



Tracking Number: (2023-32MPA  
)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov).

## **SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages*

### **1. Person or organization requesting the change (Required)**

*Name of primary contact person:* Ashley Eagle-Gibbs, Environmental Action Committee of West Marin (EAC)

*Address:* 65 3rd St Suite 12, Point Reyes Station, CA 94956

*Telephone number:* (415) 663-9312

*Email address:* [ashley@eacmarin.org](mailto:ashley@eacmarin.org)

### **2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:** Authorities cited: Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code.

### **3. Overview (Required) - EAC requests the Commission change the status of Duxbury Reef from a State Marine Conservation Area (SMCA) to a State Marine Reserve (SMR) because of documented difficulty of interpretation and enforcement of current regulations and the resulting large incidence of take. In addition, declines have been observed in marine life abundance and biodiversity. EAC also requests the Commission extend the southern boundary further south and the northern boundary to Double Point Special Closure to increase habitat protections to fully cover the entirety of the contiguous reef habitat.**

Applying an SMR designation to the area currently known as Duxbury Reef SMCA and expanding that new SMR north and south so as to encompass the entirety of the Duxbury Reef habitat is consistent with the original goals of the Marine Life Protection Act (MLPA) including goals 1, 2, 3, and 4 related to preserving natural diversity, sustaining marine life populations, protecting marine habitats for their intrinsic value, and improving recreational and educational



opportunities while minimizing human disturbance.<sup>1</sup> It is also supported by regional partners including the Greater Farallones and Cordell Bank National Marine Sanctuaries.

4. **Rationale (Required)** - *Describe the problem and the reason for the proposed change:*

Duxbury Reef is the largest shale reef in California, and one of the largest in North America. The extensive tidepool network hosts a rich diversity and abundance of marine species, many of which are sheltered in numerous holes and crevices made possible because of the relatively soft shale that composes it. Invertebrates, algae, fish, and visiting land, shore, and seabirds thrive and feed there, and are interconnected with highly productive rocky and kelp habitats just offshore. Unfortunately, the entire habitat of Duxbury Reef is not actually within the current boundaries of the Duxbury Reef SMCA. In 2008, there was a proposal to create the Double Point SMCA which would include more of the Duxbury Reef habitat north of the current Duxbury Reef SMCA. Double Point SMCA was never created, leaving that critical habitat outside of any Marine Protected Area (MPA). Today, ongoing observations of take and current federal designations of the areas around the Duxbury Reef habitat demonstrate that protections provided by the MPLA for the entirety of the Duxbury Reef habitat must be reconsidered. In that goal, EAC would like to make three requests regarding Duxbury Reef SMCA.

Three parts of this request include:

1. **Change SMCA to SMR:** Current regulation 14 CCR § 632(b)(50)(B) allows for the recreational take of finfish from shore and abalone when allowed by the California Department of Fish and Wildlife (CDFW) (currently the abalone fishery is closed until 2026).

A) Current regulations cause confusion and result in more take than the regulations allow. In other words, the allowance of some take at Duxbury Reef is confusing to many visitors and results in a high count of take violations. People are confused about why you can take finfish and abalone, but not other invertebrates or algae. Most people also do not read the existing signs. Confusion is generated especially when visitors see people fishing from shore by hook and line or with the poke pole and bucket used to fish monkeyface eel (*Cebidichthys violaceus*) in the tidepools. In addition, Duxbury Docents<sup>2</sup> have observed fisher people collecting mussels from the reef to use as bait for fishing. According to feedback provided during the August 24, 2023 Golden Gate Collaborative meeting, damage to the reef also results when people have been observed using crowbars and tire jacks to take purple sea urchins (*Strongylocentrotus purpuratus*),<sup>3</sup> which have nestled in holes they have carved in the rock.

B) Increased visitation and violations: Marin MPA Watch data shows significantly greater visitation and potential violations relative to other monitored MPA sites in Marin County, including take and potential poaching incidents. The rate of visitation and potential poaching increased significantly since 2017. Visitation declined somewhat after the

<sup>1</sup> <https://wildlife.ca.gov/Conservation/Marine/MPAs/MLPA>

<sup>2</sup> In collaboration with Marin County Parks and Open Space, EAC runs a docent program at Duxbury Reef.

<sup>3</sup> See row 55, <https://docs.google.com/spreadsheets/d/1Eu1efUliHZ2bazdKM51K5UKzslEluHEU9k9HdR1oudo/edit#gid=0>



COVID pandemic emergency but remains elevated and potential poaching incidents remain high.

C) Loss of diversity and biomass: Professionals, local community members, and visitors have commented that they have noticed a loss in diversity and number of organisms at Duxbury Reef in the past 10 years, especially the area that is most heavily visited. Partly this is due to an increase in visitation, but the harvest of organisms is a contributor to loss that adds undue stress on a vulnerable reef community.

To protect this highly vulnerable and biologically rich intertidal community, also designated as an Area of Special Biological Significance, it is of vital importance that the designation for Duxbury Reef should change to State Marine Reserve, where all take is prohibited. This will reduce confusion, make educating visitors easier and compliance easier for visitors, and will better protect marine life. Damage to the marine populations is compounded by increasing threats due to climate change and the loss of habitat from sea level rise, which together are creating changed ocean conditions since the MPA was first designated.

2. **Expand the boundaries:** The current boundaries of Duxbury Reef SMCA defined by 14 CCR § 632(b)(50)(A) do not cover the entirety of the Duxbury Reef habitat.

A) **Expand MPA south:** Duxbury Reef habitat extends south of the MPA boundary into an intertidal area that is not currently protected by the MPA. People access this area at very low tide, or by boat. Fisher people can fish near the intertidal reef and collectors can walk back through the protected part of the reef with their buckets of collected marine life, causing an enforcement challenge. There is also a regular, daily harbor seal haul out on this southern section of the reef. It has been reported that boaters (fishers, collectors, and recreational) have been observed in this area flushing harbor seals into the water from their haul-out resting site. This southern extension area is contiguous and ecologically connected with the Duxbury Reef MPA habitat. Many rocky intertidal species move about on the reef at high tide, especially young larval stages that repopulate areas on different parts of the reef. Equal protection of the entire reef habitat is of vital importance to the ecological health of Duxbury Reef.

B) **Expand MPA north:** The reef ecosystem also extends north of the current MPA boundary and includes rocky intertidal areas and some bluff-faced sandy beach areas north to Double Point Cove. Double Point Cove is designated as an Area of Special Biological Significance and is a harbor seal haul-out and pupping site. It is also adjacent to the Stormy Stack Special Closure on the north end of the cove, which prohibits access within 300 feet around the rock island. According to individual reports, boaters, including some fishing, have been observed close to the bird colony on Stormy Stack, and flushing the harbor seals at their haul outs at the south rock and in the Double Point Cove. This area is currently unprotected by the MPA network, yet is ecologically sensitive and continuous with sensitive reef and beach habitat that is currently protected. Incorporating this northern section ensures that this unique reef habitat is fully protected in its entirety from take and disturbance to marine mammals, seabirds, intertidal, and subtidal species. In the past, there was a proposal to create an MPA



between the current Double Point Special Closure and the current Duxbury Reef SMCA. The MPA would have satisfied goals 1, 2, 3, and 5 of the MLPA. An MPA in this area would specifically protect diverse areas in close proximity to each other, protect critical habitat that species of economic value rely upon, ensure minimal human disturbance occurs in sensitive habitats, and utilize scientific guidelines in the *California MLPA Master Plan for Marine Protected Areas*.

As the largest intertidal shale reef in North America, with abundant and diverse marine life, Duxbury Reef deserves the additional attention of the Commission and increased protection against ongoing take and poaching activity. This type of rocky intertidal habitat is rare. This is especially critical in consideration of the combined impacts of dramatically increased visitation, ocean acidification, and sea level rise which will increasingly impact the biodiversity of the reef.

This proposal was discussed at the [Golden Gate MPA Collaborative meeting on August 24, 2023<sup>4</sup>](#), although a consensus was not reached. Key use concerns raised included those discussed above, as well as support from the Superintendent of the Greater Farallones and Cordell Bank National Marine Sanctuaries, which is included in Attachment 3.

## SECTION II: Optional Information

5. **Date of Petition:** 11/30/23
6. **Category of Proposed Change**
  - Sport Fishing
  - Commercial Fishing
  - Hunting
  - Other, please specify: MPA Section 632.
7. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>*)
  - Amend Title 14 Section(s): 632(b)(50).
  - Add New Title 14 Section(s):
  - Repeal Title 14 Section(s):
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition**  Not applicable.
9. **Effective date:** *If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency:* As soon as possible.
10. **Supporting documentation:** *Identify and attach to the petition any information supporting the proposal including data, reports and other documents:* Numerous letters from community members and experts including Maria Brown, Greater Farallones and Cordell Bank National Marine Sanctuaries Superintendent, have provided significant information about the need to

<sup>4</sup> See rows 54-55, <https://docs.google.com/spreadsheets/d/1Eu1efUliHZ2bazdKM5IK5UKzslIEluHEU9k9HdR1oudo/edit#gid=0>



consider additional conservation measures at Duxbury Reef. Information in these letters explains how Duxbury Reef would benefit from increased protection of the unique and important habitat of the entire reef. See the following index of attachments which includes maps, letters of support, Marin MPA Watch data, and previously submitted EAC letters. We may further supplement this petition as additional information becomes available.

- 11. **Economic or Fiscal Impacts:** *Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing:* Known impacts from the three proposed changes (designation change, extension south, and extension north) may result in fewer people able to harvest food (fish and invertebrates, commercially and recreationally) on the intertidal reef and beach, and offshore of Duxbury Reef. However, currently, the Wilderness Act prohibits recreational and commercial motorboats and all commercial enterprises within ¼ mile of the Phillip Burton Wilderness Area (16 U.S.C. sec. 1133(c); Point Reyes National Seashore, “Superintendent’s Compendium”), which includes the area offshore of the entire extent of the requested northern extension of the Duxbury MPA. Therefore, the economic impact of the northern extension may be relatively minor, as there are existing complementary regulations. The proposed MPA change to SMR and expansion north including the cove at Double Point would serve to strengthen the protections on the state level, making them consistent with federal protections. The additional layer of protection to the extension area under California state law would, as a consequence of being under the MPA umbrella, have the benefit of the information on take limitations reaching more people as it would then be available through the state’s MPA outreach publications. We believe that this would significantly enhance compliance even with current protections as enforcement resources and abilities are currently limited.

Additionally, there will be an additional cost to CDFW to update the official signage at Agate Beach Marin County Park which hosts the access trail and parking lot for Duxbury Reef, as well as costs for updated outreach publications.

- 12. **Forms:** *If applicable, list any forms to be created, amended or repealed:* N/A

**SECTION 3: FGC Staff Only**

Date received: 11/30/2023

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: \_\_\_\_\_

Meeting date for FGC consideration: \_\_\_\_\_

FGC action:

- Denied by FGC



State of California – Fish and Game Commission

**PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE**

FGC 1 (Rev 06/19) Page 6 of 6

- Denied - same as petition \_\_\_\_\_  
Tracking Number
- Granted for consideration of regulation change

Index of Attachments Submitted re. Duxbury Reef Petition by EAC, November 30, 2023

Attachment #	Date	Sender/Preparer	Description	Previously Submitted to FGC	FGC Meeting Document Link
1	11/30/23	Prepared by Environmental Action Committee of West Marin (EAC)	Maps depicting ASBS and proposed changes (4 pages)	No	N/A
2	11/30/23	Prepared by EAC	Summarized data from mpawatch.org Marin MPA Watch (3 pages)	No	N/A
3	7/5/2023	EAC including attached letters from Greater Farallones and Cordell Bank National Marine Sanctuaries and National Park Service	EAC Comments to Fish and Game Commission re. MRC Agenda Item 5: MPA DMR Petition for Modification of Duxbury Reef and Drakes Estero MPAs including attachments 1 + 2 ((1) <b>EAC April 6, 2023, comments to Fish and Game Commission including EAC March 13, 2023 letter and November 14, 2022 letter from National Park Service</b>  (2) <b>Greater Farallones and Cordell Bank National Marine Sanctuaries April 15, 2023, comments to Fish and Game Commission</b> )	Yes (Comment 7 to July MRC meeting documents, pp. 78-101 of meeting documents)	<a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline</a>
4	11/21/23	Marin County Supervisor Dennis Rodoni	Support for Environmental Action Committee (EAC) Petition to the California Fish and Game Commission for regulation change at Duxbury Reef (2 pages)	No	N/A
5	November 2023	Max Korton, Marin County Parks	Support for Environmental Action Committee's Petition for Regulation Change at Duxbury Reef (2 pages)	Unsure	N/A
6	11/25/23	Sarah G. Allen, PhD, Retired Senior Science Advisor National Park Service	Decadal Review Recommendations for the California North Central Marine Protected Areas (3 pages)	Yes	N/A - Was submitted 11/25/23
7	11/29/23	Josh Churchman	Petition for Modification of Duxbury Reef Marine Protected Area (2 pages)	Yes	N/A - Was submitted 11/29/23

Index of Attachments Submitted re. Duxbury Reef Petition by EAC, November 30, 2023

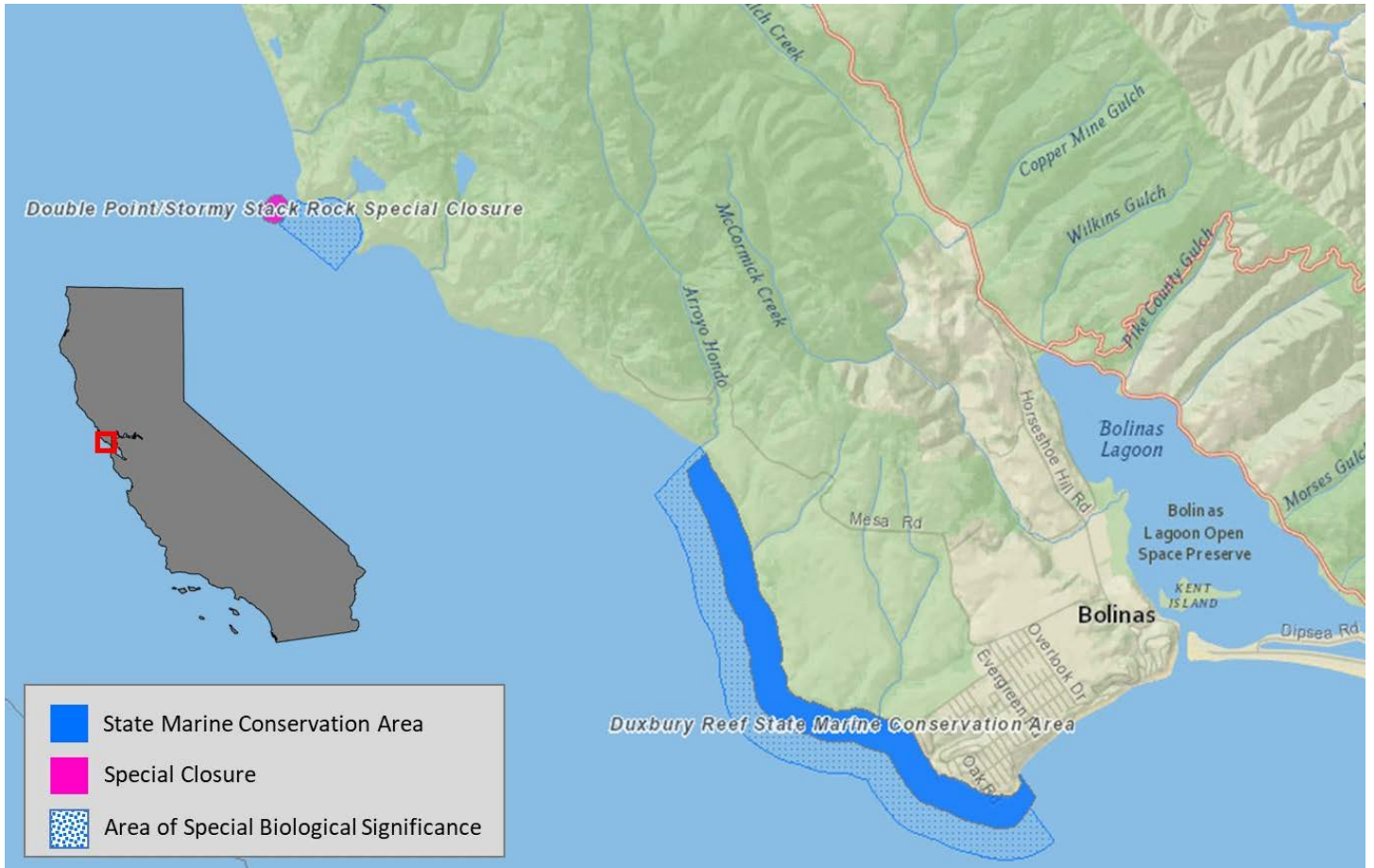
Attachment #	Date	Sender/Preparer	Description	Previously Submitted to FGC	FGC Meeting Document Link
8	11/29/23	NGOs	Support for Environmental Action Committee's Petition for Regulation Change at Duxbury Reef (2 pages)	No	N/A
9	7/3/23	Kent Khtikian	Petition for Modification of Duxbury Reef Marine Protected Area (4 pages)	Yes (Comment 1 to July MRC meeting documents, pp. 33-36 of meeting documents)	<a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline</a>
10	7/3/23	Joe Mueller, College of Marin	Petition for Modification of Duxbury Reef Marine Protected Area (3 pages)	Yes (Comment 1 to July MRC meeting documents, pp. 37-39 of meeting documents)	<a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline</a>
11	7/6/23	Lily Rosenman	Petition for Modification of Duxbury Reef Marine Protected Area (2 pages)	Yes (Comment 1 to July MRC meeting documents, pp. 40-41 of meeting documents)	<a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline</a>
12	7/5/23	Bridget Bartholome	Petition for Modification of Duxbury Reef Marine Protected Area (3 pages)	Yes (Comment 1 to July MRC meeting documents, pp. 42-44 of meeting documents)	<a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline</a>
13	7/6/23	Laura Lee Miller	Petition for Modification of Duxbury Reef Marine Protected Area (3 pages)	Yes (Comment 1 to July MRC meeting documents, pp. 45-47 of meeting documents)	<a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline</a>
14	7/1/23	150 individuals	Group letter supporting Duxbury Reef petition (30 pages)	Yes but it appears that only one page of the thirty pages was included (Comment 1 to July MRC meeting documents, p. 48 of meeting documents)	<a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&amp;inline</a>
15	7/6/23	Courtney Barend	Petition for Modification of Duxbury Reef Marine Protected Area (2 pages)	I believe this was submitted to FGC, but I do not see it in the July packet.	N/A
16	11/30/23	Jeffrey R. Boehm, The Marine Mammal Center	Petition for modification of Duxbury Reef Marine Protected Area	Yes	N/A - Submitted 11/30/23



# **ATTACHMENT 1**

## Attachment 1

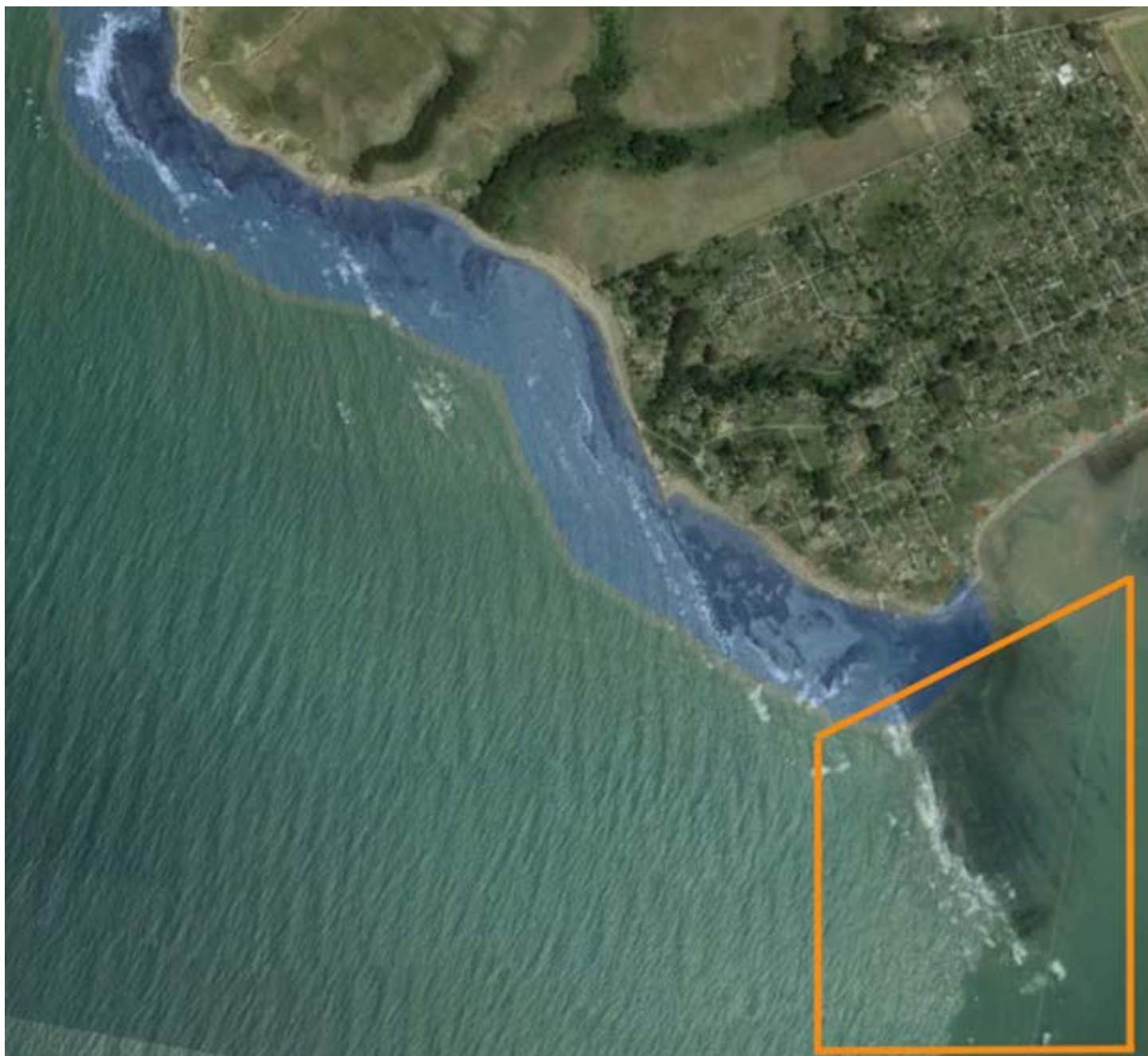
Figure 1: First Map Attached to EAC's Petition re. Duxbury Reef  
Prepared for Submission November 30, 2023.  
California Department of Fish & Wildlife Marine Region Map  
Sourced from CDFW<sup>1</sup>



*Description:* Map showing current boundaries of Duxbury Reef SMCA, Double Point Special Closure Area, and designated Areas of Special Biological Significance.

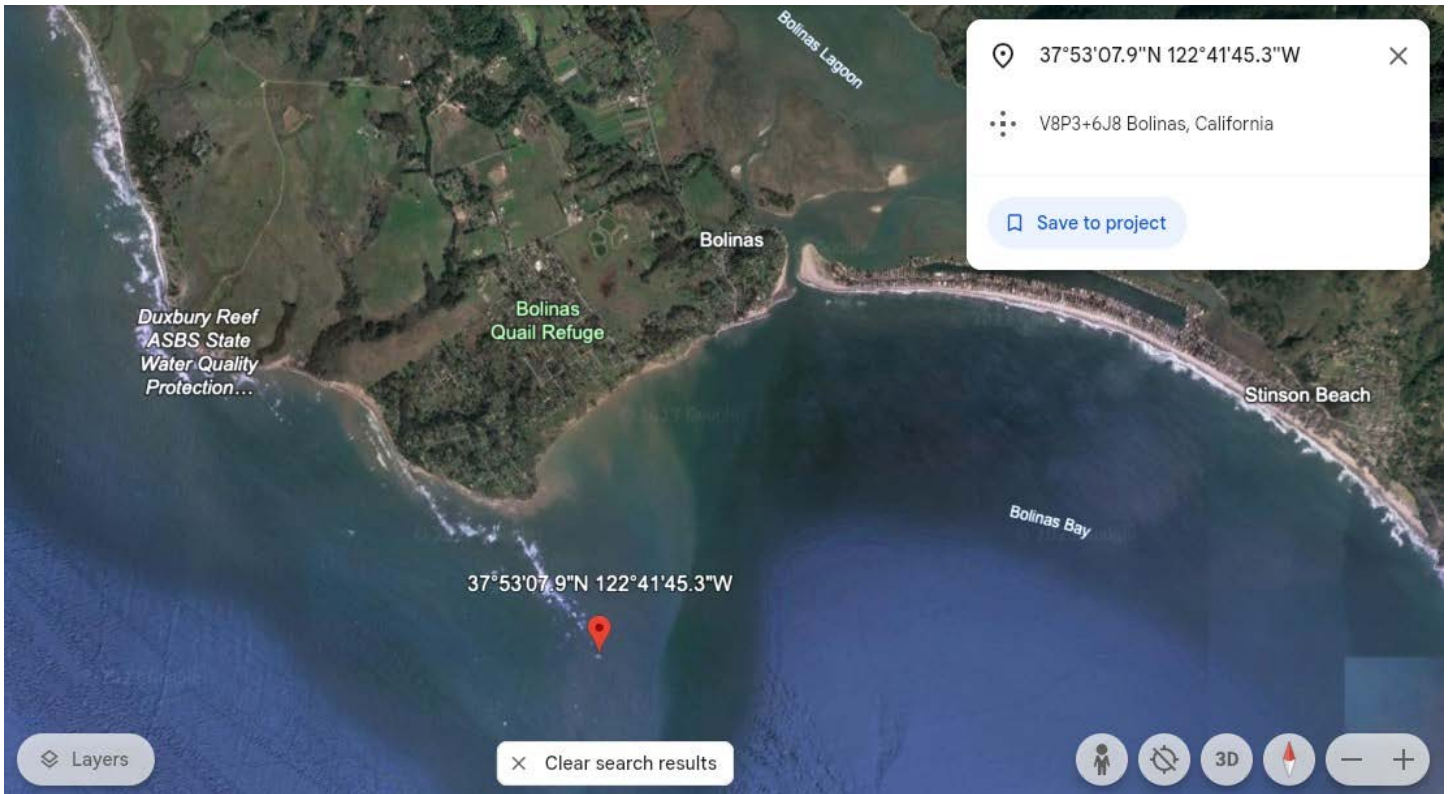
<sup>1</sup> <https://cdfwmarine.wordpress.com/tag/stormy-stack-rock/>

Figure 2: Second Map Attached to EAC's Petition re. Duxbury Reef  
Prepared for Submission November 30, 2023, also submitted in EAC's March 13, 2023 letter to FGC



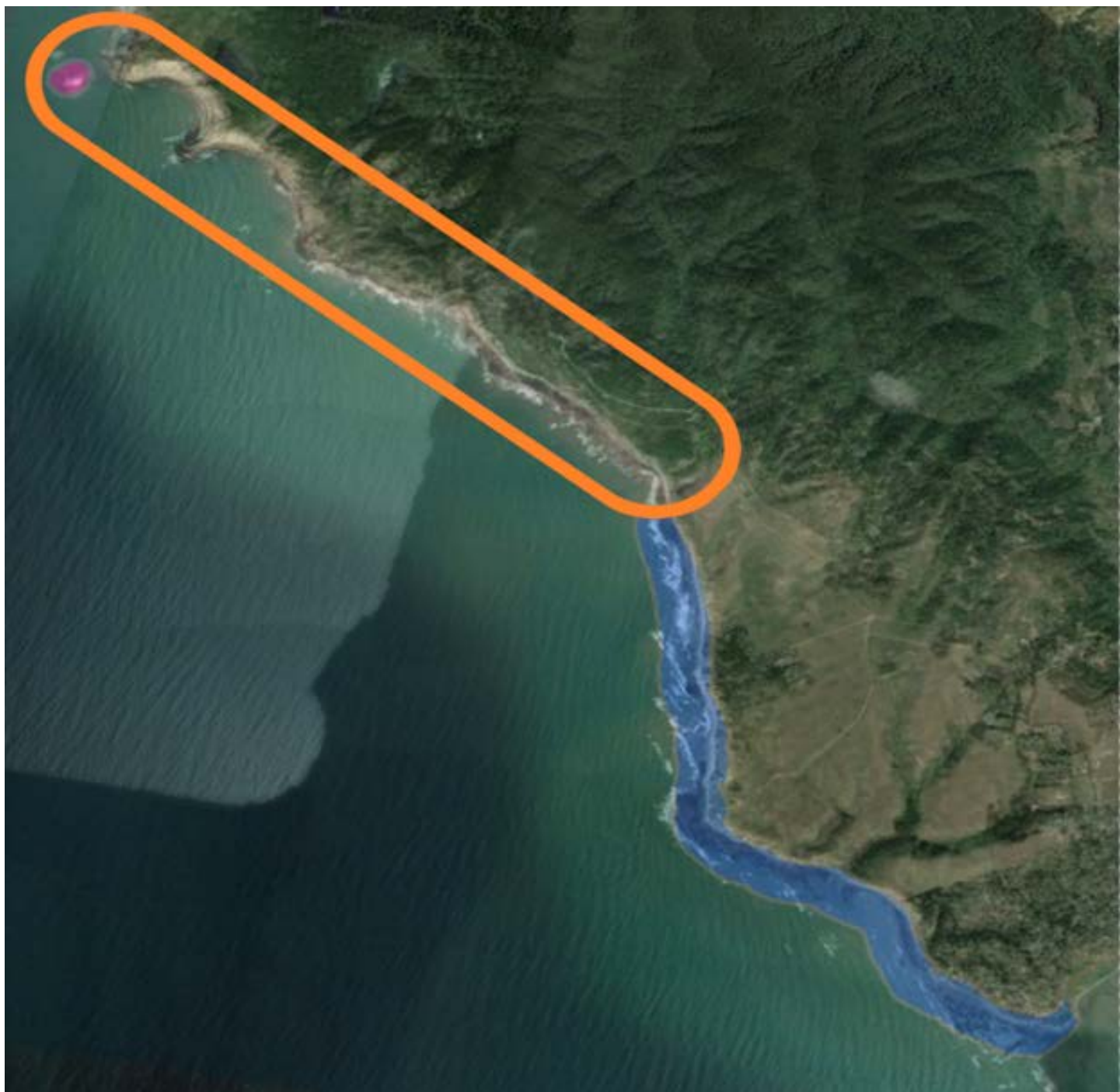
*Description:* Overlay of Duxbury Reef SMCA with an orange outline of the portion of the reef that is exposed at low tide that is not currently included in the MPA. A southern boundary extension of Duxbury Reef is needed to fully connect the ecological habitat area, protect vulnerable species, and reduce confusion for the public on what activities are allowed. The orange overlay shows the approximate location of our southern boundary extension request.

Figure 3: Third Map Attached to EAC's Petition re. Duxbury Reef  
Prepared for Submission November 30, 2023.  
Satellite map of Duxbury Reef SMCA Southern Boundary  
Sourced from Google Maps



*Description:* Coordinate of southernmost point of the intertidal Duxbury Reef habitat.

Figure 4: Fourth Map Attached to EAC's Petition re. Duxbury Reef  
Prepared for Submission November 30, 2023, also submitted in EAC's March 13, 2023 letter to FGC



*Description:* Image of Double Point Special Closure and Duxbury Reef SMCA boundary. The orange highlight indicates the area outside of the MPA network that is interconnected and includes an additional Area of Special Biological Significance (cove near Double Point closure highlighted in pink). The blue area is the current Duxbury Reef SMCA. The orange overlay shows the approximate location of our northern boundary extension request.

# **ATTACHMENT 2**

**Attachment 2**  
**Prepared for Submission November 30, 2023 with EAC's Petition**

**Data From Marin MPA Watch (mpawatch.org)**

The following tables and graphs were downloaded from the MPA Watch (mpawatch.org) data portal, which holds all the statewide data for MPA Watch surveys. The portal automatically generates tables and graphs for managers to use in their yearly reports. The tables were generated from Marin MPA Watch survey sites in Marin County, which is administered by the Environmental Action Committee of West Marin in partnership with Point Reyes National Seashore and California Academy of Sciences.

**Count of Potential Violations from Marin MPA Watch**

**2019 Compared with All Years (since 2014)**

MPA	January 1 December 31 All Years	January 1, 2019 through December 31, 2019
Estero de Limantour SMR	4	2
Point Reyes SMR	38	10
Control PRSOUTH	0	0
Duxbury Reef SMCA	1,273	40
Corte Madera Marsh SMP	18	0
<b>All MPAs Combined</b>	<b>1,333</b>	<b>52</b>

**2020 Compared with All Years (since 2014)**

MPA	January 1 December 31 All Years	January 1, 2020 through December 31, 2020
Estero de Limantour SMR	4	0
Point Reyes SMR	38	2
Control PRSOUTH	0	0
Duxbury Reef SMCA	1,273	299
Corte Madera Marsh SMP	18	0
<b>All MPAs Combined</b>	<b>1,333</b>	<b>301</b>

**2021 Compared with All Years (since 2014)**

MPA	January 1 December 31 All Years	January 1, 2021 through December 31, 2021
Estero de Limantour SMR	4	0
Point Reyes SMR	38	0
Control PRSOUTH	0	0
Duxbury Reef SMCA	1,273	126
Corte Madera Marsh SMP	18	9
<b>All MPAs Combined</b>	<b>1,333</b>	<b>135</b>

## 2022 Compared with All Years

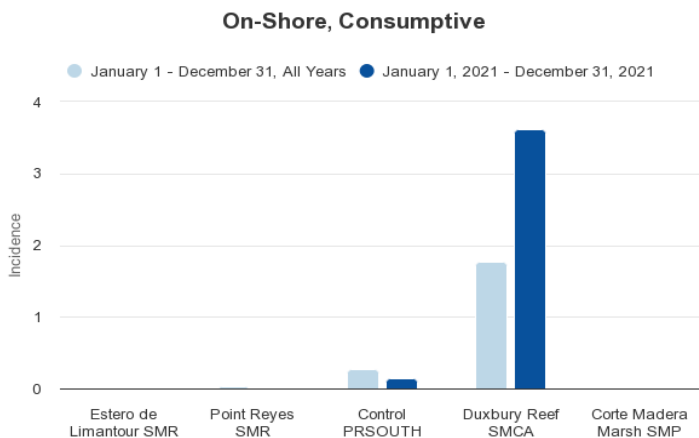
MPA	January 1 December 31 All Years	January 1, 2022 through December 31, 2022
Estero de Limantour SMR	4	0
Point Reyes SMR	38	6
Control PRSOUTH	0	0
Duxbury Reef SMCA	1,273	188
Corte Madera Marsh SMP	18	3
All MPAs Combined	1,333	197

In both 2021 and 2022, Duxbury Reef counts of potential violations (termed “potential” because violations observed by MPA Watch volunteers have not been investigated and confirmed by the California Department of Fish and Wildlife (CDFW)) are much greater than any of the other survey locations covered by Marin MPA Watch. The violations consist of hand collection of marine life for removal, but can also include picking up/collecting for temporary observations (e.g. kids with buckets). Violations also include fishing by boat within 1,000 feet offshore, however, this is much less common than hand collection. Fishing by hook and line from shore is allowed in the MPA.

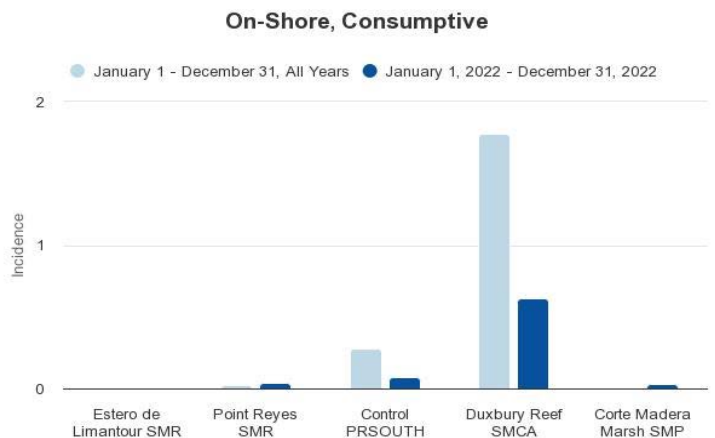
## Incidence of Consumptive Uses

Consumptive uses and visitation rate at Duxbury Reef are significantly greater than the other Marin MPA Watch survey sites. On-shore Consumptive uses include hand collection and fishing from shore with hook and line which is allowed in the SMCA. However, much more frequent at Duxbury Reef are hand collection activities, which are a violation of the regulations.

### 2021 Compared with All Years



### 2022 Compared with All Years

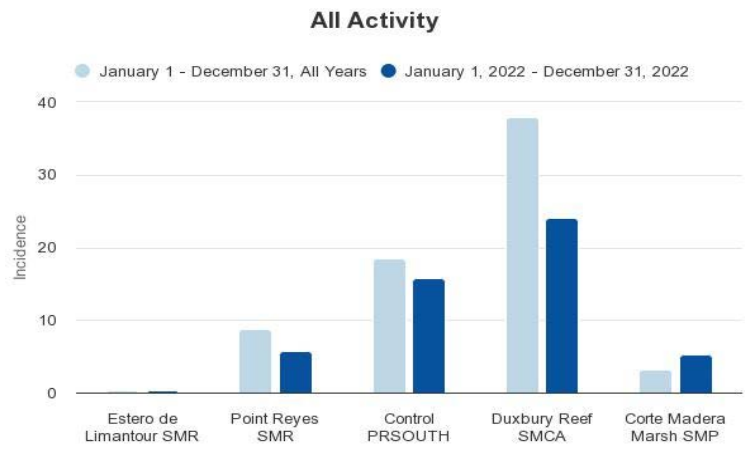
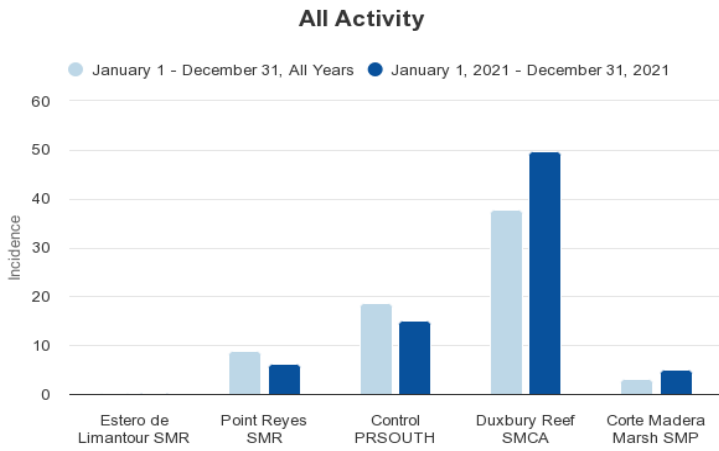




# Visitation Rate

## 2021 Activity Compared with All Years

## 2022 Activity Compared with All Years



# **ATTACHMENT 3**



July 5, 2023

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090  
*Sent via Email: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)*

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Re. Fish and Game Commission MRC Agenda Item 5: MPA DMR  
Petition for Modification of Duxbury Reef and Drakes Estero MPAs

Dear President Sklar and Honorable Commissioners,

The Environmental Action Committee of West Marin (EAC) has been working to protect the unique lands, waters, and biodiversity of coastal Marin County since 1971. We are deeply committed to California's marine protected area (MPA) network and have been actively supporting MPAs through outreach, education, and community science activities since the first regional stakeholder meetings that would eventually establish the network of 124 MPAs.

We submit this letter to request that the letter we previously addressed to the Fish and Game Commission (Commission) in support of the MPA decadal management review (DMR), submitted on April 6, 2023, also be considered a petition to the Commission pursuant to California Fish & Game Code Section 2861(a), for addition to and modification of the MPAs at Duxbury Reef and Drakes Estero. A copy of that letter is enclosed herewith. This request is being made to ensure we are compliant with any additional procedures that are entailed in the presentation to the Commission of a "petition" as contemplated in Fish and Game Code Section 2861(a), which might not have been satisfied by the April 6 DMR comment letter submittal.

Furthermore, this letter also serves as a comment on the MPA DMR (Marine Resources Committee Agenda Item 5) for the July 20th meeting. We commend the Commission for the vision of the draft prioritized recommendations dated June 12, 2023. We thank the Department of Fish and Wildlife (Department) for their hard work on this prioritization, and we generally agree with the prioritization and timelines.

As an overall comment related to the prioritization, we urge the Commission to institutionalize climate-cognizant adaptive management to ensure that management of the MPA network can respond to sea-level rise and other climate changes. We also hope that the Commission will broadly embrace recommendation 4 and support changes to the MPA network and management program. We were pleased to see that recommendation 4 was identified as a near-term priority.

As requested in our prior comments, specifically, we petition for the Commission to recommend the following additions to and modifications of the

Drakes Estero State Marine Conservation Area (SMCA) and the Duxbury Reef SMCA, as currently described in California Code of Regulations Title 14, Section 632(b)(47) and (50), respectively:

1. Change the designation of Drakes Estero SMCA to a “State Marine Reserve” as described in California Code of Regulations (CCR) Title 14 § 632(a)(1)(A).
2. Change the designation of the Duxbury Reef SMCA to a “State Marine Reserve.”
3. Extend the southern boundary of the Duxbury MPA to the most southerly tip of Duxbury Reef exposed at mean lower low water, that is, to a point at approximately 37 deg. 53.1315' N. lat, 122 deg. 41.7549' W. long.
4. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure as described in CCR Title 14 § 632(b)(49).

We also request that: (1) the letter to the Commission dated April 15, 2023, from the Greater Farallones and Cordell Bank National Marine Sanctuaries (copy enclosed) be made a part of the record in support of this petition; and (2) that EAC and others be allowed to submit further written evidence and testimony in support of this petition.

Please advise us if there is any further step(s) that should be taken by EAC and/or others to present a “petition” to the Commission pursuant to California Fish & Game Code Section 2861(a). Finally, please do not hesitate to ask for any further information that the Commission believes will assist it in addressing this petition.

We also request that the Commission clarify the process of public engagement regarding the DMR going forward. A more streamlined and intuitive comment and petition system would allow for easier public engagement and would further the justice, equity, diversity, and inclusivity goals of the Commission. Clarity would be especially helpful regarding what type of regulation changes could be considered in the DMR and what types would require their own petition.

While we understand that this may be forthcoming, it would also be helpful to have clarity related to the focus of future meetings and the Department and Commission’s proposed work plan with some additional specificity related to how the public and stakeholders can participate most effectively.

Thank you for your consideration of our comments and all your work on the DMR process. We look forward to continuing to engage including review of the staff report and participation at the July 20th meeting.

Sincerely,



Ashley Eagle-Gibbs  
Legal & Policy Director

cc: Susan Ashcraft, Marine Advisor, Fish and Game Commission  
Becky Ota, Marine Habitat Conservation Program Manager, Department of Fish and Wildlife

Attachments: (1) EAC April 6, 2023, comments to Fish and Game Commission  
(2) Greater Farallones and Cordell Bank National Marine Sanctuaries April 15, 2023, comments to Fish and Game Commission



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*Bookkeeper*

April 6, 2023

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090  
*Via Electronic Mail: fgc@fgc.ca.gov*

Re. Agenda Item 25. Marine protected areas decadal management review

Dear President Sklar and Honorable Commissioners,

The Environmental Action Committee of West Marin (EAC) has been working to protect the unique lands, waters, and biodiversity of coastal Marin County since 1971. We are deeply committed to California's marine protected area (MPA) network and have been actively supporting MPAs through outreach, education, and community science activities since the first regional stakeholder meetings that would eventually establish the network of 124 MPAs.

We submitted written comments dated March 13th in advance of the Fish and Game Commission (Commission) Marine Resources Committee (MRC) meeting (attached to this letter), as well as providing oral comments at the March 16th MRC meeting related to the decadal management review. We appreciated the hybrid meeting format, which allowed us to participate remotely.

We submit this follow up letter with locally specific boundary and designation change requests to the full Commission to facilitate discussion at the April meeting. Related to our previously submitted requests (March 13 and 16), we highlight our key requests here for discussion and prioritization at the April meeting:

- 1) Request evaluation of Drakes Estero State Marine Conservation Area (SMCA) for a designation change to a State Marine Reserve,
- 2) Request evaluation of Duxbury Reef State Marine Conservation Area for a designation change to a State Marine Reserve and extension of the southern boundary to fully encompass the reef habitat area, and

- 3) Request a science-based analysis to review a northern extension of the Duxbury Reef SMCA to Double Point Special Closure based on increased visitation by the public to the Area of Special Biological Significance.

This letter and our prior letter are also supported by prior written comments submitted by the National Park Service dated (November 14, 2022, also attached).

As a final request, we would like to gain clarity on the process for boundary and designation changes.

- 1) Specifically, is it necessary to submit a formal petition related to these aforementioned requests and correspondence? It was not entirely clear at the March MRC meeting whether a petition is required or if the Department of Fish and Wildlife is able to recommend adaptive management strategies based on the Decadal Review and submitted comments. We respectfully request clarification to facilitate effective public participation in this process.

Thank you for your dedication to adaptive management, and we look forward to the April Commission meeting and more collaboration on the adaptive management prioritization and recommendations as we approach the July MRC meeting.

Sincerely,



Morgan Patton, Executive Director



Ashley Eagle-Gibbs, Legal and Policy Director



March 13, 2023

Fish and Game Commission Marine Resources Committee  
California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090  
*Via Electronic Mail: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)*

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Grace Milstein  
*Communications Associate*

Patricia Wimpfheimer  
*Bookkeeper*

Re. MRC Agenda Item 9: Marine Protected Areas (MPA) Decadal Management Review

Dear President Sklar and Commissioner Murray,

The Environmental Action Committee of West Marin has been working to protect the unique lands, waters, and biodiversity of coastal Marin County since 1971. We are deeply committed to California's marine protected area (MPA) network and have been actively supporting MPAs through outreach, education, and community science activities since the first regional stakeholder meetings that would eventually establish the network of 124 MPAs.

We continue our support for the network as members of the Golden Gate MPA Collaborative Network, collecting human-use activity data through our local MPA Watch program, Marin MPA Watch, with partners at the Point Reyes National Seashore, and we have created a team of local volunteers who provide outreach and education as intertidal docents at Duxbury Reef State Marine Conservation Area (SMCA).

Thank you for this opportunity to submit comments on the MPA Decadal Review. We want to thank the Department of Fish and Wildlife (CDFW) and Fish and Game Commission staff and partners for the momentous achievement related to the completion of the Decadal Review and accompanying report. The report highlights the effectiveness and importance of our state's unique and precedent setting MPA network.

Before our specific comments, we would like to note that due to the flooding in Monterey County, our team is unable to travel to the in-person meetings, including the Decadal Management Review Forum. We are grateful the Marine

Resources Committee meetings will have the opportunity for hybrid participation and the Monterey County emergency highlights the continued need for hybrid meetings to ensure broad-based public engagement opportunities in the future. We look forward to viewing the Decadal Management Review Forum online and we are disappointed we will not be able to ask questions or contribute to the discussion in person.

In general, we are supportive of many of the recommendations and future steps outlined in Chapter 6; however, we have included some specific comments related to our geographic area in coastal Marin County for additional consideration. We have organized our comments by the MPA Network Performance categories noted in Chapter 6.

### **1. MPA Network Design / Boundaries and MPA Designation Changes**

We have included three specific requests below related to designation and boundary changes with additional discussion following.

**Request 1: Include condition and use change data for MPAs to provide an assessment of changed conditions (i.e. on-shore and offshore activities and uses) that would inform the need for adapting the MPA Network Design that would include boundaries and designation changes that are in alignment with today's conditions and circumstances.**

**Request 2: Request evaluation of Drakes Estero State Marine Conservation Area for a designation change to a State Marine Reserve.**

**Request 3: Request evaluation of Duxbury Reef State Marine Conservation Area for a designation change to a State Marine Reserve and extension of the southern boundary to fully encompass the reef habitat area.**

The Decadal Review needs to include a reference of site conditions of the 124 MPAs from the date of MPA designation compared to current-day conditions that include changes in surrounding on-shore or offshore commercial/recreational consumptive and non-consumptive uses, and visitation data. This information would be beneficial when analyzing information for boundary and designation changes based on changed conditions. We highlight two Marin County examples below:

#### *Example 1: Drakes Estero State Marine Conservation Area*

Drakes Estero State Marine Conservation Area (SMCA) was established at a time when a commercial aquaculture operation was in business. The commercial operator closed in 2012, and offshore and on-shore infrastructure has been removed. Drakes Estero was designated as Marine Wilderness in 2012 following the



closure of the commercial operation in its waters. Following the Marine Wilderness designation, the Point Reyes National Seashore completed an expensive restoration project (\$4 million) in the waters of Drakes Estero. The Estero is one of the last fully intact wetlands in the state of California, is an Area of Special Biological Significance, and a biologically rich estuary that consists of extensive eelgrass beds, tidal flats, wetlands, sand bars, and open water that supports a variety of fish, invertebrates, shorebirds, waders, waterfowl, and mammals including harbor seals and river otters.

On November 14, 2022, the Point Reyes National Seashore<sup>1</sup> submitted a letter to Dr. Craig Shuman, California Department of Fish and Wildlife Marine Region Manager, and to Samantha Murray, Fish and Game Commissioner, that supports a MPA designation change of Drakes Estero from a SMCA to State Marine Reserve (SMR) for the below reasons:

*2010 designation as SMCA relied on presence of commercial aquaculture operation. DOI authorization of commercial aquaculture ended in 2012, and operations ceased in 2014. Area is now Congressionally Designated Wilderness, \$4m estuary restoration completed in 2017. Recreational take of shellfish appears to be very rare, requires long kayak trips in wilderness area with no cell service and limited emergency response. Increased protections for eelgrass, estuarine biodiversity, and marine wilderness. If converted to an SMR, join Estero de Limantour into a single SMR for naming and outreach purposes.*

*Example 2: Duxbury Reef SMCA*

Duxbury Reef SMCA was established at a time when visitation to this area was very low and not many people were visiting the intertidal area. However, visitation to this MPA has been steadily and significantly increasing as previously unknown trails and beaches of Point Reyes National Seashore have begun to attract visitors to locations such as Alamere Falls.

Since 2017, MPA Watch volunteers documented approximately a 70 percent increase in visitation to Duxbury Reef that continued to increase in 2020 and 2021 during the pandemic.

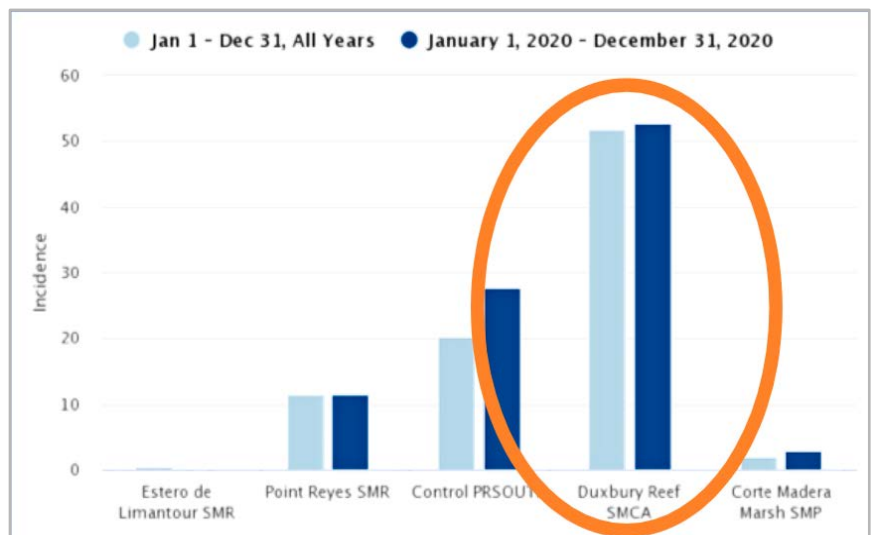


Figure 1. MPA Watch Recreational and Consumptive Activity 2014-2020 and 2020

<sup>1</sup> Letter from Point Reyes National Seashore to California Department of Fish and Wildlife, November 14, 2022

A comparison of the MPA visitation trends across all designated MPAs in coastal Marin County, Duxbury has the highest overall visitation count of all MPA Watch transects in Marin, the smallest area, and is a highly sensitive intertidal habitat.

Our MPA Watch 2020 Annual Report notes the rise in visitation in 2020:

*This MPA [Duxbury Reef State Marine Conservation Area] recorded a use rate of 29.4 activities per mile surveyed. This is an increase of 79% compared to the prior year. 11% of the observations in the MPA are on-shore consumptive. 305 incidents of hand collection of biota in the intertidal were observed in the months of June, July, and August 2020 (emphasis added). Duxbury Reef SMR has the highest use count [66%] of all MPAs surveyed by Marin MPA Watch ... in one of the smallest survey areas. Duxbury Reef is a sensitive intertidal habitat where human impacts (trampling and collecting) may have long-term negative impacts to habitat and species.*

In 2022, we established the Duxbury Docent program in partnership with Marin County Parks and Open Space which provides visitor education and collects MPA Watch human-use data. On the ground, our docents are engaging with the public and have first-hand experience in the confusion of the designation of the MPA that is leading to unintended compliance issues at this location. Specifically, we summarized below our docent experiences while interacting with visitors,

*The allowance of finfish fishing from shore and notice about the allowance of abalone take at Duxbury generates confusion in the community and among visitors about what is and is not allowed.*

At Duxbury Reef SMCA, our experience on the ground is that the permitted allowance of recreational finfish and abalone from shore is confusing to the public, and with increased visitation since 2017 this tends to lead to non-compliance that may be hindering the goals of the MLPA at this site.

The inclusion of community science data on human use, activities, and visitation data from overlapping jurisdictions, like the Point Reyes National Seashore in coastal Marin County, would provide a wealth of data that could assist in informing the adaptive management strategies of the MPA Network.

This would be especially beneficial when analyzing information for boundary and designation changes that would provide up-to-date information on changing conditions that would ensure the management of the MPAs are meeting the goals of the Marine Life Protection Act (MLPA)'s six goals<sup>2</sup>.

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<sup>2</sup> MLPA Goals: Protect the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems. 1) Help sustain, conserve and protect marine life populations, including those of economic value, and rebuild those that are depleted. 2) Improve recreational, educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity. 3) Protect marine natural heritage, including protection of representative and unique marine life habitats in CA waters for their intrinsic values. 4) Ensure California's MPAs have

## 2. Regulatory and Framework Review / MPA Network Design:

### **Request 4: Need for inclusion of biological and environmental condition status, community science data, and ecological habitat mapping when analyzing a need for MPA designation and boundary changes.**

We support Recommendation #4 and request as part of the identification of science-based approaches to inform analysis that biological and environmental conditions, ecological habitat maps, and environmental designations (like Marine Wilderness, Areas of Special Biological Significance, etc.) are included.

We provide two examples below, Duxbury Reef and Double Point, related to immediately connected habitat areas excluded from MPA boundaries.

#### *Example 1: Duxbury Reef SMCA*

The current MPA boundaries of Duxbury Reef SMCA fail to encompass the entire reef that is exposed at a low tide. At low tide, people can walk to the portion that is outside the MPA, making it fully accessible. Figure 2 highlights the area that is part of the intertidal ecological habitat area but has been excluded from the MPA boundary.

In addition, the regulations state that the MPA seaward boundary is 1,000 feet from the seaward of mean, low, low tide, but the MPA boundary designation includes 1,000 feet from high tide. This language is ambiguous and confusing to the public.



Figure 2.

Overlay of Duxbury Reef SMCA with an orange outline of the portion of the reef that is exposed at low tide that is not currently included in the MPA. A southern boundary extension of Duxbury Reef is needed to fully connect the ecological habitat area and reduce confusion for the public on what activities are allowed.

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clearly defined objectives, effective management measures and adequate enforcement and are based on sound scientific guidelines. 5) Ensure the State's MPAs are designed and managed, to the extent possible, as a network.

*Example 2: Double Point*

North of Duxbury Reef SMCA is a Special Closure Area (Double Point) that is ecologically significant and connected to Duxbury Reef. In the November 2022 letter from Point Reyes National Seashore, they note there are concerns about the protection of seabirds, marine mammals, and concerns with kayaking disturbances of harbor seals. A long-established harbor seal monitoring program by Point Reyes National Seashore at this location includes datasets on harbor seal pupping and movements. At the time the Special Closure was established, there was little human activity and disturbance in this area until about 2017 when hiking to Alamere Falls became very popular.

A science-based analysis to review whether it would make sense to extend the Duxbury Reef MPA further north to the Special Closure should be considered with data provided by the Point Reyes National Seashore on the presence of marine mammals and disturbance events. A review of this type would inform whether there is a need to extend the Duxbury MPA boundary north or expand the Double Point Special Closure, which we think is likely warranted based on our current understanding and available data.

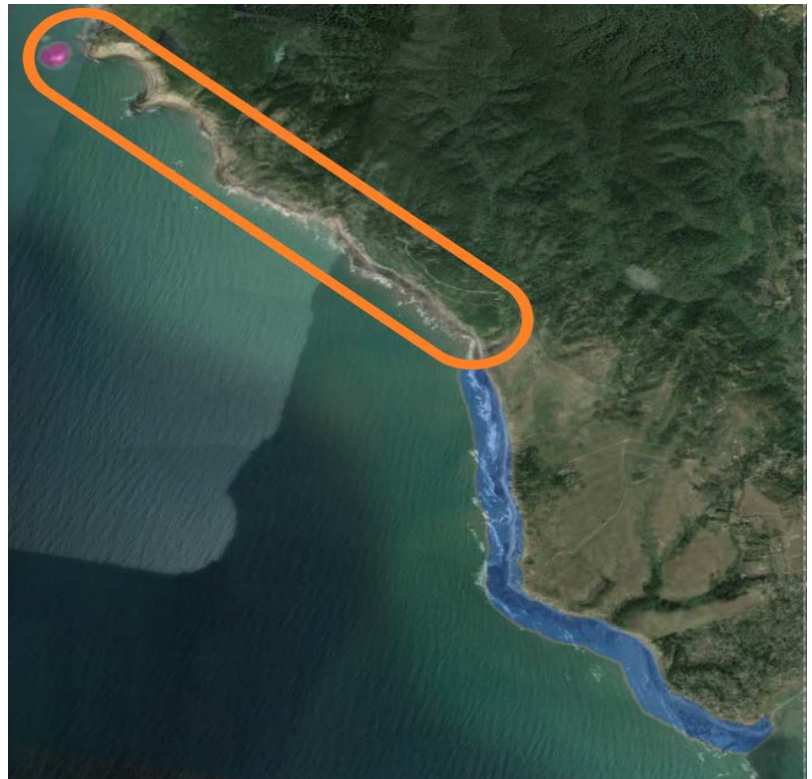


Figure 3. Image of Double Point Special Closure and Duxbury Reef SMCA boundary. The orange highlight indicates the area outside of the MPA network that is interconnected and includes an additional Area of Special Biological Significance (cove near Double Point closure).

### 3. Enforcement and Compliance:

**Request 5: Need for enforcement volunteer programs in rural areas, specifically an extension of CDFW-trained enforcement volunteers piloted in 2020 at Pillar Point due to the high visitation and poaching incidents.**

Duxbury Reef SMCA is located within a nexus of overlapping jurisdictional authority, including the CDFW, Greater Farallones National Marine Sanctuary, Point Reyes National Seashore, and Marin County Parks and Open Space. However, the only agencies who can issue citations in the areas where most people visit at Duxbury Reef are the CDFW and the Marin County Sheriff.

Duxbury Reef SMCA is a rural location with limited signage and a lack of cellular service. Prior to 2022 and the creation of our program, there was no established outreach and education program for visitors to learn about the intertidal environment and limited oversight from regulatory agencies to ensure compliance with MPA regulations.

MPAs, like Duxbury Reef SMCA, need additional resources to enhance outreach and educational efforts, otherwise, the area becomes an MPA only in name and is not meeting MLPA goals.

Since 2014, the MPA Watch program has collected human-use data including potential violation data that is not reflected in the public enforcement violation data. Specifically, the MPA Watch and Duxbury Docent programs have collected data on increased visitation prior to the noted influx of visitation due to the pandemic in 2020:

*Since 2017, MPA Watch volunteers documented approximately a 70 percent increase in visitation to Duxbury Reef, and in 2020, more than 300 observations of hand-collection of biota were documented at Duxbury Reef over a three-month period along with a 79 percent increase in visitation compared to 2019.*

*In 2022, the Duxbury Docent program completed 65 shifts. Docents engaged with more than 1,000 members of the public and successfully deterred 37 potential consumptive use violations (hand-collection of biota) during those shifts through outreach and education.*

While establishing the Duxbury Docent program is an important step, additional resources are needed from CDFW to help meet the goals of the MLPA at this MPA. For example, establishing a partnership program like the pilot program of CDFW-trained outreach volunteers at Pillar Point in 2020 would benefit the Duxbury Docent program as a partnership to improve outreach, education, and MPA regulatory compliance.

#### **4. Enforcement and Compliance:**

##### **Request 6: Need for transparency in violation tracking and numbers of visits by wardens to specific MPAs.**

It would be beneficial to the public to have a quarterly report available that lists the number of cited violations at each MPA and the number of visits by CDFW wardens to that location. This information would assist with reconciling the community science data collected by programs like MPA Watch with the enforcement data. This would assist with finding compliance and enforcement gaps and subsequently allocating resources for increased capacity, or establishing community partnerships for outreach and educational programs in the future.

#### **5. Outreach and Education:**

##### **Request 7: Need for up-to-date signage that incorporates information/access to seasonal fishing regulations.**

Throughout the MPAs located in coastal Marin County, signage continues to be a challenge. Locations within the Point Reyes National Seashore sometimes include signage that an area is an MPA and closed to fishing and collecting, while other locations include do not have signage. If there are other pressing public noticing requirements like during the pandemic, MPA signage was removed and replaced.

As CDFW analyzes what is useful for MPA signage and effectiveness related to compliance and education, it would be helpful to include options for the public to obtain up-to-date information using QR codes, including current fishing regulations and definitions. This is especially important in areas where there are overlapping jurisdictional responsibilities and within SMCAs where regulations may differ on what is allowed or not allowed. Specifically, as noted previously by our Duxbury Docent program volunteers,

*Signage is not kept up to date to reflect specific closures and hyperlinks to Fish and Game Code is not included for visitors to reference and look up current regulations.*

In general, much of the public is not up to date on the fishing seasons or what fisheries are open or closed, and the lack of information at access points creates confusion. Information for outreach and education also needs to be designed for the average recreational MPA visitor, and special signage for intertidal areas should be shared collaboratively throughout the state with intertidal groups to standardize messaging.

## **6. Tribal Coordination:**

### **Request 8: Need for pathways to increased tribal coordination and inclusion.**

We recommend increased and meaningful tribal engagement and co-management across all aspects of the MPA network including community science, building tribal capacity, improved coordination, and outreach and inclusion of all tribes, federal and non-federally recognized tribes.

## **7. Climate Resilience and Adaptation:**

### **Request 9: Need to develop pathways to integrate with California's 30x30 Initiative, climate resilience, and adaptation goals.**

We are actively engaged in coastal resiliency planning and the state's 30x30 implementation. Related to 30x30, we hope to continue the dialogue around how our MPA network intersects with California's 30x30 goals. Careful coordination is required between all these goals and planning processes to ensure the best outcome.

The Fish and Game Commission should work towards climate-resilient MPAs through an equitable, science-based process that is adaptive and includes additional monitoring metrics, connecting to the state's long-term monitoring goals. Our MPAs must be climate ready. It is important that the CDFW and the Fish and Game Commission consider the need for our MPA network to adapt to sea level rise, as wetland and public trust boundaries shift. The MPAs can also serve as important climate refugia sites.

## **8. Public Engagement and Timeline:**

### **Request 10: Outline the opportunities for public engagement and timeline for consideration of incorporation of public comments on the Decadal Review.**

We are grateful for the opportunity to comment on the Decadal Review but would like clarification from CDFW and the Fish and Game Commission on the recommended pathways to ensure that concerns raised in this comment letter are considered for inclusion in the adaptive management plans.

We also raise specific boundary and designation change requests that are localized to our geographic region and clarification on how those items will be considered and if it is appropriate as part of this process or would need to be raised independently of the Decadal Review.

## Summary of Requests

**Request 1: Include condition and use change data for MPAs to provide an assessment of changed conditions (i.e. on-shore and offshore activities and uses) that would inform the need for adapting the MPA Network Design that would include boundaries and designation changes that are in alignment with today's conditions and circumstances.**

**Request 2: Request evaluation of Drakes Estero State Marine Conservation Area for a designation change to a State Marine Reserve.**

**Request 3: Request evaluation of Duxbury Reef State Marine Conservation Area for a designation change to a State Marine Reserve and extension of the southern boundary to fully encompass the reef habitat area.**

**Request 4: Need for inclusion of biological and environmental condition status, community science data, and ecological habitat mapping when analyzing a need for MPA designation and boundary changes.**

**Request 5: Need for enforcement volunteer programs in rural areas, specifically an extension of CDFW-trained enforcement volunteers piloted in 2020 at Pillar Point due to the high visitation and poaching incidents.**

**Request 6: Need for transparency in violation tracking and numbers of visits by wardens to specific MPAs.**

**Request 7: Need for up-to-date signage that incorporates information/access to seasonal fishing regulations.**

**Request 8: Need for pathways to increased tribal coordination and inclusion.**

**Request 9: Need to develop pathways to integrate with California's 30x30 Initiative, climate resilience, and adaptation goals.**

**Request 10: Outline the opportunities for public engagement and timeline for consideration of incorporation of public comments on the Decadal Review.**



## Conclusion

Thank you for the opportunity to comment on the Decadal Review and for your consideration of our comments. We look forward to additional dialogue in the coming months as the public can comprehensively engage and participate in the pathways forward that will inform the future adaptive management decisions that help to ensure an inclusive, responsive, and resilient MPA Network.

Sincerely,

A handwritten signature in black ink, appearing to read 'MP', with a long horizontal flourish extending to the right.

Morgan Patton  
Executive Director  
Environmental Action Committee of West Marin

cc: Susan Ashcraft, Senior Environmental Scientist and Marine Advisor, California Fish and Game Commission; Melissa A. Miller-Henson, Executive Director, California Fish and Game Commission; Becky Ota, Marine Habitat Conservation Program Manager, California Department of Fish and Wildlife; Craig Shuman, Marine Region Manager, California Department of Fish and Wildlife; and Dennis Rodoni, Marin County Supervisor District 4



# United States Department of the Interior



NATIONAL PARK SERVICE  
Point Reyes National Seashore  
1 Bear Valley Road  
Point Reyes Station, CA 94956  
Department of the Interior Region 10

IN REPLY REFER TO:

L7617

November 14, 2022

Craig Shuman, Marine Region Manager, CDFW  
[REDACTED]

Samantha Murray, President, California Fish and Game Commission  
[REDACTED]

Dear Mr. Shuman and President Murray:

The National Park Service (NPS) strongly supports the continued science-based and stakeholder driven designation and management of the most significant biodiversity focused Marin Protected Area (MPA) network in the United States. We anticipate the 10-year review will strengthen and reinforce the unparalleled benefits to protecting California's unique ecologically and economically important and irreplaceable marine biodiversity.

The NPS participated in the 2008 – 2009 stakeholder working groups recommending proposed Network of MPAs for the North-Central Coast. Since that time, NPS continues to support and conduct protection, education, monitoring, and research in the four State MPAs that overlap with the boundaries of Point Reyes National Seashore: Estero de Limantour State SMR, Drakes Estero SMCA, the Point Reyes SMR, and Duxbury Reef SMCA. Similarly, we also protect and monitor seabird and marine mammal populations in the three special closures within park boundaries: Point Reyes Headlands, Point Resistance Rock, and Double Point/Stormy Stack. We are proud to help protect and monitor these MPAs that both stakeholder subgroups overwhelmingly concurred on the Commission enacted MPA designations along the Marin County coastline.

The biodiversity protections established by these seven MPAs within the boundaries of Point Reyes National Seashore are key components in the NPS mission to “...*preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations.*” Importantly, the majority of Point Reyes National Seashore's outer coast out to ¼ mile from shore is Congressionally designated as Potential Wilderness, which restricts commercial activities (including commercial fishing) and motorized equipment (including motorboats). These federal marine wilderness areas overlap partially or entirely with all seven State MPAs in Marin County.

Our continued support and engagement with the State MPA designations is summarized below where NPS, in collaboration with many partners, conducts ecological restoration, ecological monitoring, human use monitoring, research, protection, and education.

**Table 1: Summary of National Park Service programs and projects in the seven State MPAs that overlap with NPS waters at Point Reyes National Seashore.**

<b>State MPA</b>	<b>Ecological Restoration</b>	<b>Ecological Monitoring</b>	<b>Human Use Monitoring</b>	<b>Research</b>	<b>Education</b>	<b>Protection</b>
Drakes Estero SMCA	X	X	X	X	X	X
Estero de Limantour SMR				X	X	X
Point Reyes SMR	X	X	X	X	X	X
Duxbury Reef SMCA		X	X	X	X	X
Point Reyes Headlands Special Closure		X	X	X	X	X
Point Resistance Rock Special Closure		X	X		X	X
Double Point/Stormy Stack Special Closure		X	X	X	X	X

Recent and ongoing NPS investments in these State MPAs include:

- \$4m restoration of the Drakes Estero SMCA in 2016-2017 removing 3.6m lbs. of aquaculture debris and continued annual monitoring of eelgrass restoration.
- Annual harbor seal and/or elephant seal monitoring in all the MPAs (except Estero de Limantour).
- NPS Visitor and Resource Protection patrol and response at all MPA sites, including vessel response and coordination with Marin County Sheriff and CDFW game wardens.
- NPS rocky intertidal monitoring at the Duxbury Reef SMCA as well as additional reference sites throughout the park
- NPS and Partner Rocky Intertidal habitat mapping for oil spill response and climate change tracking.
- Ashy Storm-Petrel Monitoring at the Double Point/Stormy Stack Special Closure
- Logistical support for USFWS Seabird Monitoring at five of the seven MPAs.
- \$250,000 in funding to match OPC funded ROV fish and invertebrate surveys at the Point Reyes Headlands SMR (via UCSD).
- Funding to supplement and support seafloor habitat mapping between Tomales Point and Duxbury Reef to support the MPA stakeholder working groups and science teams (via Moss Landing Marine Lab).
- Funding supporting UC Davis research developing MPA larval dispersal models (Botsford Lab) in the Point Reyes region used by the MPA Science advisory Team.
- Endangered Black Abalone Restoration research (with UCSC) at the Point Reyes SMR and Point Reyes Headlands Special Closure.
- Hosting regular joint law enforcement trainings on MPA law, science, policy, and emerging issues.
- Co-development and support for of an MPA Watch program for Marin County that covers all the MPAs.

- Advising on an MPA-intertidal docent program at Duxbury Reef SMCA.
- MPA science, policy, and protection education at NPS visitor centers, interpretive programs and media.

NPS scientists, interpreters, law enforcement and partners regularly work and perform outreach, research and monitoring in these seven State MPAs. Based on our intimate long-term understanding of these areas and to continue support for the NPS Mission and Federal wilderness policies, we respectfully submit our MPA designation recommendations in Table 2 as CDFW and the Commission undergoes the 10-Year MPA review.

**Table 2: National Park Service’s State MPA recommendations for MPA 10-year review.**

State MPA	NPS Recommendation	Rationale
Drakes Estero SMCA	Convert from SMCA to SMR	2010 designation as SMCA relied on presence of commercial aquaculture operation. DOI authorization of commercial aquaculture ended in 2012, and operations ceased in 2014.  Area is now Congressionally Designated Wilderness, \$4m estuary restoration completed in 2017. Recreational take of shellfish appears to be very rare, requires long kayak trips in wilderness area with no cell service and limited emergency response. Increased protections for eelgrass, estuarine biodiversity, and marine wilderness.  If converted to an SMR, join with Estero de Limantour into a single SMR for naming and outreach purposes.
Estero de Limantour SMR	No Change/or merge with proposed Drakes Estero SMR	Protection of eelgrass and estuarine biodiversity.
Point Reyes SMR	No Change	Continued protection of marine biodiversity, including Seabirds, Marine Mammals, Black Abalone
Duxbury Reef SMCA	Continue as SMCA or Convert to SMR	NPS staff observe periodic illegal take of invertebrates after 12 years despite SMCA status. Full SMR status would clarify regulations and ease enforcement/education needs. Premier site for intertidal and ocean education in Marin County. NPS and UCSC long-term intertidal monitoring sites.
Point Reyes Headlands Special Closure	No Change	Protection of Seabirds, Marine Mammals, Black Abalone
Point Resistance Rock Special Closure	No Change	Protection of Seabirds. NPS has concerns about boating and kayaking disturbances. However, these are generally due to the public not following existing regulations.
Double Point/Stormy Stack Special Closure	No Change	Protection of Seabirds, Marine Mammals. NPS has concerns about boating and kayaking disturbances. However, these are generally due to the public not following existing regulations. NPS continues to monitor harbor seals outside the special closure for disturbance events.

Please contact NPS Cooperative Ecosystems Studies Unit Science Advisor Ben Becker at [ben\\_becker@nps.gov](mailto:ben_becker@nps.gov) if you would like any additional supporting information on NPS MPA support activities or our MPA recommendations.

Sincerely,

Anne Altman  
Acting Superintendent



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL OCEAN SERVICE  
**Greater Farallones and Cordell Bank**  
**National Marine Sanctuaries**

991 Marine Drive, The Presidio, San Francisco, CA 94129

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090  
***Sent Via Email:*** [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

April 15, 2023

**RE: Adaptive Management of California's Marine Protected Area Network**

Dear President Sklar and Members of the Fish and Game Commission:

Greater Farallones National Marine Sanctuary (sanctuary) includes the state waters designated between Marin County and Point Arena. In addition, Greater Farallones National Marine Sanctuary staff (GFNMS) manage the northern portion of the Monterey Bay National Marine Sanctuary between Año Nuevo and Marin County. As such, GFNMS' management area aligns with the California Marine Life Protection Act (MLPA) North Central California Region providing an opportunity for shared management of the waters overlapping 25 state MPAs and 6 special closures. Since the designation of these protected areas, we have worked to support the statewide network through education, outreach, enforcement, and research. We look forward to continuing to work together to protect these nationally important marine areas, and appreciate the opportunity to provide comments to the Commission on adaptive management of the statewide MPA network.

This letter is intended to share information about the importance of Duxbury Reef, the need to consider additional conservation measures to effectively protect it, and to support a community-based process to recommend enhanced protections at Duxbury Reef State Marine Conservation Area.

**The Importance of Duxbury Reef**

Duxbury Reef is a place of special significance to California's coast. Its shale reef ecosystem is the largest in California, and supports over 100 species of invertebrates and marine plants. Accessible tidepools are frequently used to teach the next generation of marine scientists how to monitor ecosystem health and to engage the public in responsible wildlife watching. Since 2000, Duxbury has been a survey site of GFNMS and Greater Farallones Association's LIMPETS program, in which Bay Area students conduct intertidal monitoring of the reef. For many, Duxbury is their first experience visiting a marine protected area. In addition to its state and federal protections, Duxbury is part of the Golden Gate Biosphere Network, a United Nations' World Network of Biosphere Reserves established as sites of excellence. At less than three quarters of a square mile in area, it is one of the smallest MPAs in the statewide network.

## The Need to Consider Additional Conservation Measures at Duxbury Reef

With rising sea levels intertidal animals need the space and time to adapt and build resilience to climate change. Duxbury Reef, an easy-to-access, popular coastal location in the Bay Area, is highly impacted by increased visitation. The impacts of increased visitation since its designation as an SMCA in 2010 have been well documented by agencies and partner organizations. Preliminary findings from the GFNMS Condition Report, an assessment of the health of the sanctuary over the last 10 years, revealed that Duxbury is the most easily accessed reef within the sanctuary. Although visitor use occurs at multiple rocky reef locations throughout the sanctuary, documented trampling and collecting of intertidal species at Duxbury reef makes it the location of highest concern for intertidal impacts in the sanctuary. These activities can cause long-term negative impacts to sanctuary habitat and species and reduce the resilience of species to adapt to changing ocean conditions.

The 2020 MPA Community Compliance Forum Report<sup>1</sup> offers details about illegal collections at Duxbury. Community members observed visitors using buckets, small nets and tools to collect reef animals including purple urchins and turban snails. They also expressed concern about increased visitation and impacts to tidepools from trampling, moving rocks for viewing, and crushing animals.

Data from Marin MPA Watch supports observations about increased visitation and illegal take. Marin MPA Watch has conducted surveys at Duxbury Reef since 2013 documenting significant increases in visitation, as well as human impacts to the reef. In recent annual reports, they noted the following use patterns at Duxbury<sup>2</sup>:

- In spite of being the smallest MPA, Duxbury has the highest use count (visitation) of all MPAs surveyed in 2022, accounting for 49% of total human activities in Marin MPA Watch locations.
- 16 observations were made of illegal hand collection of biota in 2022, as well as 62 observations of hand collection of biota in 2021.
- 305 incidents of hand collection of biota in the intertidal were observed in the months of June, July, and August 2020.

Duxbury's SMCA designation allows for certain kinds of take, which may confuse visitors that are not familiar with the regulations. Current regulations allow for "recreational take of finfish from shore and abalone", which is an unusually broad definition for an SMCA. Most SMCA designations include specific gear types (e.g. hook and line, dip net), but at Duxbury, the lack of specificity implies all gear types used to target finfish from shore, including hook and line, poke poles, and other gear are permissible. Poke poles used to target eels on the reef are a common

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<sup>1</sup> Golden Gate Compliance Forum Report, 2020. see <https://www.mpacollaborative.org/goldengate/>

<sup>2</sup> MPA Watch Regional Report, Marin County, 2022 and 2020.

sight and are permitted under current regulations. Seeing legal take of finfish by various gear types occurring on a busy day may cause uninformed visitors to Duxbury to think that other forms of collection are legal. This confusion may be resulting in illegal take, which has been frequently observed on the reef by MPA Watch volunteers and docents.

Another potential source of confusion amongst coastal visitors may be from the allowed take at the southernmost extent of Duxbury Reef, which is unprotected by the current SMCA. This southern boundary area is accessible at low tide via the main parking lot, as well as a goat trail accessed at the end of Ocean Boulevard and Maple Road in Bolinas. Since collection is allowed at this part of the reef, unfamiliar visitors may see legal take occurring and assume that it is allowed on all areas of the reef.

### **Community Input on Adaptive Management of MPAs**

GFNMS supports a community-based approach to recommending additional conservation tools to ensure the Duxbury Reef ecosystem thrives and is offering to help support such an effort. GFNMS is offering to propose to our Sanctuary Advisory Council (SAC) a GFNMS-CDFW working group composed of community members and science experts to recommend conservation measures and tools to address concerns about the health of Duxbury Reef. A joint working group of GFNMS and CDFW could provide a meaningful forum for community members and scientists to discuss and propose adaptive management recommendations to ensure a healthy State and Federal MPA.

Community-led processes to manage and protect our ocean are a valuable way to achieve community support, which in turn can promote better compliance. GFNMS is committed to attending future meetings of the Fish and Game Commission and Marine Resources Committee for our shared areas in which adaptive management of MPAs will be discussed and will participate in community processes that the state chooses to undertake in our region.

Thank you in advance for considering a Duxbury Reef community process whether led through GFNMS, CDFW, or a NGO to ensure that our shared resources thrive.

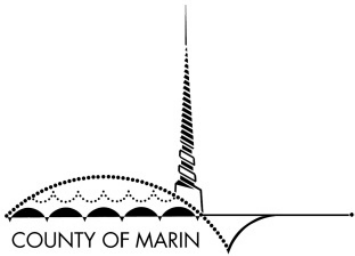
Sincerely,

A handwritten signature in black ink that reads "Maria Brown". The signature is written in a cursive, flowing style.

Maria Brown, Superintendent  
Greater Farallones and Cordell Bank National Marine Sanctuaries



# **ATTACHMENT 4**



Marin County Civic Center  
3501 Civic Center Drive  
Suite 329  
San Rafael, CA 94903  
415 473 7331 T  
415 473 3645 F  
415 473 6172 TTY  
DRodoni@marincounty.org  
www.marincounty.org/bos

November 21, 2023

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

**Re: Support for Environmental Action Committee (EAC) Petition to the California Fish and Game Commission for regulation change at Duxbury Reef**

Dear President Sklar and Commissioner Murray,

I am pleased to extend my support for the Environmental Action Committee of West Marin's Petition to the Fish and Game Commission for a regulation change at Duxbury Reef State Marine Conservation Area (Duxbury SMCA).

Duxbury Reef's shale reef supports a complex and rich ecosystem of over 100 species of invertebrates, marine algae, plants, associated finfish, and avian species. Its broad, flat slope affords easy access to rocky intertidal tidepool for the general public and as an outdoor classroom for students.

Currently, Duxbury Reef SMCA is only open for recreational finfish fishing and closed to any hand collection of biota. Over the last several years, my office has been made aware of compliance and regulation issues related to confusion on what is allowed and not allowed at Duxbury Reef based on the MPA regulatory designation and the mapping that does not include the southern portion of the reef that is exposed at low tide. In addition, concerns have been received about the northern boundary public visitation increases near Double Point and Stormy Stack where regulations are inconsistent with the southern intertidal areas.

My office strongly supports efforts to align regulations across jurisdictions to protect resources that align agency enforcement, education, and public safety initiatives for the public.

To reduce public confusion about what is allowed and not allowed at this location, we support the petition to adaptively manage regulations at Duxbury Reef and support the request to modify the existing Duxbury Reef SMCA regulations with the following changes proposed by EAC:

1. Change the Duxbury Reef SMCA designation to State Marine Reserve (SMR),
2. Extend the southern boundary of the Duxbury MPA to the most southerly tip of Duxbury Reef exposed at mean lower low water.
3. Extend the northern boundary of the Duxbury Reef MPA protections to the Double Point/Stormy Stack Special Closure to protect contiguous, more pristine reef habitat to the north, which is ecologically connected to the current SMCA, but which is at risk of being degraded.

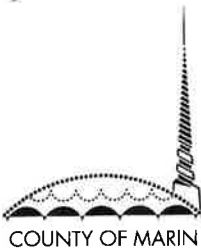
My office enthusiastically supports California's Marine Protected Area (MPA) Network and its goals for increasing MPA awareness and understanding, facilitating MPA regulatory compliance, supporting enforcement, and encouraging informed enjoyment and stewardship of MPAs.

Sincerely,



Dennis Rodoni  
Marin County Supervisor, District 4

# **ATTACHMENT 5**



MARIN COUNTY  
PARKS  
PRESERVATION • RECREATION



OPEN SPACE DISTRICT  
REGIONAL PARKS & PATHWAYS  
COMMUNITY PARKS  
LANDSCAPE SERVICES

Max Korten  
DIRECTOR AND  
GENERAL MANAGER

Marin County Civic Center  
3501 Civic Center Drive  
Suite 260  
San Rafael, CA 94903  
415 473 6387 T  
415 473 3795 F  
415 473 2495 TTY  
[www.marincountyparks.org](http://www.marincountyparks.org)

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

Re: Support for Environmental Action Committee's Petition for Regulation Change at Duxbury Reef

Dear President Sklar and Commissioner Murray,

Marin County Parks submits these comments in support of the Environmental Action Committee of West Marin (EAC)'s petition regarding changes to the regulations for the Duxbury Reef State Marine Conservation Area (SMCA). Marin County Parks is committed to coastal protection, the marine protected area (MPA) network, and the state's 30x30 goals.

Duxbury Reef's shale reef supports a complex and rich ecosystem of over 100 species of invertebrates, marine algae, and plants, plus associated fin fish and avian species. Its broad, flat slope affords easy access to rocky intertidal tidepools which are visited by many people throughout the year and used as outdoor classrooms for students from primary school to the university level. On some days, there can be hundreds of visitors at Duxbury Reef, including many visitors from other states and countries.

To help preserve the ecosystem of Duxbury Reef for the enjoyment, education, and inspiration of current and future generations, and to minimize the negative impacts of "take" to Duxbury Reef's vulnerable intertidal habitat and species, we urge the California Fish and Game Commission to modify the existing Duxbury Reef SMCA regulations with the following changes proposed by EAC:

1. **Change the Duxbury Reef SMCA designation to State Marine Reserve (SMR)** in which no take would be allowed, to more fully protect vulnerable marine species at risk of impacts from take. This would eliminate the existing public confusion and enforcement challenge related to the current allowance of some take. Redesignating Duxbury to an SMR is of vital importance.
2. **Extend the southern boundary of the Duxbury MPA** to the most southerly tip of Duxbury Reef exposed at mean lower low water. That is, protect the whole reef to a point at approximately 37° 53.1315' N. latitude, 122° 41.7549' W. longitude, to include the southern reef area which is contiguous with the rest of the MPA, and ecologically sensitive yet currently unprotected.

3. **Extend the northern boundary of the Duxbury Reef MPA** protections to the Double Point/Stormy Stack Special Closure as described in CCR Title 14 § 632(b)(49) to protect contiguous, more pristine reef habitat to the north which is ecologically connected to the current SMCA, but which is at risk of being degraded.

We support California's MPA Network. In the case of Duxbury Reef, we assert that these changes would help to preserve the reef's biodiverse marine life for future generations, reduce public confusion about allowable take, protect the southern and northern sections of the reef habitat, all in combination with changing ocean and climate conditions including sea level rise that add further stress on sensitive marine creatures and alter the habitat.

Sincerely,



Max Korten  
Director and General Manager  
Marin County Parks

# **ATTACHMENT 6**

November 25, 2023

To:

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244  
[fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

From:

Sarah G. Allen, PhD  
[REDACTED]  
Inverness, CA 94937  
[REDACTED]

Re: Decadal Review Recommendations for the California North Central Marine Protected Areas

Dear President Sklar and Honorable Commissioners:

The California Marine Life Protection Act has been a model for other states and countries on how to establish a network of MPAs and provide protection to critical species and ecosystems that are fundamental to the biodiversity and economic health of California. Designation also involves periodic reevaluation and adaptive management of the sites. You are currently reviewing the North Central Coast Marine Protected Areas (MPAs) for the first decadal evaluation, and I wish to comment on and contribute to your review. For 50 years, I have studied marine life in California with an emphasis on marine birds and mammals, and was a scientist on the Scientific Advisory Team with expertise in marine mammals during the initial selection of sites within the North Central Coast Region. Twenty-six of those years, I was employed with the U.S. National Park Service as an ecologist and later as Science Program Lead for the Pacific West Region. During that time, I served on numerous federal/state collaborative committees and working groups, including, but not limited to, representative for the National Park Service on the staff committee for the California Biodiversity Council and for the nascent Parks and Protected Areas working group. While still working with and since retiring from the National Park Service in 2019, I have continued to study marine birds and mammals throughout the region, and am co-author of the University of California Press *Field Guide on Marine Mammals of the Pacific*.

My recommendations based on professional experience and continued study of pinniped and seabird colonies are as follows:

1. **Expand all Special Closure Areas** in the North Central Coast Region from 300 ft. to 1000 ft. to provide better protection for nesting seabirds including at North and Southeast Farallon Islands, Point Reyes Headlands, Point Resistance Rock, Double Point/Stormy Stack, and Egg Rock. From my years of studying nesting seabirds, I have noted that birds may begin reacting to boats as far as 1000 ft. away by head bobbing, and will leave eggs and chicks at shorter distances. Additionally, during surveys over the past several years, I have directly observed fishing boats disturbing nesting seabirds beyond 300 ft. at Double Point/Stormy Stack, and violating the 300 ft. buffer. When disturbing nesting seabirds, boats expose eggs and chicks to predators such as ravens and gulls, and a single disturbance can affect the productivity for an entire nesting season if seabirds do not return.



**2. Expand the Duxbury Reef MPA north** to include the Double Point/Stormy Stack Special Closure. The marine ecosystems of this area are exceptional as documented in its designation as an Area of Special Biological Significance (see Chan 1979). Double Point is home to one of the largest harbor seal (*Phoca vitulina*) breeding colonies in the state of California and to a significant seabird nesting site on Stormy Stack and the adjacent mainland cliffs. Ashy Storm Petrels (*Hydrobates homochroa*) a species of Conservation Concern in California, nest at this site, one of only a few breeding sites in the state. Black Oystercatchers (*Haematopus bachmani*), also nest there and are designated by the California Audubon Society as a Climate Endangered species because of their vulnerability to sea level rise. Other significant seabirds include >1000 Common Murres (*Uria aalge*), hundreds of cormorants, and tens of Pigeon Guillemots (*Cepphus Columba*), an indicator species of MPA recovery because of their delimited foraging/nesting habitat. Additionally, several hundred Brown Pelicans (*Pelecanus occidentalis*) roost at the site during the year.

Current protections of Stormy Stack and Double Point are insufficient. During surveys over the past several years, I have observed commercial party and recreational fishing boats violating the 300 ft. buffer and also disturbing nesting seabirds even beyond 300 ft. Fishing party boats on occasion produce noise through loud speakers as they circle around the area, which disturbs seabirds and seals at distances greater than 300 ft. By flushing nesting seabirds, boats expose eggs and chicks to predators such as ravens and gulls. One disturbance can affect the productivity for an entire breeding season if seabirds do not return to lay another egg.

**3. Expand the Duxbury Reef MPA south** to include the southern extension of Duxbury Reef that currently is not protected from people walking over and harvesting invertebrates and algae. There is a small but significant harbor seal colony on the southern extension of the reef that serves as a way station for seals to rest while traveling north to Point Reyes from San Francisco Bay and out to the Farallon Islands (Green et al. 2006). The seals are present consistently year round, and every year several pups occur there.

**4. Elevate the expanded Duxbury-Double Point MPA to State Marine Reserve.** The sensitivity and biological diversity of both Duxbury Reef and Double Point/Stormy Stack deserve full Marine Reserve status, as described in above points 1-3. Current marine reserves in California protect only approximately 9% of the state waters from harvest. The area has a long scientific history documenting biodiversity and significance, and consequently, is a good candidate for elevating to full reserve status (Chan 1979). Recently, the College of Marin broke ground to rebuild the historical Bolinas Field Station, which will continue and expand on the long history of scientific research about the coastal ecology of the area.

**4. Combine Drakes Estero SMCA with the Estero de Limantour State Marine Reserve** in order to extend reserve status protection to the middle and upper reaches of Drakes Estero. Drakes and Limantour esteros form a complex of tidal sand bars where harbor seals give birth and rest onshore year round, and is one of the largest concentrations of seals in California (Codde & Allen 2015). Recreational take of clams is the only activity allowed in this SMCA. Currently under this designation, seals are regularly disturbed by recreational clam diggers who come by kayak to dig for clams on the sand bars where the seals haul out. These sandbars are inaccessible to people on foot from the mainland and are only exposed and accessible to the seals during medium to low tides. During the harbor seal pupping season (March 1-June 30), non-motor boat access in the estero is restricted by Point Reyes National Seashore regulations, and restricted to all motor boats year round because Drakes Estero is within federally designated Wilderness. Nevertheless, there is no restriction to non-motor boats after June 30 when seals are hauling out to molt their fur. The molt (June-August) is energetically costly to the seals, requiring longer times to rest

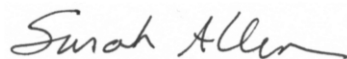
onshore. The National Park Service supported conversion from SMCA to SMR to California Fish and Game Commission in a detailed letter dated November 14, 2022.

5. **Create a Special Closure** of 1000 ft. at Northwest Cape Rocks, north of Fort Ross. These rocks have significant seabird nesting colonies and have one of the few Steller sea lion (*Eumetopias jubatus*) breeding colonies in the state (<https://www.fortross.org/animals/steller-sea-lion>). Steller sea lions were delisted from the federal endangered species list several years ago; however, the California sub-population continues to decline with an estimate of only around 2,000 (NOAA Stock Assessment 2020). The site was proposed for MPA and Special Closure designation when I was an advisor on the Science Advisory Team, but was not included at that time. Since then, the Steller sea lion colony has continued to decline at this location and state-wide.

California has been able to rebuild some of the unique and critically significant coastal ecosystems over the past decade through the establishment of an MPA network. Nevertheless, only 16% of state waters are designated as MPAs and there are only 14 Special Closures statewide. The 30x30 California Initiative advocates for 30% of the state be protected by 2030. Increasing the number and areal extent of MPAs in state waters will be a positive action to meet the goals of the initiative and a prudent management strategy to meet the immense challenges from changes in climate that already are harming California's marine resources.

Thank you for your service to protect the exceptional resources of California.

Sincerely,



Sarah G. Allen, PhD  
Retired Senior Science Advisor  
National Park Service



cc: Ashley Eagle-Gibbs, Environmental Action Committee of West Marin

## References

- Chan, G. 1979. California Marine Waters Areas of Special Biological Significance Reconnaissance survey reports. Double Point and Duxbury Reef. California State Water Resources Control Board. Water Quality Monitoring Report No. 79-14 and 15.
- Green, D.E., Grigg, E., Allen, S., & Markowitz, H. 2006. Monitoring the potential impact of the seismic retrofit construction activities at the Richmond-San Rafael Bridge on harbor seals (*Phoca vitulina*): May 1, 1998 – December 31, 2004. Final Report, IHA 11/19/03-11/18/04. 100pp.
- Codde, S. & S. Allen. 2015. Pacific harbor seal (*Phoca vitulina richardsi*) monitoring at Point Reyes National Seashore and Golden Gate National Recreation Area: 2013 annual report. Natural Resource Report NPS/SFAN/NRR—2015/919. National Park Service, Fort Collins, Colorado.

# **ATTACHMENT 7**

Josh Churchman

email:

telephone:

November 29, 2023

via email ([fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)) & U.S. Mail

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

**Re: Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") regarding the Duxbury Reef Marine Protected Area.

**My experience/background relevant to this matter.**

I am a fisherman in Bolinas for sixty seven years. I started as a sport fisherman and progressed into commercial fishing as I got older. I am now and have been a member of the Bolinas Rod & Boat Club for fifty years and I was a stakeholder on the long and painful road to forming MPA's along our coast.

For the enjoyment, education and inspiration of current and future generations, and to minimize the negative impacts of the ever increasing number of visitors to Duxbury Reef's intertidal habitat, all three of the following additions and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") which EAC has requested should be approved by the Commission.

**1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".**

Designating the entirety of the Duxbury MPA as a State Marine Reserve is upon us. It is time for us to prohibit all taking of anything, including all fishing from shore (except under a scientific collecting permit for authorized research, restoration or monitoring).

**2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water (the "Southern Reef Extension")**

I understand that the Southern Reef Extension is at this time outside of and unprotected

by the current MPA boundaries. This part of the reef should be included in the new boundaries.

**3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point (the “Northern Reef Extension”)**

I understand that the Northern Reef Extension is outside of and unprotected by the current SMCA. It is my understanding that this unprotected area commences at the North boundary of the current SMCA, roughly at the outfall of Arroyo Hondo Creek, and would extend to the northern point of Double Point. This is a much more abundant reef area and should have been included long ago.

**No New Exclusions of Offshore Commercial Fishing**

Finally, I wish to clearly state that while I am strongly in favor of providing full protection as a State Marine Reserve to the entire Duxbury intertidal reef, I am concerned that a thousand foot outer boundary is excessively punitive to the Bolinas fishing community. If the regulations would exclude the taking of Salmon and Halibut, or the outer boundary could be moved in to three hundred feet it would still protect the intertidal zone and not adversely impact the local fishermen as dramatically. Salmon and Halibut are “ pelagic” and they do not influence the health of the reef in any significant way. However, there are times when both congregate along that shoreline and in very close to the beach.

**Summary**

I think it is time to exercise “adaptive management”. Increase the intertidal protections and, at the same time, protect the future of a healthy Bolinas fishing community.  
Respectfully submitted,



Josh Churchman

cc. Kent Khtikian



# **ATTACHMENT 8**



CALIFORNIA  
ACADEMY OF  
SCIENCES



Resource Renewal Institute  
40 Years. Innovation for a Sustainable Future.



November 29, 2023

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

Re: Support for Environmental Action Committee's Petition for Regulation Change at Duxbury Reef

Dear President Sklar and Commissioner Murray,

The undersigned organizations submit these comments in support of the Environmental Action Committee of West Marin (EAC)'s petition regarding changes to the regulations for the Duxbury Reef State Marine Conservation Area (SMCA). The undersigned organizations are committed to coastal protection, the marine protected area (MPA) network, and the state's 30x30 goals.

Duxbury Reef's shale reef supports a complex and rich ecosystem of over 100 species of invertebrates, marine algae, and plants, plus associated finfish and avian species. Its broad, flat slope affords easy access to rocky intertidal tidepools which are visited by many people throughout the year, and used as outdoor classrooms for students from primary school to the university level. On some days, there can be hundreds of visitors at Duxbury Reef, including many visitors from other states and countries.

To help preserve the ecosystem of Duxbury Reef for the enjoyment, education, and inspiration of current and future generations, and to minimize the negative impacts of "take" to Duxbury Reef's vulnerable intertidal habitat and species, we urge the California Fish and Game Commission to modify the existing Duxbury Reef SMCA regulations with the following changes proposed by EAC:

1. **Change the Duxbury Reef SMCA designation to State Marine Reserve (SMR)** in which no take would be allowed, to more fully protect vulnerable marine species at risk of impacts from take. This would eliminate the existing public confusion and enforcement challenge related to the current allowance of some take. Redesignating Duxbury to an SMR is of vital importance.
2. **Extend the southern boundary of the Duxbury MPA** to the most southerly tip of Duxbury Reef exposed at mean lower low water. That is, protect the whole reef to a point at approximately 37° 53.1315' N. latitude, 122° 41.7549' W. longitude, to include the southern reef area which is contiguous with the rest of the MPA, and ecologically sensitive yet currently unprotected.
3. **Extend the northern boundary of the Duxbury Reef MPA** protections to the Double Point/Stormy Stack Special Closure as described in CCR Title 14 § 632(b)(49) to protect contiguous, more pristine reef habitat to the north which is ecologically connected to the current SMCA, but which is at risk of being degraded.

We enthusiastically support California’s MPA Network. In the case of Duxbury Reef, we assert that strengthened protections are urgently needed to preserve the reef’s biodiverse marine life for future generations, considering public confusion about allowable take, as well as the lack of any protection of the southern and northern sections of the reef habitat, all in combination with changing ocean and climate conditions including sea level rise that add further stress on sensitive marine creatures and alter the habitat.

Sincerely,

Chance Cutrano Director of Programs Resource Renewal Institute	Laura Deehan State Director Environment California Research and Policy Center
Neal Desai Senior Program Director, Pacific Region National Parks Conservation Association	Suzanne Hume Educational Director & Founder CleanEarth4Kids.org
Megan Isadore Executive Director River Otter Ecology Project	Scott D. Sampson, Ph.D. Executive Director California Academy of Sciences
Terri Thomas President Marin Conservation League	Tomas Valadez CA Policy Associate Azul
Robert Vergara Roger Arliner Young (RAY) Ocean Conservation Fellow Natural Resources Defense Council	



# **ATTACHMENT 9**

Kent Khtikian

email: [REDACTED]

telephone: [REDACTED]

July 3, 2023

via email ([fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)) & U.S. Mail

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

**Re: Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations and to minimize the negative impacts of visitors to Duxbury Reef's intertidal habitat and species all three of the following additions to and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

**1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".<sup>1</sup>**

Designating the entirety of the Duxbury MPA as a State Marine Reserve is imperative, whether or not the boundaries of the current MPA re expanded as urged below.

I have observed a very large increase in the visitation to the Duxbury MPA over the course of the last 12 years. (The increase over the prior 35 years was not nearly as large in absolute numbers; indeed, the increase during that prior 35 year period was hardly noticeable.) I have also observed that there is now, as compared to 12 years ago, a corresponding large increase in both commercial and recreational collection. This includes collection of fauna and flora, for consumption as well as for non-consumption purposes. When speaking with visitors, who have

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<sup>1</sup> I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected. I am a retired attorney and I have read and am familiar with all sections of the Marine Life Protection Act (Fish & Game § 2850 et seq.) and the regulations promulgated thereunder (14 C.C.R. §632).

been engaged in non-consumptive, casual or recreational collecting, I have consistently heard confusion about what is or is not allowed within the current SMCA. Visitors see legal taking occurring within the current SMCA and assume that taking of anything is allowed. In addition, when permitted taking is observed, the ability of docents to protect the SMCA from not only recreational collecting, but also to minimize the usually unintended negative impacts of trampling, moving rocks for viewing, and temporarily removing animals from tide pools (this causes injury as the animal may have been in a location where it's food was present, or where it was tending eggs, or where it had a required or preferred exposure to or protection from tidal currents and wave shock<sup>2</sup>). Visitors compare, rationalize and measure their own trampling, invertebrate handling or collecting, and rock-overturning activity against the permitted taking. Simply put, continuing to permit some taking from Duxbury undermines the realization of the Commission's proscription that "it is unlawful to injure, damage, take, or possess any living ... marine resource"(14 C.C.R. § 632(a)(1)) that is not otherwise excepted from taking in the Duxbury SMCA.

**2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water (the "Southern Reef Extension")**

a. Direct Impacts on the Southern Reef Extension. The Southern Reef Extension is outside of and unprotected by the current SMCA. This unprotected area constitute about 5/6's of that portion of Duxbury Reef extending off the southern tip of the Bolinas peninsula. It is accessible at low tide from 3 points: the Agate Beach County parking lot; the Bolinas beach boat ramps at the ends of Brighton Road and Wharf Roads; and, a "local" trail down the bluff on the southern point of the Bolinas mesa. While the Southern Reef Extension does not have as many visitors as other parts of Duxbury Reef, it is an area on which I have observed an increasing number of incidents of collecting. The Southern Reef Extension has many species not found on, or rarer on, those portions of Duxbury that are more heavily visited. Its relatively pristine state is at risk of being degraded. Many of the species I have seen on the Southern Reef Extension have always been, or are now, absent or comparatively relatively rare on those parts of the SMCA most heavily visited by humans (for example, *Lissothuria nutriens* (Dwarf Sea Cucumber), *Nuttallina californica* (Nuttall's Chiton), *Mopalia ciliata* (Hairy Chiton), *Oligocottus snyderi* (Fluffy Sculpin) a number of species of nudibranch such as *Diaulua sandiegensis* (Ring-spotted Dorid) and *Dendrodoris albopunctata* (Salted Dorid). Other species I have seen on the Southern Reef Extension are now relatively rare, but had once been more numerous, on the more frequently visited part of the reef - within the current SMCA - due to collecting/poaching of that species itself (e.g. *Lottia gigantea* (Owl Limpet)) or loss from the trampling, handling or collecting of what a species (e.g. *Octopus dofleini* and *Octopus rubescens*) feeds on. Finally I have observed since the early 1980's, at roughly the midpoint of the Southern Reef Extension, a continuous colony of *Phoca vitulina* (Harbor Seals) that is easily flushed into the water by approaching humans.

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<sup>2</sup> I would be happy to testify as to specific impacts of these kinds on specific species.

b. Impacts on the Existing SMCA. In addition to the direct impacts on the unprotected Southern Reef Extension itself, the collection in the Southern Reef Extension has at least two negative impacts on the intertidal habitat of the current SMCA. First, visitors unfamiliar with the existence of the SMCA or, if knowing it exists, unfamiliar with its boundaries see legal taking occurring on the unprotected Southern Reef Extension, where there is no limitation to only the taking of finfish, and assume that broader taking (e.g. taking bivalves for bait, collecting invertebrates, harvesting algae) is allowed in the area within the current SMCA. Second, it negatively impacts the complex and rich ecosystem of the entire reef by removing from the less visited areas (the Northern & Southern Reef Extensions) those species that could otherwise repopulate the more heavily visited areas (the current SMCA).

**3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point (the “Northern Reef Extension”)**

The Northern Reef Extension is outside of and unprotected by the current SMCA. This unprotected area commences at the North boundary of the current SMCA (roughly the outfall of Arroyo Hondo Creek) and would extend to the northern point of Double Point. It is accessible from 6 points: the Agate Beach County parking lot (at low tide); two trails down from the Commonwealth area; a trail down from a small parking area on Mesa Road North of Point Blue’s Palomarin Field Station; a trail that commences about 200 yards North of the Palomarin trailhead (branching off the Coast Trail); and, at low tide from the beach from Alamere Falls. The number of visitors at the Palomarin trailhead has increased many-fold. Ten years ago it was rare to have more than 15 cars in the trailhead parking lot on a Saturday or Sunday during the Summer; now parking fills that lot at any time of the year, and often extends down Mesa road - on occasion nearly to Point Blue’s field station. The Northern Reef Extension has many species not found on, or now rarer on, those portions of Duxbury that are more heavily visited. Its relatively pristine state is at risk of being degraded. Perhaps the most memorable (to me) two species I have seen in the Northern Reef Extension, but not in the SMCA, are *Anarrhichthys ocellatus* (Wolf Eel), and *Scorpaenichthys marmoratus* (Giant Marbled Sculpin or Giant Sculpin) protecting its eggs, a species I have seen in the intertidal area only twice in over 30 years in tidepools which was protecting eggs and potentially could be easily captured. Obviously, like the collecting activity in the Southern Reef Extension, that same activity in the unprotected Northern Reef Extension, negatively impacts the complex and rich ecosystem of the entire reef.

**My experience/background relevant to this matter.**

I was a part-time resident of Bolinas from 1976 to 1985. From 1986 to the present I have continuously been a full-time resident of Bolinas. During that period I have observed Duxbury Reef, keeping field and laboratory notes of my observations over that time. I am a rocky shores naturalist, trained as part of the rocky shores partnership between California Academy of Sciences and the Gulf of the Farallones National Marine Sanctuary, and in marine biology course work at the College of Marin (as examples). Two days a month for over 3 years I was a volunteer docent at the California Academy of Sciences, specializing in marine invertebrates.

Each year for the past 10 years I have performed surveys of intertidal invertebrates in the more untouched areas of the Marin Coast (4 sites including one on Duxbury Reef) and Alcatraz Island as part of the Multi-Agency Rocky Intertidal Network (MARINe). For 8 years I surveyed and tagged pinnipeds in Pt. Reyes National Seashore. I participated in MPA Watch from 2013 to 2021. I have spent over 100 hours a year docenting at Duxbury Reef, including taking school groups on the reef from primary school to college classes, over the past 12 years. In 2022 I created the docent program on Duxbury Reef in partnership with EAC, I taught the docent volunteers the biology and the identification of species found on Duxbury, and trained them in docenting protocols. I was previously named volunteer of the year by the National Park Service, by the Greater Farallones National Marine Sanctuary, and by EAC. I am also a member of the Bolinas Rod & Boat Club.

### Summary

Duxbury Reef's side-shelf shale reef supports a complex and rich ecosystem. Its tidal pools are easy to access and are frequently used as outdoor classrooms for students from primary school to the university level and for recreation. On some days there are 100s of visitors to Duxbury Reef, including many visitors from other States and countries, for tide pool exploration and wildlife watching.

In order to preserve without further impairment, and to correct harm that has been previously done to, the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations all three of the above-described additions to and modifications of the Duxbury Reef State Marine Conservation Area proposed should be approved by the Commission.

Respectfully submitted,



Kent Khtikian

cc. Morgan Patton, EAC

# **ATTACHMENT 10**

Date: July 3, 2023

To: California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

via email ([fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)) & U.S. Mail

From: Joe Mueller  
College of Marin  
Dept. of Life and Earth Sciences  
835 College Ave  
Kentfield, CA 94904

Re: **Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") dated April 6, 2023 regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve the ecological integrity of the Communities of Duxbury Reef for the recreational use, education and scientific modeling opportunities of current and future generations and to minimize the damaging impacts of visitors to Duxbury Reef's rocky intertidal communities all three of the following additions to and revisions of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

**My experience/background relevant to this matter.**

As a Professor of Marine Biology at College of Marin for 33 years I have been studying Duxbury Reef and leading marine biology field trips to the reef for all of these years. I have been part of conducting invertebrate population assays on the reef since 1985. Recently I have led a research project to follow through on invertebrate studies that have been monitoring biodiversity trends since the early 1970s.

**1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".<sup>1</sup>**

Designating the entirety of the Duxbury MPA as a State Marine Reserve is of vital importance,

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<sup>1</sup> I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected.

July 3, 2023

whether or not the boundaries of the current MPA are expanded as urged below. Over my 33 years of teaching college level courses on Duxbury Reef I have observed a significantly large increase in the visitation to the Duxbury MPA over the course of the last 12 years or so. Additionally, I have observed that there is a corresponding significant increase in both commercial and recreational collecting/fishing as compared to 12 or so years ago. This includes collecting of both invertebrates, vertebrates and algae for food as well as for general collecting purposes. Most importantly I've notice a precipitous drop and reef invertebrate diversity and biomass. It is in my professional opinion that continuing to permit some taking from Duxbury undermines the realization of the Commission's proscription that "it is unlawful to injure, damage, take, or possess any living ... marine resource"(14 C.C.R. § 632(a)(1)) that is not otherwise excepted from taking in the Duxbury SMCA.

**2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water (the "Southern Reef Extension")**

a. Direct Impacts on the Southern Reef Extension. The Southern Reef Extension is outside of and unprotected by the current SMCA. This unprotected area constitutes about 5/6's of that portion of Duxbury Reef extending off the southern tip of the Bolinas peninsula. It is accessible at low tide from 3 points: the Agate Beach County parking lot; the Bolinas beach boat ramps at the ends of Brighton Road and Wharf Roads; and, a "local" trail down the bluff on the southern point of the Bolinas mesa. While the Southern Reef Extension does not have as many visitors as other parts of Duxbury Reef, it is an area on which I have observed an increasing number of incidents of collecting over the last few years. The Southern Reef Extension has a significantly higher biodiversity than those regions of Duxbury that are more heavily visited due to easier access. This is due to the diverse microhabitats found in this area as well as other abiotic variables. The reef's relatively pristine state is at risk of being degraded. If needed I would be happy to provide your office with a list of invertebrate and vertebrate species historically found within the Southern Reef Extension that are now, absent or comparatively rare on those parts of the SMCA most heavily visited. Other species I have seen on the Southern Reef Extension are now relatively rare, but had been more numerous in the past, on the more frequently visited part of the reef - within the current SMCA - due to collecting/poaching of that species, e.g. *Lottia gigantea* or most likely loss from the trampling, handling or collecting of what some species (e.g. *Octopus dofleini* and *Octopus rubescens*) feed on. I have also observed colonies of Harbor Seals that are easily frightened into the water by approaching humans in this area.

b. Impacts on the Existing SMCA. In addition to the direct impacts on the unprotected Southern Reef Extension, the collection in the Southern Reef Extension has at least two negative impacts on the intertidal habitat of the current SMCA. First, visitors unfamiliar with the existence of the SMCA or, if knowing it exists, unfamiliar with its boundaries see legal taking occurring on the unprotected Southern Reef Extension, where there is no limitation to only the taking of finfish, and assume that broader taking (e.g. taking bivalves for bait, collecting invertebrates, harvesting algae) is allowed in the area within the current SMCA. Second, it negatively impacts the



July 3, 2023

complex and rich ecosystem of the entire reef by removing from the less visited areas (the Northern & Southern Reef Extensions) those species that could otherwise repopulate the more heavily visited areas (the current SMCA).

**3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point (the “Northern Reef Extension”)**

The Northern Reef Extension is outside of and unprotected by the current SMCA. This unprotected area commences at the North boundary of the current SMCA (roughly the outfall of Arroyo Hondo Creek) and would extend to the northern point of Double Point. It is accessible from 6 points: the Agate Beach County parking lot (at low tide); two trails down from the Commonweal area; a trail down from a small parking area on Mesa Road North of Point Blue’s Palomarin Field Station. I’m told by expert National Park staff that there has been a significant increase in visitation and is due to social media. The Northern Reef Extension has a richer biodiversity than areas of Duxbury that are more heavily visited. Its relatively pristine state is at risk of being degraded. As you’re aware, the collecting activity in the Southern Reef Extension is the same activity in the unprotected Northern Reef Extension and negatively impacts the complex and rich ecological communities of the entire reef system

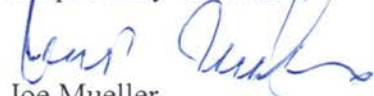
**Summary**

Duxbury Reef’s side-shelf shale reef supports complex and rich ecological communities. Its tidal pools are easy to access and are frequently used as outdoor classrooms for students from primary school to the university level as well as for recreation. On many days I have counted more than 150 visitors using Duxbury Reef, that have come to explore the rocky intertidal community.

In order to preserve without further damage, and to allow the reef to heal so it can provide enjoyment, education and inspiration for current and future generations I strongly recommend that all three of the above-described additions to and revisions of the Duxbury Reef State Marine Conservation Area proposed should be approved by the Commission.

Please feel free to contact me for any clarification or questions. [jmueller@marin.edu](mailto:jmueller@marin.edu)

Respectfully submitted,



Joe Mueller  
Professor of Marine Biology  
College of Marin  
Kentfield, CA 94904  
[jmueller@marin.edu](mailto:jmueller@marin.edu)

cc. Morgan Patton, EAC

# **ATTACHMENT 11**

Lily Rosenman

email: 

July 6, 2023

via email ([fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)) & U.S. Mail

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

**Re: Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations and to minimize the negative impacts of visitors to Duxbury Reef's intertidal habitat and species all three of the following additions to and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".<sup>1</sup>
2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water.
3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

**Rationale for my support of the above actions.**

My comments below are premised upon my following experience. I have continuously been a full-time resident of Bolinas since 2021. Since moving to Bolinas I have spent many hours on Duxbury Reef. I am currently taking classes at the College of Marin to obtain a Natural History Certificate and have completed 4 of the 7 courses for that certification. I completed the docent training class for the Duxbury Reef docent program in January 2022. I have been an active docent on Duxbury Reef since January 2022, and I have spent many hours on the reef as a docent. I have been visiting and exploring Duxbury reef since the 1980s, and the experiences

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<sup>11</sup> I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected.

tidepooling there throughout my childhood have directly influenced my current path to learning more about Ecology and Marine Biology.

As a docent I have talked to visitors who were engaged in casual, recreational collecting. From numerous interactions with visitors, it is apparent that visitors often feel that their own activity of turning over rocks, walking through tide pools, or recreational collecting is less harmful than whatever fishing that they either see occurring on the reef or they read as being permitted on the signage in the Agate Beach parking lot.

When fishermen are in the SMCA, I am too uncomfortable as a volunteer docent, to try to stop - or even dissuade - fishermen from using mussels as bait or from removing other invertebrates either for consumption or for bait.

If Duxbury was designated as a State Marine Reserve, there would be no question that the taking or possessing is not permitted. Nor would there be permitted taking occurring, against which visitors could compare, rationalize and justify their own trampling, invertebrate handling, and rock-overturning activity.

I have also observed that there are large parts of Duxbury Reef, both to the North and South of the boundaries of the current area designated as the Duxbury Reef State Marine Conservation Area which are increasingly visited. Those areas are outside of the Duxbury marine protected area. Consequently, there is no attempt to dissuade or even report harmful conduct in the parts of the reef which are now relatively pristine. The risk of the degradation of those areas would be reduced by expanding the boundaries of Duxbury marine protected area to include them and by designating the entirety as a State Marine Reserve. Moreover, unless someone was posted out beyond the current boundaries of the SMCA (and there are not enough volunteers to do that), it is impossible to tell if people who are walking back from more remote parts of the reef to the County's Agate Beach parking area who are carrying buckets, collected the contents of those buckets inside the current boundaries of the Duxbury SMCA or in those larger unprotected areas of Duxbury Reef outside of its current protected boundaries.

Sincerely,

A handwritten signature in black ink that reads "Lily Rosenman". The signature is written in a cursive, flowing style.

Lily Rosenman

cc. Morgan Patton, EAC

# **ATTACHMENT 12**

Bridget Bartholome

email: [REDACTED]

telephone: [REDACTED]

July 5, 2023

via email ([fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)) & U.S. Mail

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

**Re: Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") dated April 6, 2023 regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations and to minimize the negative impacts of visitors to Duxbury Reef's intertidal habitat and species all three of the following additions to and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".<sup>1</sup>
2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water.
3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

**Rationale for my support of the above actions.**

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<sup>1</sup> I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected.

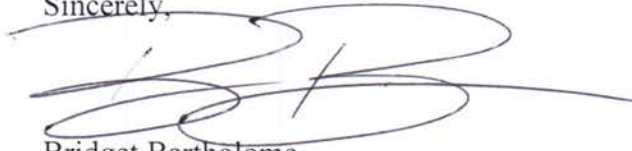
My comments below are premised upon my following experience. I have continuously been a full-time resident of Bolinas since 2006. Since moving to Bolinas I have spent many hours on Duxbury Reef. I am currently taking classes at the College of Marin to obtain a Natural History Certificate and have completed 6 of the 7 classes for that certification. I took the docent training class for the Duxbury Reef docent program in January 2022 and I have been continually participating in that program on Duxbury Reef since that date. I was also resident choreographer for Bolinas Bay Performing Arts 2014-2020, and taking young people to the reef to learn and explore was an integral part of our production of "The Little Mermaid". I have also been a member of the Bolinas Rod and Boat Club since 2020. For the past year I have also been assisting in performing invertebrate surveys in several areas within the current Duxbury SMCA.

I have observed a very large increase in the visitation to the Duxbury SMCA over the course of the last 7 years. As a docent I have talked to visitors who were engaged in casual, recreational collecting. On those occasions when others on the reef were fishing, the visitors would ask me why fishing with lines and hooks, or with poke poles, was permitted, but taking other animals (bivalves, snails, urchins) from the reef, or turning over rocks, or splashing through tide pools (and, for example, potentially destroying egg deposits or crushing juvenile crabs taking refuge in tide pools when the tide retreats) was prohibited. Docents are volunteers, and are present on the reef for only a small percentage of the time. It is apparent to me that despite the signs in the Agate Beach parking lot, many people believe that their activity is less impactful than the taking by others that is permitted. In addition, when people are walking back from one of the more distant parts of Duxbury's protected area to the County's Agate Beach parking lot carrying fishing rods and buckets, it is very uncomfortable for docents to try to peer in the buckets to determine if they are carrying off anything other than finfish or abalone; indeed, it is uncomfortable to the point that the observation is rarely attempted. Consequently, if Duxbury was designated as a State Marine Reserve, there would be no question that the taking or possessing is not permitted. Nor would there be permitted taking occurring, against which visitors could compare, rationalize and justify their own trampling, invertebrate handling, and rock-overturning activity.

I have also observed that there are large parts of Duxbury Reef, both to the North and South of the boundaries of the current area designated as the Duxbury Reef State Marine Conservation Area which are increasingly visited. Those areas are outside of the Duxbury marine protected area. Consequently, there is no attempt to dissuade or even report harmful conduct in the parts of the reef which are now relatively pristine. The risk of the degradation of those areas would be reduced by expanding the boundaries of Duxbury marine protected area to include them and by designating the entirety as a State Marine Reserve. Moreover, unless someone was posted out beyond the current boundaries of the SMCA (and there are not enough volunteers to do that), it is impossible to tell if people who are walking back from more remote parts of the reef to the County's Agate Beach parking area who are carrying buckets, collected the contents of those buckets inside the current boundaries of the Duxbury SMCA or in those larger unprotected areas of Duxbury Reef outside of its current protected boundaries.

California Fish and Game Commission  
July 5, 2023

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Bridget Bartholome

cc. Morgan Patton, EAC



# **ATTACHMENT 13**

Laura Lee Miller

July 6, 2023

via email ([fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)) & U.S. Mail

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

**Re: Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations and to minimize the negative impacts of visitors to Duxbury Reef's intertidal habitat and species all three of the following additions to and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".<sup>1</sup>
2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water.
3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

**Rationale for my support of the above actions.**

My comments below are premised upon my following experience. I have continuously been a full-time resident of Bolinas since 2001, and am a lifelong resident of Marin County. Since moving to Bolinas I have spent many hours on Duxbury Reef. In both Bolinas waters and Tomales Bay, as a Red Cross certified swimming instructor I have taught open water safety

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<sup>1</sup> I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected.

California Fish and Game Commission  
July 6, 2023

skills, for both West Marin Community Services and Bolinas Stinson School. I received a naturalist certificate from the College of Marin after completing 12 courses, including marine biology. I have volunteered at the Point Blue Conservation Marine Lab, specializing in krill ID from Cordell Bank surveys. I took the docent training class for the Duxbury Reef docent program in January 2022 and I have been continually participating in that program on Duxbury Reef since that date. I have spent many hours on the reef as a docent since January 2022. For the past 3 years I have also been performing invertebrate surveys in several areas within the current Duxbury SMCA. I am also an active member of the Bolinas Rod and Boat Club.

I have observed a very large increase in the visitation to the Duxbury SMCA over the course of the last 20 years but especially the past 4 years. As a docent I have talked to visitors who were engaged in casual, recreational collecting. From numerous interactions with visitors, it is apparent that visitors often feel that their own activity of turning over rocks, walking through tide pools, or recreational collecting is less harmful than whatever fishing that they either see occurring on the reef or they read as being permitted on the signage in the Agate Beach parking lot. They are almost always confused by this mix of regulations, with some species allowed to be collected and or consumed, and others not.

I have also noticed the disappearance of long-lived invertebrate species from those parts of the Duxbury SMCA frequented by fishermen, from which there is a good fishing access to the surf, for example owl limpets, which are edible. It is very awkward, in fact uncomfortable as a volunteer, to try to peer in a fisherman's bucket(s) to determine if they are carrying off anything other than finfish, or to try to dissuade them from using mussels as bait or from removing other invertebrates either for consumption or for bait.

In sum, if Duxbury was designated as a State Marine Reserve, there would be no question that the taking or possessing is not permitted. Nor would there be permitted take occurring, against which visitors could compare, rationalize and justify their own trampling, invertebrate handling, and rock-overturning activity.

I have also observed that there are large parts of Duxbury Reef, both to the North and South of the boundaries of the current area designated as the Duxbury Reef State Marine Conservation Area which are increasingly visited. Those areas are outside of the Duxbury marine protected area. Consequently, there is no attempt to dissuade or even report harmful conduct in the parts of the reef which are now relatively pristine. The risk of the degradation of those areas would be reduced by expanding the boundaries of Duxbury marine protected area to include them and by designating the entirety as a State Marine Reserve. Moreover, unless someone was posted out beyond the current boundaries of the SMCA (and there are not enough volunteers to do that), it is impossible to tell if people who are walking back from more remote parts of the reef to the County's Agate Beach parking area who are carrying buckets, collected the contents of those buckets inside the current boundaries of the Duxbury SMCA or in those larger unprotected areas of Duxbury Reef outside of its current protected boundaries.

California Fish and Game Commission  
July 6, 2023

Thank you for considering these critical designation and boundary recommendations for Duxbury Reef, to the benefit of all our west coast fisheries and wildlife.

A handwritten signature in black ink that reads "Laura Lee Miller". The signature is written in a cursive, flowing style.

Laura Lee Miller

cc. Morgan Patton, EAC

# **ATTACHMENT 14**

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

Re: Fish and Game Marine Resources Committee Agenda Item 5: MPA DMR  
Petition for modification of Duxbury Reef Marine Protected Area

Dear President Sklar and Honorable Commissioners,

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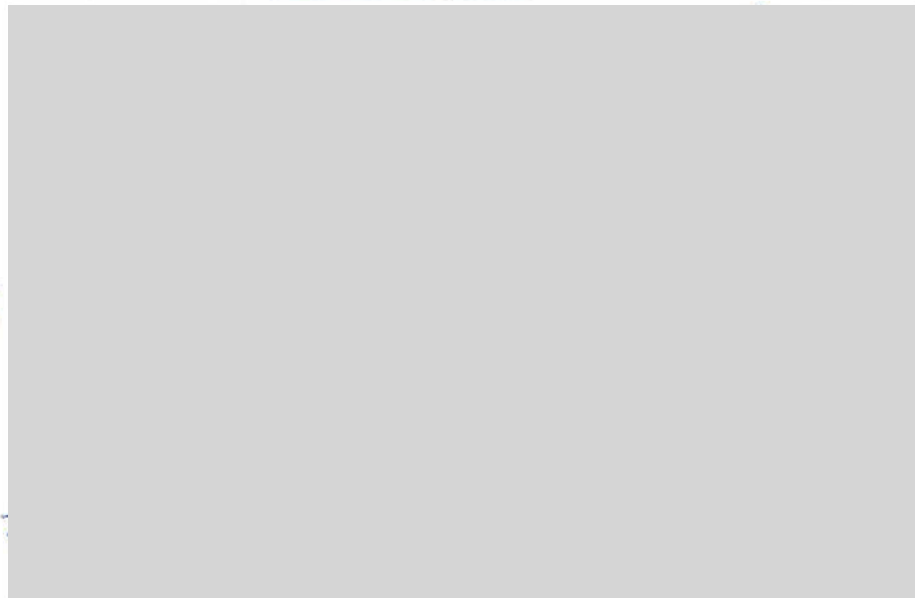
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Name

Residence Address

Kelly Cardoso  
Kelly Green  
Nik Bertulis  
Noah Dailey  
John Gravis



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Name

Residence Address

Kimberly Charles

George Turner

Mills Turner

THOMAS J BRAUN

Nancy Torrey  
Nancy

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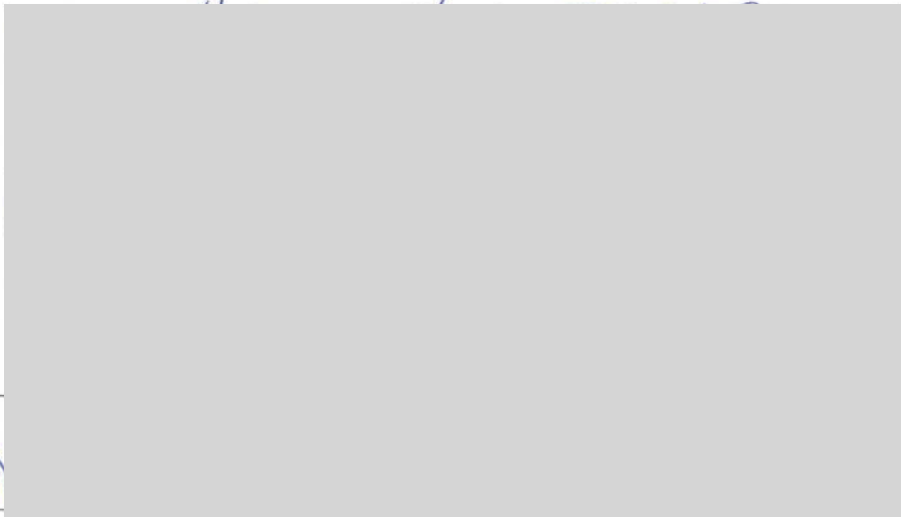
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Name

Residence Address

LINDA MEISER  
Kathy McNAMARA  
Jennifer MacPhail  
Catherine McPhail  
Giampiero Canallo





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

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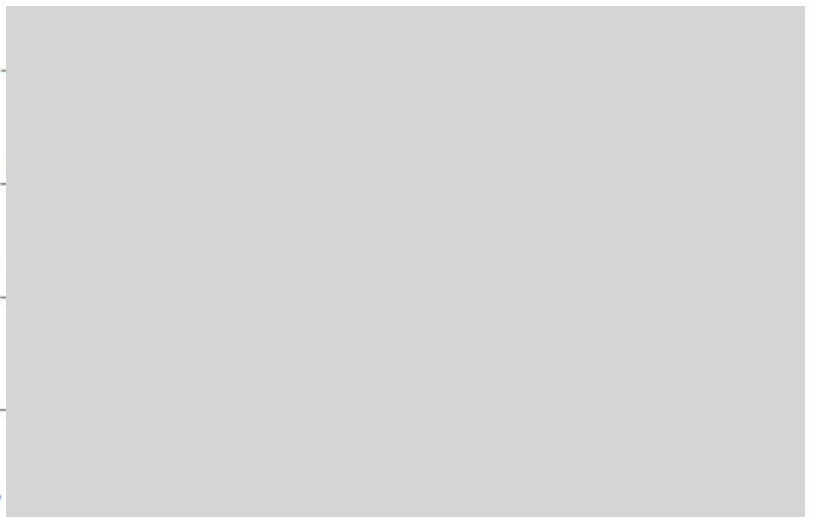
Michael Light

Brooke Mareschau

Kimmy Haines

Dale Polissar

John Hutchinson



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Name

Residence Address

Karen Morabito

CHRISTINA MORABITO

Alexa Jade GADE

Sam Brady

[Signature]



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Name

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Patricia Potovsky

Sylvia Potovsky

Jean N Potovsky

Shannon McKillop-Har

Carl Marabito

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Vanessa Marcotte

Apollo Burton

TODD D. SMITH

Mike Ludoff

Pam Faboy

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PAULETTE BILGART

Gregory Shelley

Dante Filippetto

Sothea Teng

ANNE LAUFMAN

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Joy Conway

Scott Keels

Jenny Vande

Luca Puskulto

Liam Gislason



California Fish and Game Commission  
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Terry Comiccia

Pavati Zero

Michael Tar

Monty Bond

Alison Wells

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Bruce Lowry

Jennifer Pfeiffer

Sandy Diecks

Ann Sands

Sabrina Lodner  
Laura Lewis





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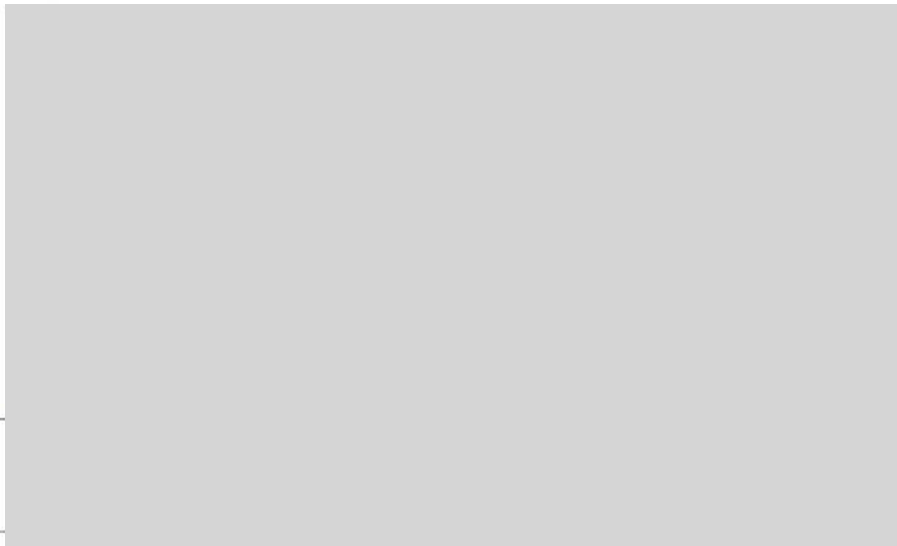
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Loa Kelley  
Kamperas  
Christine Trizta  
Cheryl Ruggiero  
EMILY OZAK



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Name

Bonnie M. Jones

Lisa Herbert

Chris Brahm

Marc Sanchez-Corra

Clayton Ferrari

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ZOE GALLATE

Alex Gorbunov

Jennifer Brahm

Tim Murray

NICK ROGUE

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Sacramento, CA 94244-2090

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Steve Howell

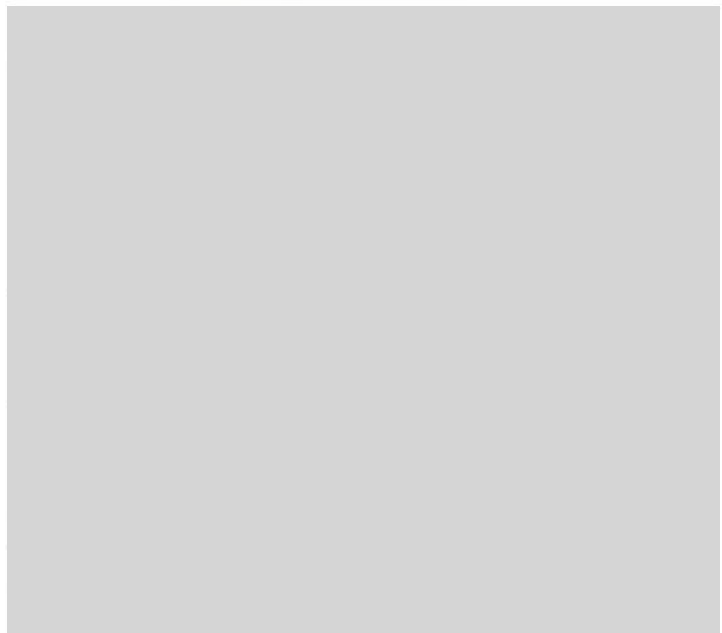
Sam Scott

Milk BAKER

Mackenzie Price

Will Scott

Keith Rosenthal



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Pegan Brooke

David J. Moritz

Wilmer Laufman

Douglas GURAVICH

Matthew WEBB

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

Re: Fish and Game Marine Resources Committee Agenda Item 5: MPA DMR  
Petition for modification of Duxbury Reef Marine Protected Area

Dear President Sklar and Honorable Commissioners,

This is submitted to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") dated April 6, 2023.

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3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name

Residence Address

Eustache de Saint Phalle

Maggie Richardson

TREVOR RICHARDSON

Sergio Pineda

Elena Sanchez-Corea

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

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Name

Residence Address

Dominic Cacciatore

MARIA Elena Gutierrez

Daniel Gutierrez

Dahyana Otero

ERIN O'REILLY

California Fish and Game Commission  
P.O. Box 944209  
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Name

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KEVIN LEAKE

Meg Simonds

Ed Chiezza

Ralph Cimicci

Kylee Wadleigh



19/30



California Fish and Game Commission  
P.O. Box 944209  
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DAVID POTOVSKY

Diana Sottile

Sen Pakenham

Alessia Potovsky

Carl Gardner

California Fish and Game Commission  
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Name

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Dawn Balestrieri

Ramona Zeno

Kathy Harris

Clara Harrison

James Harrison

California Fish and Game Commission  
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Name

Residence Address

CHERYL MOTHERSHEAD

STEVE MOTHERSHEAD

Jenny Jacob

Mike Jacob

Haley Winter

California Fish and Game Commission  
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Name

Residence Address

Allen Stech

[Signature]

Mark [Signature]

Cliff Stanton

Kate Bayne, MD

California Fish and Game Commission  
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Name

Residence Address

Wendy Jaffe

Eric Riden

Louise Yu

Annaliese Kross

Phil Lochner

24/30

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Name

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Elle Crailcy

Simon Barrad

GAIL REITANO

Kevin Hunter

Cathy Sanchez-Cbr

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Name

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Adriano Medina

Barbara Szwarczewski

Carol Fagan

Lewis Stringer

Lakshmi Karra

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Name

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Jesse Puller

JawbKline

Sam Blake

Phil Butler

Don Smith



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Name

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John Lum

Scott Palmer

Susan Glei

Maureen Marshall

Laurie MacPhail

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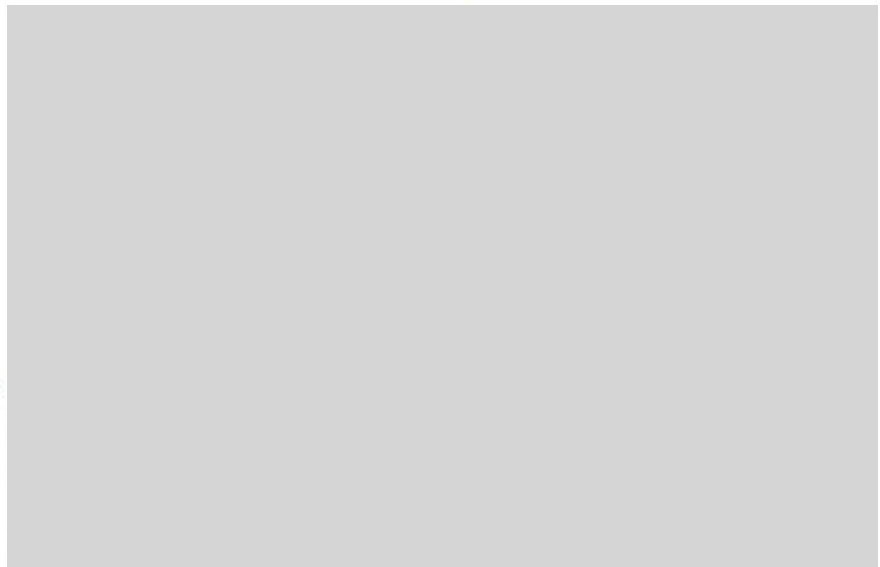
J. Zeno

Lee Mann

Richard Keen

ALLISON EVANS

Ann Vitke



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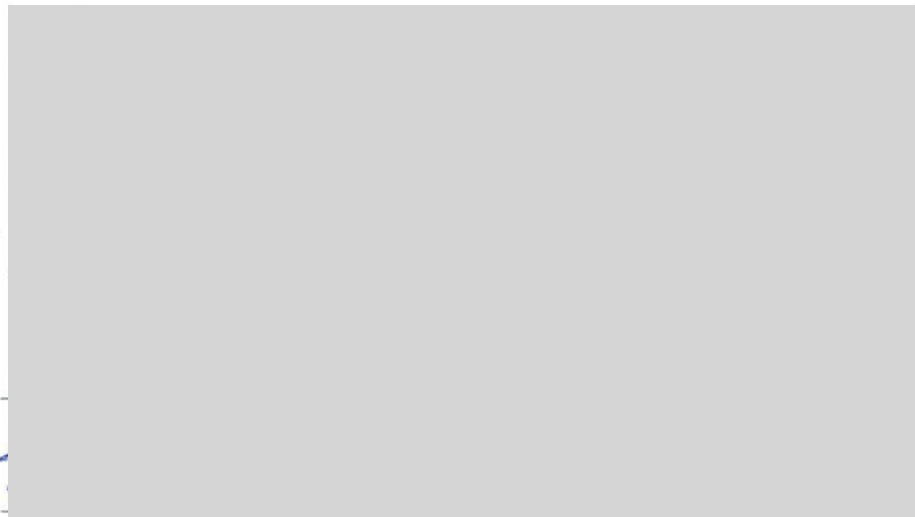
VINCENT FRANKOVSKY

Paul Helzer

Rokas Armona

Covey Black

Robert Dill



# **ATTACHMENT 15**

Courtney Barend

July 6, 2023

via email ([fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)) & U.S. Mail

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

**Re: Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations and to minimize the negative impacts of visitors to Duxbury Reef's intertidal habitat and species all three of the following additions to and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".<sup>1</sup>
2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water.
3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

**Rationale for my support of the above actions.**

My comments below are premised upon my following experience. I have continuously been a full-time resident of Bolinas since 2020. Since moving to Bolinas I have spent many hours on Duxbury Reef. I am currently taking classes at the College of Marin for an associate's degree in Natural Sciences and have obtained a Natural History Certificate. I completed the docent training class for the Duxbury Reef docent program in January 2022. I have been an active docent on Duxbury Reef since January 2022, and I have spent many hours on the reef as a docent. I am currently employed as an intern with California Academy of Sciences as a Marine Mammal Intern and have been regularly assisting them with the collection of marine mammal

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<sup>1</sup> I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected.

California Fish and Game Commission  
July 6, 2023

2

specimens that have been found deceased on the beaches in some of these MPA zones. I have previously worked with the National Park Service as well as the Monterey Bay Aquarium helping to educate the public in various ways about conservation of sensitive ecological systems.

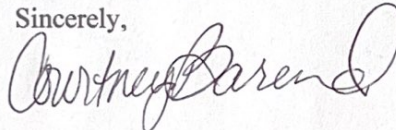
As a docent I have talked to visitors who were engaged in casual, recreational collecting. From numerous interactions with visitors, it is apparent that visitors often feel that their own activity of turning over rocks, walking through tide pools, or recreational collecting is less harmful than whatever fishing that they either see occurring on the reef or they read as being permitted on the signage in the Agate Beach parking lot.

When fishermen are in the SMCA, I am too uncomfortable as a volunteer docent, to try to stop - or even dissuade - fishermen from using mussels as bait or from removing other invertebrates either for consumption or for bait.

If Duxbury was designated as a State Marine Reserve, there would be no question that the taking of or possessing is not permitted. Nor would there be permitted taking occurring, against which visitors could compare, rationalize and justify their own trampling, invertebrate handling, and rock-overturning activity.

I have also observed that there are large parts of Duxbury Reef, both to the North and South of the boundaries of the current area designated as the Duxbury Reef State Marine Conservation Area which are visited. Those areas are outside of the Duxbury marine protected area. Consequently, there is no attempt to dissuade or even report harmful conduct in the parts of the reef which are now relatively pristine. The risk of the degradation of those areas would be reduced by expanding the boundaries of Duxbury marine protected area to include them and by designating the entirety as a State Marine Reserve. Moreover, unless someone was posted out beyond the current boundaries of the SMCA (and there are not enough volunteers to do that), it is impossible to tell if people who are walking back from more remote parts of the reef to the County's Agate Beach parking area who are carrying buckets, collected the contents of those buckets inside the current boundaries of the Duxbury SMCA or in those larger unprotected areas of Duxbury Reef outside of its current protected boundaries.

Sincerely,



Courtney Barend

cc. Morgan Patton, EAC

# **ATTACHMENT 16**



November 30, 2023

via email ([fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)) & U.S. Mail

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

**Re: Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing on behalf of The Marine Mammal Center (the Center) in support of the petition submitted by the Environmental Action Committee of West Marin (EAC) regarding the Duxbury Reef Marine Protected Area.

As the world's largest marine mammal teaching hospital, the central mission of the Center is to advance global ocean conservation through marine mammal rescue, scientific research and education. The Center's federally authorized response operations includes over 600 miles of California's coast from Mendocino to San Luis Obispo counties, as well as in Hawai'i, from the main Hawaiian Islands, northwest through the entire archipelago.

In California, one of the three primary marine mammal species the Center responds to is the harbor seal (*Phoca vitulina*). Harbor seal females are attentive to their pups for several weeks after birth but are easily startled or flushed from their birthing sites, leading to abandonment of their pups. This occurs many times each birthing season throughout our range, and is a risk across the Point Reyes peninsula, including the shoreline of Duxbury Reef.

In light of the risk to harbor seals, and concern for the health of the reef, in general, and for the reasons stated below, the Center believes that to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations, and to minimize the negative impacts of visitors to its intertidal habitat and species, all three of the requests of EAC regarding the Duxbury Reef State Marine Conservation Area (SMCA) should be approved by the Commission.

**1. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure (the "Northern Reef Extension")**

The proposed Northern Reef Extension commences at the North boundary of the current



SMCA, roughly at the outfall of Arroyo Hondo Creek, and would extend to the northern point of Double Point, to take in all of the Double Point cove and to include the Stormy Stack Special Closure. Double Point is the home of one of the largest breeding colonies of harbor seals in California. The cove, the large rock off of the south point and the tide pools at Double Point are used for birthing, nursing and raising pups by harbor seals. Harbor seals are easily flushed by recreational and commercial boats approaching these seal haul outs. Unfortunately, the special closure area currently protects only the area within 300 feet of Stormy Stack (the rock formation off of the northern tip of Double Point). However, the parts of the Double Point cove most frequented by harbor seals are well outside of that 300 foot Stormy Stack special closure zone.

## **2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water (the “Southern Reef Extension”)**

The Southern Reef Extension is at this time outside of and unprotected by the current SMCA. I understand that this unprotected area constitutes about 5/6's of that portion of Duxbury Reef extending off the southern tip of the Bolinas peninsula.

On the Southern Reef Extension there is a harbor seal haul out which has been used year-round by harbor seals for decades as both a resting haul out for both adults and pups and as a minor birthing location. In addition, the intertidal area in the Southern Reef Extension is truly exceptional and there is currently no law protecting its invertebrates and algae from harvesting or casual collecting, thus encouraging foot traffic disruptive to harbor seals.

## **3. Change the designation of the Duxbury Reef State Marine Conservation Area to a “State Marine Reserve.”**

Designating the entirety of the Duxbury MPA as a State Marine Reserve is imperative, whether or not the boundaries of the current MPA are expanded as urged above. A designation of Duxbury Reef as a “State Marine Reserve” will prohibit all taking (including all fishing from shore), damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit for authorized research, restoration or monitoring. Under Duxbury’s current designation as a State Marine Conservation Area fishing from shore is permitted and some species are unprotected. Again, this encourages greater foot traffic, disrupting harbor seals and leading to resource damage and depletion.

Within the current Duxbury SMCA there is a harbor seal haul out which has been used daily in moderate and low tides by harbor seals for many decades. It is a haul out that is disturbed by visitors to the reef during low tides. Although shore-based fishing from Duxbury is reported to have become less popular over the years, harbor seal flushing in the current SMCA is nevertheless usually the consequence of shore-based fishermen venturing out to the further areas of the current designation. Prohibiting shore-based fishing, I believe, would substantially reduce disturbance to that harbor seal haul out. In addition, the elimination of shore-based fishing from the entire reef would remove a source of confusion on the part of visiting casual visitors as to the propriety of their own trampling, invertebrate handling or collecting, and rock-overturning activity, as they currently witness these actions while be guided to act otherwise.

We believe that designating an expanded Duxbury MPA as a State Marine Reserve will serve the objectives of California's 30x30 Initiative and place under protection California's largest intertidal reef ecosystem, its resident marine mammals and other sensitive marine resources that are under pressure from multiple sources.

Thank you for your consideration of these points.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Boehm". The signature is fluid and cursive, with a large initial "B" that loops around the first few letters.

Jeffrey R. Boehm, DVM, ACAW  
Chief External Relations Officer

cc. Ashley Eagle-Gibbs, Environmental Action Committee of West Marin

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