

Committee Staff Summary for July 17-18, 2024 MRC

3. General Public Comment**Today's Item**Information Action

Receive public comment regarding topics that are not included on the agenda.

Summary of Previous/Future Actions (N/A)**Background**

The Marine Resources Committee (MRC) receives two types of correspondence or comment under general public comment: (1) requests for MRC to consider new topics and (2) informational items. As a general rule, requests for a regulation change must be submitted to the Commission on petition form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change*. However, MRC may, at its discretion, request that staff follow up on items of potential interest for possible recommendation to the Commission.

Note that comments about specific marine protected area regulation change petitions (MPA petitions) are included under this item. Comments related to the Department-proposed binning of MPA petitions for Phase 1 evaluations are included with Agenda Item 2, this meeting.

Significant Public Comments

Nine public comments about specific MPA petitions were received by the public comment deadline.

1. A consortium of commercial fishing associations expresses support for five marine protected area (MPA) petitions. The association states no support for 14 other MPA petitions, citing a lack of evidence that MPAs provide climate resiliency (Exhibit 1).
2. In a joint letter, several environmental non-governmental organizations (NGOs) express support for Petition 2023-32MPA, to modify the existing Duxbury Reef State Marine Conservation Area (Exhibit 2) and a separate joint letter supporting Petition 2023-31MPA to redesignate Drakes Estero State Marine Conservation Area as a state marine reserve (Exhibit 3).
3. An environmental NGO provides an update on its extensive local community outreach (58 meetings to date) for the two petitions it submitted: 2023-28MPA and 2023-29MPA. Based on the outreach, the NGO proposes revising its initial Petition 2023-29MPA to exclude the Carpinteria Salt Marsh from proposed boundaries for Mishopshno State Marine Conservation Area, as detailed in its February 9, 2024 letter to the Commission (Exhibit 4).
4. A northern California resident expresses support for 2023-30MPA due to concern for the localized crab population at Big River in Mendocino County (Exhibit 5).
5. In a joint comment letter, two retired federal agency representatives (National Park Service and Channel Islands National Park) urge the Commission to deny Petition 2023-15MPA to add take allowances in select Channel Islands MPAs. They cite the historic Channel Islands MPA planning process, intent of the SMRs, and assert a lack of scientific or management value (Exhibit 6).

Committee Staff Summary for July 17-18, 2024 MRC

6. Three local NGOs in Laguna Beach submitted letters in support Petition 2023-24MPA.

Recommendation (N/A)**Exhibits**

1. Email from Ken Bates, Executive Director, California Fishermen's Resiliency Association, on behalf of eleven member associations, received July 3, 2024
2. Email from Amina Khribeche, Environmental Action Committee of West Marin (Marin EAC), transmitting joint letter from 23 NGOs, received July 5, 2024
3. Email from Amina Khribeche, Marin EAC, transmitting a joint letter from 23 NGOs, received July 5, 2024
4. Letter from Sandy Aylesworth, Director, Pacific Initiative, Nature, Natural Resources Defense Council, received July 3, 2024
5. Email from Eileen Walsh, received July 1, 2024
6. Letter from Russell Galipeau, retired superintendent of Channel Islands National Park and member of the former Marine Life Protection Act Initiative South Coast Regional Stakeholder Group, and Gary Davis, retired marine ecologist, National Park Service Oceans Program and member of former Channel Islands MPA Marine Reserves Working Group, received February 1, 2024 and re-submitted June 4, 2024
7. Email from Jeremy Frimond, Assistant City Manager, City of Laguna Beach, transmitting letters from Gary Rubel, President of Three Arch Bay Community Services District; Greg O'Loughlin, President of South Laguna Civic Association; and Mike Beanan, Laguna Bluebelt Coalition, received July 2, 2024

Committee Direction/Recommendation (N/A)

From: California Fishermens Resiliency Association <californiafishermensresiliency@gmail.com>

Sent: Wednesday, July 3, 2024 06:44 PM

To: FGC <FGC@fgc.ca.gov>

Cc: [REDACTED] Steve Scheiblauer

<[REDACTED]>; Dave Colker

<[REDACTED]>; Jake Mitchell <[REDACTED]>;

Subject: MPA Petitions Support/Object

CALIFORNIA FISHERMEN'S RESILIENCY ASSOCIATION

1118 6th St.
Eureka, CA 95501

California Fish and Game Commission
PO Box 944209
1416 Ninth Street Suite 1320
Sacramento, California 94244-2090

July 3, 2024

Re: MPA Petitions/Support/Object

Commissioners:

The California Fisherman's Resiliency Association (CFRA) expresses its support for the following Marine Protected Area (MPA) petitions:

2023 - 14 MPA
2023 - 15 MPA
2023 - 16 MPA
2023 - 18 MPA
2023 - 30 MPA

Our support is based on research conducted by the University of Washington (sustainable fisheries- us.org) which exactly states that MPA's have no positive affect on threats to marine life posed by ocean acidification, global warming, coastal development, terrestrial and urban run-off and human pollution of the world environment. "Recent reviews of the extensive MPA network in California have concluded there is no evidence for a regional increase in biodiversity, or targeted fish abundance, nor is there evidence for MPA's providing climate resiliency"

We provide no support for the following MPA petitions:

2023 - 19 MPA
2023 - 20 MPA
2023 - 21 MPA
2023 - 22 MPA
2023 - 23 MPA
2023 - 24 MPA
2023 - 25 MPA
2023 - 26 MPA
2023 - 28 MPA
2023 - 29 MPA
2023 - 31 MPA
2023 - 32 MPA
2023 - 33 MPA
2023 - 34 MPA

Thank you for this opportunity to comment.

Ken Bates, Executive Director
California Fishermen's Resiliency Association Member Associations

Crescent City Commercial Fishermen's Association
Trinidad Bay Fishermen's Association
Shelter Cove Fishermen's Preservation, Inc.
Salmon Troller's Marketing Association of Noyo
Bodega Bay Commercial Fishermen's Association
San Francisco Crab Boat Owners Association
Half Moon Bay Commercial Fishermen's Association
The Alliance of Communities for Sustainable Fisheries
Commercial Fishermen of Santa Barbara
Santa Cruz Commercial Fishermen's Association
Pacific Coast Federation of Fishermen's Associations

Cc: Dave Colker
Peter Halmay
Steve Scheiblaue
Jake Mitchell

From: EAC Conservation Intern <[REDACTED]>

Sent: Friday, July 5, 2024 12:53 PM

To: FGC <[REDACTED]>

Cc: [REDACTED]; Rogers, Kimberly [REDACTED] Ashcraft, Susan [REDACTED]
>

Subject: Written Comment Regarding July 17-18 Meeting Agenda Item 3

Hello,

Please find attached two letters in support of petitions for Drakes Estero and Duxbury with additional signatories. Thank you for your attention to this matter.

Sincerely,

Amina Khribeche
Legal and Policy Intern
Environmental Action Committee of West Marin (EAC)
P.O. Box 609 | 65 Third Street, Suite 12
Point Reyes Station, CA | 94956
(415) 663-9312
conservation@eacmarin.org

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July 5, 2024

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

Re: Support for **Petition No. 2023-32MPA**, Environmental Action Committee of West Marin (EAC)
 Petition for Regulation Change at Duxbury Reef
 FGC Agenda Item No. 3

Dear President Sklar and Commissioners,

The undersigned organizations submit these comments in support of EAC’s petition regarding changes to the regulations for the Duxbury Reef State Marine Conservation Area (SMCA); petition no. 2023-32MPA. The undersigned organizations are committed to coastal protection and the marine protected area (MPA) network.

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,

Deb Castellana
Director of Strategic Alliances
Mission Blue

Laura Deehan
State Director
Environment California Research and Policy Center

Rikki Eriksen, Ph.D.
Director of Marine Programs
California Marine Sanctuary Foundation

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

Chance Cutrano
Director of Programs
Resource Renewal Institute

Neal Desai
Senior Program Director, Pacific Region
National Parks Conservation Association

Suzanne Hume
Educational Director & Founder
CleanEarth4Kids.org

Barbara Salzman
President
Marin Audubon Society

Joe Sanchez
President
Huukuiko, Inc.

Tomas Valadez
California Policy Associate
Azul

Robert Vergara
Roger Arliner Young (RAY) Ocean Conservation Fellow
Natural Resources Defense Council

Lendi Purcell
President
Families Advocating for Chemical and Toxics Safety

Michael Stocker
Director
Ocean Conservation Research

Angela Kemsley
Director of Conservation Impact
WILDCOAST

Audrey Fusco
Restoration Ecologist
Salmon Protection and Watershed Network

Ashley Eagle-Gibbs
Executive Director
Environmental Action Committee of West Marin

Laura Walsh
California Policy Manager
Surfrider Foundation

Chance Cutrano
Director of Programs
Resource Renewal Institute

Lance Morgan
President
Marine Conservation Institute

Kenneth Bouley
Executive Director
Turtle Island Restoration Network

Matthew Baker
Policy Director
Planning and Conservation League

Jeff Miller
Senior Conservation Advocate
Center for Biological Diversity

From: EAC Conservation Intern <[REDACTED]>

Sent: Friday, July 5, 2024 12:53 PM

To: FGC <FGC@fgc.ca.gov>

Cc: [REDACTED]; Rogers, Kimberly [REDACTED] Ashcraft, Susan [REDACTED]
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Subject: Written Comment Regarding July 17-18 Meeting Agenda Item 3

Hello,

Please find attached two letters in support of petitions for Drakes Estero and Duxbury with additional signatories. Thank you for your attention to this matter.

Sincerely,

Amina Khribeche
Legal and Policy Intern
Environmental Action Committee of West Marin (EAC)
P.O. Box 609 | 65 Third Street, Suite 12
Point Reyes Station, CA | 94956
(415) 663-9312
conservation@eacmarin.org

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July 5, 2024

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

Re: Support for **Petition No. 2023-31MPA**, Environmental Action Committee of West Marin (EAC)
 Petition to the California Fish and Game Commission for regulation change at Drakes Estero SMCA
 FGC Agenda Item No. 3

Dear President Sklar and Commissioners,

The undersigned organizations submit these comments in support of EAC’s petition regarding changes to the regulations for Drakes Estero State Marine Conservation Area (SMCA); petition no. 2023-31MPA. The undersigned organizations are committed to coastal protection and the marine protected area (MPA) network.

Drakes Estero contains one of the last fully intact wetlands in the state of California, is 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.

Currently, in Drakes Estero, it is lawful to recreationally harvest clams. To more effectively protect Drakes Estero's biologically rich marine life for the enjoyment, education, and inspiration of current and future generations, and to minimize the negative impacts of “take” (e.g., harvest, disturbance, and collection) to Drakes Estero’s habitat and species, we urge the California Fish and Game Commission to modify the existing SMCA regulation by **changing the designation of Drakes Estero from SMCA to State Marine Reserve (SMR)** as described in California Code of Regulations (CCR) Title 14 § 632(a)(1)(A), in which no take is

allowed.¹

Drakes Estero SMCA was established in 2010 at a time when a commercial aquaculture operation was in business. As referenced in the National Park Service support letter, the 2010 designation as SMCA relied on the presence of commercial aquaculture operations. Department of Interior authorization of commercial aquaculture ended in 2012, and operations ceased in 2014. Drakes Estero was designated as Marine Wilderness in 2012. Following the Marine Wilderness designation, the Point Reyes National Seashore completed an expensive restoration project in the waters of Drakes Estero.

The SMCA regulations at Drakes Estero allow for the harvest of clams. Currently, recreational take of shellfish sometimes occurs, though it requires long kayak trips in the wilderness area with no cell service and limited emergency response. Because the commercial aquaculture no longer exists, stronger protection afforded by establishing it as an SMR would align with its pristine condition and its connectivity with adjacent Estero de Limantour SMR and Point Reyes SMR and would protect the highly sensitive estuarine ecosystem, including extensive harbor seal pupping and haul out areas.

We enthusiastically support California's MPA Network. In the case of Drakes Estero, we assert that strengthened protection is urgently needed to preserve the estuary's marine life and habitat for future generations.

Sincerely,

Deb Castellana
Director of Strategic Alliances
Mission Blue

Laura Deehan
State Director
Environment California Research and Policy Center

Rikki Eriksen, Ph.D.
Director of Marine Programs
California Marine Sanctuary Foundation

Megan Isadore
Executive Director
River Otter Ecology Project

Scott D. Sampson, Ph.D.
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Director of Programs
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Suzanne Hume
Educational Director & Founder
CleanEarth4Kids.org

Barbara Salzman
President
Marin Audubon Society

Joe Sanchez
President
Huukuiko, Inc.

Tomas Valadez
California Policy Associate

¹ Protection of Resources in MPAs and MMAs, as defined in Public Resources Code Section 36710: (A) State Marine Reserves: In a state marine reserve, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except under a scientific collecting permit issued by the department pursuant to Section 650 or specific authorization from the commission for research, restoration, or monitoring purposes.

Marin Conservation League

Robert Vergara
Roger Arliner Young (RAY) Ocean Conservation Fellow
Natural Resources Defense Council

Lendi Purcell
President
Families Advocating for Chemical and Toxics Safety

Michael Stocker
Director
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Kenneth Bouley
Executive Director
Turtle Island Restoration Network

Matthew Baker
Policy Director
Planning and Conservation League

Jeff Miller
Senior Conservation Advocate
Center for Biological Diversity

July 3, 2024

Samantha Murray, President
California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95817

Submitted electronically via fgc@fgc.ca.gov

Re: Outreach Update for Petitions 2023-28MPA and 2023-29MPA

Dear President Murray and Honorable Commissioners:

The Natural Resources Defense Council (NRDC) submitted two petitions to designate new Marine Protected Areas (MPAs) in Santa Barbara County:

- Petition 2023-28-MPA proposes a new MPA in the waters surrounding Point Sal.
- Petition 2023-29MPA, submitted in partnership with the Santa Ynez Band of Chumash Indians and Environmental Defense Center, proposes a California-Chumash co-managed MPA off the coast of Carpinteria to be named Mishopshno.

Local community engagement is important to NRDC and our co-petitioner partners. We conducted initial outreach during late Summer and Fall 2023, yet our more sustained outreach efforts for petitions 2023-28MPA and 2023-29MPA began upon their formal acceptance by the Commission in December 2023. Since then, NRDC has had 58 meetings with various stakeholders and we look forward to continuing to conduct extensive community outreach associated with these petitions. We hope the insight and supplemental information gathered through our outreach efforts maximize each petition's potential to strengthen our MPA Network.

Throughout this process, NRDC has prioritized efforts to 1) connect with the local community, 2) listen and understand different perspectives, questions, ideas, and concerns, and 3) share information as broadly as possible so all interested parties can come to the table to inform upcoming decision-making moments.

NRDC has shared the following types of information throughout our outreach efforts:

- Background on the MPA Network, Marine Life Protection Act goals, Decadal Management Review and its findings, and the latest science
- Fish and Game Commission meeting updates
- MPA petition evaluation timeline and process updates
- Opportunities for public participation
- Research and outreach findings
- MPA petition details

Often in collaboration with our co-petitioner partners, NRDC has connected with dozens of interested individuals via email, phone calls, and virtual and in-person meetings, including:

- Federally and non-federally recognized Tribes

- City Council members, District Supervisors, Mayors, city staff
- Congressional, Assembly, and Senate offices and district staff
- Local and State agencies (i.e., Santa Barbara Flood Control District, Santa Barbara County Parks, State Parks, etc.)
- Local businesses
- Local researchers
- Commercial fishing representatives
- Local recreational fishers (e.g., spearfishers, catch-and-release fishers)
- Local homeowners
- Local, state, and national non-profit organizations
- Youth
- MPA Collaborative members
- Community centers

These conversations have improved our understanding of the Carpinteria and Point Sal regions, highlighted community support for protecting the coastal waters in those areas and concerns about how it is done, shaped our supplemental site-specific research, and informed our verbal and written public comments to the Commission. For example, our early outreach for petition 2023-28MPA highlighted the existing protection and management of the Carpinteria Salt Marsh Reserve under the UC Natural Reserve System. In response to this finding, we suggested altering our initial petition by excluding the Carpinteria Salt Marsh from the proposed boundaries of the Mishopshno State Marine Conservation Area in a written comment letter to the Commission, dated February 9, 2024.

NRDC's outreach is a work in progress and many conversations have only just begun. In the coming months, we hope to build on the connections we've made thus far and find ways to engage people we haven't yet reached, such as subsistence fishers. We look forward to sharing our outreach and supplemental research findings with the CDFW and FGC teams to inform the evaluation of petitions 2023-28MPA and 2023-29MPA.

Thank you for the opportunity to weigh in on the adaptive management of California's MPA Network.

Sincerely,

Sandy Aylesworth
Director, Pacific Initiative, Nature
Natural Resources Defense Council

From: E Walsh <[REDACTED]>

Sent: Monday, July 1, 2024 05:16 PM

To: FGC <FGC@fgc.ca.gov>

Subject: Big River SMCA Revision

I am writing this email in support and as a request to revise the regulations surrounding the use of Type B hoop nets. I am supporting the Petition 2023-30MPA (exhibit B18) to only allow Type A hoop nets in Big River and to reduce the number of recreational set traps from 10 to 5. I only hope that this is enough to allow for the crabs to repopulate the area.

Eileen Walsh

[REDACTED]
[REDACTED]
[REDACTED]

From: Russell <[REDACTED]>

Sent: Tuesday, June 4, 2024 3:15 PM

To: FGC <FGC@fgc.ca.gov>

Cc: Gary Davis <[REDACTED]>; David Kushner <[REDACTED]>; Kaitilin Gaffney <[REDACTED]>; Chris Mobley <[REDACTED]>; McKinley, Ethan <[REDACTED]>

Subject: Comment Re-Submission: Petition 2023-15MPA

PLEASE ACKNOWLEDGE RECEIPT

We respectfully re-submit our comments on Petition 2023-15MPA.

Submitted via email: 2/1/2024

To: California Fish and Game Commission

Subject: Comments - Petition: 2023-15MPA: Reclassify three northern Channel Islands state marine reserves (SMRs) to SMCAs and allow take of highly migratory species, pelagic finfish, and/or coastal pelagic finfish

Recommendation: DENY PETITION

Ecological Importance of the Channel Islands

The location of the Channel Islands and their surrounding waters at the confluence of two major ocean currents supports globally significant biodiversity and a uniquely productive marine environment. The unusual ecosystem value of the area has led to designation of a UNESCO Biosphere Reserve, a National Park and a National Marine Sanctuary. The area's kelp forests, seagrass beds, rocky reefs, sandy seafloor, and submarine canyons support more than 1,000 species of fish, invertebrates, and algae and provides essential vital nesting and feeding grounds for more than 90% of the sea birds in southern California and for 26 species of marine mammals. The area also supports historic shipwrecks, Chumash culture, and a wide range of commercial and recreational activities such as tourism and fishing.

The petitions argue that because a lower level of no-take protection was applied to MPA planning in other regions of the state, the protection established at the Channel Islands should be weakened and reduced. This ignores both the fact that the Channel Islands MPA planning process was conducted under a different set of criteria than the Marine Life Protection Act Initiative and the unique ecological value of the Channel Islands National Marine Sanctuary and National Park. The Channel Islands are a remarkable ecological treasure and warrant the highest level of protection. The Channel Islands National Marine Sanctuary and associated MPA network also represents an extremely small proportion of southern California waters with the vast major of the area open to fishing for highly migratory species, pelagic finfish, and/or coastal pelagic finfish. Accordingly, these petitions are unwarranted.

Background

Between 1999 and 2001, the Channel Islands National Marine Sanctuary and the California Department of Fish and Wildlife conducted a robust joint public process to consider the establishment of marine reserves in the Channel Islands National Marine Sanctuary. The process was informed by a 17-member Marine Reserves Working Group (MRWG) representing the public-at-large, commercial fishing interests, recreational fishing and diving, and non-consumptive interests; as well as a 16-member Science Advisory Panel and a five-member Socio Economic Panel to provide technical expertise and guidance. The Channel Islands Science Advisory Panel recommended that 30–50% of the Channel Islands National Marine Sanctuary be included in no-take areas to adequately achieve conservation and fisheries goals.¹

The Channel Islands marine reserve planning process took 22 months and resulted in adoption of 13 marine protected areas by the California State Fish and Game Commission and the National Oceanic and Atmospheric Administration. The 13 MPAs form a network that covers approximately 240 square nautical miles and 21% of sanctuary waters, significantly less than recommended by the Scientific Advisory Panel. Eleven of the Channel Islands MPAs are no-take marine reserves, two MPAs are marine conservation areas allowing recreational fishing for pelagic fish and lobster and one also allows

¹https://homes.msi.ucsb.edu/~lafferty/Publications/Marine%20Reserves_files/Airame.etal.03.EA.pdf

commercial lobster trapping. In the final round of MPA design, 10 significant modifications were made to the proposed MPA boundaries specifically to address concerns raised by commercial and recreational fishing interests.²

Notably, the public process of adopting the final Channel Islands MPA network entailed three large public forums, over a dozen public meetings, and submission of over 9,000 public comments with 94% of the comments received support marine reserves.

The petition's Problem Statement erroneously states (without evidence) that the three identified State Marine Reserves (SMRs) "unintentionally" protected "seasonal" (undefined) pelagic and highly pelagic species during the summer months. These protections were intentional, created specifically to provide undisturbed areas where marine life could aggregate, function, and perpetuate natural ecosystem functions such as foraging environments for sea birds, including bald eagles, peregrine falcons, and California brown pelicans that nest at that time on nearby islands also in Channel Islands National Park.

Importance of No-Take Marine Reserves

No-take marine reserves are recognized by scientists and resource managers to provide the highest level of protection for marine resources and also offer specific scientific value, and improved enforceability as compared to MPAs that are open to fishing.³

The specific value of no-take areas is explicitly called out in the Marine Life Protection Act which requires that California's MPA network include:

"an improved marine life reserve component ... designed according to each of the following guidelines:

- (1) Each MPA shall have identified goals and objectives. Individual MPAs may serve varied primary purposes while collectively achieving the overall goals and guidelines of this chapter.
- (2) Marine life reserves in each bioregion shall encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions.
- (3) Similar types of marine habitats and communities shall be replicated, to the extent possible, in more than one marine life reserve in each biogeographical region.
- (4) Marine life reserves shall be designed, to the extent practicable, to ensure that activities that upset the natural ecological functions of the area are avoided."⁴

The designation of state marine reserves within Channel Islands National Park furthers the purpose of the park as established by Congress on March 5, 1980 (Public Law [PL] 96-199; 16 USC 410ff). Specifically, Congress stated that the purpose of Channel Islands National Park is to protect and connect the public to the nationally significant natural, scenic, wildlife, marine, ecological, historical, archeological, cultural, and scientific values of the Channel Islands in the state of California. This mandate is better achieved through the leadership of the Commission with their designation of SMRs so

² <https://nmschannelislands.blob.core.windows.net/channelislands-prod/media/docs/2001-marine-reserves-sac-history.pdf>

³ https://www.researchgate.net/publication/250219347_Biological_Responses_in_Marine_No-Take_Reserves_versus_Partially_Protected_Areas#:~:text=We%20demonstrate%20that%20while%20partially,to%20partially%20protected%20sites%20nearby.

⁴ Fish and Game Code Section 2857 (c).

mandate is better achieved through the leadership of the Commission with their designation of SMRs so that these areas “shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state.”⁵

This petition considers only effects on fishing, not on fish, marine ecosystem integrity, or marine wildlife, which are also purposes of California’s marine protected areas. Thus, this petition does not meet number 4 of the guidelines mentioned above.

The petitioners also claim that the proposed changes would have “minimal impacts on the ecosystem”. This claim is at odds with the claim that the changes would “allow for a more equitable 60/40 no-take to limited take closure ratio” and it does not address the underlying purpose of creating reserves that afford undisturbed behaviors such as aggregation, foraging, and competition among wild predators and prey. Framing this issue as 60% no-take to 40% limited-take considers only the area within State Marine Protected Areas, not the territorial waters, which are virtually all limited-take waters. As you know the territorial waters are expansive. Only 9% of the waters under state jurisdiction are classified as SMRs and even a smaller percentage of no-take reserves occur within the federal portion of territorial waters.

Given this, any potential growth of “new” business from the increased fishing opportunities created by the proposed changes would be proportional to the new areas made available; since that would be a modicum of the current area in these MPAs, there’s not much potential increase in business for such a relatively large decrease in undisturbed marine environments – no-take reserves.

Adaptive Management

“Adaptive management” with regard to marine protected areas, means a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning.⁶ The petition’s proposal to convert SMRs to SMCA is not an appropriate application of adaptive management as it would not improve management or assist managers in learning. Instead, the petitions would simply downgrade protection for the impacted MPAs. These petitions do not have scientific or management value but instead, appear to simply be an attempt by a particular stakeholder group to revisit the negotiations and compromise that was struck in 2001 when the Channel Islands MPAs were adopted.

The claim by the petitioners that the proposed changes would provide research opportunities to determine the effects of proposed fishing activity belies the earlier claim that new fishing activity would have no significant impact.

⁵ <https://wildlife.ca.gov/Conservation/Marine/MPAs/Founding-Legislation>

⁶ Fish and Game Code Section 2852.

Conclusion

As natural resource managers who spent our careers dedicated to protection of the natural and cultural resources of the Channel Islands region and who were directly engaged in the extensive 1999-2001 public process to establish the Channel Islands MPAs, and the South Coast MLPA process, we urge you to deny these petitions and uphold the integrity of the Channel Islands MPA network.



Gary E. Davis

Marine Ecologist, National Park Service Oceans Program (retired)
Member, Channel Islands MPA Marine Reserves Working Group



Russell E. Galipeau, Jr

Superintendent Channel Islands National Park (retired)
Member, MLPA South Coast Stakeholder Working Group

From: Frimond, Jeremy CM <[REDACTED]>
Sent: Tuesday, July 2, 2024 08:53 AM
To: FGC <FGC@fgc.ca.gov>
Cc: Fabian, Erin <[REDACTED]>
Subject: Public Comment - July 17, 2024 FGC Meeting - City of Laguna Beach

Good Morning,

On behalf of the City of Laguna Beach, please include the attached comment letter for the July 17 FGC meeting.

Respectfully Submitted,



Jeremy Frimond
Assistant City Manager
City Manager's Office
505 Forest Avenue, Laguna Beach, CA 92651
Phone: [REDACTED]
Email: [REDACTED]



THREE ARCH BAY
COMMUNITY SERVICES DISTRICT
5 BAY DRIVE, LAGUNA BEACH, CALIFORNIA 92651-6780
(949) 499-4567 FAX: (949) 499-2352

May 1, 2023

California Fish and Wildlife Commission

P.O. Box 944209

Sacramento, CA 94244-2090

fgc@fgc.ca.gov

RE: Letter of Support for Laguna Beach City-wide Marine Protected Areas including South Laguna, to the Southern Point of Mussel Cove, Orange County, California

Dear Commissioners,

Since 2012, with the implementation of the California Marine Life Protection Act of 1999, Laguna Beach has successfully managed a network of Marine Protected Areas (MPAs) as a statewide model of collaboration, education and enforcement. To provide marine protection consistently throughout all of Laguna Beach, the Community Services District of Three Arch Bay supports an extension of marine protection via "no take" Marine Conservation Areas (SMCAs) to the point at the end of Mussel Cove, which is the southern border of Laguna Beach, in the community of Three Arch Bay (TAB).

Laguna Beach's rocky coastline has been scientifically determined to provide ideal tidepool and kelp forest habitats as a vital genetic linkage for marine life between the Palos Verde Peninsula and La Jolla Cove. The City of Laguna Beach continues to benefit economically and ecologically from Marine Protected Areas.

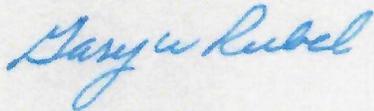
Three Arch Bay (TAB), which includes Mussel Cove, in South Laguna's SMCA, is characterized by steep bluffs and compact coves that create a unique coastal ecology with tide pools, deep rocks and kelp forests. Wave action and backwash energy from bluffs surrounded by offshore kelp forests offers a local mixing zone for marine mammal and sea life foraging.

While most of Laguna Beach restricts fishing, the southern end of Laguna Beach was only designated a State Marine Conservation Area, which allows continued recreational and commercial fishing. Unfortunately, the over-fishing during the past ten years by commercial and recreational fishermen, including commercial passenger fishing vessels (CPFVs), has devastated the kelp beds, fish population, and sea life across South Laguna. Expansion of Laguna Beach's MPAs is essential to mitigate decades of regional over-fishing particularly in South Laguna.

Thus, we request that you initiate and vote to provide an extended "no take" Marine Protected Area (SMR and SMCA) Citywide, across Laguna Beach, including South Laguna, to the Southern Point of Mussel Cove, Orange County, California. This would extend the existing marine protections throughout Laguna Beach, including the southernmost point of the city of Laguna Beach – Mussel Cove, also known as Three Arch Bay.

As a community, we are active stewards of our waterways and marine resources, ensuring quality management of our natural resources, and would appreciate the state's support of our efforts by extending the MPA to the Southern end of Laguna Beach.

Thank you,



Gary Rubel
President
Three Arch Bay Community Services District

Cc: City of Laguna Beach
Board Members of the TAB CSD



P.O. BOX 9668
SOUTH LAGUNA, CA
92652-7639
southlaguna.org

August 29, 2023

Commissioners and Staff,

Since 2012, with the implementation of the California Marine Life Protection Act of 1999, Laguna Beach has successfully managed a network of Marine Protected Areas as a statewide model of collaboration and appreciates the support of the Fish & Game Commission in that effort.

On the heels of annexation of South Laguna beaches coming under the purview of the City of Laguna Beach on March 1, 2023, we are requesting an expansion of the "No Take SMCA" provisions to extend throughout all Laguna Beach MPAs. In addition to alignment with Laguna Beach's commitment to the national "30 x 30 Initiative Plan" to conserve 30% of America's land and waters by 2030, a citywide "No Take" provision will provide enforcement consistency and community equity while protecting South Laguna kelp reefs – key to carbon sequestration, rising sea temperatures and attenuating bluff erosion.

Multiple benefits will accompany extending the Laguna Beach No Take MPA from 7.2 to 7.9 miles: from Aliso Beach and Totuava Cove through Three Arch Bay (TAB) southwest to the Laguna Beach city limit, see attached map. TAB has exceptional nursery beds for marine life in its bays that are not protected under our current MPAs. For this reason, coupled with the decimating impacts of over-fishing in the unprotected SMCA along TAB during the past 10 years, the TAB Community Services District requested in May 2023 that California Fish and Wildlife Commission extend the No Take MPA through "the southernmost point of the city of Laguna Beach – Mussel Cove, also known as Three Arch Bay."

The Laguna Bluebelt Coalition, Laguna Ocean Foundation through their education and outreach programs, the City of Laguna Beach's Environmental Sustainability Committee, and the enthusiastic 100% support and collaboration of our City Council and Marine Safety Department have enabled us to be strong watchdogs and local stewards of our MPAs. Together, we have focused on habitat restoration, water-quality education, wildlife and resource protection, and networking.

Laguna Beach's rocky coastline has been scientifically determined to provide ideal tidepool and kelp forest habitats as a vital genetic linkage for marine life between the Palos Verde Peninsula and La Jolla Cove. No Take MPAs in Laguna Beach have created increased sea life populations, support an expanding variety of ecotourism recreational opportunities, and have proven to be essential to mitigating decades of over-fishing.

Citywide MPA consistency will further improve ocean water quality by reducing harmful greenhouse gas emissions from fishing boats traveling from Dana Point to Laguna Beach.

Climate change science recognizes the ocean as key to reversing negative anthropogenic climate impacts.

Thank you for your support of Laguna's Marine Protected Areas and for your consideration of an expansion of the network of No Take MPAs citywide which will increase protections to California's sea life populations and habitat value while benefitting us all.



Greg O'Loughlin, President
South Laguna Civic Association

Orange outline indicates the proposed No Take MPA extension to Laguna Beach's southern boundary.





July 5, 2023

Marine Resources Committee
P.O. Box 944209
Sacramento, CA 94244-2090

(916) 653-4899

fgc@fgc.ca.gov

Subject: Request for Boundary Revision for Laguna Beach Marine Protected Areas

Dear Commissioners Sklar and Murray,

On behalf of the Laguna Bluebelt Coalition, a non-profit organization dedicated to ocean health and conservation in Laguna Beach, please consider our request for a boundary revision for Laguna Beach's Marine Protected Areas (MPAs). We strongly support the proposed boundary revision for the Laguna Beach MPAs, taking into consideration a recent change in which the city of Laguna Beach has assumed jurisdiction from Orange County of all city beaches to the southern city limit. This boundary revision would not only enhance enforcement consistency but also promote community equity and ensure the long-term well-being of our marine environment.

Our primary concern is the preservation, equitable enforcement and restoration of our coastal ecosystem and the proposed boundary revision is crucial in achieving these goals. By aligning the marine protected area boundaries with the jurisdictional limits of Laguna Beach, enforcement efforts by lifeguards, police officers, and park rangers will be more coordinated and effective. This unity will significantly enhance the protection of California's fragile marine resources and habitats.

The proposed boundary revision will contribute to citywide community consistency to support community outreach and education as well as fostering shared responsibility and appreciation of MPAs among residents and visitors. By clarifying and aligning the boundaries, it will be easier for individuals to comprehend and comply with the regulations governing the marine protected areas. This enhanced clarity will cultivate a stronger sense of stewardship and empower the community to continue to actively participate in the preservation of our coastal environment.

The Laguna Bluebelt Coalition firmly believes the proposed boundary realignment is essential to ensure the long-term sustainability of our marine ecosystem. We kindly request the Marine Resources Committee of the California Fish and Wildlife Commission to carefully consider our comments and take

the necessary actions to support Laguna Beach's citywide commitment to protect and preserve the coastal environment for current and future generations.

Thank you for your support of Laguna Beach's MPAs.

Respectfully submitted,

Mike Beanan

Laguna Bluebelt Coalition
9132
Beach, CA 92651

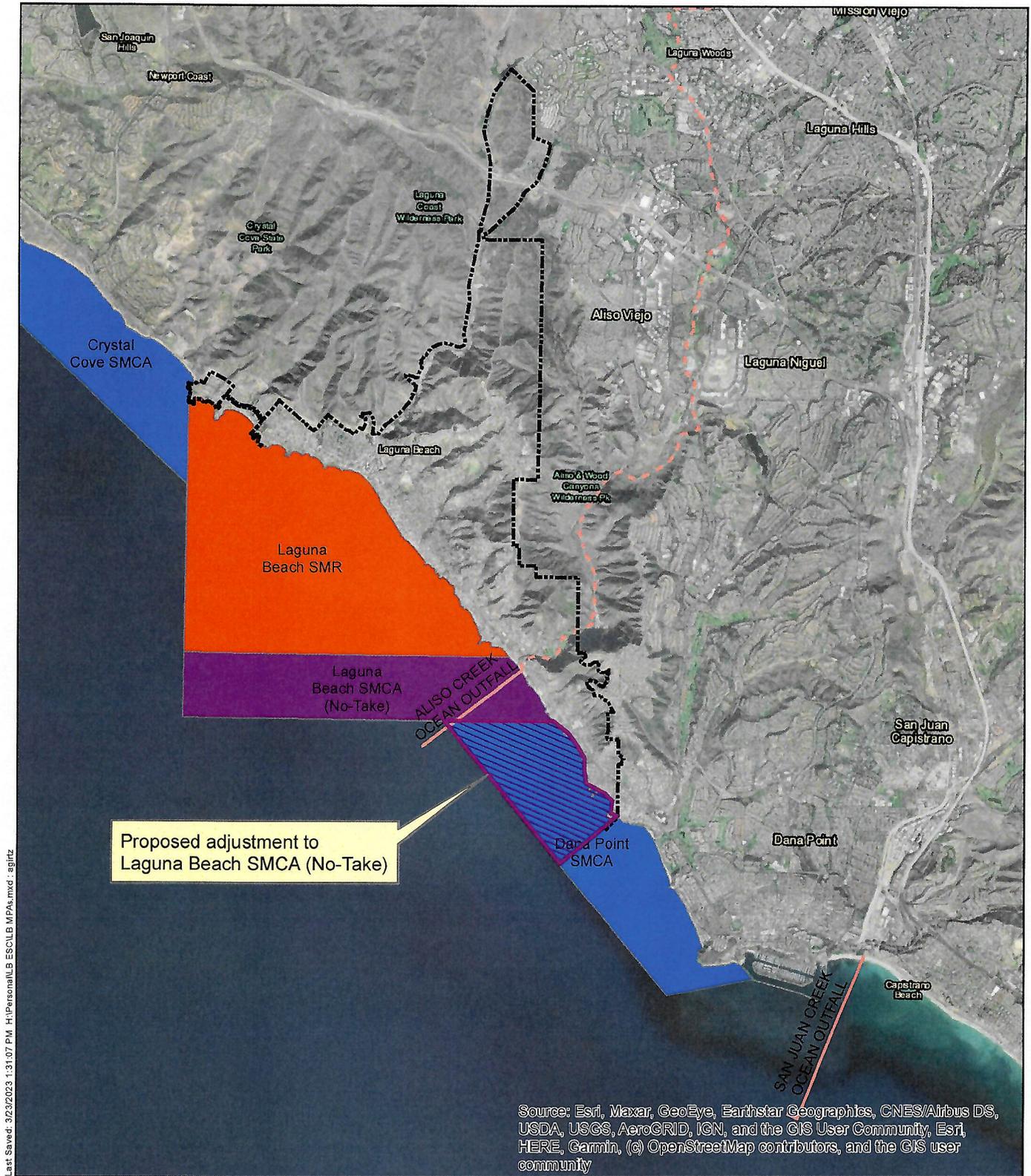
PO Box
Laguna



Proposed City Limit Southern Boundary Revision for SMCA No Take:

From approximately Lat 33.48485 N / Long 117.73444 W to Lat 33.47515 N / Long 117.75874 W

<https://lagunabeach.maps.arcgis.com/apps/webappviewer/index.html?id=75a3aa3236c7475bb5e81925d130a763>



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Symbology

- City Limits
- - - SOCWA Effluent Transmission Line
- SOCWA Ocean Outfall
- ▨ Proposed Laguna Beach SMCA (No-Take) Adjustment

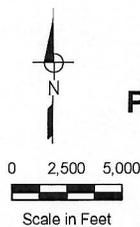


Figure 1
City of Laguna Beach
Proposed Marine Protected Area Adjustment

Laguna Bluebelt Coalition
MPA Decadal Review