

## **EPA's Response to Regional Tribal Operations Committee Action Item #5**

### **Action Item #5: Who at EPA reviews/oversees Marine Life Protection Act actions?**

**Background:** The Marine Life Protection Act (MLPA) was passed by California legislature in 1999 as a means to redesign the state's marine protected areas (MPA). Its main goals are to ensure that the designation of MPA's is based on science and coherency, and to provide a systematic approach to protecting marine biodiversity. MPA planning is split up into five regions within California.

**Organizations:** The primary organization in charge of managing the MLPA is the California Natural Resources Agency's Department of Fish and Game (CDFG). CDFG's role is to develop and manage all MPA's, and to determine the size and location of each MPA. A few other key organizations that are involved are the Resources Legacy Fund Foundation, California Department of Parks and Recreation, California State Land Commission, and the State Attorney General's Office.

### **Tribal Issues**

- 1) Tribes are concerned that overhauling MPAs may impact tribal access to coastal resources that are integral to their culture and heritage. Some tribes have attempted to obtain exemptions to bans on hunting, gathering, and fishing rights that redesigning MPA's may set in motion. To date the state of California has not granted the exemptions. The state contends that if it allows one group access to resources, they should grant access to all groups. The state is also reluctant to grant an exemption because it feels that it does not have the authority to grant aboriginal rights to fishing and hunting to tribes. Tribes are requesting the exemption from MLPA because past treaties between the federal government and tribes assert that tribes have the right to fish and hunt.
- 2) MLPA actively notified tribes of all its actions and processes, but only notified tribes within 50 miles of the coast. This excluded a number of tribes from extensive involvement with MLPA.

**USEPA's role:** The MLPA is a state statute entirely administered by the state of California. As such, USEPA does not possess any federal authority under the MLPA.

**Resolution:** EPA contacted Melissa Miller Henson, Program Manager for the MLPA to notify her of R9 tribe's concerns. She is willing to speak with tribes and recommends calling her office to discuss the issue of concern. She suggests that tribes contact Ken Wiseman, the program's executive director if she is out of the office (she and her staff travel often). Ms. Henson committed to respond to calls promptly at their first opportunity.

If you would like to learn more about MLPA's outreach program, you may contact Kelly Sayce.

To learn CDFG's official position on MPA's in relations to tribes, Becky Ota from CDFG has expressed a willingness to discuss the issue with tribal members.

For tribal members who want to learn more or become more involved in the MLPA process, there are a variety of websites and people to contact. You may also join a mailing list, access webcast meetings through the MLPA website, and provide feedback to public documents during open periods.

**Contact Info:**

Main Website	<a href="http://www.dfg.ca.gov/mlpa/">http://www.dfg.ca.gov/mlpa/</a>
Memorandum of involved parties	<a href="http://www.dfg.ca.gov/mlpa/pdfs/memo_100109.pdf">http://www.dfg.ca.gov/mlpa/pdfs/memo_100109.pdf</a>
List of MLPA Contacts	<a href="http://www.dfg.ca.gov/mlpa/contact_nc.asp">http://www.dfg.ca.gov/mlpa/contact_nc.asp</a>
<b>Melissa Miller Henson</b> , Program Manager	Melissa@resources.ca.gov/916-654-2506
<b>Ken Wiseman</b> , Executive Director	Ken.Wiseman@resources.ca.gov/916-653-5674
<b>Kelly Sayce</b> , Outreach and Education Coordinator	Kelly@strategicearth.com/707-832-4088
<b>Becky Ota</b> , Marine Habitat Conservation Program Manager	Bota@dfg.ca.gov/650-631-6789
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