#### 21. Regulation Change Petitions (Marine) (Consent)

#### Today's Item Information $\square$ Action $\boxtimes$

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. This meeting will address:

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

#### **Summary of Previous/Future Actions**

#### (A) Petitions for Regulation Change – Scheduled for Action

Received Petition 2025-05
Continued action on Petition 2025-05
June 18-19, 2025
August 13-14, 2025

• Received Petition 2025-08 August 13-14, 2025

• Today potentially act on petitions October 8-9, 2025

- (B) New Petitions for Regulation Change Receipt (N/A)
- (C) Comments Received on Referred Petitions (N/A)

#### **Background**

#### (A) Petitions for Regulation Change – Scheduled for Action

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. Referred petitions are scheduled for action once a recommendation is received. Today, two petitions are scheduled for action.

- I. Petition 2025-05: Request to allow filleting of striped bass on commercial passenger fishing vessels (Exhibit A2)
- II. Petition 2025-08: Request to allow recreational take of gooseneck barnacles (Exhibit A3)

#### (B) Petitions for Regulation Change - Receipt

Pursuant to Section 662, any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit Form FGC 1. Petitions submitted by the public are "received" at this meeting if they are delivered by the public comment or supplemental comment deadlines or in person at 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 (December 10-11, 2025) following staff evaluation, unless the petition is rejected under the 10-day staff review as prescribed in subsection 662(b).

No new petitions for regulation change were received by the comment deadline for this meeting.

#### (C) Comments Received on Referred Petitions

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

The Commission is not expected to discuss referred marine protected area (MPA) petitions until the Department releases its evaluations in early 2026.

Comments specific to the future process for discussing MPA petitions and evaluations will be received under Agenda Item 23B (Marine Resources Committee).

#### **Significant Public Comments**

#### (C) Comments on Referred MPA Petitions

Petition 2023-32MPA (Duxbury Reef State Marine Conservation Area (SMCA))

Support: Three commenters support the petition. One local resident (Exhibit C1) desires increased protection to help the area recover from visitor damage, while another (Exhibit C2) reinstates a previous withdrawal of support. A university associate professor of biology (Exhibit C3) argues that Duxbury Reef's rocky intertidal habitat is rare and would benefit from increased protection, reporting observations of a decline in the diversity and biomass of invertebrate species.

Opposition: Thirty-three comments (from 30 individuals, one transmitting 121 signatures) oppose the petitioned changes to Duxbury Reef. Save Duxbury Access summarizes key arguments represented in the letters, asserting that the petitioners did not engage in meaningful dialogue with the Bolinas community and that the petition lacks verified scientific evidence. The group states a belief that the petition mischaracterizes its socioeconomic impact on the community and that the petitioned actions will not resolve compliance issues. They provide eight supporting documents, including data from UC Santa Cruz, and slides and notes from a Bolinas community meeting. (Exhibit C4)

Some commenters raise concerns about equity and access (example in Exhibit C5). One letter highlights the ecological benefits of hook and line fishing from reduced physical impacts compared to other forms of fishing, reduced carbon footprint compared to other forms of food sourcing, and increased stewardship through angling (Exhibit C6).

Petition 2023-18MPA (several MPAs, including Vandenberg SMCA)

A letter from the U.S. Department of the Air Force expresses support for the petition, stating it will rectify an inconsistent application of allowable shoreline fishing, which will benefit the Vandenberg Space Force Base community and visitors (Exhibit C7).

Petition 2023-33MPA\_AM1 (several MPAs, including Cabrillo State Marine Reserve (SMR))

The U.S. Department of Navy opposes the petition, citing potential adverse impacts on military readiness and national defense with the proposed expansion of Cabrillo SMR encroaching into Navy-owned waters near Naval Base Point Loma, which is crucial for testing. The Navy requests that, if the petition is granted, the Commission work with the Navy to ensure the SMR language does not affect any U.S. Department of Defense activities; it also notes that a memorandum of understanding may be necessary. (Exhibit C8)

Petition 2023-15MPA AM2 (Gull Island SMR, Footprint SMR, Santa Barbara Island SMR)

The petitioner rebuts a public comment submitted by eight environmental non-governmental organizations at the August Commission meeting. The petitioner explains their position that the petition would not weaken the MPA network or connectivity goals, does not request commercial take beyond basic hook-and-line, and offers further justifications. (Exhibit C9)

Petition 2022-04 (Surf Beach/Vandenberg SMR)

A resident of Lompoc asks for consideration of a 2022 regulation change petition submitted by the City of Lompoc, which proposes to open a half-mile section of the Vandenberg SMR to shore fishing to benefit Lompoc residents; the commenter notes that Lompoc residents must travel to fish even though Vandenberg Air Force Base allows its members to fish from shore (Exhibit C10).

Staff notes that petition 2022-04 was referred to the Department, with review on hold until after the decadal management review. Staff has requested the Department integrate its review of the petition into the evaluation of 2023 MPA petition evaluations, a request the Department supports.

#### Recommendation

**Commission staff:** (A) Deny Petition 2025-05 and Petition 2025-08 for the reasons summarized in Exhibit A1, under a motion to adopt the consent calendar.

#### **Exhibits**

- A1. <u>Summary of petitions for regulation change scheduled for action, and recommendations</u>
- A2. Petition 2025-05, received April 22, 2025
- A3. Petition 2025-08, received June 30, 2025
- C1. Email from Joanna Moore, received September 9, 2025
- C2. Email from Dale Polissar, received September 2, 2025

#### Staff Summary for October 8-9, 2025

- C3. <u>Letter from Dr. James Sikes, Associate Professor of Biology, University of San</u> Francisco, received September 18, 2025
- C4. Email from Save Duxbury Access, received September 25, 2025
- C5. Email from Estella Mora, received August 11, 2025
- C6. Email from Lauren Heusler, received August 12, 2025
- C7. <u>Letter from Dr. David Bell, Regional Environmental Coordinator, Region 9, U.S. Department of the Air Force, received August 28, 2025</u>
- C8. <u>Letter from J.C. Golumbfskie-Jones, Fleet Environmental Director, U.S. Department of</u> the Navy, received August 15, 2025
- C9. Email from Blake Hermann, petitioner 2023-15MPA, received September 25, 2025
- C10. Email from Dylan Wolf, received September 4, 2025

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Commission	adopts the	staff r	recomme	endations	s for	items	18	through	22 (	on t	the	conse	∍nt
calendar.													

# California Fish and Game Commission Petitions for Regulation Change — Action (updated September 30, 2025)

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee , MR - Marine Region 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	Short Description	CFGC Receipt	CFGC Initial Action Date	Initial Staff Recommendation
2025-05	4/22/2025	Michael Rescino	Request to allow filleting striped bass on commercial passenger fishing vessels	6/11-12/2025	8/13-14/2025 (contined); 10/8-9/2025	DENY: The proposed change would be incompatible with a rulemaking already in progress to amend striped bass fishing regulations. In April 2025, CFGC authorized a noticed of intent to implement a slot limit for striped bass. Allowing filleting at sea would make it impossible for enforcement officers to verify if a fish was within the new slot limit's upper size boundary. CFGC is scheduled to take action on the slot limit proposal in October 2025.  In addition, should CFGC ultimately decide not to adopt a slot limit, staff still recommends denying the petition at this time. Determining a legal fillet length would require new data to establish a conversion factor from whole fish length to fillet length. CDFW does not have the additional capacity or resources to undertake the necessary data collection to rectify this information gap, as staff are currently focused on existing prioritized management efforts.
2025-08	6/30/2025		Request to allow recreational take of gooseneck barnacles	8/13-14/2025	10/8-9/2025	DENY: CFGC previously considered and denied similar requests in 2021 and 2022 because (1) existing fisheries have been prioritized for management focus under the Marine Life Management Act master plan framework; and (2) opening a new fishery for the petitioned species would require collecting sufficient data to determine sustainability and redirecting staff away from prioritized management needs. No new information has been provided to warrant a different response.

Tracking Number: (\_2025-05\_\_\_)

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: Michael Rescino
	Address:
	Telephone number:
	Email address:

- 2. Rulemaking Authority (Required) Reference to the statutory or constitutional authority of the Commission to take the action requested: 27.65 sections 200,205,265,313,5508,5509. 27.85 sections 110,200,205,265,275
- **3. Overview (Required) Summarize the proposed changes to regulations:** The ability to fillet striped bass onboard a vessel specifically a CPFV at sea. I have collected data from multiple boats and the minimum filet length should be no less than 10 ¾ inches. I would also recommend leaving the whole skin attached for identification. I would also be in favor of keeping the carcasses onboard until the boat is docked.
- 4. Rationale (Required) Describe the problem and the reason for the proposed change: At the current moment we are not allowed to filet striped bass until we hit the dock. We are however allowed to filet all other species in the San Francisco area on the water with the exception of salmon. This has become an inconvenience for our charter customers when they have to stay behind and wait for their fish to be filleted at the dock after a long day of fishing. In addition, not being able to filet striped bass until we are back in port effects any additional operations for trips I have scheduled after fishing charters. If we are allowed to filet striped bass on the water it would make my day to day operations run more efficiently.

**SECTION II: Optional Information** 



5.	Date of Petition: 04/22/2025.
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 <a href="https://govt.westlaw.com/calregs">https://govt.westlaw.com/calregs</a> ) *Amend Title 14 Section(s): Ammend the current regulation, in favor of allowing the fileting of striped bass on the water.  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.	<b>Effective date</b> : If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency: Effective this current fishing season; 2025.
10.	<b>Supporting documentation:</b> Identify and attach to the petition any information supporting the proposal including data, reports and other documents: I have collected data from multiple boats that an 18 inch bass once filet has an avg length of 10 ¾ inches.
11.	<b>Economic or Fiscal Impacts:</b> 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: [Click here to enter text.]
12.	Forms: If applicable, list any forms to be created, amended or repealed:  Click here to enter text.
SECT	ION 3: FGC Staff Only
Date r	eceived: Click here to enter text.
FGC s	staff action:    Accept - complete   Reject - incomplete   Reject - outside scope of FGC authority   Tracking Number
Date p	petitioner was notified of receipt of petition and pending action:
Meetir	ng date for FGC consideration:



# State of California – Fish and Game Commission PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE FGC 1 (Rev 06/19) Page 3 of 3

FGC action:	
□ Denied by FGC	
☐ Denied - same as petition	
-	Tracking Number
☐ Granted for consideration	of regulation change

Tracking Number: (\_2025-08\_)

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

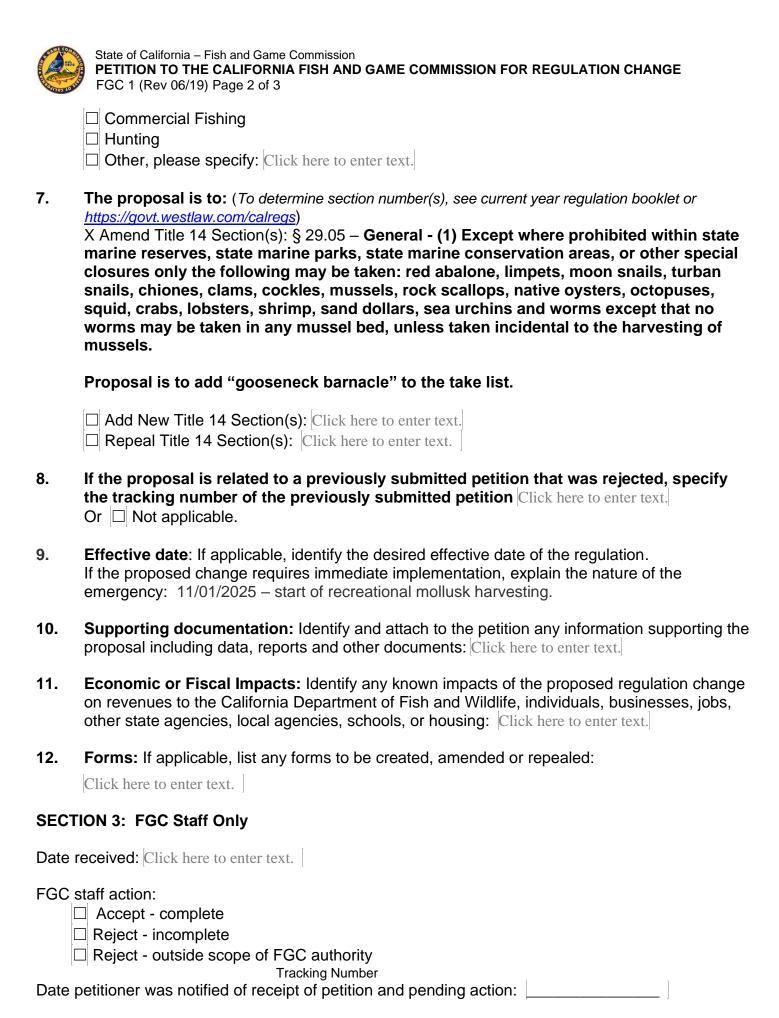
1.	Person or organization requesting the change (Required)							
	Name of primary contact person: Pascal Meier							
	Address:							
	Telephone number:							
	Email address:							

- 2. Rulemaking Authority (Required) Reference to the statutory or constitutional authority of the Commission to take the action requested: Authority cited: Sections 200, 205, 219, 265 and 275, Fish and Game Code. Reference: Sections 200, 205, 255, 265, 270 and 275, Fish and Game Code.
- 3. Overview (Required) Summarize the proposed changes to regulations: Enable the recreational harvesting of gooseneck barnacles.
- 4. Rationale (Required) Describe the problem and the reason for the proposed change:
  Currently the harvesting of gooseneck barnacles is prohibited, as noted in CCR Title 14
  Section(s): § 29.05 General. The reason for this prohibition is unclear. Gooseneck
  barnacles have historically been eaten by indigenous Californian people (see
  <a href="https://en.wikipedia.org/wiki/Goose\_barnacle">https://en.wikipedia.org/wiki/Goose\_barnacle</a>.) The gooseneck barnacle does not appear
  to be endangered, as they appear plentiful near mussel beds.

**SECTION II: Optional Information** 

5. Date of Petition: 6/30/2025

6. Category of Proposed Change X Sport Fishing





Meeting date for FGC consideration:					
FGC action:					
☐ Denied by FGC					
☐ Denied - same as petition					
Tracking Number					
☐ Granted for consideration of regulation change					

From: Joanna Moore <

Sent: Tuesday, September 9, 2025 9:43 AM

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

Subject: petition no. 2023-32MPA

Hello,

I'm writing in support of Reclassify and expand Duxbury Reef SMCA. I live above the reef in Bolinas, CA. I know if's visited often and it needs more protection so that it can regenerate and thrive in face of the many visitors, gathering and taking from the reef.

Regards,

Joanna Moore

From: dale polissar <

Sent: Tuesday, September 2, 2025 10:55 AM

**To:** FGC <FGC@fgc.ca.gov> **Subject:** Duxbury Reef, Bolinas

Fish and Game Commission:

In 2023 I signed a petition supporting the Environmental Action Committee's application to designate Duxbury Reef as a Marine Reserve. In recent months I signed an opposition petition retracting my support for EAC's application. I now believe I was wrong in retracting my support for EAC's application and would like to reinstate my support for Duxbury to become a Marine Reserve.

Dale Polissar

Bolinas, CA. 94924



Department of Biology 2130 Fulton Street San Francisco, CA, 94117 Tel 415.422.6755 Fax 415.422.6363 biology@usfca.edu

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

Re: Petition for modification of Duxbury Reef Marine Protected Area Petition # 2023-32MPA

Dear President Zavaleta and Honorable Commissioners,

I am writing to you in support of Petition #2023-32MPA submitted by the Environmental Action Committee of West Marin ("EAC") to reclassify the Duxbury Reef Marine Protected Area as a State Marine Reserve, to extend its southern boundary to the southerly tip of Duxbury Reef, and to extend the northern boundary from the outfall of Hondo Arroyo to Double Point.

I am an Associate Professor of Biology at the University of San Francisco (USF) where I have taught graduate and undergraduate level biology for the past 13 years. During that period, I have led numerous biology field trips to Duxbury Reef for my undergraduate Invertebrate Zoology and Marine Biology classes. In preparation for these class field trips, I have visited Duxbury Reef many times.

I strongly support change in the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".

Duxbury Reef has been a uniquely valuable learning environment for my students. Duxbury offers, within a practical travel distance from our campus, an opportunity for students to experience field studies that is unmatched.

As the most diverse college campus in the United States, USF provides education through such experiential field learning to an array of students from different backgrounds, both culturally and economic. Approximately 30% of USF students are first-generation students, the first in their families to attend higher education and 35% of USF students receive Pell grants due to financial need. They generally have had no or very little physical experience moving in unimproved outdoor areas, that is, outdoor areas that are off trail or not manicured. Duxbury presents a unique "wild" setting that is not physically challenging to most of the students. The relatively flat, gentle topography of the intertidal area is accessible with minimal physical risk for nearly all of my students to walk upon and explore. It does not pose the physical-balancing challenge of most rocky intertidal areas that are composed primarily of large algae covered rocks or cobble.



biodiversity and ecosystem complexity.

In addition, the large areas of gentle sloping, relatively smooth rocky substratum at Duxbury allows for a biodiversity that is simply not matched anywhere in the region except at the Fitzgerald Marine Preserve in San Mateo County, which is far smaller than Duxbury and, in my opinion, is only second in intertidal biodiversity to Duxbury. Duxbury contains diverse intertidal microhabitats which because of their size and number compound the overall diversity and biomass of the reef. It cannot be overstated that the rocky intertidal environment presented by Duxbury is exceptionally rare, due to relatively flat topography throughout the intertidal zones, the complexity of the diversity of those zones with numerous microhabitats, the overall (approx.) 6.5-mile length of the Reef, the

The continued, relatively easy accessibility to intertidal resources that are conserved in an area with the biodiversity and topographical features of Duxbury is, therefore, of significant practical educational value to students.

width of its intertidal area, and the relatively soft shale substratum. The presence of all of these factors together allows for an exceptional degree of intertidal invertebrate and algal

Unfortunately, there has been a marked decrease of invertebrate species diversity and biomass in the Duxbury Conservation Area, which appears to have increased in speed during approximately the past 7 years. This has negatively affected the educational value of the Duxbury Conservation Area for student field observations, as species which once were present in the area are now absent or comparatively rare.

I have observed that over the past several years an unfortunate reduction in both species diversity and specimen numbers has occurred at Duxbury. I have also observed at Duxbury numerous instances of visitors collecting invertebrates and intertidal fish. I have not seen that same visitor behavior at Fitzgerald Marine Preserve, which is a State Marine Reserve, nor has there appeared to be the negative species impacts over time at Fitzgerald that I have observed over the same time period at Duxbury. I believe that difference is due to the unqualified prohibition on taking at Fitzgerald without exception, which is not the case at Duxbury. I believe that having no exceptions to the "no-take" rule significantly reduces improper taking during the many days when there are no docents present, as well as reducing the number of taking instances when docents are present. My belief is premised upon my observations over the last 13 years that have seen prohibited taking and handling of protected species and the general loss of biomass at Duxbury, a Marine Conservation Area, in comparison to the activities and biomass health at Fitzgerald's Marine Reserve.

Where there is a permitted exception, people often rationalize their own unpermitted activity by measuring it against the permitted exception. Simply, the status of a no-exception no-take intertidal State Marine Reserve makes it significantly easier for visitors to understand and comply, even when rangers or docents are not present, and substantially decreases illegal take in the area.



The extension of the southern boundary to the southerly tip of Duxbury Reef and the extension of the northern boundary of the Duxbury MPA from the outfall of Arroyo Hondo to Double Point should be approved.

The intertidal areas encompassed by both the Southern and Northern Reef extensions are in a relatively pristine state, with higher biodiversity, than the much more heavily visited area within the current Duxbury Conservation Area. In addition, those areas contain diverse microhabitats - some not present within the current Duxbury MPA. It is likely that both areas will see increasing numbers of visitors as more people discover the recreational value of Duxbury Reef.

I do not believe that designating the requested Southern and Northern extensions as Marine Reserves will have any appreciable impact on the fishing community. I have never observed any shore-based fishing in the Southern or Northern Reef extensions. Indeed, due to reef topography I believe that shore-based fishing would be almost entirely impractical on the Southern Reef extension. The alternative to designating the two requested extensions as Marine Reserves, that is designating them as Conservation Areas, would sacrifice the health of this intertidal community and the diminution of its educational value because of the taking and impactful handling that would occur as a consequence of the confusion caused by mixed rules.

Thank you for considering the petition that has been submitted and weighing my experiences as a professor and educator who routinely uses Duxbury Reef's unique and unparalleled habitat for my field biology courses each semester.

Respectfully submitted,

James Sikes, Ph.D. Associate Professor of Biology University of San Francisco From: Save Duxbury Access <saveduxburyaccess@gmail.com>

Sent: Thursday, September 25, 2025 4:39 PM

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

Subject: SubjectOpposition to Petition No.(2023-32MPA) to Reclassify and Expand

Duxbury Reef SMCA

Dear California Fish and Game Commissioners,

Please find our attached cover letter and supporting materials in opposition to Petition No. (2023-32 MPA)

Respectfully,

Save Duxbury Access

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

Sent via Email: fgc@fgc.ca.gov

Re. Opposition to Petition No. (2023-32MPA) by Ashley Eagle-Gibbs of Environmental Action Committee (EAC) of West Marin dated April 6, 2023

Dear California Fish and Game Commissioners.

We are writing to oppose the 2023-32MPA petition that was filed by the EAC of West Marin in 2023 without any meaningful dialogue with the Bolinas community. This petition is highly flawed and should be rejected in its entirety because of the following grossly negligent information gaps: 1.) No verified scientific evidence that there is an ecological problem to solve at Duxbury Reef SMCA, 2.) No verified scientific evidence presented that hook & line finfishing is harmful to the ecosystem at Duxbury Reef SMCA, 3.) No verified scientific evidence that there are any significant take violations of organisms at Duxbury Reef SMCA that are already protected under the current MPA regulations. (Note: If there were significant verified take violations, enforcement would be the issue.), 4.) Mischaracterization of the significant socioeconomic impacts to the Bolinas community and West Marin, 5.) Improper public noticing - no meaningful outreach to community stakeholders, and 6.) No compliance plan presented for proposed designation and boundary change.

No verified scientific evidence that there is an ecological problem to solve at Duxbury Reef SMCA. According to recent studies, Duxbury Reef is not in decline and therefore not in need of expanded regulations and expanded boundaries:

UC Santa Cruz Long-Term Intertidal Monitoring Site Data

Kelp Forest is rebounding!

International Recognition: "International Gold Standard for Marine Conservation"

Anecdotal evidence posted on our Save Duxbury Access Community Slides (see pages 24-32) provided by longtime local residents as additional testimony of the overall health at Duxbury Reef.

The comprehensive protections that are already in place are working, which include: Area of Special Biological Significance (ASBS) - 1972, State Marine Conservation Area - 2009, Essential Fish Habitat (EFH) - 2000, as well as the following protective legislation: The Migratory Bird Conservation Act (MBCA) - 1929, Marine Mammal Protection Act (MMPA) - 1972, and The Endangered Species Act (ESA) - 1973. This represents a widespread collaboration between the following agencies: Fish and Game Commission (FGC), California Department of Fish and Wildlife (CDFW), Environmental Protection Agency (EPA), Point Reyes National Seashore (PRNS), Greater Farallones National Marine Sanctuary (GFNMS), National Oceanic and

Atmospheric Administration (NOAA), Marin County Parks and Open Space (MCPOS), Bolinas Community Public Utility District (BCPUD), as well as Bolinas Rod and Boat Club est 1964, Point Blue - est 1965, Bolinas Lagoon Technical Advisory Committee (BLTAC) est 1974, and the Duxbury Docents - EAC of West Marin est 2022.

Other protections occur naturally through the limited accessibility of this stretch of coastline due to fluctuating tides, steep cliffs, rugged terrain, weather, seasons, and few access points - Agate Beach is the only easy public access on this entire stretch of 8-10 miles of rocky reef coastline.

The Bolinas community itself has also contributed greatly to the health of the reef through our strong history of community led environmentalism as seen in the 1971 oil spill where townsfolk came together to help protect the Bolinas Lagoon by constructing a boon out of logs and straws with local carpenters, tree workers, and other citizens. Bolinas community volunteers spearheaded cleanup efforts, and did this again in the 2007 oil spill by teaming together in a remarkable collaboration between Marin County Parks and Open Space, the Bolinas Rod and Boat Club, to acquire an oil boon through OSPR plus training to deploy. Bolinas' participation in conservation efforts are a well established way of life because our town connects local well-being to ecosystem health, and our coastal town identity is intrinsically linked to our maritime culture. This is seen through our support of sustainable initiatives such as low impact, small scale, hook and line commercial and recreational fishing, organic farming, and environmentally focused curriculum at our pre-k - 8th grade Bolinas-Stinson School. Caring for nature is a deeply entrenched part of our coastal culture but it is also an integral part of the West Marin sustainable food "brand", which is the foundation of our local economy.

In short, Duxbury Reef is highly protected! The current SMCA represents a successful compromise that balances these protections with public access. It's important to recognize that this was not an easy process. Great efforts were made to listen to stakeholders on all sides of the issue and to find a solution that was workable for all. Significant local commercial fishing spots were lost during these negotiations, and these restrictions are still felt today in an increasingly regulated industry. It's also important to acknowledge the regulatory context we have throughout our county. Marin County has an extraordinary level of environmental protections in place which have unintended consequences for lower economic residents. As the fourth smallest county in California we have 9 MPAs and 2 State Marine Parks, 56% of land is permanently protected, and 85% is protected from development, compared with the rest of the country which has only 16-18%. These ecological protections are impressive but they can come with social drawbacks where marginalized voices can often get lost. This is why it is critical to balance environmental protections with community needs when moving towards more restrictive MPA regulations. The high percentage of restricted lands in Marin County equals higher housing costs & an extremely high cost of living. This has led the county to be one of the highest concentrations of wealth in the country, with a wider wealth disparity than the national average. Marin County is also one of the most racially and economically inequitable counties in the state. As there can sometimes be an unequal relationship between wealth and the number of MPAs that can harm fishing communities like Bolinas, it is critical to undergo a detailed socioeconomic analysis prior to submitting MPA petitions.

Additionally, Marin County also has more restrictive fishing regulations compared to other parts of California. For instance, All freshwater streams in Marin County are closed to all fishing, all year, with the exception of a small section of Walker Creek. Many Marin County MPAs prohibit the take of all living marine resources within its boundaries, dungeness crab fishing is prohibited in San Francisco and San Pablo bays, and faces more restrictions elsewhere, the ocean salmon fishery is currently closed, and nearby Seadrift has restrictive policies regarding beach access that affect fishing access. When we restrict fishing access for small coastal communities, we restrict the ability to be sustainable and self reliant. This regulatory context needs to be considered when making (and changing) policies.

No verified scientific evidence presented that hook & line finfishing is harmful to the ecosystem at Duxbury Reef SMCA. The EAC does not claim that hook and line finfishing is harmful to the reef but cites "visitor confusion" as the main driver for the no-take designation and extensive boundary change, but provides no verified scientific evidence. The EAC thinks the tide pool visitors at Agate Beach are harming the reef, yet they have also made this claim without any verified scientific evidence. They claim that the tide pool visitors are harming the reef because they are confused by the partial-take SMCA regulations, and the presence of fishermen, again without data. This entire claim of "visitor confusion" is based on anecdotal observations by a few EAC volunteer representatives in a very small portion of the current SMCA, at the base of the trailhead in the most accessible spot in the entire SMCA, arguably the most accessible spot on the whole stretch of rocky reef coastline in Bolinas. The EAC has used data collected (without independent peer review) by their own volunteers who were trained by the MPA Watch, a group that the EAC helps to manage. The EAC's solution to this perceived problem is to simplify regulations by eliminating reef fishing altogether in Bolinas, by expanding these restrictions to nearly triple the size of the current SMCA to cover the entire stretch of 8-10 miles of our rocky reef coastline. The EAC believes that if people are no longer allowed to reef fish in Bolinas, tide pool visitors at Agate Beach will no longer be potentially confused and will stop potentially harming the reef.

No verified scientific evidence that there are any significant take violations of organisms Duxbury Reef SMCA that are already protected under the current MPA regulations. (Note: If there were significant verified take violations, enforcement would be the issue.) The EAC has been collecting their own data on human activity in the Duxbury Reef SMCA since 2014 through MPA Watch with EAC volunteers. EAC MPA Watch recorded an increase in "potential violations" of MPA regulations mainly by visitors to the Agate Beach tide pools at the base of the trailhead. "Potential violations" are reports of perceived violations but these reports are not verifiable by a third party independent scientific review, which is why they are only referred to as "potential" violations. This is a conflict of interest. The EAC often refers to these "potential violations" as "poaching". EAC believes tide pool visitors are violating regulations / "poaching" because they are confused by the partial-take MPA regulations at Duxbury Reef. The MPA Watch Regional Report includes "Dogs Off Leash" (2024 data shows that of the 132 "potential violations" reported by the EAC MPA Watch, 60 were dogs off leash), "Hand Collection of Biota" (often referred to "poaching") where MPA Watch reporting mentions that "volunteer docents note

that when they engaged with individuals who were collecting biota, they observed that most collecting was for observation and not consumption, and most people appreciated learning about the impact and replaced the organisms", "trampling" is mentioned, and *none* of the "potential violations" in 2024 include fishing violations. Are these "potential violations" actually "poaching"? According to the <u>CDFW</u>, the "hand collecting of biota" (for observation) doesn't appear to be poaching. To clarify, "hand collecting of biota" (for observation) is when a tidepool visitor picks something up, such as a crab or a piece of kelp, to observe closely and then returns it to the tide pool. The EAC conflates this behavior as "poaching" throughout their reporting. In fact, the EAC's conflation of terms is repeated enough that Google AI confirms their claims (with no third party scientific source noted). See <u>Save Duxbury Access Community slides</u> (page 87).

How does the EAC decide what is a "potential violation"? There is confusion within EAC MPA Watch reporting of what tide pool visitors are allowed to do at the Duxbury Reef SMCA tide pools. "Dogs off leash" is a clearly communicated violation of Marin County Parks rules for Agate Beach, but are visitors allowed to gently touch organisms at the Duxbury Reef SMCA, and walk on the reef? The EAC MPA Watch sometimes records these activities as "poaching" and "trampling". At Reserve tide pools, visitors cannot touch anything alive, and can only walk on dry barren rock / sand but is this true for SMCA tide pools or just "best practices"? The signs at Agate Beach do not say that visitors cannot touch tide pool organisms, nor do they say that visitors cannot walk on the reef or pick up biota for observation and then return it to the reef. The CDFW says "there are not specific regulations that govern tide pool best practices" so why does the EAC MPA Watch call "Hand Collection of Biota" for observation a "potential violation" and "poaching"? If the "potential violations" of "Hand Collection of Biota" for observation were removed from the unverifiable EAC MPA Watch reporting, the remaining violations would mainly be "Dogs off leash". Would this be enough to justify the elimination of all reef fishing in Bolinas?

Mischaracterization of the significant socioeconomic impacts to the Bolinas community and West Marin: The impacts on commercial fishing are grossly mischaracterized in the EAC's full petition. "Known impacts from the three proposed changes (designation change, extension south, and extension north) may result in fewer people able to harvest food (fish and invertebrates, commercially and recreationally) on the intertidal reef and beach, and offshore of Duxbury Reef." These MPA petition changes would have a devastating economic impact because it would cripple our small sustainable hook and line commercial fishery that feeds West Marin, plus the existing crab trap regulation changes, salmon closure, and current SMCA regulations. The EAC's petition does not discuss the potential business failure for commercial fishermen like Jeremy Dierks who reports to be "barely hanging on" and further limits could be the "final nail in the coffin" for their businesses which should be a model on sustainable fishing practices. It also doesn't discuss restaurant supply chains for Bolinas' restaurants, such as the Coast Cafe, who have built reputations and menus around freshly caught, local seafood. Further limits would cut off this supply, forcing restaurants to source less local, and potentially less fresh, seafood, or to alter their menus entirely. Market sales would also be impacted for businesses like the Palace Market in Point Reyes, which purchase directly from local fishermen, would lose a key local product line. This could result in a drop in sales and a shift in consumer behavior.

Tourism could be affected as Bolinas' coastal town identity is intrinsically linked to its maritime culture. The loss of local commercial fishing could diminish this aspect of the town's character, potentially impacting the tourism and visitor experience. Ripple effect could be felt on related industries to trigger a wider impact. Businesses that provide fuel, ice, gear, and maintenance services to the fishing boats would see a significant drop in demand, as well as reduced tax revenue to state and local governments who would lose revenue from fees associated with fishing activities. State and local governments would also lose revenue from fees associated with recreational fishing activities that contribute to conservation measures.

Improper public noticing - no meaningful outreach to community stakeholders. The EAC submitted MPA Petition (2023-32) in 2023 without any meaningful community outreach in Bolinas. Many in Bolinas just discovered this petition in mid July of 2025. EAC secured endorsements from elected officials and public agencies without hearing from the impacted community: Supervisor Dennis Rodoni, Congressman Jared Huffman, plus: Marin County Parks, National Park Service, College of Marin, Marine Mammal Center, and members of the community. "Broad public support" becomes "Strong Community Support" in the EAC's supplemental materials to the Fish and Game Commission submitted on 7/3/25 (after gaining 22 more signatures gathered at two separate EAC events) while most of the town of Bolinas was still unaware of this petition. Bolinas, Ca has a population est. 1,200. We are a small, rural, tight-knit coastal town in Marin County, known for our strong commitment to preserving our character and independence, our long held focus on sustainability and local foods, and historic community led environmentalism. We even officially became a "socially acknowledged nature-loving town" with Measure G in 2003. Did the EAC hold a meeting in 2023 to discuss their petition at the Bolinas Community Center, at the Bolinas Firehouse, or at the Bolinas Rod and Boat Club? No. Why didn't the EAC include our town in this important discussion?

Behind our backs, the EAC circulated a one-sheet petition that contained significant information gaps: no clear overview of current and proposed MPA regulations, no stated science driven ecological problem, no compliance plan for regulation change, and no acknowledgment of community socioeconomic impacts. These information gaps are apparent in all the letters of support provided by the EAC for their petition. Each letter is missing these fundamental tenants that would have brought merit to the petition. These information gaps are apparent in the conversations with the few community members who had inadvertently signed the EAC one-sheet. Most did not know that this petition would affect fishing at all. *Note: the word "fishing" is not mentioned at all in the entire EAC one-sheet petition circulated in 2023.* Many did not know there would be negative impacts to the community, and some have formally withdrawn their support.

Without any meaningful community outreach in Bolinas, many valuable perspectives have been missing from the conversation. These voices come with hundreds of combined years of lived experience caring for the area that sustains us. These voices provide critical input from perspectives that must be included in any conversation that concerns this ecosystem because we are a part of this ecosystem, not separate. When only one small part of a story is told, we can never see the full picture. For lasting protections everyone must have a seat at the table,

marginalized voices must be protected, and transparency is paramount! Saving our planet requires all hands on deck, not just the few at the top. The exclusion of our community from this process is particularly egregious in light of our longheld and well known environmental stewardship.

#### No compliance plan presented for proposed designation and boundary change.

According to a <u>study on signage</u> that was cited by the EAC in their supplemental petition materials, "consumptive users had a better understanding of rules than non-consumptive users." Unfortunately, the EAC doesn't see the benefit of fishermen, who understand the rules, being at the beach. Instead, the EAC wants to eliminate them: "By eliminating partial take (consumptive use) and simplifying regulations, the behavior of all visitors at the highly vulnerable Duxbury Reef would become less harmful to marine life." The EAC claims that by removing knowledgeable law-abiding consumptive users from the area, everyone's behavior will improve. This does not make sense to us in Bolinas. This would be like removing knowledgeable surfers from the beach because less knowledgeable beach visitors were getting hurt in rip tides. Just like with surfer "bystander rescues", fishermen are often a knowledgeable extra set of eyes on the beach to keep the ecosystem and people safe. Why would the EAC want to eliminate this knowledgeable resource?

In summary, the EAC wants to eliminate ALL low impact traditional law abiding reef fishermen from the ENTIRE 8-10 miles of rocky reef coastline in Bolinas because the EAC wants to solve the potential "visitor confusion" that has been anecdotally reported by a few EAC MPA Watch volunteers from a very small portion of the current SMCA, at the base of the the Agate Beach trailhead, which is the most accessible spot in the entire SMCA, and possibly the most accessible tide pool in all of Marin County. The EAC believes that tide pool visitors have been potentially confused by the partial-take SMCA regulations, and this has led the tide pool visitors to cause potential harm to the reef by doing potential violations that are based on the EAC's interpretation of the current SMCA regulations that they feel do not allow "hand collection of biota" for temporary observation that is later returned to the reef after observation, aka picking up crabs or kelp, even though this interpretation of the regulations is not posted anywhere at the beach. The EAC believes that the potential increase of these potential violations which are often conflated by the EAC as "poaching" has led to the potential harm of the reef which the EAC says is in *potential* decline even though the UC Santa Cruz long term scientific data proves otherwise. The EAC believes that if the fishermen were eliminated from this area then the reef would be potentially safer, even though the EAC has presented no potential plan for compliance. That is a LOT of "potentials", without any verified scientific evidence.

Save Duxbury Access does not think it's justifiable to eliminate all low impact traditional reef fishing in Bolinas to solve *potential* "visitor confusion". We believe in BALANCE and collaboration, and that community support makes a huge difference! Save Duxbury Access believes that protecting coastal public access for all is the BEST way to protect our planet. Teaching children to fish and explore the tide pools helps them love nature and creates a lifelong connection to the natural world and that is why access is worth protecting! In the words

of famed local naturalist, Mrs. Terwilliger "Teach children to love nature. People take care of what they love."

We all love Duxbury Reef and respect the clear and comprehensive SMCA protections that were established over fifteen years ago through a rigorous collaborative process with a diverse group of stakeholders. This successful compromise balances regulations with public access, recognizing that the best environmental stewardship relies on strong community support. We urge the Commission to reject the 2023-32MPA petition in its entirety and preserve the current boundaries and status at Duxbury Reef because there has been no science based rationale presented that necessitates a change to the current MPA. We should focus instead on improving signage, education, and enforcement while protecting low-impact recreational & commercial fishing that aligns with the CFGC Coastal Fishing Communities Policy, the CFGC Justice, Equity, Diversity, and Inclusion (JEDI) Policy, and California's Coastal Access sustainable management values. Thank you for considering this perspective.

#### Attachments:

- 1. Save Duxbury Access Cover Letter
- 2. Bolinas Long-Term trends UC Santa Cruz
- 3. Save Duxbury Access Community Slides
- 4. Save Duxbury Access Community Meeting Notes 9/18
- 5. EAC Fact Sheet Notations
- 6. Opposition to MPA Petition (2023-32) Letter Signatures
- 7. Revoke Signature Forms
- 8. Press Coverage

#### Sincerely,

Save Duxbury Access, on behalf of the Bolinas community

"Save Duxbury Access" is a grassroots group of locals who believe in preserving our beloved reef while keeping access open for finfishing (both commercial and recreational), surfer access, tidepooling, and reef educational programs for schools. Protecting access ensures that our children will nurture a connection with the place we all love, and continue our longstanding tradition in Bolinas of responsible stewardship.

#### Search

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# **MARINe**

Multi-Agency Rocky Intertidal Network pacificrockyintertidal.org

Home / Site Info / Bolinas Point / Bolinas Point Long-Term trends

## **Bolinas Point Long-Term trends**



In order to standardize species resolution across all MARINe groups and over time, some species (typically rare) were lumped for graphical presentation of Long-Term monitoring data. See <u>lumped categories</u> for definitions (some variation occurs between methods and over time).

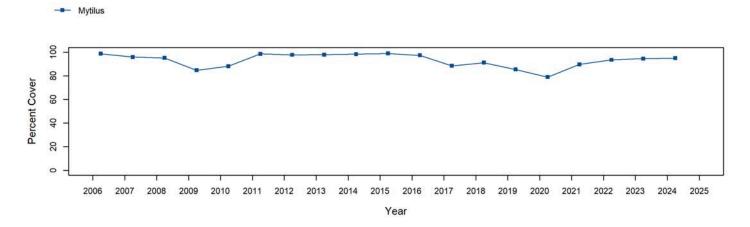
If you experience any barriers accessing the trend graphs below, please contact (pacificr@ucsc.edu) for help.

#### **Photo Plots**

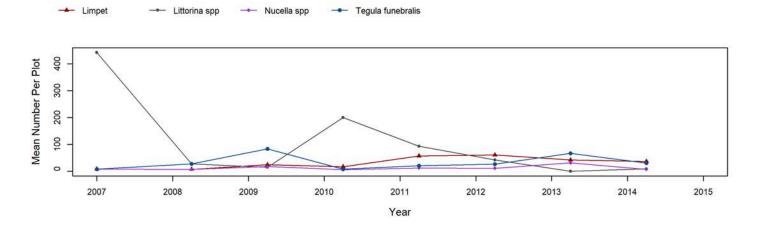


Below are the trends observed for each <u>Photo Plot target species</u> at this site. Long-Term percent cover trend graphs also include any species that reached a minimum of 25% cover during any single point in time within a given target species assemblage. Breaks in trend lines represent missed sampling events. For additional species observed that did not meet this 25% threshold, please use the <u>Graphing Tool</u>.

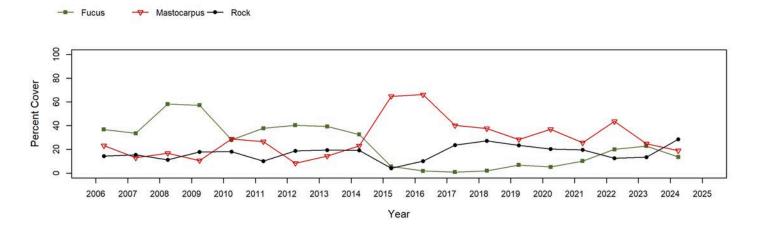
### <u>Mytilus (California Mussel)</u> – percent cover



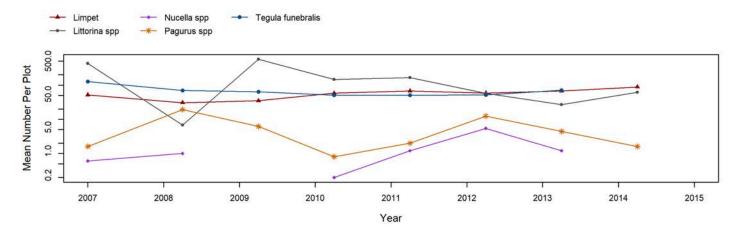
### <u>Mytilus (California Mussel)</u> – motile invertebrate counts



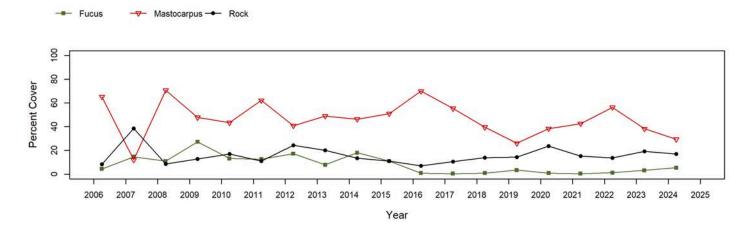
### Fucus (Northern Rockweed) - percent cover



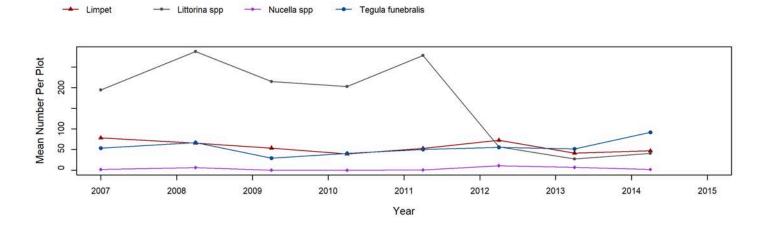
Fucus (Northern Rockweed) - motile invertebrate counts



### <u>Mastocarpus (Turkish Washcloth)</u> – percent cover



### <u>Mastocarpus (Turkish Washcloth)</u> – motile invertebrate counts

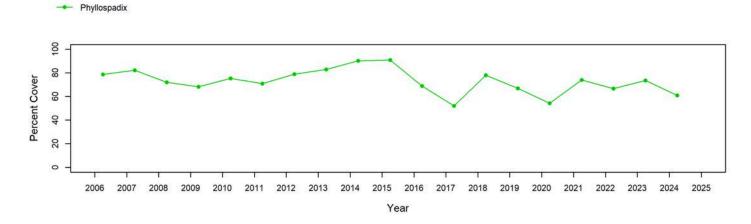


### **Transects**



Below are the trends observed for each <u>Transect target species</u> at this site. Long-Term trend graphs also include any species that reached a minimum of 25% cover during any single point in time within a given target species assemblage. Breaks in trend lines represent missed sampling events.

### **Phyllospadix** (Surfgrass)



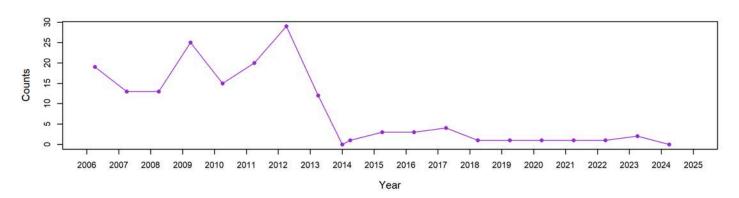
# **Species Counts and Sizes**



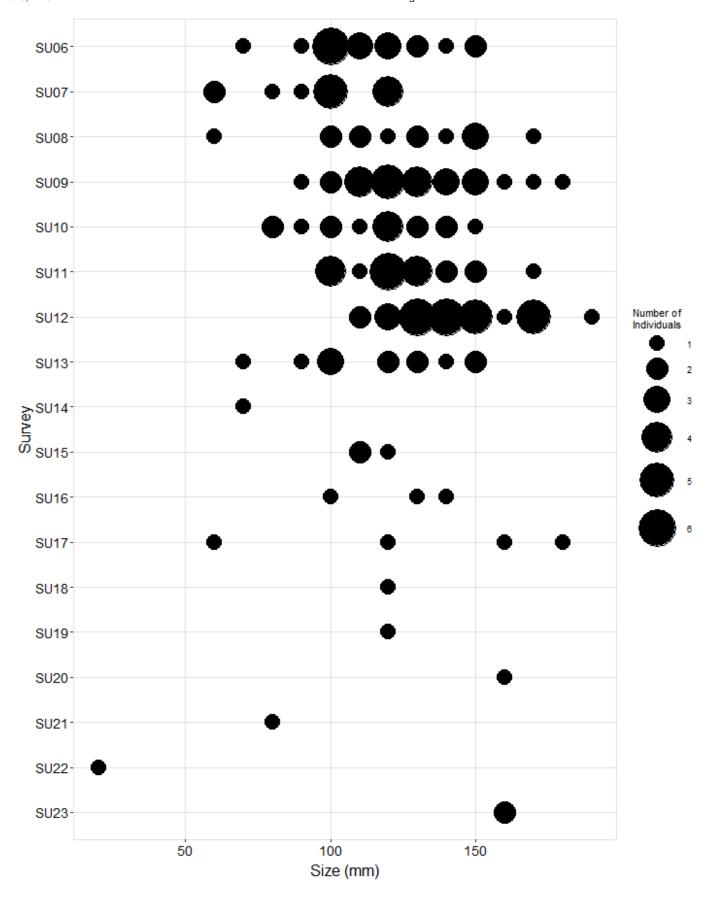
<u>Species Counts and Sizes</u> (where recorded) for *Pisaster* are shown below for this site. At some sites, other sea star species and *Katharina* are counted in addition to *Pisaster*. The sum of all individuals across all plots is displayed. Note that data gaps are represented by breaks in long-term count trend lines, but are not shown in size plots.

### <u>Pisaster ochraceus</u> (Ochre Star) – counts

- Pisaster ochraceus



Pisaster ochraceus (Ochre Star) – sizes



### Multi-Agency Rocky Intertidal Network

Contact Us

**Data Requests** 





Report an accessibility barrier

Land Acknowledgment

Employment

Privacy

Accreditation

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Last modified: Jul 21, 2025



# Save Duxbury Access Opposes MPA Petition (2023-32)

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

1.) No verified scientific evidence that there is an ecological problem to solve at Duxbury Reef SMCA,



Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

2.) No verified scientific evidence presented that hook & line finfishing is harmful to the ecosystem at Duxbury Reef SMCA,



Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

3.) No verified scientific evidence that there are any significant take violations of organisms at Duxbury Reef SMCA that are already protected under the current MPA regulations.



Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

(Note: If there were significant verified take violations, enforcement would be the issue),



Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

4.) Mischaracterization of the significant socioeconomic impacts to the Bolinas community and West Marin,



Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

5.) Improper public noticing - no meaningful outreach to community stakeholders, and



Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

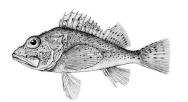
6.) No compliance plan presented for proposed designation and boundary change.



Photo courtesy of Alli Smith

# Agenda

- 1. Overview of Duxbury Reef State Marine Conservation Area (SMCA)
  - a. Ecological Protections and Ecological Reporting
  - 2. MPA Petition filed by Environmental Action Committee of West Marin
    - a. MPA Redesignation: "Conservation Area" vs "Reserve" and Impacts
    - b. MPA Expansion and Impacts
    - c. EAC Rationale: Why such big changes?
  - 3. Save Duxbury Access: We believe in balance
  - 4. Fish and Game Commision Evaluation Process
  - 5. Q & A



We love Duxbury Reef!

We are proud of the environmental stewardship we have led from within our community over multiple generations to protect this incredible ecosystem that we all treasure!

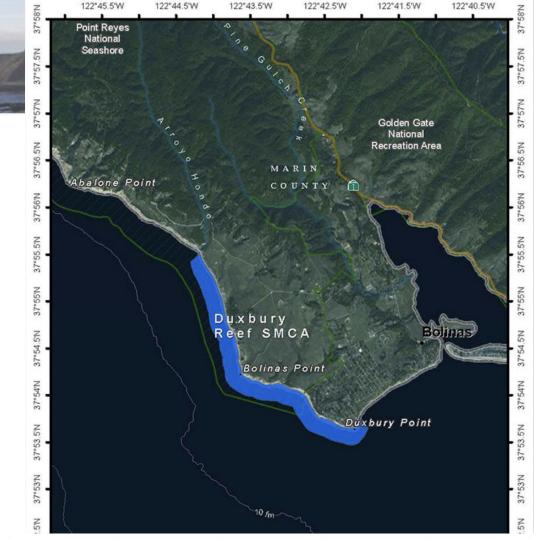




#### **History:**

1972 - Area of Special Biological Significance (ASBS) - strict rules against harvesting intertidal organisms, such as mussels, urchins, and other sea creatures.





#### **History:**

2009 - Duxbury Reef was designated as a State Marine Conservation Area (SMCA) as part of the Marine Life Protection Act (MLPA).





#### **History:**

"North Central Coast Regional Stakeholder Group" included members of our Bolinas community established this MPA.





#### The rules are simple:

"It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, EXCEPT: Recreational take of abalone, and finfish from shore only, is allowed."

(Note: Abalone is currently closed)



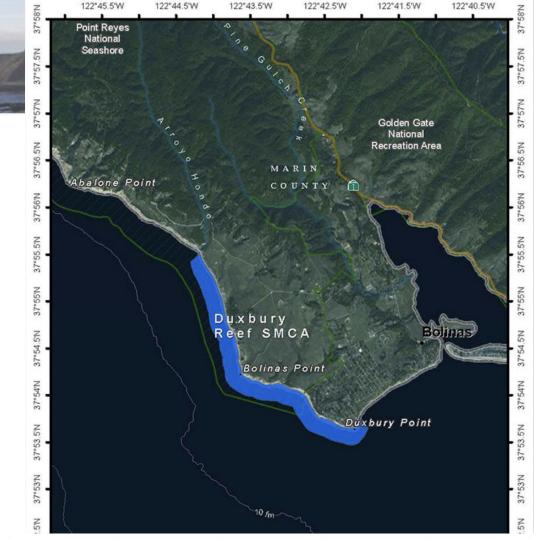


#### **Compromise:**

The current rules represent a great compromise between stakeholders.

https://wildlife.ca.gov/Conservation/Marine/MPAs/Duxbury-Reef#622764695-recreation





#### **Designations:**

- Area of Special Biological Significance (ASBS) - 1972
- State Marine Conservation Area - 2009
- Essential Fish Habitat (EFH) -2000







State Water Resources



2010 Urbanized Area, selected Census Designated Places (from Attachment A), and non-agricultural parcels within the Duxbury Reef ASBS watershed. Parcels within Marin County Open Space District Preserves, Golden Gate National Recreation Area, and Point Reyes National Seashore are excluded from the permit boundary. There are other parcels within the permit boundary where the County does not have jurisdiction,

MAP IS REPRESENTATIONAL ONLY.



MS4: Munici

#### **Agencies:**

- Fish and Game Commission (FGC)
- California Department of Fish and Wildlife (CDFW)
- Environmental Protection Agency (EPA)
- Point Reyes National Seashore (PRNS)
- Greater Farallones National Marine Sanctuary (GFNMS)
- National Oceanic and Atmospheric Administration (NOAA)
- Marin County Parks and Open Space (MCPOS)
- Bolinas Community Public Utility District (BCPUD)





















#### Legislation:

- The Migratory Bird Conservation Act (MBCA) 1929
- Marine Mammal Protection Act (MMPA) 1972
- The Endangered Species Act (ESA) 1973







#### **Local Groups:**

- Bolinas Rod and boat Club 1964
- Point Blue 1965
- Bolinas Lagoon Technical Advisory Committee (BLTAC) - 1974
- Duxbury Docents EAC of West
   Marin 2022

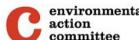












Natural Protections: Duxbury Reef has limited accessibility due to:

- Fluctuating tides
- Steep cliffs
- Rugged terrain
- Weather
- Seasons
- Few access points Agate Beach is the only easy public access on this entire stretch of 8-10 miles of rocky reef coastline.



#### **Community:**

Strong history of community led environmental activism

#### **Oil spill - 1971**

Bolinas community came together to help protect the Lagoon from the oil spill by constructing a boon out of logs and straws with local carpenters, tree workers, and other citizens.



Volunteers patching one of the three booms at Bolinas Lagoon, January 21, 1971 (Roy H. Williams, Oakland Tribune)

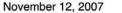
#### **Community:**

Strong history of community led environmental activism

Oil spill - 2007

Bolinas community volunteer cleanup efforts.









#### **Community:**

Strong history of community led environmental activism

Oil spill - 2007

Collaboration between Marin
County Parks and Open Space,
the Bolinas Rod and Boat Club,
and citizens on acquiring an oil
boon through OSPR and training
to deploy.



- Hook and line fishing
  - Low impact
  - Small scale
  - Local
  - Sustainable
  - Healthy!







Photo courtesy of Willie Norton

- **Organic Farming** 
  - Low impact
  - Small scale
  - Local
  - Sustainable







Photograph of Peter Martinelli's farm from Marin Organic

- Local citizen and docents volunteer work
  - Beach clean-ups
  - Docent tours
  - Field trip chaperones







- Culture of Care
  - Nature centered school curriculum pre-k 8
  - After school program "Stewards of the Land"
  - Field trip chaperones
  - "Nature Loving Town"





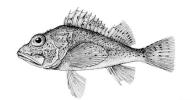
#### It's working!

 International Recognition: "International Gold Standard for Marine Conservation" <a href="https://opc.ca.gov/2025/06/for-immediate-release-californias-marine-protected-area-network-recognized-as-international-gold-standard-for-marine-conservation/">https://opc.ca.gov/2025/06/for-immediate-release-californias-marine-protected-area-network-recognized-as-international-gold-standard-for-marine-conservation/</a>

Kelp Forest is rebounding!
 <a href="https://doi.org/10.6073/pasta/a9071a2ce1b78242c2ad">https://doi.org/10.6073/pasta/a9071a2ce1b78242c2ad</a>
 <a href="https://doi.org/10.6073/pasta/a9071a2ce1b78242c2ad">1dda5854ec78</a>



https://marinespecies.wildlife.ca.gov/kelp/true/



#### It's working!

 "Here is a link to long-term intertidal monitoring site data within the SMCA at Bolinas Point. The long-term data show no declines in species of interest (e.g. mussels, rockweeds)" - Niko Kaplanis, marine biologist <a href="https://drive.google.com/file/d/1CgTXKHIKM5xGXLPliYp9trefuY\_03rlr/view?usp=sharing">https://drive.google.com/file/d/1CgTXKHIKM5xGXLPliYp9trefuY\_03rlr/view?usp=sharing</a>







# 40-45-40-4







#### **Bolinas Point Long-Term trends**

# EAC Rationale: Why such big changes?

#### This is great news for the Reef!







#### It's working!

• Anecdotal Evidence: "Over the past two years, bull kelp has returned prolifically between Duxbury Point and Double Point - more than I've seen in decades of surfing and exploring this coast. Dense thickets now float offshore, especially visible from RCA cliffs and the Palomarin Coastal trail, a striking contrast to the die-off after the 2013 "Perfect Storm" which Sonoma and Mendocino Counties have yet to recover from. As a foundation species, kelp signals ecosystem health: it provides structure, food, and shelter for fish and invertebrates, while buffering ocean conditions through photosynthesis. In contrast, when I dove the Sonoma coast last week - from Salmon Creek through The Grades to Fort Ross - I found no kelp at all. The absence was stark, with few fish and depleted food chains. The thriving kelp forests here are living proof of the resilience and health of our local reef habitat" - Alli Smith

#### It's working!

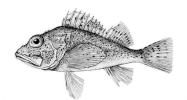
Anecdotal Evidence: "Intertidal species like prickleback and monkey-face eels mostly eat kelp. Crustacean, mollusk, and small fish eating cabezon, greenling, perch and grass rockfish are healthy and even thriving. And because these resident fish reflect the environment that supports them, they are an accurate indication that the greater habitat is fundamentally healthy, too." - Rudi Ferris

https://www.ptreyeslight.com/news/eac-should-drop-duxbury-bid/?mc\_cid=dc0250b1c7&mc\_eid=a3 5235e3c1



#### It's working!

Anecdotal Evidence: "I'm a lifelong resident of Bolinas and have been fishing and abalone diving (when it was still open) for over 50 years. 30 and 40 years ago saw greater numbers of people fishing on the reef (obviously before it was a SMCA) and it managed to stay healthy back then. Now that it is a SMCA it's in even better health. The mussel beds are much larger and prolific than years ago by far." - Andrew Kleinberg



























8-25-2025

Submitted MPA Petition (2023-32) in 2023 without any meaningful community outreach in Bolinas.

Many in Bolinas just discovered this petition in mid July of 2025.

This petition seeks to **expand** the MPA area to <u>nearly triple</u> the current Duxbury Reef SMCA and to **reclassify** it from a balanced use "Conservation Area" to a highly restrictive "Reserve".

https://drive.google.com/file/d/1c\_f9ekzfjNmVGlwDrvQqSfriM2MR7GE1/view

west marin environmen action committee

Board of Directors

Bridger Mitchell President

Ken Drexle Vice-Presi

Mairi P Treas

Cynthia oyd, Ph.D Secretary

Terence Carroll
Director

Sarah Killingsworth, Esq. Director

Jerry Meral, Ph.D. Director

Patty Neubacher Director

David Weinsoff, Esq. Director

David Wimpfheimer Director July 5, 2023

lifornia Fish and Game Commission

D. Box 944209

Sacramento, CA 94244-2090 Sent via Email: fgc@fgc.ca.gov

Re. Fish and Game Commission MRC Agenda Item :
Petition for Modification of Duxbury Reef and D

Dear President Sklar and Honorable Commissioners,

The Environmental Action Committee of West Marin (E. protect the unique lands, waters, and biodiversity of coas 1971. We are deeply committed to California's marine protection in the protect and have been actively supporting MPAs throug and community science activities since the first regional would eventually establish the network of 124 MPAs.

We submit this letter to request that the letter we previou and Game Commission (Commission) in support of the Management review (DMR), submitted on April 6, 2023, petition to the Commission submitted pursuant to Califor Section 2861(a), for addition to and modification of the Mand Drakes Estero. A copy of that letter is enclosed herevel being made to ensure we are compliant with any addition entailed in the presentation to the Commission of a "petit Fish and Game Code Section 2861(a), which might not he April 6 DMR comment letter submittal.

EAC secured endorsements from elected officials and public agencies without any meaningful community outreach in Bolinas:

- Supervisor Dennis Rodoni
- Congressman Jared Huffman
- Plus: Marin County Parks,
   National Park Service, College of Marin, Marine Mammal Center,
   and members of the community

west marin environmen action committee

July 5, 2023

lifornia Fish and Game Commission

Description 
Descripti

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Board of Director
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President

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Patty Neubacher Director

David Weinsoff, Esq. Director

David Wimpfheimer Director

"Broad public support" becomes "Strong Community Support" in the EAC's supplemental materials to the Fish and Game Commission submitted on 7/3/25 before most of the town of Bolinas is aware of this petition.

#### I. There is Strong Community Support for our Petition.

In attachments 21.2 and 21.3 to this letter, we include additional local community support for this petition. This support was gathered at two recent EAC events, where local members of our community were present. This builds upon the large record of broad support for our petition as demonstrated by the updated index (Attachment 21.1) for our petition.

22 more signatures gathered at two separate EAC events.

https://drie.google.com/file/d/1DWQX9ftLVpsuDuZ6tksW0nWzOv8fEwTt/view?usp=sharing (page 17-22)

#### **Bolinas, Ca:**

- Population: est. 1,200
- Small, rural, tight-knit coastal town in Marin County, known for its strong commitment to preserving its character and independence.
- Long held focus on sustainability and local foods.
- Historic community led environmentalism.
- Measure G "socially acknowledged nature-loving town" - 2003



Did the EAC hold a meeting in 2023 at the Bolinas Community Center to discuss this petition?

No

Did the EAC hold a meeting 2023 at the Bolinas Firehouse to discuss this petition?

No

Did the EAC hold a meeting 2023 at the Bolinas Rod and Boat Club to discuss this petition?

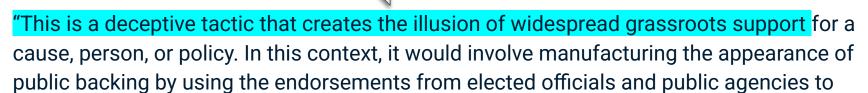
No

Why didn't the EAC include our town in this important discussion?



What's it called when a private agency secures endorsements from elected officials and public agencies without meaningful public outreach to the impacted community?

# It can be called "Astroturfing"



Astroturfing is fundamentally about deception, and it contrasts with legitimate grassroots movements, which are driven organically by the public."

imply a broad, authentic consensus that doesn't actually exist.

### How astroturfing works for regulatory change?

Ethically dubious practice to mislead both the public and regulators by manufacturing the illusion of public consensus. Instead of reflecting true grassroots engagement, the movement is orchestrated and funded by a group with a vested financial or political interest.

#### Why is astroturfing harmful?

"Ethical governance emphasize the importance of two-way communication and direct public involvement to build trust and ensure policy decisions reflect the needs of all community members. By circumventing this process, an agency can bypass potential opposition or critical feedback from the community, leading to resentment and a breakdown of trust."

The EAC circulated a one-sheet petition containing significant information gaps:

- No clear overview of current and proposed MPA regulations.
- No stated science driven ecological problem, <u>because the reef is not in</u> <u>decline.</u>
- No acknowledgment of community socioeconomic impacts.
- No compliance plan for regulation change.

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

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

Dear President Sklar and Honorable Commissioners,

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

Duxbury Reef's shale reef supports a complex and rich ecosystem of over 10 marine invertebrates, vertebrates and flora. Its tidal pools are easy to access and are used as outdoor classrooms for students from primary school to the university level. days there are 100s of visitors at Duxbury Reef, including many visitors from other 8 countries, for tide pool exploration and wildlife watching.

We believe that in order to preserve unimpaired the ecosystem of Duxbury R enjoyment, education and inspiration of current and future generations and to minimi negative impacts of collecting to Duxbury Reef's intertidal habitat and species all thr following additions to and modifications of the Duxbury Reef State Marine Conserva should be approved by the Commission.

- Change the designation of the Duxbury Reef State Marine Conserva a "State Marine Reserve". I understand that a designation as a "State Marine will prohibit all taking, damage, injury or possession of any living, geological marine resource, except under a scientific collecting permit or authorized rese restoration or monitoring.
- Extend the southern boundary of the Duxbury Marine Protected Are most southerly tip of Duxbury Reef exposed at mean lower low water
- Extend the northern boundary of the Duxbury MPA to the Double F Stack Special Closure, that is the northern point of the area known as Double

Name

These information gaps are apparent in the letters of support provided by the EAC for their petition. *Each letter has:* 

- No clear overview of current and proposed MPA regulations.
- No stated science driven ecological problem, <u>because the reef is not in</u> <u>decline.</u>
- No acknowledgment of community socioeconomic impacts.
- No compliance plan for regulation change.

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Name

These information gaps are apparent in the conversations with community members who had signed the EAC one-sheet.

<a href="https://drive.google.com/file/d/1c\_f9ekzfjNmVGlwDrvQq">https://drive.google.com/file/d/1c\_f9ekzfjNmVGlwDrvQq</a>

SfriM2MR7GE1/view (pages 78 - 109)

- Most did not know that this would affect fishing at all.\*
- Many did not know there would negative impacts to the community.
- Some have formally withdraw their support.

\*Note: the word "fishing" is not mentioned at all in the entire EAC one-sheet petition.

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Without any meaningful community outreach in Bolinas, many valuable perspectives have been missing from the conversation.

These voices come with **hundreds** of combined years of lived experience caring for the area that sustains us.

These voices provide critical input with perspectives that must be included!

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

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When only one small part of a story is told, we can *never* see the full picture.

#### For lasting protections:

- Everyone must have a seat at the table.
- Marginalized voices must be protected.
- Transparency is paramount!

Saving our planet requires all hands on deck, not just the few at the top...

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EAC reported that they are not "required" to submit public support as part of their MPA petition.

https://drive.google.com/file/d/1xAgKyCzPf8kmsL8SOQXv3v\_L7o3CFgjG/view?usp=sharing

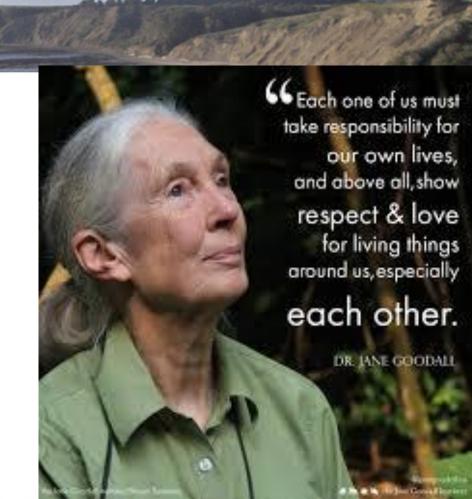
https://www.youtube.com/watch?v=v7MjAExBVvg 1:56

But Bolinas believes that community support is **essential** because it enhances participation in conservation efforts and connects local well-being to ecosystem health (*especially* when it supports livelihoods.)

"Each one of us matters, has a role to play, and makes a difference. Each one of us must take responsibility for our own lives, and above all, show respect and love for living things around us, especially each other."

 Jane Goodall, Reason for Hope: A Spiritual Journey





Good news! The FGC and CDFW *also* believe that community support is essential. Here are key <u>community factors</u> the FGC and CDFW considers:

- Potential for greater access for underserved communities.
- Socioeconomic implications.
- Public comments and input from stakeholders.









### Impacts on Commercial Fishing

This MPA petition would have a devastating economic impact because it would cripple our small sustainable hook and line commercial fishery that feeds West Marin, plus existing:

- Crab trap regulation changes
- Salmon closure
- Current SMCA





Photo courtesy of Willie Norton

Impacts on Commercial Fishing are grossly mischaracterized in the EAC's full petition:

"Known impacts from the three proposed changes (designation change, extension south, and extension north) may result in fewer people able to harvest food (fish and invertebrates, commercially and recreationally) on the intertidal reef and beach, and offshore of Duxbury Reef."

https://drive.google.com/file/d/1c\_f9ekzfjNmVGlwDrvQqSfriM2 1/view?usp=sharing (page 5)



Photo courtesy of Willie Norton

#### The EAC's petition does not discuss:

Business Failure: Fishermen like
 Jeremy Dierks report they are "barely
 hanging on" and further limits could be
 the "final nail in the coffin" for their
 businesses which should be a model
 on sustainable fishing practices.

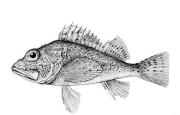




Photo courtesy of Willie Norton

### The EAC's petition does not discuss:

Restaurant supply chains: Bolinas'
restaurants, such as the Coast Cafe,
have built reputations and menus
around freshly caught, local seafood.
Further limits would cut off this supply,
forcing restaurants to source less local,
and potentially less fresh, seafood, or
to alter their menus entirely.



Photo courtesy of Willie Norton

#### The EAC's petition does not discuss:

 Market sales: Businesses like the Palace Market, which purchase directly from local fishermen, would lose a key local product line. This could result in a drop in sales and a shift in consumer behavior.



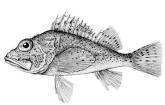


Photo courtesy of Willie Norton

### The EAC's petition does not discuss:

 Tourism effects: Bolinas' coastal town identity is intrinsically linked to its maritime culture. The loss of local commercial fishing could diminish this aspect of the town's character, potentially impacting the tourism and visitor experience.





Photo courtesy of Willie Norton

### The EAC's petition does not discuss:

Ripple effect on related industries:
 The initial impact on fishermen and restaurants would trigger a wider ripple effect. Businesses that provide fuel, ice, gear, and maintenance services to the fishing boats would see a significant drop in demand.





Photo courtesy of Willie Norton

#### The EAC's petition does not discuss:

 Reduced tax revenue: The state and local governments would lose revenue from fees associated with fishing activities.

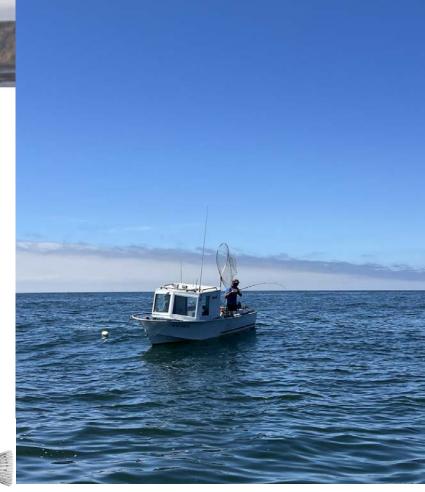




Photo courtesy of Willie Norton

#### Impacts on Recreational Fishing

This MPA petition would have a devastating cultural impact by ending equitable low impact shore based recreational fishing access along the ENTIRE 8-10 miles of rocky reef coastline.

- Where will people without boats fish?
- Where will the kids learn how to fish?
- Poke poling? Abalone?





Photo courtesy of Alli Smith

### The EAC's petition does not discuss:

Erosion of tradition: Fishing is a
 deep-rooted tradition in Bolinas.
 Many residents have fished the
 waters for generations, and a ban
 would eliminate a significant aspect
 of their culture and way of life.

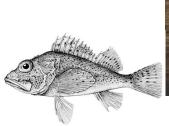




Photo courtesy of Alli Smith

### The EAC's petition does not discuss:

 Disproportionate impact on access: Closures can disproportionately affect the fishing rights of lower-income individuals and communities who rely on accessible shoreline fishing.





Photo courtesy of Alli Smith

#### The EAC's petition does not discuss:

 A complex issue requiring broader solutions: Fishermen argue that they are often unfairly targeted for broader damage caused by environmental stressors.





Photo courtesy of Alli Smith

### The EAC's petition does not discuss:

 Reduced tax revenue: The state and local governments would lose revenue from fees associated with fishing activities that contribute to conservation measures.





Photo courtesy of Alli Smith

#### **Impacts on General Coastal Access**

- No touch tide pooling
- No walking on anything but dry barren rock and sand
- No dogs
- Surfer access could be compromised





### The EAC's petition does not discuss:

Decreased Community Vibrancy:
 Bolinas is known for its distinctive
 coastal culture; further restrictions
 could diminish the community's
 unique character and appeal.

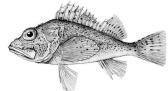




### The EAC's petition does not discuss:

Increased feelings of exclusion:
 As seen in other coastal areas,
 restrictions can make some groups
 feel excluded from public lands.
 Limiting access can be viewed as unfair, particularly for those who have historically used the space.





#### The EAC's petition does not discuss:

- Restricted recreational access:
   For many local residents and visitors, walking their dog is a valued recreational activity. A ban would eliminate a dog-friendly area, requiring them to seek alternative locations.
- This could lead to opposition from the dog-owning community.



# Reclassification: SMCA vs SMR

Our general coastal access could also be restricted at *any* time it is determined to be interfering with the ecological goals of the Reserve.

(From the 2016 Master Plan for Marine Protected Areas)

T-61- 2	Definitions	and areas	dance of Ad	DA alasa	15141

Classification	Definition	Summary	Additional Information
State Marine Reserve (SMR)	In a state marine reserve, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except under a permit or specific authorization from the managing agency for research, restoration, or monitoring purposes. While, to the extent feasible, the area 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. Access and use for activities including, but not limited to, walking, swimming, boating, and diving may be restricted to protect marine resources. Research, restoration, and monitoring may be permitted by the managing agency. Educational activities and other forms of non-consumptive human use may be permitted by the designating entity or managing agency in a manner consistent with the protection of all marine resources. Se	Prohibits all take and consumptive use (commercial and recreational, living or geologic); scientific research and nonconsumptive uses are allowed end befinition is consistent with "marine life reserve" in MLPA  Prohibits all take and consumptive use  Section 1. The consumptive uses are allowed end end end end end end end end end e	<ul> <li>Scientific collecting permits (SCP) may be issued by CDFW pursuant to Section 650 of the CCR, Title 14, or specific authorization from the Commission for research, restoration, or monitoring purposes</li> <li>Boating, diving, research, and education may be allowed, to the extent feasible, as long as the area is maintained "to the extent practicable in an undisturbed and unpolluted state," but activities may be restricted to protect marine resources, including non-extractive activities<sup>60</sup></li> <li>Restrictions must be based on specific objectives for an individual site and the goals and guidelines of the MLPA<sup>61</sup></li> <li>Does not imply that navigation will necessarily be restricted though MPAs or that other non-extractive activities will be regulated</li> </ul>
State Marine Conservation Area (SMCA)	In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes that the designating entity or managing agency determines would compromise protection of the species of interest, natural community, habitat, or geological features. The designating entity or managing agency may permit research, education, and recreational activities, and certain commercial and recreational harvest of marine resources. 62	May allow select recreational and commercial harvest to continue; scientific research and non- consumptive uses are allowed	<ul> <li>SCPs may be issued by CDFW pursuant to Section 650 of the CCR, Title 14, or specific authorization from the Commission for research, education, or recreational purposes and certain commercial and recreational harvest, provided it does not compromise protection</li> <li>Fishing restrictions may vary by focal species, fishing gear, habitats, and goals and objectives of individual MPA<sup>63</sup></li> </ul>

### Reserve Definition

"While, to the extent feasible, the area 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. Access and use for activities including, but not limited to, walking, swimming, boating, and diving may be restricted to protect marine resources."

From the 2016 Master Plan for Marine Protected Areas, page 17

https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=133535&inline

### Reserve Definition

"Boating, diving, research, and education may be allowed, to the extent feasible, as long as the area is maintained 'to the extent practicable in an undisturbed and unpolluted state,' but activities may be restricted to protect marine resources, including non-extractive activities"

From the 2016 Master Plan for Marine Protected Areas, page 17

https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=133535&inline (Page 17)

## Reclassification: SMCA vs SMR

Key Differences	
-----------------	--

SMCA = Balanced Use

VS.

SMR = STRICT Prohibitions

	Conservation Area (SMCA)	Reserve (SMR) -most restrictive MPA designation
Definition	Area designed for protection of natural or cultural resources, may allow some take	No-take area
Restriction s	Vary, may allow sustainable use	Strict, prohibits all extractive activities
Activities	Can include recreation, limited resource use	Primarily for research, monitoring, and non-extractive activities

## Reclassification: Reserve Rules Mean BIG CHANGES

### **IMMEDIATE** changes:

- 1. No hook and line fishing from boat or shore. No abalone harvest in the future.
- 2. No touching anything in the tidepools.
- No walking on anything but dry barren rock or sand on the beach.
- 4. No dogs.

POSSIBLE changes that could be put in place at ANY time:

- Reef education programs compromised
- 2. Surfer access compromised
- 3. General access compromise

## Local Model: Fitzgerald Marine Reserve, Moss Beach

### **EAC Partner**

"Together, in collaboration with the Marin County Parks and Open Space and with mentorship by the Friends of Fitzgerald Marine Reserve, we worked diligently to develop our docent program training materials and program elements."

https://www.eacmarin.org/duxbury-docents

## Local Model: Fitzgerald Marine Reserve, Moss Beach

Hours of Operation: 8:00am - 5:00pm (or 7:00pm depending on time of year)
Rules:

- No walking on reef (Walking only permitted on dry barren rock and sand.)
- Look, don't touch (No touching any live plant or animal)
- No food, drinks, or any "activities that might disturb natural habitat"
- No dogs (dogs are not allowed at any State Marine Reserve)
   <a href="https://fitzgeraldreserve.org/faq">https://fitzgeraldreserve.org/faq</a>

## Local Model: Fitzgerald Marine Reserve, Moss Beach

### Rules:

- No groups of 15 or more without a docent led tour.
- No preschool, K, 1st, 2nd grade class field trips because:
  - Observing the animals requires that kids hold still and be silent for several minutes at a time, to keep from scaring the wildlife away" and
  - "Few young children have the patience to listen to and take direction from our volunteer naturalists for the 2-hour period of the tour."
     <a href="https://fitzgeraldreserve.org/faq">https://fitzgeraldreserve.org/faq</a>

## Local Model: Drakes Estero State Marine Reserve

Clamming is now permanently closed and surfer access is temporarily closed annually for 3-4 months every year, for marine mammal protection.

https://www.nps.gov/places/point-reyes-drakes-bea

ch.htm

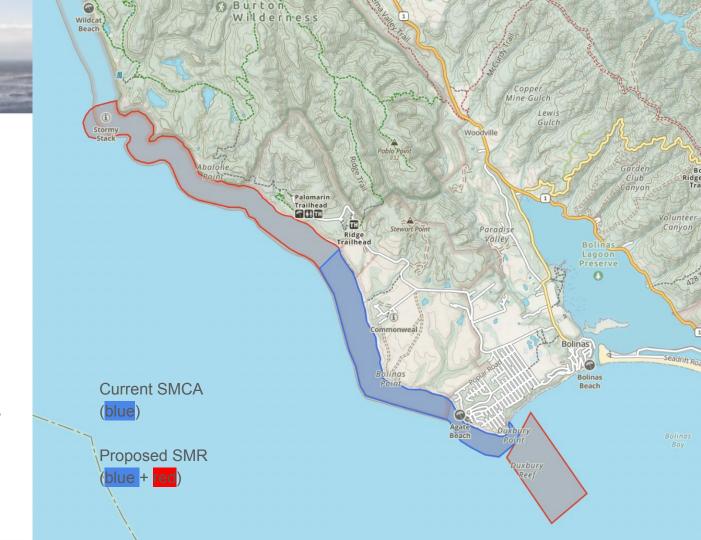






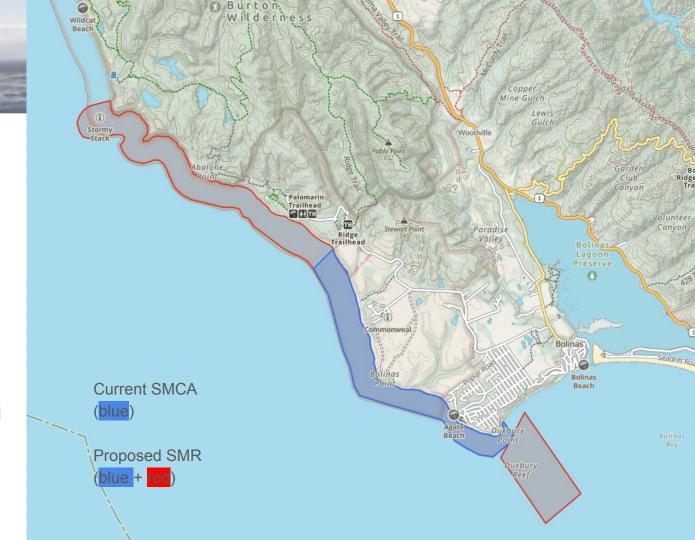
This EAC Petition seeks to nearly **triple** the size of the current SMCA.

https://drive.google.com/file/drive.google.c



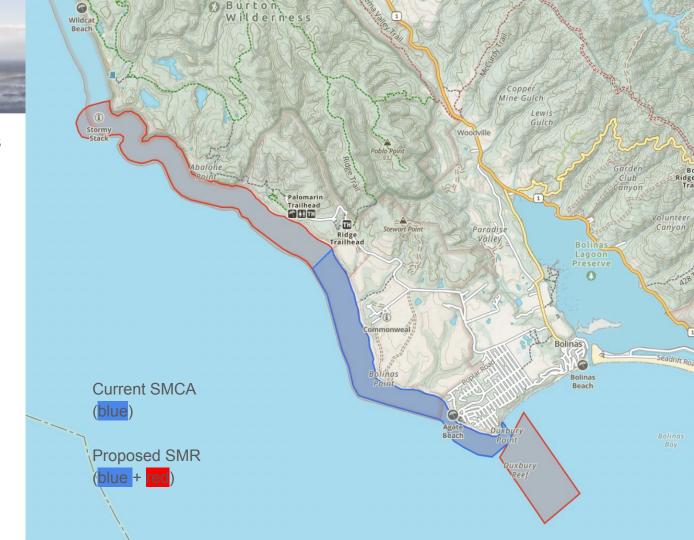
Immediate Changes on this ENTIRE strip of Bolinas coastline:

- No hook and line fishing from boat or shore. No abalone.
- No touch tidepools.
- No walking on anything but dry barren rock or sand on the beach.
- No dogs.



Possible Changes on this ENTIRE strip of Bolinas coastline that could be put in place at ANY time:

- Reef education programs compromised
- 2. Surfer access compromised
- 3. General access compromise



**REMINDER**: Human activity is only allowed in Reserves for "managed enjoyment and study" at the discretion of the managing agency as long as it does not interfere with maintaining the area in an "undisturbed and unpolluted state".

https://nrm.dfg.ca.gov/FileHandler.ashx?Docume ntID=133535&inline



### **Location Matters!**

Majority of the unverifiable "potential violation" data is from Agate Beach tidepools at the base of the trail.



### **Location Matters!**

No "potential violations" reported in the the vast majority of the proposed expansion.



### **Location Matters!**

And yet, the EAC is petitioning to expand the Duxbury Reef MPA to **triple** its size to cover the ENTIRE rocky reef intertidal habitat accessible to the Bolinas community...

without any verified scientific data.



# What is the EAC's rationale for these drastic changes to our coastal access in Bolinas?

"Visitor Confusion"

- The EAC does not think fishing is harming the reef.
- The EAC thinks the tide pool visitors at Agate Beach are harming the reef.
- The EAC's solution to this perceived problem is to eliminate all fishing on the entire stretch of 8-10 miles of our rocky reef coastline.

Why?

The EAC believes that if people are no longer allowed to reef fish in Bolinas, tide pool visitors at Agate Beach will no longer be potentially confused and will stop harming the reef.

https://drive.google.com/file/d/1c f9ekzfjNmVGlwDrvQqSfriM2MR7GE1/view



## How is the EAC substantiating their claim of potential "Visitor Confusion"?

- The EAC has been collecting their own data on human activity in the Duxbury Reef SMCA since 2014 through "MPA Watch" EAC volunteers.
- EAC MPA Watch recorded an increase in "potential violations" of MPA regulations mainly by visitors to the Agate Beach tide pools.
- The EAC often refers to these "potential violations" as "poaching".
   https://www.marinij.com/2025/09/13/marin-activists-seek-fishing-ban-at-bolinas-reef/
- EAC believes tide pool visitors are violating regulations / "poaching" because they are potentially confused by the partial-take MPA regulations at Duxbury Reef.

### What are "potential violations"?

- "Potential violations" are reports of perceived violations made by volunteers from the EAC MPA Watch.
- These reports are **not** verifiable by a third party independent scientific review.

### Is this a conflict of interest?

Yes, this is a conflict of interest.

https://mpawatch.org/wp-content/uploads/2024/07/Marin-County-Mid-Year-MPA-Watch-Report-2024 .docx.pdf

### The MPA Watch Regional Report includes:

- "Dogs Off Leash"
  - 2024 data shows that of the 132 "potential violations" reported by the EAC MPA Watch, 60 were dogs off leash.
- "Hand Collection of Biota" often referred to "poaching"
  - "Volunteer docents note that when they engaged with individuals who were collecting biota, they observed that most collecting was for observation and not consumption, and most people appreciated learning about the impact and replaced the organisms." - emphasis added
- <u>"Trampling"</u> mentioned throughout reporting
- NONE of the "potential violations" in 2024 include fishing violations

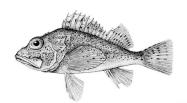
https://mpawatch.org/wp-content/uploads/2024/07/Marin-County-Mid-Year-MPA-Watch-Report-2024.docx.pdf

## Are these "potential violations" actually "poaching"?

### **CDFW**:

"Poaching is the illegal take of fish and wildlife. It can involve hunting or fishing out of season, the taking of more fish or game animals than the law allows, or illegal commercialization of our wildlife. It can also include trespassing, hunting or fishing in closed areas such as Marine Life Protection Areas or Game Reserves. All species of wildlife in California are affected; some of the most commonly poached include deer, bear, antelope, elk, abalone, sturgeon, salmon, crab and lobster. Poachers devastate the state's natural resources by breaking laws designed to assure proper wildlife management and species survival, its full impact on California's ecology is impossible to gauge."

https://wildlife.ca.gov/Enforcement/CalTIP



### Are visitors to the tide pools "poaching"?

<u>EAC conflates "hand collecting of biota"</u> (for observation) as "<u>poaching</u>" throughout their reporting

To clarify, "hand collecting of biota" (for observation) is when a tidepool visitor picks something up, such as a crab or a piece of kelp, to observe closely and then returns it to the tide pool. This is being conflated with poaching.

https://mpawatch.org/wp-content/uploads/2024/07/Marin-County-Mid-Year-MPA-Watch-Report-2024.docx.pdf

• In fact, EAC's conflation of terms is repeated enough that Google AI confirms their claims (with no third party scientific source noted).



"Does Duxbury Reef have high levels of poaching?"

Google says "Yes", but only cites EAC

aisturbing seabirds. The south contains reer nabitat and rare species and is entire unprotected, and marine mammals are disturbed by humans walking there. Additionally, the contains the contains are disturbed by humans walking the contains and contains are disturbed by humans walking the contains and contains are disturbed by humans walking the contains are disturbed by humans w

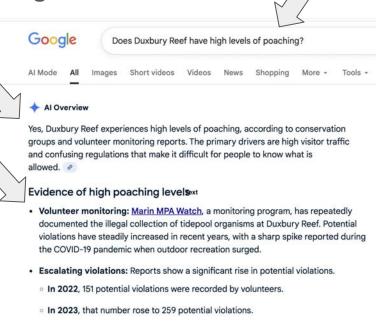
#### Duxbury Reef experiences high visitation levels and poaching of reef organisms.

Allowance of fishing (partial take) confuses many visitors who think all take is allow

https://www.eacmarin.org/duxburypetition#:~:text=In%20the%20northern%20unprotected%20area.suggests%20some%20take%20is%20allowed.

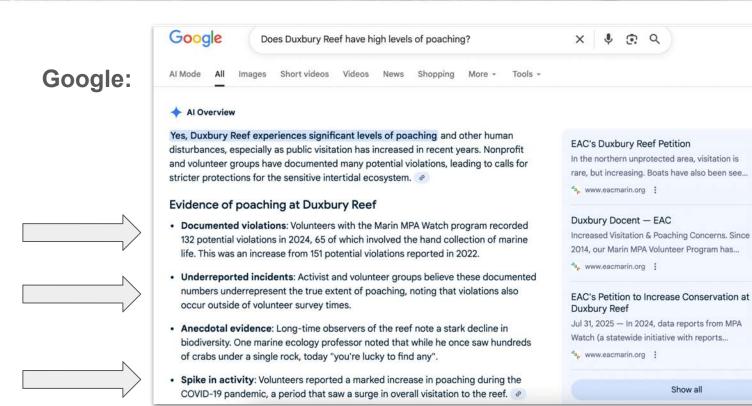
protections. Marin MPA Watch is working Marin County Parks, Point Reyes National Seashore, California Department of Fish and Wildlife, and the California Fish and Game Commission to inform these agencies about poaching activities and the need for increased patrol. Data provided by Marin MPA Watch has also demonstrated the need for increased visitor education about MPAs and reef ecology through the development of a volunteer docent program at Duxbury Reef.

https://mpawatch.org/wp-content/uploads/2021/07/2021-Midyear-MPA-Watch-Report-Marin.pdf



 Biodiversity decline: A marine ecology professor with decades of experience studying Duxbury Reef has noted a stark decline in biodiversity, which he attributes

to poaching. @



vest

Show all

How does the "poaching" by visitors at the Agate Beach tide pools compare to the poaching in other coastal areas?

- Abalone poaching in Sonoma, Mendocino, and Humboldt counties...
- Striped bass in San Francisco Bay and the Sacramento/San Joaquin Delta...
- California spiny lobsters in Los Angeles County and San Diego County...
- Clams in Pismo Beach...

Note: No CDFW poaching citations from Duxbury Reef have been presented as evidence



What's it called when a special interest group creates its own data to push for regulatory change?

## This can be called "Regulatory Capture".

This is when a special interest group's lobbying efforts result in a government agency acting in the interests of that group rather than the public.

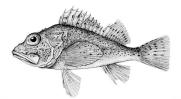
### Providing biased data is one of the many tactics used to achieve this influence.

To clarify: The MPA Watch is separate from the EAC, but MPA Watch is managed by the EAC and uses EAC volunteers for MPA Watch data collection.



### How does the EAC decide what is a "potential violation"?

- There is confusion within EAC MPA Watch reporting of what tide pool visitors are allowed to do at the Duxbury Reef SMCA tide pools.
  - "Dogs off leash" is a clearly communicated violation of Marin County Parks rules for Agate Beach, but
  - Are visitors allowed to gently touch organisms at the Duxbury Reef SMCA, and walk on the Reef? The EAC MPA Watch sometimes records these activities as "poaching" and "trampling".
- At Reserve tide pools, visitors cannot touch anything alive, and can only walk on dry barren rock / sand?
- Is this true for SMCA tide pools or just "best practices"?



### **SMCA Tide Pool Rules?**

EAC has posted these practices for the Duxbury Reef SMCA:

- 1. "Observe with your eyes, not your hands"
- 2. "Leave everything in its place"
- 3. "Careful where you walk"...

https://www.eacmarin.org/visiting-the-ref

### **Protective Tidepooling Practices**

Duxbury Reef is an exciting place to explore. To observe rocky intertidal marine life at low tide, check the tides while pla protect the health of the reef and marine life by adhering to the following guidelines:

- 1. Observe with your eyes, not with your hands. Many creatures found on the reef can be injured if picked up person. Limited, gentle, two-finger touching of immobile, firmly attached marine life is ok, e.g. mussels, limpets, cl sea stars and urchins (only if firmly attached to the reef) and plants or algae. Do not touch or disturb mobile, unat such as fish, eels, crabs, nudibranchs, hermit crabs, snails or octopus. This includes never feeding reef animals.
- Leave everything in its place. Never pick up or move any rocks, animals and algae, including shells. Many conditions in the tidepool where they are found (including presence or absence of other species, temperature, dextent of exposure to light, size of space beneath larger rocks, etc.).
- 3. Take care where walking. Walk gently on exposed rock and try to avoid stepping in pools of water, on p algae on the reef can be crushed by footsteps. Try to step on the bare rock, try not to scuff feet. Do not walk thro pools, as small invertebrates are sheltering, may only be feeding when the tide is out, and egg masses are prese but are easily destroyed. Remember there are many invertebrates (including juveniles) sheltering in the fields of algae, and they are crushed as visitors walk through the algae.
- 4. Stay away from the bottom of cliffs. No climbing on or digging at fragile cliffs. The cliffs are unstable and unexpectedly and can result in severe injury or death. Also, increasing the natural rate of bluff erosion increases can be harmful.
- 5. Run and play on the sandy beach, not on the reef. Visitors may slip and harm themselves and wildlife if the

### What do the signs say at Agate Beach?

- The signs at Agate Beach do not say that visitors cannot touch tide pool organisms.
- The signs at Agate Beach do not say that visitors cannot walk on the reef.
- The signs at Agate Beach do not say that visitors cannot pick up biota for observation and then return it to the reef.





### What do the signs say at Agate Beach?





### What do the signs say at Agate Beach?







### What do the signs say at Agate Beach?

- "Taking of all living marine resources is prohibited except the recreational take of finfish from shore and abalone."
- "Collecting animals, plants, shells, or rocks is illegal; violators can be fined \$1,000 and jailed for 6 months."

### Duxbury Reef and Agate Beach Are Protected

- Taking of all living marine resources is prohibited except the recreational take of finfish from shore and abalone
- Collecting animals, plants, shells, or rocks is illegal; violators can be fined \$1,000 and jailed for 6 months
- · Prevent soil erosion by staying on trails and not trampling vegetation
- · Pick up litter and pack it out
- Keep your dog on leash
- · Pick up after your pet and pack it out



What are that actual rules within the tide pools?

According to the California Department of Fish and Wildlife:

"There are not specific regulations that govern tide pool best practices."



If CDFW says "there are not specific regulations that govern tide pool best practices" why does the EAC MPA Watch call "Hand Collection of Biota" for observation a "potential violation" and "poaching"?

### Is the EAC confused about the SMCA regulations?

If the "potential violations" of "Hand Collection of Biota" for observation were removed from the unverifiable EAC MPA Watch reporting, what violations remain?

Mainly, "Dogs off leash"

Would this be enough to justify the elimination of all reef fishing in Bolinas?

Are dogs off leash because visitors to the Agate Beach tide pools are confused by partial-take SMCA regulations?

No

Are visitors confused?

Or, is the EAC who is confused by partial-take SMCA regulations?



### Fishermen are not confused.

The EAC agrees.

According to a study on signage that was cited by the EAC in their supplemental petition materials, "consumptive users had a better understanding of rules than non-consumptive users."

(Consumptive users are visitors that legally take, like fishermen. Non-consumptive users are visitors who don't take. Poachers are users who take illegally.)

https://www.californiamsf.org/\_files/ugd/db7991\_35150e1d08364c278304f2ff805d0011.pdf. (page 19)

But the EAC doesn't see the benefit of fishermen, who understand the rules, being at the beach. Instead, the EAC wants to eliminate them:

"By eliminating partial take (consumptive use) and simplifying regulations, the behavior of all visitors at the highly vulnerable Duxbury Reef would become less harmful to marine life." - EAC

https://drive.google.com/file/d/1DWQX9ftLVpsuDuZ6tksW0nWzOv8fEwTt/view?usp=sharing (page 10)

The EAC claims that by removing knowledgeable law-abiding consumptive users from the area, everyone's behavior will improve.

Does this make sense? No



This would be like removing knowledgeable surfers from the beach because less knowledgeable beach visitors were getting hurt in rip tides?

### Would this make sense? No

Just like with surfer "bystander rescues", fishermen are often a knowledgeable extra set of eyes on the beach to keep the ecosystem and people safe.

Why would the EAC want to eliminate this knowledgeable resource?

What is really going on here?

Why is the EAC working so hard to eliminate fishermen?



In summary, the EAC wants to eliminate ALL low impact traditional law abiding reef fishermen from the ENTIRE 8-10 miles of rocky reef coastline in Bolinas because...

The EAC wants to solve the **potential\*** "visitor confusion" that has been anecdotally reported by a few EAC MPA Watch volunteers from a very small portion of the current SMCA, at the base of the the Agate Beach trailhead, which is the most accessible spot in the entire SMCA, and possibly the most accessible tide pool in all of Marin County, if not the Bay Area.



<sup>\*</sup>Potential means that these claims are unsubstantiated by independent scientific peer review.

In summary, the EAC wants to eliminate ALL low impact traditional law abiding reef fishermen from the ENTIRE 8-10 miles of rocky reef coastline in Bolinas because...

The EAC believes that tide pool visitors have been **potentially**\* confused by the partial-take SMCA regulations, and

this has led the tide pool visitors to cause **potential**\* harm to the reef by doing **potential**\* violations that are based on the EAC's interpretation of the current SMCA regulations that they feel does not allow "hand collection of biota" for observation that is later returned to the reef after observation, even though this interpretation of the regulations of is not posted anywhere at the beach.

\*Potential means that these claims are unsubstantiated by independent scientific peer review.

In summary, the EAC wants to eliminate ALL low impact traditional law abiding reef fishermen from the ENTIRE 8-10 miles of rocky reef coastline in Bolinas because...

The EAC believes that the **potential**\* increase of these **potential**\* violations has led to the **potential**\* harm to the reef that is why the reef is in **potential**\* decline even though the long term scientific data proves otherwise, and the EAC believes that if the fishermen were eliminated from this area then the reef would be safe, even though the EAC has presented no **potential**\* plan for compliance.

That is a LOT of **potentials**\*.

Why is the EAC working so hard to eliminate fishermen?

\*Potential means that these claims are unsubstantiated by independent scientific peer review.



#### At what point is this considered harassment?

California Fish and Game Code, Section 2009: This statute makes it illegal to willfully interfere with an individual who is lawfully fishing. A first offense is punishable by a fine, while a second offense within two years is a misdemeanor that can result in county jail time and a larger fine.

Citation: Cal. Fish & Game Code § 2009 (West)

https://www.fishwildlife.org/law-research-library/law-categories/harassment-hunters-trappers-and-anglers/california-harassment-statutes#:~:text=(a)%20A%20person%20shall%20not,ranching%2C%20and%20limiting%20unlawful%20trespass.

Does the EAC have any other rationale for their MPA petition (2023-32) besides potential "visitor confusion"?

No

Does the EAC have any validated ecological reports that prove the impact of this potential "visitor confusion"?

No

Has the EAC presented any validated ecological reports whatsoever that the Duxbury Reef ecosystem is in decline?

No



Is there really a problem at Duxbury Reef?

Studies says no. The protections are working!



So why did the EAC file MPA petition (2023-32) to reclassify Duxbury Reef as a restrictive Reserve and triple the size of the MPA, when there is:

- No validated ecological problem at Duxbury Reef, and
- There would be devastating socioeconomic community impacts to the small rural coastal community of Bolinas who have helped protect this remarkable ecosystem for generations and generations.

What does the heavily protected Duxbury Reef have to gain from these changes?

## Duxbury Reef SMCA: Why such big changes?

Reminder: It's against the law to take anything from the Duxbury Reef SMCA except finfish and abalone (which is currently closed).

Everything else including Invertebrates are fully protected by the current regulations.

If a rule is not being followed, ENFORCEMENT is the issue.

https://wildlife.ca.gov/Conservation/Marine/MP As/Duxbury-Reef#622764695-recreation





# Save Duxbury Access believes in Balance

Save Duxbury Access" is a grassroots group of locals who believe in preserving our beloved reef while keeping access open for finfishing (both commercial and recreational), surfer access, tidepooling, and reef educational programs for schools. Protecting access ensures that our children will nurture a connection with the place we all love, and continue our longstanding tradition of responsible stewardship

#### SAVE DUXBURY ACCESS



### **Protect Fishing!**

Stop the Environmental Action Committee of West Marin from eliminating ALL fishing on Duxbury Reef! Our children deserve the right to sustainable hook & line fishing. Children who develop a love of fishing grow into adults who love & protect our planet!

#### ACCESS = EQUITY = CONNECTION

Contact the California Fish and Game Commission to ACT NOW! Email: fgc@fgc.ca.gov and SCAN QR Code for more Info!





Save Duxbury Access does not think it's justifiable to eliminate all low impact traditional reef fishing in Bolinas to solve potential "visitor confusion".

We believe there are better ways to solve problems - working together!

We believe in BALANCE and collaboration.

We believe COMMUNITY SUPPORT makes a huge difference!



Local Reef Fishermen Downtown Bolinas with their catch, 1909



Save Duxbury Access believes that protecting coastal public access for all is the BEST way to protect our planet.

Teaching children to fish and explore the tide pools helps them love nature and creates a lifelong connection to the natural world.

Access is worth protecting!





Mrs. Terwilliger

"Teach children to love nature."

"People take care of what they love."

The Elizabeth Terwilliger Nature Education Foundation was founded in 1975 in Corte Madera to provide nature programs for Bay Area schools. In 1994 it merged with the California Center for Wildlife and became known as WildCare.



#### Mrs. Terwilliger

"Children are my best pupils."

"They're natural explorers. They love to touch, smell and feel."

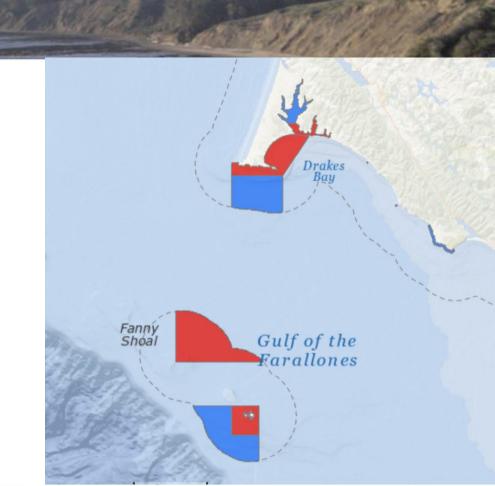
Mrs. Terwilliger campaigned for bicycle paths, a monarch butterfly preserve, wetlands preservation and open space. She received numerous awards and was profiled in dozens of publications and a biography titled "Elizabeth Terwilliger: Someone Special."



# Protections must be balanced with public access.

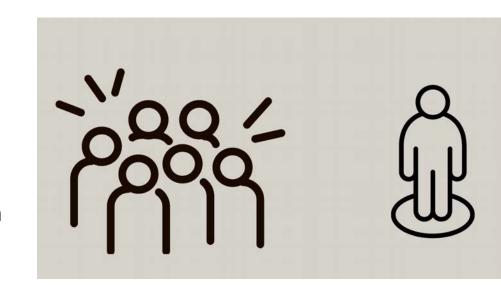
#### Marin County land is heavily protected:

- Fourth smallest county California
- 9 MPAs and 2 State Marine Parks.
- 56% of land is permanently protected
- 85% is protected from development
- Rest of the country has only 16-18%



# We Need to Protect Marginalized People in Marin County:

- Ecological protections can come with social drawbacks
- Marginalized voices can get lost
- Critical to balance environmental protections with community needs when moving towards more restrictive MPA regulations





#### **Marin County Wealth Disparity:**

- High percentage of restricted lands in Marin County = higher housing costs & extremely high cost of living.
- One of the highest concentrations of wealth in the country,
- Wider wealth disparity than the national average
- One of the most racially and economically inequitable counties in the state
- Sometimes there is an unequal relationship between wealth and # of MPAs that can harm fishing communities like Bolinas.
- Critical need for detailed socioeconomic analysis



#### **Marin County has Restrictive Fishing Regulations:**

- More restrictive fishing regulations compared to other parts of California
- All freshwater streams in Marin County are closed to all fishing, all year, with the exception of a small section of Walker Creek.
- Many Marin County MPAs prohibit the take of all living marine resources within its boundaries.
- Dungeness crab fishing is prohibited in San Francisco and San Pablo bays, and faces more restrictions elsewhere.
- The ocean salmon fishery is currently closed.
- Nearby Seadrift has restrictive policies regarding beach access that affect fishing access.

When we restrict fishing access for small coastal communities, we restrict the ability to be sustainable and self reliant. This needs to be considered when making (and changing) policies.



## Good news - there's protections in place for coastal communities!

- FGC Justice, Equity, Diversity, and Inclusion (JEDI) Policy 2022
- FGC Coastal Fishing Communities Policy 2024
- The Magnuson-Stevens Fishery
   Conservation and Management Act
   1976
- The California Coastal Act
- The California Marine Life Management Act (MLMA)



## California Fish and Game Commission Process

The clear and comprehensive Duxbury Reef SMCA protections were established over fifteen years ago through a rigorous and transparent collaborative process with a diverse group of stakeholders.

The FGC does not want to re-litigate MPAs without science driven rationales and widespread support from those most impacted.

Save Duxbury Access opposes the MPA petition (2023-32) filed by the EAC of WEst Marin - in its entirety.



Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

1.) No verified scientific evidence that there is an ecological problem to solve at Duxbury Reef SMCA,



Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

2.) No verified scientific evidence presented that hook & line finfishing is harmful to the ecosystem at Duxbury Reef SMCA,



Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

3.) No verified scientific evidence that there are any significant take violations of organisms at Duxbury Reef SMCA that are already protected under the current MPA regulations.



Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

(Note: If there were significant verified take violations, enforcement would be the issue),

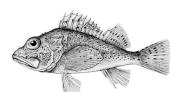




Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

4.) Mischaracterization of the significant socioeconomic impacts to the Bolinas community and West Marin,



Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

5.) Improper public noticing - no meaningful outreach to community stakeholders, and





Photo courtesy of Alli Smith

Save Duxbury Access requests that the Fish and Game Commission reject the highly flawed MPA petition (2023-32) filed by the EAC of West Marin - in its entirety, because the following grossly negligent information gaps:

6.) No compliance plan presented for proposed designation and boundary change.





Photo courtesy of Alli Smith

## California Fish and Game Commission Process

#### How does the FGC make decisions on MPA Petitions?

- Strong scientific evidence demonstrating need for change
- Community / Stakeholder support for change
- California Department of Fish and Wildlife (CDFW) recommendations, and input from Marine Resource Committee

#### Next Meeting dates:

- FG Commission meeting 10/8-9 <a href="https://fgc.ca.gov/Meetings/2025">https://fgc.ca.gov/Meetings/2025</a>
- Marine Resources Committee meeting 11/5-6 <a href="https://fgc.ca.gov/Meetings/2025">https://fgc.ca.gov/Meetings/2025</a>

Next letters to the FGC Commission due this week: Thursday 9/25 5pm

## California Fish and Game Commission Process

What do you think? What do you want?

Your voice matters!

Write a letter to the Fish and Game Commission!

Next letters to the FGC due:

Thursday 9/25 by 5pm fgc@fgc.ca.gov





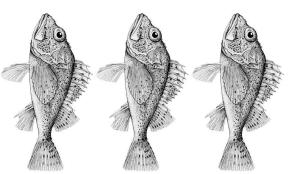
Photo courtesy of Alli Smith

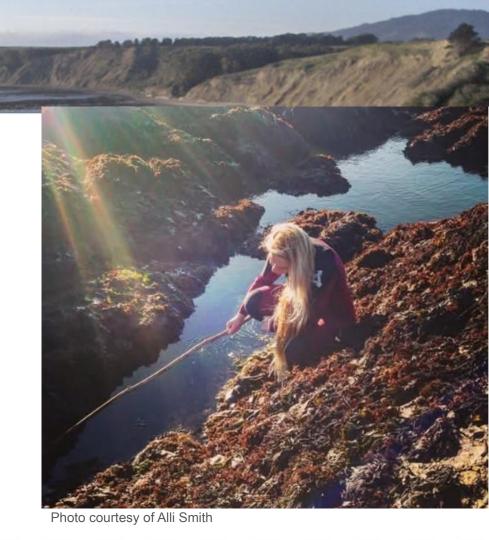
## Thank you Bolinas!

Get involved and help support our community access to our coastline!

Save Duxbury Access!

## Thank you!











## **SAVE DUXBURY ACCESS**



#### 9/18 COMMUNITY MEETING Recap\*

- 60+ in attendance packed house! Standing room with overflow into the hallway. One-hour long presentation nobody left. One-hour + discussion and the house remained packed and engaged.
- Community members shared personal stories of how the petition changes of eliminating intertidal reef and shallow near shore fishing would impact their lives including loss of livelihoods, food sources, culture, etc.
- EAC explained their rationale for additional regulations needed at Duxbury but did not provide verified scientific data to substantiate their claims.
- Community members asked EAC to withdraw their petition.
- A community member requested a public vote of how many attendees would like the EAC to withdraw their petition. Vote: nearly all community members voted for the EAC to withdraw their petition (approx. 55+ votes).
- EAC said that they would not withdraw their petition
- EAC said that the redesignation as a Reserve didn't have to be highly restrictive on general coastal access but community members said that it *could be restrictive at any time*.
- Community members expressed that the Reserve status would be permanent and subject to jurisdiction beyond the EAC so any promises by them do not preserve access to Duxbury.
- Community members expressed frustration and anger that the EAC "went behind their back" to submit this petition two years ago and we are just finding out now.
- Community members said that there was no ecological data to prove a need for this change and cited the long term study out of UC Santa Cruz as reliable evidence that Duxbury Reef was not in decline
- A community member who represents the EAC dismissed this UC Santa Cruz study as unreliable science
  insisting that his own personal observations were to be trusted instead. He explained that the Reef was
  actually in great decline and would be completely "decimated" in ten years if this petition did not pass. This
  attendee did not present any verified studies to justify his claim.
- A community member expressed frustration that the EAC was undermining science within a national political climate where science is already under attack.
- Community members expressed that they felt that the EAC had invented their "potential violation" data to fabricate a problem to justify redesignation. EAC denied these claims but provided no verified data as a counter.
- A community member asked EAC what they were trying to accomplish at Duxbury and the EAC said "help the animals". A community member said that the reef already had lots of protections, including the marine mammal protections and migratory birds protections, mpa, etc. and that there wasn't a problem that necessitated a solution.
- Community members again requested that the EAC withdraw their petition.

\*Disclaimer: These meeting notes do not qualify as an official record but simply provide a general overview of subjects covered and general sentiments during the discussion. Please see slides for more specific information that was covered during the presentation.

# This EAC Fact Sheet is Misleading

#### **Duxbury Reef Petition Fact Sheet**

In 2023, the Environmental Action Committee of West Marin submitted a petition to the Fish & Game Commission to redesignate the Duxbury Reef State Marine Conservation Area (SMCA) to a State Marine Reserve (SMR), and expand its boundaries to include currently unprotected contiguous reef habitat in the north and south. This page explains current regulations and what would change if the petition is approved.



#### Proposed Redesignation to State Marine Reserve (SMR)

Current Rules: Duxbury Reef is currently designated as a type of Marine Protected Area (MPA) called an SMCA. Its border extends 1,000 ft seaward from lower low tide. It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except for the recreational take of finfish from shore, and abalone. The abalone fishery is closed

Current State: Duxbury experiences high visitation levels and poaching of reef organisms. Allowance of fishing (partial take) causes confusion for many visitors who think all take is allowed when they see shorefishing, poke pole fishing, or fisherpeople with buckets of bait, or when they read signage or information online that suggests some take is allowed.

Proposed Change: Convert the current SMCA and the proposed extensions into an SMR, which would not allow any take. This does not impact access for non-consumptive uses, like visitation, tidepooling, educational, surfing, boating, or research access. This is NOT a Special Closure.

#### **Proposed Northern Expansion**

Current Rules: Boating is prohibited 1,000 ft around Double Point/Stormy Stack Special Closure, Recreational and commercial motorboats and ALL commercial enterprises prohibited within 1/4 mi. from shore from Sculpture Beach to Duxbury Reef due to the Phillip Burton Wilderness designation.

Current State: Contains relatively pristing reef habitat. isitation rare but increasing. Special Closure contains crucial seabird nesting areas, but boats have been seen violating buffers and disturbing these animals. Double Point has one of the largest breeding harbor seal colonies in California.

Proposed Change: Extend the northern boundary to the Double Point/Stormy Stack Special Closures. This would become a no take SMR. Given existing regulations (above), functionally, the only change would be restricting take from shore. This does NOT impact access for non-consumptive uses that are not already affected by the restrictions imposed by the existing Wilderness or Special Closure.

#### Proposed Southern Expansion

Current Rules: This area is currently unprotected even though it is contiguous with protected reef

Current State: This area contains many rare reef species and an important marine mammal haul out and colony that is disturbed by people getting too close. Visitors to the SMCA are confused when seeing people fishing in the unprotected area, or walking through the SMCA from the unprotected area with buckets or their

Proposed Change: Extend the southern boundary of the current MPA to the most southerly tip of Duxbury Reef exposed at mean lower low water, or to about 37°53'07.9"N. 122°41'45.3"W. This would become a no take SMR. This does not impact access for nonconsumptive uses, like boating (more examples listed

#### Questions?

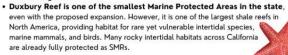
Contact EAC at

415-663-9312 or

- The petition only proposes to restrict take (e.g., fishing or harvest) within the protected area. It will NOT RESTRICT "non-consumptive" uses, like visitation, tidepooling, education, surfing, boating, or research access.
- The petition is NOT requesting Duxbury Reef become a Special Closure.
- ashley@eacmarin.org isabel@eacmarin.org 

  We support continued public access for non-consumptive uses.

  The petition is NOT seeking to restrict fishing in all of Bolinas Bay or in Bolinas Lagoon.



Learn more at www.eacmarin.org/duxburypetition







### **EAC Fact Sheet: Duxbury MPA Petition (2023-32)**

w/ Response in red by "Save Duxbury Access" \*

### **Duxbury Reef Petition Fact Sheet**

In 2023, the Environmental Action Committee of West Marin submitted a petition to the Fish & Game Commission to redesignate the Duxbury Reef State Marine Conservation Area (SMCA) to a State Marine Reserve (SMR), and expand its boundaries to include currently unprotected contiguous reef habitat in the north and south. This page explains current regulations and what would change if the petition is approved.



The EAC submitted this MPA petition without meaningful community outreach in Bolinas, which has led to significant information gaps and confusion concerning these proposed changes. The one-sheet petition that was circulated two years ago was misleading and did not address the negative economic and cultural impacts that these changes would cause throughout West Marin, nor did it specify a clear benefit to the ecosystem at Duxbury reef beyond the regulations that are already in place with the current MPA established in 2009.

#### Proposed Redesignation to State Marine Reserve (SMR)



<u>Current Rules:</u> Duxbury Reef is currently designated as a type of Marine Protected Area (MPA) called an SMCA. Its border extends 1,000 ft seaward from lower low tide. It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except for the recreational take of finfish from shore, and abalone. The abalone fishery is closed.

Yes, the current regulations are simple: it is unlawful to take ANYTHING from the reef EXCEPT finfish and abalone (which is currently closed).

<u>Current State:</u> Duxbury experiences high visitation levels and poaching of reef organisms. Allowance of fishing (partial take) causes confusion for many visitors who think all take is allowed when they see shorefishing, poke pole fishing, or fisherpeople with buckets of bait, or when they read signage or information online that suggests some take is allowed.

Does the EAC think visitors are a problem? What is the definition of "poaching"? Please provide examples. Have these reports of poaching been verified by the California Department of Fish and Wildlife (CDFW)? How do the numbers of poaching citations at Duxbury compare to other coastal areas statewide? How has this "confusion" been documented and substantiated? Wouldn't improved signage, education, and enforcement of existing regulations be a better solution than eliminating low impact hook and line reef fishing?

**Proposed Change:** Convert the current SMCA and the proposed extensions into an SMR, which would not allow any take. This does not impact access for non-consumptive uses, like visitation, tidepooling, educational, surfing, boating, or research access. This is NOT a Special Closure.

What is the definition of "non-consumptive" use? When a person takes a rock home, is that "consumptive"? When a person picks up a rock and then returns the rock, is that "consumptive"? Why do the majority of "potential violations" reported by the EAC at Duxbury Reef focus on visitors to the tidepools at Agate Beach? Does the EAC consider visitation a problem? Note: a "Special Closure" is not necessary to restrict visitation. By CDFW definition, Reserves are used primarily for research and preservation. Human activities are only allowed in Reserves as "managed enjoyment and study" at the discretion of the managing agency.

https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=133535&inline

#### **Proposed Northern Expansion**

Current Rules: Boating is prohibited 1,000 ft around Double Point/Stormy Stack Special Closure. Recreational and commercial motorboats and ALL commercial enterprises prohibited within ¼ mi. from shore from Sculpture Beach to Duxbury Reef due to the Phillip Burton Wilderness designation.

<u>Current State</u>: Contains relatively pristine reef habitat.
Visitation rare but increasing. Special Closure contains crucial seabird nesting areas, but boats have been seen violating buffers and disturbing these animals. Double Point has one of the largest breeding harbor seal colonies in California.

This "relatively pristine" reef habitat is more proof that the current MPA and the 1972 designation Area of Special Biological Significance (ASBS) has worked! California's Marine Protected Area Network was recently recognized as an International Gold Standard for Marine Conservation. Is there a need for more restrictions? Is it necessary to eliminate law abiding low impact reef fishing for an entire coastal community and its visitors?

https://opc.ca.gov/2025/06/for-immediate-release-californias-marine-protected-area-network-recognized-as-international-gold-standard-for-marine-conservation/

The recent kelp studies cited by the EAC to the California Fish and Game Commission (CFGC) also demonstrate the impressive resiliency of this area. "This data shows that, despite the recent kelp die off in much of California, the kelp forest in the requested northern [and southern] boundary extension has persisted until as recently as 2023, and perhaps has even increased in the portion just south of the Special Closures" <a href="https://doi.org/10.6073/pasta/a9071a2ce1b78242c2ad1dda5854ec78">https://doi.org/10.6073/pasta/a9071a2ce1b78242c2ad1dda5854ec78</a>

Correction: According to CDFW, boating is prohibited only 300 ft around Double Point/Stormy Stack Special Closure. Note: if boaters have been violating buffers established by the current regulations, how will increasing regulations be any more effective? Shouldn't we focus instead on ways to improve understanding and compliance with existing regulations?

https://wildlife.ca.gov/Conservation/Marine/MPAs/Double-Point#:~:text=The%20special%20closure% 20was%20established.from%20human%20disturbances%20year%2Dround.

<u>Proposed Change:</u> Extend the northern boundary to the Double Point/Stormy Stack Special Closures. This would become a no take SMR. Given existing regulations (above), functionally, the only change would be restricting take from shore. This does NOT impact access for non-consumptive uses that are not already affected by the restrictions imposed by the existing Wilderness or Special Closure.

Where is the data to support a need for more protections in *this* area? The EAC's petition cites "confusion of regulations" as the main driver for reclassification and expansion. What "potential violations" have been reported in this northern area that necessitate MPA adjustments? <u>Changing regulations and boundaries without a substantiated rationale is arbitrary and capricious</u>.

These MPA changes would go beyond fishing. If eliminating fishing was the only objective, why didn't the EAC propose maintaining Duxbury as an SMCA and simply remove take? SMCAs can be take or no-take. Reserves are the most restrictive MPA designation, used primarily for research to

preserve an "undisturbed and unpolluted state". General coastal access including tidepooling, reef education, and surfer access could be limited at the discretion of the managing agency "to protect marine resources, including non-extractive activities". What is the EAC's overarching goal for Duxbury Reef? Why isn't this being disclosed to the public?



The geographic structure of the reef itself provides substantial protection as was discussed in a recent Point Reyes Light article by marine ecology professor at the College of Marin, Joe Mueller: "The exception, he said, is in the southern portion of the reef, which is buffered by a natural channel and is less accessible to visitors. That's the area for expanded protections". Why would we put further restrictions on top of what is already naturally protected? Note: limited accessibility due to fluctuating tides, steep cliffs, weather, and seasons, also provide additional environmental protections for this entire 8-10 miles of rugged coastline.

https://www.ptreyeslight.com/news/anglers-say-eac-goes-too-far-on-duxbury/

<u>Current State:</u> This area contains many rare reef species and an important marine mammal haul out and colony that is disturbed by people getting too close. Visitors to the SMCA are confused when seeing people fishing in the unprotected area, or walking through the SMCA from the unprotected area with buckets or their catch.

Where is the data about issues with visitors disturbing seals? Do visitors get confused when they do **not** see people fishing? Do the "potential violations" only occur when people are fishing on the beach? Do these same "potential violations" occur in no-take SMCA areas throughout the state, such as touching or removing rocks, or dogs off leash? Is there evidence of a reduction of such violations when SMCA's go from take SMCAs to no-take SMCAs without any other regulatory changes? The EAC cited a 2023 study on signage that showed that "less than 5% of visitors to MPAs actually read signs upon arrival" which infers that Duxbury visitors would not be confused by signs because they are likely not to read the signs at all. How would the new regulatory changes be followed with more compliance if Duxbury was converted to a Reserve?

https://www.californiamsf.org/\_files/ugd/db7991\_35150e1d08364c278304f2ff805d0011.pdf

Proposed Change: Extend the southern boundary of the current MPA to the most southerly tip of Duxbury Reef exposed at mean lower low water, or to about 37°53′07.9″N, 122°41′45.3″W. This would become a no take SMR. This does not impact access for non-consumptive uses, like boating (more examples listed below).

Agreed, since very few visitors access this area due to geographic barriers and tide fluctuations, very few *non-consumptive* users may be affected by this change to the southern border, **but is there a need for this change**? The vast majority of the EAC data focuses on the Agate Beach tide pools alone. Adding additional protections without substantiated merit sets a bad precedent, especially when there are negative social impacts. Is there any data provided of "potential violations" to support a need for reclassification in the vast majority of the proposed expanded area north and south beyond just Agate Beach? Additionally, though this change to the southern border may not affect many non-consumptive users, this combined with the total proposed zone would eliminate **ALL** of the reef fishing access in Bolinas from shore and further limit boat fishing access. This would have a devastating impact on our economic and cultural access to our coastline. If approved, this change would cripple our small sustainable hook and line commercial fishery in Bolinas that we rely on in West Marin to stock our restaurants and grocery stores. Why wasn't this economical impact addressed in the EAC petition to the FGC?

The petition only proposes to restrict take (e.g., fishing or harvest) within the
protected area. It will NOT RESTRICT "non-consumptive" uses, like visitation,
tidepooling, education, surfing, boating, or research access.

False: This change CAN impact non-consumptive uses at the discretion of the managing agency. For example, "dogs off leash" reports make up the majority of the "potential violations" being used to rationalize the elimination of reef fishing access. Dogs are strictly prohibited in all MPA Reserves in California. Does the Bolinas community know that dogs will likely NOT be allowed from below Agate Beach all the way to north of Double Point on 8-10 miles of our coastline if the Duxbury Reef MPA becomes a Reserve? Why isn't this being disclosed to the public?

The petition is NOT requesting Duxbury Reef become a Special Closure.
 We support continued public access for non-consumptive uses.

A "Special Closure" is not necessary to restrict visitation. Reserves are the most restrictive MPA designation that only allow "managed" human activities when they do not interfere with specific MPA preservation goals. Why does the EAC want to further restrict the public's access to Duxbury Reef? We all love Duxbury Reef and respect the comprehensive SMCA protections that were established over fifteen years ago through a rigorous collaborative process with a diverse group of stakeholders. This successful compromise balanced regulations with public access, recognizing that the best environmental stewardship relies on strong community support. The Bolinas community has been a model for community led environmentalism for generations and this remains true today. There has been no science based rationale presented that necessitates a change to this longstanding agreement. Why didn't the EAC engage in meaningful dialogue with the Bolinas community - a widely acclaimed nature-loving town, before submitting this MPA proposal? https://www.eacmarin.org/50-years-of-eac/2022/1/18/standard-oil-spill-eac

 The petition is NOT seeking to restrict fishing in all of Bolinas Bay or in Bolinas Lagoon.

Clarification: The proposed southern expansion extends into part of the Bolinas Bay as seen on the CFG interactive map. The overall proposed expansion would nearly triple the size of the current

Duxbury Reef MPA, covering the entire rocky reef intertidal zone in Bolinas. https://storymaps.arcgis.com/collections/27e78c677dca484ebfb37120abc59d10?item=3

 Duxbury Reef is one of the smallest Marine Protected Areas in the state, even with the proposed expansion. However, it is one of the largest shale reefs in North America, providing habitat for rare yet vulnerable intertidal species, marine mammals, and birds. Many rocky intertidal habitats across California are already fully protected as SMRs.

Duxbury Reef is the largest shale reef in North America but only a very small part of this reef is impacted by "heavy visitation" which is at the Agate Beach tidepools at the base of the trail from the parking lot. This has been a popular tidepooling area for generations of Bay Area visitors who come to explore the "nearly pristine" tidal ecosystem. The vast majority of the rest of the Reef in the area proposed for expansion is difficult to access because of geographic barriers, steep cliffs, tide fluctuations, and limited points of access. Consequently, the majority of Duxbury Reef is exceedingly protected and doing well considering environmental stresses and climate change.

The Duxbury Reef MPA is small but it is appropriate. This MPA was established over fifteen years ago when the state of California was mandated to establish protected marine areas through the Marine Life Protection Act (MLPA). Part of the adaptive management of the DECADAL MPA Review process is to see if these MPAs need to be adjusted to better meet their goals to provide a "sanctuary for marine life, and enhance recreational and educational opportunities". There has been no science based rationale presented that necessitates a boundary expansion nor the addition of further restrictions to this longstanding collaborative MPA agreement.

Although Duxbury Reef may be one of the smallest MPAs in the state it is important to note that Marin County is the fourth smallest county by land in California at roughly 520 square miles and yet boasts 9 MPAs and 2 State Marine Parks. In comparison, Los Angeles County covers an area of approximately 4,084 square miles and has just 13 MPAs. Marin County has a high percentage of protected land overall with nearly 56% being permanently protected in parks, wildlife refuges, and open space preserves. Some sources even claim almost 85% is protected from development through open space purchases, federal parkland, watershed lands, and strict agricultural zoning, compared to just 16-18% of the rest of the Country.

While this is certainly impressive on an ecological level, it also comes with social drawbacks for marginalized residents who are often entirely left out of the conversation, as we have currently experienced in Bolinas regarding the EAC's MPA petition that was submitted over two years ago without much input from those who would suffer most from the MPA changes. Without meaningful community dialogue, underserved people can fall through the cracks. It's critical to balance environmental protections with community needs when establishing MPAs within isolated rural areas, especially when moving towards more restrictive regulations such as MPA Reserves.

For example, the high percentage of restricted lands in Marin County has had a significant impact on development. Limited developable land has led to a scarcity of land available for housing construction culminating in higher housing costs, and an overall extremely high price of living. Marin County has one of the highest concentrations of wealth in the Country, but this wealth is not evenly

distributed. Marin county has a wider wealth disparity than the national average, ranking as one of the most racially and economically inequitable counties in the state. While the County boasts a high median income, a notable percentage of its population is considered low-income. Evidence suggests there is a complex and often unequal relationship between wealth and the establishment of MPAs that can have mixed consequences, such as harm to fishing communities. This emphasizes the critical need for more detailed analysis of socioeconomic impacts prior to submitting MPA petitions.

Marin County also has more restrictive fishing regulations compared to other parts of California due to a higher concentration of these special management areas. All freshwater streams with the exception of a small portion of Walker Creek are closed to all fishing, all year. Many marine protected areas prohibit the take of all living marine resources within its boundaries. Fishing is prohibited in specific bodies of water such as, Muir Woods National Monument, and Rodeo Lagoon. Dungeness crab fishing is prohibited in San Francisco and San Pablo bays, and faces more restrictions elsewhere. The ocean salmon recreational fishery is currently closed. Nearby Stinson Beach does not have fishing restrictions but has restrictive policies regarding beach access at Seadrift, which is a 1.5 mile long private gated community located at the northern end of Stinson Beach. When we restrict fishing access for small coastal communities, we restrict their ability to be sustainable and self reliant. This needs to be considered when making (and changing) policies.

This is precisely why the California Fish and Game Commission adopted the Justice, Equity, Diversity, and Inclusion (JEDI) Policy in 2022 to outline the agency's commitment to inclusive and fair decision-making. This policy aims to correct historical inequities and expand access to environmental benefits for *all* Californians, especially for marginalized and underserved communities by the following guidelines: <a href="https://fgc.ca.gov/About/JEDI">https://fgc.ca.gov/About/JEDI</a>

- providing accessible engagement opportunities to CFG Commission decision-making for all affected and interested people,
- expand understanding of and improve response to the needs of marginalized fish and wildlife users.
- invest in meaningful and long-term partnerships with communities and cultures that have relationships with activities, fish or wildlife that CFG regulate,
- consider implications of our decisions on subsistence activities
- promote cultural, community, and economic opportunities related to fish and wildlife

For all these reasons and more, we are urging that the California Fish and Game Commission remove MPA petition (2023-32) from consideration and preserve the current boundaries and status at Duxbury Reef, to focus instead on improving signage, education, and enforcement while protecting low-impact recreational & commercial fishing that aligns with the the CFGC JEDI Policy, the CFGC Coastal Fishing Communities Policy and California's Coastal Access sustainable management values.

<sup>\* &</sup>quot;Save Duxbury Access" is a grassroots group of locals who believe in preserving our beloved reef while keeping access open for finfishing (both commercial and recreational), surfer access, tidepooling, and reef educational programs for schools. Protecting access ensures that our children will nurture a connection with the place we all love, and continue our longstanding tradition of responsible stewardship. Contact us at <a href="mailto:saveduxburyaccess@qmail.com">saveduxburyaccess@qmail.com</a>

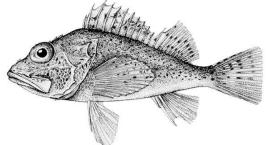
# **SAVE DUXBURY ACCESS**

The EAC of West Marin did NO meaningful community outreach in Bolinas before submitting their MPA petition (2023-32) over two years ago to expand and reclassify the Duxbury Reef Marine Protected Area (MPA) from a balanced use limited-take Conservation Area to a highly restrictive no-take Reserve. This expansion would be nearly triple the size of the current Marine Protected Area (MPA) and would cover the ENTIRE 8-10 mile rocky reef intertidal habitat accessible to Bolinas from below Agate Beach to north of Double Point. The EAC "Duxbury Petition Fact Sheet" is the EAC's response to our town's growing opposition to their proposal that would cause great harm to our economic and cultural access to our coastline, but this fact sheet is MISLEADING.

The EAC's MPA petition goes beyond the elimination of low impact sustainable hook and line fishing on our entire rocky reef coastline in Bolinas. Moving to a Reserve designation would have a severe economic and cultural impact on our community and could affect ALL beach users without any clear science based benefit to the ecosystem at Duxbury Reef. Reserves are the most restrictive MPA, used primarily for ecological research. Human activity is only allowed in Reserves for "managed enjoyment and study" at the discretion of the managing agency as long as it does not interfere with maintaining the area in an "undisturbed and unpolluted state". Why didn't the EAC discuss these impacts with our town before submitting their petition?

General coastal access including tidepooling, reef education, and surfer access could be limited "to protect marine resources including non-extractive activities". **Dogs will likely NOT be allowed on this entire stretch of the coastline**, as consistent with MPA Reserves throughout the state. Why isn't this being disclosed to the public? We are urging the Fish and Game Commission to remove MPA petition (2023-32) from consideration to preserve the current boundaries and comprehensive protections at Duxbury Reef that align with the CFGC Justice, Equity, Diversity, and Inclusion (JEDI) Policy, the CFGC Coastal Fishing Communities Policy, and the California Coastal Act's sustainable management values. We believe in balance and transparency.

### ACCESS = EQUITY = SUSTAINABILITY



"Save Duxbury Access" is a grassroots group of locals who believe in preserving our beloved reef while keeping access open for fishing (both commercial and recreational), surfer access, tidepooling, and reef educational programs for schools. Protecting access ensures that our children will nurture a connection with the place we all love, and continue our longstanding tradition of responsible stewardship. Contact us at <a href="mailto:saveduxburyaccess@gmail.com">saveduxburyaccess@gmail.com</a>

# Written Request for Withdrawal of Signature from EAC Petition

(Note: this request must be mailed to the address below)

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

Dear California Fish and Game Commissioners.

This is a formal request to withdrawal my signature from the 2023-32MPA petition submitted to you by the Environmental Action Committee of West Marin (\*EAC") dated April 6, 2023 regarding the change of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve" as well as an expansion of its northern and southern borders. While I am in full support of "preserving the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations", I believe that my signature was gathered in bad faith by circulators who intentionally misrepresented the petition's purpose and content by leaving out key information.

I do NOT believe that changing the designation of Duxbury Reef State Marine Conservation Area to a "State Marine Reserve" as well as an expansion of its northern and southern borders is necessary to protect the reef. We simply need better signage, public education, and enforcement to uphold the current regulations already in place. Thank you for your consideration.

Sincerely,

FULL NAME
RESIDENCE.

Bolinas, CA. 94934

(Please include full name, residence, and "wet" signature)

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

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Sincerely,

Vanessa Marcotte Bolinas, CA 94924 California Fish and Game Commission P.O. Box 944209 Sacramento, CA 94244-2090 Sent via Email: fqc@fqc.ca.gov

Re. Opposition to Petition No. (2023-32MPA) to Change Duxbury Reef from a State Marine Conservation Area (SMCA) to a State Marine Reserve (SMR) by Ashley Eagle-Gibbs of Environmental Action Committee (EAC) of West Marin dated April 6, 2023

Dear President Sklar and Commissioners,

We, the undersigned, are opposed to the 2023-32MPA petition submitted to you by the Environmental Action Committee of West Marin ("EAC") dated April 6, 2023 regarding the change of the Duxbury Reef State Marine Conservation Area (SMCA) to a State Marine Reserve (SMR) as well as an expansion of its northern and southern borders. We are in full support of preserving the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations, and we believe that this can be accomplished under the current SMCA regulations. The current regulations are very clear: It is unlawful to take ANYTHING from the reef EXCEPT finfish and abalone (which is currently closed). The hook and line fishing and poke poling tradition at Duxbury Reef is a sustainable fishing practice that dates back millennia beginning as early as 800 BCE by the Coastal Miwok. Terminating these traditions just to simplify public messaging is absolutely absurd and downright offensive. It is also not backed by any verifiable science that could necessitate such a drastic change.

Additionally, the EAC petition has left out critical components to the State Marine Reserve (SMR) classification that include the strict protection that SMRs are designed "to protect the ecosystem in its entirety, allowing natural processes to occur WITHOUT HUMAN INTERFERENCE". "Interference" can have very broad interpretations with major implications. For example, walking across the surface of the reef could be seen as damaging the ecosystem, as could touching the water, or speaking too loudly. It could even be seen that walking across the sandy part of the beach is "interference" as well. It begs the question, what is the EAC's ultimate goal in this reclassification?

Name:	Residence:
Scott Robert	BOLINAS
Blisabeth Robert	BOLINAS
Carlyn Robott	BOLINAS
Hannah Elserier	BOLINAS
Melisa Miller	BOL
Daniel Max	BOLINAS
PAUL SCOTT	BOLINAS
mike VALA	BOLINAS
Henry Borntragel	· oreenbrae CA

W

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

Sent via Email: fgc@fgc.ca.gov

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Name:	Residence:
Jenniser Brahm	Bolinas
	BOUINAS, CA 94924
Hattie Pohlman	Bolinas, CA 94924
Rogen Parende	Palvins CA query BOLINAS
Nancy Donora	
Roun Hicks	Invis Steel
thiren libertoeges	- Grisson beach
Dino Colombo	, Stinson BCA
aure Roud	Stiwon Boach 94970

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

Sent via Email: fqc@fqc.ca.gov

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Dlane Kame Lia Sabbahi	94928 Colines, CA
Valentini Muend	L Mill Valley, CA
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Arian Dir	Bolivas CA 94924
Jacob Tonski	15-11-as CA 94929

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	150lmin CH. 94974
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	Pollock Pines. Cd. 95726
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	Forest Knolls, CA. 74933
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Jan F. Hovell	Stinger Blue 34970
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Samantha Ross	Oakland, CA 94618
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William Anderson	Sneparel 94903
Gerry Bisson	Stinson-Repen 94976
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MAKBANAN	20/145 CH 94924
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# POINT REYES LIGHT



A mariner from Bolinas once set me up with a rod and reel and left me at Duxbury Reef. I cast out into the wind and stood under a late sun, face to face with as raw a force as I ever faced. I didn't catch anything, but it did not matter. The cold and the sharp, the rushing and churning, the filling and emptying of black, living rock: I feel that ocean now, indifferent, vast, and overpowering.

Fishing delivers a visceral knowing of our atomic presence on earth. As a way to commune, to come back to zero, it is a thing worth preserving. One place we can is at Duxbury. Sophia explains the new debate.

Today's edition brings news from Caltrans, about a redwood slated for removal no longer; from health officials readying for the school year; from scientists who have tracked salmon to their feeding grounds and found not only a boom in anchovy but the crippling absence of a chemical that links those fish; and from Marin Water, which extended the comment deadline on its proposal for the Nicasio dam through the year.

It also brings many letters, with many more already in the wings, in large part spurred by last week's news of the closure of Molly Myerson's farm. Never has your voice been louder on an issue.

Thank you for reading, writing, and contributing to our common future,

Tess

#### Click to read the August 7, 2025 edition

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**NEWS** 

## Anglers say EAC goes too far on Duxbury

by **Sophia Grace Carter** August 6, 2025



Visitation at Duxbury Reef in Bolinas has exploded in recent years, bringing with it disruptions to delicate intertidal life. Now, a local environmental group has asked the state to expand protections there. Fishermen say a ban of their sport would be overreach. (David Briggs / Point Reyes Light)

For generations, Bolinas residents have fished the waters off Duxbury Reef, casting lines from its shale ledges, diving for red abalone in its silty shallows and pokepoling for monkeyface eel in its tidepools.

Now, a proposal to ban all fishing around the reef has struck a nerve in the coastal village, where commercial and recreational fishing are woven into the local way of life.

"Bolinas is a fishing town," said Rudi Ferris, a lifelong angler and vice-president of the Bolinas Rod and Boat Club. "We love the reef deeply, and we're all for the protection of its invertebrates. But banning the take of finfish doesn't get to the heart of the problem."

The proposal, submitted by the Environmental Action Committee of West Marin as part of the state's 10-year review of marine protected areas, asks the California Fish and Game Commission to reclassify Duxbury Reef—the largest exposed shale reef along the Pacific Coast and a trove of biodiversity—from a "state marine conservation area" to the more restrictive "state marine reserve" designation. The popular Agate Beach falls within the area.

The change would outlaw all fishing along an eight-mile stretch that would expand northward to Double Point, a harbor seal rookery, and southward to include a currently unprotected section of the intertidal zone that is exposed at low tide.

California's marine protected areas, established 15 years ago under the Marine Life Protection Act, form a network of underwater canyons, sandy sea floors, kelp forests and rocky reefs designed to safeguard ocean biodiversity. The petition for Duxbury, submitted in 2023, garnered 150 signatures, 67 of which came from the Bolinas community, according to the E.A.C.

Over the decades he's visited Duxbury Reef, Bolinas attorney and conservationist Kent Khtikian has seen firsthand the ruinous damage visitors can cause: prying up purple sea urchins with crowbars, smashing rocks with sledgehammers to extract fossils and collecting live specimen in five-gallon buckets to stock home aquariums.

"Most of the violations are pretty de minimus, but in the aggregate, they're not," he said. Mr. Khtikian supports the E.A.C.'s push to eliminate all take, arguing that a clear and simple prohibition would reduce the cumulative damage.

Currently, hook-and-line and poke-pole fishing are allowed from the shore, while harvesting other marine life—snails, clams, urchins, mussels and seaweed—is considered poaching and is punishable by fines. Abalone fishing, once common here, has been suspended statewide since 2017.

Ashley Eagle-Gibbs, the executive director of the E.A.C., said allowing some take while banning others contributes to violations. "If you can hook-and-line fish from the shore and you can poke-pole in the tidepools, that leads to confusion," she said. "That is the crux of our concern—not that fin fishing itself is so harmful."

Game wardens are just too scarce to adequately monitor the area, she said. Only nine state wardens cover Marin and 12 other counties. "We have a strong relationship with our local warden, but they are stretched over this large geographical area with many competing priorities," Ms. Eagle-Gibbs said. "They can't always be present on the reef."

Docents with Marin MPA Watch—a volunteer monitoring program led by the E.A.C. with support from the Point Reyes National Seashore and the California Academy of Sciences—recorded 132 potential violations at Duxbury last year. Sixty-five of those were related to the hand collection of marine life.

Joe Mueller, a marine ecology professor at the College of Marin since the 1980s, said the decline in biodiversity at the reef in recent years has been stark. "I used to turn over a rock and see hundreds of crabs—four or five different species," he said. "Today, you're lucky to find any."

The exception, he said, is in the southern portion of the reef, which is buffered by a natural channel and is less accessible to visitors. That's the area proposed for expanded protections.

"All of a sudden, people are thinking that their rights are being eliminated, but we need as much protection out on the reef as possible, even if it inconveniences the fisherfolks," Mr. Mueller said.

Yet many in Bolinas believe conservation and responsible fishing can coexist.

"There's broad support for protecting the reef and stopping these violations," said Chris Martinelli, a recreational angler and a battalion chief with the Marin County Fire Department who lives in town. "But shutting fishing down isn't the solution."

Mr. Martinelli learned to fish and dive for abalone at Duxbury as a child, and he later taught his own children. He said most of the infractions at the reef—people collecting marine life or letting dogs run off-leash—aren't even fishing-related. "This is really an enforcement and signage problem," he said. "I have the fortunate ability to boat elsewhere. But for a lot of people, shore fishing is their only option. This feels exclusionary."

A new group, Save Duxbury Access, recently hosted a letter-writing event outside the Bolinas Library, offering templates for residents to submit comments to the Fish and Game Commission and request to withdraw their signatures from the E.A.C.'s petition. The group has collected 220 signatures for a letter opposing the petition.

Meanwhile, commercial fishermen say the reef is one of the last areas open to them, and they are girding for hardship if the proposed prohibition goes into effect. They say the proposal mischaracterizes the economic and recreational impacts, unfairly penalizes them for damage caused by unregulated visitation, and was drafted with minimal public engagement.

"To make fishermen take the brunt of this, it's just absolutely unfair," said Jeremy Dierks, one of a handful of men who make a living fishing out of Bolinas. "We're barely hanging on as it is. This could be the final nail in the coffin."

With salmon fishing shut down for three consecutive years and increasingly strict limits on crab harvest, Mr. Dierks relies heavily on halibut caught just off Duxbury Reef. He sells all his catch to local restaurants and to the Palace Market.

"The E.A.C. thinks there's going to be no economic impact. That's a bunch of baloney," he said. "There's a huge impact. They just haven't done their research."

Josh Churchman, another longtime Bolinas fisherman, agrees that the focus is misplaced. "I've seen people walk off with gunny sacks full of turban snails—that has to stop," he said. "But the shore fishermen are low impact. A guy catches one or two fish, but mostly he's out there to breathe in the open ocean air and cast his line out, and maybe he catches something and maybe he doesn't."

Of the 20 petitions received by the commission during this review cycle, 15, including the Duxbury proposal, led to scientific analysis and public engagement.

"These are complex management decisions," said Sara Worden, an environmental scientist with the California Department of Fish and Wildlife. "At Duxbury, they're asking for a large expansion and a redesignation to a state marine reserve, which we take very seriously. We want to take the time to be thoughtful and thorough."

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**NEWS** 

# EAC should drop Duxbury bid

by **Rudi Ferris** September 17, 2025

Bolinas and its Rod and Boat Club were among those instrumental in the establishment of the Duxbury State Marine Conservation Area in 2009. Sixteen years later, the designation successfully protects the area today. We should know: We were here when gunny sacks were filled with mussels and urchins, and rock-boring piddocks were mined out with bars and picks. We were there when thick bunker oil coated the reef and cormorants flopped on the beach.

Thankfully, the conservation area strictly prohibited all take of invertebrates, marine algae and even stones and shells. The only allowable take consists of traditional shore-based hook-and-line fin fishing and abalone when in season. This allowance represents minimal angler effort and a miniscule take over a very large and difficult terrain.

The Environmental Action Committee of West Marin is correct in its admission that existing fishing is sustainable and non-damaging. Yet it is less correct about other things. The group cites anecdotal evidence of invertebrate decline, but species always naturally wax and wane, whether vertebrates, invertebrates or kelp.

Those with far longer and broader experience know this—precisely because they are anglers who can examine the stomach contents of their captured fish. Intertidal species like prickleback and monkey-face eels mostly eat kelp. Crustacean, mollusk, and small fish eating cabezon, greenling, perch and grass rockfish are healthy and even thriving. And because these resident fish reflect the environment that supports them, they are an accurate indication that the greater habitat is fundamentally healthy, too.

The present marine conservation area has worked well, and its allowance of fishing for legal license-holders, in obeyance of tackle and bag limits, is an example of intelligent and responsible management. So why is the E.A.C. busily attempting to impose the ultimate closure of non-destructive hook-and-line shore-fishing, with a reserve expanded almost three times to include over eight miles of rocky and sandy beaches?

With respect, it appears that the E.A.C has a weak grasp of the human value of simple fishing. Executive Director Ashley Eagle-Gibbs told this newspaper: "It is not our intent to have a significant impact on the commercial fishing community." Yet her organization has every intent to drastically impact non-commercial fishing in our community by eliminating a treasured and traditional, non-damaging pursuit.

Fortunately, the California Fish and Game Commission has a fuller understanding of commonly held resources and deep human values. As a result, it has banned commercial take for many species while permitting a democratic allowance for regular, non-commercial anglers.

The Fish and Game Commission respects non-commercial shore-based angling. The E.A.C. could use a page out of their book. The nonprofit cites "simplification of management" as the ostensible reason for its overreaching and unnecessary proposal. But the town of Bolinas and an original stakeholder of this resource—the 71-year-old Bolinas Rod and Boat Club—does not want its natural and cultural heritage "simplified" out of existence.

As a Bolinas resident of 62 years, a lifelong environmentalist and angler, an officer of the Rod and Boat Club and a longstanding member of the Bolinas Lagoon Advisory

#### Letters

#### Shakespeare in Inverness

For those that come our play to see One word I would explain to thee For when I say "solemnity" It marks not a solemn occasi Rather one of celebration.

Lowell Levinger

#### Pesky raven problem

I might have a possible solution to the raven problem at the lighthouse. A few years back, a small bird was pecking his reflection in our bathroom window during mating season. I eventually came up with an idea. I dug up an old wildlife book in the basement and found a picture of a hawk-wings spread, talons out, in full attack mode. I cut it out and scotch-taped it to the window. The result was a very angry little bird who alighted on a nearby branch and tweeted out his fury until he saw it was to no avail and finally gave up.

Point Reves Station

#### EAC petition is unneeded

Your Aug. 7 article on the E.A.C.'S attempt to prohibit fishing on Bolinas's Dux-bury Reef and eight miles northwards exses a flawed rationale and weak excuses. The E.A.C. director states, "If you can

hook-and-line fish from the shore and you can poke-pole in the tidepools, that leads to confusion. That is the crux of our -not that fin fishing itself is so harmful." Fin fishing is not harmful, so why penalize the fishers for the damage tide poolers and visitors cause? Fishing for eel and other species is not so much a tide pool activity as it is a quiet focus on surge channels and undercut banks. If this isn't damaging the reef, why prohibit eight miles of shore fishing? Damage to the reef by tide poolers and visitors will continue long after the fishers are gone.

The real crux of the problem is educa-tion, signage and enforcement. E.A.C. has

a good docent program to educate and monitor Duxbury visitors, but they need more help from governing agencies and more volunteers. A few dedicated Bolinas folks already volunteer as docents, but again, they need more help. There are sev-eral California coastal areas that have sophisticated docent programs that are well funded and well-staffed, and that is what E.A.C. should strive for.

It should be restated that the E.A.C. petition bans everyone—not just Bolinas folks—from fishing on the reef, and it bans fishing on eight miles of beaches, both rocky and sandy ones, north to Double Point. That includes all fishing from shore and small boats within 1,000 feet of shore. And a new designation of state marine re-serve could ultimately lead to other and greater restrictions.

I encourage your readers to write the California Fish and Game Commission and uest them to deny the petition (2023 32MPA) and to support E.A.C. to expand its docent program instead. I also encour-age E.A.C. to rescind its proposal and work toward more finely directed management. Such action will get everyone on board to-ward a common and worthy purpose.

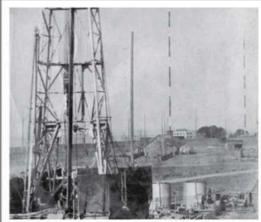
Ralph Camiccia

#### Birth of a new Gestapo

In a July 31 letter to the Light, Jim Harrigan rightfully bemoans the financial im-plications of Donald Trump's wealth redistribution plans as represen ted in the latest legislation rubber-stamped by Congress. He suggests that we might all work to reverse the intent of this bill by using any tax savings to assist those left high and dry.

Laudable, but I fear that the tax code changes are simply a distraction. What is truly alarming is the amount of funding (billions) dedicated to putting an armed and dangerous force on our streets under the guise of Immigration and Customs Enforcement, I do not hesitate to refer to these people as Gestapo (Geheim Staatspolizei, or secret state police) because that's exactly what they are. Wack-jobs with weapons, now with the authority of the federal government to "bring the hammer down." And you'd better believe they are doing it.

In the 1930s, according to my history



#### West Marin's Past

By Elia Haworth

OIL WELLS IN BOLINAS! In the 1800s, fishermen and ranchers observed thick tar, gas and oil seeping on the coast of Bolinas, especially between Duxbury and Double Points and on the Big Mesa, sparking excitement about the riches to be made. Compa-nies including the Bolinas Petroleum Company, Arroyo Hondo Petroleum Company, National Exploration Company and Standard Oil began prospecting for oil. Anticipat-ing an oil boom, one of the town's inns was even renamed the Petroleum Hotel. The first well was drilled in 1865, but despite decades of exploration, little oil was ever found, and by the 1950s, drilling sites were abandoned. In 1948, the National Exploration Company leased part of the RCA station's land, where Commonweal is located today. This photograph shows the layers of history there. An oil well and an old dairy barn are in the foreground, with transmission poles beyond. In the distance is the 1914 Marconi building, where cutting-edge technology produced the first wireless transmissions across the Pacific. The specter of drilling arose again in the early 1970s, this time with government proposals for offshore drilling along California's coast. Communi-ties had already experienced the devastating impact of crude oil accidents: in 1969, Union Oil's drilling platform blew out near Santa Barbara, and in 1971, two Standard Oil tankers collided outside the Golden Gate, smothering the shores and wildlife with oil. Bolinas activists raised the alarm and instigated an anti-offshore drilling campaign that spread beyond California and ultimately stopped the state initiative. As many have pointed out, environmental losses are permanent, and environmental victorare temporary. We must always be vigilant. Photograph courtesy of Richard Nielsen. ent, and environmental victories

books (while they last), the Gestapo was U.S. much longer. able to "disappear" citizens of Germany at will. Habeas corpus was not a thing. My guess, given the direction of the supremes of late, is that it will not be "a thing" in the

If you want to get a glimpse of a pos-sible future for this country and the world,



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#### Letters

#### Fishing is our way of life

As a longtime West Marin resident, an organic gardener and a part-time com-mercial fisherwoman, I have a deep, living connection to our lands and waters. My husband practices hook-and-time fishing, a method as sustainable as it is time-homored. For us, these waters are not merely a our way of life.

ir way of life.

The proposal to ban fishing at Duxbury
cef threatens the entire culture of West Marin, a community built on small-scale farms, ranches, aquaculture and fisheries where residents work in close, respectful where residents work in close, respectful relationship with nature. These practices are essential not only to our economy but also to our identity and sense of place. It is crucial to distinguish between small

operations and larger-scale recreational and party boats that can extract signifi-cantly more marine life in a single outing. We fish mindfully, supplying our neighbors rather than mass markets. To regulate us as if we cause the same harm is misguided. In truth, we are part of the solution.

Indigenous people have fished these waters for generations, forming a sacred connection with the ocean long before any of us arrived. To close off these areas without meaningful Indigenous consultation would perpetuate a pattern of exclusion and crasure.

Moreover, these shores are essential for the well-being of our community. Lo-cal elders walk the beaches for peace and health, children explore tidepools and learn about marine life, and families surf, fish and gather in places that feel like home. Restricting access will diminish something essential—not just for food, but for mental wellbeing, intergeneration al learning and community connection

as learning and community connection.

Rather than shutting down access, we should prioritize education. We need stronger programs that teach respect, steward-ship and responsible use, especially for visitors who may not understand the ecosystem's fragility. Regulation without education punishes those acting in good faith and misses an opportunity to fester between

and misses an opportunity to foster long-term, community-based conservation. Some years ago, Prince Charles visited our farm in Paradise Valley. He spoke with my father-in-law about organic soil prac-tices and with my husband about our fisheries. He was inspired that the food on our plates came from this region, grown and harvested by committed and caring people.

That legacy is now at risk.

With each new restriction, small produces are pushed out while larger operations grow unchecked. If this trend continues, we will lose our sustainability and our food will increasingly come from distant sources. West Marin is not just a region; t is a living example of what community based land and sea stewardship can look like. Let's invest in education rather than restrictive regulation, and preserve access for the people who live here, who care deeply for this place, and who are raising the next generation to honor and protect

Kate Tehaney Bolinas

#### Come swim in September

I've just returned from a swim at Heart's Desire Beach with West Marin Se nior Services and am so inspired to write! I'm grateful for the program, which bring seniors to beach swims on Tuesdays from 12 till 2 p.m. during our Indian summers in September. Our fun-loving group enjoys food, drink, jokes and even crossy zles at picnic tables in plenty of shade with world-class views.

Tomales Bay was spotless and serene today; bay colors varied from emerald to azure. The view of Shallow Beach around the bend was filmable: pristine golden sand untouched by human feet, with a lush green forest as a backdrop. With parking passes and snacks in tow, our host, Angela, could not have been more gracious. Wish-ing we could do it every day; I encourage locals to join us!

Carolyn Losee

#### Turkeys make comeback

In recent years, I've enjoyed seeing wild turkeys around Point Reyes Station, as they've brought to West Marin delightful colors and curious courtship behavior Presumably the bobcats and coyotes are pleased as well.

This spring, I've heard turkeys for the first time in Inverness, and early this summer, a flock of adults with their grown young were making themselves at home around Pierce Point Ranch, Presumably, they'll soon be well-established in appropri ate habitats in the seashore and state park.

The question of whether we should lcome or oppose their arrival is a tricky but interesting one. Although wild turkeys have sometimes been maligned as a species "non-native" to California, broadly speaking, turkeys actually have a very long history here. In fact, California once had its own endemic Californian turkey, which

#### Pt. Reves Subdivision is Approved

By THINY YARRING COST, there has compared to the principle of the principl

# Decision is delayed on Long Arm of Law Martinelli Farm plan; for Point Reyes More local A-60 zones

**Stops Subdivision** 

#### DEVELOPER PULLS OUT OF MARTINELLI FARMS OWNERS RECEPTIVE TO ALTERNATE PROPOSALS

#### West Marin's Past

By Dewey Livingston

WHEN "MARTINELLI FARMS" THREATENED POINT REYES OPEN SPACE. Elmer Martinelli was a beloved character in West Marin as he presided over the local dump, but he elicited a big dose of controversy in 1972 when Inverness developer Lawrence J. Walters and other investors proposed a major housing and recreational development on his property near Point Reyes Station. Called Mar-tinelli Farms and overlooking the south end of Tomales Bay, the land would be divided into up to 68 "ranchettes" and feature a golf course, polo field, gas station, motel and restaurant. Newer residents were appalled by the idea, while many of the old-timers supported the economic growth it could bring. The plan was first approved and then rejected by the county planning commission as it asked for revisions and more open space, and Bolinas attorney Paul Kayfetz sued over an incomplete plan. Inverness resident and planning commissioner John West fought the proposal and its gated roads, saying in a public meeting, "I just don't like the snorty, nose-thumbing aspect of this private enclave." After more than a year and up to \$60,000—almost half a million today—in expenses, Martinelli's developer dropped the plan in 1973 and eventually sold the land to the National Park Service. Now part of Golden Gate National Recreation Area, the once-threatened land is traversed by the popular Tomales Bay Trail. Headlines from the Point Reyes Light 1972 to 1973.

is among the most abundant bird remains found in the La Brea tar pits in Los Angeles. Now extinct, that species was apparently quite closely related and similar in size to the wild turkeys we see today over most of

Along with the better-known megafauna ow extinct in California-mammoths, saber-toothed cats, dire wolves, etc.-the Californian turkeys also disappeared after the arrival of humans, likely due to their being both easily hunted and extremely ed-

ible. Consistent with this historical record, a recent scientific study of their habitat preferences found that wild turkeys and/or Californian turkeys were likely widespread throughout much of the state. Given their deep history here, ruther

than fearing the arrival of wild turkeys in West Marin, there is a credible scientific case for welcoming them back after their 10,000-plus-year absence. Along with the

Continued on page 6







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submitted by Carol Cotton

Opposition to Petition No. (2023-32MPA) to Change Duxbury Reef from a State Marine Conservation Area (SMCA) to a State Marine Reserve (SMR)

At a town meeting at the Firehouse this past Friday Sept. 19th an informative power-point presentation

was given by Peter Martinelli to inform and promote discussion about the pending petition before the Fish and Game Commission There was a long discussion with many questions asked following the presentation. My take away was to ask you to

please oppose Petition No. (2023-32MPA) to Change Duxbury Reef from a State Marine Conservation Area (SMCA) to a State Marine Reserve (SMR)

We need all of the Bo community to help defend and preserve our traditional hook and line fishing at Duxbury—this includes both recreational shore-based fishing and fishing by local sport and commercial fishers along our western coast from Duxbury to Double

Traditional hook and line fin-fishing is non-destructive at Duxbury and the Environmental Action Committee of West Marin (EAC) has

nevertheless lodged a petition with the California Fish & Game Commission to ban all shore-based hook and line angling and to extend that prohibition north to Double Point, and southward to fully encompass the greater reef and its offshore waters. This is a chunk of coast 8 miles long!

Please help defend goginst an unnecessary and ill conceived threat to our traditions and a treasured natural and cultural heritage. Current regulations which are already in place now, if enforced, align well with the need to protect both our fishing tradition as well as the natural environment. This effort to prohibit all hook and line fishing is an over reach

by the West Marin Environmental Activists. If needed we can find more docents to help educate the public about the rules now in place.

If this resolution is passed it may well prevent Bolinas kids who want to learn to fish as their fathers

and grandfathers before them did.

Please send emails and letters to preserve out town's traditions. Write or email:

California Fish and Game Commission

(Opposition to Petition No. (2023-32MPA) to Change Duxbury Reef

from a State Marine Conservation

Area (SMCA) to a State Marine Reserve SMR)

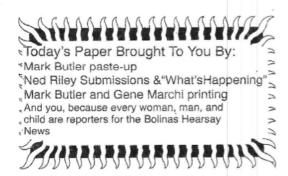
P.O. Box 944209

Sacramento, CA 94244-2090

Email: fgc@fgc.ca.gov

Also write and email to Dennis Rodoni, our County Supervisor, who at our WhiteCaps meeting on Thursday said he is "studying" this "situation".

Dennis Rodoni Post Office Box 872 Point Reves Station California 94956 email: djrodoni4@gmail.com





# SAVE DUXBURY ACCESS



#### 9/18 COMMUNITY MEETING Recap\*

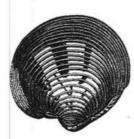
- 60+ in attendance packed house! Standing room with overflow into the hellway. One-hour long presentation - nobody left. One-hour + discussion and the house remained packed and engaged.
- Community members shared personal stories of how the petition changes of eliminating intertidal reef and shallow near shore fishing would impact their lives including loss of livelihoods, food sources, culture, etc.
- EAC explained their rationale for additional regulations needed at Duxbury but did not provide verified scientific data to substantiate their claims.
- Community members asked EAC to withdraw their petition.
- A community member requested a public vote of how many attendees would like the EAC to withdraw their petition. Yote: nearly all community members voted for the EAC to withdraw their petition (approx. 55+ votes).
- EAC said that they would not withdraw their petition
- EAC said that the redesignation as a Reserve didn't have to be highly restrictive on general coastal access but community members said that it could be restrictive at any time.
- Community members expressed that the Reserve status would be permanent and subject to jurisdiction beyond the EAC so any promises by them do not preserve access to Duxbury.
- Community members expressed frustration and anger that the EAC "went behind their back" to submit this
  petition two years ago and we are just finding out now.
- Community members said that there was no ecological data to prove a need for this change and cited the long term study out of UC Santa Cruz as reliable evidence that Duxbury Reef was not in decline
- A community member who represents the EAC dismissed this UC Santa Cruz study as unreliable science insisting that his own personal observations were to be trusted instead. He explained that the Reef was actually in great decline and would be completely "declineated" in ten years if this petition did not pass. This attended did not present any verified studies to justify his claim.
- A community member expressed frustration that the EAC was undermining science within a national political climate where science is already under attack.
- Community members expressed that they felt that the EAC had invented their "potential violation" data to fabricate a problem to justify redesignation. EAC denied these claims but provided no verified data as a counter.
- A community member asked EAC what they were trying to accomplish at Duxbury and the EAC said "help
  the animals". A community member said that the reef already had lots of protections, including the marine
  mammal protections and migratory birds protections, mpa, etc. and that there wasn't a problem that
  necessitated a solution.
- Community members again requested that the EAC withdraw their petition.

\*Disclaimer. These meeting notes do not qualify as an official record but simply provide a general overview of subjects covered and general sentiments during the discussion. Please see slides for more specific information that was covered during the presentation.

#### Opposition Letter Template PDF Letters due: 9/25 5pm Google Slides Link Here















Search

# Marin activists seek fishing ban at Bolinas reef

Adrian Rodriguez

PUBLISHED: September 13, 2025 at 5:00 PM PDT Environment, Latest Headlines, Local News, News



BOLINAS, CA - March 24: Duxbury Reef is exposed by a low tide at Agate Beach County Park in Bolinas, Calif., Wednesday, March 24, 2021.(Karl Mondon/Bay Area News Group)

The western shore of Bolinas, a state marine conservation area of less than a square mile, boasts more than 200 species of invertebrates, seaweeds and marine plants.

An environmental group wants to strengthen regulations of the coastal waters of Duxbury Reef — one of the larger shale reefs in North America, which received protected status in 2009 — to ban fishing. Some locals see the proposal as a threat to their deep-rooted traditions as a fishing community.

Today, hook-and-line and poke-pole fishing are allowed from the reef, but beachgoers are prohibited from taking urchins, snails and other sea creatures from tidepools.





A purple sea urchin sits in the tide pools of Duxbury Reef at Agate Beach County Park in Bolinas, Calif., Wednesday, March 24, 2021. (Karl Mondon/Bay Area News Group)

The Environmental Action Committee of West Marin says existing regulations are confusing to many visitors and violations have risen over the past decade.

Additionally, the entire reef is not within the boundary of the conservation area.

Both issues demonstrate that existing protections are not adequate, the organization says.

Now, the nonprofit is petitioning to redesignate the reef as a state marine reserve, which would ban all fishing in the area. It also requests the protected area be expanded from its 2.8 miles of shoreline, which includes Agate Beach, to encompass nearly an 8-mile stretch. The new area would reach northward to Double Point,

which is a harbor seal rookery, to the southerly tip of the reef exposed at low tide.

"We wanted to increase, strengthen protections and also make sure the whole continuous reef habitat is protected," said Ashley Eagle-Gibbs, executive director of the nonprofit. "From our perspective, it's such a special place that we feel that it should have a really strong level of protection."



The petition was submitted to the California Fish and Game Commission as part of the state's 10-year review of marine protected areas in 2023. Though not required to, the nonprofit submitted it with 150 signatures, including 67 from residents of Bolinas.

Staff at the California Department of Fish and Wildlife have been reviewing the Duxbury petition along with a batch of other petitions. Twenty petitions were submitted as part of the decadal review of marine protected areas. Fifteen, including Duxbury, still under review.

"CDFW is working in close coordination with commission staff and Ocean Protection Council staff on the evaluations," said Sara Worden, an environmental scientist for the wildlife agency.



Worden said she is unable to provide specific information on pending applications, but the Fish and Game Commission is expected to discuss next steps at its meeting in October.

Kent Khtikian, a Bolinas naturalist and environmental activist who helped develop a docent program at Duxbury Reef, is one of the supporters of the petition. Khtikian said he's observed suspected poaching at the reef.

Last year alone, docents with the volunteer Marin Marine Protected Area Watch, which was formed in 2013, recorded 132 potential violations at Duxbury. Since its formation, 1,606 potential violations have been observed, disproportionately higher than neighboring protected areas in Point Reyes and the Corte Madera marsh, according to the report filed with the Fish and Game Commission.



"I think that the petition is reasonable and on balance," Khtikian said. "It's quite equitable in terms of what limitations it would place on people's activities and the benefits to visitors."

For decades, though, the reef has been a go-to site for locals to teach their children how to fish.

Additionally, anglers argue that the fishing industry has been challenged recently. For the past three years, salmon fishing has been shut down, and abalone fishing has been suspended across the state since 2017.



"This is an unnecessary new classification," said Rudi Ferris, vice president of the

Bolinas Rod and Boat Club. "We think what they're proposing is an elimination of an important part of our natural and cultural heritage. There has been generations and generations of fishing out there."

Patrick Sullivan, manager of the Coast Cafe in Bolinas, said his restaurant, other West Marin eateries and their patrons value locally sourced fish. Sullivan supports a competing effort called Save Duxbury Access.

"I definitely feel like the petition to change the category of the MPA (marine protected area) is unnecessary and detrimental to the town of hundreds in Bolinas who have a reverence for nature and living in harmony with nature," Sullivan said. "It would impact the town in a huge way. There are protections already in place."



Sullivan said he believes there is a way to amplify enforcement of the existing regulations, which could include adding more adequate signs detailing the rules and potential fines. He said volunteers could help educate potential violators to try to stop illegal poaching.

Enforcement is the responsibility of the state's game wardens, but they cover a large area and are not always nearby, Eagle-Gibbs said.

Volunteers sometimes feel comfortable educating visitors they suspect may be violating the rules, but the confrontation is a challenging task, proponents say.



Community members have asked the county parks department to help, but that's another hurdle.

"Marin County Parks has no jurisdiction over the State Conservation Area in question," Samantha Haimovitch, the county parks superintendent, said in an email. "Parks owns and provides permits for the Agate Beach parking lot and pathway down to the beach, but our enforcement abilities end there. We have no jurisdiction or ability to enforce regulations on the beach or within the water."

Eagle-Gibbs said the Environmental Action Committee's petition does not ask to ban recreational activity such as tidepooling, kayaking or surfing in the coastal water.



She said the expansion north to Double Point covers water that is part of the Phillip Burton Wilderness Area, a preserve regulated by the National Park Service, and boating is already banned in there.

Eagle-Gibbs said a study showed that the most effective way to protect a marine area is through designations such as state marine reserves.

"It is not our intent to significantly impact commercial fishing with this petition," Eagle-Gibbs said. "We need signage, we need enforcement, we need education. Our view is, we would like to see the regulation strengthened because our docents see a lot of confusion from people."





BOLINAS, CA - March 24: Duxbury Reef is exposed by a low tide at Agate Beach County Park in Bolinas, Calif., Wednesday, March 24, 2021.(Karl Mondon/Bay Area News Group)

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From: estella mora <

Sent: Monday, August 11, 2025 10:47 AM

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

Subject: Opposition to Proposed Change of Duxbury Reef from SMCA to SMR (Petition by

Ashley Eagle Gibbs, Environmental Action Committee of West Marin.)

9/11/25

California Fish and Game Commission

P.O. Box 944209 Sacramento,

CA 94244-2090

Sent via Email: fgc@fgc.ca.gov

Re: Opposition to Proposed Change of Duxbury Reef from SMCA to SMR (Petition by Ashley Eagle Gibbs, Environmental Action Committee of West Marin.)

Dear President Skylar and Commissioners,

I am writing to oppose the proposed petition to change the Duxbury Reef Marine Protected Area from SMCA to SMR.

I was born and raised in Bolinas and have spent my entire life fishing along this coastline. My father is a sport fisherman, and my uncle works in commercial fishing. Many of my friends and family members have sustainably and respectfully fished these waters for decades, relying on this way of life to support themselves and their families. They possess deep knowledge of fishing regulations, limits, and best practices, ensuring their methods are both responsible and compliant. Local, hardworking, small-scale fishermen like them play a vital role in preserving the ecological balance of our coastal waters. Without their presence, we risk increased dependence on large-scale commercial fishing operations, which often carry significantly greater environmental consequences.

This proposal is not just about conservation, it is also an issue of equity and access. Changing Duxbury Reef to an SMR restricts access to folks who don't have the privilege of having boats or offshore gear, come from marginalized backgrounds and use the reef/coastline for educational and affordable recreation, and use intertidal zones for cultural, medicinal, or subsistence purposes. If it becomes an SMR, these individuals lose a space they've historically used, possibly without having the resources to go elsewhere. True environmental stewardship means balancing ecological protection with inclusive access.

I urge the Commission to keep the current SMCA status at Duxbury Reef and to rethink ways we can strengthen marine protections without excluding the very communities that have long been stewards of these waters, I.e., proper signage on take regulations, education, enforcement on said take regulations by California Fish and Game employees, etc. Conservation should not come at the cost of equity, access, and cultural connection. Local fishers, families, and shoreline users deserve a seat at the table, not to be shut out of spaces they've helped sustain for generations. Let us protect both our marine ecosystems and the people who depend on and care for them.

Sincerely, Estella Mora-Lopez

Estella Mora-Lopez

From: Lauren Heusler <

Sent: Tuesday, August 12, 2025 6:29 AM

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

Subject: California Fish and Game Commission

8/12/25

California Fish and Game Commission

P.O. Box 944209 Sacramento,

CA 94244-2090

Sent via Email: fgc@fgc.ca.gov

Re. Opposition to Petition No. (2023-32MPA) to Change Duxbury Reef from a State Marine

Conservation Area (SMCA) to a State Marine Reserve (SMR) by Ashley Eagle-Gibbs of

Environmental Action Committee (EAC) of West Marin dated April 6, 2023

Dear President Sklar and Commissioners,

I am writing to oppose the 2023-32MPA petition to change the Duxbury Reef Marine Protected Area from a State Marine Conservation Area (SMCA) to a State Marine Reserve (SMR) because there has been no evidence-based rationale presented that necessitates this drastic change. The "violations" that have been cited throughout the petition may require additional education and enforcement but do not warrant increased regulations that will negatively impact the Bolinas community. Reclassifying and expanding Duxbury Reef from a Conservation area to a no-take Reserve will end the long tradition of sustainable hook and line finfishing.

My name is Lauren and I have been living in Bolinas off and on for 8 years now. My boyfriend's brother is a local fisherman in Bolinas. He was born and raised learning to fish from other local fishermen and Duxberry reef was a huge component in that learning. It's important to keep sustainable practices of fishing in the area for young fishermen to learn these methods and to help keep the ecology of the area intact. In ecology, it's important to understand that as much as humans are parts in the degradation of this planet and our ecosystem, they also play an important role in keeping those ecosystems functioning by practicing species control and respectful approaches to fishing, following local rules for Marine Protected Areas / SMCAs helps maintain fish populations and habitat integrity for everyone who uses the reef (recreation, fishing, science). Also by reducing lost gear and preventing entanglements which directly lowers wildlife injury and mortality and reduces

long-term damage from ghost gear. Minimizing physical disturbance (careful footing, not flipping rocks, staying out of tidepools when told) helps the reef's slow-growing species persist and keeps the area valuable for education and research. I think it would be wise to put your efforts in habitat protection by focusing your energy where it is actually needed by regulating tourism foot traffic and commercial fishing pressures offshore (or illegal harvest in the MPA) can have a bigger population-level effect than regulated local hook-and-line.

Here are some points to consider:

#### Low habitat impact compared to other methods

Hook-and-line from shore or pier doesn't drag heavy gear across the seafloor, unlike trawling or some traps.

#### Selective and size-conscious

Anglers can release undersized or non-target species alive, which helps maintain population structure.

#### **Cultural and community value**

Fishing is part of local heritage in Bolinas and Marin County — removing it could erode a sense of place and stewardship.

#### Stewardship through engagement

People who fish in an area tend to care about its health — they often become eyes on the reef, reporting pollution, illegal harvesting, or stranded wildlife.

#### Food source with a tiny carbon footprint

Locally caught fish eaten near where it's landed avoids the fuel use and packaging waste of imported seafood.

I urge the Commission to preserve the current SMCA status at Duxbury Reef, to focus instead

on education, signage for take regulations, and targeted enforcement against illegal take by accredited California Fish and Wildlife employees, and to protect responsible, low-impact recreational fishing that aligns with California's Coastal Access and sustainable management

values. Thank you for considering this perspective.

Respectfully,

Lauren Heusler

From: BELL, DAVID C CIV USAF AFMC AFCEC/CZPW <

**Sent:** Thursday, August 28, 2025 9:02 AM

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

Cc: YORK, DARRYL L CIV USSF SSC 30 CES/CEIE <

Subject: RE: Comments on proposed 2023-18MPA

California Fish and Game Commission

Per directions on how to submit comments on proposed Regulations,

https://fgc.ca.gov/Regulations/Submit-Comments

We are pleased to provide the attached from the Department of Air Force in support of 2023-18MPA.

If possible, a return receipt is appreciated.

//SIGNED//

DAVID C. BELL, Ph.D., NH-04, DAF

AFCEC / CZPW - AF Regional Environmental Coordinator, Region 9 (AF REC 9)

Travis, AFB CA



# DEPARTMENT OF THE AIR FORCE REGIONAL ENVIRONMENTAL COORDINATOR, REGION 9 510 HICKAM AVENUE, BUILDING 250A TRAVIS AFB, CA 94535

Aug 28, 2025

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

Also via e-mail to fgc@fgc.ca.gov

Subject: DEPARTMENT OF AIR FORCE SUPPORT TO 2023-18MPA Vandenberg SMCA

Dear Dr. Zavaleta, President California Fish and Game Commission

Thank you for the opportunity to comment on the 2023 -18MPA submitted by the Ocean Conservancy. As the Department of Air Force (DAF) Regional Environmental Coordinator (REC) in U.S. Environmental Protection Agency Region 9, I provide coordinated responses to various environmental policies and regulatory matters for the DAF.

Petition 2023-18 MPA will create a narrow alongshore State Marine Conservation Area (SMCA) allowing shore fishing for finfish by hook and line only. This SMCA will address and rectify an inconsistent application of allowable shoreline fishing that will benefit the morale and welfare of the Vandenberg Space Force Base community and other visitors. Thus, the DAF supports 2023-18MPA.

Sincerely,

DAVID C. BELL, PhD DAF REC Region 9

cc:

Darryl York, SLD 30 Environmental Chief Jason Golumbfskie-Jones, DOD REC 9 Karla Meyer, AFCEC /CZTQ

From: Curran, Jessica J Cl	USN COMNAVREG	SW SAN CA (USA)
<	>	
Sent: Friday, August 15, 20	25 10:39 AM	
To: FGC <fgc@fgc.ca.gov< td=""><td>&gt;</td><td></td></fgc@fgc.ca.gov<>	>	
Cc: Shuman, Craig@Wildl	ife <	>; Golumbfskie-Jones, Jason
C CIV USN COMNAVREG	SW SAN CA (USA) <	>;
Palmer, Jessica N CIV USN	I COMNAVREG SW S	AN CA (USA)
<	>	
Subject: Department of Na (Petition 2023-33MPA_AM		oansion of Cabrillo State Marine Reserve
Hello,		
Please see the attached le Marine Reserve.	tter regarding the su	pject petition to expand the Cabrillo State
V/r,		
Jessica		
Jessica Curran   Navy Regi	on Southwest Marine	Biologist
off	ice: 619.705.5405	
San	Diego, CA 92132	



#### DEPARTMENT OF THE NAVY COMMANDER NAVY REGION SOUTHWEST 750 PACIFIC HIGHWAY SAN DIEGO CA 92132-0058

IN REPLY REFER TO:

5090 Ser N40 August 13, 2025

Dr. Erika Zavaleta California Fish and Game Commission President 715 P Street, 16<sup>th</sup> Floor Sacramento, CA 95814

Dear Dr. Zavaleta:

SUBJECT: DEPARTMENT OF NAVY OPPOSITION TO EXPANSION OF CABRILLO STATE MARINE RESERVE (PETITION 2023-33MPA\_AM1)

This letter concerns petition 2023-33MPA\_AM1, submitted by Ms. Laura Deehan, which would expand the Cabrillo State Marine Reserve (SMR) westward and northward by approximately 9.9 square miles. This expansion would encroach into Navy-owned waters adjacent to Naval Base Point Loma (Navy owns waters out to 300 yards from mean lower low water line) and into areas off the Point Loma peninsula that are crucial to Navy testing and training to meet mission requirements. I am writing to you in my capacity as the Department of Navy (DoN) Regional Environmental Coordinator; the DoN is opposed to the proposed expansion of the Cabrillo SMR.

In your upcoming evaluation of this petition, we ask that you carefully consider, consistent with the California Marine Life Protection Act (MLPA) framework, the potential impacts to military readiness. Should the Commission decide to proceed with granting this expansion, we would like to work with you on the SMR language to ensure that it does not subject any DoN or greater Department of Defense (DoD) activities to state regulation or inadvertently restrict current or future military readiness activities. Additionally, a Memorandum of Understanding between DoD and the State may be necessary to recognize continued military readiness activities while reflecting our mutual cooperative conservation goals.

I would like to reemphasize that DoN is opposed to the expansion of the Cabrillo SMR as it would adversely affect national defense considerations in the nearshore waters of Point Loma. These offshore waters are central features of a large network of land, air, and sea ranges that are vital to national security, including training, testing, research, and development. Designation or expansion of any such marine protected area in these waters will create future operational constraints, which would compromise DoD's ability to carry out its national defense mission.

My staff point of contact for this matter is Ms. Jessica Curran. She can be reached at

By direction of the Commander

Copy to: Dr. Craig Shuman, CDFW

Subject: Petition2023-15 comment reply

Hello,

Hope all is going well. Please see attached comment letter for next meeting replying to a letter submitted by 8 eNGOs on Petition2023-15MPA in August. My comments address severe data gaps and severe factual inaccuracies I am disappointed to see in the original letter on Petition2023-15MPA. I felt this must be noted in this process to avoid any future comments restating these data and factual inaccuracies about Petition2023-15MPA. Letter also provides rebuttals to additional claims, and provides unedited data direct from NOAA/NMFS that objectively support petition claims.

Thank you,

Blake H.

The Following is a rebuttal letter to the comments submitted by 8 eNGOs at a previous FGC meeting pertaining to Petition 2023-15MPA. This comment will follow the original comment, provide live counter comments to the arguments presented and provide important contextual data direct from NMFS. This comment is to further elaborate on Patition2023-15MPA and express my concerns that those groups presenting this past comment were misinformed on some of the petition contents and or did not read the petition in its entirety as to what it is requesting.

This is not intended to demean the opinions of those against the petition in any way, but is meant to show, with the broader data, that what the petition requests is not unreasonable, is supported by the MLPA, and are aligned state/federal objectives during this adaptive management process.

For context, the sections of the original comment pertaining to a different petition (Petition2023-14MPA) were removed. Any sections containing counter arguments will be red.

#### This comment aims to show/reiterate:

- The Petition, if granted will not weaken the MPA network and its connectivity goals for protecting local ecosystems
- The Channel Islands are the most justifiable location to allow for limited pelagic or HMS from both a current network design standpoint and a geospatial standpoint
- The petition does <u>not</u> request any commercial take beyond basic hook-and-line (no net or longline) and has options removing hook-and-line entirely
- The MLPA supports these changes and MRWG goals will still be preserved
- True catch data of HMS clearly shows what little relative impact our MPAs have on the species compared to the larger impacts on local, sustainable fisheries

#### [Start of Original Comment]



July 31, 2025

Erika Zavaleta California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814

Re: Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Dear President Zavaleta and Honorable Commissioners:

We would like to begin by thanking the Marine Resource Committee, the full Fish and Game Commission (FGC) and California Department of Fish and Wildlife (CDFW) for their dedication to the adaptive management process of California's MPA network. As the FGC and CDFW continue reviewing the Marine Protected Area (MPA) petitions, we ask that you consider the below arguments against specific petitions looking to weaken\* the MPA network. Specifically, the requests of petition 2023-14 MPA to open nine MPAs along the coast to commercial urchin fishing and petition 2023-15 MPA to allow some form of take of highly

migratory species, coastal pelagic species, and/or pelagic finfish at three MPAs at the Channel Islands.

\*Regarding the "weakening" of the MPA network. It has been made clear since petition submission that the objective of Petiton2023-15MPA is to still allow high ecosystem level protections in parallel with a limited take of HMS allowance. This is supported by the Department SeaSketch analysis verifying that the preferred changes of the petition result in MPAs with "high levels of protection that still maintain connectivity." The end result being a network that is just as protected on an ecosystem level that also gives limited and reasonable take of HMS with sustainable fishing methods. This is all publicly verifiable over SeaSketch.

# I. The FGC and CDFW Should Reject PETITION 2023-15MPA - Opening Channel Islands MPAs to Allow Take of Highly Migratory Species.

This petition requests opening existing no take reserves—the cornerstone of the MPA Network—to commercial fishing for pelagic species, which encompasses a wide range of species, such as sharks, bill fish, tuna, and mahi mahi in Southern California. The Channel Islands State Marine Reserves (SMRs), and Federal Marine Reserves (FMRs) are among the biggest, oldest and most effective MPAs in the country. Petition 2023-15MPA does not support the goals identified during the planning process for the Channel Islands MPAs, and we therefore request that the FGC and CDFW reject the petition to reclassify three SMRs (Footprint SMR, Gull Island SMR, Santa Barbara Island SMR) in the Northern Channel Islands (NCIs) as SMCAs.

The commercial fishing the petition requests are harpoon swordfishing, the most sustainable and clean form of commercial swordfish on the planet, and basic hook-and-line fishing, akin to normal sportfishing methods. There are no net or longline style requests, unlike what is claimed in this letter. The HMS realistically present around the Northern Channel Islands that are available for commercial or sport take would be Bluefin tuna, Swordfish, and make sharks, with others like mahi mahi or yellowfin rarely present during strong El Nino events. Striped Marlin would be targeted for catch and release by sport boats.

The fact that the NCI MPAs are the oldest in the network justify them the most to be looked at for adaptive management purposes. This is especially the case for pelagic/HMS allowed areas because the NCI MPAs see little to no pelagic or HMS allowed areas compared to the remainder of the state network made after the NCI process. The NCI MPAs are held to the same standards as the other MPAs in the modern network and are governed by the MPA Master Plans which clearly state to have pelagic allowed regions in the regional objectives (goals) of the Master plans. As the NCI MPAs were designated before any of these guiding documents and contain noticeably low levels of pelagic allowed areas compared to everywhere else it is more than reasonable to consider this adaptive management measure to update the NCI MPAs to the same standards we see elsewhere in the network.

<sup>9</sup> https://www.ecfr.gov/current/title-50/chapter-VI/part-660/subpart-K

#### Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Established in 2003 after the Channel Islands National Marine Sanctuary (CINMS) Advisory Council (SAC), the Marine Reserves Working Group (MRWG) came up with goals for MPAs at the Channel Islands. The MRWG's goals stated the following:

(1) Ecosystem Biodiversity Goal: To protect representative and unique marine habitats, ecological processes, and populations of interest; (2) Socio-Economic Goal: To maintain long-term socioeconomic viability while minimizing short-term socioeconomic losses to all users and dependent parties; (3) Sustainable Fisheries Goal: To achieve sustainable fisheries by integrating marine reserves into fisheries management; (4) Natural and Cultural Heritage Goal: To maintain areas for visitor, spiritual, and recreational opportunities which include cultural and ecological features and their associated values; and (5) Education Goal: To foster stewardship of the marine environment by providing educational opportunities to increase awareness and encourage responsible use of resources.<sup>10</sup>

We utilized the goals and reasonings from the "Final 2002 Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary" as the Channel Islands state and federal MPAs pre-date the Marine Life Protection Act and subsequent establishment of the statewide MPA network. Approval of this petition would be inconsistent with these goals for the following reasons.

The fact that the original process and working groups were designated the <u>Marine Reserves</u> Working Group displays the shift between the NCI and more modern MLPA processes. Both focus on ecosystem protections but the NCI process, being first, is naturally reserve heavy, as the island network was the first of its kind to go in. Now that we have a broader state network, and a better understanding of MPAs and pelagic fisheries we can justifiably partially open some NCI reserves to HMS like we clearly see in the rest of the network that is based on more-modern data.

#### A. MRWG Goal - Ecosystem Biodiversity

The establishment of the Channel Islands MPAs was, "To protect representative and unique marine habitats, ecological processes, and populations of interest," which has translated to the goals and intent of the statewide MPA Network\*. Past petitions requesting to establish MPAs to protect a singular species have been denied by the FGC. For example, in 2020-2021 the FGC denied a petition requesting for the creation of an MPA for White Sharks near Carpentaria reasoning, "MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species." The intent of California MPAs remains to protect all aspects of an ecosystem (ecosystem-wide protection), not one species. Consequently, opening an MPA for one species should also be rejected\*\*.

\*The original goals of the NCI were largely applied to the state network that came after the NCI MPA designation process. Both networks' objectives were to protect ecosystems. Ecosystem level protection was defined under the level of protection and MPA connectivity frameworks that came after the NCI process, and while both networks accomplish the same general goals, look at the vast differences in pelagic allowances between them. Clearly if the more-modern coastal network made 40% of its areas limited take for mostly pelagic fish and maintains ecosystem level protection the NCI MPAs can be revisited and reconsidered in light of this change in MPA management

#### Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

and HMS fisheries. Under the petition's preferred changes there are <u>no</u> resulting changes in connectivity as MPA's all retain their high levels of protection. This is because pelagic and especially HMS fishing activity, under sustainable and clean fishing methods, do not impact the essential local ecosystems the MPAs are primarily intended for, as interactions between pelagic fisheries and homebody species like groundfish or bass are next to impossible. For fisheries like spear or harpoon they are impossible unless the angler knowingly breaks the law. Department frameworks like the LOPs and connectivity requirements for ecosystem protection are clear, under an accepted petition, the ecosystem is still more than protected and connectivity preserved..

\*\*As mentioned above, ecosystem level protections are a key in this process. It is unfavorable to propose changes that reduce network connectivity by introducing fishing methods that are either too intensive, or take species the MPA network works best for, petition2023-15MPA does not remove ecosystem level protections or any network connectivity.

The commission's decision to not grant a new MPA for Great White Sharks on the grounds that they are an HMS and are not affected by MPAs meaningfully enough on their own to justify an MPA is a prime example on why the petition should be allowed and sets a clear precedent, HMS are not meaningfully affected by MPAs. This fact is already supported by both 2008 and 2016 MMPs. Following that precedent we can still protect other species in these areas (non-HMS) and allow take of HMS while still protecting the local ecosystem, this is exactly what Petition2023-15MPA proposes. If "MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species," then we surely can allow for HMS take in a sector of the network that currently allows 10x less pelagic allowed areas (by relative percentage) and still protect the local ecosystem the HMS are just passing through. The logic of opening an MPA to specifically HMS is clearly supported by this so long as the ecosystem the MPA is aiming to protect remains protected, and under the LOP and Seasketch connectivity guidelines it all is still protected under an accepted petition.

<sup>&</sup>lt;sup>10</sup> 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).

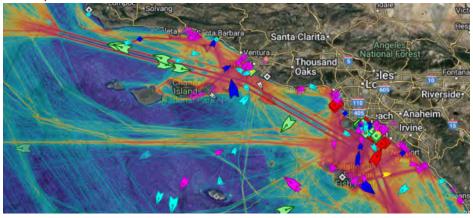
<sup>&</sup>lt;sup>11</sup> California Department of Fish and Wildlife (2022). Decadal Management Review: Appendix G Supplemental Tables.

The petitioner makes the argument that opening Footprint SMR, Gull Island SMR, Santa Barbara Island SMR to fishing pressure would have no significant impact on non-migratory species within the MPAs. However, the increase in boat traffic through the previously closed areas would introduce noise pollution, potential derelict fishing gear, water pollution, etc. The added complexities in the individual MPAs regulations will also increase the hardship on enforcement. Additionally, the same reasons cited to open these MPAs to highly migratory species are also the reasons why we believe it is unnecessary to do so.

672	671	670	669	668	667	666	665	664 Oxnard		
691	690	689	688	687	686	685	684	683	682	681
714	713	712	711	710	709	708	707	706	705	704
733	732	731	730	729	728	727	726	725	724	723
754	753	752	751	750	749	748	747	746	745	744
774	773	772	771	770	769	768	767	766	765	764
820	819	818	817	816	815	814	S <sup>813</sup>	812	811	810

Figure 1. Seasketch Map using layers "Commercial Fishing Blocks" and "Existing Marine Protected Areas (MPAs)"

Regarding "noise pollution" in MPAs. See attached heat map image of boat traffic tracked via AIS in the SCB. Pelagic effort on the southern side of the 4 northern NCI in the normal pelagic fishing grounds shows very low traffic saturation (blue/green). The opening of the three MPAs in question will not see a shift in intense traffic as there is no clear higher level of traffic outside of the proposed areas vs inside along the south side of the 4 northern islands in the pelagic fishing grounds. Essentially there are no clear "traffic boundaries" for MPA as there is clearly not less traffic inside of them. Regarding "noise pollution" in general the Scorpion SMR and Anacapa MPAs actually see some of the most traffic and therefore "noise pollution" yet there have been no alarms raised there. That being the case there should be no concern for noise if some fishing is allowed in the three proposed MPAs as any traffic would be minimal relative to apparent noise present in several no-take and limited take areas elsewhere.



#### Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Regarding lost fishing gear, as the proposed methods involve pelagic/HMS fisheries that are all non-bottom contact in general the risk of gear being snagged or abandoned are low for hook-and-line which would consist mainly of troll or surface casting methods for tuna or billfish, which again, is minimal in its gear loss rates compared to bottom fishing. Harpoon and spear gears are also relatively never lost, and have minimal footprints compared to H&L as neither are deployed until a fish is taken.

Regarding water pollution, the act of fishing in these areas specifically for HMS does not create additional risks to water pollution that ordinarily exist when fishing for HMS outside of these areas. The "threat" of pollution exists in the surrounding area regardless of if they are open or not.

Added allowances in MPAs always makes enforcement more difficult. However, if enforcement has no issue enforcing the remainder of the MPA network that is already 40% limited take, which it claims it has no problems. The same areas at the NCI should pose no difference in how the areas are enforced. Speaking to the local wardens when out on the water and those at state offices also confirmed this claim.

#### 1. Reasons Why MPAs Protect Highly Migratory Species

Protecting highly migratory species (HMS) like tunas, sharks, and billfish in California waters plays a critical role in maintaining healthy marine ecosystems through trophic cascades, nutrient cycling, and habitat connectivity.

Strategically placed MPAs can protect critical habitats (e.g., spawning grounds, migration corridors) and reduce fishing pressure, such as the ones included in this petition. A sharp decline of large pelagic fish (species such as sharks, swordfishes, marlins, and tuna) that roam the open sea and play vital roles as predators leads to impacts on local, regional and large-scale ecosystem dynamics. Fishing undermines MPA effectiveness which leads to target species depletion, leading to their inability to recover even within MPAs. The risk of bycatch on unintended species is high and unaccounted for, leading to ineffectiveness of the local MPA for all other components of the ecosystem.

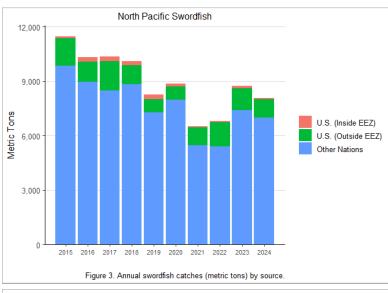
MPAs do protect HMS when they do pass through; however, if that protection actually helps the species is what is up to debate. Stating "Strategically placed MPAs can protect critical habitats (e.g., spawning grounds, migration corridors) and reduce fishing pressure, such as the ones included in this petition, 12" inherently poses this question of can it make a difference? Considering 40% of the remaining network has a limited pelagic allowance suggests that an allowance at the NCI which lacks said allowance is justifiable. In the MLPA it was determined HMS/pelagic species we not meaninfully affected enough. Today, in the cited ScienceDirect article, it concludes, "We conclude that (1) many species with known migration routes, aggregating behavior, and philopatry can benefit from spatial protection; but (2) spatial protection alone is insufficient and should be integrated with effective fisheries management to protect and rebuild stocks of highly migratory species." This conclusion is clear, while some benefits may exist, the MPA benefits alone are insufficient, essentially restating what was already known during the MLPA, our small sized network (relatively speaking on the HMS scale) does not

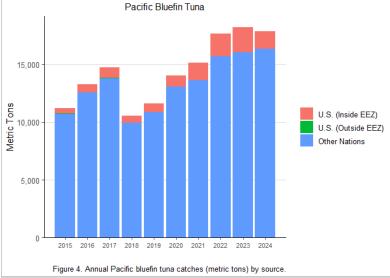
<sup>&</sup>lt;sup>12</sup> https://www.sciencedirect.com/science/article/abs/pii/S0308597X18301866?via%3Dihub.

#### Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

really affect them. Therefore we can allow reasonable take of HMS or pelagic while still protecting our ecosystems. While there are possible MPA benefits to species in certain cases these benefits along from MPAs are still insufficient for HMS that span the globe, far exceeding our MPA boundaries. This is why we have actual pelagic fishery management measures with seasons and quotas for HMS compared to MPAs that may or may not contain them at a given time.

It should be especially noted that per the NMFS provided global catch data located at the end of this analysis for the two most relevant HMS in this petition, swordfish and bluefin tuna, the entire fraction of taken fish inside of domestic waters as a whole on the west coast is a drop in the bucket to what is taken internationally from the same stocks. As these fish migrate into international waters in the winter/spring for 6-8 months, they are simply hit with significantly higher levels of take on pelagic longline. Simply put, our local HMS fisheries do nothing compared to international longline fleets that take a bulk of the same HMS that we attempt to protect with local MPAs. Because of this, we must give local, cleaner fleets the most opportunity to provide what they can by allowing take in these areas that are largely not helping the HMS that pass through.





#### July 31, 2025

#### Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Snapshots of total landings of swordfish and bluefin tuna (recreational and commercial combined) provided directly by NMFS. <u>Our entire recreational and commercial landing totals locally are represented by the orange/beige boxes</u>. In international waters US vessel take is green, and remaining international take blue. The results are quite clear, locally (inside of 250 nautical miles) our fleets take small fractions of these species stocks. You can barely even see the swordfish we take locally along the entire coast, let alone at the NCI. Any protections these HMS may have locally are negligible in this regard and access should be granted in areas that can accommodate some level of local take in a region of the MPA network that came before all the Master Plans that laid this information out.

#### 2. Maintaining Trophic Balance (Top-Down Control)

- Predator-prey dynamics: HMS like bluefin tuna, mako sharks, and swordfish are apex predators that regulate mid-level species (e.g., squid, small fish). Their decline can trigger population explosions of prey species, disrupting food webs. For example, overfishing sharks in Southern California has been linked to increased cephalopod (squid/octopus) populations, which then overconsume shellfish and crustaceans. If any overfishing exists on these stocks that are domestically and internationally recognized as "not overfished" by NOAA and IATTIC, the "overfishing" occurs in international waters on the pelagic longlines that take an overwhelming majority of the stock. (See NMFS catch data above (charts) and at the end of the document (full report))
- **Nutrient Cycling:** Migratory species transport nutrients across vast distances. When they feed in deep waters and excrete near the surface, they fertilize phytoplankton (the base of the marine food web), delivering valuable nutrients to MPAs. In addition, highly migratory species such as tunas and billfish contribute to the "biological carbon pump" by moving nutrients vertically, as part of benthic pelagic linkages, which enhances ocean productivity.
  - Nutrient cycling will continue to occur regardless if these areas are open or not. A fish excrement occurring inside or outside of an MPA participates in this cycle. If the concern is less fish will be doing it, again reference the international longline vs inside EEZ catch data on fisheries meaningfully affecting the global stock (the northeastern pacific stock of billfish and tuna).
- Protecting Spawning & Nursery Grounds: Many HMS rely on offshore areas such as
  the MPAs for spawning and recruitment areas. The loss of protection not only may
  reduce recruitment success of the targeted HMS, but also loss of food sources for nontargeted species such as sea birds and rockfish. Consequently, the habitat health of these
  areas for non-HMS will be degraded.
  It has been well established that both billfish and tuna visit the Southern
  - California Bight (SCB) to feed, not spawn. Spawning occurs hundreds of miles offshore outside the reach of any of our local MPAs in warmer waters. The idea of protecting nursery grounds follows the same logic of an MPAs effect on an HMS, fully grown or still growing, our local MPAs have little effect.
- Reducing Bycatch & Ecosystem Damage: HMS fisheries (e.g., longlines, drift gillnets) often catch non-target species, including threatened and endangered species (leatherback turtles, short-tailed albatross). Furthermore, bycatch often includes species that are key ecosystem engineers (e.g., giant sea bass, which maintain kelp forest health). This is the only point I, as the petitioner, take personal offense to. The petition is very clear in the methods it proposed being allowed: recreational spear, commercial harpoon, and general hook-and-line. Nowhere is there mention of allowing gill net or longline methods, longline is not even allowed within 220 miles of land. Harpoon swordfish and recreational spear are quite literally zero-bycatch fisheries and pelagic hook-and-line has minimal bycatch at best. To insinuate that bycatch is a potential major issue here, especially for something like giant seabass or endangered seabirds/turtles is factually incorrect, and makes myself question the fact if the accusers either did not understand or did not read the petition in its entirety before commenting this unfounded allegation.

Protecting HMS isn't just about saving iconic species—it's about **preserving the ocean's** "circulatory system." Their migrations connect distant ecosystems, making them indispensable to California's marine biodiversity.

It is well established that the protections HMS receive while passing through these MPAs on the currents are minimal at best. An allowance in these three areas will not revolutionize the fishery by any means, it would just give more area back for anglers to try to find HMS inside of. For a set of species (HMS) that are predominantly taken far offshore on longline, there should be no reason to allow this small level of additional take locally in areas that offer fishable conditions. We already do this everywhere else in the more modern network, we must now do the same at the NCI where this was overlooked.

#### B. MRWG Goals - Socio-Economic & Sustainable Fisheries

Under the socio-economic and sustainable fisheries goals established by the MRWG, the petitioners request to reclassify select MPAs to alleviate negative impacts on the fisheries for listed highly migratory species<sup>15</sup> would undo the achievements the MPAs have reached. The long-term benefits of maintaining the current level of protection have proven to outweigh the short-term socioeconomic losses that came with establishing the MPAs. For example, the establishment of the MPAs at the NCIs has seen an increase in landings of shark and tuna species within the CINMS blocks<sup>16</sup> used in Figure 2. <sup>17</sup> Pre-MPAs (1998-2002), the total value landed for the MPA fishing blocks within the CINMS was 2.899% and the total pounds landed was 4.030%. Post-MPAs (2020-2024), the total value landed for the MPA fishing blocks within the CINMS was 28.980% and the total pounds landed was 45.962%. By pounds and by value, there has been an increase in economic success that followed the establishment of the CINMS MPAs, indicating that opening the MPAs will not necessarily increase the benefit to the HMS fisheries. The return of many species, not just tuna and sharks, cannot be proven to have benefited solely from the establishment of the MPAs. However, the increase in population was and is likely amplified and supported by the MPA network.

<sup>13</sup> https://www.sciencedirect.com/science/article/abs/pii/S0165783698001787

<sup>14</sup> https://oceanrep.geomar.de/id/eprint/53785/1/4444.pdf

<sup>15</sup> List of State HMS, CPS, and Pelagic finfish per Title 14 CA § 1.49, 1.39, and 632(3): -Highly migratory species means any of the following: albacore, bluefin, bigeye, and yellowfin tuna (Thunnus spp.); skipjack tuna (Katsuwonus pelamis); dorado (dolphinfish) (Coryphaena hippurus); striped marlin (Tetrapturus audax); thresher sharks (common, pelagic, and bigeye) (Alopias spp); shortfin mako shark (Isurus oxyrinchus); blue shark (Prionace glauca); and Pacific swordfish (Xiphias gladius). -Coastal pelagic species means any of the following: northern anchovy (Engraulis mordax), Pacific sardine (Sardinops sagax), Pacific mackerel (Scomber japonicus), jack mackerel (Trachurus symmetricus), and market squid (Loligo opalescens). -Pelagic finfish, are a subset of finfish defined as: northern anchovy (Engraulis mordax), barracudas (Sphyraena spp.), billfishes (family Istiophoridae), dolphinfish (Coryphaena hippurus), Pacific herring (Clupea pallasi), jack mackerel (Trachurus symmetricus), Pacific mackerel (Scomber japonicus), salmon (Oncorhynchus spp.), Pacific sardine (Sardinops sagax), blue shark (Prionace glauca), salmon shark (Lamna ditropis), shortfin mako shark (Isurus oxyrinchus), thresher sharks (Alopias spp.), swordfish (Xiphias gladius), tunas (family Scombridae) including Pacific bonito (Sarda chiliensis), and yellowtail (Seriola lalandi).

<sup>&</sup>lt;sup>16</sup> See Figure 1 for reference to the fishing blocks used in the analysis.

<sup>&</sup>lt;sup>17</sup> Displays percentage values calculated by dividing the MPA petition fishing blocks by the CINMS fishing blocks. This was done to assess the economic impacts locally versus comparing the MPA petition fishing blocks to the entire

Block ID	Total Pounds	Total Value
707	\$869	\$4,537
708	\$4,480	\$15,767
709	\$3,624	\$16,934
710	\$4,813	\$6,555
764	\$543	\$2,632
765	\$2,598	\$14,079
683	\$16,619	\$23,693
684	\$1,814	\$3,364
685	\$2,809	\$6,680
686	\$1,312	\$3,564
687	\$1,476	\$3,454
688	\$7,233	\$9,766
689	\$2,175	\$4,742
690	\$2,224	\$3,346
691	\$518	\$943
706		Confidential
711	\$2,889	\$6,868
712	\$1,816	\$3,518
713	\$0	\$0
744	\$598	\$1,199
745		Confidential
Total Petition 2023-15*	\$16,927	\$60,505
Total CINMS**	\$58,409	\$131,642
<b>Total All Blocks</b>	\$8,849,117	\$13,908,685
Petition/All	0.191%	0.435%
CINMS/All	0.660%	0.946%
Petition/CINMS***	28.980%	45.962%

Table 2. 18 Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 2020- Dec 31, 2024.

(See end of data)

<sup>18</sup> Note "confidential" is data withheld by CDFW.

<sup>\*</sup> Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

<sup>\*\*</sup> Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

\*\*\* MPA petition fishing blocks divided by CINMS fishing blocks.

Block ID	Total Pounds	Total Value
707	\$1008	\$1279.25
708	\$2395.9	\$2626.375
709		Confidential
710	\$4116.6	\$3863.85
764		Confidential
765		Confidential
683	\$137,641	\$54,943
684	\$5,202	\$5,709
685	\$13,302	\$12,537
686	\$6,648	\$8,923
687	\$7,983	\$8,005
688	\$47,129	\$56,320
689	\$5,949	\$5,380
690	\$6,978	\$10,696
691	\$0	\$0
711	\$14,381	\$17,448
712	\$2,009	\$1,149
713	\$4,705	\$3,895
744	\$0	\$0
745		Confidential
Total Petition 2023-15*	\$7520.5	\$7769.475
Total CINMS**	\$259446.93	\$192775.2925
<b>Total All Blocks</b>	32,150,483	\$22,954,516
Petition/All	0.0234%	0.0338%
CINMS/All	0.807%	0.840%
Petition/CINMS***	2.899%	4.030%

Table 3. Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 1998- Dec 31, 2002.

(See end of data).

<sup>\*</sup> Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

<sup>\*\*</sup> Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

<sup>\*\*\*</sup> MPA petition fishing blocks divided by CINMS fishing blocks

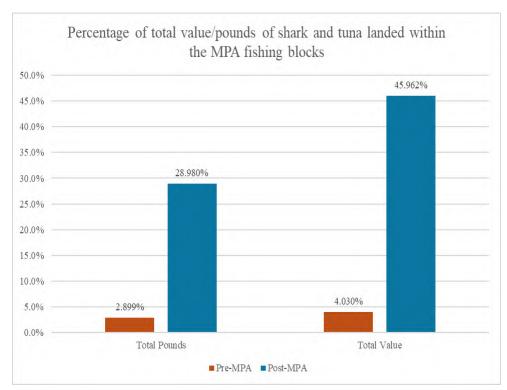


Figure 2. Comparison of Pre-MPA (Jan 1<sup>st</sup>, 1998- Dec 31<sup>st</sup>, 2002) and Post-MPA (Jan 1<sup>st</sup>, 2020- Dec 31<sup>st</sup>, 2024) total value and total weight by pounds of shark and tuna species landed within the MPA blocks compared to the CINMS fishing blocks.

There are several concerns this data brings to light.

-The lack of HMS filtering making the "shark" category count the hundreds of thousands of pounds of non-pelagic sharks landed at the islands in the early 2000s by gillnet (brown, angel, smoothhound, leopard, and soupfin sharks all fall into non-pelagic categories). This significantly skews the data to show less relative percent of species that are not even HMS or pelagic being taken in the CINMS, not adjacent to MPAs.

-The comparison of pre and post MLPA data where half the block data for pre-MLPA is allegedly confidential sways results very positively in the arguments favor on a percent basis, where the true values are certainly much closer.

-Plugging in the same parameters (non-pelagic sharks included and not included) in the MFDE yields significantly different numbers and non-confidential values where confidential values allegedly were in the early 2000s for blocks 709, 764, and 765.

-The lack of billfish (swordfish) in the landing analysis which would locally see the largest amount of relative take.

## C. MRWG Goals - Natural and Cultural Heritage & Education

An integral component of the CINMS MPAs and the statewide MPA Network is the inclusion of humans. The areas are not only to help conservation and enhance fisheries management, but to provide areas for spiritual, educational, and recreational opportunities. <sup>19</sup> A 2024 survey<sup>20</sup> revealed that 81% of Californians favor expanding MPAs to protect fish, wildlife, and their habitat off the state's coast. Protecting California waters is not only important for the species living in those environments, but also for California ocean users which include nonconsumptive uses like beach going, whale watching, photography, surfing, scuba diving, and boating. The Natural and Cultural Heritage Goal and Education goals are intended to maintain

#### Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

areas in the marine environment that give an opportunity to experience healthier marine ecosystems and understand what our ocean may have looked like historically. The petitioners request to open three highly protected MPAs does not support these goals.

Regarding these 3 MPAs in the specific petition, none see any relative non-consumptive use. Due to their offshore natures we see zero beachgoing, or surfing. Limited to no whale watching or scuba diving occurs in these MPAs due to more favorable regions that are nearshore (scuba) or in the northern santa barbara channel (whale watching). All mentioned activities are unaffected by a change such as this for pelagic species as well.

<sup>&</sup>lt;sup>19</sup> 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).

https://www.ppic.org/publication/ppic-statewide-survey-californians-and-the-environment-july-2024/

### II. <u>CONCLUSION</u>

As California's ocean faces a growing suite of threats from climate change and other human uses, we urge the Commission and CDFW to use its authority to strengthen the MPA network to ensure adequate representation of all key habitats in MPAs so that California's MPA network remains an effective ecosystem-based approach for resilience into the future. To help ensure the network's health rejecting both petition 2023-14 MPA and petition 2023-15 MPA is necessary. Once again, we would like to thank both FGC and CDFW for their dedication to the adaptive management process of California's MPA network.

Sincerely,
Azsha Hudson
Marine Conservation Analyst & Program Manager
Environmental Defense Center

Rikki Eriksen
Marine Ecologist
California Marine Sanctuary Foundation

Tomas Valadez
California Policy Manager
Azul

Ray Hiemstra
Associate Director of Policy and Projects
Orange County Coastkeeper

Ashley Eagle-Gibbs, Esq.

Executive Director

Environmental Action Committee of West Marin (EAC)

Katie O'Donnell
US Ocean Conservation Manager
WILDCOAST

Zoc Collins
Marine Protected Area Program Coordinator
Heal the Bay

Penny Owens
Education & Community Outreach Director
Santa Barbara ChannelKeeper

Signatures crossed out as this is not their direct comment.

[End of Original Comment]

[NMFS Data report. The report will not be in red but additional comments will be.]

# HMS Catches by Area

NMFS West Coast Region

05 September 2025

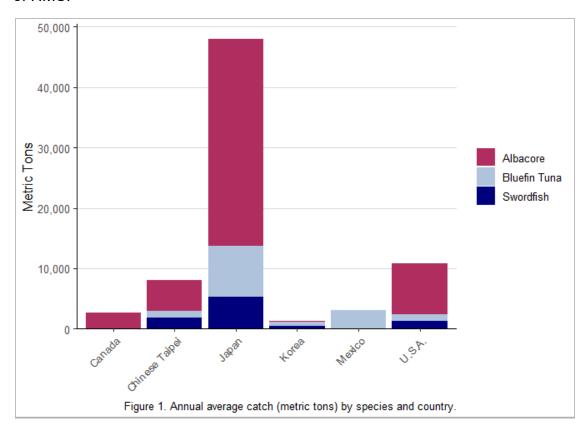
The goal of this data summary is to compare catches of key highly migratory species (HMS) within the U.S. West Coast Exclusive Economic Zone (EEZ; meaning Federal waters offshore of California, Oregon, and Washington) to catches outside the EEZ. Catches outsize the EEZ include U.S. vessels fishing on the high seas as well as catches by foreign fleets who fish on the same stocks. Data are presented for the past ten years, 2015-2024.

The species included are North Pacific albacore, bluefin tuna, and swordfish.

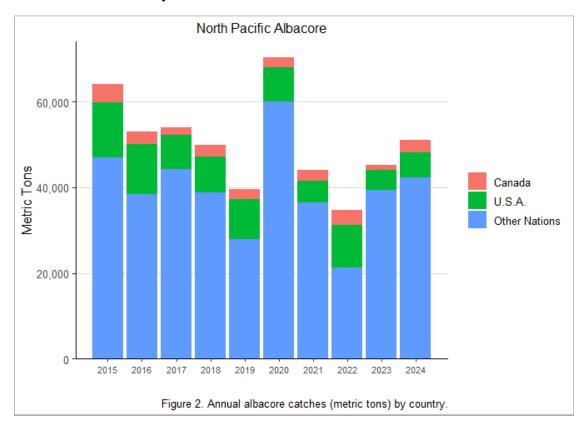
The source for these data are the annual catch tables published by the International Scientific Committee for Tuna and Tuna-like Species (ISC).

The primary species to be looked at through the petition lens are Bluefin Tuna and Swordfish as those two species would experience the highest levels of sport and commercial effort take in these areas if the petition is allowed. Striped marlin would see the highest sport effort overall, but that is all primarily catch and release.

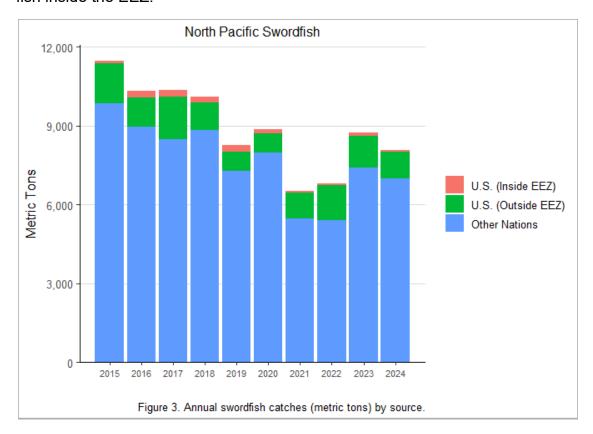
This chart, which appears in the Pacific Fishery Management Council's annual HMS SAFE reports, shows total catch of each species by countries which harvest North Pacific stocks of HMS.



The following chart focuses on albacore, displaying catch by each country over the past 10 years. Note that in past years the U.S. and Canada have utilized a reciprocal access treaty allowing each country to fish and land in the other's EEZ. Therefore the catches by U.S.A. and Canada both may occur in the U.S. EEZ or in Canadian waters.

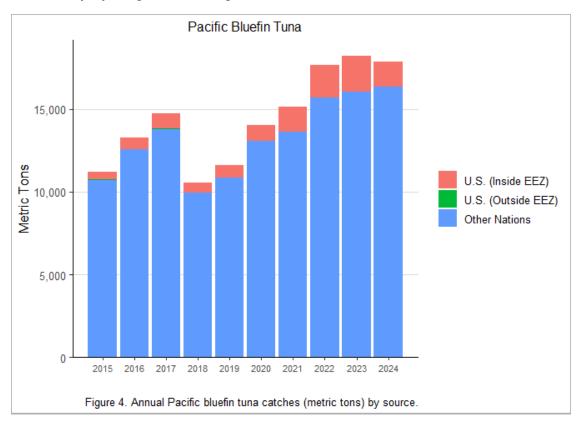


The following chart focuses on swordfish. For U.S. fisheries, longline gear fishes outsize the U.S. West Coast EEZ, while other gears (DSBG, harpoon, hook-and-line, and DGN) fish inside the EEZ.



Note that locally with harpoon, hook-and-line, DSBG, and gill net fisheries we locally take extremely little swordfish relative to what is taken from the stock each year, you can barely see what our local fisheries take. Of all these local fisheries, gill net is the traditionally highest yield fishery for swordfish. As this method is not allowed in the petition, only harpoon and hook-and-line are, we can clearly infer from the NMFS data that any additional swordfish taken in these areas will not affect the stock at all, and relatively speaking, are negligible in the grand scheme of things.

The following chart focuses on Pacific bluefin tuna. Almost all U.S. catches of domestically caught bluefin are from gears which fish inside the EEZ (purse seine, hook-and-line, and DGN). Also included are sport fishing catches by U.S. recreational boats, which comprise the majority of U.S. bluefin catch in recent years. A small amount of bluefin is also caught incidentally by longliners fishing outside the EEZ.



Bluefin tuna sees a higher level of relative take than swordfish when it comes to local fisheries. As the data mentions, of what is taken locally a majority is sportfishing. Sportfishing of bluefin tuna would be allowed under the petition however the added area relative to the entire coast's level of take is extremely small. Any additional level of take would still see our local take levels remain well in the minority of what is taken globally.

Everything in this summary should be cited as follows:

International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC). 2024 annual catch tables. Available from:

https://isc.fra.go.jp/fisheries\_statistics/index.html. Accessed on: September 2, 2025. Data summary and visualization provided by National Marine Fisheries Service (NMFS) West Coast Region staff. All data are subject to updates and corrections.

Overall, what the data shows is clear, what is taken locally is relatively very little to what is taken globally from these HMS stocks, especially for swordfish. Under an accepted petition the level of take locally even if it rises would be insignificant to the scale that these HMS are currently being taken at.

Thank you, Blake Hermann Petitioner Petition2023-15MPA From: Dylan Wolf <

Sent: Thursday, September 4, 2025 10:19 AM

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

Subject: Petition For Surf Beach Fishing #2022-04

Hello,

My name is Dylan Wolf and I live in Lompoc CA 10+ years, I am an avid fisherman that likes to fish the area, and I was looking into the surf beach location to fish since that would be my local beach. Currently I have to travel down south near the Santa Barbara or north near the Santa maria area to fish. Vandenberg air force base which is the reason locals can't fish at surf beach, they allow fishing to their contractors, service men and service woman to fish the protected area all year long in the base property. I think it would only be fair to let the locals use the ½ mile strip of beach for local fishing.

Above I attached the petition that was submitted by our old city manager. and I will also link a website for BPH endorses the surf beach for fishing

https://www.backcountryhunters.org/bha\_endorses\_petition\_to\_restore\_historic\_fishing\_a ccess to surf beach

Hope this reaches someone that will help the lompoc locals out

Thank you

Dylan Wolf

Project Manager

Lompoc CA 93436



Tracking Number: ( 2022-04

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: Dean Albro, City Manager

Address:

Telephone number:

Email address:

- 2. Rulemaking Authority (Required) Reference to the statutory or constitutional authority of the Commission to take the action requested: The Commission has authority over most hunting and fishing regulations in California. 200, 205 (c), 265,1590,1591, 2860, 2861, 6750
- 3. Overview (Required) Summarize the proposed changes to regulations: Click here to enter text.

The City of Lompoc, formally requests a minor modification to the area of Surf Beach known as the Vandenberg Marine Preserve. This Preserve is located adjacent to Vandenberg Air Force Base, which itself is located directly adjacent to the City of Lompoc.

From the time of the earliest inhabitants, the Santa Ynez Band of Chumash Indians, to many generations of settlers thereafter, and to the citizens of Lompoc (established in 1888), Surf Beach has been used as a resource by many. Not only was the beach used for fishing to provide food to eat for their families, fishing was also enjoyed by many for its simple enjoyment and relaxation.

The opportunity to fish at Surf Beach was available until 2007, when the Vandenberg Marine Preserve was created. This preservation area, encompassing approximately 33 square miles of marine protection, has had a detrimental impact on the City of Lompoc and its surrounding areas. Unfortunately, the creation of the Preserve removed any opportunity for fishing from the beach, located at what is known as Surf Beach. As mentioned earlier, this new preserve designation, implemented with little to no true input from the citizens or City of Lompoc, has placed a great hardship upon the City, in terms of family



subsistence, as well as creating a negative financial impact on the City of Lompoc due to a reduction in tourism related revenues.

The City of Lompoc is a regionally isolated community, and is also recognized as a disadvantaged community by the State of California. The residents of the City and surrounding areas are limited in many areas including recreational activities, particularly those offered at a low or no-cost level of participation. Surf Beach fishing is one of the activities that was eliminated by the creation of the marine preserve.

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

The City's formal request for consideration by the California Department of Fish & Wildlife is a small modification to the existing marine preserve restrictions. This request would be to allow fishing on the one-half mile stretch of beach known as Surf Beach. The City sees this modification as a minor request considering that the entire preserve is approximately 33 square miles., However small, the modification would allow for families to once again fish for subsistence, and/or provide a low cost/no-cost recreational alternative for the residents of Lompoc and the surrounding area.

The City's belief is that there will be, on average, no more than three or four individuals fishing at any given time. This level of 'take' from the Preserve should pose no harm to the Preserve as the act of fishing has been going on for centuries, but at least from the 1800's when Lompoc was settled, with no true harm to the volume of marine life.

Should the Department of Fish & Wildlife decide to modify the restrictions to allow surf fishing, but impose a limit on the number of fish that could be caught by a single, licensed individual, the City of Lompoc requests that a minimum of four (4) fish caught be allowed, such that families using fishing for subsistence can survive on the limit.

## **SECTION II: Optional Information**

Or X Not applicable.

	ategory of Proposed Change Sport Fishing
	Commercial Fishing
	Hunting
	Other, please specify: Click here to enter text.
<u>h</u>	he proposal is to: (To determine section number(s), see current year regulation booklet or <a href="https://govt.westlaw.com/calregs">https://govt.westlaw.com/calregs</a> )
	Amend Title 14 Section(s): Click here to enter text.
	Add New Title 14 Section(s): Click here to enter text.  Repeal Title 14 Section(s): Click here to enter text.



State of California – Fish and Game Commission
PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE
FGC 1 (Rev 06/19) Page 3 of 3

- **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: Click here to enter text.
- **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: See attached letter dated 1/22/2020.
- 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: Click here to enter text.
- **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: 03/04/22	
FGC staff action:  Accept - complete  Reject - incomplete  Reject - outside scope of  Date petitioner was notified of rec	FGC authority  Tracking Number eipt of petition and pending action: 3/14/22
Meeting date for FGC considerati	on:
FGC action:  ☐ Denied by FGC ☐ Denied - same as petition ☐ Granted for consideration	Tracking Number



January 22, 2020

Mr. Charlton H. Bonham, Director California Department of Fish & Wildlife P.O. Box 944209 Sacramento, CA 94244-2090

SUBJECT: Surf Fishing at Surf Beach, Lompoc, Ca

Dear Mr. Bonham:

This letter is being sent to you to by the City of Lompoc, to formally request a minor modification to the area of Surf Beach known as the Vandenberg Marine Preserve. This Preserve is located adjacent to Vandenberg Air Force Base, which itself is located directly adjacent to the City of Lompoc.

From the time of the earliest inhabitants, the Santa Ynez Band of Chumash Indians, to many generations of settlers thereafter, and to the citizens of Lompoc (established in 1888), Surf Beach has been used as a resource by many. Not only was the beach used for fishing to provide food to eat for their families, fishing was also enjoyed by many for its simple enjoyment and relaxation.

The opportunity to fish at Surf Beach was available until 2007, when the Vandenberg Marine Preserve was created. This preservation area, encompassing approximately 33 square miles of marine protection, has had a detrimental impact on the City of Lompoc and its surrounding areas. Unfortunately, the creation of the Preserve removed any opportunity for fishing from the beach, located at what is known as Surf Beach. As mentioned earlier, this new preserve designation, implemented with little to no true input from the citizens or City of Lompoc, has placed a great hardship upon the City, in terms of family subsistence, as well as creating a negative financial impact on the City of Lompoc due to a reduction in tourism related revenues.

The City of Lompoc is a regionally isolated community, and is also recognized as a disadvantaged community by the State of California. The residents of the City and surrounding areas are limited in many areas including recreational activities, particularly those offered at a low or no-cost level of participation. Surf Beach fishing is one of the activities that was eliminated by the creation of the marine preserve.

The City's formal request for consideration by the California Department of Fish & Wildlife is a small modification to the existing marine preserve restrictions. This request would be to allow fishing on the one-half mile stretch of beach known as Surf Beach. The City sees this modification as a minor request considering that the entire preserve is approximately 33 square miles., However small, the modification would allow for families to once again fish for subsistence, and/or provide a low cost/no-cost recreational alternative for the residents of Lompoc and the surrounding area.

Mr. Charlton H. Bonham, Director January 8, 2020 Page 2 of 2

The City's belief is that there will be, on average, no more than three or four individuals fishing at any given time. This level of 'take' from the Preserve should pose no harm to the Preserve as the act of fishing has been going on for centuries, but at least from the 1800's when Lompoc was settled, with no true harm to the volume of marine life. In addition, the City would suggest that the change for surf/beach fishing be changed from a Preserve designation, to a 'Conservation' designation, such that fishing would be limited to the taking of Sand Perch, and/or similar species, and Sand Crabs, which are commonly used as bait.

The City is requesting a response from the Department of Fish & Wildlife by February 28, 2020, such that there will be a modification to the existing marine preserve restrictions, or a response informing the City of Lompoc on the proper procedures to follow to request a modification.

Thank you for your consideration and assistance in this matter.

Sincerely,

Jim Throop City Manager

Cc: Gavin Newsom, Governor

Wade Crowfoot, Secretary of Natural Resources

Jenelle Osborne, Mayor Dirk Starbuck, Mayor Pro-tem Victor Vega, Council Member Jim Mosby, Council Member Gilda Cordova, Council Member



State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE Marine Region 1933 Cliff Drive, Suite 9 Santa Barbara, CA 93109 www.wildlife.ca.gov GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

May 4, 2020

Mr. Jim Throop Lompoc City Manager 100 Civic Center Plaza Lompoc, CA 93436 MAY 0 8 2020 City Manager's Office

SUBJECT: Response to Request for Amending Vandenberg State Marine Reserve Area Regulations

Dear Mr. Throop:

Thank you for your inquiry regarding the Vandenberg State Marine Reserve, I apologize for the delayed response to your inquiry. The California Department of Fish and Wildlife (Department) has reviewed your request to allow shore fishing at Surf Beach within the Vandenberg State Marine Reserve (SMR). This letter provides a brief background of the establishment of the Vandenberg SMR, a summary of the adaptive management framework that governs the management of State's Marine Protected Area network, and guidance for advancing your request, if so desired, to the California Fish and Game Commission (Commission) for consideration.

In 1999, the State Legislature approved, and the Governor signed into law the Marine Life Protection Act (MLPA). The MLPA required the Department to redesign California's existing patchwork of marine protected areas (MPAs) into a science-based, cohesive, ecologically connected network. From 2005 to 2012, a very extensive public planning process took place sequentially across four coastal regions resulting in 124 MPAs and 15 special closures along California's 1100-mile coastline and offshore islands.

The public planning process for the central coast region took place from 2005 to 2007. Following planning, the Commission took action to adopt regulations for 28 central coast MPAs, including the Vandenberg SMR. The SMR designation prohibits any type of take, thus it is considered the backbone of the MPA network. The Vandenberg SMR was intended to protect unique and diverse habitats and species in an area where vessel traffic/extensive human use was already limited due to the Vandenberg Air Force Base.

The Commission has authority over most hunting and fishing regulations in California and oversees the establishment of wildlife areas, ecological reserves, and the designation of MPAs under the MLPA. As part of the adaptive management process, the Commission will be conducting a decadal review of the statewide MPA network in 2022. As part of this review, the Commission will receive information on the four focal

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areas of MPA Program: 1) policy and permitting; 2) enforcement and compliance; 3) outreach and education; and 4) monitoring and research. The Commission will also receive recommendations, if any, for future management actions utilizing all available sources of information. In addition to the decadal review, the Commission may consider amendments to the MPA network in response to petitions for regulatory change. Every person or agency recommending that a regulation be added, amended, or repealed must submit a petition to the Commission. Details regarding the regulatory petition process can be found on the Commission's website at <a href="https://www.fgc.ca.gov">www.fgc.ca.gov</a>.

If you need additional information please do not hesitate to contact Stephen Wertz, Senior Environmental Scientist at (562) 342-7184 or at

Sincerely,

Craig Shuman, D. Env.

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