

***For Meeting Agenda Item #17: "Marine Resources Committee"***

**Tribal Comments to California Fish and Game Commission  
Regarding Commercial Harvest Rules for Kelp  
*Commission Meeting of August 18, 2021***

These comments are submitted on behalf of sovereign Tribal Nations, which also are member Tribes of the InterTribal Sinkyone Wilderness Council. Tribal Nations have inhabited, loved and cared for their lands and waters since the very beginning of time. These traditional territories cover vast inland and coastal areas, as well as ocean waters. The Tribes' inherent rights and responsibilities to these places are pre-existing and pre-eminent, and have never been relinquished. Those rights and responsibilities were in place long before the State of California was established. They still exist today and they will continue to. Their existence is determined neither by persons nor by institutions, but by the laws of nature and our longstanding relationships with nature.

For countless generations, Tribal Nations have stewarded the marine environment, with which they have respectfully and diligently maintained relationship in order to nurture ecosystem balance and wellbeing. Our inter-generational reverence and care of nature has helped ensure a legacy of biological diversity and abundance that has benefitted everyone. Yet, now more than ever, this legacy is imperiled. Today we stand at a tipping point, where the future of the ocean—and the planet itself—is at risk. This tipping point is the direct consequence of society's disrespect for nature, including an insatiable appetite to endlessly extract "resources." A myth has pervaded here for over 200 years: that humans have a right to take from nature with little or no limitations.

And nature has responded. It has shown irrefutably that while it will provide for humans' needs, it will not and cannot indulge their greed. We now are experiencing phenomena never before witnessed—either in the long experience and memory of Tribal Nations, or in much more recent non-Indigenous recollections and records: massive die-offs of crucial indicator species, climate chaos, colossal fires, warming and acidifying oceans. Widespread die-off of bull kelp along the north coast is one of many ways nature is trying to tell us that it is injured. Yet this situation also brings a unique opportunity to take steps that can help make an actual difference. We believe it calls for innovative nature-based solutions, including controlling purple urchin and re-introducing sea otter.

It also means amending commercial kelp regulations, enacting temporary closures, and making some sacrifices in order to protect nature. As the Commissioners know, we have submitted a Tribal Proposal to CDFW for Amending Commercial Harvest Rules for Kelp and Sea Palm, accessible at: [www.sinkyone.org/news](http://www.sinkyone.org/news). In it, we call for a 10-year statewide closure of commercial harvest. The Department has proposed a 5-year closure for just Sonoma and Mendocino counties. At the July 21 MRC meeting, we heard suggestions to provide flexibility for re-opening within *three* years. We oppose the concept of re-opening in three years. Recovery of kelp forests requires time. We ask that sufficient time be given for widespread, robust regrowth before re-opening commercial harvest.

We make our request for a 10-year closure to the Commission based upon the Tribes' and the State's duty to protect and help heal nature for the sake of present and future generations of all life. Governor Newsom's Executive Order N-82-20 directs the Natural Resources Agency and other relevant agencies to "Collaborate with...tribal partners to incorporate tribal expertise and traditional...knowledge to better understand our biodiversity and threats it faces." In pursuing a 10-year closure, the Commission would: 1) implement Executive Order N-82-20 to collaborate with Tribes and to respect and heed Tribal expertise that is informed by thousands of years of ecosystem knowledge, understanding and practice; 2) accord recognition of Tribal traditional knowledge as being no less valid and sound than science; and 3) utilize the precautionary principle and take a crucially needed step to protect nature and thereby address the climate and biodiversity crises.

We thank you for considering our comments.