

Staff Summary for August 14-15, 2024

7. Regulation Change Petitions (Marine)**Today's Item**Information ☐Action ☒

This is a standing agenda item for the Commission to receive new regulation change petitions and act on regulation change petitions received from the public at previous meetings. For this meeting:

- (A) Receive new petitions for regulation change
- (B) Act on previously received regulation change petitions
- (C) Comments received on referred petitions not yet scheduled for action

Summary of Previous/Future Actions**(A) *New Petitions for Regulation Change – Receipt***

- **Today receive new petitions** **August 14-15, 2024**
- Potentially act on new petitions **October 9-10, 2024**

(B) *Petitions for Regulation Change – Scheduled for Action*

- Commission referred Petition 2023-11 to Department for review and recommendation **December 14, 2023**
- Received Petition 2024-04 **April 22, 2024**
- Received Petition 2024-06 **May 28, 2024**
- **Today potentially act on petitions** **August 14-15, 2024**

(C) *Comments Received on Referred Petitions (N/A)***Background****(A) *Receive New Petitions for Regulation Change***

Pursuant to Section 662, any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1. Regulation change petition forms submitted by the public are “received” at this Commission meeting if they are delivered by the public comment or supplemental comment deadlines or delivered in person to the Commission meeting.

Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or act on any matter not included on the agenda, other than to determine whether to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change generally follow a two-meeting cycle of receipt and decision. The Commission will act on petitions received at today's meeting at the next regularly scheduled Commission meeting (currently October 9-10, 2024), following staff evaluation, unless the petition is rejected under the 10-day staff review as prescribed in subsection 662(b).

Today, the Commission received one new petition for regulation change by the comment deadline (Exhibit A1).

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(B) Act on Previously-Received Regulation Change Petitions

Petitions received at the previous meeting are scheduled for Commission consideration at the next regularly scheduled business meeting. A petition may be (1) denied, (2) granted, or (3) referred to a Commission committee, staff, legal counsel, or the Department for further evaluation or information-gathering. Referred petitions are scheduled for action once a recommendation is received. Today, three petitions are scheduled for action:

1. *Petition 2023-04*: Amend fishing regulations for commercial take of red sea urchin north of the San Luis Obispo/Monterey county line
2. *Petition 2023-11*: Authorize recreational take of groundfish inside 50 fathoms using non-motorized vessels or watercraft (greater than or equal to 19 feet) with mandatory descending devices
3. *Petition 2024-04*: Request to amend regulations to add use of harpoons with use of gaff or net as a legal aid to assist in landing fin fish (especially migratory species) in recreational fisheries

Staff recommendations and rationale for each, developed with input from Department staff, are provided in Exhibit B1.

(C) Comments Received on Referred Petitions

This agenda sub-item is for receiving public comments for any petition previously referred for review and recommendation, but is not yet ready for Commission action. Action on any referred petition will be scheduled once the Commission receives a recommendation.

Significant Public Comments

- (B) *Petition 2024-04 (Harpoon)*: Ten individuals, including North Bay Fishing Charters and recreational fishermen, support the petition and advocate for authorizing use of a harpoon to land large migratory fish. They assert that harpoons would enhance fisher safety compared to gaffing; improve accessibility for individuals with limited mobility or strength; minimize potential vessel damage; and provide a more ethical method of landing fish than gaffing, which can increase stress and injury to the fish. They also contend that the proposal would clarify ambiguous regulations (see exhibits B6 through B9 for examples).

- (C) *Petition 2023-15MPA*: A scuba diver and a recreational fisherman oppose the proposed actions (exhibits C2 and C3).

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 state marine reserves, and assert a lack of scientific or management value (Exhibit C4).

Petition 2023-27MPA: The petitioner informs the Commission and Department of its intent to update their petition for Anacapa State Marine Conservation Area (SMCA) based on extensive and ongoing community outreach. They summarize their outreach – prioritized as requested by the Commission – with legislators, fishing community, non-federally and

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federally recognized tribes, local community, and agencies. They offer three potential alternatives for the petitioned change at Anacapa SMCA and request the Department to evaluate the alternatives. They also request the Department to ground truth reports of poaching and impacts to eelgrass in the SMCA (Exhibit C5).

Petition 2023-33MPA: The County of Santa Cruz Board of Supervisors opposes the petition, citing concerns about lack of scientific evidence, community outreach, and potential impacts on public access and restoration activities. They also requested clear guidance on alignment with 30x30 goals (Exhibit C6).

Seven comment letters – related to specific MPA petitions –received at the July MRC meeting were also addressed to the Commission. A summary of comments and individual comment letters are provided as Exhibit C7.

Recommendation

Commission staff: Grant Petition 2023-04 (commercial urchin) in concept for consideration in a rulemaking, consistent with MRC and Department recommendations; deny Petition 2023-11 (groundfish) as recommended by the Department (Exhibit B4); and refer Petition 2024-04 (harpooning) to the Department for review and recommendation.

Marine Resources Committee: Grant Petition 2023-04 with modifications to retain the South Caspar Point closure in the active kelp restoration area of Caspar Cove and initiate the rulemaking process to consider the Department-recommended regulation changes.

Department: Grant Petition 2023-04 in concept for consideration in a rulemaking, as presented at the July MRC meeting (see Agenda Item 7(B) for this meeting); deny Petition 2023-11 based on rationale in Exhibit B4; and refer Petition 2024-04 (harpooning) to the Department for review and recommendation.

Exhibits

- A1. [Petition 2024-10](#), received August 1, 2024
- B1. [Summary of petitions](#) for regulation change scheduled for action
- B2. [Petition 2023-04](#), received May 25, 2023
- B3. [Petition 2023-11](#), received September 15, 2023
- B4. [Department memo](#), received July 24, 2024
- B5. [Petition 2024-04](#), received April 22, 2024
- B6. [Letter from Ryan Giammona](#), North Bay Fishing Charters, received July 26, 2024
- B7. [Email from Tom Rudenko](#), received July 29, 2024
- B8. [Email from John Arnaud](#), received July 29, 2024
- B9. [Email from Doug Dahme](#), received July 26, 2024
- C1. [Letter from Angela Kemsley, Director of Conservation Impact, WILDCOAST](#), and petitioner, Petition 2023-26MPA, received July 31, 2024
- C2. [Email from Jason Ma](#), received July 15, 2024
- C3. [Email from Rhett B.](#), received July 16, 2024

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- C4. [Letter from Russell Galipeau, retired superintendent, Channel Islands National Park, and Gary Davis, retired marine ecologist, National Park Service Oceans Program,](#) and members of the former Marine Life Protection Act Initiative South Coast Regional Stakeholder Group and the Channel Islands MPA Marine Reserves Working Group, respectively, received February 1, 2024 and re-submitted June 4, 2024
- C5. [Letter from Azsha Hudson, Marine Conservation Analyst, Environmental Defense Center, and petitioner, Petition 2023-29MPA,](#) received July 31, 2024
- C6. [Letter from Justin Cummings, Third District Supervisor, Santa Cruz County Board of Supervisors,](#) received July 15, 2024
- C7. [Staff summary from July 2024 MRC meeting](#) and seven comment letters specific to referred MPA petitions

Motion

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations to grant in concept Petition 2023-04, deny Petition 2023-11, and refer Petition 2024-04 to the Department for review and recommendation.

OR

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for regulation change petitions, except: _____.



Tracking Number: (2024-10)

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. 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.

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: Keith Rootsaert.

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Section 200 and 205, Fish and Game Code.

2. Overview (Required) - Summarize the proposed changes to regulations: Amend 29.06 to allow recreational sportfishing divers to take urchins by improved methods.

3. Rationale (Required) - Describe the problem and the reason for the proposed change: California's Central Coast kelp forests are in rapid decline due to multiple stressors and in need of restoration if they are to continue to support the hundreds of species that live therein. One of the primary stressors is a super overabundance of purple and red sea urchins that eat remnant kelp forests and produce more offspring.

At Tanker's Reef, G2KR proved that recreational divers with proper training, equipment, and motivation could cull 749,320 urchins and grow an 11 acre kelp forest in a former urchin barren. To achieve this, we had to pass over our 2.5 acre survey area 8.70 times to keep the urchin numbers down to allow giant kelp to recruit, grow, and persist. It is necessary to remove very small urchins that continue to grow on the reef but are too difficult to cull effectively with a hammer, requiring more frequent passes as they mature. We are proposing in 2023-23MPA to improve our methods and efficiency by baiting and trapping urchins, out-planting kelp where needed, and pruning the kelp canopy in coordination with kelp restoration activities.



Our method for the recreational take of urchins is using CDFW approved welding hammers to hand-cull the urchins. There was concern from MBNMS that this method would cause by-catch and damage the benthic substrate, but a NOAA study confirmed that the effect was minimal and of short duration.

On July 28th G2KR traveled to Caspar Cove in Mendocino to evaluate the air-lift system used by Jon Holcomb and Harry Barnard since 2018 on commercial fishing boat Miss Michelle to collect urchins. We found the air-lift method to be about 15 times more efficient than culling the urchins and also collected the very small urchins that we struggled to cull with hammers. Sonke Mastrup, retired CDFW invertebrate czar, evaluated this system the week before and stated to Jon that there was very little bycatch from this method. We similarly found that only some shells, snails, and hermit crabs were bycatch which were easily placed back into the ocean. There was no visible damage to the granitic benthic substrate.

We carefully measured the air-lift system and custom urchin rake and [video documented](#) the instruction from Jon of how to employ this method. We dove with Jon and watched the air-lift in action and returned home convinced this was a proven, better and more thorough method than anything currently available.

The red sea urchin [ESR](#) states that there is no restriction on the method of take for recreational urchin fishing. This petition seeks to add this proven method to the 29.06 recreational sportfishing regulations to explicitly allow take of urchins “by hookah and air-lift”. This petition also serves as an amendment to 2023-23MPA, currently under consideration by the FGC, to use this method as well.

The empty urchins removed from the barrens have no commercial value, and on the north coast, they are discarded as fertilizer. The commercial fishers are not paid for their catch. In Monterey there is not a [viable red urchin](#) fishery to compete with or use this method. The last urchins collected prior to the marine heat wave of 2014-2016 commercially was about 500 pounds and the Monterey Area accounts for only 0.01% of all California urchin landings.

By removing the urchins efficiently and intact these urchins can be sorted at the dock, the large ones delivered to urchin ranching efforts, and the small ones donated as fertilizer and chicken feed for the Salinas Valley agricultural industry. The recreational fishers will not be paid for delivering urchins directly or indirectly. Wonton waste prohibition rule does not apply because there is some beneficial use of the urchins.

SECTION II: Optional Information

4. Date of Petition: August 1, 2024.

5. Category of Proposed Change

☒ Sport Fishing

☐ Commercial Fishing

☐ Hunting

☐ Other, please specify: [Click here to enter text.](#)



6. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
x Amend Title 14 Section(s): 29.06 |
☐ Add New Title 14 Section(s): [Click here to enter text.](#) |
☐ Repeal Title 14 Section(s): [Click here to enter text.](#) |
7. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)
Or X Not applicable.
8. **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: September 2024.
9. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: See drawing and picture below.
10. **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: By allowing this improved method of collecting urchins a regenerative fishery can be established which would create jobs and profit for fishers, processors, farmers, hospitality, recreation, and tourism industries..
11. **Forms:** If applicable, list any forms to be created, amended or repealed:
N/A |

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#) |

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: _____ |

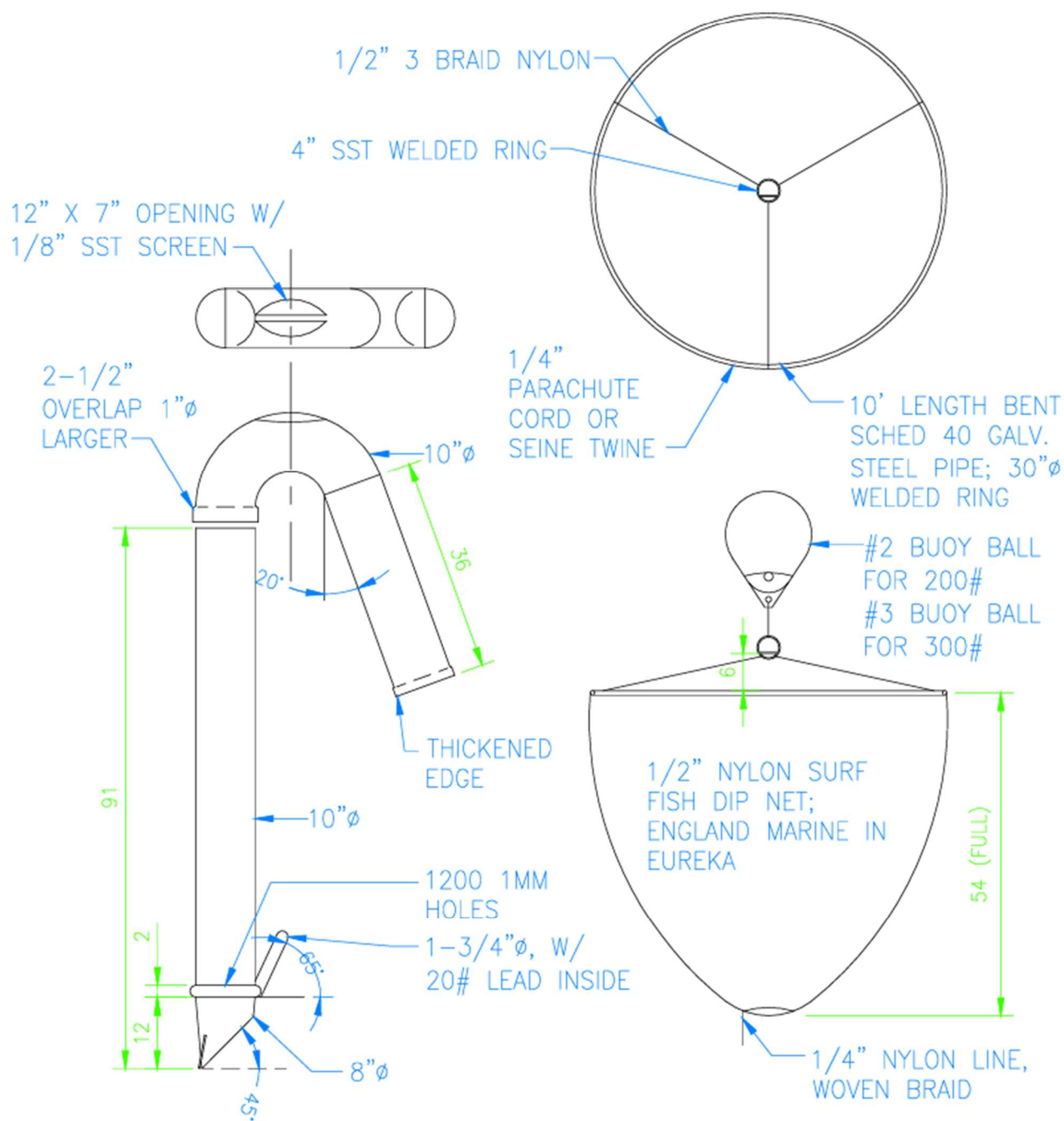
Meeting date for FGC consideration: _____ |

FGC action:

- ☐ Denied by FGC
☐ Denied - same as petition _____ |

Tracking Number

- ☐ Granted for consideration of regulation change



SCALE: 1/2" = 1'-0"

GIANT GIANT KELP RESTORATION PROJECT

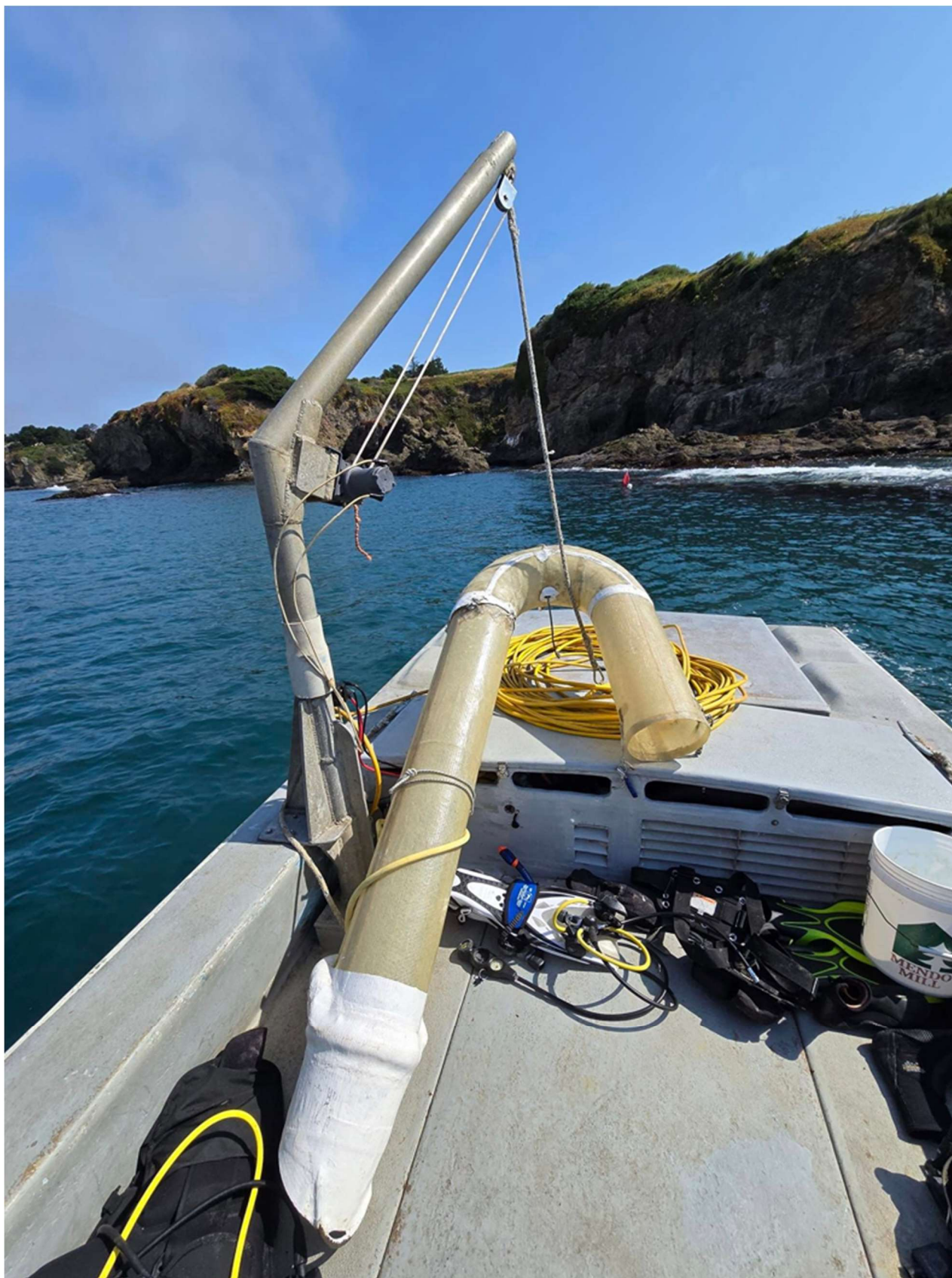
URCHIN AIR LIFT

DATE: 07/31/24

HOLCOMB

AL-1

SHT 1 OF 1



California Fish and Game Commission Petitions for Regulation Change — Action on August 14-15, 2024

CFGC or FGC - California Fish and Game Commission CDFW or DFW - California Department of Fish and Wildlife MR - Marine Region WRC - Wildlife Resources Committee MRC - Marine Resources Committee

MPA - marine protected area SMR - state marine reserve SMCA - state marine conservation area

Grant: CFGC is willing to consider the petitioned action through a process Deny: Not willing to consider the petitioned action Refer: Need more information before the final decision

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	CFGC Receipt	CFGC Initial Action Date	Initial Staff Recommendation	Referral Date	Referred to	Scheduled for Final Action	Final Staff Recommendation
2023-04	5/25/2023	David Goldenberg	Commercial ocean fishing: Red sea urchin	Amend fishing regulations for commercial take of red sea urchin north of San Luis Obispo/Monterey county line.	6/14-15/2023	8/22-23/2023	REFER to the Marine Resources Committee for discussion, Department input, and recommendation.	8/22-23/2023	MRC/MR	8/14-15/2024	GRANT in concept for consideration in a rulemaking, consistent with CDFW and MRC recommendation under Agenda Item 9(B), MRC report, August 14-15, 2024 CFGC meeting.
2023-11	9/15/2023	Paul Chang, Northern California Kayak Anglers	Recreational ocean fishing: Nearshore groundfish	Authorize recreational take of groundfish inside 50 fathoms using non-motorized vessels or watercraft (greater than or equal to 19 feet) with mandatory descending devices.	10/11-12/2023	12/13-14/2023	REFER to CDFW for review and recommendation.	12/14/2023	CDFW	8/14-15/2024	CFGC: DENY as recommended by CDFW and detailed in CDFW memo (received July 24, 2024). CDFW: DENY, based on rationale in CDFW memo related to (1) new nearshore access opportunities into the 2024 recreational groundfish regulations (adopted March 26, 2024); and (2) challenges of dividing the boat-based sector into motorized and non-motorized sectors, including enforcement challenges and new catch monitoring responsibilities.
2024-04	4/22/2024	Ben Mitchell, Recreational Fisherman	Recreational ocean fishing: Use of harpoon to land fish	Add use of harpoons with gaff or net as a legal aid to assist in landing fin fish (especially highly migratory species) in recreational fisheries.	6/19-20/2024	8/14-15/2024	REFER to DFW for review and recommendation.				



Tracking Number: (2023-04)

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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: David Goldenberg, Executive Director, California Sea Urchin Commission

Address:

Telephone number:

Email address:

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Authority Fish and Game Code 713, 1050, 9054, 9055. References: Fish and Game Code 713, 1050, 7850, 7852, 7852.2, 7857, 9054, 9055

3. Overview (Required) - Summarize the proposed changes to regulations: Two changes are being requested: 1) Remove Friday as a prohibited commercial urchin fishing day north of the San Luis Obispo/Monterey county line between June 1 and October 31. 2) Remove the commercial urchin fishing prohibition in the area identified as South Caspar Point.

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

Request 1:

Friday was one of the closure days originally established to reduce fishing pressure in the northern area; however, the Friday closure is no longer necessary to limit take due to the small number of fishermen in the northern zone. For instance, in 2022 there were 16 divers with landings in Northern California, compared with 49 in 2014 before the El Nino and Warm Water events of 2014 and 2015 when the number of active divers began to decline. During this same period harvest poundage decline from 3.7 million pounds to 284,000 pounds within the same time period. The area is not overharvested as there are abundant urchins in the North. The issue is the lack of kelp canopy which reduces the ability to find harvestable urchins. Thus, it requires more dive time to find quality urchins. Additional dive time is dangerous to divers as they must spend more time during the day under water and deeper depths, thus potentially subjecting themselves



to decompression sickness or the “bends”. Several divers experienced bends in recent years and two died. Providing an additional day could avoid the need to search in deep water for longer periods of time versus using the additional day to explore a wider diving area. Lack of urchins is not beneficial to the industry due to the need to better service seafood markets. Consumers are seeking out more opportunity to purchase urchins. In response, there are more direct sales dockside than ever before in the North. The most convenient day for dockside sales occurs on weekends. Having Fridays to fish allows for fresher product for weekend sales. For the same reasons, the Fish and Game Commission has reduced closed days in the southern fishery area in the last decade. In addition, the Fish and Game Commission recently implemented a new regulatory framework to achieve a capacity goal of 150 permits, which was identified in the current Enhanced Status Report (ESR) as a key tool to manage effort in this fishery. Although the ESR identifies increasing the number of closure days as a possible way to limit effort, there is no evidence that it has been or will be effective. The industry feels the capacity goal of 150 will be effective at limiting effort and servicing the markets so critical to this fishery.

Present Regulations.

Current regulations in subsection (n 1) allow sea urchins to be harvested seven days a week from November through May and Monday through Thursday from June through October.

Proposed Regulation

The proposed amendment would allow the harvest of sea urchin on any weekday (Monday-Friday) from June-October in both northern and southern California south of the Monterey-San Luis Obispo county line. This will add 21 additional days of fishing during the summer season.

The CSUC has discussed this proposal at every board of directors meeting and at local northern California port meetings. In addition, The CSUC conducted industry surveys. The divers and processors in northern industry are in favor of adding Fridays back to their season.

Rationale

The current closures for the sea urchin fishery were instituted in 1993 to curb resource depletion and did not account for evolving market dynamics. Long-term market trend of sea urchin roe has since evolved from large-scale international exports to one encompassing significant domestic consumption. A reliable supply of a quality product at a fair price is now essential to maintaining and expanding the market share of California's urchin gonads. The current June-October harvest schedule of Monday through Thursday is resulting in delayed market replenishment at the beginning of each week. Sea urchins held over for shipments from the previous Thursday also lose some of their freshness and thus quality. Friday deliveries will allow for fresher product for weekend consumption at sushi restaurants.

In addition, an increasing number of fishermen are selling sea urchins directly to the end users at local ports. These markets tend to be open during weekends, and are more amenable to products obtained the day before as opposed to ones that have sat in storage for over a day.

The extended weeks are not expected to increase fishing pressure on the red sea urchin resource in total. Most urchin divers do not currently dive for more than 75 percent of his/her available dive days during the restricted season. Making Fridays available to commercial divers would allow them to further exploit the high-end niche market catered to specific restaurants and end consumers. Divers are expected to divert more time and effort into marketing their catch,



preserving the products, and interacting with end users. The extended fishing week is also expected to benefit fishermen by giving them more flexibility in selecting dive days with safer water conditions.

The changes in the market require a smaller but steadier supply of urchin roe. The value of the domestic market for California red sea urchin has grown dramatically during the last decade and is continuing to expand, helping to offset the economic damage the fishery suffered with the loss of a substantial portion of its sales to the Japanese market and imports from Mexico. The U.S. market experiences its highest product demand during the summer months into early fall. By adding one day a week to the current harvesting schedule (June through October), the fishery will be on a more equal footing with the rest of the world. The additional day would also bring an added benefit of giving divers more flexibility to manage their dive schedules.

Request 2:

Open the Caspar Point area to urchin harvesting provided the industry does not harvest in areas where ongoing research is taking place. The South Caspar Point commercial urchin closure was originally created in the early 1990s to study management effectiveness during the “gold rush” period of the developing urchin fishery. Those studies were completed decades ago and the study area no longer serves any purpose. Additionally, with the implementation of the MLPA, a much more effective network of study areas was created that could be used as reference sites to study commercial urchin fishing impacts and potential management measures, if necessary. Allowing commercial urchin fishing within that area may also support the kelp recovery efforts recently approved by the Fish and Game Commission, which increased the recreational take of purple urchins in that area in an effort to restore kelp forests.

Present Regulations.

Current regulations restrict harvesting in the South Caspar Point off Mendocino's coast. Once considered a reserve to prevent overfishing, the use of the area diminished with the advent of MPAs in 2012. The geographical boundaries of the South Caspar Point are not well defined and vague. In the regulations they are defined under Title 14, Section 120.7 (O) Closed Areas “The South Caspar Point area in Mendocino County is closed to all commercial fishing for sea urchins. This area is bounded on the north by a line extending 90° magnetic from sea to the mouth of Caspar Creek (north bank) in Caspar Cove, on the south by the northern boundary of the Point Cabrillo State Marine Conservation Area and its westward extension to the 120-foot depth contour, on the west by 120-foot depth contour line connecting the north and south boundary lines, and on the East by the mainland shore. The Point Cabrillo State Marine Conservation Area remains closed to the take of all forms of marine life except as permitted in subsection 632(b).”

Rationale

There are currently 20 MPAs and 7 special closure areas in northern California. These MPAs represent 137 square miles or 13% of state waters. There are adequate reserve areas to protect resources and ocean management. The South Caspar Point has ongoing research activities that will remain in force should the area become opened by the Fish & Game Commission. The industry will collaborate with the Department to maintain safe distances from ongoing projects so they will not disturb monitored areas.

In 2010 a Maximum Sustainable Yield (MSY) study was conducted by the Department when 3.3 million pounds was considered to be the MSY for Northern California and there were 250 active



divers in the California at the time. During this same time period the CSUC was co-funding a larval settlement project with the University of California Santa Barbara, and continues to do so to present day. The larval distribution is shown to be impacted more by temperature fluctuations in the ocean than any other influence. What the study has shown is that harvest of legal sized red or purple urchins does not impact larval settlement. Therefore, opening the Caspar Point area will not result in further loss of future harvestable urchins.

Observation by local divers indicate there is kelp growth on the Southside of Caspar Bay and has the potential for additional regrowth as the reef consists of a hard substrate and stretches towards the middle of the bay on the inside of the cove. This area has maintained persistent kelp throughout the downturn period.

The CSUC has discussed this proposal at every board of directors meeting and at local northern California port meetings. In addition, The CSUC conducted industry surveys. The divers and processors in northern industry are in favor of opening the Caspar Point closed area.

SECTION II: Optional Information

5. **Date of Petition:** May 25, 2023.
6. **Category of Proposed Change**
 - ☐ Sport Fishing
 - ☒ Commercial Fishing
 - ☐ Hunting
 - ☐ Other, please specify: Click here to enter text.
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): Request 1) Amend Section 120.7(n)(1) ...Friday, ...
 - ☐ Add New Title 14 Section(s): Click here to enter text.
 - ☒ Repeal Title 14 Section(s): Request 2) Strike Section 120.7(o)(2)
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.
Or ☒ 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: 2024
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Red Sea Urchin Enhanced Status Report (See California Department of Fish and Game website). Status of the Fisheries Report 2003 (See California Department of Fish and Game website).
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: No known negative economic or fiscal impacts of the proposed changes. It is expected that there will be some positive economic benefits by opening a formally closed area to fishing and increasing fishing opportunities by allowing fishing on Fridays.

12. Forms: If applicable, list any forms to be created, amended or repealed:

N/A

SECTION 3: FGC Staff Only

Date received: 05/25/2023

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: Aug 22-23, 2023

FGC action:

☐ Denied by FGC

☐ Denied - same as petition _____

Tracking Number

☐ Granted for consideration of regulation change



Tracking Number: (2023-11)

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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: Paul K Chang

Address: [REDACTED] 1

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Sections 200, 205, 265, 270, 275, 702, 7071, 7110, and 8587.1, Fish and Game Code.

3. Overview (Required) - Summarize the proposed changes to regulations: Subject of Request - Recreational fishing: Groundfish - requiring the use of descending devices and non-motorized vessel exception to the 50-fathom depth restriction.

Add to sportfishing regulations Section 27.20(b)(1)(E) Title 14, CCR to read:

27.20(b)(1)(E) Non-motorized vessels or watercraft are limited to a maximum of 19 feet in length and may not possess motors of any kind, including but not limited to internal combustion or electric drive.

Amend sportfishing regulations 28.65.(d) and 27.30-45 Title 14, CCR to read:

28.65.(d) No gaff hook shall be used to take or assist in landing any finfish shorter than the minimum size limit. For the purpose of this section a gaff hook is any hook with or without a handle used to assist in landing fish or to take fish in such a manner that the fish does not take the hook voluntarily in its mouth. No person shall take fin fish from any boat or other floating device in ocean waters without having a landing net in possession or available for immediate use to assist in landing undersize fish of species having minimum size limits; the opening of any such landing net shall be not less than eighteen inches in diameter. A descending device capable of rapidly returning fish to the depth of



capture must be on board vessels and rigged for immediate use when fishing for or possessing rockfish and used on any rockfish released.

27.30. MENDOCINO GROUND FISH MANAGEMENT AREA. This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus Hexagrammos. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Mendocino Groundfish Management Area means ocean waters between 40° 10' N. lat. (near Cape Mendocino, Humboldt County) and 38° 57.50' N. lat. (at Point Arena, Mendocino County).

(b) Seasons and depth constraints effective for all species of rockfish, lingcod, cabezon, and all greenlings of the genus Hexagrammos:

(1) January 1 through May 14: Closed.

(2) May 15 through July 15:

(A) Motorized vessel or watercraft

1. Take and/or possession of species and species groups listed in subsections **i. through iii.** is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).
 - i. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed
 - ii. Slope rockfish, as defined in subsection 1.91(a)(4)
 - iii. Lingcod
2. Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus Hexagrammos is prohibited in all waters of the San Francisco Groundfish Management Area.

(B) Non-motorized vessel or watercraft

1. Open for all species with no depth constraints.

(3) July 16 through December 31: Open for all species with no depth constraints.

27.35. SAN FRANCISCO GROUND FISH MANAGEMENT AREA. This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus Hexagrammos. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The San Francisco Groundfish Management Area means ocean waters between 38° 57.50' N. lat. (at Point Arena, Mendocino County) and 37° 11' N. lat. (at Pigeon Point, San Mateo County).

(b) Seasons and depth constraints effective for all species of rockfish, lingcod, cabezon and all greenlings of the genus Hexagrammos:

(1) January 1 through May 14: Closed.

(2) May 15 through July 15:



(A) Motorized vessel or watercraft

1. Take and/or possession of species and species groups listed in subsections **i. through iii.** is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).
 - i. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed
 - ii. Slope rockfish, as defined in subsection 1.91(a)(4)
 - iii. Lingcod
2. Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the San Francisco Groundfish Management Area.

(B) Non-motorized vessel or watercraft

1. Open for all species with no depth constraints.

- (3) July 16 through December 31: Open for all species with no depth constraints.

27.40. CENTRAL GROUND FISH MANAGEMENT AREA. This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Central Groundfish Management Area means ocean waters between 37° 11' N. lat. (at Pigeon Point, San Mateo County) and 34°27' N. lat (at Point Conception, Santa Barbara County).

(b) Seasons and depth constraints effective for all species of rockfish, lingcod, cabezon, and all greenlings of the genus *Hexagrammos*:

- (1) January 1 through April 30: Closed.
- (2) May 1 through September 30: Open for all species with no depth constraints.
- (3) October 1 through December 31:

(A) Motorized vessel or watercraft

1. Take and/or possession of species and species groups listed in subsections **i. through iii.** is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).
 - i. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed
 - ii. Slope rockfish, as defined in subsection 1.91(a)(4)
 - iii. Lingcod



2. Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the San Francisco Groundfish Management Area.

(B) Non-motorized vessel or watercraft

1. Open for all species with no depth constraints.

27.45. SOUTHERN GROUND FISH MANAGEMENT AREA. This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Southern Groundfish Management Area means ocean waters between 34° 27' N. lat. (at Point Conception, Santa Barbara County) and the U.S./Mexico border. The Cowcod Conservation Areas are special closure areas within the Southern Groundfish Management Area, where species authorizations, prohibitions, depth constraints and seasons differ from those of the Southern Groundfish Management Area. See Section 27.50.

(b) Seasons and depth constraints effective for all species of rockfish, lingcod, cabezon and all greenlings of the genus *Hexagrammos*:

- (1) January 1 through March 31: Closed.
- (2) April 1 through September 15: Open for all species with no depth constraints.
- (3) September 16 through December 31:

(A) Motorized vessel or watercraft

1. Take and/or possession of species and species groups listed in subsections **i. through iii.** is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).
 - i. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed
 - ii. Slope rockfish, as defined in subsection 1.91(a)(4)
 - iii. Lingcod
2. Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the San Francisco Groundfish Management Area.

(B) Non-motorized vessel or watercraft

1. Open for all species with no depth constraints.

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

In light of recent regulation changes restricting the take of groundfish shoreward of the 50-fathom line, the Kayak Angling community is hereby expressing its concern at the disproportional impact that these changes have on non-motorized vessel anglers.



A restriction that prohibits the take of groundfish shoreward of the 50-fathom line effectively ends the fishing season for non-motorized anglers. Non-motorized vessels are not able to safely reach the depths required by the new regulations and are, therefore, disproportionately impacted by this change; our goal is to advocate for equitable rules that take non-motorized anglers into consideration and preserve their ability to fish for the entirety of the season.

We request an exception for non-motorized vessels of up to 19 feet without motors of any kind. We believe this exception is justifiable because of the significantly lower environmental impact of non-motorized angling and the disproportional impact they suffer from these changes. Their lower environmental impact and more selective take, combined with mandatory descenders, would ensure minimal impact on threatened rockfish populations.

We also propose mandating an immediately operable descending device, similar to Oregon and Washington states, to reduce rockfish mortality rates and further protect our resources. According to data from the Groundfish Management Team, rockfish caught from typical depths accessible from non-motorized vessels (0-30 fathoms) have a lower mortality rate (3% to 16% depending on species) when descended, compared to rockfish caught from deeper depths reachable by motorized vessels, which suffer higher mortality rates.

Fishing from non-motorized vessels is a traditional and eco-friendly method that has been around for millennia - it should be encouraged, not penalized. The limited range and size of the vessels naturally reduce the environmental impact of this form of fishing on local ecosystems, not to mention zero carbon emissions. It is also more accessible to lower-income anglers.

Regulations should not be designed with only motorized vessels in mind. They must account for and respect more traditional fishing methods that predate motorized angling, have a lower impact on threatened rockfish populations, and are more accessible to a wider range of incomes and socioeconomic statuses.

Below, we list the key differences that set non-motorized angling apart and justify an exception:

- a. Non-motorized vessels are only inches above the water surface, allowing prohibited fish to be released with minimal trauma and often without being removed from the water at all.
- b. Other factors, such as the weather, limit non-motorized angling. Small, non-motorized vessels cannot safely go out in windy conditions or large swells. The environmental impact is, therefore, further reduced due to a lesser number of fishable days.
- c. This year, the effective opener for non-motorized vessels in the San Francisco management area was July 16, but the first fishable day was August 15 because of wind and swells. So, this year, the community had around 15 fishable days before the emergency closure on September 1st.
- d. Non-motorized anglers cannot move great distances, impacting smaller areas than motorized vessels. When a typical maximum range of three or four miles is factored from limited launch access points, vast areas of the coast are not accessible to non-motorized vessels.
- e. Non-motorized vessels cannot carry a large number of anglers, so the overall impact of a vessel on an ecosystem is smaller because the take is usually confined to one or two anglers.



- f. The non-motorized angling community is relatively small compared to motorized vessel numbers, so the exception would correct an unfair impact on a small but traditional fishing method and an active and passionate conservationist angler community.
- g. The 50-fathom depth constraint may create an incentive for non-motorized vessels to attempt to reach the RCA line. This would pose significant risks to anglers and costs associated with rescues. Given the difficulty of locating a small vessel, a rescue several miles offshore would be significantly more difficult, riskier, and costlier.

The ultimate goal of this petition is to ensure that the CDFW recognizes non-motorized vessel anglers and that the regulations put in place for 2024, including emergency closures, take this form of angling into consideration and make sufficient exemptions to prevent it from being disproportionately impacted.

We would like to thank the commission for taking the time to review this petition and for giving this matter the attention it deserves.

SECTION II: Optional Information

- 5. **Date of Petition:** September 15, 2023
- 6. **Category of Proposed Change**
 - ☒ Sport Fishing
 - ☐ Commercial Fishing
 - ☐ Hunting
 - ☐ Other, please specify: [Click here to enter text.](#)
- 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): 28.65.(d) and 27.30-45.
 - ☐ Add New Title 14 Section(s): [Click here to enter text.](#)
 - ☐ Repeal Title 14 Section(s): [Click here to enter text.](#)
- 8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)
Or ☒ 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: Emergency – No consideration has been given to non-motorized vessel or watercraft anglers.
- 10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: GROUND FISH MANAGEMENT TEAM REPORT ON METHODOLOGY REVIEW-FINAL - Agenda Item H.4.a Supplemental GMT Report 3 November 2022
- 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: Several businesses cater directly to non-motorized anglers: manufacturers and retailers of kayaks and canoes, campgrounds and launch facilities offering and charging for ocean access, bait shops and other local retail stores, and fishing guides and kayak rental businesses providing services to the non-motorized angling community. Recent changes to the regulations disproportionately impact these businesses. The proposed regulation change will remediate the negative impact.

12. Forms: If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: 9/15/2023

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
- ☐ Denied - same as petition _____
- ☐ Granted for consideration of regulation change

Tracking Number

Memorandum

Date: July 19, 2024

Received July 24, 2024
Original signed copy on file

To: Melissa Miller-Henson, Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Petition to authorize recreational take of groundfish inside 50 fathoms using non-motorized vessels or watercraft (Tracking Number: (2023-11))**

A petition submitted by Mr. Paul Chang to the Fish and Game Commission (Commission) proposes to authorize recreational take of groundfish inside 50 fathoms using non-motorized vessels or watercraft. The rationale provided by Mr. Chang states the kayak angling community and non-motorized vessel anglers are disproportionately impacted by “Offshore-Only” fishing seasons (where groundfish fishing is authorized only in waters deeper than the 50-fathom boundary line, as defined by federal waypoints).

On March 26, 2024, the Commission adopted recreational fishing regulations for federal groundfish in state waters for consistency with federal rules in 2024. The adopted regulations were based on significant input from the recreational fishing community, including the kayak angling community, to maximize fishing opportunities and time on the water, while still protecting constraining stocks. The main objective of this petition (time on the water in nearshore depths) was largely fulfilled in the adopted regulations. As shown in the summary table below, nearshore or ‘all-depth’ fishing is available in six months of the year in each Groundfish Management Area in 2024, and pending Commission action this fall, it is expected this same season structure will continue for 2025 and 2026.

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	Closed			>50fm	<20fm					>50fm	<20fm	>50fm
Mendocino	Closed			>50fm	<20fm					>50fm	<20fm	>50fm
San Francisco	Closed			>50fm	<20fm					>50fm	<20fm	>50fm
Central – N 36°	Closed			>50fm	<20fm					>50fm	<20fm	>50fm
Central – S 36°	Closed			All Depth			<50fm			>50fm		
Southern	Closed			All Depth			<50fm			>50fm		

Seasonal closures in nearshore waters of northern and central California are necessary to minimize contact with overfished quillback rockfish. Six months of nearshore closure, coupled with other voluntary and mandatory measures when seasons are open, is essential to ensure quillback rockfish mortality remains within federal limits, while allowing fishing opportunities to continue.

Melissa Miller-Henson, Acting Executive Director
Fish and Game Commission
July 19, 2024
Page 2

The request to authorize fishing for non-motorized craft separately from motorized craft creates enforcement challenges and significant new catch monitoring needs. Splitting the boat-based mode into multiple sectors would require establishing harvest allocations between recreational fishing modes, resulting in significant management cost and complexity. If 'vessels' were broken out to distinguish between motorized and non-motorized, sector-specific allocations would be needed between these vessel types. This would require tracking of a large number of small sector-specific pots of fish, likely resulting in an overall loss in opportunities for recreational fisheries and increased management cost and complexity. In addition, creating a stand-alone non-motorized sector would require a re-design of the California Recreational Fisheries Survey (CRFS) program so that this mode would be monitored at required levels independent of other fishing modes.

The California Department of Fish and Wildlife recommends this petition be denied at this time due to the request being largely fulfilled with the recently adopted recreational groundfish regulations and the management and enforcement challenges described above. Please direct further questions to Dr. Craig Shuman, Marine Regional Manager, at (805) 568-1246 or by email at R7RegionalMgr@wildlife.ca.gov.

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
Department of Fish and Wildlife

Nathaniel Arnold, Chief
Law Enforcement Division
Department of Fish and Wildlife

Craig Shuman, D. Env., Regional Manager
Marine Region
Department of Fish and Wildlife

Eric Kord, Assistant Chief
Law Enforcement Division
Department of Fish and Wildlife

Marci Yaremko, Environmental Program Manager
Marine Region
Department of Fish and Wildlife



Tracking Number: (____2024-04____)

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. 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.

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: Benjamin D. Mitchell

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: ben [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Sections 200, 205, 265 and 275, Fish and Game Code

3. Overview (Required) - Summarize the proposed changes to regulations:

Clarification of the regulations to authorize the use of a harpoon as a landing aid.

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

Harpoons are a common landing aid for large tuna on small boats. In recent years, more and larger bluefin tuna have been caught along the California coast, bringing to the fore the lack of clarity in the regulations regarding the use of a harpoon as a landing aid.

Online discussions, questions to wardens, etc all struggle to make sense of whether it is legal to harpoon a hook-and-line caught fish at the boat as a way to control and land the fish.

Most of the discussions revolve around references to harpoons as a method of take, and extrapolate to form an opinion about whether a fish landed with a harpoon was "taken" with a harpoon. Some point out that a netted salmon or a gaffed lingcod were not "taken" with a net or a gaff. Others have a different read.

The lack of certainty creates a risk of unintentional illegal activity for fishermen, and a difficult enforcement issue for wardens. It seems it should be fairly straightforward to amend the regulations to speak specifically to the use of harpoons as a landing aid. Likewise, it doesn't seem like permitting harpoons as a landing aid should be overly controversial vs. a gaff.



SECTION II: Optional Information

5. Date of Petition: 04/21/2024

6. Category of Proposed Change

- X Sport Fishing
Commercial Fishing
Hunting
Other, please specify: [Click here to enter text.](#)

7. The proposal is to: *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- X Amend Title 14 Section(s):
14.1.195(e)(1): add “harpoon” in addition to “gaff” and “net”
14.27.90(d): update to read “gaffed or harpooned”
14.28.65(d): update to read “No gaff hook or harpoon”

Note: I’m not policymaker or lawyer, so there may be better ways to articulate this change in the regs. I simply searched for “gaff” and suggested additional language to include harpoons as a landing aid.

Add New Title 14 Section(s): [Click here to enter text.](#)

Repeal Title 14 Section(s): [Click here to enter text.](#)

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition [Click here to enter text.](#)

Or X 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 practicably possible.

10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents:

Here are two examples of detailed discussions highlighting the confusion caused by the current regs:

<https://forums.coastsidefishingclub.com/threads/made-a-harpoon.89260/>

<https://www.bdoutdoors.com/forums/threads/why-dont-we-harpoon-bluefin-on-the-west-coast.810404/>

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: None

12. Forms: If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

SECTION 3: FGC Staff Only



Date received: 04/22/2024

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
- ☐ Denied - same as petition

Tracking Number

- ☐ Granted for consideration of regulation change

From: Ryan Giammona <[REDACTED]>
Sent: Friday, July 26, 2024 08:37 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Comments for Agenda Item #6-III, Day 1 – August 14, 2024 CFGC meeting

Hello Fish and Game Commission

I am writing on behalf of recreational vessel operators and as an owner of a charter fishing operation in Northern California. We are highly concerned with the safety of our clients and ourselves while landing gaffed Bluefin tuna and Bigeye tuna on smaller vessels without the assistance of a harpoon. Last year several bluefin and bigeye tuna were landed offshore of the California coast exceeding 300lbs. Without assistants from a harpoon, a 300-pound strong and lively fish must be brought aboard immediately in a head first orientation often resulting in damage to the vessel and any person in the vicinity of the fish while the fish is thrashing about the deck. Even with a proper brain spike, large fish can continue to cause extensive damage to the vessel for several minutes. The use of a harpoon allows the fish to be brought to the boat in a tail first orientation, tied off to the vessel and subdued before it is brought over the rail and onto the deck. This will greatly reduce the damage to the vessel and any person in the way. Harpoons are specifically stated as legal for use on pacific halibut per section 28.95 the code. Recreational and charter vessels alike are seeking to allow use of harpoons as a landing aid on tuna.

The use of harpoons as a landing aid on fish that are already hooked would not affect the landing rate of large tuna. The use of harpoons simply allows the men and women who enjoy pursuing a growing fishery to safely do so without risking the well-being of themselves and their vessels. We strongly urge you to allow harpoons for assistance in landing tuna.

Thank you for your time on this issue.

Ryan Giammona
North Bay Fishing Charters.

Ryan Giammona

Cell: [REDACTED]

[Website: northbayfishingcharters.com](http://northbayfishingcharters.com)



From: Tom Rudenko <[REDACTED]>

Sent: Monday, July 29, 2024 02:33 PM

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

Subject: Fish & Game Commission - Comment for Aug 14-15, 2024 meeting; Harpoon Topic

Hello Fish & Game Commission

I am a recreational fisherman from Sausalito. I support changing & clarifying the rules to allow the use of harpoons to assist in the landing of tuna, after they have already been hooked (either with bait or jigs) and brought to the boat. Currently it is believed the rules may allow for this, but there is some ambiguity and confusion around the current language.

Background:

I fish for bluefin tuna up and down the coast, off Half Moon Bay, the Farallons and Bodega. Typically, you are 20-50 miles out. Bluefin have been caught for years/decades off the northern coastline, but only recently have begun to catch on to a wider audience of fishermen. The excitement of hunting and catching these big game pelagic fish is incredible. I grew up influenced by Hemmingway and his fishing exploits in the Caribbean. It's a fantastic development that these giant & spectacular fish have shown up off the California coastline, it's really a dream come true for many local area anglers.

The primary reason for this request is safety. The bluefin being caught in Northern California average around 150 lbs. We have caught fish up to 250 lbs. These are big, feisty fish.

Currently, most anglers use gaffs to land tuna. A typical gaff consists of a 6-8' metal or wooden shaft, with some type of corded or rubberized handles, and tipped with a 4-6" sharpened stainless steel curved hook (similar to a large fishhook). Gaffs (along with nets) are commonly used to assist in the landing fish, but most commonly used on much smaller species. Many fish caught recreationally are small, and are easily "bounced" into the boat, meaning they are simply pulled up and over the rail of the boat using the fishing line they are caught with. Gaffs are used when the fish is larger and not easily bounced.

As you can imagine, 150-200 lb tuna put up a tremendous fight, which doesn't end when you get them to the side of the boat. It takes patience, skill, strength and stamina to get the fish in the proper position for gaffing.

Once brought to the side of the boat, it typically will take at least 2 gaffs to subdue the fish, sometimes 3. And the fish do not always cooperate! Note that gaffing accomplishes several tasks; 1) secure the fish, 2) subdue the fish, 3) pull the fish onto the boat.

Gaffing these fish can be fraught with danger - it usually involves a bit of reaching. Once a fish is hooked with the gaff, it usually thrashes around mightily, and if not gaffed correctly or securely, there's a risk of the angler getting pulled over the side of the boat. Even if gaffed perfectly, a large mean tuna can explode with energy when gaffed. Oftentimes a gaff misses

the mark, or is not a secure gaff - meaning, the gaff may be loosely hooked in the fish. This can be dangerous, as the gaff can slip out, causing the fisherman to become unbalanced and fall.

Harpoons, if used properly, would substantially reduce the risks associated with gaffing. It would reduce/eliminate the need to reach out to gaff a 'green' fish. Rather, with a properly deployed harpoon, the angler would not need to reach. And once the harpoon is in the fish, the angler would be more easily and safely able to subdue the fish, via connection from the rope which is part of the harpoon structure. With a gaff, the angler is connected to the fish via a solid 6-8ft gaff handle, and all the energy of the fish is transmitted directly to the angler!

I imagine some of you have watched the popular show "Wicked Tuna". These anglers all use harpoons to assist in the landing of their fish. They do not use gaffs, it would be far too dangerous. The fish they are catching on Wicked Tuna are much larger, up to 100" and 800lbs. Regardless, the fish we are catching here off the Northern California coast are large enough to pose similar risks. Imagine gaffing a Brahma Bull with a solid wooden gaff, the analogy is not that far fetched.

All of the risks described above are exacerbated by the sheer distances involved. Any emergency situation could take hours for authorities to respond. Due to the long distances involved, tuna fishermen engage in a tremendous amount of planning and forecasting prior to ever leaving the dock. Boats are meticulously maintained and engines are regularly serviced. Weather and wave forecasts are scrutinized closely for days and weeks prior to venturing out. All manner of safety equipment is utilized, including personal flotation devices, well tested electronics including VHF radios and radar systems. Buddy boating is common practice, along with a great deal of networking prior to and during the trips. All of these best practices ensure a successful and exciting fishing trip.

Therefore, we welcome any rules clarification that enhances safety and best practices, and helps to minimize the risks associated with big game fishing.

Thank you for your time and interest!

Tom Rudenko



From: John Arnaud <[REDACTED]>
Sent: Monday, July 29, 2024 07:31 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Agenda Item #6-III, August 14, 2024 CFGC meeting

Dear California Fish & Game Commission,

I am writing to request that it becomes permissible to use a harpoon as a means of landing tuna off of the California coast after the fish has been hooked and fought on rod/reel. I have landed several blue fin tuna, and the process of gaffing one of these fish is dangerous and inhumane to the fish, as it can result in wounding a fish that is then lost at the boat. Utilization of a harpoon would be safer for the angler as well, resulting in fewer injuries.

Thank you for your consideration.

From: Doug Dahme <[REDACTED]>
Sent: Friday, July 26, 2024 11:05 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Meeting item 6-A-III Regulation change - petition 24-04

Dear Members of the California Fish and Game Commission,

I am writing to express my support for agenda item 6-A-III, petition #24-04, which advocates for the use of a harpoon in landing highly migratory finfish, particularly bluefin tuna.

The use of a harpoon in this context aligns with the guidelines of the commission and is strongly supported by the sport fishing community. This method, restricted solely to landing and not the taking of these fish, provides several significant advantages over traditional methods such as gaffs and nets.

Firstly, using a harpoon ensures a higher degree of precision and control, thereby reducing the risk of injury to both the angler and the fish. This is particularly important given the size and power of bluefin tuna, which can be challenging to manage safely with gaffs or nets. Harpoons allow for a quicker, cleaner landing, minimizing the stress and potential harm to the fish, which is in line with the principles of ethical angling and conservation.

Secondly, the safety of the anglers is greatly enhanced. The risk of accidents and injuries is reduced when using a harpoon compared to the more cumbersome and hazardous gaffs and nets. This is a crucial consideration, especially in the often unpredictable conditions at sea.

I urge the commission to approve petition #24-04, recognizing the benefits it offers in terms of safety, precision, and alignment with ethical fishing practices. By adopting this measure, we can support a sustainable and responsible approach to sport fishing, ensuring the protection and proper management of our valuable marine resources.

Thank you for considering my comments.

Sincerely,

Doug Dahme

From: Angela Kemsley <[REDACTED]>
Sent: Wednesday, July 31, 2024 02:30 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Comment Letter for Agenda Item 7B

Hi FGC,
Please find a comment letter for Agenda Item 7B attached. Thank you!



Angela Kemsley
DIRECTOR OF CONSERVATION IMPACT/
DIRECTORA DE IMPACTO EN CONSERVACIÓN



July 31, 2024

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

**RE: Comments on Fish and Game Commission August 14-15 Meeting Agenda Item 7B:
Marine Resources Committee - MPA Petition Binning Outcomes**

Dear President Murray and Honorable Commissioners:

WILDCOAST is deeply committed to ocean protection and the successful implementation of California's Marine Protected Area (MPA) Network. We applaud the Fish and Game Commission's (FGC) commitment to meeting the goals of the Marine Life Protection Act (MLPA) through support of the Marine Protected Area (MPA) Network, including adaptive management as part of the decadal management review.

I am writing to express my support for the petition submitted by WILDCOAST, in collaboration with the San Diego MPA Collaborative, requesting changes to local Marine Protected Area (MPA) regulations in San Diego County (tracking number 2023-26MPA).

WILDCOAST's petition has been placed in Bin 1 of the California Department of Fish and Wildlife's (CDFW) *Draft Proposed Phase 1 Categorization of Marine Protected Area Petitions*, and I recommend quick review and approval.

Petition recommendations:

1. Swami's SMCA : Shift the entire shape South (from the lifeguard tower to State/Solana Beach line to cover tidepools on the South side).
2. Batiquitos Lagoon No-Take SMCA, San Elijo Lagoon No-Take SMCA, & Famosa Slough No-Take SMCA: Change the color of SMCA (No-Take) from purple to red in materials for outreach purposes only.

The proposed changes outlined in the petition were generated through careful consideration, stakeholder and public engagement, and a comprehensive assessment of the unique challenges facing each of these areas. These proposed adjustments aim to address compliance concerns, facilitate effective enforcement, and simplify regulations to improve public understanding and compliance.

In particular, the recommendation to shift the boundary of Swami's State Marine Conservation Area (SMCA) to cover the tidepools on the southern side (Seaside Reef, which is unprotected with the current boundaries) is a critical step in combating harmful tidepooling practices. "The collecting, trampling, and handling activities of visitors can have detrimental impacts on intertidal

flora and fauna, including reduced abundances and biodiversity and alteration of community structure and function.”¹ This minor adjustment shifts the boundaries of Swami’s SMCA south to cover the reef for tidepool protections and outreach purposes, without increasing the total size of the MPA. This change would also provide clearer demarcation and aid law enforcement in safeguarding these valuable ecosystems. This proposal reflects a conversation and compromise reached with local anglers, LED officers, and MPA managers, further highlighting the collaborative and consensus-driven nature of this effort.

Regarding the proposal to change the color designation from purple to red in the Batiquitos Lagoon No-Take SMCA, San Elijo Lagoon No-Take SMCA, and Famosa Slough No-Take SMCA for outreach purposes, I advocate for simplifying messaging for the general public. This non-regulatory change being proposed in Santa Barbara County, Orange County, and San Diego County will make it easier for the public to understand and adhere to MPA regulations, reducing the burden on enforcement officials and is aligned with the CDFW goal of enhancing outreach and educational efforts.

These recommendations, born out of extensive research, dialogue, and consensus within the San Diego MPA Collaborative, deserve your serious consideration. They reflect a shared commitment to the conservation of our coastal and marine resources, a commitment that is integral to the well-being of our community and the ecological health of the region.

I urge the California Fish and Game Commission to support the petition submitted by WILDCOAST and take action to implement these crucial changes. Your support will contribute significantly to the protection and sustainability of San Diego County's marine ecosystems for current and future generations.

Thank you for your attention to this matter, and I look forward to a positive resolution in the best interests of our shared environment.

Sincerely,

A handwritten signature in black ink, appearing to read 'AKemsley', with a stylized, cursive script.

Angela Kemsley
Director of Conservation Impact
WILDCOAST

¹ Garcia, A., & Smith, J. R. (2013). Factors influencing human visitation of southern California rocky intertidal ecosystems. *Ocean & Coastal Management*, 73, 44–53. <https://doi.org/10.1016/j.ocecoaman.2012.12.006>

From: jasonma <[REDACTED]>
Sent: Monday, July 15, 2024 01:00 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Fisherman against 2023-15MPA

Hi FGC,

I'm Jason and I'm a recreational fisherman from Ventura. I'd like to voice my opinion against the proposal.

Opening up MPAs to fishing contradicts the primary conservation goals for which they were established. The original intentions behind creating these MPAs were to protect and conserve local non-pelagic species and their habitats. Allowing fishing activities within these areas undermines these conservation efforts and compromises the effectiveness of the MPAs in safeguarding marine biodiversity. While the proposal argues that Highly Migratory Species (HMS) and Coastal Pelagic Species (CPS) were not explicitly referenced in the original declaration of these MPAs, it fails to acknowledge severely declining fishing levels and habitat conditions since the MPA's inception. Over the years, fishing pressure and habitat loss have intensified, necessitating the continuation of strict protections within MPAs to safeguard marine biodiversity.

Thank you for your time,
Jason

From: Rhett B <[REDACTED]>
Sent: Tuesday, July 16, 2024 08:00 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Against petition 2023-15MPA

Hi FGC,

I'm Rhett and I'm a scuba diver from the LA area.

I'd like to write against the petition.

The petition fails to provide adequate scientific justification for the proposed changes. While it argues that limited take of pelagic species significantly impact the MPA ecosystems, it lacks concrete evidence to support this claim. The proposal merely suggests that the impact of fishing on pelagic and highly migratory species (HMS) within MPAs is negligible due to their wide-ranging movements, this assertion relies on inference rather than scientific evidence. Moreover, based on the proposal's own inference, fishermen can already target pelagic and HMS species outside of the MPAs.

Best,
Rhett

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 SMCAs 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: Azsha Hudson <[REDACTED]>
Sent: Wednesday, July 31, 2024 05:10 PM
To: FGC <FGC@fgc.ca.gov>
Cc: Linda Krop <[REDACTED]>
Subject: August FGC Meeting: Written Comments for Item 6c

Hello,

Please see the attached file for our written comments for the upcoming FGC meeting.

Thank you



AZSHA HUDSON (she/her/hers)
MARINE CONSERVATION ANALYST &
PROGRAM MANAGER
906 Garden Street
Santa Barbara, CA 93101
O: [REDACTED] C: [REDACTED]
www.EnvironmentalDefenseCenter.org



We recognize that EDC sits on occupied, unceded, stolen lands of the Chumash Peoples, on Shmuwich Territory, who have called this area home for time immemorial. We commit today to make space to elevate indigenous voices and support our local Chumash and indigenous communities in our work to protect our environment.

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July 31, 2024

Samantha Murray, President
California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814

Re: Petition for Anacapa State Marine Conservation Area – Agenda Item 6(c)

Dear President Murray and Honorable Commissioners:

On behalf of the Environmental Defense Center (“EDC”), please consider our comments regarding the Marine Protected Area (“MPA”) petition process instigated by California Department of Fish and Wildlife’s (“CDFW”) release of the MPA Network Decadal Management Review (“DMR”) report. EDC is a public interest law firm that defends nature and advances environmental justice on California’s Central Coast through advocacy and legal action. We primarily work in San Luis Obispo, Santa Barbara, and Ventura Counties. We celebrate the success of California’s MPA Network (“the Network”) and submit this letter to inform the Fish and Game Commission (“Commission”) and CDFW of our intent to update our petition (2023-27MPA) for Anacapa Island State Marine Conservation Area (“SMCA”) based on conversations we continue to have with the public.

I. COMMUNITY OUTREACH SUMMARY

We strongly support the Commission requesting and utilizing the feedback received from the public regarding next steps for the DMR process. We especially appreciate the centering of adaptive management as a guiding principle as we look to the next decadal review of the Network. In late 2023, the Commission requested that the public submit petitions for any changes to the Network; however, as this is an ever-evolving process, the Commission asked petitioners to prioritize community outreach following the deadline for petition submissions. We at EDC have done our part to inform our local community of the DMR process, as well as our Anacapa and Mishopshno (2023-29MPA) petitions, and we continue to engage our community.

A. Legislators

Assemblymember Gregg Hart, 37th District – we met with Assemblymember Hart’s staff, who indicated the Assemblymember was generally supportive of the MPA Network. When the Anacapa petition was explained, as well as the intent of EDC to flesh out alternative solutions, staff were supportive of continued community outreach to get their input. Staff agreed that a remedy should be identified to address the impacts of hard bottomed fishing gear on eelgrass.

Assemblymember Steve Bennett, 38th District – we met with Assemblymember Bennett’s staff, who indicated the Assemblymember was generally supportive of the MPA Network. Assemblymember Bennett and his staff worked with EDC, Environment California, Natural Resources Defense Council, and Azul to write and deliver “ACR 210: Marine Protection Area” to the Water, Parks, and Wildlife Committee, as a means of supporting and strengthening the Network. Assemblymember Bennett’s staff were supportive of the Anacapa Petition. Staff agreed that a remedy should be identified to address the impacts of hard bottomed fishing gear on eelgrass.

Santa Barbara County Supervisor Das Williams, 1st District – we met with Supervisor Williams, who expressed general support for the Network, as well as potential support for the creation of an MPA near Carpinteria. A follow up meeting is pending as EDC, along with partners, fleshes out the specifics of the Mishopshno MPA.

Santa Barbara County Supervisor-Elect Roy Lee, 1st District –we met with Mr. Lee, who expressed general support for the Network, as well as EDC’s sponsorship of two petitions. He also asked about a possible petition to protect the harbor seal rookery east of Carpinteria State Beach.

U.S. Congressman Salud Carbajal, 24th Congressional District – we met with Congressman Carbajal’s staff, who indicated that the Congressman generally supports highly and fully protected MPAs. His staff expressed concern about equal access for all the community, especially children, to natural areas. Once assured that EDC’s petition for Anacapa would not restrict public access, there were no further concerns raised.

B. Fishing Community

Spearfishers – we met with Santa Barbara local spearfishers multiple times to discuss both our Anacapa petition as well as the Mishopshno petition. The members of a local spearfisher group expressed concern with access to highly protected MPAs, however, they added that they have noticed an uptick in lobster traps in Anacapa Island SMCA that make it difficult and potentially dangerous for them to navigate through the water. The spearfishers were open to discussing alternative solutions to protecting the marine environment that took into consideration community access.

Anglers – we met with a few anglers based in San Diego and Los Angeles counties who expressed concern with the original Anacapa Island petition as submitted to CDFW on

November 30, 2023. They explained the harm re-classifying the SMCA to a fully protected State Marine Reserve (“SMR”) would have on community members whose interaction with the ocean is low impact. When EDC expressed our willingness to consider alternative solutions to the two proposals listed in the submitted narrative, the anglers, while not happy with possibly losing some access, understood that a compromise was needed to protect the ecosystem from obvious harm.

Commercial Fishermen of Santa Barbara – we met with Commercial Fishermen of Santa Barbara president Chris Voss and the Executive Director Kim Selkoe. Both expressed concerns with the MPA petition process in general, looking for economic impact analyses on local communities and fishing communities. They also expressed concern with petitions like Mishopshno connecting to tribal interests, as they are concerned that co-management would complicate enforcement. They stated that there is already oversight from federal and state entities and the inclusion of tribal enforcement could potentially add more limitations to commercial fishers. They stated interest in how the CEQA process will be integrated in the petition process, if it will at all.

Lobster fishers – we spoke with a couple of Santa Barbara County lobster fishers. They expressed general support for the Network, as they have directly benefited from the spillover effect. When the basis for our Anacapa petition was explained, most individuals supported protecting eelgrass. However, we are still looking to speak with a Channel Islands lobster fisher to get a more applied perspective.

C. Non-federally and federally recognized tribes

San Ynez Band of Chumash Indians – the Band is supportive of modifying the Anacapa SMCA to allow for the eelgrass meadow to be undisturbed and protected from lobster traps. They were slightly concerned with re-classifying the SMCA to an SMR; however, we explained that we are also considering some other options. We have listed some alternative ideas below, that we ask CDFW staff to review.

Coastal Band of the Chumash Nation – the Band is supportive of modifying Anacapa SMCA to allow for the eelgrass meadow to be undisturbed and protected from lobster traps. We have spoken with the Secretary of the Coastal band and an Elder who have helped connect us with the President for further discussion. We hope to hold a further conversation in the beginning of August.

Barbareño Band of Chumash Indians – EDC sent information on the MPA petition and DMR process, the original Anacapa petition narrative, and the narrative for the creation of Mishopshno SMCA. We are waiting for their review and an opportunity to discuss the petitions.

Wishtoyo Chumash Foundation – EDC sent information on the MPA petition and DMR process, the original Anacapa petition narrative, and the narrative for the creation of Mishopshno SMCA. We are waiting for their review and an opportunity to discuss the petitions.

D. Local Community

College students – We spoke with CalPIRG students as well as those who did not identify any affiliation to an environmental/marine conservation club. The University of California, Santa Barbara students, especially those that have been to the islands, are generally supportive of the MPA Network and communicated a strong desire to continue to protect the ocean via MPAs. They were supportive of protecting eelgrass at Anacapa Island SMCA.

Women in the Water – EDC participated in a gathering held by Women in the Water, for local women-identified and allied people who are connected by the water. We heard general support for the MPA Network from a group of about 30 Santa Barbara County locals. Many had questions about the petition process.

Santa Barbara Channel MPA Collaborative – EDC attended a meeting in late spring/early summer of this year. We heard concerns from several fishermen who believed that a concession was made during the initial conversations to establish the Network. They referenced a deal that resulted in the designation of the Campus point MPA rather than an MPA near Carpinteria. They voiced concerns that closing access near the Carpinteria State Beach would push fishing efforts into Ventura County or surrounding the Santa Barbara port. General support for the Network was expressed, however during the meeting, individual petitions were not discussed.

E. Agencies

We also spoke with multiple state and federal agencies, most notably the National Oceanic and Atmospheric Administration (“NOAA”), the National Park Service (“NPS”), and CDFW. Most agency staff were open to EDC’s new alternatives and expressed the need for more direction from the Commission as to how to change the original petition request.

II. POTENTIAL SOLUTIONS

As stated above, the FGC directed petitioners in late 2023 to prioritize community outreach. We were tasked with engaging the community to inform them of individual petitions to best inform our petition requests. EDC, like many petitioners, set about our task and occasionally combined efforts with other organizations to conduct community outreach. EDC conducted many conversations that led us to investigate alternative solutions that would still protect *Zostera marina* at Anacapa Island, as there is compelling evidence that seasonally occurring lobster trapping and anchoring in the SMCA is destroying the eelgrass beds that are otherwise thriving in the adjacent Anacapa SMR. Another goal petitioners, as well as CDFW and FGC, must engage in is adaptive management. As explained in the DMR, “adaptive management is an iterative process that facilitates learning from program actions to help determine those that are most effective.”¹ Utilizing one of EDC’s suggested solutions - or ones identified by CDFW in the future - will align with recently available scientific findings about the significant damage

¹ California Department of Fish and Wildlife. (2022). California’s Marine Protected Area Network Decadal Management Review.

caused by lobster traps and boat anchoring, thus supporting adaptive management goals. We ask that CDFW staff evaluate the below alternatives (and others not listed here) that we have crafted from our community outreach and engagement.

A. Change current regulations to disallow lobster fishing year round

The species of eelgrass found at Anacapa Island, *Zostera pacifica*, has very short rootlets and typically grows within the top few centimeters of sediment.² This makes it extremely sensitive to disturbance, which is why it is found only in the most sheltered areas. Deploying and pulling hard bottomed items, like lobster traps and boat anchors, disturbs the sediment and dislodges the eelgrass and causes it to drift away.³ Deploying and pulling traps is akin to anchoring, which is known to be a major threat to eelgrass beds world-wide. Due to the site-specific research conducted by Jessie Altstatt,⁴ it is apparent that lobster traps are the biggest threat to Anacapa Island SMCA eelgrass meadows. We ask that CDFW evaluate the benefits and challenges that would come with changing the regulations for Anacapa Island SMCA to prohibit lobster fishing year-round.

B. Change current regulations to disallow hard bottomed fishing gear near eelgrass meadows

Similar justifications to alternative A can be applied to alternative B as well. We ask CDFW staff to evaluate the benefits and challenges of changing the regulations to restrict the gear type allowed for commercial lobster fishers. We recommend that a non-hard bottomed trap be evaluated for use at locations with sensitive eelgrass habitats.

C. Change the existing border, prohibiting the deployment of lobster traps from 0-20 feet to 0-30 meters

Eelgrass beds support complex food webs despite inhabiting a narrow range. They filter nutrients, and improve water quality, stabilize sediments, and serve as important refuge and nurseries for marine vertebrates and invertebrates.⁵ Eelgrass beds are typically found from shallow waters down to depths of up to 30 meters (98 feet).⁶ Based on the existing border around Anacapa Island as explained in the Final Environmental Document for Marine Protected Areas

² Engle, J. M., & Miller, K. A. (2005). Distribution and morphology of eelgrass (*Zostera marina* L.) at the California Channel Islands. In *Proceedings of the Sixth California Islands Symposium*. Institute for Wildlife Studies, Arcata, CA (pp. 405-414).

³ Richardson Bay: Eelgrass Restoration and Adaptive Management Plan (2023)
https://rbra.ca.gov/files/38481beeb/8.2.1_2024-01-10_RAMP.pdf

⁴ Jessica Altstatt (2021). Island Eelgrass (*Zostera pacifica*): Focused Assessment of Condition and Extent of Meadows and Biological Monitoring of Associated Fish and Invertebrate Communities

⁵ Engle, J. M., & Miller, K. A. (2005, November). Distribution and morphology of eelgrass (*Zostera marina* L.) at the California Channel Islands. In *Proceedings of the Sixth California Islands Symposium*. Institute for Wildlife Studies, Arcata, CA (pp. 405-414).

⁶ marinespecies.wildlife.ca.gov/eelgrass/

in NOAA’s Channel Islands National Marine Sanctuary: Volume I,⁷ we ask CDFW to evaluate the benefits and challenges to changing the distance from 20 ft to 30 meters within Anacapa Island SMCA, or for the whole Island.

III. POACHING: IS IT AN ISSUE?

Given its ecological importance, eelgrass habitat restoration and conservation has been identified as a high priority by numerous federal and state policies and planning documents. Most community members surrounding Santa Barbara Channel are concerned about the environment, including marine ecosystems. Everyone we spoke with voiced some concern for the eelgrass meadows and the fishing pressure occurring within the SMCA. Many times, poaching as an issue was brought up in our conversations. This is not something EDC was able to determine with certainty and if it is as big an issue as some think, despite the endeavors we take to change the regulations, poaching will destroy those efforts. We ask that CDFW staff (if not already) compare the number of traps deployed to the number of permits to fish in the area to determine if poaching is a major concern at Anacapa Island.

IV. CONCLUSION

We celebrate the outcome of the DMR and the actions the FGC as well as CDFW have taken to center adaptive management in ongoing processes. The ecological benefits of eelgrass habitat and of fully protected areas allow for a higher abundance of commercially important species and can better support climate adaptation and resilience.^{8,9} As the MPA Petition process evolves, we ask that CDFW staff and FGC evaluate the new alternatives listed in this letter when reviewing our Anacapa Island Petition (2023-27MPA).

Thank you for your consideration of our comments.

Sincerely,

Azsha Hudson

Marine Conservation Analyst & Program Manager

⁷ Ugoretz, John. (2002). Final 2002 environmental document : marine protected areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

⁸ Front Ecol Environ 2018; 16(7): 381–387, doi:10.1002/fee.1934

⁹ Roberts, C. M., O’Leary, B. C., McCauley, D. J., Cury, P. M., Duarte, C. M., Lubchenco, J., ... & Castilla, J. C. (2017). Marine reserves can mitigate and promote adaptation to climate change. *Proceedings of the National Academy of Sciences*, 114(24), 6167-6175.

From: Sandy Brown <Sandy.Brown@santacruzcountyca.gov>

Sent: Monday, July 15, 2024

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

Subject: Marine Resources Committee Meeting, July 17, Item 2. Marine protected area (MPA) regulation change petitions evaluation process

Please accept the attached letter from Supervisor Justin Cummings regarding the MRC's item on Marine Protected Areas.



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
(831) 454-2200 FAX: (831) 454-3262 TDD/TTY - Call 711

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ZACH FRIEND
SECOND DISTRICT

JUSTIN CUMMINGS
THIRD DISTRICT

FELIPE HERNANDEZ
FOURTH DISTRICT

BRUCE MCPHERSON
FIFTH DISTRICT

July 9, 2024

Marine Resources Committee of the California Fish and Game Commission
California Natural Resources Building
715 P Street, 16th Floor,
Sacramento, California 95814

RE: Opposition to the current proposal to expand the State Marine Reserve at Natural Bridges and to establish the State Marine Reserve at Pleasure Point, unless there are significant revisions and expanded public outreach.

Dear Commissioners,

I am writing in my capacity as Santa Cruz County Third District Supervisor to request that you consider the Board of Supervisors' statement of opposition (unanimously approved on March 12, 2024) to the petition proposing to expand the State Marine Reserve (SMR) at Natural Bridges, and to establish a new SMR in the Pleasure Point Area, as currently written.

As the Marine Resources Committee embarks on developing a process for handling this round of petitions, I urge you to categorize the Natural Bridges and Pleasure Point SMR proposals in a manner appropriate to their level of complexity and controversy.

The Board of Supervisors identified a number of concerns related to the highly specific recommendations proposed in this petition, including: a lack of scientific evidence to support its purported aim of increasing the size of kelp forests; a lack of engagement with regional stakeholders, including scientists, environmentalists, fishermen, indigenous tribes, and public officials who have a demonstrated record of working effectively towards meaningful marine protections; and the need for a collaborative process to develop a regulatory framework that balances kelp forest protection with public access and ecosystem restoration activities.

While the intent to protect kelp forest ecosystems is commendable, there is a lack of empirical evidence supporting the claim that current, well-regulated recreational fishing activities limit the extent of these kelp forests on California's Central Coast. The proposed MPA expansion areas already have stable kelp beds that recovered effectively from the 2014-2016 Marine Heat Wave. These areas demonstrate that current activities, including

Page 2

RE: OPPOSITION TO NATURAL BRIDGES AND PLEASURE POINT SMR

July 9, 2024

low-impact recreational fishing and existing regulations, support healthy kelp forests and further restrictions may not provide additional value.

As the Marine Resources Committee evaluates this round of MPA petitions, it's also important to develop clear principles and guidance regarding how MPAs fit within the 30x30 framework established by the Office of the Governor and led by the State's Ocean Protection Council (OPC). This framework emphasizes the importance of accelerating actions that promote nature-based solutions and the necessity of collaborative partnerships among diverse stakeholders. By providing clear guidance on how specific petitions are consistent with the 30x30 goals, the committee can foster cooperative and inclusive efforts that align with the state's commitment to protecting biodiversity and enhancing resilience to climate change.

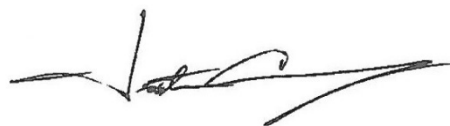
Our community strives to balance environmental access and protection to minimize negative impacts. While the petition authors are well-intended, their lack of public engagement and data to support the claim that prohibiting recreational fishing will increase kelp forest coverage indicates the need for more work before creating or expanding MPAs. The Santa Cruz Board of Supervisors is committed to protecting our environment and believes regulations on access should be well-informed, sustainable, and promote stewardship while protecting the environment.

Given the significant implications of establishing and expanding MPAs, it is crucial that the Marine Resources Subcommittee thoroughly consider the referenced petition before making any decisions. The proposed changes could impact a wide range of stakeholders, including local communities, businesses, and the environment itself. Ensuring a comprehensive review process that includes scientific validation, stakeholder engagement, and a balanced approach to conservation and public use is essential. This due diligence will help create effective and widely supported marine protection measures that truly benefit the ecosystem and the people who depend on it.

The Marine Resources Committee should ensure adequate time for consideration and negotiation, incorporating local stakeholder input. This will ensure any regulatory changes are grounded in robust data and community support, leading to more effective and accepted conservation measures.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Cummings', with a stylized flourish at the end.

JUSTIN CUMMINGS
Santa Cruz County Third District Supervisor

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 Scheiblaue

<[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 Scheiblauber
Jake Mitchell

From: EAC Conservation Intern <[REDACTED]>

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

To: FGC <[REDACTED]>

Cc: [REDACTED]; Rogers, Kimberly [REDACTED] [REDACTED] Ashcraft, Susan [REDACTED]
[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]
[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. 2023-31MPA**, 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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California Academy of Sciences

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President

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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

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
Ocean Conservation Research

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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://nmschannellislands.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 SMCAs 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

cfd.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 7468
SOUTH LAGUNA CA
92682 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.

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**

Map showing the proposed discharge pipe for the Westway Express. The map includes the Pacific Ocean, Laguna Niguel, Dana Point, and various roads like Highway 101 and Highway 1. Key locations marked include Laguna SMR, Laguna SMCA (No Take), Dana Point SMCA, and various IPAs. A discharge pipe is shown extending from the land into the ocean, with a 'Discharge Pipe' label. Coordinates are provided for several points along the coastline and the pipe's path.



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

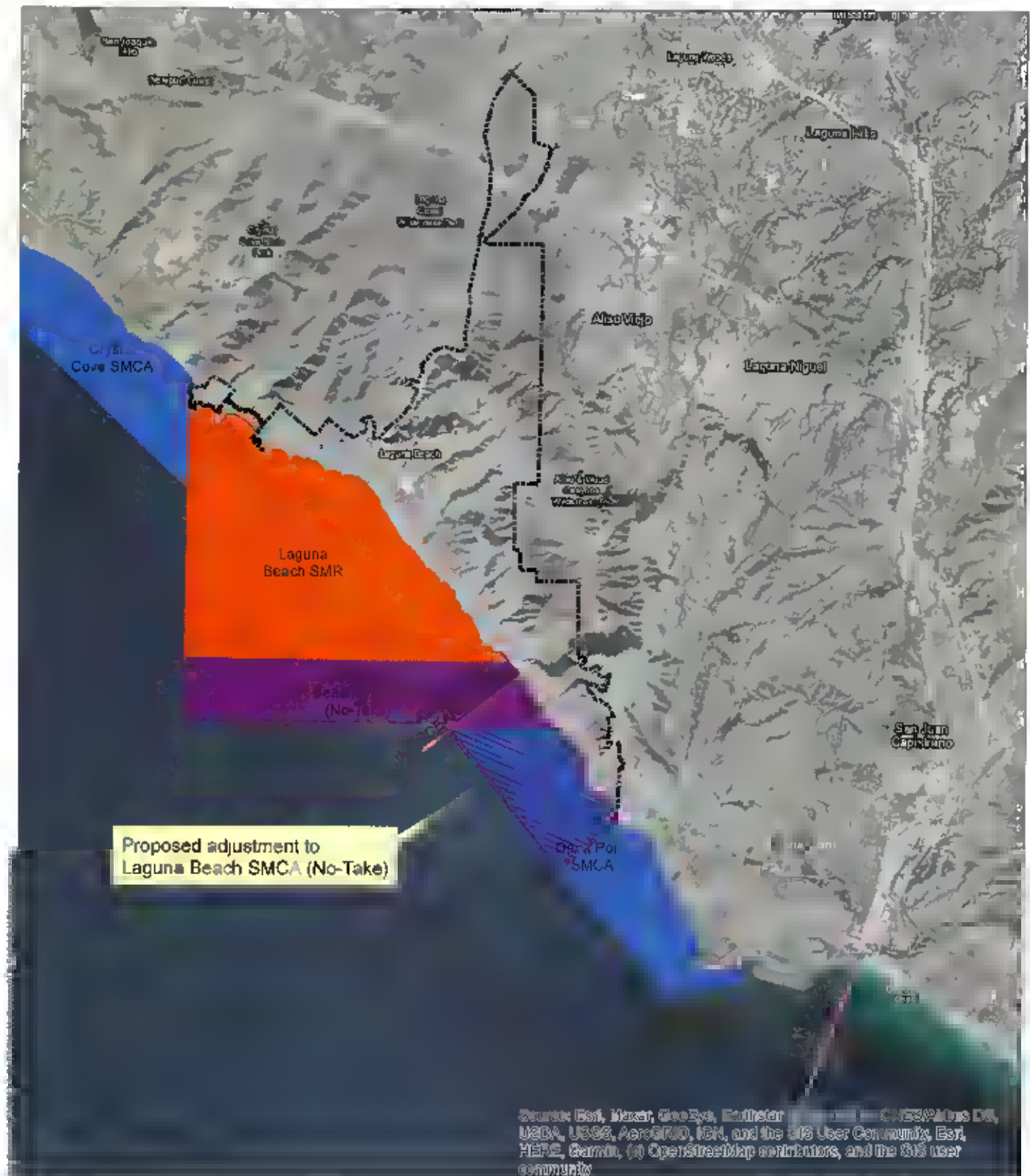
Laguna Bluebelt Coalition
9132
Beach, CA 92651

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>



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