citizens of *Helo*’, the famous Goleta Chumash town that once existed on what later became known as Mescalitan Island. After moving to Zanja de Cota, Francisca became a lifelong member of the Santa Ynez Indian community. She was a member of the Santa Ynez Reservation when it was established in 1901, and her children Frank Flores and Gus Flores, and granddaughter Juanita (“Jennie”) Espinosa Wilson were all Santa Ynez tribal members listed on reservation rolls until their deaths.

Santa Rosa Island

The Santa Ynez Chumash tribal connections to Santa Rosa Island extend back to the days of the missions. A large number of people from rancherías on Santa Rosa Island were baptized at Mission Santa Inés in 1815-1816. These islanders continued to intermarry and reside among Santa Ynez Chumash families when the community became established at Zanja de Cota in 1855. María Solares’s second husband was named Nicomedes, whose mother had come from *Qshiwqshiw*, the largest ranchería on Santa Rosa Island. The daughter Nicomedes and María Solares was Clara Miranda, who is the direct ancestor of many Santa Ynez tribal members today.

RESIGHINI RANCHERIA

P.O. Box 529 • Klamath, CA 95548
Tel (707) 482-2431 • Fax (707) 482-3425

August 13, 2012

Sonke Mastrup, Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Mr. Mastrup:

The Resighini Rancheria would like to respectfully request to be included on the October 3-2012 agenda of the California Fish and Game Commission (Commission) to reconsider the exclusion of our Tribe on Marine Protected Areas within our ancestral waters within the North Coast Study Region.

Problem Statement: On June 6th, 2012, the Commission adopted regulations that designated a network of marine protected areas (MPAs) within the North Coast Study Region under the California Marine Life Protection Act (MLPA). Those adopted regulations included the identification of certain federally-recognized Tribes that could continue to harvest for traditional, non-commercial purposes under the newly adopted definition of "tribal take" within specific MPAs. For a Tribe to be identified as eligible for "tribal take" within specific MPAs, a Factual Record had to be submitted that demonstrated a current or historic use within that geography and that the Tribe was federally-recognized.

Resighini Rancheria submitted a brief factual record affirming that we are a federally-recognized Indian Tribe of Yurok Indians, eligible to receive services from the United States Bureau of Indian Affairs (Federal Register Vol. 75, No. 190) and that our citizens have current or historic uses within specific MPAs and Special Closures proposed in the North Coast Study Region. Subsequently, we were included in the Initial Statement of Reasons for Regulatory Action in the following MPAs: Pyramid Point SMCA, Point St. George Reef SMCA, and the Redding Rock SMCA/SMR Complex.

Although we do maintain current or historic uses within those MPAs and reserve all rights to continue to rely on the ocean and marine resources in all usual and customary fishing places, due to the implied/perceived jurisdictional concerns that the State associated with this process,

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we signed on to a joint multi-tribal letter that was sent to the Commission, requesting to be removed from the Pyramid Point SMCA and Point St. George Reef SMCA, out of respect for the Smith River Rancheria and Elk Valley Rancheria. However, Resighini Rancheria should have remained on the Redding Rock SMCA/SMR complex for the Commission's consideration at your June 6th meeting in Eureka.

In the interim, Chairman McCovey contacted Mr. Mastrup to confirm that no other information was required by the Commission to ensure our inclusion at Redding Rock and that the Tribe was included in the draft regulations as required for adoption consideration. Mr. Mastrup confirmed that no other information was required and the item would proceed accordingly. Then at the June 6th meeting Mr. Mastrup made the erroneous statement for the Motion of only including the Yurok Tribe as a Tribe eligible of "tribal take" within the Redding Rock MPAs, which the Commission ultimately adopted. We understand this may have been a misunderstanding and thus, we request this to be amended appropriately.

On July 26, 2012, in a meeting with Resighini Rancheria, Mr. Mastrup suggested a request be made of the Commission to reconsider our Tribe as eligible for "tribal take" at the Redding Rock SMCA/SMR complex to resolve this misunderstanding. This request for reconsideration should include substantiating from a federal entity that we are a federally-recognized Tribe of Yurok people. The following is a factual basis demonstrating that the United States federal government recognizes us as a federally-recognized Tribe of Yurok people.

Factual Basis: The Yurok people are aboriginal to Northern California and are dispersed among several distinct federally recognized Tribes located within their ancestral territory, including the Resighini Rancheria. The Resighini Rancheria is a federally recognized Indian Tribe that is formally organized under the authority of the Indian Reorganization Act of 1934.

By deed dated January 7, 1938, Gus Resighini deeded to the United States in trust approximately 228 acres¹ of land that constitutes the Resighini Rancheria, under the authority of the Indian Reorganization Act. By Proclamation dated October 21, 1939, the Secretary of the Interior declared the land purchased to be an Indian reservation. All of the lands that comprise the Reservation are located within the exterior boundaries of the original Klamath River Reservation and are located at the intersection of Highway 101 and the Klamath River.

After the establishment of the Reservation, two disastrous floods occurred, one in 1955 and another in 1964. The tragic flood of 1964 swept away all but two homes, forcing thirteen families to evacuate and move. Despite this, the people of the Resighini Rancheria stood together and remained a structured Indian organization with a strong desire to return to the

¹ The 1973 survey map of the Reservation recorded by Richard B. Davis shows the original lands purchased from Gus Resighini that because the Resighini Rancheria as containing 238.78 acres.

reservation. On April 4, 1975, the people of the Resighini Rancheria formed a Tribal government and adopted a Constitution.

Since 1975, when members adopted a Constitution, the Tribe has been actively involved in developing a tribal government and in protecting its land base and advocating for our traditional rights as Yurok Indians. In 1988, Congress enacted the Hoopa-Yurok Settlement Act, which partitioned the extended Hoopa Valley Reservation into the present Hoopa Valley Reservation, consisting of the original twelve-mile square bisected by the Trinity River and established under Executive Order in 1864, and the Yurok Reservation, consisting of the area along the Klamath River within the old Klamath River Reservation, including the 1892 Extension,² and excluding the Resighini Rancheria. The Resighini Rancheria is the only Indian Reservation in California situated within the exterior boundaries of lands granted to a separate federally recognized Indian Tribe.

The fact that members of the Resighini Rancheria are Yurok is indisputable. The first federally-published list in the Federal Register of Indian Tribes that maintain a government-to-government relationship with the United States and are eligible to receive related services was on January 31, 1979. It includes the “*Resighini Rancheria, Coast Indian Community of Yurok Indians, California*” (see Exhibit A). As Exhibit B demonstrates, all subsequent lists from 1979 to 2003 also recognize that the Resighini Rancheria are Yurok. After 2003, the Tribe changed our name to simply the *Resighini Rancheria* for solely simplification purposes (see Exhibit C). This is reflected in the Federal Register from 2005 to the most recent list published in 2010.

Under Article of the Tribe’s Secretari ally-approved Constitution, the jurisdiction of the Tribe, acting through its Tribal Council, extends to: (a) all land encompassing the ancestral territory of the Klamath River Tribe; (b) all lands, water, and other resources within the exterior boundaries of those lands constituting what is commonly known as the Resighini Rancheria purchased by the Secretary of the Interior on January 7, 1938, under the authority of the Wheeler Howard Act,³ June 18, 1934; (c) all of the lands, water, and resources as may hereinafter be acquired by the Tribe, whether within or without said boundary lines, under any grant, transfer, purchase, adjudication, treaty, Executive Order, Act of Congress, or other acquisitions; (d) all persons within any territory under the jurisdiction of the tribe; and (e) all tribal members, wherever located.

The Yurok people of the Resighini Rancheria historically and currently have exercised our rights to hunt, fish, and gather foods and materials for subsistence, ceremonial, and customary uses throughout our ancestral lands. We also maintain that we have unceded rights that have never

² The “Extension” included a stretch, one-mile on each side of the Klamath River, connecting the old Klamath River Reservation to the Hoopa Square.

³ Also referred to as the Indian Reorganization Act.

been extinguished, to continue to fish in all usual and customary traditional fishing places as identified by our members. We reserve all rights to continue these practices that are inherent to use as Yurok. Like our ancestors, we have continued to practice traditional Yurok customs, traditions, and religious practices. We are committed to our culture and language. Tribal members are recognized as skilled basket weavers and makers of ceremonial regalia and many participate in local Yurok ceremonies and dances.

Request: To agendize this request at your October 3-4, 2012 meeting in Sacramento in order to resolve this issue of extreme importance to our members and include the Resighini Rancheria within the Redding Rock SMCA/SMR complex at this time.

Please contact us to confirm whether we will be included on the October 3-4, 2012 agenda. We wish to deal with this issue expeditiously before the regulatory review process concludes for the North Coast Study Region.

Sincerely,

A handwritten signature in blue ink that reads "Donald McCovey". The signature is written in a cursive style and is positioned over a large, faint circular watermark in the background of the document. The watermark features a sun, trees, and a river, surrounded by a decorative border of yellow and red leaves.

Donald McCovey
Chairman

cc: Dr. Virgil Atkins
Superintendent
Northern California Agency
Bureau of Indian Affairs

Amy Dutschke
Regional Director
Pacific Region
Bureau of Indian Affairs

[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

INDIAN TRIBAL ENTITIES THAT HAVE A GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH THE UNITED STATES

Delegation of Authority

JANUARY 31, 1979.

This notice is published in exercise of authority delegated by the Assistant Secretary—Indian Affairs under 5 U.S.C. 2 and 9; and 230 DM 1 and 2.

Notice is hereby given in accordance with 25 CFR 54.6(b) by the Bureau of Indian Affairs of the tribal entities that have a government-to-government relationship with the United States. The United States recognizes its trust responsibility to these Indian entities and, therefore, acknowledges their eligibility for programs administered by the Bureau of Indian Affairs. The listed entities are not necessarily eligible for programs administered by other Federal Agencies. The list of eligible Alaskan entities will be published at a later date.

INDIAN TRIBAL ENTITIES THAT HAVE A GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH THE UNITED STATES

Absentee-Shawnee Tribe of Oklahoma, Acoma Pueblo of New Mexico
 Aqua-Caliente Band of Cahulla Indians (Palm Springs), Aqua-Caliente Indian Reservation, California
 Ak Chin Indian Community, Maricopa, Ak Chin Reservation, Arizona
 Alabama-Quassarte Creek Tribal Town, Oklahoma
 Alturas Rancheria of Pit River Indians, California
 Apache Tribe of Oklahoma
 Arapahoe Tribe of Wind River Reservation, Wyoming
 Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana
 Augustine Band of Cahulla Mission Indians, Augustine Reservation, California
 Bad River Band of Lake Superior Chippewa Indians, Bad River Reservation, Wisconsin
 Barona Capitan Grande Band of Diegueno Mission Indians, Barona Reservation, California
 Bay Mills Indian Community, Bay Mills Reservation, Michigan
 Berry Creek Rancheria of Maldu Indians, California
 Big Bend Rancheria of Pit River Indians, California
 Big Lagoon Rancheria of Smith River Indians, California
 Big Pine Band of Owens Valley Paiute Shoshone Indians, Big Pine Reservation, California
 Blackfeet Tribe, Blackfeet Indian Reservation, Montana
 Bridgeport Paiute Indian Colony, California
 Burns Paiute Indian Colony, Oregon
 Cabazon Band of Cahulla Mission Indians, Cabazon Reservation, California

*Includes within its meaning Indian tribes, bands, villages, groups and pueblos as well as Eskimos and Aleuts.

Cachil Delle Band of Wintun Indians of Colusa Rancheria, California
 Caddo Tribe of Oklahoma
 Cahulla Band of Mission Indians, Cahulla Reservation, California
 Cahto Indian Tribe of the Laytonville Rancheria, California
 Campo Band of Diegueno Mission Indians, Campo Reservation, California
 Capitan Grande Band of Diegueno Mission Indians, Capitan Grande Reservation, California
 Cayuga Nation of New York
 Cedarville Rancheria of Northern Paiute Indians, California
 Chemehuevi Tribe, Chemehuevi Reservation, Arizona
 Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
 Cherokee Nation of Oklahoma
 Cheyenne-Arapaho Tribes of Oklahoma
 Cheyenne River Sioux Tribe, Cheyenne River Reservation, South Dakota
 Chickasaw Nation of Oklahoma
 Chippewa-Cree Tribe of the Rocky Boy Reservation, Montana
 Chitimacha Tribe of Louisiana
 Choctaw Nation of Oklahoma
 Citizen Band of Potawatomi Indians of Oklahoma
 Cochiti Pueblo of New Mexico
 Cocopah Tribe of Arizona
 Coeur D'Alene Tribe, Coeur D'Alene Reservation, Idaho
 Cold Springs Rancheria of Mono Indians, California
 Colorado River Tribes of the Colorado River Indian Reservation, Arizona
 Comanche Tribe of Oklahoma
 Confederated Tribes of the Chichahlis Reservation, Washington
 Confederated Tribes of the Colville Reservation, Washington
 Confederated Tribes of the Goshute Reservation, Nevada & Utah
 Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
 Confederated Tribes of the Siletz Reservation, Oregon
 Confederated Tribes of the Umatilla Reservation, Oregon
 Confederated Tribes of the Warm Springs Reservation, Oregon
 Cortina Rancheria of Wintun Indians, California
 Coshutta Tribe of Louisiana
 Covelo Indian Community of the Round Valley Reservation, California
 Coyote Valley Band of Pomo Indians, California
 Creek Nation of Oklahoma
 Crow Tribe of Montana
 Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
 Cuyapaipe Band of Diegueno Mission Indians, Cuyapaipe Reservation, California
 Delaware Tribe of Western Oklahoma
 Devils Lake Sioux Tribe, Devils Lake Sioux Reservation, North Dakota
 Dry Creek Rancheria of Pomo Indians, California
 Duckwater Shoshone Tribe, Duckwater Reservation, Nevada
 Eastern Band of Cherokee Indians of North Carolina
 Eastern Shawnee Tribe of Oklahoma
 Elem Indian Colony of Pomo Indians of California
 Ely Indian Colony, Nevada
 Enterprise Rancheria of Maldu Indians, California
 Flandreau Santee Sioux Tribe, South Dakota
 Forest County Potawatomi Indian Community of Wisconsin
 Fort Belknap Indian Community, Fort Belknap Reservation, Montana
 Fort Bidwell Indian Community, Paiute Indians of the Fort Bidwell Reservation, California
 Fort Independence Indian Community, Paiute Indians of the Fort Independence Reservation, California
 Fort McDermitt Paiute-Shoshone Tribes, Fort McDermitt Reservation, Nevada
 Fort McDowell, Mohave-Apache Indian Community, Fort McDowell Indian Reservation, Arizona
 Fort Mojave Tribe of Arizona
 Fort Still Apache Tribe of Oklahoma
 Gila River Indian Community, Gila River Reservation, Arizona
 Grindstone Indian Rancheria of Wintun-Wallaki Indians, California
 Hannahville Potawatomi Indian Community of Michigan
 Havasupai Tribe, Havasupai Reservation, Arizona
 Hoh Tribe, Hoh Indian Reservation, Washington
 Hoopa Valley Tribe of the Hoopa Valley Reservation, California
 Hopi Tribe of Arizona
 Hopland Band of Pomo Indians, Hopland Rancheria, California
 Hualapai Tribe, Hualapai Reservation, Arizona
 Inaja & Comit Reservation (Diegueno Indians), California
 Iowa Tribe of Kansas & Nebraska
 Iowa Tribe of Oklahoma
 Isleta Pueblo of New Mexico
 Jackson Rancheria of Me-Wuk Indians, California
 Jemez Pueblo of New Mexico
 Jicarilla Apache Tribe, Jicarilla Apache Indian Reservation, Arizona
 Kaibab Band of Paiute Indians, Kaibab Indian Reservation, Arizona
 Kalispel Indian Community, Kalispel Reservation, Washington
 Karok Tribe of California
 Kasha Band of Pomo Indians of Stewards Point Rancheria, California
 Kaw Tribe of Oklahoma
 Keweenaw Bay Chippewa Indian Community, L'Anse Reservation, Michigan
 Kialagee Tribal Town of Creek Indians, Oklahoma
 Kickapoo Tribe of Kansas
 Kickapoo Tribe of Oklahoma
 Kiowa Tribe of Oklahoma
 Kootenai Tribe of Idaho
 La Jolla Band of Luiseño Mission Indians, La Jolla Reservation, California
 La Posta Band of Diegueno Mission Indians, La Posta Reservation, California
 Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Reservation, Wisconsin
 Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac du Flambeau Reservation, Wisconsin
 Laguna Pueblo of New Mexico
 Las Vegas Tribe of Paiute Indians, Las Vegas Colony, Nevada
 Lookout Rancheria of Pit River Indians, California
 Los Coyotes Band of Cahulla Mission Indians, Los Coyotes Reservation, California
 Lovelock Paiute Tribe, Lovelock Indian Colony, Nevada

- ower Brule Sioux Tribe, Lower Brule Reservation, South Dakota
- ower Elwha Tribal Community, Lower Elwha Reservation, Washington
- ower Sioux Indian Community, Lower Sioux Reservation, Minnesota
- ummi Tribe, Lummi Reservation, Washington
- akah Tribe, Makah Reservation, Washington
- anchester Band of Pomo Indians, Manchester-Pt. Arena Rancheria, California
- anzanita Band of Diegueno Mission Indians, Manzanita Reservation, California
- enominee Tribe, Menominee Reservation, Wisconsin
- esa Grande Band of Diegueno Mission Indians, Mesa Grande Reservation, California
- escalero Apache Tribe, Mescalero Reservation, New Mexico
- iami Tribe of Oklahoma
- iccosukee Tribe of Florida
- iddletown Rancheria of Pomo Indians, California
- innesota Chippewa Tribe, Minnesota (Six component reservations: Boise Fort Band (Nett Lake), Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lac Band, White Earth Band)
- ississippi Band of Choctaw Indians, Mississippi
- oapa Band of Paiute Indians, Moapa River Reservation, Nevada
- odoc Tribe of Oklahoma
- ontgomery Creek Rancheria of Pit River Indians, California
- orongo Band of Cahulla Mission Indians, Morongo Reservation, California
- uckleshoot Tribe, Muckleshoot Reservation, Washington
- ambe Pueblo of New Mexico
- avaajo Tribe of Arizona, New Mexico and Utah
- ez Perce Tribe of Idaho, Nez Perce Reservation, Idaho
- lsqually Indian Community, Nisqually Reservation, Washington
- ooksack Indian Tribe of Washington
- orthern Cheyenne Tribe, Northern Cheyenne Reservation, Montana
- orthwestern Band of Shoshone Indians of Utah (Washakie)
- glala Sioux Tribe of the Pine Ridge Reservation, South Dakota
- amaha Tribe of Nebraska
- neida Nation of New York
- neida Tribe of Wisconsin, Oneida Reservation, Wisconsin
- ondaga Nation of New York
- sage Tribe of Oklahoma
- ttawa Tribe of Oklahoma
- toe-Missouria Tribe, Oklahoma
- alute-Shoshone Indians of the Bishop Community, Bishop Colony, California
- alute-Shoshone Indians of the Fallon Reservation, Nevada
- alute-Shoshone Indians of the Lone Pine Community, Lone Pine Reservation, California
- ala Band of Luiseno Mission Indians, Pala Reservation, California
- apago Tribe of Arizona
- ascua Yaqui Tribe of Arizona
- assamaquoddy Tribe of Maine
- auma Band of Luiseno Mission Indians, Puma & Yulma Reservation, California
- awnee Tribe of Oklahoma
- ayson Tonto Apache Tribe of Arizona
- echanga Band of Luiseno Mission Indians, Pechanga Reservation, California
- enobscot Tribe of Maine
- Peoria Tribe of Oklahoma
- Pleuris Pueblo of New Mexico
- Pit River Tribe, X-L Ranch Reservation, California
- Pojoaque Pueblo of New Mexico
- Ponca Tribe of Oklahoma
- Port Gamble Indian Community, Port Gamble Reservation, Washington
- Prairie Band of Potawatomi Indians of Kansas
- Prairie Island Sioux Indian Community, Prairie Island Reservation, Minnesota
- Puyallup Tribe, Puyallup Reservation, Washington
- Pyramid Lake Paiute Tribe, Pyramid Lake Reservation, Nevada
- Quapaw Tribe of Oklahoma
- Quechan Tribe of the Fort Yuma Indian Reservation, California
- Quileute Tribe, Quileute Reservation, Washington
- Quinault Tribe, Quinault Reservation, Washington
- Ramona Reservation, California
- Red Cliff Band of Lake Superior Chippewa Indians, Red Cliff Reservation, Wisconsin
- Red Lake Band of Chippewa Indians, Red Lake Reservation, Minnesota
- Reno-Sparks Indian Colony, Nevada
- Resighini Rancheria, Coast Indian Community of Yurok Indians, California
- Rincon Band of Luiseno Mission Indians, Rincon Reservation, California
- Roaring Creek Rancheria of Pit River Indians, California
- Robinson Rancheria of Pomo Indians, California
- Rosebud Sioux Tribe, Rosebud Indian Reservation, South Dakota
- Runsey Rancheria of Wintun Indians, California
- Sac & Fox Tribe of the Mississippi in Iowa
- Sac & Fox Tribe of the Missouri in Kansas
- Sac & Fox Tribe of Oklahoma
- Saginaw Chippewa Tribe of the Isabella Reservation, Michigan
- Salt River Pima-Maricopa Indian Community, Salt River Reservation, Arizona
- San Carlos Apache Tribe, San Carlos Reservation, Arizona
- San Felipe Pueblo of New Mexico
- San Ildefonso Pueblo of New Mexico
- San Juan Pueblo of New Mexico
- San Manuel Band of Serrano Mission Indians, San Manuel Reservation, California
- San Pasqual Band of Diegueno Indians, San Pasqual Reservation, California
- Sandia Pueblo of New Mexico
- Santa Ana Pueblo of New Mexico
- Santa Clara Pueblo of New Mexico
- Santa Rosa Indian Community, Santa Rosa Rancheria of California
- Santa Rosa Band of Cahulla Mission Indians, Santa Rosa Reservation, California
- Santa Ynez Band of Chumash Mission Indians; Santa Ynez Reservation, California
- Santa Ysabel Band of Diegueno Mission Indians, Santa Ysabel Reservation, California
- Santee Sioux Tribe, Santee Reservation, Nebraska
- Santo Domingo Pueblo of New Mexico
- Sauk-Suiattle Indian Tribe of Washington
- Sault Ste. Marie Chippewa Tribe of Michigan
- Seminole Nation of Oklahoma
- Seminole Tribe of Florida
- Seneca Nation of New York
- Seneca-Cayuga Tribe of Oklahoma
- Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake)
- Sheep Ranch Rancheria of Me-Wuk Indians, California
- Sherwood Valley Rancheria of Pomo Indians, California
- Shingle Springs Rancheria (Verona Tract) of Miwok Indians, California
- Shoalwater Bay Tribe, Shoalwater Bay Reservation, Washington
- Shoshone Tribe of the Wind River Reservation, Wyoming
- Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho
- Shoshone-Paiute Tribe of the Duck Valley Reservation, Nevada
- Sisseton-Wahpeton Sioux Tribe, Lake Traverse Reservation, South Dakota
- Skokomish Tribe, Skokomish Reservation, Washington
- Skull Valley Band of Goshute Indians, Utah
- Soboba Band of Luiseno Mission Indians, Soboba Reservation, California
- Sokoagon Chippewa Community, Mole Lake Band, Wisconsin
- Southern Ute Tribe, Southern Ute Reservation, Colorado
- Spokane Tribe of the Spokane Reservation, Washington
- Squaxin Island Tribe, Squaxin Island Reservation, Washington
- St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation, Wisconsin
- St. Regis Band of Mohawk Indians of New York
- Standing Rock Sioux Tribe, Standing Rock Reservation, North & South Dakota
- Stockbridge-Munsee Mohican Indian Community, Wisconsin
- Stillaguamish Tribe of Washington
- Summit Lake Paiute Tribe, Summit Lake Reservation, Nevada
- Sugamish Tribe, Port Madison Reservation, Washington
- Susanville Rancheria of Paiute, Malda, Pit River & Washoe Indians of California
- Swinomish Indian Tribal Community, Swinomish Reservation, Washington
- Sycuan Band of Diegueno Mission Indians, Sycuan Reservation, California
- Table Bluff Rancheria of California
- Table Mountain Rancheria of Yokut Indians of California
- Taos Pueblo of New Mexico
- Te-Moak Bands of Western Shoshone Indians, Nevada (Battle Mountain, Elko & South Fork)
- Tesuque Pueblo of New Mexico
- Thlopthlocco Creek Tribal Town of Oklahoma
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
- Tonawanda Band of Seneca Indians of New York
- Tonkawa Tribe of Oklahoma
- Torres-Martinez Band of Cahulla Mission Indians, Torres-Martinez Reservation, California
- Tule River Tribe, Tule River Reservation, California
- Tulalip Tribes of the Tulalip Reservation, Washington
- Tuolumne Band of Me-Wuk Indians, Tuolumne Rancheria, California
- Turtle Mountain Band of Chippewa Indians, Turtle Mountain Reservation, North Dakota
- Tuscarora Nation of New York
- Twenty-Nine Palms Band of Luiseno Mission Indians, 29 Palms Reservation, California
- United Keetoowah Band of Cherokee Indians, Oklahoma

Exhibit B. All References of the Resighini Rancheria as a
Federally Recognized Tribe in the Federal Register

1979	Federal Register Vol. 44 No. 26 7236	Resighini Rancheria, Coast Indian Community of Yurok Indians, California
1980	Federal Register Vol. 45 No. 81 27828	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
1988	Federal Register Vol. 53 52829	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
1995	Federal Register Vol. 60 No. 32 9250	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
1996	Federal Register Vol. 61 No. 220 58211	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
1997	Federal Register Vol. 62 No. 205 55270	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
1998	Federal Register Vol. 63, No. 250 71941	Resighini Rancheria, California (formerly known as the Coast Indian Community of Yurok Indians of the Resighini Rancheria)
1999	Federal Register Vol. 62 No. 250 55270	Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
2000	Federal Register Vol. 65 No. 49 13298	Resighini Rancheria, California (formerly known as the Coast Indian Community of Yurok Indians of the Resighini Rancheria)
2002	Federal Register Vol. 67 No. 134 46328	Resighini Rancheria, California (formerly the Coast Indian Community of Yurok Indians of the Resighini Rancheria)
2003	Federal Register Vol. 68 No. 234 68180	Resighini Rancheria, California (formerly the Coast Indian Community of Yurok Indians of the Resighini Rancheria)
2005	Federal Register Vol. 70 No. 226 71194	Resighini Rancheria, California
2007	Federal Register Vol. 72 No. 055 13648	Resighini Rancheria, California
2008	Federal Register Vol. 73 No. 066 18553	Resighini Rancheria, California
2009	Federal Register Vol. 74 No. 153 40218	Resighini Rancheria, California
2010	Federal Register Vol. 75 No. 190 60810	Resighini Rancheria, California

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the current list of 561 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. The list is updated from the notice published on December 5, 2003 (68 FR 68180).

FOR FURTHER INFORMATION CONTACT: Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 320-SIB, 1951 Constitution Avenue, NW., Washington, DC 20240. Telephone number: (202) 513-7641.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792), and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below is a list of federally acknowledged tribes in the contiguous 48 states and in Alaska.

The Delaware Tribe of Indians, Oklahoma, was removed from the list in response to a final judgment and order sought by the Cherokee Nation of Oklahoma in the United States District Court for the Northern District of Oklahoma in *Cherokee Nation of Oklahoma v. Norton, et al.*, Case No. 98-CV-903-TCK-FHM on remand from the Tenth Circuit Court of Appeals in *Cherokee Nation of Oklahoma v. Norton*, 389 F.3d 1074 (10th Cir. 2004), as amended, 2005 U.S. App. LEXIS 2773 (10th Cir. Feb. 16, 2005).

The list does not include any additional new tribes. The updates are limited to several tribal name changes. To aid in identifying tribal name changes, the tribe's former name is included with the new tribal name. We will continue to list the tribe's former name for several years before dropping the former name from the list. We have also made several corrections. To aid in identifying corrections, the tribe's previously listed name is included with the tribal name.

The listed entities are acknowledged to have the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as

well as the responsibilities, powers, limitations and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

Dated: November 14, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

- Absentee-Shawnee Tribe of Indians of Oklahoma
- Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
- Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona
- Alabama-Coushatta Tribes of Texas
- Alabama-Quassarte Tribal Town, Oklahoma
- Alturas Indian Rancheria, California
- Apache Tribe of Oklahoma
- Arapahoe Tribe of the Wind River Reservation, Wyoming
- Aroostook Band of Micmac Indians of Maine
- Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
- Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
- Bay Mills Indian Community, Michigan
- Bear River Band of the Rohnerville Rancheria, California
- Berry Creek Rancheria of Maidu Indians of California
- Big Lagoon Rancheria, California
- Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California
- Big Sandy Rancheria of Mono Indians of California
- Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
- Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
- Blue Lake Rancheria, California
- Bridgeport Paiute Indian Colony of California
- Buena Vista Rancheria of Me-Wuk Indians of California
- Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon
- Cabazon Band of Mission Indians, California (previously listed as the Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation)

- Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
- Caddo Nation of Oklahoma (formerly the Caddo Indian Tribe of Oklahoma)
- Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
- Cahto Indian Tribe of the Laytonville Rancheria, California
- California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
- Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
- Capitan Grande Band of Diegueno Mission Indians of California: Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California
- Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California
- Catawba Indian Nation (aka Catawba Tribe of South Carolina)
- Cayuga Nation of New York
- Cedarville Rancheria, California
- Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
- Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
- Cherokee Nation, Oklahoma
- Cheyenne-Arapaho Tribes of Oklahoma
- Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
- Chickasaw Nation, Oklahoma
- Chicken Ranch Rancheria of Me-Wuk Indians of California
- Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
- Chitimacha Tribe of Louisiana
- Choctaw Nation of Oklahoma
- Citizen Potawatomi Nation, Oklahoma
- Cloverdale Rancheria of Pomo Indians of California
- Cocopah Tribe of Arizona
- Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho
- Cold Springs Rancheria of Mono Indians of California
- Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
- Comanche Nation, Oklahoma
- Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
- Confederated Tribes of the Chehalis Reservation, Washington
- Confederated Tribes of the Colville Reservation, Washington
- Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon
- Confederated Tribes of the Goshute Reservation, Nevada and Utah
- Confederated Tribes of the Grand Ronde Community of Oregon

- Confederated Tribes of the Siletz Reservation, Oregon
- Confederated Tribes of the Umatilla Reservation, Oregon
- Confederated Tribes of the Warm Springs Reservation of Oregon
- Confederated Tribes and Bands of the Yakama Nation, Washington
- Coquille Tribe of Oregon
- Cortina Indian Rancheria of Wintun Indians of California
- Coushatta Tribe of Louisiana
- Cow Creek Band of Umpqua Indians of Oregon
- Cowlitz Indian Tribe, Washington
- Coyote Valley Band of Pomo Indians of California
- Crow Tribe of Montana
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Death Valley Timbi-Sha Shoshone Band of California
- Delaware Nation, Oklahoma
- Dry Creek Rancheria of Pomo Indians of California
- Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
- Eastern Band of Cherokee Indians of North Carolina
- Eastern Shawnee Tribe of Oklahoma
- Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
- Elk Valley Rancheria, California
- Ely Shoshone Tribe of Nevada
- Enterprise Rancheria of Maidu Indians of California
- Ewiiapaayp Band of Kumeyaay Indians, California (formerly the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation)
- Federated Indians of Graton Rancheria, California (formerly the Graton Rancheria)
- Flandreau Santee Sioux Tribe of South Dakota
- Forest County Potawatomi Community, Wisconsin
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
- Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
- Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
- Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
- Fort McDowell Yavapai Nation, Arizona
- Fort Mojave Indian Tribe of Arizona, California & Nevada
- Fort Sill Apache Tribe of Oklahoma
- Gila River Indian Community of the Gila River Indian Reservation, Arizona
- Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
- Greenville Rancheria of Maidu Indians of California
- Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
- Guidiville Rancheria of California
- Habematolel Pomo of Upper Lake, California (formerly the Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California)
- Hannahville Indian Community, Michigan
- Havasupai Tribe of the Havasupai Reservation, Arizona
- Ho-Chunk Nation of Wisconsin
- Hoh Indian Tribe of the Hoh Indian Reservation, Washington
- Hoopa Valley Tribe, California
- Hopi Tribe of Arizona
- Hopland Band of Pomo Indians of the Hopland Rancheria, California
- Houlton Band of Maliseet Indians of Maine
- Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
- Huron Potawatomi, Inc., Michigan
- Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
- Ione Band of Miwok Indians of California
- Iowa Tribe of Kansas and Nebraska
- Iowa Tribe of Oklahoma
- Jackson Rancheria of Me-Wuk Indians of California
- Jamestown S'Klallam Tribe of Washington
- Jamul Indian Village of California
- Jena Band of Choctaw Indians, Louisiana
- Jicarilla Apache Nation, New Mexico
- Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
- Kalispel Indian Community of the Kalispel Reservation, Washington
- Karuk Tribe of California
- Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
- Kaw Nation, Oklahoma
- Keweenaw Bay Indian Community, Michigan
- Kialegee Tribal Town, Oklahoma
- Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
- Kickapoo Tribe of Oklahoma
- Kickapoo Traditional Tribe of Texas
- Kiowa Indian Tribe of Oklahoma
- Klamath Tribes, Oregon (formerly the Klamath Indian Tribe of Oregon)
- Kootenai Tribe of Idaho
- La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California
- La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
- Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
- Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
- Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan
- Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
- Little River Band of Ottawa Indians, Michigan
- Little Traverse Bay Bands of Odawa Indians, Michigan
- Lower Lake Rancheria, California
- Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes Reservation, California (formerly the Los Coyotes Band of Cahuilla Mission Indians of the Los Coyotes Reservation)
- Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
- Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
- Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington
- Lower Sioux Indian Community in the State of Minnesota
- Lummi Tribe of the Lummi Reservation, Washington
- Lytton Rancheria of California
- Makah Indian Tribe of the Makah Indian Reservation, Washington
- Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California
- Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
- Mashantucket Pequot Tribe of Connecticut
- Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
- Mechoopda Indian Tribe of Chico Rancheria, California
- Menominee Indian Tribe of Wisconsin
- Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
- Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
- Miami Tribe of Oklahoma
- Miccosukee Tribe of Indians of Florida
- Middletown Rancheria of Pomo Indians of California
- Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
- Mississippi Band of Choctaw Indians, Mississippi
- Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
- Modoc Tribe of Oklahoma
- Mohegan Indian Tribe of Connecticut
- Mooretown Rancheria of Maidu Indians of California
- Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California

- Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington
- Muscogee (Creek) Nation, Oklahoma
- Narragansett Indian Tribe of Rhode Island
- Navajo Nation, Arizona, New Mexico & Utah
- Nez Perce Tribe of Idaho
- Nisqually Indian Tribe of the Nisqually Reservation, Washington
- Nooksack Indian Tribe of Washington
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
- Northfork Rancheria of Mono Indians of California
- Northwestern Band of Shoshoni Nation of Utah (Washakie)
- Ogala Sioux Tribe of the Pine Ridge Reservation, South Dakota
- Omaha Tribe of Nebraska
- Oneida Nation of New York
- Oneida Tribe of Indians of Wisconsin
- Onondaga Nation of New York
- Osage Tribe, Oklahoma
- Ottawa Tribe of Oklahoma
- Otoe-Missouria Tribe of Indians, Oklahoma
- Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)
- Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California
- Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
- Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California
- Pala Band of Luiseno Mission Indians of the Pala Reservation, California
- Pascua Yaqui Tribe of Arizona
- Paskenta Band of Nomlaki Indians of California
- Passamaquoddy Tribe of Maine
- Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
- Pawnee Nation of Oklahoma
- Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
- Penobscot Tribe of Maine
- Peoria Tribe of Indians of Oklahoma
- Picayune Rancheria of Chukchansi Indians of California
- Pinoleville Rancheria of Pomo Indians of California
- Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias)
- Poarch Band of Creek Indians of Alabama
- Pokagon Band of Potawatomi Indians, Michigan and Indiana
- Ponca Tribe of Indians of Oklahoma
- Ponca Tribe of Nebraska
- Port Gamble Indian Community of the Port Gamble Reservation, Washington
- Potter Valley Tribe, California (formerly the Potter Valley Rancheria of Pomo Indians of California)
- Prairie Band of Potawatomi Nation, Kansas
- Prairie Island Indian Community in the State of Minnesota
- Pueblo of Acoma, New Mexico
- Pueblo of Cochiti, New Mexico
- Pueblo of Jemez, New Mexico
- Pueblo of Isleta, New Mexico
- Pueblo of Laguna, New Mexico
- Pueblo of Nambe, New Mexico
- Pueblo of Picuris, New Mexico
- Pueblo of Pojoaque, New Mexico
- Pueblo of San Felipe, New Mexico
- Pueblo of San Juan, New Mexico
- Pueblo of San Ildefonso, New Mexico
- Pueblo of Sandia, New Mexico
- Pueblo of Santa Ana, New Mexico
- Pueblo of Santa Clara, New Mexico
- Pueblo of Santo Domingo, New Mexico
- Pueblo of Taos, New Mexico
- Pueblo of Tesuque, New Mexico
- Pueblo of Zia, New Mexico
- Puyallup Tribe of the Puyallup Reservation, Washington
- Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
- Quapaw Tribe of Indians, Oklahoma
- Quartz Valley Indian Community of the Quartz Valley Reservation of California
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
- Quileute Tribe of the Quileute Reservation, Washington
- Quinault Tribe of the Quinault Reservation, Washington
- Ramona Band or Village of Cahuilla Mission Indians of California
- Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
- Red Lake Band of Chippewa Indians, Minnesota
- Redding Rancheria, California
- Redwood Valley Rancheria of Pomo Indians of California
- Reno-Sparks Indian Colony, Nevada
- Resighini Rancheria, California
- Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
- Robinson Rancheria of Pomo Indians of California
- Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
- Round Valley Indian Tribes of the Round Valley Reservation, California
- Rumsey Indian Rancheria of Wintun Indians of California
- Sac & Fox Tribe of the Mississippi in Iowa
- Sac & Fox Nation of Missouri in Kansas and Nebraska
- Sac & Fox Nation, Oklahoma
- Saginaw Chippewa Indian Tribe of Michigan
- St. Croix Chippewa Indians of Wisconsin
- St. Regis Band of Mohawk Indians of New York
- Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
- Samish Indian Tribe, Washington
- San Carlos Apache Tribe of the San Carlos Reservation, Arizona
- San Juan Southern Paiute Tribe of Arizona
- San Manual Band of Serrano Mission Indians of the San Manual Reservation, California
- San Pasqual Band of Diegueno Mission Indians of California
- Santa Rosa Indian Community of the Santa Rosa Rancheria, California
- Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation, California
- Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
- Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California
- Santee Sioux Nation, Nebraska (formerly the Santee Sioux Tribe of the Santee Reservation of Nebraska)
- Sauk-Suiattle Indian Tribe of Washington
- Sault Ste. Marie Tribe of Chippewa Indians of Michigan
- Scotts Valley Band of Pomo Indians of California
- Seminole Nation of Oklahoma
- Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations
- Seneca Nation of New York
- Seneca-Cayuga Tribe of Oklahoma
- Shakopee Mdewakanton Sioux Community of Minnesota
- Shawnee Tribe, Oklahoma
- Sherwood Valley Rancheria of Pomo Indians of California
- Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
- Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington
- Shoshone Tribe of the Wind River Reservation, Wyoming
- Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
- Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
- Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota (formerly the Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation)
- Skokomish Indian Tribe of the Skokomish Reservation, Washington
- Skull Valley Band of Goshute Indians of Utah



Cher-Ae Heights Indian Community of the Trinidad Rancheria



August 14, 2013

Sonke Mastrup
Executive Director
CA Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Director Mastrup:

On behalf of the Cher-Ae Heights Indian Community of the Trinidad Rancheria, please accept this letter to clarify an error made in the August 9, 2013 Trinidad Rancheria letter to you requesting formal Government to Government Consultation with the CA Fish and Game Commission. I inadvertently noted Trinidad Rancheria CEO Jacque Hostler-Carmesin as the point of contact for the Trinidad Rancheria in regards to this consultation request. As Mrs. Hostler-Carmesin was recently appointed to serve on the CA Fish and Game Commission, she has requested recusal from any interactions between the Tribe and the Commission in order to avoid any potential conflict of interest due to her due positions.

Please contact Trinidad Rancheria Executive Manager Amy Atkins at (707) 677-0211 ext. 2702 or Tribal Historic Preservation Officer Rachel Sundberg at (707) 677-0211 ext. 2726 to plan and coordinate meeting dates and times for a Government to Government Consultation of Reading Rock as originally requested in the August 9, 2013 letter.

Sincerely,

Garth Sundberg
Tribal Chairman
Trinidad Rancheria



Cher-Ae Heights Indian Community of the Trinidad Rancheria



August 9, 2013

Sonke Mastrup
Executive Director
CA Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

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Director Mastrup:

The Cher-Ae Heights Indian Community of the Trinidad Rancheria ("Trinidad Rancheria" or "Tribe") is a Federally Recognized Sovereign Tribal Nation located on the Northern California Coast. The Tribe's culture is inextricably intertwined with marine resources and those marine resources continue to play a vital role in the Tribe's beliefs, ceremonies, traditional arts, diet, substance activities, and stewardship of these resources is an important the role of the tribal government. For thousands of years, the Trinidad Rancheria and other tribes have been the stewards of the North Coast and have regulated the use of the marine resources located within this area. The traditional tribal uses, which continue today, reflect the Tribe's stewardship and the Tribe's regulation of its traditional practices. The manner and timing of these uses, and the tribes' regulation of them, are an integral part of the cultural system and beliefs of the North Coast tribes.

On April 10, 2012, the Trinidad Rancheria submitted the attached documents to Fish and Game Commission President Richards regarding Reading Rock and the Tribe's request that Reading Rock be designated as a State Marine Conservation Area, (SMCA), rather than a State Marine Reserve. The Tribe made this formal request to secure the Trinidad Rancheria's need to maintain access to the location for cultural, religious and ceremonial subsistence gather purposes as we have since time immemorial.

Upon receipt of the *Notice to Tribes and Tribal Communities regarding the New and Revised Marine Protected Areas in Effect in Northern California, Effective December 19, 2012* the Tribe became aware that Reading Rock was designated as a State Marine Conservation Area, (SMCA), but that the exceptions for Take of All Living Marine Resources list the Yurok Tribe as the only Federally Recognized tribe exempt from regulations within the SMCA.

As a Federally Recognized Tribe and Sovereign Nation we share a unique political and legal relationship with the Federal, State and local governments. A key aspect to this relationship is the establishment and continuance of meaningful Government to Government Consultation between Tribes and various Federal, State and local governments. On behalf of the Trinidad Rancheria, I would like to request Government to Government Consultation with the CA Fish and Game Commission regarding the SMCA designation of Reading Rock and the fact that the Cher-Ae Heights Indian Community of the Trinidad Rancheria was not listed as a Federally Recognized tribe exempt from regulations within this SMCA.

Please contact Trinidad Rancheria Chief Executive Officer Jacque Hostler-Carmesin at (707) 677-0211 ext. 2736 to plan and coordinate meeting dates and times for a Government to Government Consultation.

Sincerely,



Garth Sundberg
Tribal Chairman
Trinidad Rancheria



Cher-Ae Heights Indian Community of the Trinidad Rancheria



April 10, 2012

President Daniel Richards
California Fish and Game Commission
POB 944209
Sacramento, CA. 94244-2090

Re: Formal Comments to the Marine Life Protection Act, Draft EIR

President Richmond and Commissioners:

Please accept this letter as Cher-Ae Heights Indian Community of the Trinidad Rancheria's (Trinidad Rancheria) formal request to adopt North Coast Study Region Draft Regulations Sub-Option (B) to re-designate Reading Rock as a State Marine Conservation Area, (SMCA), rather than the current preferred alternative as a State Marine Reserve.

The Reading Rock SMCA designation sub-option before you now, reflects the Trinidad Rancheria's need to maintain access to the location for cultural, religious and ceremonial subsistence gather purposes as we have since time immemorial.

The Declaration of Rose Joy Crutchfield Sundberg, an enrolled member and one of the Original Assignees of the Cher-Ae Heights Indian Community of the Trinidad Rancheria, is attached and gives a detailed history of the villages she descended from and the creation story of Reading Rock.

Additionally, Trinidad Rancheria Resolution TC-12-05 declares the area of Sek-kwo-nar (Reading Rock) as a traditional cultural property within a Yurok cultural landscape eligible for inclusion on the National Register of Historic Places.

A SMCA designation at Reading Rock would align the Marine Life Protection Act regulations with the 2006 MOU between the Bureau of Land Management and the Trinidad Rancheria, which states that the Trinidad Rancheria will serve as a steward of the portion of the California Coastal National Monument (CCNM), in the vicinity of the Trinidad Rancheria, in Humboldt County, a portion of the ancestral territory of the Trinidad Rancheria.

We also support the Yurok Tribe's request for a "no change" for the specific location of False Klamath Rock Special Closure. This Special Closure was included at the last minute in the October 26th, 2010, Blue Ribbon Task Force meeting and was not part of earlier consultation or discussions.



www.trinidadrancheria.com

1 Cher-Ae Lane • PO Box 630 • Trinidad, California • 95570 • 707.677.0211 • 707.677.3921 (fax)

Trinidad Rancheria requests that our Nation be deleted from the Tribes listed in the Pyramid Point and Point St. George Marine Protected areas within the ancestral territory of the Smith River Rancheria. The Rancheria further commits to continue through consultation to move forward in the Marine Life Protection Act process and formally requests the development of a Memorandum of Understanding to addressing monitoring and enforcement. We do not agree with the recommendation from the Department of Fish and Game to enforce tribal gathering and subsistence through fishing licenses. We formally request this be included in the MOU and enforced through Tribal Ordinances and Tribal monitoring cooperatively with the Fish and Game Law enforcement.

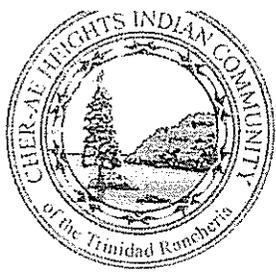
The Trinidad Rancheria makes a full reservation of rights and specifically asserts the right to regulate all Native Americans within the boundaries of the Trinidad Rancheria.

Sincerely,



Garth Sundberg
Tribal Chairman
Trinidad Rancheria

Attachments: Declaration of Rose Joy Crutchfield Sundberg
Trinidad Rancheria Resolution TC-12-05
Bureau of Land Management MOU with Trinidad Rancheria



Cher-Ae Heights Indian Community of the Trinidad Rancheria

DECLARATION OF ROSE JOY CRUTCHFIELD SUNDBERG

I, Rose Joy Crutchfield Sundberg, Declare:

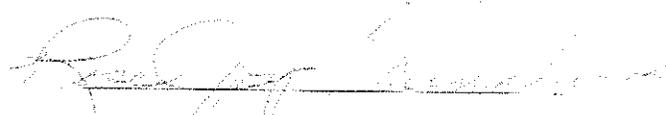
1. My name is Rose Joy Crutchfield Sundberg.
2. I was born at Yo-teyr he-wan (above the village of Yo-teyr, also known as Donnelly Prairie) on the Klamath River, California.
3. I was raised there at Yo-teyr he-wan for the first three years of my life until my family moved to Blue Lake, California. However I still maintain ties and have a home above the village of Yah-ter to the present day.
4. I was raised by my parents Edward Crutchfield and Lila Shaffer Natt.
5. I descend from the coastal Yurok villages of Chue-rey (Tsurai) through my grandmother Mary Shaffer Natt; Peen-pey (at Big Lagoon) through my great grandmother Annie Turner; Cho-kwee through my grandmother Susan Donnelly Crutchfield; as well as the Yurok villages of Hop-ew through my great grandmother Mary Donnelly; Koo-tep through my grandfather Robert Natt; and Tue-rep through grandma Crutchfield's father.
6. My birth date is March 25, 1932.
7. I am an enrolled member of the Cher-Ae Heights Indian Community of the Trinidad Rancheria and have lived in on the coast in Trinidad, California for 56 years.
8. I have knowledge of the spiritual and cultural significance of Reading Rock as told to me by my relatives.
9. My uncle Frank Douglas told me the origin story of Reading Rock and it is as follows:

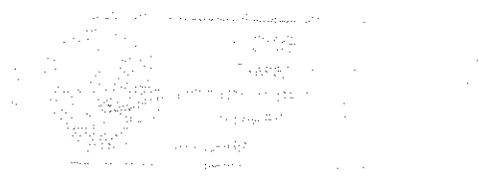
There was a woman from Stone Lagoon (Chah-pek-w) that was bought by a man up at Red Mountain. They were married and had a baby. He was very cruel to her. When the baby was still in its basket, she planned to leave him. She started hiding food in the baby's basket to ready for their escape. He continued to be cruel to her and she became desperate to leave. And so one night she was cooking sturgeon for him, for his dinner. She cooked it with the skin on in the coals, as they did at her home at Chah-pek-w. Her husband got very angry with her because he didn't like the way she cooked it, so he beat her. She decided to leave that night. She had to very quietly sneak out of the village with the baby. When she got to the ocean she found a canoe. I can't remember how she got it but she did. She started

31 paddling south to her home. Her husband was standing up on Red Mountain and
32 he saw her. He was so angry that she left him, he picked up her pestle and threw
33 at it her, hitting the back side of her boat, which broke off. That pestle is still there
34 where it landed. It is called Sek-kwo-nar, Reading Rock. That is also why the
35 ends of the canoes boats are sheared off like that. When she landed at her home, at
36 the village of Chah-pek w her family was very happy to see her.

37 10. I know that Sek-kwo-nar, was also a place where people would go fishing for seals and
38 fish and gather.

39
40 Dated: August 10, 1919


41 Rose Joy Crutchfield Sundberg



APR 16, 2012
Vickie L. Keene
Vickie L. Keene
1-28-2011



Cher-Ae Heights Indian Community of the Trinidad Rancheria



CHER-AE HEIGHTS INDIAN COMMUNITY OF THE TRINIDAD RANCHERIA RESOLUTION OF THE TRIBAL COUNCIL

RESOLUTION NO.: TC-12-05

SUBJECT: Trinidad Rancheria Cultural Landscape and Traditional Cultural Property Designation for Sek-kwo-nar (Reading Rock).

WHEREAS: The Cher-Ae Heights Indian Community of the Trinidad Rancheria (hereinafter the "Tribe") is a federally recognized Indian Tribe eligible for all rights and privileges afforded to recognized Tribes; and

WHEREAS: The Cher-Ae Heights Indian Community Tribal Council (hereinafter "Tribal Council") is the governing body of the Tribe under the authority of the Tribe's Constitution; and

WHEREAS: The Tribe, as a sovereign Indian Nation, has a Tribal Historic Preservation Officer (THPO) who has assumed the responsibilities of the State Historic Preservation Officer (SHPO) for National Historic Preservation Act (NHPA), Section 106 and 110 duties; and

WHEREAS: The Tribe operates a cultural resource program which works directly with Yurok elders in documenting cultural resources and traditional cultural properties and said elders have determined that the place known as Sek-kwo-nar (Reading Rock) is presently and has always been a place of immeasurable religious, and spiritual significance for Yurok people; and

WHEREAS: The Tribe declares that Sek-kwo-nar (Reading Rock) must be protected and managed in a traditional manner as a traditional cultural property within the Yurok cultural landscape and it must be accessed by Yurok people for cultural and spiritual purposes forever;

NOW THEREFORE BE IT RESOLVED: That the Trinidad Rancheria Tribal Council hereby declares the area of Sek-kwo-nar (Reading Rock) as a traditional cultural property within a Yurok cultural landscape eligible for inclusion on the National Register of Historic Places; and

BE IT FURTHER RESOLVED: The Tribal Vice Chairperson is hereby authorized to sign this resolution and to negotiate all matters pertaining hereto and that the Recording Secretary is authorized to attest.

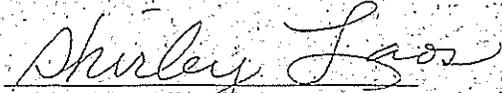


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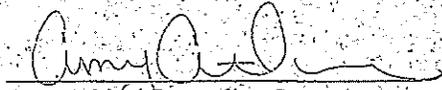
CERTIFICATION

This is to certify that Resolution TC-12-05 was approved through the standard Trinidad Rancheria Tribal Council Polling Procedure, through which a quorum was established, and that this Resolution was adopted by a vote of 4 in favor, 0 opposed, and 0 abstaining.

Dated this 16th day of April 2012,


Shirley Laos, Vice Chairperson

ATTEST:


Amy Atkins, Recording Secretary

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CHER-AE HEIGHTS INDIAN COMMUNITY
OF THE TRINIDAD RANCHERIA
AND THE
BUREAU OF LAND MANAGEMENT
REGARDING THE
CALIFORNIA COASTAL NATIONAL MONUMENT**

I. PARTIES AND PURPOSE

This Memorandum of Understanding (MOU) is entered into by and between the Cher-Ae Heights Indian Community of the Trinidad Rancheria (hereinafter referred to as the "Trinidad Rancheria") and the United States Department of the Interior's **Bureau of Land Management** (hereinafter referred to as the "BLM") to establish an agreement whereby the Trinidad Rancheria will serve as a steward for a portion of the California Coastal National Monument (CCNM) in the vicinity of the Trinidad Rancheria in Humboldt County, California.

II. INTRODUCTION

- A. **BLM & the California Coastal National Monument.** By Presidential Proclamation on January 11, 2000, all unappropriated or unreserved lands and interest in lands owned or controlled by the United States in the form of islands, rocks, and pinnacles above mean high tide within 12 nautical miles of the shoreline of the State of California were designated as the CCNM. The CCNM was nationally recognized in the Presidential Proclamation as a biological and geological treasure, rich in biodiversity, and providing essential habitat for many species of scientific interest. The CCNM designation mandates the protection of historic and scientific objects, particularly wildlife species which normally inhabit the CCNM area, and limits management discretion that the Federal managers otherwise have. The Secretary of the Interior manages the CCNM through the BLM and under the BLM's existing authorities, subject to the overriding purpose of protecting the resources described in the Presidential Proclamation. The BLM is directed by Congress to administer the public lands so that all various land and resource uses and values are managed in combinations that will best meet the needs of the American people.
- B. **Core-Managing Partners.** BLM, the California Department of Fish and Game (CDFG), and the California Department of Parks and Recreation (CDPR) serve as the "Core-Managing Partners" of the CCNM. Through an interim MOU signed in the spring of 2000, BLM extended its partnership with CDFG and added CDPR, the State agency that administers 25% of the California coast. Collectively, BLM, CDFG, and CDPR are responsible for the management of the CCNM.

- C. **Stewardship.** With a national monument as extensive and connected to so many varied jurisdictions as the CCNM, the opportunities for partnerships are not only enormous, but also necessary. The BLM is committed to continuing existing partnerships and establishing new ones in order to effectively administer the CCNM. Consistent with appropriate authorities, stewardship agreements will be developed with select entities with management interests along the coast. "CCNM Stewards" will work in partnership with BLM to help in the management of a specific portion of the CCNM (See Attachment A, CCNM Stewardship Program Fact Sheet).
- D. **Trinidad Rancheria.** As a Federally recognized tribe, the Trinidad Rancheria is interested in serving as a "CCNM Steward" for the management of the portion of the CCNM adjacent to the Trinidad Rancheria (See Attachment B, Map of Trinidad Rancheria Stewardship Area of the CCNM).

III. AUTHORITIES

- A. **BLM Authority.** The Federal Land Policy and Management Act of 1976, Section 307(b) provides that the Secretary of the Interior may undertake programs of resource management through cooperative agreements.
- B. **Trinidad Rancheria Authority.** Trinidad Rancheria, as a federally recognized tribe, has established a Business Committee to conduct business on behalf of the Community Council. Approval by the Business Committee and the signing of this MOU by the Tribal Chair constitutes authority to enter into this agreement.

IV. PRINCIPLES OF STEWARDSHIP AGREEMENT

A. The Trinidad Rancheria Agrees To:

1. Serve as a CCNM Steward and work closely with the Core-Managing Partners of CCNM and other CCNM partners, as appropriate, to assist with the protection and administration of the portion of the CCNM and its various resources and resource values within the Trinidad Rancheria Stewardship Area (hereinafter referred to as the "Stewardship Area").
2. Designate a contact person to serve as the Trinidad Rancheria liaison with the CCNM.
3. Cooperate with the BLM on the protection, monitoring, and research needs for the CCNM in the Stewardship Area consistent with the Trinidad Rancheria's Environmental Program and associated annual work plans.
4. Work with the BLM to develop interpretive and environmental education opportunities associated with CCNM's cultural and ecological resources. This could include the placement of interpretive displays on Trinidad Rancheria property where agreed upon by both parties.
5. Alert BLM to known and potential problems related to activities on the CCNM within the Stewardship Area.

6. Implement Trinidad Rancheria activities to avoid or minimize impacts to the CCNM as practicable.
7. Report to BLM on a quarterly basis, or more frequent, on any activity or action related to the CCNM.

B. The BLM Agrees To:

1. Respect any existing Trinidad Rancheria rights to the use of or access to the CCNM and surrounding coastal waters.
2. Provide the Trinidad Rancheria with a local contact for items and actions related to the CCNM and provide guidance regarding the role of a CCNM Steward (See CCNM Stewardship Program Fact Sheet, Attachment A).
3. Keep the Trinidad Rancheria informed and updated on matters related to the CCNM.
4. Identify potential funding opportunities for the Trinidad Rancheria that might relate to the various aspects of the implementation of this MOU.

B. The Trinidad Rancheria and the BLM Mutually Agree To:

1. Seek opportunities to coordinate, share, and/or combine resources and data to carry out protection, monitoring, research, and/or public education initiatives associated with unique coastal habitats and resource values associated with this Stewardship Area of the CCNM.
2. Work together to ensure consistency and coordination in the protection and management of the CCNM.

V. OTHER PROVISIONS

A. Limits of Authority and Funding

1. Nothing in this MOU shall be construed as limiting or affecting in any way the authority or legal responsibility of the Parties.
2. Nothing in this MOU binds the Parties to perform beyond their respective authorities.
3. Nothing in this MOU requires the Parties to assume or expend any funds in excess of available appropriations.
4. The mission requirements, funding, personnel, and other priorities of either Party may affect that Party's ability to fully implement all the provisions identified in this MOU.
5. This MOU is neither a fiscal nor a funds obligation document. Specific activities that involve the transfer of money, services, or property between the Parties shall require execution of separate agreement or contract.

Attachment A

CALIFORNIA COASTAL NATIONAL MONUMENT STEWARDSHIP PROGRAM FACT SHEET

PURPOSE:

To establish a series of California Coastal National Monument (CCNM) "Stewards" to work with the U.S. Department of the Interior's Bureau of Land Management (BLM), California Department of Fish and Game (CDFG), California Department of Parks and Recreation (CDPR), and other CCNM partners for long-term protection and management of CCNM and its various resources and resource values.

GOALS & OBJECTIVES:

- Increase protection and monitoring of the CCNM.
- Involve adjacent landowners and/or resource managers of properties with various coastal and marine protection programs, initiatives, and/or interests associated with portions of the CCNM in the integrated, long-term management of the CCNM.
- Increase the knowledge and understanding of the various resources and resource values of the CCNM.
- Enhance the cooperative management of fragile ecosystems of California's coastline.

BACKGROUND & ORGANIZATION:

- CCNM was established by Presidential Proclamation of January 11, 2000, and BLM, under the Secretary of the Interior, was directed to provide long-term management.
- Through a memorandum of understanding (MOU), signed in the Summer of 2000, CDFG and CDPR were brought in as managing partners to assist BLM, who retains the ultimate legal responsibility for the CCNM, in "...preserving the [CCNM's] objects of historic and scientific interest, ...mapping and understanding resources within the Monument, [and] ...working with the public to explain the values of the Monument."
- In order to effectively deal with the wide array of partnership opportunities associated with the CCNM, three basic categories have been developed:
 - Core-Managing Partner - Each of the three "core" agencies- -BLM, CDFG, and CDPR- -responsible for collaborating in the overall management of the entire CCNM.
 - Collaborative Partner - An organization, governmental or private, that is interested in collaborating with the core-managing partners in any of a variety of programs, actions, and management elements associated with the long-term management of

the CCNM.

- o Steward - A select entity with ownership and management responsibility for a portion of the coast that adjoins part of the CCNM and that is interested in serving as the "steward" for that portion of CCNM.
- Stewards will work with BLM and other partners to help in the management of their specific portion of the CCNM, a portion that is offshore of the Steward's onshore property.

METHODS:

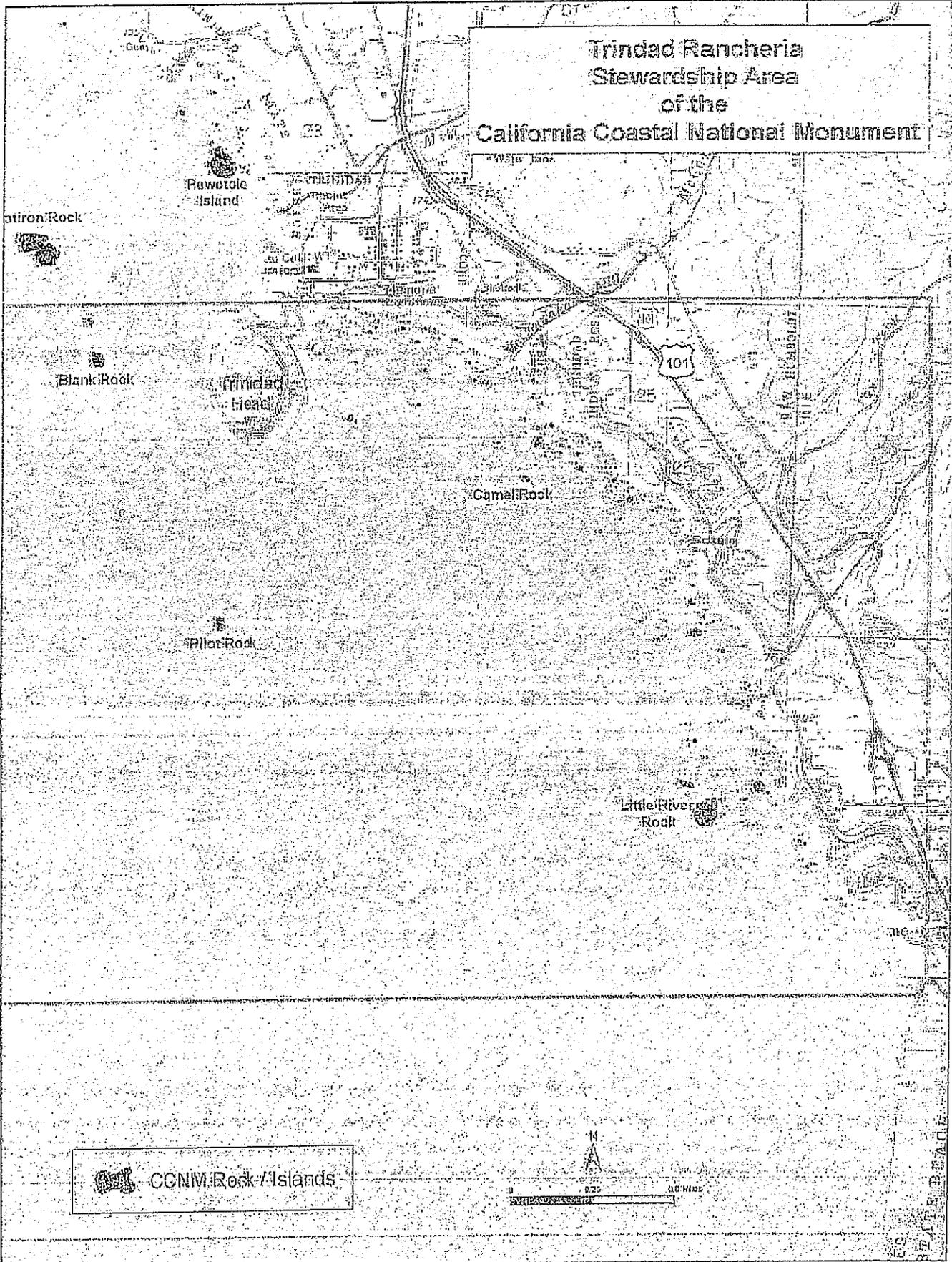
- BLM will invite other governmental, tribal, or private organizations that own coastal lands and manage programs that provide for the protection and long-term management of portions of the California coast adjacent to parts of the CCNM, to be "Stewards" for that portion of the CCNM.
- A stewardship agreement will be developed with each approved Steward and each agreement will identify the specific portion of the CCNM for which the Steward will assist in the long-term management, as well as outline the expected role and responsibilities in working with the BLM and its various CCNM partners.
- The Steward will serve as the local CCNM representative for the assigned portion of the CCNM by:
 - o Designating a contact person to serve as the CCNM liaison.
 - o Providing local contact point for items and actions related to the CCNM.
 - o Alerting BLM to known and potential problems.
 - o Identifying specific management needs, including protection, monitoring, and research.
 - o Integrating the management of its portion of the CCNM with its other resource management responsibilities.
 - o Reporting to BLM on a quarterly basis on any activity or action related to the CCNM.
- BLM will provide the Stewards with guidance and direction regarding the role of a CCNM Steward and keep the Stewards updated on the evolving protection and management needs and requirements related to the CCNM.

INTENDED OUTCOMES & BENEFITS:

- Increased monitoring and protection of the CCNM.
- Greater involvement of partners in the long-term management of the CCNM.

- Increased awareness and knowledge of the specific resources and resource values of the CCNM.
- Regular reports on the condition of the CCNM resources and on the activities in and around the CCNM.
- Identification of actions needed related to enhance the long-term management of the CCNM.
- More effective use of limited funding and capabilities.

Trinidad Rancheria Stewardship Area of the California Coastal National Monument



 CCNM Rock/Islands



6. Nothing in this MOU restricts the Parties from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals

7. BLM retains the sole decision-making authority for public lands and resources it administers.

B. Amendment of Agreement. Amendments or supplements to this MOU may be proposed by either Party and shall become effective upon written approval of both Parties.

C. Dispute Resolution. The Parties shall attempt to resolve controversies through alternative dispute resolution methods that are mutually acceptable to both Parties. Methods may include, but are not limited to fact-finding, mediation, and non-binding arbitration.

D. Termination of Agreement. Either Party may terminate its participation in this MOU at any time through written notification to the other Party at least 90 days prior to termination.

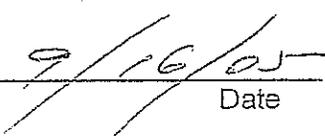
E. Effective Date of Agreement. This MOU shall become effective upon signature by both Parties. This MOU may be executed in one or more counterparts, each of which will be considered an original document.

VI. APPROVALS

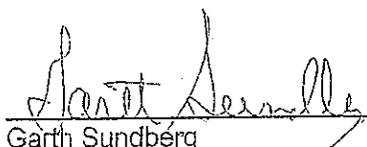
The Parties Hereto have executed this agreement as of the last date shown below.



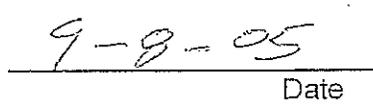
Mike Pool
State Director
Bureau of Land Management



Date



Garth Sundberg
Tribal Council Chairperson
Cher-Ae Heights Indian Community of the Trinidad Rancheria



Date

2 ATTACHMENTS:

Attachment A - CCNM Stewardship Program Fact Sheet

Attachment B - Map of Trinidad Rancheria's Stewardship Area of the CCNM

Background on Importance of California's No-Take Marine Protected Areas

Scientific evidence from around the globe has proven that no-take marine reserves support a range of ecological benefits that are not provided by marine protected areas that allow partial take.¹ A 2008 global synthesis of empirical studies comparing biomass, density, species richness, and size of organisms in no-take marine reserves to partially protected marine protected areas (MPAs) demonstrated significantly higher densities of organisms within the no-take areas. The Marine Life Protection Act specifically calls out the value of no-take areas and requires these areas to be the backbone of the state MPA network. "Marine life reserves are an essential element of an MPA system because they protect habitat and ecosystems, conserve biological diversity, provide a sanctuary for fish and other sea life, enhance recreational and educational opportunities, provide a reference point against which scientists can measure changes elsewhere in the marine environment, and may help rebuild depleted fisheries."²

During the South Coast MPA planning process, an issue arose over the ability to designate State Marine Reserves in areas that overlapped with existing permitted artificial structures (e.g. wastewater outfalls, oil infrastructure) or locations with ongoing permitted activities such as dredging, beach grooming, and habitat restoration.³ Routine maintenance and operation of these artificial structures and continued coastal activities authorized by existing permits had the potential to impact living, geological and cultural resources, creating a technical inconsistency with State Marine Reserve regulations which prohibit damage or take of all marine resources.⁴

To resolve this conflict and allow the Regional Stakeholder Group to design areas *with the highest level of protection* in places where such existing permitted activities were occurring, the Department of Fish and Wildlife developed a fourth category of MPA designation, the No-Take State Marine Conservation Area (No-Take SMCA). Identified in purple on MPA maps, **these areas prohibit any commercial or recreational take of marine resources and are intended to be functionally equivalent to State Marine Reserves.** Several of these No-Take SMCAs meet scientific guidelines for size, spacing and habitat protection and play a critical role in the scientific integrity of the MPA network; reducing their protection by allowing any level of take would compromise the effectiveness of the network and decrease expected ecological benefits.

The effectiveness of California's MPA network requires that both State Marine Reserves and No-Take SMCAs be maintained as **NO TAKE**. Consistent with the planning approach followed in the North Coast, we support adoption of appropriate tribal harvest provisions in MPAs whose regulations provide for take but not in No-Take MPAs.

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COMMISSION MEETING
AGENDA ITEM 13

Jenn Eckert

¹ Lester SE, Halpern BS (2008) Biological responses in marine no-take reserves versus partially protected areas. Mar Ecol Prog Ser 367:49-56

² California Fish and Game Code § 2851(f)

³ According to the Marine Life Protection Act (MLPA), Fish and Game Code § 2852(d), the MLPA cannot supersede otherwise lawful activities that are not within the authority of the Commission to regulate.

⁴ California Code of Regulations, Title 14, Section 632(1)(A)

There are ten No-Take SMCAs in Southern California: Campus Point No-Take SMCA, Goleta Slough No-Take SMCA, Point Vicente No-Take SMCA, Bolsa Chica Basin No-Take SMCA, Laguna Beach No-Take SMCA, Batiquitos Lagoon No-Take SMCA, San Elijo Lagoon No-Take SMCA, Famosa Slough No-Take SMCA, Blue Cavern Onshore No-Take SMCA, and Casino Point No-Take SMCA.

