California Fish and Game Commission

Compilation of Public Comments on Petition 2023-23MPA_AM1

This PDF file compiles public comments that were included as exhibits in meeting materials and supplemental handouts for Commission and Marine Resources Committee (MRC) meetings since November 2023. Additional exhibits and supplemental handouts will be added after each Commission meeting, including those received by the public comment deadline, until the Commission takes final action on the petition.

Note: Commission meeting materials include a representative selection of comments, rather than a comprehensive suite of all related comments received. Given the large volume of public comments received, the Commission has directed staff to summarize comments and provide a representative selection in meeting materials to reflect the range of perspectives shared. Commissioners are able to review a diversity of perspectives while still having access to all individual comments submitted, which are part of the Commission's administrative record. Members of the public may contact staff for access to any written comments not included in this document.

Last updated: through November 2025 MRC

EASY GUIDE TO USING THE PACKET

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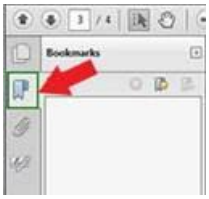

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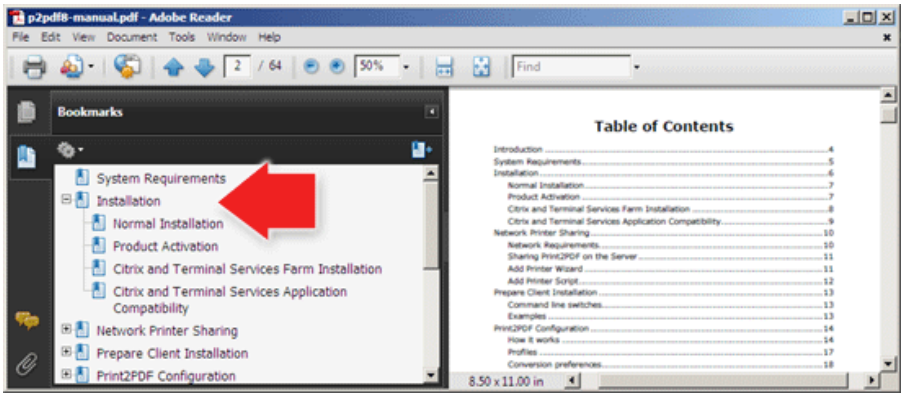

4. We suggest leaving open the bookmark panel to help you move efficiently among the comments in the packet. It’s helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the packet without having to scroll through hundreds of pages.

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6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.

7. Do not hesitate to contact staff if you have any questions or would like assistance.

From: Aubrie Fowler <[redacted]>
Sent: Wednesday, January 31, 2024 5:12 PM
To: FGC <FGC@fgc.ca.gov>; Ashcraft, Susan@FGC <[redacted]>
Cc: Calla Allison <[redacted]>; Claire Arre <[redacted]>; Jamie Blatter <[redacted]>
Subject: FGC Meeting Binder Submission

Hi Susan and Commission staff,

Please see the attached exhibit (saved as a PDF and Excel sheet, whichever formatting is preferred) to please be added to the meeting binder for the February Fish and Game Commission meeting on 2/14-2/15/2024.

The link to the Google sheet can be found **here** as well; this was the format that the MPA Collaborative Vetted Regulation Recommendations was previously shared with Commission and Department staff.

Please let me know if there's more context you need from me.

Thank you,
Aubrie

Aubrie Fowler (she/her)
South Coast Specialist
MPA Collaborative Network
cell: [redacted]
Sign-up for our Quarterly Newsletter
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County	MPA	Current Regs Summarized	Compliance concerns and/or management problem identified	Regulation Recommendation for Adaptive Management	Consensus?	Justification	Supporting Management Suggestion	Petitioner Lead	Contact Information	Recommendation Category	Designation Change?
Del Norte	Pyramid Point SMCA	Rec take of surf smelt by dip net or Hawaiian type throw net. Tolowa Dee-ni' exempt	Onshore and offshore hook and line fishing, collecting sand crabs as bait, kayak fishers, violations from boaters registered in both CA and OR	Remove allowance for surf smelt by dip net or Hawaiian type throw net; Change to No-Take SMCA with Tribal exemption for Tolowa Dee-ni'	Yes	Smelt is culturally important species to Tolowa and No Take designation will be clearer to public, reducing violations	Signs being vandalized, ripped out. Outreach to gain compliance needed (Guardian Watchmen)	Tolowa Dee-ni' Nation	rosa.laucci@tolowa.com	Take Allowance Change	Yes, from SMCA to No-Take SMCA with Tribal exemption
Del Norte	Pyramid Point SMCA	Rec take of surf smelt by dip net or Hawaiian type throw net. Tolowa Dee-ni' exempt	Elk Valley Rancheria is interested in exploring the possibility of being included in exempt status	Add Elk Valley Rancheria to exempt Tribes if requested by Tribal Council	Yes	Elk Valley Rancheria has ancestral ties to the area				Take Allowance Change	
Del Norte	Pyramid Point SMCA	Rec take of surf smelt by dip net or Hawaiian type throw net. Tolowa Dee-ni' exempt	Boundary is in Oregon	Change northern boundary to align with recognized California/Oregon state line	Yes	Original boundary used a mapping system that does not align with on-the-ground state line.		Tolowa Dee-ni' Nation	rosa.laucci@tolowa.com	Boundary Change	
Del Norte	Point St. George Offshore Reef SMCA	Rec take of salmon by trolling and Dungeness crab by trap. Commercial take of salmon with troll fishing gear and Dungeness crab by trap. Elk Valley and Tolowa Dee-ni' exempt		No change	Yes						
Del Norte	Sea Lion Rock Special Closure	300'	No data	No change	Yes						
Del Norte	Castle Rock Special Closure	300'	Poke poling at Preston Island and Battery Point and Hook Finger Point during extremely low tides. Kayaks near closure	No change	Yes						
Del Norte	False Klamath Rock Special Closure	300' from 3/1-8/31	Low flyovers by US Coast Guard helicopter. Kayaks near closure, kaking kelp. Dogs off leash	No change	Yes		Signs needed at Wilson Creek. Potential site for CoastSnap to crowdsource changes around rock				
Humboldt	Reading Rock SMCA	Rec take of salmon by trolling; surf smelt by dip net or Hawaiian type throw net; Dungeness crab by trap, hoop net or hand. Commercial take of salmon with troll fishing gear; surf smelt by dip net; Dungeness crab by trap. Trinidad, Resighini and Yurok exempt	Hook and line fishing and take of sand crabs regularly occur, especially at southern boundary Gold Bluffs beach traditional smelt camp Track amount of surf smelt taken (25 lbs current limit). Hawaiian Type throw net inappropriate	Work with California Tribes and indigenous people to change "Hawaiian type throw net" to a term that is more reflective of Indigenous Californian net based take methods	Yes	Reference to Hawaiian nets when indigenous terms exist for this take type is inappropriate and disrespectful	Monitor Surf smelt as a part of state monitoring plan.			Language Change	

Humboldt	Reading Rock SMCA	Rec take of salmon by trolling; surf smelt by dip net or Hawaiian type throw net; Dungeness crab by trap, hoop net or hand. Commercial take of salmon with troll fishing gear; surf smelt by dip net; Dungeness crab by trap. Trinidad, Resighini and Yurok exempt		Recommend implementing limits on commercial take of surf smelt	Yes	Culturally important species				Take Allowance Change	
Humboldt	Reading Rock SMR	No Take	Drifting commercial crab pots	No change	Yes						
Humboldt	Samoa SMCA	Rec take of salmon by trolling; surf smelt by dip net or Hawaiian type throw net; Dungeness crab by trap, hoop net or hand. Commercial take of salmon with troll fishing gear; surf smelt by dip net; Dungeness crab by trap. Wiyot exempt	Difficult to determine boundaries	Work with California Tribes and indigenous people to change "Hawaiian type throw net" to a term that is more reflective of Indigenous Californian net based take methods	Yes	Reference to Hawaiian nets when indigenous terms exist for this take type is inappropriate and disrespectful	Monitor recreational and commercial (through landing/block reports) take of salmon by troll and surf smelt by dip net and assess effect on population; Signs with you are here map at Mad River			Language Change	
Humboldt	South Humboldt Bay SMRMA	No Take except waterfowl may be taken. Wiyot exempt	Invasive grasses, loss of eelgrass, general threats to habitat. Non Tribal members clamming. Difficult to identify boundaries within South Humboldt Bay	Determine reason it does not extend to southern water's edge and extend if no reason	Yes	Clearer for outreach purposes to say from southern end of bay to 2nd hunter pull out	Direct enforcement to look for unlawful clamming			Boundary Change	
Humboldt	Sugarloaf Island Special Closure	300'		No change	Yes						
Humboldt	South Cape Mendocino SMR	No Take	Minimal patrol	No change	Yes		Develop a plan for evaluating remote area MPAs to determine impact, such as temporary M2 radar/drone surveillance; support southern Humboldt patrol by LED				
Humboldt	Steamboat Rock Special Closure	300' 3/1-8/31	Confusion on when it is open to swim out to and when it is closed	No change	Yes		Sign that highlights special closure and closure dates				
Humboldt	Mattole Canyon SMR	No Take	Minimal patrol. Some commercial crab pots observed during USCG flyover	No change	Yes		Develop a plan for evaluating remote area MPAs to determine impact, such as temporary M2 radar/drone surveillance; support southern Humboldt patrol by law enforcement division				
Humboldt	Sea Lion Gulch SMR	No Take	Backpackers harvest mussels along entire Lost Coast Trail; people getting too close to new elephant seal colony. No cell connectivity to determine boundaries of MPA	Move southern boundary south to Cooskie Creek	BLM support but need fisher input	Creek is more identifiable feature for land based outreach to fishers hiking the Lost Coast Trail				Boundary Change	

Humboldt	Big Flat SMCA	Rec take of salmon by trolling and Dungeness crab by trap, hoop net or hand. Commercial take of salmon with troll fishing gear and Dungeness crab by trap. Multiple Tribes exempt	Backpackers harvest mussels along entire Lost Coast Trail; surf fishing occurs at Miller Flat. No cell connectivity to determine boundaries of MPA	No change	Yes		More outreach needed for fishers hiking lost coast. Include more detailed information in BLM Lost Coast map				
Mendocino	Double Cone Rock SMCA	Rec take of salmon by trolling; Dungeness crab by trap, hoop net or hand. Commercial take of salmon with troll fishing gear and Dungeness crab by trap	Unknown. Limited patrol. Report of excessive urchin and need for grazer suppression.	Reassess restoration policy in SMCAs impacted by climate change/kelp loss	Yes	Loss of kelp habitat needs to be addressed in this SMCA	Allow for restoration work/grazer suppression to address urchin barrens (reds and purples)	California Sea Urchin Commission - allow for commercial take of urchin		Other	
Mendocino	Vizcaino Rock Special Closure	300' 3/1-8/31		No change	Yes						
Mendocino	Ten Mile SMR	No Take	Primary concern is shore-based fishing (rod and reel at seaside creek beach). Recreational fishers take rockfish and lingcod, crab pots "walk themselves" into MPA at southern boundary. Dogs off leash	No change	Yes		OK/boundary sign needed at northern boundary. Simplify outreach language around MPA clusters				
Mendocino	Ten Mile Beach SMCA	Rec take of Dungeness crab by trap, hoop net or hand. Commercial take of Dungeness crab by trap. Many Tribes exempt	Unlawful take of fish (rockfish, lingcod); dogs off leash in snowy plover habitat. Potential sand dump site south side of Ten Mile Beach	No change	Yes		Simplify outreach language around MPA clusters				
Mendocino	Ten Mile Estuary SMCA	Waterfowl may be taken. Many Tribes exempt	Limited access for fishers	No change	Yes		Simplify outreach language around MPA clusters				
Mendocino	MacKerricher SMCA	All rec take allowed. Commercial take allowed except for bull kelp and giant kelp	Multiple violations occur daily since closest to Fort Bragg city center (general fish and game code violations). North boundary (Laguna Point) hotspot for intertidal take	Add protection for intertidal zone, per State Parks, in support for protection of the resource and ease of enforcement/outreach	Many in support but no full consensus	There are limited areas in the county to lawfully take intertidal animals such as mussels, turban snails, limpets, etc.	More enforcement support needed due to limited State Parks personnel. Focus on tidepool education. Intertidal specific take signs are needed	State Parks pending review		Take Allowance Change	
Mendocino	Point Cabrillo SMR	No Take	Lighthouse sees lots of boats fishing offshore of Frolic Cove on northern end of Point Cabrillo SMR or inside	No change	Yes		OK boundary signs would be beneficial on both boundaries for kayak fishing				
Mendocino	Russian Gulch SMCA	All rec take allowed. Commercial take allowed except for bull kelp and giant kelp	General fish and game code violations	No change	Yes						

Mendocino	Big River Estuary SMCA	Rec take of surfperch by hook and line from shore only and Dungeness crab by hoop net or hand. Many Tribes exempt. Waterfowl may be taken	Increased use for swimming and recreation has led to safety concerns, including close calls between swimmers and hunters. Swimmers mixing with motorized boats may lead to accidents	Hunting should be prohibited due to high public use/public safety issues, per State Parks	Yes	Community reported incidents of near misses between hunters/boaters and swimmers		State Parks pending review		Allowed Activity Change	
Mendocino	Big River Estuary SMCA	Rec take of surfperch by hook and line from shore only and Dungeness crab by hoop net or hand. Many Tribes exempt. Waterfowl may be taken	Can MPA restrict motorized vessels if not ecological reserve?	Restrict all motorized vessels with allowance for public safety, per State Parks	Yes, with clarification that motorized vessels are only restricted going east (up river)	West access from launch should be allowed for boaters going out to ocean	Data on crab fishery is needed to determine whether allowance is sustainable. Need clear signage restricting snare traps. Pick up after dog signs needed	State Parks pending review		Allowed Activity Change	
Mendocino	Van Damme SMCA	All rec take allowed. Commercial take allowed except for bull kelp and giant kelp	Overtake and take of undersize fish	No change	Yes						
Mendocino	Navarro River Estuary SMCA	Rec take of salmonoids by hook and line. Many Tribes exempt. Waterfowl may be taken	People illegally breach sandbar (but outside MPA?)	No change	Yes						
Mendocino	Point Arena SMR	No Take	Fishing in SMR reported by lighthouse manager	No change	Yes		OK boundary signs needed				
Mendocino	Point Arena SMCA	Rec take of salmon by trolling. Commercial take of salmon with troll fishing gear		No change	Yes						
Mendocino	Sea Lion Cove	Rec and commercial take of finfish	Urchin barrens	Reassess restoration policy in SMCAs impacted by climate change/kelp loss	Yes		Allow for restoration work/grazer suppression to address urchin barrens (reds and purples)	California Sea Urchin Commission - allow for commercial take of urchin		Other	
Mendocino	Saunders Reef SMCA	Rec take of salmon by trolling. Commercial take of salmon with troll fishing gear and urchin	Citations issued for people diving and taking at Schooner Gulch; illegal shore fishing from Hearn Gulch	No change	Yes		Additional enforcement personnel/efforts are needed				
Sonoma	Del Mar Landing SMR	No Take	Fishing at north end	No change	Yes		Trail pamphlets with MPA information				
Sonoma	Stewarts Point SMR	No Take	Poaching at 3 mile line. Difficult for fishers to determine where 3 mile line is and difficult to enforce from land	Allow for trolling of salmon. Change to SMCA?	No. Discussed with no strong opposition but more info needed	Impact to commercial salmon fishing can be addressed with minimal impact to other resources	More signage needed at public access points			Take Allowance Change	Yes, would change SMR to SMCA. No consensus
Sonoma	Stewarts Point SMCA	Rec take from shore only of marine aquatic plants other than sea palm, marine invertebrates, finfish by hook and line, surf smelt by beach net, species authorized by hand-held dip net	Tribal based MPA	Prohibit all take and add Kashia Pomo to Tribal exemptions to make affirmative rights of Tribal Members re: collection, harvesting, and research	Yes	MPA is only accessed by Kashia Tribal members from shore (owned by Tribe) so would be same protection while acknowledging Tribal rights				Take Allowance Change	Yes, change from SMCA to No-Take SMCA with Tribal exemption

Sonoma	Salt Point SMCA	Recreational take of abalone and finfish allowed	Take of abalone during closure; poaching of intertidal species. Confusion regarding intertidal take	No change	Yes		Needs more signage on collecting/take of shellfish and other non finfish				
Sonoma	Gerstle Cove SMR	No Take	Excessive intertidal take. Rec fishers fishing the line	No change	Yes		Need for good tidepooler rules signs to address harmful tidepooling				
Sonoma	Russian River SMRMA	No take except waterfowl may be taken	Marine mammal disturbance occurring. County of Sonoma needs to conduct restoration work as part of management plan	Allow for restoration work in SMRMA	Yes	Restoration will not impact haul out sites, marine mammals or birds				Other	
Sonoma	Russian River SMCA	Rec take of Dungeness crab by trap, and surf smelt by hand-held dip net or beach net. Commercial take of Dungeness crab by trap	Illegal onshore and offshore fishing; seal disturbance "seal selfies" near Goat Rock. Trash/dogs off leash	No change	Yes		More outreach for out of town fishers/permanent signage				
Sonoma	Bodega Head SMR	No Take	Take of rockfish and trolling for salmon; fishing on northern boundary off rocks Difficult “fan” shape and hard to identify northern boundary makes enforcement difficult	No change	Yes	Would require new outreach					
Sonoma/Marin	Bodega Head SMCA	Rec take of pelagic finfish by trolling, Dungeness crab by trap, and market squid by hand-held dip net. Commercial take of pelagic finfish by troll fishing gear and round haul net, Dungeness crab by trap, and market squid by round haul net	Take of rockfish and trolling for salmon; fishing on northern boundary off rocks Difficult “fan” shape and hard to identify northern boundary makes enforcement difficult	No change	Yes						
Sonoma/Marin	Estero Americano SMRMA	No take except waterfowl may be taken	Confusion as to boundary “high tide line” and who manages strip of beach between ocean and estuary that is often closed; Difficulty identifying eastern boundary. No way to see boundary from shore	No change	Yes		More signs needed at access points here to address compliance concerns				
Marin	Estero de San Antonio SMRMA	No take except waterfowl may be taken	Some take (animal remains) and illegal fishing	No change	Yes						
Marin	Point Reyes SMR	No take	Sand dollar and fossil take, rod and reel fishing from vessels, party boats troll for salmon; violations are limited offshore	No change	Yes		Signage and more enforcement needed, especially at Drakes Beach and Coast Guard Station. Consolidated mixed messaging signs, with dog information.				

Marin	Point Reyes SMCA	Rec take of salmon by trolling and Dungeness crab by trap. Commercial take of salmon with troll fishing gear and Dungeness crab by trap	Commercial crabbers set coonstripe shrimp traps on top of crab traps; Boundaries in MPA cluster hard to identify; NPS jurisdiction limited to	No change	Yes						
Marin	Point Reyes Headlands Special Closure	No access from mean high tide line to a distance of 1000 feet seaward	Recreational vessels fishing in summer; Disturbance spiked in 2020; USFW continues to monitor this area	No change at this time	Yes	Might need to revisit making adjustments in the future if data shows changes/increases in disturbance					
Marin	Estero de Limantour SMR	No take	Difficult to determine boundary between SMR and Drakes Estero SMCA makes enforcement difficult. There are suspicions that poaching of clams occurs in the SMR from people on kayaks from Drakes Estero	Extend SMR designation all the way into Drakes Estero	Yes	NPS in support of expanding SMR because federally designated wilderness, major harbor seal haul out, and critical nursery habitat for leopard shark and bay rays		EAC Marin with NPS letter of support		Boundary Change	
Marin	Drakes Estero SMCA	The recreational take of clams is allowed	Difficult to determine boundary line between Drakes Estero SMCA and Estero de Limantour SMR leading to poaching. Cows accessing/pooping from NPS ranch leased land	Prohibit clamming in Drakes Estero SMCA. Merge with Estero de Limantour SMR.	Yes	SMCA designation was originally due to oyster farm that is no longer there. NPS in support of making into a SMR due to federally designated wilderness area	Give people direction/ outreach materials on where they CAN clam safely	EAC Marin with NPS letter of support		Take Allowance Change	Yes, change from SMCA to SMR
Marin	Point Resistance Rock Special Closure	No access from mean high tide line to a distance of 300 feet seaward of rock	Seabird flushing by vessels. USFW monitoring area.	No change	Yes	GFNMS thinks current regulations are good, very important to their mission and public outreach					
Marin	Double Point/Stormy Stack Special Closure	No access from mean high tide line to a distance of 300 feet seaward of rock	Seabird flushing by vessels and surfers, who enter harbor seal rookery. Increased visitation due to people hiking to Alamere Falls	No change	Yes	GFNMS thinks current regulations are good, very important to their mission and public outreach and don't want to extend to shore to allow shore access	Put signs with regulations and text about importance of special closure at trailhead; more outreach to boaters about special closures needed				

Marin	Duxbury Reef SMCA	Recreational take of finfish from shore and abalone* is allowed	Difficult to enforce and outreach about why you can take finfish but not invertebrates. Beach Watch data at this site for 30 years show slight decrease in activities in last 10 years, but take of invertebrates has been observed, and the Greater Farallones National Marine Sanctuary Superintendent has provided information about the need to consider additional conservation measures at Duxbury Reef. Maria Brown (NMS) submitted a letter saying Duxbury Reef would benefit from increased protection of unique and important habitat of entire reef (largest shale reef in N. America). EAC MPA Watch data shows	Change to SMR because of difficulty of interpretation and enforcement. Extend southern boundary further out to sea (south) and northern boundary to Double Point to fully cover reef	No	No agreement on extending boundaries to cover the reef and changing to SMR. More research needed on benefits of changing existing ribbon from SMCA to SMR; Might be important fishing access point for public	More signs needed and more support for onsite education and enforcement from CDFW to agate beach and land-side terrestrial Duxbury	EAC Marin		Take Allowance Change	Yes, would change SMCA to SMR. No consensus
Marin	Duxbury Reef SMCA	Recreational take of finfish from shore and abalone* is allowed	Heavy use and impacts, intertidal take – buckets and tools (e.g., crow bars, tire jacks) used to take black turban snails and purple urchin that are nestled into cracks. People need to break the reef to get to purple urchin	Potential compromise would be to add specific tidepool protections, similar to OC	TBD	NMS would like to continue conversation to explore potential compromises	Research other tidepool docent programs in MPAs with mixed use of allowed fishing/tidepool protections			Language Change	
San Francisco	North Farallon Islands SMR	No Take	Commercial crab case here	No change	Yes	More data needed for this MPA cluster	Increase CDFW LED patrols during peak months. Need for CCFRP program here				
San Francisco	North Farallon Islands Special Closure	No vessel shall be operated or anchored at any time from the mean high tide line to a distance of 1000 feet seaward of the mean lower low tide line of any shoreline of North Farallon Island, or to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of the remaining three southern islets		No change	Yes						

San Francisco	Southeast Farallon Islands SMR	No Take	Small recreational boats. A number of encroachments occur into SMR during better weather months	No change	Yes		Increase patrols from LED and consider M2 radar at this location				
San Francisco	Southeast Farallon Islands SMCA	Recreational take of salmon by trolling and commercial take of salmon by troll fishing gear	Salmon fishers use salmon gear to fish for halibut	No change	Yes						
San Francisco	Southeast Farallon Islands Special Closure	Closed 300 feet seaward year-round, except Fisherman's Bay to East Landing, southeastern tip of the island and southeastern side of Saddle (Seal) Rock, which is closed from December 1 through September 14. 5 mile per hour speed limit 1000 ft seaward of mean lower low tide of any shoreline Exhaust system requirements for commercial dive boats	Boats cut across the special closure	No change	Yes	Predates MLPA process, careful consideration went into crafting special closure regulations					
San Mateo	Egg (Devil's Slide) Rock to Devil's Slide Special Closure	A special closure is designated from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of any of the three rocks comprising Egg (Devil's Slide) Rock; Transit in between the rock and the mainland between these points is prohibited at any time.	Reported violations include fishing boats inside boundaries and low flying aircraft/drones	Change name to "Devil's Slide Special Closure"	Yes	Egg rock is no longer a name used/recognized locally. Devil's Slide is more appropriate and simpler for outreach				Language Change	
San Mateo	Montara SMR	No Take	A top cited MPA in Central Coast, highest in San Mateo; fishing offshore and tidepool take; Difficulty interpreting southern boundary	Move Montara SMR onshore southern boundary to current Pillar Point SMCA southern boundary (north end of Maverick's Beach), then extending out to current offshore southern SMR boundary point	Yes	Easier for enforcement and makes SMR boundaries consistent with Fitzgerald Marine Reserve boundaries				Boundary Change	

San Mateo	Pillar Point SMCA	The recreational take of pelagic finfish by trolling, Dungeness crab by trap, and market squid by hand-held dip net is allowed. The commercial take of pelagic finfish by troll or round haul net Dungeness crab by trap, and market squid by round haul net is allowed.	Unclear boundary leads to poaching in intertidal Difficult for local law enforcement to ensure compliance of tidepool take regulations due to high volume of consumptive visitors	Extend southern SMCA boundary further south to edge of harbor jetty, extending out to existing offshore southern point. Onshore northern boundary would be same as Montara SMR onshore southern boundary	Yes	Would cover entire reef in MPA for ease of allied agency outreach and enforcement.				Boundary Change	
San Mateo	Pillar Point SMCA	The recreational take of pelagic finfish by trolling, Dungeness crab by trap, and market squid by hand-held dip net is allowed. The commercial take of pelagic finfish by troll or round haul net Dungeness crab by trap, and market squid by round haul net is allowed.		Change regulations to allow for recreational hook and line take of finfish from shore and take of mussels, crabs, snails and seaweeds for equity and access purposes	Yes	Allowing for shore based hook and line and some intertidal take maintains access for consumptive users while applying some protection for a heavily impacted habitat				Take Allowance Change	
San Mateo/Santa Cruz	Año Nuevo SMR	No Take	Unlawful take of snails; fishing; wildlife disturbance. Boats driving squid out of MPA. Confusion because sign at top of trail to Greyhound Rock says fishing beach but must go left at bottom to legally fish	Move southern boundary line to have whole of Greyhound Rock in SMR	Yes, at both Santa Cruz and San Mateo Collaborative meetings	Clearer boundary makes enforcement easier	Ensure sign with map at bottom of trail. Utilize social/digital/traditional media for public outreach	State Parks pending review		Boundary Change	
San Mateo/Santa Cruz	Greyhound Rock SMCA	Rec take of giant kelp by hand harvest only, market squid, salmon. Other finfish by hook and line only from shore. Commercial take of giant kelp by hand harvest only, salmon and market squid	Take of mussels at southern boundary Confusion with Año Nuevo SMR boundary/whether fishing is allowed at Greyhound Rock Split between 2 counties	Move northern boundary line to have whole of Greyhound Rock outside of SMCA and in SMR; Move southern boundary south to beginning of Scott Creek bridge	Yes, at both Santa Cruz and San Mateo Collaborative meetings	Reef should be fully protected or fully open. Preference to cover reef but either way will have clearer boundary for outreach/enforcement. Move of southern boundary would cover reef to address intertidal impacts	Need for sign with map at Scotts Creek	State Parks pending review		Boundary Change	
San Mateo/Santa Cruz	Greyhound Rock SMCA	Rec take of giant kelp by hand harvest only, market squid, salmon. Other finfish by hook and line only from shore. Commercial take of giant kelp by hand harvest only, salmon and market squid	Confusing regulations	Replace comma with semi-colon in regulations after "giant kelp by hand harvest only", or otherwise edit	Yes	Clearer language needed to clarify you are not required to catch salmon and squid by hand harvest only		State Parks pending review		Language Change	Section 100 change
Santa Cruz	Natural Bridges SMR	No Take	Hard to identify boundaries; safety concerns with fishers and swimmers at Natural Bridges State Park beach	Shift both boundaries south to more identifiable features (4 mile point and Natural Bridge)	Yes	State Parks would like SMR to cover the beach at Natural Bridges SP for public safety reasons	Need for interpretive signs with maps/good tidepooler rules, why MPAs, etc.	State Parks pending review		Boundary Change	
Santa Cruz	Soquel Canyon SMCA	Rec and commercial take of pelagic finfish	Split between 2 counties	No change	Yes						

Monterey	Elkhorn Slough SMR	No Take	Fishing occurs regularly at Kirby Park pier/dock, was originally built for fishers with disabilities with SFRA grant. Inconsistent enforcement.	Move northern boundary south of Kirby Park pier/dock. Shift entire MPA to maintain size	Yes, at both Santa Cruz and Monterey Collaborative meetings	Opens fishing area as originally intended to limit poaching; supports increased enforcement presence in area	If Kirby is open, must be concerted cross-jurisdictional effort to enforce shore waste of fish/debris and other F&G Code violations. Need for good fishing practices outreach	Elkhorn Slough Foundation		Boundary Change	
Monterey	Elkhorn Slough SMCA	The recreational take of finfish by hook and line only and clams is allowed. Clams may only be taken on the north shore of the slough in the area adjacent to the Moss Landing State Wildlife Area [subsection 550(a)].	Difficult to determine where SMR/SMCA boundary is (i.e., where kayak fishers can no longer fish).	Move SMR line to bird watching platform (eastern side)	Yes, at both Santa Cruz and Monterey Collaborative meetings	Bird watching platform provides a clear boundary for shore and kayak fishers and would maintain size of SMR with shift off Kirby		Elkhorn Slough Foundation		Boundary Change	
Monterey	Elkhorn Slough SMCA	The recreational take of finfish by hook and line only and clams is allowed. Clams may only be taken on the north shore of the slough in the area adjacent to the Moss Landing State Wildlife Area [subsection 550(a)].	Clamming disturbs sea otter rafts. Huge amounts of trash (fishing receptacles full)	Removing allowance for clamming to address impact to otters and human health considerations	Maybe?	Need more info on impact to recreational clammers and safety of consuming clams	Need for more trash receptacles/removal	Elkhorn Slough Foundation		Take Allowance Change	
Monterey	Moro Cojo Slough State Marine Reserve	No take	Some access on eastern end. Agricultural influence. Elkhorn Slough NERR in support of no change	No change	Yes						
Monterey/Santa Cruz	Soquel Canyon State Marine Conservation Area	Recreational and commercial take of pelagic finfish is allowed	Many violations, especially illegally set crab traps (commercial) and rockfish take (recreational). Whale disturbance. More impact due to depth restrictions lifted	No change	Yes						
Monterey	Portuguese Ledge State Marine Conservation Area	Recreational and commercial take of pelagic finfish is allowed	Many violations, especially rockfish take (recreational). Whale disturbance	No change	Yes						
Monterey	Edward F. Ricketts State Marine Conservation Area	Recreational take of finfish by hook and line. Commercial take of giant kelp and bull kelp by hand	Fishing debris from Coast Guard pier. Abalone and other intertidal poaching at breakwater	Explore regulations to limit fishing gear loss from Coast Guard pier (such as requiring use of breakaway leaders or no braided line)	Yes	Fishing gear loss impacts wildlife, habitat, and safety of divers due to entanglement	Partner with MBNMS on outreach of litter/derelict fishing gear			Language Change	
Monterey	Edward F. Ricketts State Marine Conservation Area	Recreational take of finfish by hook and line. Commercial take of giant kelp and bull kelp by hand	New regulations may restrict fishing for rockfish from boat close to shore after October 1	Change to SMR and join with Lovers Point-Julia Platt SMR	Maybe	No strong opposition but no fishing reps present		Giant Giant Kelp Restoration Project (G2KR)		Take Allowance Change	Yes, would change from SMCA to SMR

Monterey	Edward F. Ricketts State Marine Conservation Area	Recreational take of finfish by hook and line. Commercial take of giant kelp and bull kelp by hand		Allow restoration/urchin culling without requiring SCP	No	May lead to destruction of healthy urchins		Giant Giant Kelp Restoration Project (G2KR) - applies to Ed Ricketts, PG Gardens, and Carmel Bay SMCAs, and will include suggestion for buoys on sites		Other	
Monterey	Lovers Point- Julia Platt State Marine Reserve	No Take	Fishing off Lovers Point rocks, undersize and immature fish, spearfishers and fishing boats catch halibut, illegal tidepool take; confusion around northern boundary line	Move southern boundary line so Lovers Point is either all in or all out (with preference for all in reserve)	No	Disagreement about where to move line	Boundary marker or fishing/no fishing arrow sign needed if boundary doesn't change			Boundary Change	
Monterey	Lovers Point- Julia Platt State Marine Reserve	No Take		Move southern boundary to end of Lovers Point, splitting point equally in half	Yes	Fishing/No fishing arrow signs would make sense/be more accurate	Fishing/no fishing arrow sign needed at Lovers Point			Boundary Change	
Monterey	Pacific Grove Marine Gardens State Marine Conservation Area	Recreational take of finfish. Commercial take of giant kelp and bull kelp by hand	Spearfishing violations, especially from kayaks and dinghies; illegal take of scallops and crustaceans; undersize and immature fish taken Point Pinos is key oystercatcher nesting habitat	Move both boundary lines so Lovers Point and Point Pinos are all out of SMCA and in SMRs because both are key oystercatcher nesting sites	No	Rock outcropping and buoy at Point Pinos (southern boundary) are currently good boundary indicators for boaters				Boundary Change	
Monterey	Pacific Grove Marine Gardens State Marine Conservation Area	Recreational take of finfish. Commercial take of giant kelp and bull kelp by hand		Move northern boundary to end of Lovers Point	Yes	Fishing/No fishing arrow signs would make sense/be more accurate	Fishing/no fishing arrow sign needed at Lovers Point and Point Pinos			Boundary Change	
Monterey	Pacific Grove Marine Gardens State Marine Conservation Area	Recreational take of finfish. Commercial take of giant kelp and bull kelp by hand	New regulations may restrict fishing for rockfish from boat close to shore after October 1	Change to SMR, join with Lovers Point SMR	Maybe	No strong opposition but no fishing reps present		Giant Giant Kelp Restoration Project (G2KR)		Take Allowance Change	Yes, would change from SMCA to SMR
Monterey	Asilomar State Marine Reserve	No Take	Onshore and offshore fishing common, hook and line from nooks and crannies; harmful tidepooling, tidepool take; wildlife disturbance common Northern boundary at Point Pinos is confusing, splits rocks in half	No change	Yes		Fishing/No Fishing arrow signs needed at Point Pinos				
Monterey	Carmel Pinnacles State Marine Reserve	No Take	Offshore violations common	No change	Yes						
Monterey	Carmel Bay State Marine Conservation Area	Recreational take of finfish. Commercial take of giant kelp and bull kelp by hand	Intertidal take common, including abalone and mussels. Golf balls go into MPA and are not collected. Some kelp take at Stillwater Cove	No change	Yes		Work with Pebble Beach on reducing golf ball litter either through requiring biodegradable balls at key holes or ensuring balls are collected by divers				
Monterey	Point Lobos State Marine Reserve	No Take	Take occurs. Boundaries are confusing	No change	Yes						

Monterey	Point Lobos State Marine Reserve	No Take		Allow restoration/urchin culling	No	Difficult for enforcement/interpretation in no-take area		Giant Giant Kelp Restoration Project (G2KR)		Other	
Monterey	Point Lobos State Marine Conservation Area	Recreational take of salmon and albacore and the commercial take of salmon, albacore, and spot prawn is allowed		No change	Yes						
Monterey	Point Sur State Marine Reserve	No Take	Violations common between SMR and SMCA, southern corner is hard to enforce. Abalone case reported	Encompass the whole coastline of Point Sur in MPA	No	Keep boundaries as is				Boundary Change	
Monterey	Point Sur State Marine Conservation Area	Recreational and commercial take of salmon and albacore		Add bluefin tuna to list of species allowed for take	No	Lessens protection				Take Allowance Change	
Monterey	Big Creek State Marine Reserve	No Take	L-shape of SMR within SMCA is confusing	No change	Yes						
Monterey	Big Creek State Marine Conservation Area	Recreational take of salmon and albacore. Commercial take of salmon, albacore	Potential unlawful fishing off Marine Lab	No change	Yes						
San Luis Obispo	Piedras Blancas State Marine Reserve	No take	Missing signs. Onshore fishing violations (poaching mussels at Point Sierra Nevada). Wildlife disturbance. Extreme angle makes kayak fishers look like they are fishing in SMR	No change	Yes		Use boundary images on signs to help reference angle at pullout.				
San Luis Obispo	Piedras Blancas State Marine Conservation Area	Recreational and commercial take of salmon and albacore	Occasional poaching observed. Fishing for rockfish. No albacore, limited salmon observed by fishers/wardens	No change	Yes						
San Luis Obispo	Cambria State Marine Conservation Area	All recreational take is allowed	Harmful tidepooling occurring throughout MPA. Difficult to message good tidepooler rules without designated protections	Add tidepool protection language similar to Crystal Cove and Dana Point SMCAs	Yes	Would make it easier to message about responsible tidepooling and reduce inadvertent take	Tools for existing SP tidepool docent program needed here, such as Natural Bridges State Park tidepool cart	State Parks pending review; Environment California?		Take Allowance Change	
San Luis Obispo	Cambria State Marine Conservation Area	All recreational take is allowed	Boundary between Cambria SMCA and White Rock SMCA is confusing, leading to accidental poaching by kayak fishers putting in at boundary at Wedgewood	Shift White Rock SMCA northern boundary to end of neighborhood at Lampton Park. Shift southern boundary south 1/2 mile accordingly to not lose any protection and cover some kelp habitat	Yes	May be some pushback from commercial live rockfish fishery for southern shift but recreational anglers in support		Environment California?		Boundary Change	
San Luis Obispo	Cambria State Marine Conservation Area	All recreational take is allowed	No commercial take allowed but there is an existing kelp lease?	Remove kelp lease 209 OR clarify that lease holder cannot harvest within Cambria SMCA	Yes	Commercial harvest of kelp is incompatible with MPA regulations that allow recreational take only		Environment California?		Other	

San Luis Obispo	White Rock State Marine Conservation Area	Commercial take of giant kelp and bull kelp with valid lease	Boundary between Cambria SMCA and White Rock SMCA is confusing, leading to accidental poaching of kayak fishers putting in at boundary at Wedgewood	Shift White Rock SMCA northern boundary to end of neighborhood at Lampton Park. Shift southern boundary south 1/2 mile accordingly to not lose any protection	Yes	May be some pushback from commercial live rockfish fishery for southern shift but recreational anglers in support		Environment California?		Boundary Change	
San Luis Obispo	White Rock State Marine Conservation Area	Commercial take of giant kelp and bull kelp with valid lease		Prohibit commercial take of giant kelp and bull kelp with valid lease and change to an SMR	Yes	Original intent was a reserve but there was existing kelp lease. Current lease holder is fine with relinquishing/ disallowing take of kelp		Environment California?		Take Allowance Change	Yes, would change from SMCA to SMR
San Luis Obispo	Morro Bay State Marine Recreational Management Area	Waterfowl hunting allowed. Recreational take of finfish north of line at Pasadena Point. Aquaculture allowed	Poaching occurs at southern side that does not allow take of finfish. Line is confusing and unclear on maps and outreach materials. Illegal invertebrate take (e.g., sea stars at jetty, ghost shrimp at Windy Cove). Signs needed at blue pier	Shift no fishing boundary 150 yds north to public access at Pasadena Park (between Santa Ysabel and Baywood Way)	Yes	Makes it easier for county to manage and educate more accurately about fishing/no fishing line	Signs needed, especially at Blue Pier. County can install sign at Pasadena Park			Boundary Change	
San Luis Obispo	Morro Bay State Marine Recreational Management Area	Waterfowl hunting allowed. Recreational take of finfish north of line at Pasadena Point. Aquaculture allowed	Hunting "within" a bird sanctuary (City of Morro Bay) is confusing, safety concerns for paddlers with increased visitors who are unaware hunting is allowed. Concern about safety issues around hunting around neighborhoods. Trampling of plants occur on shoreline in Baywood Park.	No change to regulations at this time	Yes	Important hunting area. Confusion should be addressed through outreach	Overlay hunting map on SMRMA for outreach purposes Mixed message signs/more education needed about estuary impacts/erosion: "tread lightly" in Los Osos				
San Luis Obispo	Morro Bay State Marine Reserve	No Take	Some hunting violations, hugging line; Boardwalks work to protect birds! Might be good to have one at Baywood Park at 1st Street	No change (reluctantly)	Yes	Some desire to extend SMR west and into bottom part of bay beneath Baywood Peninsula but do not want to impede on aquaculture	More education and outreach needed				
San Luis Obispo	Point Buchon State Marine Reserve	No Take	Regular poaching offshore, trolling, and stopping to drop a line in water. Busiest MPA in SLO, most violations observed/cited	Move northern boundary to actual Point Buchon	Yes	Clearer boundary for fishers coming from Port San Luis	Boundary marker needed here. Make "flagpole" more visible (hang flag?) if boundary doesn't change	State Parks pending review		Boundary Change	
San Luis Obispo	Point Buchon State Marine Conservation Area	Recreational and commercial take of salmon and albacore allowed	Regular poaching, rockfish and lingcod, maybe some squid boats?	No change	Yes						

Santa Barbara and Ventura (Santa Barbara Channel)	Vandenberg SMR	No Take	Vandenberg Space Force Base (VSFB) allows active-duty officers, their dependents/families, and guests to fish off Vandenberg. Leads to confusion since officially a no-take area. Regulations should match take allowed. Petition has been submitted by City of Lompoc to allow shore fishing at Surf Beach	Change designation to SMCA that allows hook and line for finfish from shore only	Yes	Would increase actual protection due to past 5 Base Commanders' decision to allow all legal take on base and would address equity concerns by allowing access for non-military at Surf Beach		Greg Helms to propose intertidal ribbon		Take Allowance Change	Yes, would change from SMR to SMCA
Santa Barbara and Ventura (Santa Barbara Channel)	Vandenberg SMR	No Take		Revaluate MOA with VSFB that is being interpreted as allowing for full military recreational take in a no-take SMR	No, not needed if designation is changed to SMCA	Vandenberg conservation officer will enforce updated take regs on military personnel				Other	
Santa Barbara and Ventura (Santa Barbara Channel)	Point Conception SMR	No Take	Recent groundfish case. Difficult for enforcement to access from land through Dangermond Preserve. M2 radar at Pt. Conception shows a lot of boating activity, may	No change	Yes		Provide continued support for M2 radar with ground truthing and continued coordination/info sharing between agencies				
Santa Barbara and Ventura (Santa Barbara Channel)	Kashtayit SMCA	Rec take of finfish, invertebrates (except rock scallops and mussels) and giant kelp by hand harvest. Santa Ynez band of Chumash exempt	Illegal and dangerous access down the bluffs on Gaviota. Fishing without a license. Access issues for pier fishers with Gaviota pier closed. Difficult to interpret	Reword regulations for clarity of outreach: "Recreational take of finfish, invertebrates, and giant kelp allowed"	Yes	Simpler regulations will make outreach easier, increasing compliance, with minimal impacts to the resources	Have FGC/State push for pier repair at Gaviota Pier (SB County/State Parks) for safety/access reasons	State Parks pending review/Greg Helms		Language Change	Section 100 change
Santa Barbara and Ventura (Santa Barbara Channel)	Naples SMCA	Rec take by spearfishing of white seabass and pelagic finfish. Commercial take of giant kelp by hand or mechanical harvest. Santa Ynez Band of Chumash exempt	Hook and line fishing and access issues occur here, and most days there are at least two vehicles for fishing or surfing parked near Naples. Impact to hook and line fishers	Add hook and line to allowed method of take	No	Numbers/impact/level of take different between hook and line and spearfishing. Would drastically reduce protection				Take Allowance Change	
Santa Barbara and Ventura (Santa Barbara Channel)	Campus Point No-Take SMCA	No Take	Onshore and offshore hook and line fishing continues to be observed	Change purple to red for outreach purposes	Yes	Easier to explain "no take" if consistent with red SMR		Greg Helms		Other	
Santa Barbara and Ventura (Santa Barbara Channel)	Goleta Slough No-Take SMCA	No Take	Trespassing (e.g., illegal swimming, dogs). People occasionally use nets to fish here and/or fish off bridges at the finger boundaries of the slough. Dumping of sediment still occurs in Goleta Bay	Consider water quality designation for Goleta Bay	Yes	Goleta Bay is between two MPAs and there is a need to address impacts of sediment dumping to subsistence fishers off Goleta Pier		Greg Helms		Other	
Santa Barbara and Ventura (Santa Barbara Channel)	Goleta Slough No-Take SMCA	No Take		Change purple to red for outreach purposes	Yes	Easier to explain "no take" if consistent with red SMR		Greg Helms		Other	

Santa Barbara and Ventura (Santa Barbara Channel)	Richardson Rock SFMR	No Take		No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	San Miguel Island Special Closure	Allowance for sea urchin divers between Castle Rock and Judith Rock SMR western boundary (Point Bennet) between 3/15-4/30 and 10/1-12/15.	Commercial urchin poaching. Purpose to reduce disturbance to pinniped populations. Is closure still necessary? Point Bennet has one of the largest pinniped (six species) rookeries on the West Coast of North America	Revaluate need for special closure (SC); Clean up language to address confusion between 300 yards describing SC and 100 yards keeping boats from whole Island 102 A.1.(a)	Yes		M2 radar at NMFS marine mammal station	Greg Helms		Language Change	
Santa Barbara and Ventura (Santa Barbara Channel)	Harris Point SFMR	No Take	CDFW sees some fishers that are taking from shore, although it is not common	No change	Yes		Use land-based range markers (e.g., O & K) to mark boundaries				
Santa Barbara and Ventura (Santa Barbara Channel)	Judith Rock SFMR	No Take		No change	Yes		Use land-based range markers (e.g., O & K) to mark boundaries				
Santa Barbara and Ventura (Santa Barbara Channel)	Carrington Point SMR	No Take	Confusing angle relative to pier	No change	Yes	NPS outreach on angle has been good	More permanent boundary markers/signage is needed				
Santa Barbara and Ventura (Santa Barbara Channel)	Skunk Point SMR	No Take	Difficult to determine how far offshore boats are (in or out)	No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	South Point SFMR	No Take		No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	Painted Cave SMCA	Rec take of spiny lobster and pelagic finfish	People are taking non-pelagic fish species, rockfish, California sheephead, and live fish	No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	Gull Island SFMR	No Take		Have state discuss with NMS changing federal area to FMCA to allow for take of pelagics	No	More data/justification needed				Take Allowance Change	Yes, would turn federal MRs into federal MCAs. No consensus
Santa Barbara and Ventura (Santa Barbara Channel)	Scorpion SFMR	No Take	Fishing/take in little coves at eastern boundaries. Lobster traps	No change	Yes		More on-island enforcement presence needed				
Santa Barbara and Ventura (Santa Barbara Channel)	Anacapa Island Special Closure	No net or trap may be used in waters less than 20 feet deep. Brown Pelican closure from Portuguese Rock to Frenchy's Cove 1/1-10/31	Brown pelican area makes it difficult for Island Packers and others to land legally at Frenchy's	Add exemption to allow access/landing Frenchy's Cove	Yes	Intent was to allow landing at Frenchy's Cove but aligning brown pelican closure with SMR/SMCA boundary closed off access to safe landing		Greg Helms		Allowed Activity Change	
Santa Barbara and Ventura (Santa Barbara Channel)	Anacapa Island Special Closure	No net or trap may be used in waters less than 20 feet deep. Brown Pelican closure from Portuguese Rock to Frenchy's Cove 1/1-10/32	Depth hard to enforce due to sheer drop off from island	Reassess need for Special Closure and consider removing if not justified	Yes	May only need brown pelican closure rather than full island special closure to protect seabirds		Greg Helms		Allowed Activity Change	Yes, would remove special closure

Santa Barbara and Ventura (Santa Barbara Channel)	Anacapa Island SFMCA	Rec take of spiny lobster and pelagic finfish. Commercial take of spiny lobster. Santa Ynez Band of Chumash exempt	Confusion regarding what "pelagic" means may lead to unlawful take	No change	Yes		Outreach needed around pelagics				
Santa Barbara and Ventura (Santa Barbara Channel)	Anacapa Island SFMR	No Take	Violations for unlawful take	No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	Footprint SFMR	No Take	Lots of violations. Boats drift in because they cannot anchor	Have state discuss with NMS changing federal area to FMCA to allow for take of pelagics	No	More data/justification needed				Take Allowance Change	Yes, would turn federal MRs into federal MCAs. No consensus
Santa Barbara and Ventura (Santa Barbara Channel)	Begg Rock SMR	No Take	The MPA violations here are commercial and come from experienced	No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	Santa Barbara Island SFMR	No Take	Osborne Bank. CPFV/commercial lobster poaching. Overlapping jurisdictions	Have state discuss with NMS changing federal area to FMCA to allow for take of pelagics	No	More data/justification needed	M2 radar needed to monitor remote MPA			Take Allowance Change	Yes, would turn federal MRs into federal MCAs. No consensus
Los Angeles (Mainland)	Point Dume SMCA	Rec take by spearfishing of white seabass and pelagic finfish. Commercial take of swordfish by harpoon and coastal pelagic species by round haul net, brail gear, and light boat. Santa Ynez band exempt	Frequent noncompliance with MPAs and limited enforcement	Delete allowance for commercial take of Swordfish by harpoon	Yes	Swordfish fishing does not occur that close to shore	Additional enforcement personnel/efforts are needed	State Parks pending review; Heal the Bay		Take Allowance Change	
Los Angeles (Mainland)	Point Dume SMCA	Rec take by spearfishing of white seabass and pelagic finfish. Commercial take of swordfish by harpoon and coastal pelagic species by round haul net, brail gear, and light boat. Santa Ynez band exempt		Allow hook and line fishing for allowed method of take of white seabass and pelagic finfish	No	Lessening of protection/unclear impacts				Take Allowance Change	
Los Angeles (Mainland)	Point Dume SMR	No Take	Angle of eastern boundary is confusing/extends due west and is close to shore	No change	Yes		Use of surveyed boundary images in outreach can help address confusion with eastern boundary at Paradise Cove				
Los Angeles (Mainland)	Point Vicente No-Take SMCA	No Take	Frequent noncompliance with MPAs and limited enforcement	No change	Yes		Additional enforcement personnel/efforts are needed				
Los Angeles (Mainland)	Point Vicente No-Take SMCA	No Take	Confusion of significance of purple designation	Keep allowance for maintenance but change color from purple to red for ease of public interpretation	Yes	Easier to explain "no take" if consistent with red SMR				Other	

Los Angeles (Mainland)	Abalone Cove SMCA	Rec take by spearfishing of white seabass and pelagic finfish; and market squid by hand-held dip net. Commercial take of swordfish by harpoon and coastal pelagic species by round haul net, brail gear, and light boat	Harmful tidepooling impacts/take from tidepools. Frequent noncompliance with MPAs and limited enforcement	Delete allowance for commercial take of swordfish by harpoon	Yes	Swordfish fishing does not occur that close to shore	Additional enforcement personnel/efforts are needed	Heal the Bay		Take Allowance Change	
Los Angeles (Mainland)	Abalone Cove SMCA	Rec take by spearfishing of white seabass and pelagic finfish; and market squid by hand-held dip net. Commercial take of swordfish by harpoon and coastal pelagic species by round haul net, brail gear, and light boat		Allow hook and line fishing for allowed method of take of white seabass and pelagic finfish	No	Lessening of protection/unclear impacts				Take Allowance Change	
Los Angeles (Catalina Island)	Arrow Point to Lion Head Point SMCA	All rec and commercial take allowed. Take of invertebrates prohibited	Poaching lobster and abalone. Hoop nets. Difficult to identify 1,000 feet from shore at Indian/Endemic Rock	No change	Yes		Need for a locally managed (research) buoy to mark 1,000 feet point				
Los Angeles (Catalina Island)	Blue Cavern Onshore No-Take SMCA	No Take. No anchor area in original refuge boundaries	Fishing/using hoop nets close to shore at Big Fisherman Cove. Poaching at Yellowtail Point and Bird Rock; Confusion around no anchor zone	Change purple to red for outreach purposes	Yes, only if all current maintenance/access activities are still allowed	Easier to explain "no take" if consistent with red SMR	Need for some boundary marker at Yellowtail Point. MPA Watch transect would help identify use/ compliance issues here			Other	
Los Angeles (Catalina Island)	Blue Cavern Offshore SMCA	Rec take of pelagic finfish by hook and line and spearfishing and white seabass by spearfishing and market squid by hand held dip net. Commercial take of pelagic finfish by hook and line and swordfish by harpoon	Take via illegal gear types	No change	Yes						
Los Angeles (Catalina Island)	Long Point SMR	No Take	Trolling through MPA occurs. Misconception that MPA is only close to shore. Rental boats go past Long Point and fish	Make a distance from shore rather than lat/long for ease of outreach. Cut off corner and flip and move west (offshore) to maintain size	Yes	Clearer outreach to trollers to stay certain distance from shore, IF maintains size				Boundary Change	
Los Angeles (Catalina Island)	Lover's Cove SMCA	Rec take by hook and line from the Cabrillo Mole is allowed. Feeding fish allowed	Fishing from shore at the ramp near the Mole. Angle is difficult at eastern boundary. Food torpedoes are shot from tourist subs to attract fish to windows	Remove allowance for feeding of fish	Yes	Against intent of MLPA, affecting behavior of fish/habitat; public safety issue as fish become more aggressive and bite				Allowed Activity Change	
Los Angeles (Catalina Island)	Casino Point No-Take SMCA	No Take. Feeding fish allowed	Boundaries don't match dive park buoys. Feeding fish may be incompatible use. 40-50' depth at MPA line.	Remove allowance for feeding of fish.	Yes	Against intent of MLPA, affecting behavior of fish/habitat; public safety issue as fish become more aggressive and bite	Might need to utilize a weaning off process for fish used to being fed			Allowed Activity Change	

Los Angeles (Catalina Island)	Casino Point No-Take SMCA	No Take. Feeding fish allowed		Change purple to red for outreach purposes for outreach	Yes	Easier to explain "no take" if consistent with red SMR				Other	
Los Angeles (Catalina Island)	Farnsworth Onshore SMCA	Rec take by spearfishing of white seabass and pelagic finfish; marline, tunas and dorado by trolling and market squid by hand held dip net. Commercial take of swordfish by harpoon, coastal pelagics by roundhaul net, brail gear and light boat	More difficult to assess whether poaching is occurring on the backside. Challenging/confusing for fishers	No change	Yes		More outreach to fishers needed on why deep habitat/fish are protected here				
Los Angeles (Catalina Island)	Farnsworth Offshore SMCA	Rec take of pelagic finfish by hook and line or by spearfishing; white seabass by spearfishing; marlin, tunas and dorado by trolling and market squid by hand held dip net. Commercial take of swordfish by harpoon, coastal pelagics by roundhaul net, brail gear and light boat	CPFVs (party boats) are seen illegally fishing in Farnsworth Offshore SMCA, moving out if they see the CDFW patrol boat approaching. Regs restricting take of rockfish can be confusing for fishers/challenging to prove rockfish on board was taken outside	No change	Yes						
Los Angeles (Catalina Island)	Cat Harbor SMCA	Rec take of finfish by hook and line or by spearfishing, market squid by hook and line, and spiny lobster and sea urchin. Commercial take of sea cucumbers by diving only and spiny lobster and sea urchin. Aquaculture of finfish	Some take of undersized fish	No change	Yes						
Orange	Bolsa Bay SMCA	Rec take of finfish by hook and line from shore in designated areas only	Confusion between Bolsa Bay and Bolsa Chica Basin MPAs	Potentially combine Bolsa Bay with Bolsa Chica Basin MPAs?	No	State Lands requirement to have fishing				Boundary Change	Yes, would change from SMCA to SMR. No consensus
Orange	Bolsa Chica Basin No-Take SMCA	No Take. Allows for maintenance of artificial structures	Water management infrastructure is failing - needs management and repairs. Shoaling and potential closing of inlet - need cost effective alternative to dredging and $ to implement. Could ultimately change boundaries of MPAs	MPA should cover all waters in ecological reserve. Move northeastern boundary to Graham	Yes	Makes enforcement easier so CDFW can cite for unlawful fishing using 632 instead of no trespassing		OC Coastkeeper	Wendy Berube	Boundary Change	
Orange	Bolsa Chica Basin No-Take SMCA	No Take. Allows for maintenance of artificial structures	Confusion between Bolsa Bay and Bolsa Chica Basin MPA regulations and whether take is allowed. Bridge inconsistency	Change purple to red for outreach purposes	Yes	Easier to explain "no take" if consistent with red SMR		OC Coastkeeper	Wendy Berube	Other	

Orange	Upper Newport Bay SMCA	Rec take of finfish by hook and line from shore in designated areas only	Ecological Reserve and MPA overlapping jurisdiction. Fishing from floats by PCH bridge and using gill nets at Jamboree	No change	Yes		Harbor and estuary signs needed at Newport Dunes. Additional enforcement personnel/efforts are needed				
Orange	Crystal Cove SMCA	Rec take of finfish by hook and line or by spearfishing and spiny lobster and sea urchin. Commercial take of sea urchin, spiny lobster by trap, and coastal pelagic species by round haul net, brail gear and light boat	Harmful tidepooling and undersized lobster. Nighttime poaching. Angle is difficult at southern boundary	Better define tidepool definition to encompass rocky intertidal habitat	Yes	"Area encompassing the rocky pools" is confusing, makes it sounds like it is only the pools, not intertidal zone when dry	Night vision for State Parks officers to address nighttime poaching	State Parks pending review; OC Coastkeeper	Wendy Berube	Language Change	
Orange	Crystal Cove SMCA	Rec take of finfish by hook and line or by spearfishing and spiny lobster and sea urchin. Commercial take of sea urchin, spiny lobster by trap, and coastal pelagic species by round haul net, brail gear and light boat		Add "non-living, geological or cultural" marine resource to tidepool take prohibition for consistency with 632(a)1(C)	Yes	Clarifies tidepool protections to include rocks and shells		State Parks pending review; OC Coastkeeper	Wendy Berube	Language Change	
Orange	Laguna Beach SMR	No Take	Poaching in gated/private communities; angle is difficult at northern boundary	No change	Yes		More enforcement needed in private community. Bring back community scientist/anglers (i.e., CCFRP) to OC				
Orange	Laguna Beach No-Take SMCA	No Take. Maintenance allowed	Angle is difficult at southern boundary	Change purple to red for outreach purposes	Yes	Easier to explain "no take" if consistent with red SMR	Produce map that has layer that shows allowed maintenance/artificial structures and scientific take	OC Coastkeeper	Wendy Berube	Other	
Orange	Dana Point SMCA	Rec take of finfish by hook and line or by spearfishing and spiny lobster and sea urchin. Commercial take of sea urchin, spiny lobster by trap, and coastal pelagic species by round haul net, brail gear and light boat. Tidepools protected	Fishing without a license. Night poaching at 3 Arch. Take of limpets at north end. Shift in fishing pressure. Angle is difficult at southern boundary. Harmful tidepooling	Add "non-living, geological or cultural" marine resource to tidepool take prohibition for consistency with 632(a)1(C)	Yes	Clarifies tidepool protections to include rocks and shells		OC Coastkeeper	Wendy Berube	Language Change	
Orange	Dana Point SMCA	Rec take of finfish by hook and line or by spearfishing and spiny lobster and sea urchin. Commercial take of sea urchin, spiny lobster by trap, and coastal pelagic species by round haul net, brail gear and light boat. Tidepools protected		Better define tidepool definition to encompass rocky intertidal habitat or utilize a different term.	Yes	Tidepools are specific to pools but intertidal habitats protected can be free of pools in some cases. "Area encompassing the rocky pools" is unclear whether all rocky intertidal habitat is included here.		OC Coastkeeper	Wendy Berube	Language Change	
San Diego	Batiquitos Lagoon No-Take SMCA	No take. Boating, swimming, wading and diving prohibited	Confusion between ecological reserve regulations west of 5 and MPA regulations east of 5	Expand SMCA west of I-5 bridge to encompass all of ecological reserve	No	Expands MPA size, unclear on impacts to recreational fishing				Boundary Change	

San Diego	Batiquitos Lagoon No-Take SMCA	No take. Boating, swimming, wading and diving prohibited		Change to blue SMCA with designated fishing areas	Maybe	If does not reduce fishing opportunities under I-5 and 101 bridges, or lessen existing protections				Take Allowance Change	Yes, would change from No-Take SMCA to SMCA
San Diego	Batiquitos Lagoon No-Take SMCA	No take. Boating, swimming, wading and diving prohibited		Change purple to red for outreach purposes if boundaries remain the same	Yes	Easier to explain "no take" if consistent with red SMR				Other	
San Diego	Swami's SMCA	Rec take by hook and line from shore and rec take by spearfishing of white seabass and pelagic finfish	Harmful tidepooling, especially at Seaside reef. Enforcement for take of lobster is hard at southern boundary since it splits 2 jurisdictions and the reef (hard to know where they are actually taking from and who is responsible for enforcing what.)	Move southern boundary to jurisdictional boundary between State Parks and City of Solana Beach for full tidepool protection of reef	No	Increases size of MPA, reducing fishing access, and may impact take of halibut				Boundary Change	
San Diego	Swami's SMCA	Rec take by hook and line from shore and rec take by spearfishing of white seabass and pelagic finfish		Shift entire shape south (lifeguard tower to state/Solana Beach line to cover tidepool on south side)	Yes	Compromise. Keeps same size MPA but covers impacted tidepool area on southern boundary. Lifeguard tower clear boundary at north end		State Parks pending review; Wildcoast		Boundary Change	
San Diego	San Elijo Lagoon No Take SMCA	No take. Boating, swimming, wading and diving prohibited	Lots of people fishing at entrance to San Elijo lagoon under bridge and in channel	Move boundary to west side of the bridge (prohibiting fishing under the bridge) as long as accommodations are allowed for dredging	Yes	Signs are currently posted on west side of bridge to prohibit people from entering the San Elijo Lagoon. Makes outreach clearer		State Parks pending review; Wildcoast		Boundary Change	
San Diego	San Elijo Lagoon No Take SMCA	No take. Boating, swimming, wading and diving prohibited		Change purple to red for outreach purposes	Yes	Easier to explain "no take" if consistent with red SMR				Other	
San Diego	San Dieguito Lagoon SMCA	Rec take of finfish by hook and line from shore. Boating, swimming, wading and diving prohibited	Confusion between ecological reserve boundaries and regulations and MPA boundaries and regulations. Speculation that extent of water has changed since restoration. Original intent of 632 was to align with 630 in overlapping waters. Non-MPA areas are more restrictive which leads to confusion	Have MPA cover all water within ecological reserve.	Need more information	Check with Joint Power authority because would lessen protections if SMCA (that allows fishing) is expanded to all state waters	Sea level rise impacts should be considered			Boundary Change	
San Diego	San Diego-Scripps Coastal SMCA	Rec take of coastal pelagic species, except market squid, by hook and line only	Harmful tidepooling. People using gear types for fishing for species other than coastal pelagics but gear type cannot assume intent. Makes enforcement difficult. Also safety concerns with surf casters into high use swim/surf area	Add, "except from shore" to prohibit surf hook and line	Yes	Surf fishing from shore causes safety concerns (hooks getting caught on surfers/swimmers). Still allows kayakers to fish for bait fish on way out, which was original intent				Take Allowance Change	

San Diego	Matlahuayl SMR	No Take	Harmful tidepooling. Kayak fishing. Caves are being defaced/ graffitied	Add place name (La Jolla) to traditional Kumeyaay name (Matlahuayl)	No	Keep Kumeyaay name only for Tribal acknowledgement. Would also add confusion between other La Jolla MPAs	More focused patrols on caves in La Jolla to address littering/defacement of MPA			Language Change	
San Diego	South La Jolla SMR	No Take	Most highly cited MPA. Poaching of lobster and offshore fishing. Harmful tidepooling. Challenges of parking and access (coastline related challenges due to sea level rise, climate disturbance)	No change	Yes	Focus on local management/outreach/enforcement	Need for more focus on tidepools (outreach/ enforcement). More staff for allied agencies to help enforce. Encourage city to maintain safe accessways and deal with coastal erosion problems. More education on marine mammal disturbance				
San Diego	South La Jolla SMCA	Rec take of pelagic finfish by hook and line only		No change	Yes						
San Diego	Famosa Slough No Take SMCA	No Take	Homeless encampments. Construction run-off. Dogs and cats disturbing birds	Change purple to red for outreach purposes	Yes	Easier to explain “no take” if consistent with red SMR				Other	
San Diego	Cabrillo SMR	No Take	Harmful tidepooling. Offshore boats but NPS unable to contact other than through megaphone	Work with Kumeyaay to rename MPA to traditional Kumeyaay name	Yes	Kumeyaay name exists for this location. Need to confirm spelling	Additional enforcement personnel/efforts are needed			Language Change	
San Diego	Tijuana River Estuary SMCA	Rec take of coastal pelagic species, except market squid, by hand held dip net. Commercial take of coastal pelagics, except market squid by round haul net	Difficult take regulations to interpret in the field and take by hand held dip net not really occurring, per Imperial Beach lifeguards	No change							

Cell: K138
Note: was not sure about this categorization
MPA Collaborative

From: California Fishermens Resiliency Association <californiafishermensresiliency@gmail.com>
Sent: Wednesday, July 3, 2024 06:44 PM
To: FGC <FGC@fgc.ca.gov>
Cc: [redacted] Steve Scheiblauer <[redacted]>; Dave Colker <[redacted]>; Jake Mitchell <[redacted]>; [redacted]
Subject: MPA Petitions Support/Object

CALIFORNIA FISHERMEN'S RESILIENCY ASSOCIATION

1118 6th St.
Eureka, CA 95501

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

July 3, 2024

Re: MPA Petitions/Support/Object

Commissioners:

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

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

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

We provide no support for the following MPA petitions:

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

Thank you for this opportunity to comment.

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

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

Cc: Dave Colker
Peter Halmay
Steve Scheiblauer
Jake Mitchell

From: Devin O'Dea <[redacted]>
Sent: Thursday, February 1, 2024 04:10 PM
To: FGC <FGC@fgc.ca.gov>
Cc: Mark Smith <[redacted]>; Wayne Kotow <[redacted]>; Keely Hopkins <[redacted]>; California Chapter <[redacted]>
Subject: Discussion Item 10 - Regulation change petitions (marine)

Dear Commission Staff,

Please accept the attached comment letter on behalf of Backcountry Hunters & Anglers, the Coastal Conservation Association of California, and the Congressional Sportsman's Foundation pertaining to Discussion Item 10 at the upcoming Fish & Game Commission meeting.

Thank you,

Devin O'Dea | Western Policy & Conservation Manager

Backcountry Hunters & Anglers
Phone: (415) 246-5329
www.backcountryhunters.org

February 1, 2024

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

RE: Discussion Item 10 - Regulation change petitions (marine)

Dear President Sklar, Vice President Zavaleta & Commissioners,

We appreciate the opportunity to comment on the numerous petitions under consideration at the February meeting of the California Fish & Game Commission, and we offer the perspective of the many hundred thousand supporters of our organizations to the Commission. We express grave concerns regarding several of the proposals to eliminate fishing access along large stretches of the California coast and argue that many of the petitions lack adequate scientific support and documentation to substantiate their positions.

The Decadal Management Review (DMR) of the Marine Protected Area Network (MPA) has offered important insights for MPA managers to help shape the adaptive management of MPA regulations, including promising research that MPAs may increase biomass and provide resiliency against the impacts of a changing climate for some species. The intent of the Marine Life Protection Act (MLPA) and the stewardship of our coastal resources are of paramount importance to California's heritage. However, these laudable goals and conservation benchmarks should not preclude access to harvest coastal foods where state and federal fisheries managers have demonstrated robust and resilient fish stocks without any current threat of overfishing, nor for those species where targeted fishing and active management would benefit the overall ecosystem balance.

There are numerous, seemingly well-intentioned petitions currently before the Fish & Game Commission that seek to preserve California's coastal waters citing anthropogenic impacts to biodiversity and ecosystems such as pollution, rising sea temperatures, disease, development and overfishing. While we support the intent to safeguard our fish stocks, biodiversity, and ecosystem integrity, we strongly disagree with the all-or-nothing approach adopted by many of the petitioners who proffer the wholesale elimination of fishing access without adequate scientific rationale or the acknowledgement of regulatory mechanisms already in place such as those established by the Magnuson-Stevens Fishery Conservation and Management Act working through the Pacific Fisheries Management Council, National Oceanic and Atmospheric Administration (NOAA) Fisheries, the California Department of Fish and Wildlife (CDFW), the Fish & Game Commission, and the additional state/federal laws and agencies dedicated to this task. Simply put, many of the petitions referenced below seek to advance preservation at all costs, pushing for wholesale closures that circumvent the regulatory processes already in place, ultimately bludgeoning access for the diverse angling communities that have revered these coastal traditions for generations.

Anglers and consumptive users will often be the first and loudest voices to advocate for restrictions or even closures to ensure the sustainability of a fishery, as evidenced by the numerous fishing groups and organizations advocating for the closure of the 2023 salmon season following the data and dismal projections provided by the Pacific Fisheries Management Council and CDFW. However, a Californian

constitutional right to fish seems to stand in conflict with the presumption that restriction of access is permissible where there is a lack of scientific evidence or data to justify the closure. Section 1, Article 25 of the California Constitution states, "the people shall have the right to fish upon and from the public lands of the State and in the waters thereof," and the courts in re Quinn (1973) defined "public lands of the state" referenced in this article to include "access to fish in the inland streams and coastal waters of the state."

Shore fishing, diving/spearfishing, kayak/boat fishing and coastal gathering are low impact activities that reflect the broad spectrum of California's diverse community and constitute a valuable resource for individuals across the economic divide to access nature and provide food for their families. We encourage the Commission and MPA managers to consider the numerous communities that enjoy the state's many sustainable food resources when considering protections and recommendations that might unnecessarily exclude these groups. We feel that these considerations are in line with the California Natural Resources Agency's Outdoors for All initiative and its commitment in the Pathways to 30x30 document to "implement projects that do no further harm or pose unintended consequences to historically marginalized communities."[1] Specifically, we wish to highlight this issue with regards to the expansion of California's MPA network which restricts shore-based diving, foraging, and fishing access for all Californians – especially historically marginalized communities, communities of color and Native American tribes. From California's Constitutional Right to Fish:

> Anglers from historically marginalized communities may be less able to travel to fishing locations and are more likely to require shore access, as opposed to access from a boat. Anglers in communities like this need accessible shore-fishing, particularly given the importance of subsistence fishing in poorer communities. Moreover, fishing opportunities offer physical and psychological benefits to disadvantaged communities, not just access to fish as food.[2]

It is within this context that we urge the Commission to take the following actions with regards to the petitions they have received.

Petition 2023-14MPA: *Allow commercial take of red sea urchins in nine state marine conservation areas (SMCAs)*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

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

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation, but are encouraged by the proposal and the potential opportunity to gather more data on limited take MPAs and long-term MPA monitoring at the Channels Islands.

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[1] https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final_Pathwaysto30x30_042022_508.pdf

[2] Coats, Francis, and Karrigan Bork. "CALIFORNIA'S CONSTITUTIONAL RIGHT TO FISH." *Environmental Law*, vol. 51, no. 4, 2021, pp. 1085–147. *JSTOR*, https://www.jstor.org/stable/48647570. Accessed 22 Mar. 2023.

Petition 2023-16MPA: *Reclassify Stewarts Point and Bodega Head SMRs to SMCAs and allow commercial take of salmon.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-18MPA: *Modify allowed uses for four marine protected areas (MPAs) in Santa Barbara Channel and eliminate two special closures.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-19MPA: *Designate new "Chitqawi" SMCA near Morro Bay for California-Chumash co-management*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-20MPA: *Reclassify and rename Point Buchon SMR to "Chumash SMCA" for co-management with tribal take exemption.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-21MPA: *Modify Pyramid Point SMCA to remove recreational take of surf smelt and allow tribal take exemption for Tolowa Dee-ni' Nation.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-22MPA: *Define "rocky intertidal zone," add research, monitoring, restoration and education allowance, and clarify protections in several Orange County MPAs.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-23MPA*: Reclassify three SMCAs to SMRs, designate one new SMR in Monterey, and make various changes related to kelp restoration.*

We recommend the Commission deny this petition.

While the petitioner's intent to restore kelp forests and ecosystem integrity at tankers reef and in the surrounding waters is laudable, this broadly proscriptive petition would unnecessarily restrict access for anglers where there is no clear scientific rationale. In fact, the petitioner submitted a very similar petition seeking to close access for groundfish along a large stretch of the coast in this region in 2023 which the Department of Fish & Wildlife rejected citing a lack of scientific evidence to support the claim. We support the ongoing efforts to restore kelp forests through urchin culling and other means, however we oppose reclassifying these SMCAs to SMRs and the establishment of a new SMR in Monterey.

Petition 2023-24MPA: *Expand Laguna Beach no-take SMCA southward to border of City of Laguna Beach and modify Dana Point SMCA boundaries*

We recommend the Commission deny this petition.

We oppose this petition on the basis that it lacks scientific documentation or justification to eliminate fishing access in the proposed area. The petitioner argues primarily for administrative ease that the no-take closure be extended to the edge of city limits. During the implementation of the MLPA, MPAs were sited utilizing careful selection criteria based on habitat type, proximity from other MPAs, impact to communities and more. The petitioner argues that all beaches within the City of Laguna Beach should be no-take MPAs in order to streamline enforcement and that homeowners "feel that it is not equitable to have only the north and central beaches protected." It should be noted that the petitioner also states clearly in the Economic or Fiscal Impact section of the petition that "estimated resident property values gain an increase of 20% from proximity to a fully protected MPA" which may explain more robust support from the city and homeowners.

The petitioner also cites kelp forest health as justification for eliminating fishing access, however the 100 + page report included with the petition doesn't reference fishing pressure or boat activity with regards to kelp forest health and instead focuses on water temperature, nutrients, wave height, upwelling, rainfall and other stressors. As such, we recommend the Commission deny this petition since there is no scientific documentation to support its claims, and it would only negatively impact anglers who would be forced to travel further to reach fishing grounds.

Petition 2023-27MPA: *Reclassify a portion or all of Anacapa SMCA to an SMR to protect eelgrass*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation. We recognize the value of eelgrass beds for overall ecosystem health and habitat; however, it should be noted that many recreational anglers who target pelagic fish do not anchor and instead prefer to drift fish or troll instead which would have zero impact on the bottom habitat and eelgrass.

Petition 2023-28MPA: *Designate a new SMR at Point Sal, or designate as an SMCA with a tribal take exemption based on tribal consultation*

We recommend the Commission deny this petition.

While the petitioner takes time to identify the important habitat types, larval transport zones, and cultural significance of the Point Sal area, and they reference potential threats to the region from coastal development and industry, they fail to elaborate in any substantive way why fishing access should be removed from this wild and iconic central coast fishing destination. The petitioner states: "current [commercial] fishing in the proposed area is limited, likely due to its considerable distance from nearest port areas of Morro Bay and Santa Barbara." They also admit that they have no data or analysis with regards to recreational fishing and state, "our request to CDFW for recreational fishing data from this area was being processed at time of submission; we will evaluate the potential impact to recreational fishers and submit it to the state following receipt of the requested data."

A limited google search of "Point Sal fishing" also uncovers a large number of recreational fishing blogs and videos detailing the remote and adventurous hike to fish this area from a diverse population of anglers. In 2023 one blogger wrote, "had a great time hiking miles and miles and miles to fish Point Sal with Martin Mansera from Mansera Outdoors…It's such a remote location and so difficult to access, it

makes for a really rad adventure." Recreational fishing trips to the area by boat are also common, and fishing is noted in nearly every travel guide or city/county website that talks about visiting Point Sal.

Regarding access and disadvantaged communities, the petitioner writes, "the California Environmental Protection Agency identifies the adjacent city of Guadalupe as "disadvantaged" under CA Senate Bill 535, and their synthesis of environmental and socioeconomic indicators further reveals that Guadalupe – alongside Santa Maria and Lompoc – are underprivileged communities that experience significant cumulative impacts from pollution. Given these communities' close proximity to Point Sal, implementing an SMR at the proposed site could enhance access for disadvantaged populations to valuable coastal resources and fishing opportunities."

To justify this confounding claim that removing fishing access could somehow *enhance fishing opportunities* for disadvantaged communities, the petitioner cites a study of commercial lobster fishing and the concept of "spillover." They write, "California's MPAs have been shown to increase the biomass of fishery-targeted species and promote "spillover" into nearby coastal areas, benefitting nearby fishing grounds."

Spillover and the positive impacts to fisheries located in waters adjacent to MPAs are often referenced in association with the MPA network, and the limited, initial science has demonstrated some positive correlations with spillover of invertebrates like lobsters to adjacent fishing grounds in select study areas and commercial fishing for tuna in Hawaii. However, there remains an opportunity to further study this hypothesis and to promote scientific research that successfully documents spillover of targeted finfish across the MPA network in California. Some data from MPA monitoring along the Central California Coast indicated limited evidence of spillover from targeted finfish that were tagged and recaptured at a later point during the study period as evidenced from the Starr et al study: Variation in Responses of Fishes across Multiple Reserves within a Network of Marine Protected Areas in Temperate Waters:

> As of July 2014, a total of 251 individual tag recaptures have been reported (Table 8). Tagged fishes were recaptured by commercial and recreational hook-and-line fishermen, commercial trap fishermen, SCUBA divers, and during our fishing surveys. Of all the tagged fishes recapture and reported, 71% were recaptured in the same site and grid cell as they were released, and 22% of recaptured fishes were caught within the same site but outside the original grid cell where they were released. Only 18 fish, or 7% of the recaptured fishes, were recaptured beyond the boundaries of the MPA or REF site in which they were released. The mean net distance moved by eight of nine species recaptured was less than half the length of the MPAs we studied.[3]

While we do not seek to draw conclusions regarding the overall merits of spillover to adjacent fisheries from the results of one study, we do encourage additional research to evaluate the impacts that MPAs have on local fisheries and fisheries as a whole, especially within the context of varied siting and disparate habitat types evidenced across the MPA network. As the Forcada study indicated, "We conclude that spillover effects are not a universal consequence of siting MPAs in temperate waters and they are related to the distribution of habitats inside and around MPAs." (Forcada et al., 2009).

Due to the limited scientific understanding of spillover as it relates to the Marine Protected Area Network as a whole, especially with regards to finfish which would be the primary target of recreational shore and

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[3] 4 Starr RM, Wendt DE, Barnes CL, Marks CI, Malone D, et al. (2015) Variation in Responses of Fishes across Multiple Reserves within a Network of Marine Protected Areas in Temperate Waters. PLOS ONE 10(3): e0118502. https://doi.org/10.1371/journal.pone.0118502

boat-based anglers at Point Sal, we disagree with the petitioner's logical assumptions and the argument as a whole. In fact, when considered in the context presented from the *Constitutional Right to Fish* article, the discussion is turned on its head entirely. "Anglers from historically marginalized communities may be less able to travel to fishing locations and are more likely to require shore access, as opposed to access from a boat. Anglers in communities like this need accessible shore-fishing, particularly given the importance of subsistence fishing in poorer communities."[4]

With the two large no-take SMRs located just South of this newly proposed MPA (Vandenberg SMR & Point Conception SMR) and Point Buchon to the North, it would seem the opportunities to fish and forage the coast for residents of Guadalupe, Lompoc and Santa Maria are already few and far between. In fact, in 2022 the City of Lompoc petitioned the Fish & Game Commission to allow for shore-fishing access along a ½ mile stretch of beach with in the Vandenberg SMR, citing a lack of access to historic fishing grounds for the local communities.

We share the petitioner's concerns regarding habitat disruption from off-shore energy production and the associated infrastructure, however, we note the likely establishment of the Chumash Heritage National Marine Sanctuary (CHNMS) designation which would effectively curtail any development or offshore energy production in this region. Planning for the CHNMS has included fishing access as a key component of the proposed designation.

As a result, we recommend the Commission deny this petition.

Petition 2023-29MPA: *Designate a new SMCA with a tribal take exemption for and co-management with Santa Ynez Band of Chumash Indians in Santa Barbara*

We recommend the Commission deny this petition.

We oppose the petitioner's request to designate a new, no-take SMCA in Carpinteria for several reasons. First, the petitioner argues that spacing and connectivity is a key concern in this location with the distance between the Campus Point and Point Dume SMCAs at 64 nautical miles (nm) instead of the recommended 54 nm to ensure ecological connectivity. When this request is examined within the broader context of MPA siting, it is clear that the target spacing between MPAs could be easily achieved by moving the Campus Point SMCA South or the Point Dume SMCA North, since both are located well-within the recommended 54nm from adjacent MPAs on either side.

Additionally, the petitioner cites the location as important nursery habitat for juvenile great white sharks as justification for establishing a no-take SMR. They write, "Research conducted in the Southern California Bight has found that fisheries bycatch is likely the main source of mortality for JWS." However, the article they cite to support this claim, John F. Benson et. al., discloses that for great white sharks they captured and tagged, "mortality risk was substantially greater off the coast of Baja, Mexico compared with California." Importantly, the research paper also states, "that incidental gillnet capture continues to be the primary source of mortality for juveniles. The lower mortality risk we documented in California waters suggests that full closure of gillnet fishing close to shore is a more effective management strategy than simply banning targeted fishing to reduce mortality risk due to bycatch." [5]

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[4] Coats, Francis, and Karrigan Bork. "CALIFORNIA'S CONSTITUTIONAL RIGHT TO FISH." *Environmental Law*, vol. 51, no. 4, 2021, pp. 1085–147. *JSTOR*, https://www.jstor.org/stable/48647570. Accessed 22 Mar. 2023.

[5] Benson JF, Jorgensen SJ, O'Sullivan JB, et al. Juvenile survival, competing risks, and spatial variation in mortality risk of a marine apex predator. *J Appl Ecol*. 2018; 55: 2888–2897. https://doi.org/10.1111/1365-2664.13158

As the petitioner is undoubtedly aware, gillnet fishing is banned in state waters and therefore the proposed MPA would have no impact on the gillnet fishery or likely the mortality risk to great white sharks.

The petitioner notes the location's popularity with recreational lobster divers and the likely opposition from stakeholders who would oppose the additional loss of access. The mortality risk to great white sharks from the recreational lobster fishery is zero, similar to the risk from spearfishing, yet the petitioner seeks to eliminate access entirely without providing any scientific rationale for the closure. As a result, we request that the Commission deny this petition.

Petition 2023-31MPA: *Reclassify Drakes Estero SMCA to an SMR and combine with Estero de Limantour SMR as a single SMR:*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation but encourage the Commission to maintain access for clamming unless there is a clear threat to the fishery or surrounding ecosystem.

It is worth noting that the National Park Service mentions in their comment letter that the area is now Congressionally Designated Wilderness and that "recreational take of shellfish appears to be very rare, [and] requires long kayak trips in wilderness area." Just because something is difficult doesn't mean it should be illegal.

Petition 2023-32MPA: *Reclassify Duxbury Reef SMCA as an SMR and expand northern and southern boundaries*

We recommend that the Commission deny or refer this petition to the Department of Fish & Wildlife for review and recommendation but emphasize maintaining fishing access for local communities at Duxbury Reef. The vast majority of complaints regarding Duxbury reef are related to enforcement and compliance, rather than a scientific justification for eliminating access. Shore fishing is an important past-time for the diverse communities that comprise the North Bay Area, and removing access to a popular fishing destination should not be justified simply based on the actions of a few bad apples.

Petition 2023-33MPA: *Expand the boundaries of five SMRs and one SMCA, and designate a new SMR off Pleasure Point, in Santa Cruz*

We recommend that this petition be denied or referred to the Department of Fish & Wildlife for review and recommendation due to its broad scope and complexity. The petitioner seeks to enhance protections for kelp forests, but does so with an overly broad brush. Rather than advocating for reducing fishing pressure for predators of kelp grazers, like lobster and sheepshead, the petition advocates for the closure of all fishing, including the harvest of grazer species like urchins that have been documented to decimate kelp forests.

The petitioner argues that eliminating fishing pressure within the proposed MPA areas would somehow bolster kelp populations, but the claim is not well documented by scientific research in this petition. A noteworthy case study, by comparison, is the ongoing Tanker's Reef kelp restoration project, where volunteers have been culling purple urchins within study plots and tracking kelp recovery within the study area and a control site nearby. The initial data for the last three years shows a clear correlation between the removal of purple urchins and kelp recovery in the study plot with no kelp recovery in the adjacent control where urchins were not removed. Fishing is permitted in the Tanker's reef area, however, in adjacent MPA's that have not permitted active restoration and where fishing is not allowed, urchin barons persist and kelp recovery remains minimal.

Kelp forest health and resiliency is a complex and multi-variable equation that can be impacted by numerous factors including water temperature, disease, pollution, algal blooms, wave energy, commercial harvest and more. We support efforts to restore kelp forests across the coast and recognize the role they play in the overall ecosystem health of fisheries, especially the abalone fishery that remains closed until 2026. We urge caution, however where broad fishing closures are enacted in the attempt to solve a problem that requires a more nuanced and carefully crafted multidisciplinary approach.

It should also be noted that the petitioner indicates support for recreational hook and line fishing and spearfishing as an acceptable alternative in several of the MPAs referenced in the petition.

Petition 2023-34MPA: *Reclassify Point Buchon SMCA to an SMR and modify take at Farnsworth Onshore and Offshore SMCAs to only allow recreational spearfishing.*

We recommend that the Commission deny this petition and we emphasize the substantial impacts to current fishing access. The petitioner argues that since the salmon season was closed in 2023 it will likely be closed in perpetuity, which would justify eliminating salmon and albacore fishing access at the Point Buchon SMCA. Salmon populations often decrease during drought years and can rebound with increased precipitation or water allocation as was the case in 2008 and 2009 when the fishery was closed and then reopened. We are cautiously optimistic that the salmon numbers will once again bounce back following the increased precipitation received over the past two years.

In the draft Pathways to 30x30 document, the CNRA writes: “It should be noted that limited-take State MPAs provide an excellent model for other jurisdictions looking to balance biodiversity conservation with sustainable well-managed commercial and recreational fishing.” We feel that reclassifying the Point Buchon SMCA as an SMR and eliminating fishing in this area would be inappropriate; however, we support any attempts to improve enforcement and compliance with existing regulations.

Furthermore, the proposal to modify take at Farnsworth Onshore and Offshore SMCAs would disproportionately impact a broad variety and collection of user groups who may not be physically able or inclined to spearfish. For this reason and the lack of concrete scientific data to justify the additional restrictions, we recommend the Commission deny this petition.

Sincerely,

Devin O’Dea
Western Policy & Conservation Manager
Backcountry Hunters & Anglers

Wayne Kotow
Executive Director
Coastal Conservation Association California

Keely Hopkins
Western States Manager
Congressional Sportsman’s Foundation

FGC@FGC

From: Rick Duenas [redacted]>
Sent: Friday, February 2, 2024 8:41 AM
To: FGC
Subject: Public comment on several 2023-MPA petitions

Dear Members of the Commission,

My name is Rick Duenas. I reside in Pacifica, CA but recreate up and down the coast. I write to you as an avid angler and spearfisherman expressing concern and opposition regarding several of the 2023 MPA petitions that impact areas for which I am both a consumptive stakeholder and steward. Many of these petitions will exclude and alienate consumptive stakeholders from participating in the MPA network, whether through designation changes or boundary expansions. I urge you to please reject petitions 2023-23MPA, 2023-24MPA, 2023-26MPA, 2023- 27MPA, 2023-29MPA, 2023-32MPA, 2023-33MPA, and 2023-34MPA for the reasons enumerated below.

- 2023-23MPA: This petition will effectively ban fishing and spearfishing from the entire north side of the Monterey Peninsula by converting existing SMCAs to no-take SMRs. These SMCAs provide important nearshore opportunities for various consumptive stakeholders. The petitioner, as they attempted in a prior petition rejected by FGC (petition 2023-02), incorrectly claims eliminating finfish take will benefit kelp. In fact, the literature cited by the petition itself even states "[population and mean biomass responses] in the Central Coast MPAs were highly variable" and "kelp canopy monitoring from Landsat remote sensing did not detect a strong effect of MPA protection on average kelp canopy area." (Carr, et al.) This petition is not grounded in scientific reasoning or sound fisheries management and should be rejected.
- 2023-24MPA: This petition will effectively ban fishing, spearfishing, and all other take in the entirety of Laguna Beach. The petitioner cites ease of enforcement and anecdotal overharvesting and substrate degradation as rationale. This is unfair to consumptive stakeholders, essentially saying "it is too hard for city enforcement to learn the different regulations between different areas, so we want to impose a blanket ban on all consumptive stakeholders rather than addressing the root problem of educating the public." Frankly, this petition proposes lazy, non-adaptive management and should be rejected.
- 2023-26MPA: This petition aims to protect intertidal habitat and simplify enforcement but will effectively ban lobster diving from the productive reef at the southern end of Cardiff State Beach. This petition should be rejected and the petitioner advised to propose a smaller, intertidal-take-specific MPA in its place if that truly is the concern.
- 2023- 27MPA: This petition aims to protect eel grass against anchor and lobster trap damage by converting Anacapa SMCA to a no-take SMR but will effectively ban consumptive take on the entire northern side of Anacapa Island. Why not simply address these threats via regulation change instead of designation change? This petition should be rejected and the petitioner advised

to propose a regulation change that prohibits lobster trapping and anchoring shallower than 20 meters; this will allow anglers and divers to drift through or swim in, the intention of the original regulations.

- 2023-29MPA: This petition will effectively ban all take off Carpinteria in Santa Barbara County. This is a popular and important nearshore access opportunity for lobster diving, which is limited to shallow reefs like those found here. This petition should be rejected or revised to make an exemption for low impact take like lobster diving and shore angling.
- 2023-32MPA: This petition will severely limit shore angling opportunities off the Marin coastline. This is an equity issue in that shore-based anglers cannot simply motor to other areas in boats. This petition should be rejected in favor of public education and outreach.
- 2023-33MPA: This petition will severely limit consumptive stakeholder opportunities in several important kelp forests in Southern and Central California, kelp forests that provide equitable access to nearshore activities like angling, lobster diving, and spearfishing. It is inappropriate for a single petition to propose changes to seven unrelated areas; this petition should be split into seven distinct petitions to weigh stakeholder input for each specific area. These expansions are unnecessary in that they target kelp forests that have done particularly well the last decade without MPA intervention. The petition cites warm water events and pollution as threats to kelp forests, yet expanding MPA areas do nothing to mitigate these threats. It is also important to manage these areas in the status quo to serve as a scientific control to compare the efficacy of other MPAs against. This petition should be rejected. Particularly egregious proposals therein:
    - Expanding Cabrillo SMR as proposed will result in divers and anglers losing access to 100% of nearshore reefs and kelp in San Diego.
    - Expanding South Point SMR as proposed will result in divers and anglers losing access to 50% of the south coastline of Santa Rosa Island.
    - Expanding Natural Bridges SMR (and intertidal-focused MPA) to 3nm offshore will eliminate large swaths of groundfish and salmon opportunity from anglers, completely unrelated to the inshore kelp.
    - Designating the Pleasure Point SMR as proposed will result in divers and anglers losing access to important inshore reefs and kelp in eastern Santa Cruz County.
- 2023-34MPA: This petition aims to ease enforcement and compliance by converting Point Buchon SMCA to a no-take SMR. Again, this is throwing the baby out with the bath water. Moreover, the petitioner justifies prohibiting take of salmon because there is a temporary statewide salmon closure, leaving no room for this to change in the future with better recruitment conditions. This petition should be rejected in favor of public education, outreach, and increase enforcement emphasis on the existing MPA.

In summary, the aforementioned petitions alienate and restrict opportunity for a large cohort of consumptive stakeholders across the state in an uncompromising and blanket manner. These petitions should be rejected and the petitioners advised to re-group and bring to the table more specific solutions that address root causes to the compliance, enforcement and protection gaps identified as rationale.

Thank you for your time.

Sincerely,
Rick Duenas

FGC@FGC

From: Michael Eberhardt [redacted] >
Sent: Sunday, February 4, 2024 11:33 AM
To: FGC
Subject: Subject: Opposition to Proposed MPAs - Petitions 2023-23MPA, 2023-24MPA, 2023-26MPA, 2023-29MPA, 2023-32MPA, and 2023-33MPA

Michael Eberhardt

[redacted]

San Francisco, CA [redacted]

[redacted]

[redacted]

2.4.24

Fish and Game Commission

715 P Street, 16th floor,

Sacramento, 95814

Subject: Opposition to Proposed MPAs - Petitions 2023-23MPA, 2023-24MPA, 2023-26MPA, 2023-29MPA, 2023-32MPA, and 2023-33MPA

Dear Commissioners,

I am writing to express my strong opposition to the series of Marine Protected Area (MPA) petitions currently under consideration, specifically 2023-23MPA, 2023-24MPA, 2023-26MPA, 2023-29MPA, 2023-32MPA, and 2023-33MPA. These proposed changes, I believe, are not only detrimental to the rights and

interests of consumptive stakeholders but are also lacking in scientific rationale, equitable enforcement strategies, and fail to directly address the purported environmental concerns.

2023-23MPA seeks to convert existing State Marine Conservation Areas (SMCAs) on the north side of the Monterey Peninsula into no-take State Marine Reserves (SMRs), effectively banning all fishing and spearfishing activities. This proposal disregards the importance of these areas for consumptive users and is based on the unfounded claim that prohibiting finfish take will benefit kelp forests. This approach is not supported by scientific evidence and overlooks the need for sound fisheries management practices.

2023-24MPA proposes a complete ban on fishing, spearfishing, and all other take activities in Laguna Beach. The justification for this sweeping prohibition—citing enforcement difficulties and anecdotal evidence of overharvesting—overlooks the fundamental issue of public education on existing regulations. This blanket approach unfairly penalizes law-abiding stakeholders and is an example of regulatory overreach based on convenience rather than necessity.

2023-26MPA aims to protect intertidal habitats at Cardiff State Beach but in doing so would unjustly prohibit lobster diving in one of the area's most productive reefs. This proposal is an overextension of enforcement simplification that sacrifices valuable recreational opportunities without considering more targeted and reasonable restrictions.

2023-29MPA seeks to eliminate all take activities off Carpinteria, impacting essential access for low-impact recreation such as lobster diving. This area is crucial for sustainable nearshore activities, and the proposed ban disregards the socio-economic benefits derived from these practices.

2023-32MPA would significantly restrict shore angling and some kayak fishing opportunities off the Marin coastline by expanding the Duxbury Reef SMCA. This change is proposed under the guise of enforcement ease but in reality, would severely limit public access to marine resources without a clear environmental justification.

2023-33MPA proposes broad restrictions across several key kelp forest areas in Southern and Central California. The sweeping nature of this petition fails to consider localized stakeholder input and does not effectively address the cited threats of warm water events and pollution. Instead, it would indiscriminately restrict access to valuable fishing grounds and recreational areas.

In summary, these petitions lack a balanced consideration of ecological preservation, stakeholder interests, and the socio-economic impact on local communities. They also fail to provide compelling scientific evidence to justify such extensive prohibitions. I urge the Commission to reject these proposals and to seek more targeted, science-based, and equitable solutions to marine conservation challenges.

Thank you for considering my views on this matter. I trust that the Commission will make decisions that are in the best interest of both our marine ecosystems and the communities that rely on them.

Sincerely,

Michael Eberhardt

FGC@FGC

From: Joe Huettl <[redacted]>
Sent: Sunday, February 4, 2024 4:12 PM
To: FGC
Subject: MPA

Dear President Sklar and Honorable Members of the Commission,

I am writing to oppose the following petitions under consideration at this month's Fish and Game Commission meeting.

2023-23MPA - Eliminating Tanker's Reef would remove an important area from a popular kayak fishing destination for rockfish, California halibut, sardines, and other fin fish. Kayak fishing has little or no impact on kelp beds. Changing three SMCAs to SMRs would also eliminate areas that are currently available and popular to catch squid recreationally. The petitioner makes statements regarding recreational fishing effects on both kelp health and diver safety that are not backed by science. The culling of urchins is listed as the primary strategy of kelp restoration and they do not make a good case for recreational fishing having much of an affect on that.

2023-33MPA - Expanding Natural Bridges SMR three nautical miles out goes far beyond the goals of the petition and severely negatively affects recreational fishing. Recreational fishing has little to no affect on kelp forests. Creating a new SMR at Pleasure Point would have a huge impact on recreational fishing with very little benefit to kelp restoration. This is a popular fishing area for non-motorized vessels and small boats. At some point these restrictions would eliminate Santa Cruz as a fishing destination, with local economic impacts to follow. In one of their letters they state that the proposed MPA is not subject to any significant commercial take. So the designation would affect sport fishing and diving for the most part.

2023-32MPA - Changing Duxbury Reef SMCA to an SMR will eliminate local shore fishing opportunities. Expanding the proposed SMR could have a negative affect on kayak and boat fishing.

2023-20MPA - Expanding Point Buchon North would eliminate one of the few ocean kayak fishing opportunities on the Central Coast.

Please take into account the loss of recreational fishing opportunities and their effect on local economies and morale.
This current barrage of petitions to expand the MPA network is meant to overwhelm the opposition and disregards the thousands of Californians who fish recreationally.

Sincerely,

Joseph Huettl
[redacted].
Walnut Creek , CA [redacted]

FGC@FGC

From: Jim Russell [redacted]>
Sent: Wednesday, February 7, 2024 2:51 PM
To: FGC
Subject: Opposition to Proposal 2023-23MPA

My name is Jim Russell and I live in Watsonville between Santa Cruz and Monterey.

I am an avid spearfisherman and kayak angler, and for the past ~20 years I have spent a lot of time diving and fishing all over the Monterey Peninsula.

I am also a long time member of multiple kayak angling and spearfishing groups that are active in the area.

I am writing to oppose 2023-23MPA which would effectively ban fishing and spearfishing from the entire north side of the Monterey Peninsula by converting three existing SMCAs into no-take SMRs.

I have had countless positive spearfishing and fishing experiences in these SMCAs, and they represent some of the most accessible areas for shore and kayak based angling and spearfishing in the area.

Converting them to SMRs would drastically limit the fishing opportunities in the area, and increase the pressure in the very few remaining open near-shore areas.

Additionally, I feel strongly that spearfishing and fishing in these areas do little to no damage to the kelp forests that the proposal is supposedly protecting.

The author of the proposal says that there are limited opportunities and “poor fishing” in these SMCAs, and that his proposal would have minimal impact on fisherman. The author is wrong, and I do not feel that he has any concern or consideration for the impact closing these areas to fishing would have on the spearfishing and angling communities.

Please deny this proposal and preserve our access to the angling and spearfishing opportunities that many of us cherish in the Edward F. Ricketts, Pacific Grove Gardens, and Carmel Bay SMCAs.

Sincerely,
Jim Russell
[redacted]
Watsonville, CA [redacted]

[redacted]

Sent from Yahoo Mail for iPhone

FGC@FGC

From: Adam Wiscomb <[redacted]>
Sent: Wednesday, February 7, 2024 2:00 PM
To: FGC
Subject: RE: Petition 2023-23MPA

To whom this may concern,

1. My name is Adam Wiscomb. I live in San Francisco, CA and am representing myself and my family of three.

2. I am concerned that the loss of a large portion of Monterey Bay for spearfishing will have a negative impact on families like mine who come to enjoy the beaches, spearfish and harvest enough rockfish and perch for a few meals and have this healthy relationship with our ocean environment. These SMCAs provide important nearshore opportunities for various consumptive stakeholders like myself.

3. Petition 2023-23MPA states that its purpose is to benefit kelp but finfish take has no negative impact on kelp. Kelp forest ecosystems largest threats are sea urchins which finfish do not eat. Sea otters are the natural predator of urchins.

4. In conclusion, this petition would only harm stakeholders and families who rely on finfish for food and would not have any impact on kelp protection.

Thank you,

Adam Wiscomb

February 8, 2024

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

RE: Discussion Item 10 - Regulation change petitions (marine)

Dear President Sklar, Vice President Zavaleta & Commissioners,

We appreciate the opportunity to comment on the numerous petitions under consideration at the February meeting of the California Fish & Game Commission, and we offer the perspective of the many hundred thousand supporters of our organizations to the Commission. We express grave concerns regarding several of the proposals to eliminate fishing access along large stretches of the California coast and argue that many of the petitions lack adequate scientific support and documentation to substantiate their positions.

The Decadal Management Review (DMR) of the Marine Protected Area Network (MPA) has offered important insights for MPA managers to help shape the adaptive management of MPA regulations, including promising research that MPAs may increase biomass and provide resiliency against the impacts of a changing climate for some species. The intent of the Marine Life Protection Act (MLPA) and the stewardship of our coastal resources are of paramount importance to California's heritage. However, these laudable goals and conservation benchmarks should not preclude access to harvest coastal foods where state and federal fisheries managers have demonstrated robust and resilient fish stocks without any current threat of overfishing, nor for those species where targeted fishing and active management would benefit the overall ecosystem balance.

There are numerous, seemingly well-intentioned petitions currently before the Fish & Game Commission that seek to preserve California's coastal waters citing anthropogenic impacts to biodiversity and ecosystems such as pollution, rising sea temperatures, disease, development and overfishing. While we support the intent to safeguard our fish stocks, biodiversity, and ecosystem integrity, we strongly disagree with the all-or-nothing approach adopted by many of the petitioners who proffer the wholesale elimination of fishing access without adequate scientific rationale or the acknowledgement of regulatory mechanisms already in place such as those established by the Magnuson-Stevens Fishery Conservation and Management Act working through the Pacific Fisheries Management Council, National Oceanic and Atmospheric Administration (NOAA) Fisheries, the California Department of Fish and Wildlife (CDFW), the Fish & Game Commission, and the additional state/federal laws and agencies dedicated to this task. Simply put, many of the petitions referenced below seek to advance preservation at all costs, pushing for wholesale closures that circumvent the regulatory processes already in place, ultimately bludgeoning access for the diverse angling communities that have revered these coastal traditions for generations.

Anglers and consumptive users will often be the first and loudest voices to advocate for restrictions or even closures to ensure the sustainability of a fishery, as evidenced by the numerous fishing groups and organizations advocating for the closure of the 2023 salmon season following the data and dismal projections provided by the Pacific Fisheries Management Council and CDFW. However, a Californian

constitutional right to fish seems to stand in conflict with the presumption that restriction of access is permissible where there is a lack of scientific evidence or data to justify the closure. Section 1, Article 25 of the California Constitution states, "the people shall have the right to fish upon and from the public lands of the State and in the waters thereof," and the courts in re Quinn (1973) defined "public lands of the state" referenced in this article to include "access to fish in the inland streams and coastal waters of the state."

Shore fishing, diving/spearfishing, kayak/boat fishing and coastal gathering are low impact activities that reflect the broad spectrum of California's diverse community and constitute a valuable resource for individuals across the economic divide to access nature and provide food for their families. We encourage the Commission and MPA managers to consider the numerous communities that enjoy the state's many sustainable food resources when considering protections and recommendations that might unnecessarily exclude these groups. We feel that these considerations are in line with the California Natural Resources Agency's Outdoors for All initiative and its commitment in the Pathways to 30x30 document to "implement projects that do no further harm or pose unintended consequences to historically marginalized communities."[1] Specifically, we wish to highlight this issue with regards to the expansion of California's MPA network which restricts shore-based diving, foraging, and fishing access for all Californians – especially historically marginalized communities, communities of color and Native American tribes. From California's Constitutional Right to Fish:

> Anglers from historically marginalized communities may be less able to travel to fishing locations and are more likely to require shore access, as opposed to access from a boat. Anglers in communities like this need accessible shore-fishing, particularly given the importance of subsistence fishing in poorer communities. Moreover, fishing opportunities offer physical and psychological benefits to disadvantaged communities, not just access to fish as food.[2]

It is within this context that we urge the Commission to take the following actions with regards to the petitions they have received.

Petition 2023-14MPA: *Allow commercial take of red sea urchins in nine state marine conservation areas (SMCAs)*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

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

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation, but are encouraged by the proposal and the potential opportunity to gather more data on limited take MPAs and long-term MPA monitoring at the Channels Islands.

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[1] https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final_Pathwaysto30x30_042022_508.pdf

[2] Coats, Francis, and Karrigan Bork. "CALIFORNIA'S CONSTITUTIONAL RIGHT TO FISH." *Environmental Law*, vol. 51, no. 4, 2021, pp. 1085–147. *JSTOR*, https://www.jstor.org/stable/48647570. Accessed 22 Mar. 2023.

Petition 2023-16MPA: *Reclassify Stewarts Point and Bodega Head SMRs to SMCAs and allow commercial take of salmon.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-18MPA: *Modify allowed uses for four marine protected areas (MPAs) in Santa Barbara Channel and eliminate two special closures.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-19MPA: *Designate new "Chitqawi" SMCA near Morro Bay for California-Chumash co-management*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-20MPA: *Reclassify and rename Point Buchon SMR to "Chumash SMCA" for co-management with tribal take exemption.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-21MPA: *Modify Pyramid Point SMCA to remove recreational take of surf smelt and allow tribal take exemption for Tolowa Dee-ni' Nation.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-22MPA: *Define "rocky intertidal zone," add research, monitoring, restoration and education allowance, and clarify protections in several Orange County MPAs.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-23MPA*: Reclassify three SMCAs to SMRs, designate one new SMR in Monterey, and make various changes related to kelp restoration.*

We recommend the Commission deny this petition.

While the petitioner's intent to restore kelp forests and ecosystem integrity at tankers reef and in the surrounding waters is laudable, this broadly proscriptive petition would unnecessarily restrict access for anglers where there is no clear scientific rationale. In fact, the petitioner submitted a very similar petition seeking to close access for groundfish along a large stretch of the coast in this region in 2023 which the Department of Fish & Wildlife rejected citing a lack of scientific evidence to support the claim. We support the ongoing efforts to restore kelp forests through urchin culling and other means, however we oppose reclassifying these SMCAs to SMRs and the establishment of a new SMR in Monterey.

Petition 2023-24MPA: *Expand Laguna Beach no-take SMCA southward to border of City of Laguna Beach and modify Dana Point SMCA boundaries*

We recommend the Commission deny this petition.

We oppose this petition on the basis that it lacks scientific documentation or justification to eliminate fishing access in the proposed area. The petitioner argues primarily for administrative ease that the no-take closure be extended to the edge of city limits. During the implementation of the MLPA, MPAs were sited utilizing careful selection criteria based on habitat type, proximity from other MPAs, impact to communities and more. The petitioner argues that all beaches within the City of Laguna Beach should be no-take MPAs in order to streamline enforcement and that homeowners "feel that it is not equitable to have only the north and central beaches protected." It should be noted that the petitioner also states clearly in the Economic or Fiscal Impact section of the petition that "estimated resident property values gain an increase of 20% from proximity to a fully protected MPA" which may explain more robust support from the city and homeowners.

The petitioner also cites kelp forest health as justification for eliminating fishing access, however the 100 + page report included with the petition doesn't reference fishing pressure or boat activity with regards to kelp forest health and instead focuses on water temperature, nutrients, wave height, upwelling, rainfall and other stressors. As such, we recommend the Commission deny this petition since there is no scientific documentation to support its claims, and it would only negatively impact anglers who would be forced to travel further to reach fishing grounds.

Petition 2023-27MPA: *Reclassify a portion or all of Anacapa SMCA to an SMR to protect eelgrass*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation. We recognize the value of eelgrass beds for overall ecosystem health and habitat; however, it should be noted that many recreational anglers who target pelagic fish do not anchor and instead prefer to drift fish or troll instead which would have zero impact on the bottom habitat and eelgrass.

Petition 2023-28MPA: *Designate a new SMR at Point Sal, or designate as an SMCA with a tribal take exemption based on tribal consultation*

We recommend the Commission deny this petition.

While the petitioner takes time to identify the important habitat types, larval transport zones, and cultural significance of the Point Sal area, and they reference potential threats to the region from coastal development and industry, they fail to elaborate in any substantive way why fishing access should be removed from this wild and iconic central coast fishing destination. The petitioner states: "current [commercial] fishing in the proposed area is limited, likely due to its considerable distance from nearest port areas of Morro Bay and Santa Barbara." They also admit that they have no data or analysis with regards to recreational fishing and state, "our request to CDFW for recreational fishing data from this area was being processed at time of submission; we will evaluate the potential impact to recreational fishers and submit it to the state following receipt of the requested data."

A limited google search of "Point Sal fishing" also uncovers a large number of recreational fishing blogs and videos detailing the remote and adventurous hike to fish this area from a diverse population of anglers. In 2023 one blogger wrote, "had a great time hiking miles and miles and miles to fish Point Sal with Martin Mansera from Mansera Outdoors…It's such a remote location and so difficult to access, it

makes for a really rad adventure." Recreational fishing trips to the area by boat are also common, and fishing is noted in nearly every travel guide or city/county website that talks about visiting Point Sal.

Regarding access and disadvantaged communities, the petitioner writes, "the California Environmental Protection Agency identifies the adjacent city of Guadalupe as "disadvantaged" under CA Senate Bill 535, and their synthesis of environmental and socioeconomic indicators further reveals that Guadalupe – alongside Santa Maria and Lompoc – are underprivileged communities that experience significant cumulative impacts from pollution. Given these communities' close proximity to Point Sal, implementing an SMR at the proposed site could enhance access for disadvantaged populations to valuable coastal resources and fishing opportunities."

To justify this confounding claim that removing fishing access could somehow *enhance fishing opportunities* for disadvantaged communities, the petitioner cites a study of commercial lobster fishing and the concept of "spillover." They write, "California's MPAs have been shown to increase the biomass of fishery-targeted species and promote "spillover" into nearby coastal areas, benefitting nearby fishing grounds."

Spillover and the positive impacts to fisheries located in waters adjacent to MPAs are often referenced in association with the MPA network, and the limited, initial science has demonstrated some positive correlations with spillover of invertebrates like lobsters to adjacent fishing grounds in select study areas and commercial fishing for tuna in Hawaii. However, there remains an opportunity to further study this hypothesis and to promote scientific research that successfully documents spillover of targeted finfish across the MPA network in California. Some data from MPA monitoring along the Central California Coast indicated limited evidence of spillover from targeted finfish that were tagged and recaptured at a later point during the study period as evidenced from the Starr et al study: Variation in Responses of Fishes across Multiple Reserves within a Network of Marine Protected Areas in Temperate Waters:

> As of July 2014, a total of 251 individual tag recaptures have been reported (Table 8). Tagged fishes were recaptured by commercial and recreational hook-and-line fishermen, commercial trap fishermen, SCUBA divers, and during our fishing surveys. Of all the tagged fishes recapture and reported, 71% were recaptured in the same site and grid cell as they were released, and 22% of recaptured fishes were caught within the same site but outside the original grid cell where they were released. Only 18 fish, or 7% of the recaptured fishes, were recaptured beyond the boundaries of the MPA or REF site in which they were released. The mean net distance moved by eight of nine species recaptured was less than half the length of the MPAs we studied.[3]

While we do not seek to draw conclusions regarding the overall merits of spillover to adjacent fisheries from the results of one study, we do encourage additional research to evaluate the impacts that MPAs have on local fisheries and fisheries as a whole, especially within the context of varied siting and disparate habitat types evidenced across the MPA network. As the Forcada study indicated, "We conclude that spillover effects are not a universal consequence of siting MPAs in temperate waters and they are related to the distribution of habitats inside and around MPAs." (Forcada et al., 2009).

Due to the limited scientific understanding of spillover as it relates to the Marine Protected Area Network as a whole, especially with regards to finfish which would be the primary target of recreational shore and

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[3] 4 Starr RM, Wendt DE, Barnes CL, Marks CI, Malone D, et al. (2015) Variation in Responses of Fishes across Multiple Reserves within a Network of Marine Protected Areas in Temperate Waters. PLOS ONE 10(3): e0118502. https://doi.org/10.1371/journal.pone.0118502

boat-based anglers at Point Sal, we disagree with the petitioner's logical assumptions and the argument as a whole. In fact, when considered in the context presented from the *Constitutional Right to Fish* article, the discussion is turned on its head entirely. "Anglers from historically marginalized communities may be less able to travel to fishing locations and are more likely to require shore access, as opposed to access from a boat. Anglers in communities like this need accessible shore-fishing, particularly given the importance of subsistence fishing in poorer communities."[4]

With the two large no-take SMRs located just South of this newly proposed MPA (Vandenberg SMR & Point Conception SMR) and Point Buchon to the North, it would seem the opportunities to fish and forage the coast for residents of Guadalupe, Lompoc and Santa Maria are already few and far between. In fact, in 2022 the City of Lompoc petitioned the Fish & Game Commission to allow for shore-fishing access along a ½ mile stretch of beach with in the Vandenberg SMR, citing a lack of access to historic fishing grounds for the local communities.

We share the petitioner's concerns regarding habitat disruption from off-shore energy production and the associated infrastructure, however, we note the likely establishment of the Chumash Heritage National Marine Sanctuary (CHNMS) designation which would effectively curtail any development or offshore energy production in this region. Planning for the CHNMS has included fishing access as a key component of the proposed designation.

As a result, we recommend the Commission deny this petition.

Petition 2023-29MPA: *Designate a new SMCA with a tribal take exemption for and co-management with Santa Ynez Band of Chumash Indians in Santa Barbara*

We recommend the Commission deny this petition.

We oppose the petitioner's request to designate a new, no-take SMCA in Carpinteria for several reasons. First, the petitioner argues that spacing and connectivity is a key concern in this location with the distance between the Campus Point and Point Dume SMCAs at 64 nautical miles (nm) instead of the recommended 54 nm to ensure ecological connectivity. When this request is examined within the broader context of MPA siting, it is clear that the target spacing between MPAs could be easily achieved by moving the Campus Point SMCA South or the Point Dume SMCA North, since both are located well-within the recommended 54nm from adjacent MPAs on either side.

Additionally, the petitioner cites the location as important nursery habitat for juvenile great white sharks as justification for establishing a no-take SMR. They write, "Research conducted in the Southern California Bight has found that fisheries bycatch is likely the main source of mortality for JWS." However, the article they cite to support this claim, John F. Benson et. al., discloses that for great white sharks they captured and tagged, "mortality risk was substantially greater off the coast of Baja, Mexico compared with California." Importantly, the research paper also states, "that incidental gillnet capture continues to be the primary source of mortality for juveniles. The lower mortality risk we documented in California waters suggests that full closure of gillnet fishing close to shore is a more effective management strategy than simply banning targeted fishing to reduce mortality risk due to bycatch." [5]

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[4] Coats, Francis, and Karrigan Bork. "CALIFORNIA'S CONSTITUTIONAL RIGHT TO FISH." *Environmental Law*, vol. 51, no. 4, 2021, pp. 1085–147. *JSTOR*, https://www.jstor.org/stable/48647570. Accessed 22 Mar. 2023.

[5] Benson JF, Jorgensen SJ, O'Sullivan JB, et al. Juvenile survival, competing risks, and spatial variation in mortality risk of a marine apex predator. *J Appl Ecol*. 2018; 55: 2888–2897. https://doi.org/10.1111/1365-2664.13158

As the petitioner is undoubtedly aware, gillnet fishing is banned in state waters and therefore the proposed MPA would have no impact on the gillnet fishery or likely the mortality risk to great white sharks.

The petitioner notes the location's popularity with recreational lobster divers and the likely opposition from stakeholders who would oppose the additional loss of access. The mortality risk to great white sharks from the recreational lobster fishery is zero, similar to the risk from spearfishing, yet the petitioner seeks to eliminate access entirely without providing any scientific rationale for the closure. As a result, we request that the Commission deny this petition.

Petition 2023-31MPA: *Reclassify Drakes Estero SMCA to an SMR and combine with Estero de Limantour SMR as a single SMR:*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation but encourage the Commission to maintain access for clamming unless there is a clear threat to the fishery or surrounding ecosystem.

It is worth noting that the National Park Service mentions in their comment letter that the area is now Congressionally Designated Wilderness and that "recreational take of shellfish appears to be very rare, [and] requires long kayak trips in wilderness area." Just because something is difficult doesn't mean it should be illegal.

Petition 2023-32MPA: *Reclassify Duxbury Reef SMCA as an SMR and expand northern and southern boundaries*

We recommend that the Commission deny or refer this petition to the Department of Fish & Wildlife for review and recommendation but emphasize maintaining fishing access for local communities at Duxbury Reef. The vast majority of complaints regarding Duxbury reef are related to enforcement and compliance, rather than a scientific justification for eliminating access. Shore fishing is an important past-time for the diverse communities that comprise the North Bay Area, and removing access to a popular fishing destination should not be justified simply based on the actions of a few bad apples.

Petition 2023-33MPA: *Expand the boundaries of five SMRs and one SMCA, and designate a new SMR off Pleasure Point, in Santa Cruz*

We recommend that this petition be denied or referred to the Department of Fish & Wildlife for review and recommendation due to its broad scope and complexity. The petitioner seeks to enhance protections for kelp forests, but does so with an overly broad brush. Rather than advocating for reducing fishing pressure for predators of kelp grazers, like lobster and sheepshead, the petition advocates for the closure of all fishing, including the harvest of grazer species like urchins that have been documented to decimate kelp forests.

The petitioner argues that eliminating fishing pressure within the proposed MPA areas would somehow bolster kelp populations, but the claim is not well documented by scientific research in this petition. A noteworthy case study, by comparison, is the ongoing Tanker's Reef kelp restoration project, where volunteers have been culling purple urchins within study plots and tracking kelp recovery within the study area and a control site nearby. The initial data for the last three years shows a clear correlation between the removal of purple urchins and kelp recovery in the study plot with no kelp recovery in the adjacent control where urchins were not removed. Fishing is permitted in the Tanker's reef area, however, in adjacent MPA's that have not permitted active restoration and where fishing is not allowed, urchin barons persist and kelp recovery remains minimal.

Kelp forest health and resiliency is a complex and multi-variable equation that can be impacted by numerous factors including water temperature, disease, pollution, algal blooms, wave energy, commercial harvest and more. We support efforts to restore kelp forests across the coast and recognize the role they play in the overall ecosystem health of fisheries, especially the abalone fishery that remains closed until 2026. We urge caution, however where broad fishing closures are enacted in the attempt to solve a problem that requires a more nuanced and carefully crafted multidisciplinary approach.

It should also be noted that the petitioner indicates support for recreational hook and line fishing and spearfishing as an acceptable alternative in several of the MPAs referenced in the petition.

Petition 2023-34MPA: *Reclassify Point Buchon SMCA to an SMR and modify take at Farnsworth Onshore and Offshore SMCAs to only allow recreational spearfishing.*

We recommend that the Commission deny this petition and we emphasize the substantial impacts to current fishing access. The petitioner argues that since the salmon season was closed in 2023 it will likely be closed in perpetuity, which would justify eliminating salmon and albacore fishing access at the Point Buchon SMCA. Salmon populations often decrease during drought years and can rebound with increased precipitation or water allocation as was the case in 2008 and 2009 when the fishery was closed and then reopened. We are cautiously optimistic that the salmon numbers will once again bounce back following the increased precipitation received over the past two years.

In the draft Pathways to 30x30 document, the CNRA writes: “It should be noted that limited-take State MPAs provide an excellent model for other jurisdictions looking to balance biodiversity conservation with sustainable well-managed commercial and recreational fishing.” We feel that reclassifying the Point Buchon SMCA as an SMR and eliminating fishing in this area would be inappropriate; however, we support any attempts to improve enforcement and compliance with existing regulations.

Furthermore, the proposal to modify take at Farnsworth Onshore and Offshore SMCAs would disproportionately impact a broad variety and collection of user groups who may not be physically able or inclined to spearfish. For this reason and the lack of concrete scientific data to justify the additional restrictions, we recommend the Commission deny this petition.

Sincerely,

Devin O’Dea
Backcountry Hunters & Anglers

Rachel Fischer
National Marine Manufacturers Association

Wayne Kotow
Coastal Conservation Association California

James Stone
Nor-Cal Guides & Sportsman’s Association

Keely Hopkins
Congressional Sportsman’s Foundation

Larry Phillips
American Sportfishing Association

February 8, 2024

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

RE: Discussion Item 10 - Regulation change petitions (marine)

Dear President Sklar, Vice President Zavaleta & Commissioners,

As an organization dedicated to ensuring our North American heritage of hunting and fishing in a natural setting with over 350,000 supporters, Backcountry Hunters & Anglers expresses serious concerns regarding several of the petitions currently before the California Fish & Game Commission that would eliminate fishing access along large stretches of the California coast.

The intent of the Marine Life Protection Act (MLPA) and the stewardship of our coastal resources are of paramount importance to California's heritage. However, these laudable goals and conservation benchmarks should not preclude access to harvest coastal foods where state and federal fisheries managers have demonstrated robust and resilient fish stocks without any current threat of overfishing, nor for those species where targeted fishing and active management would benefit the overall ecosystem balance.

There are numerous, seemingly well-intentioned petitions currently before the Fish & Game Commission that seek to preserve California's coastal waters citing anthropogenic impacts to biodiversity and ecosystems, such as pollution, rising sea temperatures, disease, development and fishing. While we support the intent to safeguard our fish stocks, biodiversity, and ecosystem integrity, we strongly disagree with the all-or-nothing approach adopted by many of the petitioners who proffer the wholesale elimination of fishing access without adequate scientific rationale.

Simply put, many of the petitions seek to advance preservation at all costs, pushing for wholesale closures that circumvent the regulatory processes already in place, ultimately bludgeoning access for the diverse angling communities that have revered these coastal traditions for generations.

Shore fishing, diving/spearfishing, kayak/boat fishing and coastal gathering are low impact activities that reflect the broad spectrum of California's diverse community and constitute a valuable resource for individuals across the economic divide to access nature and provide food for their families at the same time. We encourage the Commission and MPA managers to consider the numerous communities that enjoy the state's many sustainable food resources when considering protections and recommendations that might unnecessarily exclude these groups.

It is within this context that we urge the Commission to deny those petitions (outlined in our detailed letter to the Commission on 2/1/24) that would unnecessarily erode our longstanding coastal fishing and foraging traditions.

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2024-02-05 21:44:00.633		Jeffrey	Reed						US	Petition Signed
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2024-02-05 21:12:35.05	Mr.	Nick	Zagaris			Auburn	CA		US	Petition Signed
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2024-02-05 15:54:33.543		Matthew	Nurisso			Belmont	CA		US	Petition Signed

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2024-02-03 22:13:07.423		Michael	Skehen			Arroyo Grande	CA		US	Petition Signed
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2024-02-02 20:18:56.503		Marcus	LeBlanc		[redacted]	Grover beach	CA	[redacted]	US	Petition Signed
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2024-02-02 15:34:39.867		Artin	Marootian						US	Petition Signed
2024-02-02 14:57:10.573		Sam	Narveson						US	Petition Signed
2024-02-02 14:52:04.667		Jacob	Morris						US	Petition Signed
2024-02-02 14:48:19.837		Jonathan	Hoang						US	Petition Signed
2024-02-02 14:44:36.137		Mitchell	Ward						US	Petition Signed
2024-02-02 14:40:14.187		Logan	Little						US	Petition Signed
2024-02-02 14:29:39.883		Josef	Sanchez						US	Petition Signed
2024-02-02 14:25:41.613		Leif	Bierer						US	Petition Signed
2024-02-02 14:09:39.14		JESSE	STOVALL			Fiddletown	CA		US	Petition Signed
2024-02-02 14:09:23.547		Mike	Costello						US	Petition Signed
2024-02-02 14:03:34.583	Mr.	Hunter	Miller			Kuna	ID		US	Petition Signed
2024-02-02 14:02:35.91		Jordan	Germyn						US	Petition Signed
2024-02-02 13:58:56.873		Gilberto	Garcia						US	Petition Signed
2024-02-02 13:58:51.957		Rod	Kazempour						US	Petition Signed
2024-02-02 13:56:33.713		Andrew	Miller						US	Petition Signed
2024-02-02 13:55:22.597		Micah	Dungey						US	Petition Signed
2024-02-02 13:51:26.967		Jacob	Weber						US	Petition Signed
2024-02-02 13:50:04.897		Chris	Chun						US	Petition Signed
2024-02-02 13:48:43.423		Jerry	Chang						US	Petition Signed
2024-02-02 13:48:06.903		Clayton	Thornton						US	Petition Signed
2024-02-02 13:47:17.947		Christopher	James						US	Petition Signed
2024-02-02 13:45:51.557		John	Phillips						US	Petition Signed
2024-02-02 13:45:40.09		James	Killiany						US	Petition Signed
2024-02-02 13:40:12.057		Richard	Owens						US	Petition Signed
2024-02-02 13:37:41.607	Mr.	Blane	Markham			Carmel	CA		US	Petition Signed
2024-02-02 13:36:49.903		Connor	Weber						US	Petition Signed
2024-02-02 13:35:29.397		Logan	Gillingham						US	Petition Signed
2024-02-02 13:31:21.977		Dennis	Kilian						US	Petition Signed
2024-02-02 13:29:17.553		Daniel	Collins						US	Petition Signed
2024-02-02 13:23:58.117		Phillip	Sanders						US	Petition Signed
2024-02-02 13:17:26.583		Derrik	Kapalla						US	Petition Signed
2024-02-02 13:16:58.097		Craig	Simes						US	Petition Signed
2024-02-02 13:15:13.017		Valerie	Bednarski						US	Petition Signed
2024-02-02 13:14:01.07		Elijah	Black						US	Petition Signed
2024-02-02 13:12:08.623		Philip	Adornato						US	Petition Signed
2024-02-02 13:10:44.163		owen	shapiro						US	Petition Signed
2024-02-02 13:10:37.263		Steve	Dolan						US	Petition Signed
2024-02-02 13:09:39.617		Nick	Garcia						US	Petition Signed
2024-02-01 21:14:07.19		Keynan	Hobbs						US	Petition Signed
2024-02-01 19:52:19.6		Allen	Noren						US	Petition Signed
2024-02-01 19:31:26.837		Devin	O'Dea						US	Petition Signed

From: Keith Rootsaert <[redacted]>
Sent: Wednesday, March 6, 2024 10:52 AM
To: FGC <FGC@fgc.ca.gov>
Cc: [redacted]
Subject: MRC Meeting Agenda Item 6

Dear FGC staff,

Written Comments:
Agenda Item 6 – Marine protected area (MPA) regulation change petitions

There were some irregularities in the conversion of our petition into the "tracking ID" table.

For the sake of consistency and avoiding possible errors, the three methods of pruning, spore bag, and outplanting repeated in 4 different MPAs should be in the same order for each MPA. The simplest way to correct this is to renumber: 23-3 pruning, 23-4 outplanting, and 23-5 spore bag.

For some reason 18-4 is missing from the sequence.

Reading Petition 2023-23MPA there are two sub-petitions that don't appear to be carried forward into the "Tracking ID" table and are referenced below:

23-26: Commercial Harvest of Sea Urchins in MPAs
23-27: Commercial restoration exception to Wanton Waste Rule.

Text of Petition Request:
"Commercial fishing regulations will require a restoration exception to harvesting urchins in MPAs and exemption to the wanton waste rule for kelp restoration activities to allow commercial fishermen to cull urchins that are below the 4.5 cm minimum useful harvest size or for commercial divers to alternate between commercial and recreational fishing."

23-26 is similar to 2023-14MPA as requested by the David Goldenberg to add 9 SMCAs as allowable to harvest urchins for restoration. In speaking to Dave Rudie, President of the Sea Urchin Commission, they would be agreeable to amending the 3 SMCAs Edward F. Ricketts, PG Gardens, and Carmel Bay to their petition. Point Lobos SMR should also be considered, though commercial harvest in SMRs is not considered in 2023-14MPA

23-27 There will probably be a slippery slope argument if Wanton Waste is redefined but it is time to address this term created to stop senseless killing and animal cruelty and consider suppressing conspecifics as an exception for purposes of restoration. Another possible pathway is to allow the commercial divers to "change hats" and work recreationally in a restoration context.

Pruning kelp 23-5, 23-8, 23-13, 23-17 that staff is unclear if FGC has authority should consider kelp harvesting rules that are already allowed be modified to allow kelp harvesting for purposes of restoration in State Marine Reserves. Harvesting giant kelp canopy actually makes the kelp more resilient by allowing sunlight to reach the bottom and the kelp sends up more stipes. Kelp harvesting acts as a proxy for the now extinct Steller's Sea Cow that evolved to just eat kelp canopies. 88% of the kelp in Monterey disappeared, but the places where kelp remains is mostly in the area where the

Monterey Abalone Company harvested kelp over the last 30 years, a living testimony to the benefits of pruning kelp. Either specifically allow kelp harvesting in these SMR redesignations or make the SMCAs in question “no-take” SMCAs that would still allow kelp harvesting.

Petition 33-7 Creates a new SMR at Pleasure Point for the purpose of protecting the kelp forest. However, making it a reserve as presently defined would preclude kelp pruning as an allowable activity which would be detrimental to the kelp. Due to lack of kelp in Monterey Bay the Monterey Abalone Company, for the first time in their history, has harvested kelp 22 miles away at Pleasure Point, and this should be allowed to continue at one of the few places in Monterey Bay where urchin barrens do not yet dominate.

We look forward to working with FGC staff to clarify Commission authority and collaborate with agencies outside of their jurisdiction. Government jurisdictional boundary silos were not established to properly address this crisis. We want to make sure that the complete package needed for kelp restoration is enacted.

Thank you,

Keith Rootsaert
G2KR.com
[redacted]

Giant Giant Kelp
Restoration Project

FGC@fgc

From: Alejandro Meruelo [redacted]
Sent: Tuesday, March 19, 2024 12:48 PM
To: FGC
Subject: Oppose MPA expansion

Hello,

Hope all is well! My name is Alejandro Meruelo and I live in San Diego; I represent myself. I was writing in opposite to the proposed MPA expansion of Laguna Beach, Carpenteria, and the Monterey Peninsula. These are areas that rich in resources for selective spear fishers and kayakers who have little impact compared to commercial interests, and offer species unavailable in other areas of California.
It would be of great detriment to these groups of fishermen/women given that the areas are largely already surrounded by numerous MPAs that have served an important role in these areas.

Thank you for considering my opinion,
Alejandro

FGC@fgc

From: Patrick Spalding [redacted]
Sent: Tuesday, March 19, 2024 3:49 PM
To: FGC
Subject: Opposition to Proposed petitions

Dear Commission,

I was born in San Francisco and have lived my entire life along the central California coast. I have been actively engaged in freedive spearfishing since 2011. Based on the current scientific research, I do not support expansion of any MPAs in California. I specifically request that the Commission deny the petitions listed below. I appreciate your consideration, and I'm grateful for your support of our natural resources.

Sincerely,

Patrick Spalding

Petition 2023-23MPA

Petition 2023-33MPA

Petition 2023-34MPA

Petition 2023-29MPA:

Petition 2023-24MPA

From: Keith Rootsaert <[redacted]>
Sent: Thursday, October 24, 2024 3:26 PM
To: FGC <FGC@fgc.ca.gov>
Cc: Ashcraft, Susan[redacted]
Subject: MRC meeting 11/6/24

Dear FGC,

Attached are our written comments for inclusion in the MRC meeting materials for Agenda Item 2(B) *Discuss sorting MPA petitions in Bin 2 (petitions that require additional policy guidance, information and/or resources before evaluation), and next steps.*

The G2KR Urchin Petitions Evaluations.xlsx file is best viewed in Excel. There are several tabs.

These comments are submitted prior to the written comment deadline on 10/24/24 at 5:00 PM.

Thank you,

Keith Rootsaert

Giant Giant Kelp Restoration

[redacted]

Giant Giant Kelp
Restoration Project

G2KR Petitions Summary

Outreach, Objections, Rebuttals, and Compromises. Where policy clarifications are needed.

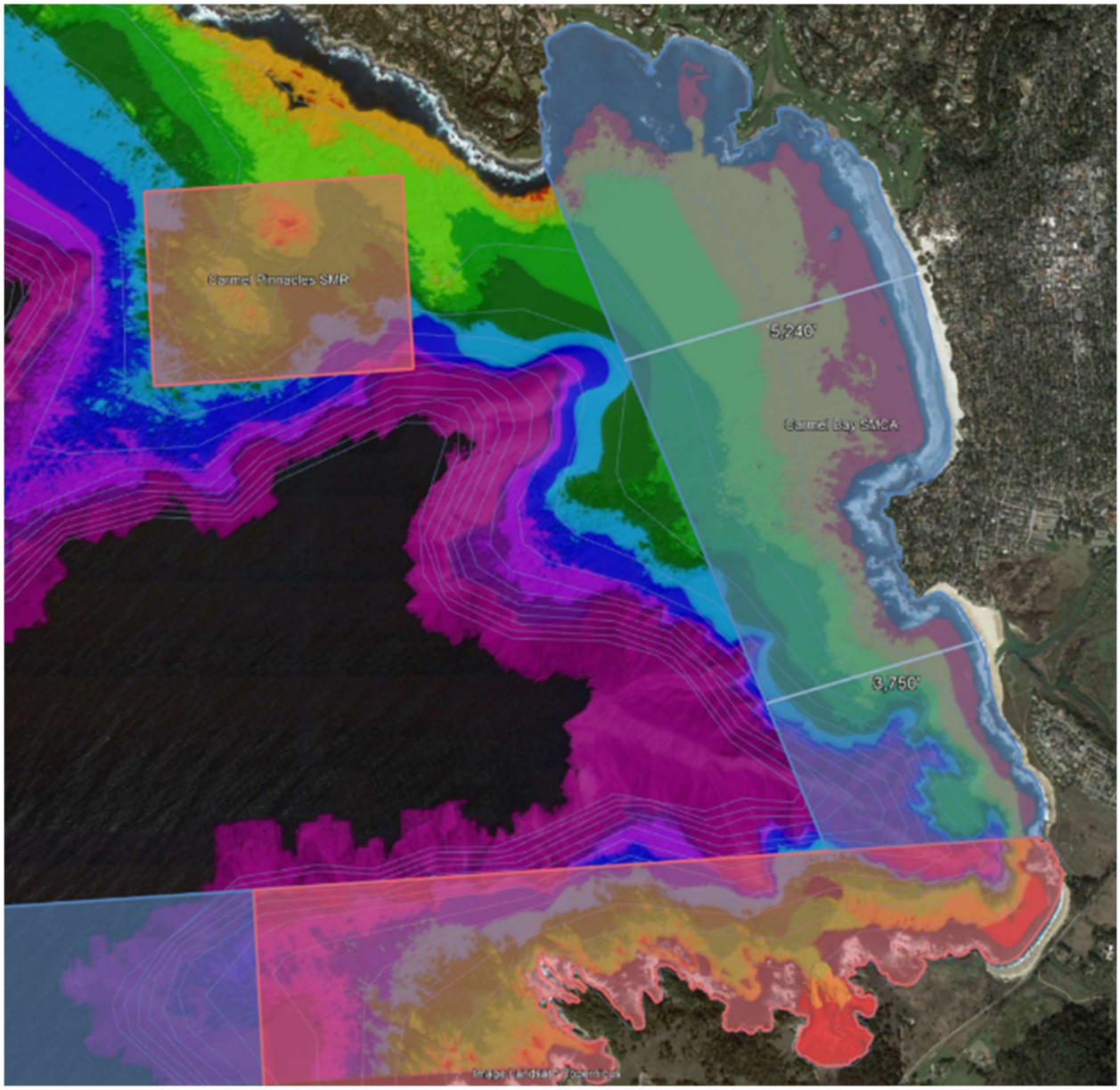
<u>FGC Petition 2023-23MPA</u> – Culling, baiting, trapping and airlifting urchins recreationally and commercially in MPAs. Planting, transplanting, and pruning kelp by Restoration Management Permit. Managing acid weed and invasive kelp species. Setting buoys and artificial reefs. Changing the SCP portal to accommodate Restoration Management Permits by community groups. FGC education and outreach. Changing three SMCAs to SMRs to protect kelp. Creating a new Tanker's Reef SMR.

<u>Outreach</u>: FGC, City of Carmel, City of Monterey, City of Pacific Grove, County of Monterey, Monterey Collaborative Network.

<u>Objection 1</u>: Allwaters fishng group objects to SMR redesignations.

<u>Rebuttal 1</u>: Monterey SMCAs and SMRs are not that deep in State water.

In Monterey Bay fishing is allowed seasonally a half mile or less offshore.



In Carmel Bay fishing is allowed seasonally about a mile or less offshore and from shore.

Greyhound Rock, Pt. Lobos, Point Sur, Big Creek, Piedras Blancas, Point Buchan all extend to 3 mile limit.

<u>Objection 2</u>: Monterey Abalone Company objects to SMRs not allowing kelp harvesting.

<u>Rebuttal 2</u>: Need harvester access to kelp bed 220 for restoration purposes in Restoration Management Permit.

<u>Policy clarification needed</u>: Restoration is an allowable activity in SMCAs and SMRs as written under current policy. Culling urchins and restoring kelp is a restoration activity, but OPC is blocking all restoration activities.

Compromise 1: Reduce size of Tanker's Reef SMR to exclude water beyond diving depths,

A revised Tanker's Reef SMR of 193 acres from 685 acres, (23%)

Compromise 2: If setting buoys is clarified as a fishing method which was used at Tanker's Reef for 3 years, then a change of sportfishing regulations is not required.

Compromise 3: Make three SMCA's "no-take SMCAs" except for urchins, seaweed and invasive species for restoration and allow shore fishing and kelp harvesting. SMCA and SMRs both allow restoration. We will need to cull urchins in Point Lobos SMRs in 2026 and Lovers Point SMR in 2028.

FGC Petition 2024-10 – Air lift for urchins. Allow use of an air lift and hookah and modify 2023-23MPA to allow the better method of collecting urchins.

Outreach: FGC, Mexico

Objections 3: Dave Rudie, President CSUC, objects to use of commercial gear for recreational purposes and selling of ranched urchins.

Rebuttal 3: Recreational fishing gear is never certified. Urchins have no value at port and collection is non-commercial by definition; what the processor does with refuse is their own business. If I throw a plastic bottle in the trash and a recycler makes a sweater out of the material, my throwing away trash is not commercial. As a practical application, commercial divers are better equipped to deploy and operate an airlift with hookah, the question is whether they fish under recreational or commercial fishery rules.

Recreational fishing only requires a simpler regulation change to Tit. 14, § 29.06. Commercial urchin fishing is governed by the CSUC and entrenched in Tit. 14, § 120.7. CSUC is not seeking in Petition 2024-04 to change the collapsed red sea urchin fishery into a non-sustainable kelp restoration effort. We asked for changes to their petition at the FGC meeting on 8-14-24. If the CSUC were truly an ally for kelp restoration, petition 2024-10 would not be necessary as this method could remain commercial.

Jon Holcomb, a commercial red urchin fisherman, developed and started using an air lift to collect urchins beginning in 2018 at Fort Bragg. The other red urchin fishermen collect the urchins by hand collects the large heavy urchins but leaves the small ones behind which then allows them to grow and be harvested later. The surviving urchin cohorts are smaller and denser than the initial invasion making removal that much harder. North coast commercial urchin fishermen are working in funded restoration projects but leaving red urchins to eat the kelp forests saved.

Policy clarification needed: Urchin collection & ranching is non-commercial. Urchin air lift is usable for recreational fishing.

Compromise 4: Create a new "Kelp Restoration" commercial fishing license to allow more commercial fishing entrants to work on kelp restoration management permits at the recreational license fee rate. Waive wonton waste rule for urchin pests.

FGC Petition 2024-12 – Allow urchin removal in 7 more coastal counties by all methods.

Outreach: FGC. Seeking to engage MPA Collaboratives and Counties.

Objections: None

Policy clarification needed: Culling red urchins is allowed.

Compromise 5: Delete urchin culling in County of San Francisco. Added for simplicity. No reports of urchins or kelp in SF County.

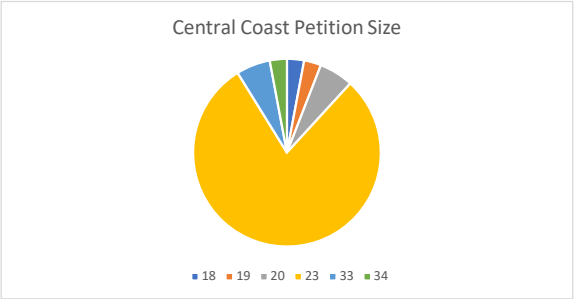
Summary of MPA Petitions

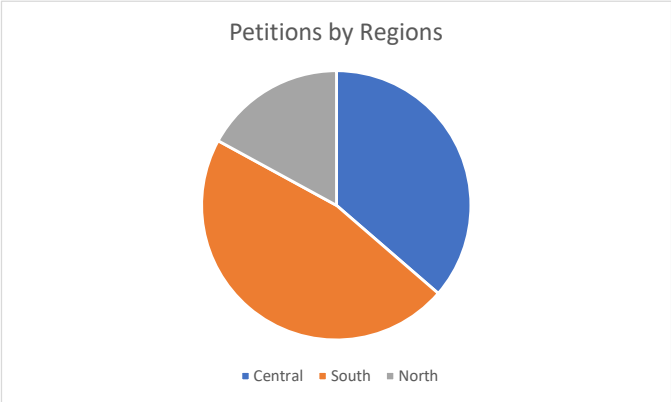
Based on limited descriptions provided by FGC agenda 2/7/24

		Affecting				Boundary			Take Allowance								Region						
Order	Petition	SMCA	SMR	MPAs	Special Closures	Changed	New	Redesignation	Tribal	Rec .	Com.	Species	Allowed Uses	Clarify Rules	Governance, etc.	sub track	South	Channel	Central	North	Protection +/	Similar related petitions	Notes
1	2023-14	9									1	Urchins				9	1				-1	See 23	
2	2023-15		3					1			1	palagic				3		1			-1		
3	2023-16		2					1			1	Salmon				2				1	-1		
4	2023-18			4	2								1			8		1			-1		
5	2023-19	1					1		1							1			1		1		
6	2023-20	1	1			1			1							2			1		-1	See 34	
7	2023-21	1														2	1				1		
8	2023-22			several										1		7	1				0		
9	2023-23	3	5				1	1		1	1	Urchin/Kelp	1		1	27			1		1	See 14	
10	2023-24	2				1										1		1			unknown		
11	2023-25			several		1							1			5		1			unknown		
12	2023-26	4				1								1		4	1						
13	2023-27	1						1								1		1			1		
14	2023-28		1				1		1							1	1				1		
15	2023-29	1							1							1	1				1		
16	2023-30	1								1		Crab				3				1	-1		
17	2023-31	1						1								2				1	1		
18	2023-32	1					1	1								2				1	1		
19	2023-33	1	6			1	1									7			1		1		
20	2023-34	3						1		1						3			1		1	See 20	
Totals		**30**	**18**	**4**	**2**	**5**	**5**	**7**	**4**	**3**	**4**	**5**	**3**	**2**	**1**	**91**	**6**	**5**	**5**	**4**	**4**		

20% Net petitions for added protections

Central Coast	
18	1
19	1
20	2
23	27
33	2
34	1





Petition	Part	Region	Central	South	North
14	1	North	FALSE	FALSE	1
14	2	North	FALSE	FALSE	1
14	3	North	FALSE	FALSE	1
14	4	North	FALSE	FALSE	1
14	5	South	FALSE	1	FALSE
14	6	South	FALSE	1	FALSE
14	7	South	FALSE	1	FALSE
14	8	South	FALSE	1	FALSE
14	9	South	FALSE	1	FALSE
15	1	South	FALSE	1	FALSE
15	2	South	FALSE	1	FALSE
15	3	South	FALSE	1	FALSE
16	1	North	FALSE	FALSE	1
16	2	North	FALSE	FALSE	1
18	1	Central	1	FALSE	FALSE
18	2	South	FALSE	1	FALSE
18	3	South	FALSE	1	FALSE
18	5	South	FALSE	1	FALSE
18	6	South	FALSE	1	FALSE
18	7	South	FALSE	1	FALSE
18	8	South	FALSE	1	FALSE
19	1	Central	1	FALSE	FALSE
20	1	Central	1	FALSE	FALSE
20	2	Central	1	FALSE	FALSE
21	1	North	FALSE	FALSE	1
21	2	North	FALSE	FALSE	1
22	1	South	FALSE	1	FALSE
22	2	South	FALSE	1	FALSE
22	3	South	FALSE	1	FALSE
22	4	South	FALSE	1	FALSE
22	5	South	FALSE	1	FALSE
22	6	South	FALSE	1	FALSE
22	7	South	FALSE	1	FALSE
23	1	Central	1	FALSE	FALSE
23	2	Central	1	FALSE	FALSE
23	3	Central	1	FALSE	FALSE
23	4	Central	1	FALSE	FALSE
23	5	Central	1	FALSE	FALSE
23	6	Central	1	FALSE	FALSE
23	7	Central	1	FALSE	FALSE
23	8	Central	1	FALSE	FALSE
23	9	Central	1	FALSE	FALSE
23	10	Central	1	FALSE	FALSE
23	11	Central	1	FALSE	FALSE
23	12	Central	1	FALSE	FALSE
23	13	Central	1	FALSE	FALSE
23	14	Central	1	FALSE	FALSE
23	15	Central	1	FALSE	FALSE
23	16	Central	1	FALSE	FALSE
23	17	Central	1	FALSE	FALSE
23	18	Central	1	FALSE	FALSE
23	19	Central	1	FALSE	FALSE
23	20	Central	1	FALSE	FALSE
23	21	Central	1	FALSE	FALSE
23	22	Central	1	FALSE	FALSE
23	23	Central	1	FALSE	FALSE
23	24	Central	1	FALSE	FALSE
23	25	Central	1	FALSE	FALSE
24	1	South	FALSE	1	FALSE
25	1	South	FALSE	1	FALSE
25	2	South	FALSE	1	FALSE
25	3	South	FALSE	1	FALSE
25	4	South	FALSE	1	FALSE
25	5	South	FALSE	1	FALSE
26	1	South	FALSE	1	FALSE
26	2	South	FALSE	1	FALSE

26	3	South	FALSE	1	FALSE
26	4	South	FALSE	1	FALSE
27	1	South	FALSE	1	FALSE
28	1	South	FALSE	1	FALSE
29	1	South	FALSE	1	FALSE
30	1	North	FALSE	FALSE	1
30	2	North	FALSE	FALSE	1
30	3	North	FALSE	FALSE	1
31	1	North	FALSE	FALSE	1
31	2	North	FALSE	FALSE	1
32	1	North	FALSE	FALSE	1
32	2	North	FALSE	FALSE	1
33	1	South	FALSE	1	FALSE
33	2	South	FALSE	1	FALSE
33	3	South	FALSE	1	FALSE
33	4	South	FALSE	1	FALSE
33	5	South	FALSE	1	FALSE
33	6	Central	1	FALSE	FALSE
33	7	Central	1	FALSE	FALSE
34	1	Central	1	FALSE	FALSE
34	2	South	FALSE	1	FALSE
34	3	South	FALSE	1	FALSE

Regional Petition Count	32	41	15
	Central	South	North

Central	32
South	41
North	15

Urchin Petitions

Petition Number	Affected MPA	MLPA Action	Action Type	Proposed Action	Justification by Petitioner	Notes	Priority	Individual Actions	Additional Policy	Add'l info needed	Resources need	Opposition	Collab Net	DMR category
Decadal Management Review Petition 2023-23MPA														
2023-23MPA_1	Edward F. Ricketts SMCA	Modify	Classification/Take	Reclassify SMCA to an SMR to prohibit take	Protect restored kelp forests; improve diver safety from fishing boat propellors and fishing gear.	1	B	Change MPA classification	none	no	none	Allwaters, Rec Fishing	77	4
2023-23MPA_2	Edward F. Ricketts SMCA	Modify	Take	Allow unlimited urchin removal	Restore Kelp Forests	2	A	Change Title 14, § 29.06	Policy established, see also 2024-10,12	no	None Requested	none	78	4
2023-23MPA_3	Edward F. Ricketts SMCA	Modify	unclear if within Commission authority	Allow out-planting kelp on the reef without an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3	C	Allow by Restoration Management Permit	KRMP guidance	yes	Decision tree framework	none		4,18
2023-23MPA_4	Edward F. Ricketts SMCA	Modify	unclear if within Commission authority	Allow spore dispersal by sporophyte bags without an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3	B	Allow by regulation change	KRMP guidance	no	Decision tree framework	none		4,18
2023-23MPA_5	Edward F. Ricketts SMCA	Modify	unclear if within Commission authority	Allow pruning kelp canopy to promote growth and resilience to storms with an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3,4	B	Allow kelp harvesting in SMRs by Restoration Management Permit	Presently allowable to harvest kelp	Kelp landing data	MAC	none		4
2023-23MPA_6	Pacific Grove Gardens SMCA	Modify	Classification/Take	Reclassify SMCA to an SMR to prohibit take	Protect restored kelp forests; improve diver safety from fishing boat propellors and fishing gear.	1	B	Change MPA classification	none	no	none	Allwaters, Rec Fishing	83	4,10
2023-23MPA_7	Pacific Grove Gardens SMCA	Modify	Take	Allow unlimited urchin removal	Restore Kelp Forests	2	A	Change Title 14, § 29.06	Policy established, see also 2024-10,12	no	Private funding	none		4
2023-23MPA_8	Pacific Grove Gardens SMCA	Modify	unclear if within Commission authority	Allow out-planting kelp on the reef without an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3	C	Allow by Restoration Management Permit	KRMP guidance	yes	Decision tree framework	none		4,18
2023-23MPA_9	Pacific Grove Gardens SMCA	Modify	unclear if within Commission authority	Allow spore dispersal by sporophyte bags without an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3	B	Allow by regulation change	KRMP guidance	no	Decision tree framework	none		4,18
2023-23MPA_10	Pacific Grove Gardens SMCA	Modify	unclear if within Commission authority	Allow pruning kelp canopy to promote growth and resilience to storms with an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3,4	B	Allow kelp harvesting in SMRs by Restoration Management Permit	Presently allowable to harvest kelp	Kelp landing data	MAC	none		4
2023-23MPA_11	Carmel Bay SMCA	Modify	Classification/Take	Reclassify SMCA to an SMR to prohibit take	Protect restored kelp forests; improve diver safety from fishing boat propellors and fishing gear.	1	B	Change MPA classification	none	no	none	Allwaters, Rec Fishing		4
2023-23MPA_12	Carmel Bay SMCA	Modify	Take	Allow unlimited urchin removal	Restore Kelp Forests	2	A	Change Title 14, § 29.06	Policy established, see also 2024-10,12	no	Private funding	none		4
2023-23MPA_13	Carmel Bay SMCA	Modify	unclear if within Commission authority	Allow out-planting kelp on the reef without an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3	C	Allow by Restoration Management Permit	KRMP guidance	yes	Decision tree framework	none		4,18
2023-23MPA_14	Carmel Bay SMCA	Modify	unclear if within Commission authority	Allow spore dispersal by sporophyte bags without an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3	B	Allow by regulation change	KRMP guidance	no	Decision tree framework	none		4,18
2023-23MPA_15	Carmel Bay SMCA	Modify	unclear if within Commission authority	Allow pruning kelp canopy to promote growth and resilience to storms with an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3,4	B	Allow kelp harvesting in SMRs by Restoration Management Permit	Presently allowable to harvest kelp	Kelp landing data	MAC	none		4,18
2023-23MPA_16	Point Lobos SMR	Modify	Take	Allow unlimited urchin removal	Restore Kelp Forests	2	B	Change Title 14, § 29.06	Need Policy to work in a SMR	no	Private funding	none	88	4,18
2023-23MPA_17	Point Lobos SMR	Modify	unclear if within Commission authority	Allow pruning kelp canopy to promote growth and resilience to storms with an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3,4	B	Allow kelp harvesting in SMRs by Restoration Management Permit	Presently not allowable to harvest kelp in a SMR	no	MAC	none		18
2023-23MPA_18	Point Lobos SMR	Modify	unclear if within Commission authority	Allow out-planting kelp on the reef without an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3	C	Allow by Restoration Management Permit	KRMP guidance	yes	Decision tree framework	none		18
2023-23MPA_19	Point Lobos SMR	Modify	unclear if within Commission authority	Allow spore dispersal by sporophyte bags without an SCP	The SCP process is difficult to navigate which makes it harder to protect and restore kelp forests; restore kelp forest	3	B	Allow by regulation change	KRMP guidance	no	Decision tree framework	none		18
2023-23MPA_20	n/a	Establish	Establish new MPA	Establisha new SMR at Tanker's Reef	Protect restored kelp forests; improve diver safety from fishing boat propellors and fishing gear.	1,5	B	Add an SMR to inventory	none	Ask tribes for a name	New maps	Allwaters, Rec Fishing		04
2023-23MPA_21	not specified	n/a	unclear if within Commission authority	Create regulatory pathway to allow placing of artificial reef structures and sunken ship for recreational diving	Create new habitat for kelp and other marine life; expand diving opportunities.	6	C	Develop Artificial reef prorgram	OPC, CCC, etc.	Meet and Discuss	Artificial reefs	none		4,18
2023-23MPA_22	not specified	n/a	unclear if within Commission authority	Allow placement of buoys in restoration areas	Protect substrate from anchors in restored kelp forests.	7	A	If buoys are "fishing" this petition can be deleted	Clarify	no	Buoys	none		04
2023-23MPA_23	not specified	n/a	Non-regulatory	Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and marine managed areas	Allow restoration activites in MPAs	3,8	B	Allow work by Restoration Management Permit	KRMP guidance	Meet and Discuss	Decision tree framework	none		4,16,18
2023-23MPA_24	not specified	n/a	unclear if within Commission authority	Establish a new process in CDFW's scientific collecting permit program for Restoration Management Permits	The SCP process is difficult to navigate; wants to conduct restoration without scientific design to test effectiveness of methods	3	B	Make Restoration Management Permit Process	KRMP guidance	Meet and Discuss	Software development	none		17,18
2023-23MPA_25	not specified		Non-regulatory	Consider proposed kelp restoration sites as G2KR adopted reefs for continued kelp restoration	Protect and restore kelp forests; continued community engagement.	9	B	Make Restoration Management Permit define adoption	KRMP guidance	Meet and Discuss	Private funding	none		4,18
2023-23MPA_26	Various MPAs*	n/a	Commercial	Allow commercial urchin harvest in MPAs for Restoration	Harvest urchins for urchin ranching and other uses.	2, 10	B	Make Restoration Management Permit	KRMP guidance	none	Commercial Divers	none		4,18
2023-23MPA_27	Various MPAs*	n/a	Commercial	Exemption for Wonton Waste Rule	Allow commercial to destroy small urchins.	11	B	Make Restoration Management Permit	KRMP guidance	none	Commercial Divers	none		4,18

Other Urchin Petitions

2024-10	Initially outside MPAs	n/a	take	Airlift use by recreational fishers	Airlift is more efficient	2, 10	A	Change Title 14, § 29.06	Clarification on commercial use	Evaluation	Compressor	California Sea Urchin Commission	n/a
2024-12	Outside MPAs	n/a	take	Expand culling to 7 more counties	More divers can participate	2, 10	A	Change Title 14, § 29.06	Established policy	Kelp Watch	Private funding	none	n/a

* Could be subdivided into 5 MPAs to consider each instance individually.

Justification Notes

1

In SMCAs fish stocks are lower than SMRs
Protecting areas increases fish biomass.
Better outcomes for fish and kelp if fishing is prohibited. See DMR report:
    Kelp Forest Technical Report Narratives. See pages 74-80, 83
Safer environment with kelp restoration divers below boats.
These MPAs are not very deep and do not extend to 3 mile state water limit like others.
    Traversable in kayaks.
More fishing is done outside of these MPAs anyways.
    Low value due to overfishing for Fishers.
    High value and importance to Rec. Tourism, Diving, Business, Conservation etc.
Better fishery when rockfish are allowed to become adult in 8-10 years.
Culling urchins benefits snails which eat kelp.
    Fish eat snails.
    Don't take the fish that eat the snails.
Consumptive nearshore fishing is concentrated in 3 small SMCAs and non-MPAs.
CCFRP determined that SMCAs and non-MPAs have similar lower fish biomass.
PMFC prohibited groundfishing in < 120' for Rec. fishing for 6 months anyways.
    CentralGroundfish Management Area (North of 36 N lat.), (Title 14 Sec. 27.40)
        > 50 fathoms: April, October, December
        < 20 fathoms: May, June July, August, September, November

2

Culling urchins by recreational divers was allowed at Tanker's Reef from 4-1-21 to 4-1-24
Resist Strategy as dfined in RAD
Reducing urchin grazing pressure restores kelp forests.
Legal recreational effort for 3 years demonstrated:
    Well controlled and safe.
    Collects data to inform FGC & KRMP.
    Verified results by GOs and NGOs
Illegal recreational effort is common:
    Unlawful conservation role for divers.
    Data is not collected to inform FGC & KRMP.
Benthic disturbance/by-catch inconsequential by MBNMS.
Unforssen consequences were discovered:
    Desmarestia ligulata (acid weed) early colonization.
    Spread of invasive bryozoan species.
    Marine Heat Waves.
    Red tides and darkness affect on giant kelp.
    Urchin size frequency decrease by culling makes culling harder.
    Current Sea Grant research does not seek to learn other unforeen consequences.
Improved method discovered:
    Air lift.

3

In the SCP portal, allow for RMP application and tracking.
"Difficult to navigate" would be better described as "inappropriate for kelp restoration".
    The software is horrible for users and should be fixed.

Needs to accommodate "unlimited" and widespread restoration.
Scientific Collecting Permits don't work for kelp restoration.
Small area of design.
Project size allowed is a constant second guessing of what CDFW will accept.
Can't forecast the acceptable size.
Size is unnecessarily small for permission, but too small to grow a forest.
Must have a control area.
Limit disturbances to a species, which is contradictory to restoration purposes.
Take limits in Decision Tree are informed by old models, not adaptive.
Only scientists get applications approved.
We were denied SCP applications 3 times.
Written by scientists but submitted under our name.
SCP have a 98% application sucesss rate.
Research design changes during the study period require permits to adapt quickly.
Timing rarely works to have permition, funding, and people.
Restoration Management Permit application and collaboration.
Restoration on land is a model
Allow kelp restoration by removing urchins (conspecifics).
Restore large kelp forests
Allow affecting species richness.
Control areas are simply untreated areas.
Non-scientiists can apply.
Scientiists collaborate with CPUE evaluations and SCPs.

4 Kelp harvesting is needed by the Monterey Abalone Company to feed abalone
6,000 lbs of kelp canopy per week
Presently only allowed in SMCAs
Kelp could feed urchins in existing ranching pens.
Allow kelp harvesting in association with kelp restoration efforts in SMRs
Benefit kelp survival
Proxy for extinct Sea Cow.

5 Majority of public comment supportive of MPAs
Only 20% of petitions request additional protections.
30x30 calls for 14.4% of additional protections on the coast.
Proposed areas of low economic value to the fishing community.
Tanker's Reef may be partially covered in sand in the future.
Site of possible artificial reef deployment.

6 OPC recently funded a study to develop an artifical reef siting plan
Under consideration on Central Coast for 20 years.
Need Permitting pathway

7 Buoys to guide culling efforts are essential tools
If considered fishing practice no authorization needed from
CDFW
MBNMS

8	OPC's Kelp Restoration Management Permit working group Resulting recommendation to OPC in 2027 Incorporate guidance into RMP decision tree

9	Similar to adopt a highway for cleaning up litter Commissioners idea Control and coordinate several NGOs activities in a single space. Management point of contact and MOU with practitioners

10	Commercial divers can coordinate with recreational diving efforts More experienced at urchin diving Better equipment & safety Collect at higher workrates Use air lift more effectively and efficiently Sell harvested urchins for urchin ranching and sales Make Commercial Kelp Restoration Diver License Allow more entrants to Commercial Urchin Fishery Reduce license fee for Conservation activities. Allow commercial fishing for urchins without restrictions. Could allow as recreational activity if 2024-10 is approved by FGC. Commercial divers could work as recreational divers.

11	Commercial divers should be able to destroy small and unharvestable urchins Removal of small urchins is required. Exempt wanton waste rule for restoration activities.

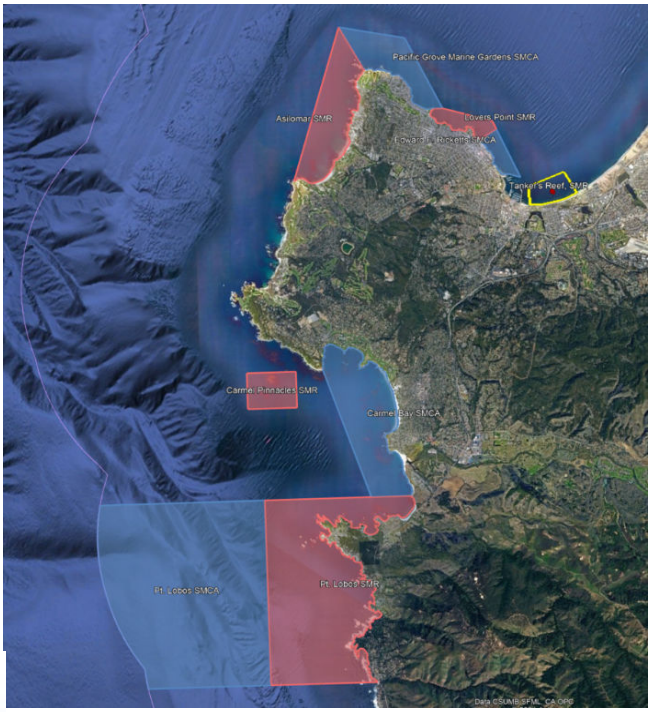
Priority to State calendar

Priority	Date	Milestone for
A	1-Apr-25	Rulemaking calendar
B	1-Apr-26	Guidance from KRMP Decision tree Outplanting Methods Adopt a Reef Commercial Divers Restoration Management Permit Portal
C	1-Apr-27	Guidance from KRMP Artificial Reefs and outplanting guidance

Kelp Restoration Petition 2023-23MPA

Read petition text

Number	MPA/Description	Change	Action	Description
23_1	Ed Ricketts	Modify	classification/take	SMR
23_2	Ed Ricketts	Modify	take	unlimited urchins
23_3	Ed Ricketts	Modify	unclear	outplanting
23_4	Ed Ricketts	Modify	unclear	Spore bag
23_5	Ed Ricketts	Modify	unclear	Pruning
23_6	PG Gardens	Modify	classification/take	SMR
23_7	PG Gardens	Modify	take	unlimited urchins
23_8	PG Gardens	Modify	unclear	Pruning
23_9	PG Gardens	Modify	unclear	outplanting
23_10	PG Gardens	Modify	unclear	Spore bag
23_11	Carmel Bay	Modify	classification/take	SMR
23_12	Carmel Bay	Modify	take	unlimited urchins
23_13	Carmel Bay	Modify	unclear	Pruning
23_14	Carmel Bay	Modify	unclear	outplanting
23_15	Carmel Bay	Modify	unclear	Spore bag
23_16	Pt. Lobos	Modify	take	unlimited urchins
23_17	Pt. Lobos	Modify	unclear	Pruning
23_18	Pt. Lobos	Modify	unclear	outplanting
23_19	Pt. Lobos	Modify	unclear	Spore bag
23_20	Tanker's Reef	Establish	Establish an MPA	SMR
23_21	Artificial Reefs	n/a	Unclear	Artificial Reef
23_22	Buoys	n/a	Unclear	Allow
23_23	Restoration in MPAs	n/a	non-regulatory	Framework
23_24	Restoration Permits	n/a	Unclear	SCP process
23_25	Adopted Reef commu	n/a	non-regulatory	Adopted
23_26	Commercial Harvest of Sea Urchins in MPAs			
23_27	Commercial restoration exception to Wanton Waste Rule			



Reference for MPA locations

From: Keith Rootsaert [redacted]
Sent: Thursday, January 30, 2025 4:22 PM
To: FGC <FGC@fgc.ca.gov>
Cc: Ashcraft, Susan [redacted] Andy Beahrs [redacted] Dave Rudie [redacted] David Goldenberg [redacted]
Subject: FGC Written Comments 25.0213

Dear FGC Staff,

Attached are our written comments for the FGC meeting in Sacramento on February 13, 2025. They are associated with Agenda items 21, and 27C2.

These are transmitted prior to the Written Comment deadline of 1/30/25 at 5:00 PM.

Thank you!

Keith Rootsaert
Giant Giant Kelp Restoration
[redacted]

Giant Giant Kelp
Restoration Project

Dear Fish and Game Commissioners,

Regarding FGC meeting agenda Item 27,C,2. Amendments to MPA Petitions.

On MPA Day in Monterey on March 16, 2023, long awaited adaptive management changes to the central coast MPAs seemed so possible. We were running a kelp restoration project in Monterey and were looking to scale up to reach our kelp restoration goals. We set up a booth and hosted a fun game to guess how many urchin puff balls were in a 10 gallon aquarium. Everybody guessed way too low how many urchins were in the tank.

Tomorrow is the one-year anniversary of the Valentines Day Kelp Massacre when FGC voted to shutdown our project and let the urchins eat the 11 acres of kelp we saved. We dive there bi-monthly to document the urchin's consumption of the kelp in the treatment area. FGC showed appreciation of our project and recognized that the recreational diver effort morphed into something different now and we needed a new legal pathway to cull urchins. Per your request, all of our petitions and applications were channeled into this one huge petition 2023-23MPAR to change the rules in the places where kelp restoration has the best chance of success.

Our 30-part petition is centered around kelp restoration in Monterey. Even though restoration is very urgent, we are now caught up in a slow process that includes 19 non-urgent rule changes that have a higher priority. The delay in considering our petition gave the 252 certified kelp restoration divers nothing to do for over a year while we wait for the uncertain process of getting approval. We traveled over 600 miles to Mexico three times to restore kelp in 2024 but mostly the diver's effort in California faded and the slow rulemaking process fatigued advocacy efforts for the last dozen FGC/MRC meetings.

The biggest holdup to approving our petitions is a clear policy that kelp restoration is allowed in MPAs or even outside MPAs. CDFW and OPC assigned this authority in 2022 to their Kelp Restoration Management Plan which has 3 working groups of kelp adjacent folks to determine for $1.2 million a framework for permitting restoration efforts. A CWG meeting summary indicates they are uniformed about actual restoration practices and the KRMP will have a misaligned policy to implement in 2027. Essentially, we are considered a tool and were put back in the toolbox.

2027 is just too long to wait for kelp restoration to begin! The best idea is to keep the kelp we have alive, but by 2027 we will have to outplant kelp which is about 5 times more effort and expense than our proven methods. Somehow there is this idea that we can wait until the policy is approved and then take the tool back out of the toolbox and begin kelp restoration. People are not tools, and we have lost momentum.

At the May 2, 2024 the Monterey Bay National Marine Sanctuary Advisory Council meeting in Cambria I was the chair of the Iconic Kelp working groups to recommend to the MBNMS superintendent how kelp restoration could be acted upon by the National Marine Sanctuary. Based on input from three working groups making these recommendations, we proposed that "Large scale kelp restoration is necessary in the short term and should be science based". However, the seated advisory council members from CDFW and OPC wordsmithed the language to "Moving beyond pilot project *should be explored*". Council members pointed out that this took the action out of the plan to do nothing about kelp. There was considerable back and forth between CDFW, OPC and the SAC to compromise on language that for kelp restoration "*Moving beyond pilot project should be pursued*".

To persuade OPC to pursue this quickly, I spoke up at all the OPC meetings in Sacramento in 2024, but I found that I attended more meetings of this council than the council members themselves. The members knew the meeting was a waste of time and they sent proxies instead, which made it pointless to go there and speak to them.

At the state level, kelp restoration "*beyond the pilot scale*" is not a consideration at all. At Eastern Pacific Kelp Recovery Workshop in January, Department staff said that large scale kelp restoration is dependent on the KRMP which will not deliver a product until 2027 and after our remnant kelp forests disappear. These California state agencies have contradictory policies at the state and federal level for the same activity in state waters.

We amended petition 2023-23MPAR on January 13, 2025 and are waiting for the Department to begin work on this urgent petition. So far, we have not received a phone call or email about items where the Department recommended to consult with us. From our perspective we are talking to the trees. Our worry is that we have put all our hopes in a gift box that will not be opened for another two years. We hope this changes, but if the past is prolog, the State will continue to ignore our request to restore the nearshore marine ecosystem which is actually their neglected responsibility.

The health of the nearshore ecosystem in California is strangely dependent on our amateur petitions. There are no other alternative legal pathways for kelp restoration in California proposed. There are small scale pilot research projects that the Department is claiming as "restoration", but nothing large or lasting is truly in consideration.

We ask that FGC instruct the Department to evaluate petition 2023-23MPAR immediately and allow us to get back in the water in spring of 2025 with our Priority "A" petitions consistent with the precedent kelp restoration policy CDFW and OPC established at the National Marine Sanctuaries.

Keith Rootsaert
Giant Giant Kelp Restoration

Giant Giant Kelp
Restoration Project