## **California Fish and Game Commission**



# Compilation of Public Comments on Petition 2023-24MPA\_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.

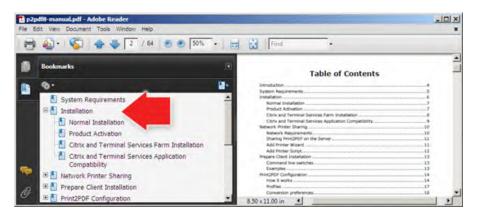
Last updated: through November 2025 MRC

#### **EASY GUIDE TO USING THE PACKET**

- 1. Download and open the binder document using your Adobe Acrobat program/app.
- 2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the "bookmark symbol" located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



- 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.
- 5. You can resize the two panels by placing your cursor in the dark, vertical line located between the panels and using a long click /tap to move in either direction.
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- 7. Do not hesitate to contact staff if you have any questions or would like assistance.



January 24, 2024

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

RE: Decadal Management Review – Petition for regulation change -tracking number 2023-24MPA): SUPPORT

Dear Commissioners:

Social Compassion in Legislation is writing to respectfully urge the Commission to accept the 2023-24MPA petition submitted by the Laguna Bluebelt Coalition to extend the Laguna Beach SMCA no-take regulation down to the southern border of the city of Laguna Beach.

Beyond the difficulties in enforcing the different rules within the same city limits, as outlined in the petition, and which would be relieved if this petition is accepted, it is imperative that we protect our marine ecosystems to the level that is commiserate with their sensitivity and importance to biodiversity.

The critical habitat provided by kelp forests for many species is essential for those species to thrive and contribute to the health of our ocean. It is time to fully protect this habitat by making it a no-take area. Additionally, by extending the no-take area, we will be removing deadly obstacles for migrating whales, which are known to come very close to shore.

We applaud the state's management of our marine protected areas and marine conservation areas. Our coastal city relies on the MPAs and SMCAs to keep our oceans clean, marine ecosystems vibrant, beaches beautiful, and economy thriving. We are always striving to be better stewards of our environment, and as such, we strongly believe that this request is imperative to the protection of our marine areas.

For these reasons, we urge the Commission to accept petition 2023-24MPA.

Sincerely,

Nickolaus Sackett

Director of Legislative Affairs

Social Compassion in Legislation

January 25, 2024

California Fish and Wildlife Commission Sacramento, CA 94244-2090

Email: fgc@fgc.ca.gov

SUBJECT: MPA Boundary Revision #2023-24MPA Laguna Beach

Dear Commissioners,

I am writing in support of boundary revision #2023-24MPA for the Laguna Beach Marine Protected Area(s). Specifically, as the City of Laguna Beach has annexed all the beaches south of the current SMCA No-Take Boundary at Aliso Beach in March 2023, there is the need and opportunity to have one clear single MPA classification for the public to understand for the entire city limits. The current tri-colored classifications of Red, Purple and Blue MPAs have left the public confused. It is appropriate for this and for other reasons to extend Laguna's MPA to the southern city limit at Three Arch Bay (TAB). This will aid enforcement by helping the public understand critical regulations to protect and restore California's marine life.

Furthermore, as commercial and recreational fishing are permitted at the southern portion of Laguna surrounding Three Arch Bay (TAB), residents have experienced with dismay the depletion of marine life along their coast. I have personally seen and read social media posts of teams of jet ski fishing club enthusiasts arrive to take fish in that area to the maximum allowable and possibly beyond. Please consider as well that Dana Wharf which offers day boat charters out of Dana Point now often go to Three Arch Bay and 1000 Steps areas for fishing. This impact has further decreased marine life and biodiversity in these waters created by overfishing.

This section of Laguna Beach is one of the gems found along California's coast which deserves our protection. The City's most southern area has unique steep, deep bluffs offering immediate deep coves, such as Whale Cove, and rocky reefs. As an essential fish habitat, it provides all of the most important features identified as priorities for MPAs. From 1000 Steps to Three Arch Bay (TAB), the area contains magnificent kelp forests and striking marine life which have become threatened from overfishing.

Since the implementation of California's MPA network, Laguna Beach has invested significant resources and continues as a community to work hard to be a good partner with the Fish & Wildlife Commission and Staff to restore these rare, vitally important California resources and marine life.

Let's not lose this important opportunity to save one of California's rare habitats.

Sincerely, Jinger Wallace Laguna Beach, CA 92651 From: JEFFREY GUNTHER < > Sent: Tuesday, January 30, 2024 07:55 AM

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

Subject: Opposition to Petition re MLPA Laguna Beach Fishing Area

PLEASE NOTE: I am a resident and a primarily catch and release sport fisherman. I am acutely aware and concerned about our environment. Since my retirement as a Judge of the California Superior Court, I go fishing on the boats operated by Dana Wharf at least twice a week. I have also personally and actively participated in each of the yearly CCRFP studies administered by UC San Diego to monitor the impact of MLPA on the San Diego area.

I do NOT support the petition to expand the Laguna Beach SMCA - No Take- the "blue area". I believe MORE STUDY should be devoted to the area the current Petition involves. To my knowledge and study, there has been only ONE day of investigation and that occurred in 2017. It should be noted, that under current regulations, we have had the ability to fish in this area covered by the petition since the Laguna Beach MLPA closure started. It is important that the option to fish in this area continues to remain open for the following reasons: Elderly people like myself (I am 78 years old) do not have the strength or stamina to go on all day or multi day fishing trips; Young Kids, like my grandchildren, equally have such encumbrances. The current regulations allow fishing in the local blue area—while the boats don't fish there often it is important to have this area remain open as an option. To close it would have serious adverse impact on the older and younger population.

Please note that under current research, there is no scientific reason to close more of the coast; instead, why not focus on more research to find out what action is truly needed. This petition is premature and not well thought out !!!

As a recreational fisherman who has been on many fishing trips and has also participated on CCFRP trips in other areas I have seen first hand how the closures have worked. The studies have shown, and my personal observations have confirmed, there is no scientific reason to close more. All that would be accomplished would be to adversely impact and have a chilling affect on the ability for seniors and children and low income people to enjoy this wonderful local recreational opportunity of sportfishing.

I would like to further note that the captains and crews of the Dana Wharf Fishing and Whale Watching always protect and do not overfish the current areas. Clients are encouraged to catch and release. Undersized fish are carefully and safely returned to the sea. They also provide a valuable opportunity for visitors to our area to experience the joys of fishing on affordable local outings. If the area covered by the petition is closed this will all be lost.

For all of the aforementioned reasons I OPPOSE the petition and urge further study be implemented.

Sincerely, Jeffrey Gunther

From: Donna Kalez < > Sent: Wednesday, January 31, 2024 11:10 AM

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

Subject: Please see attached letter we oppose Petition No. 2023-24MPA

This letter is our formal opposition to any expansion of the MLPA in general ,but most specifically the Laguna Beach SMR.

Thank you,

Donna Kalez, COO
Dana Wharf Sportfishing & Whale Watching
34675 Golden Lantern
Dana Point, Ca. 92629
949.496.5794 ext 116
www.danawharf.com
www.linktr.ee/danawharf

Dana Point: The Dolphin & Whale Watching Capital of the World ®

Keep in touch: Twitter, Facebook, Instagram, You Tube

Chair: Festival of Whales Foundation

Oceanside Adventures
256 Harbor Dr. South
Oceanside, Ca 92054
www.oceansidewhalewatching.com



### 34675 Golden Lantern Dana Point, Ca. 92629

1/30/23

California Fish and Game Commission

Subject: Concerns Regarding MLPA Decadal Review Petition submittals.

Dear Fish and Game Commission,

I am writing to express my deep concerns regarding the MLPA Decadal review and the petition 2023-24 to expand the closures in the coastal area of Laguna Beach in Orange County. As a long-standing business owner for over 50 years , Dana Wharf Sportfishing and Whale Watching, a business started by my father Don Hansen, I feel compelled to share my perspective on this matter.

Since 1971, Dana Wharf Sportfishing and Whale Watching has been an integral part of the Dana Point community, providing daily fishing trips from Dana Point Harbor. Over the past 12 years, we have diligently followed the rules and adapted to the closure of a significant fishing area in Laguna Beach immediately to the north of our Harbor due to the MLPA implementation. While we fish in the waters off San Clemente to our south as well as waters off shore on our longer trips. The proposed expansion of the closure areas in Laguna Beach includes highly popular spots for both commercial and recreational fishing for our shorter trips.

Expanding the Marine Protected Areas (MLPA) in these areas would have devastating consequences for the livelihoods of local fishermen, my business, and the well-being of our employees and patrons. Having efficient, equitable access to good fishing spots close to our location is essential for individuals who may not be able to take longer trips for many reasons including special needs, children, seniors and those who cannot afford longer trips to catch their fish. Shorter trips not only provide more affordable options but also cater to individuals who cannot be on a boat for an extended period.

The proposed expanded areas would not allow us to provide enjoyable fishing experiences without requiring extensive travel, it would limit our access and take away vital options to the fishery. It is crucial to consider that the Marine Life Protection Act was implemented with strict guidelines for determining closure areas along our coast; it is a network of protected areas . I

can assure you that the MLPA was a long and painful process for all involved. Accepting a petition to expand an area that does not warrant expansion would not align with the original intent of the act. Instead, we should focus on conducting more long-term monitoring and comprehensive surveys to better understand the current state of the fishery in the closure area. We should be supporting science and adaptive management.

Dana Wharf Sportfishing and Whale Watching has been a steadfast partner in adapting to the MLPA closure. We employ 50 individuals who make a living on the water, through both fishing and whale watching activities. When evaluating petitions, I implore you to prioritize the use of scientific data and consider the economic and social impact on the community.

Thank you for your attention to this matter. I trust that you will carefully consider the concerns raised by the fishing industry and the local community in your decision-making process as you manage the MLPA process and prepare for the next 10 years

https://wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan . Should you require any additional information or wish to discuss this matter further, please do not hesitate to contact me at

Sincerely,

Donna Kalez

Owner

Dana Wharf Sportfishing and Whale Watching

From: Aubrie Fowler <	>	
Sent: Wednesday, January 31, 2	024 5:12 PM	
To: FGC <fgc@fgc.ca.gov>; Ash</fgc@fgc.ca.gov>	craft, Susan@FGC <	>
Cc: Calla Allison <	>; Claire Arre <	>; Jamie
Blatter <	>	
Subject: FGC Meeting Binder Su	bmission	

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 <u>here</u> 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:

<u>Sign-up for our Quarterly Newsletter</u> Find and join your local Collaborative

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.c om	Take Allowance Change	Yes, from SMCA to No-Take SMCA with Tribal exemption
Del Norte	<u>Pyramid</u> <u>Point</u> <u>SMCA</u>	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	<u>Pyramid</u> <u>Point</u> <u>SMCA</u>	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.c om	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	crabs regularly occur, especially at southern boundary Gold Bluffs beach traditional smelt	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		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		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/outreac	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					

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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	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	<u>Del Mar Landing</u> 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			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 finifish by trolling, Dungeness crab by trap, and market squid by hand-held dip net. Commercial take of pelagic finifish 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.			

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Marin	Point Reves 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, majort, 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 wen 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/tradition al 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/enforcemen t. 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	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	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	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

								Giant Giant Kelp		
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		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	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	<u>State Marine</u> 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					

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Monterey	Point Lobos State Marine Reserve	No Take		Allow restoration/urchin culling	No	Difficult for enforcement/interpre tation 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 sanctuarry (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 Suff 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/leve I 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	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	

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Santa Barbara and	Richardson Rock	No Take		No change	Yes						
Ventura (Santa Barbara Channel)	SFMR	No rake		No change	res						
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		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	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	

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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 tidencoling	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	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	<u>Swami's SMCA</u>	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		Change purple to red for outreach	Yes	Easier to explain "no take" if consistent			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	purposes  Have MPA cover all water within ecological reserve.	Need more information	with red SMR  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/outreac h/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		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

-IMPA Collaborative

From: Devin O'Dea < >
Sent: Thursday, February 1, 2024 04:10 PM

To: FGC < FGC@fgc.ca.gov >
Cc: Mark Smith < >; Wayne Kotow < >; Keely
Hopkins < >; California Chapter

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." 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.<sup>2</sup>

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.

<sup>&</sup>lt;sup>1</sup> https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final\_Pathwaysto30x30\_042022\_508.pdf

<sup>&</sup>lt;sup>2</sup> 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 comanagement

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 comanagement 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 notake 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.<sup>3</sup>

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

<sup>&</sup>lt;sup>3</sup> 4 Starr RM, Wendt DE, Barnes CL, Marks Cl, 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."

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." <sup>5</sup>

<sup>&</sup>lt;sup>4</sup> 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.

<sup>&</sup>lt;sup>5</sup> 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 <

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-takespecific 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



February 3, 2024

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

Re: Support for extension of Laguna Beach no-take SMCA to the southern boundary of the city

Dear President Sklar and Commissioners,

My name is Rich German and I am the founder of a Laguna Beach based nonprofit, Project O, whose mission is to protect, sustain and restore the ocean and sacred life within it. I am writing to express our support for the proposed extension of the current marine protected no-take zone to the southern border of Laguna Beach, (to the community of Three Arch Bay).

As an avid paddleboarder who has paddled tens of thousands of miles, all within Laguna's MPA, I have seen firsthand the positive impact the no-take zone has created. When I first started paddling in 2010, I would barely see any fish at all off the coastline. I asked a friend who was a former commercial fisherman why there were no fish and he replied "we caught them all."

On January 1, 2012 the no-take zone was put into place. No less than 6 months later I would paddle out, look down, and I would see fish... lots of fish. Today our coastline is thriving with marine life - from little fish to large fish, lush kelp forests, healthy reefs and large populations of dolphins and whales. I refer to our MPA as the 'greatest aquarium in the world.'

Personally, I feel our no-take MPA is a brilliant example of what happens when we leave the ocean alone and allow it to restore itself, and it serves as a wonderful example for other coastal regions to model. Extending our local MPA will help to further restore our precious coastline. Plus, by extending the line to cover the entire coast of Laguna, it will make it easier for the public to know where they can and cannot fish and also for enforcement officers to do their job.

Thank you for your support of Laguna Beach's MPA and for considering this no-take zone expansion which will increase the protection of our coastal marine life and habitats. The citizens of Laguna Beach are proud stewards of our precious coastline and are committed to protecting the environment so that all life can flourish now and for generations to come.

Respectfully, Rich German Founder of Project O PO Box 324, Laguna Beach CA 92652



To preserve and enhance the unique village character of Laguna Beach

February 4, 2024

#### Dear Commissioners:

Our community organization, Village Laguna, has advocated for a clean environment, open space, historic preservation and citizen activism during our more than 50-year history. In Laguna, we helped create our unique window to the sea, saved Laguna and Aliso Canyons from over development, helped our Village become a winner of the Tree City designation and we work every day to preserve and protect our Historic Village Character and natural environment.

As an ocean-oriented community, Laguna Beach treasures our ocean waters for both its environmental and recreational benefits. Because of the Marine Protected Area designation, our ocean waters are cleaner and marine life has flourished. These are enjoyed by beach goers, divers, surfers and snorkeling enthusiasts. We are asking you for help as follows:

Please consider our community's request for a boundary revision for Laguna Beach's Marine Protected Areas (MPAs). Village Laguna and its members strongly support the proposed boundary revision for the Laguna Beach MPAs, taking into consideration a recent change where the city of Laguna Beach has assumed jurisdiction from Orange County of all city beaches to the southern city limit to include Three Arch Bay.

So, please extend the Laguna Beach SMCA **no-take regulation** down to the southern border of the city of Laguna Beach. This area is currently covered by the Dana Point SMCA, which only protects tide pool resources, not the offshore kelp beds, whereas Laguna considers kelp beds to be crucial to the overall health of the Marine Protected Areas.

Thank You

me Coenn

Anne Caenn President

# FGC@FGC

From: Sent: To: Subject:	Michael Eberhardt < > Sunday, February 4, 2024 11:33 AM FGC Subject: Opposition to Proposed MPAs - Petitions 2023-23MPA, 2023-24MPA, 2023-26MPA, 2023-29MPA, 2023-32MPA, and 2023-33MPA
Michael Eberhardt	
San Francisco, CA	
2.4.24	
Fish and Game Commission	
715 P Street, 16th floor,	
Sacramento, 95814	
Subject: Opposition to Propo 29MPA, 2023-32MPA, and 20	sed MPAs - Petitions 2023-23MPA, 2023-24MPA, 2023-26MPA, 2023- 23-33MPA
Dear Commissioners,	
I am writing to express my str	ong 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 <

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

Walnut Creek , CA



February 7, 2024

Marine Resources Committee P.O. Box 944209 Sacramento, CA 94244-2090 fgc@fgc.ca.gov

**Subject**: <u>Supplemental Comment</u>: Petition for regulation change (Tracking Number 2023-24MPA)

#### **Dear Commissioners:**

Laguna Ocean Foundation is a local non-profit organization whose mission is the protection and restoration of public coastal and marine resources of Laguna Beach. I am writing on behalf of the Foundation in reference to the Laguna Bluebelt's Proposed Marine Protected Area Adjustment (Petition 2023-24) to extend the SMCA No Take to the southern boundary of the City of Laguna Beach. To assist the Commission and CDFW Staff in evaluating this petition, we are providing the information Laguna Ocean Foundation submitted to the RSG when MPA boundaries were being deliberated more than ten years ago.

The information we submitted at that time is based on analysis of GIS data of local coastal and offshore habitats derived through field methods developed by experts like Steve Murray, specifically for assessing the biodiversity of the Laguna Coast. Based on that analysis and fundamental principles of conservation biology, Laguna Ocean Foundation provided the following observations that we believed were relevant to design of the MPA system at that time and may prove relevant to consideration of the proposed adjustment.

- The rocky intertidal habitat on the Laguna Coast is a critical, regional steppingstone connecting rocky intertidal patches along the coast. In the Southern California region all rocky intertidal habitat has high value, some areas have VERY high value based on biodiversity indicators (See areas mapped in gold in attached High Value Habitat map.)
- Kelp beds are high biodiversity offshore habitats. They are scarce in the Southern California region. Their long-term persistence requires active management. There are two historical kelp beds on the Laguna Coast: just south of Main Beach and in the vicinity of Monarch Point in South Laguna—both warrant stewardship.



•Laguna Ocean Foundation and other local stakeholders supported MPA boundaries that include areas directly offshore of the very high value rocky intertidal habitat and the two historical kelp beds along the Laguna Coast.

The findings of the decadal review indicate that resources within the MPA reserve system are significantly more resilient to change. The risk of biodiversity loss due to climate change and other sources of stress is even greater than it was 10 years ago. We encourage the Commission and CDFW staff to continue to address evolving threats while also addressing the needs of all stakeholders.

Respectfully submitted,

E. Almenga

Ed Almanza, Vice-Chairman

Laguna Ocean Foundation

Attachment: Map of Very High Value Habitats along Laguna Coast



#### FGC@FGC

From: California Surf Fishing <calisurffishing@gmail.com>

Sent: Wednesday, February 7, 2024 12:28 PM

To: FGC

**Subject:** Re: California Surf Fishing - Suggestions For Agenda Item 10 on 2/14/24

Please see the corrected email below:

This is Kaspar Kazazian with <a href="https://www.californiasurffishing.net">www.californiasurffishing.net</a> and <a href="https://www.instagram.com/californiasurffishing">www.instagram.com/californiasurffishing</a>

We have reviewed Agenda Item 10 MPA suggestions through the lense of our extensive surf fishing experience along the Southern California coast. We have the following comments:

- -We are in support of the proposed allowance of fishing for migratory fish in the MPAs listed. In fact, we support the expansion of migratory fishing in additional MPAs. Through our extensive shore fishing experience, we have found that regional fish like calico bass and sheephead can be fished out when an area is heavily fished. However, migratory fish are virtually impossible to fish out in a given area.
- -We do not support the expansion of Laguna MPAs. When compared to other countries, Orange County is already extremely limited from a shore fishing MPA perspective. This would make it worse.
- -In general, we support the expansion of catch and release fishing among other MPAs. If enforced properly by Fish and Game, this would benefit both fishermen and wildlife.

Best, Kaspar Kazazian

On Wed, Feb 7, 2024, 11:59 AM California Surf Fishing <<u>calisurffishing@gmail.com</u>> wrote: This is Kaspar Kazazian with <u>www.californiasurffishing.net</u> and <u>www.instageam.com/californiasurffishing</u>.

We have reviewed Agenda Item 10 MPA suggestions through the lense of our extensive surf fishing experience along the Southern California coast. We have the following comments:

-We are in support of the proposed allowance of fishing for migratory fish in the MPAs listed. In fact, we support the expansion of migratory fishing in more MPA's. Through our extensive shore fishing experience, we have found that regional fish like calico bass and sheephead can be fished out when an area is heavily fished. However, migratory fish are impossible to fish out in any area.

- -We do not support the expansion of Laguna MPAs. When compared to other countries, Orange County is already extremely limited from a shore fishing MPA perspective. This would make it worse.
- -In general, we support the expansion of catch and release fishing among other MPAs. If enforced properly by Fish and Game, this would benefit both fishermen and wildlife. It would relieve fishing pressure in none MPA's by catch and release fisherman.

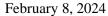
Best, Kaspar Kazazian











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." 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.<sup>2</sup>

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.

 $<sup>^{\</sup>rm 1}$  https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final\_Pathwaysto30x30\_042022\_508.pdf

<sup>&</sup>lt;sup>2</sup> 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 comanagement

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 comanagement 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 notake 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.<sup>3</sup>

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

<sup>&</sup>lt;sup>3</sup> 4 Starr RM, Wendt DE, Barnes CL, Marks Cl, 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."

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." <sup>5</sup>

<sup>&</sup>lt;sup>4</sup> 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.

<sup>&</sup>lt;sup>5</sup> 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 National Marine Manufacturers Association

Rachel Fischer

James Stone

Wayne Kotow

Coastal Conservation Association California Nor-Cal Guides & Sportsman's Association

Keely Hopkins Larry Phillips

Congressional Sportsman's Foundation 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.

Date	Prefix	First	Last	Title	Address	City	State	Zip	Country	Action Taken
2024-02-09 00:56:52.913		George	Day						US	Petition Signed
2024-02-09 00:42:11.303		Mark	Ginsberg						US	Petition Signed
2024-02-09 00:28:34.06		Ryan	Murray						US	Petition Signed
2024-02-09 00:14:18.207		Vincent	Doyle						US	Petition Signed
2024-02-08 23:10:18.873		Steve	Rodriguez quijano						US	Petition Signed
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2024-02-08 22:33:50.663		Mark	Sanders						US	Petition Signed
2024-02-08 21:30:32.08		Tim	McPherson						US	Petition Signed
2024-02-08 21:26:32.267		Donna	Butler						US	Petition Signed
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2024-02-08 18:04:03.19		Matthew	DeAmico						US	Petition Signed
2024-02-08 17:05:41.52		Tim	Harris						US	Petition Signed
2024-02-08 16:04:04.57		Dana	Wilburn						US	Petition Signed
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2024-02-08 14:26:31.143		Domingo	Escamilla III						US	Petition Signed
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2024-02-08 13:24:19.56		Kyle	Pruett						US	Petition Signed
2024-02-08 12:43:45.757		John	Mattimoe						US	Petition Signed
2024-02-08 11:50:07.073		Robert	Moore			Wake Forest	NC		US	Petition Signed
2024-02-08 11:41:11.183		Gage	Smolko						US	Petition Signed
2024-02-08 11:16:29.523		Jacob	Pickett						US	Petition Signed
2024-02-08 10:38:39.953		roger	lees						US	Petition Signed
2024-02-08 09:44:48.333		Alin	Iacob						US	Petition Signed
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	Mr.		Hauptman	_			Sacramento	CA		US	Petition Signed
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2024-02-07 02:26:38.997		Ethan	Nash							US	Petition Signed

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2024-02-07 01:38:59.427 2024-02-07 01:22:30.553	Meghan	Bodjanac Birkhofer					Petition Signed
	Alex					US	Petition Signed
2024-02-07 01:13:14.493	Tyler	Reist				US	Petition Signed
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2024-02-06 15:57:15.343	Chad	Mahalich				US	Petition Signed
2024-02-06 15:56:55.95	Ed	Pena				US	Petition Signed Petition Signed
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202 <del>1</del> -02-00 15:50:14.0/	john	kern				US	Petition Signed

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2024-02-05 22:14:29.21		Michael	Schubert		San Anselmo	CA	US	Petition Signed
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2024-02-05 21:33:06.14		Jim	Velazquez	_	San Diego	CA	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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		andrew	miller				US	Petition Signed
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	Jon						Petition Signed
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	Matthew	Nurisso		Belmont	CA	US	Petition Signed

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	Phillip						Petition Signed
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2024-02-04 12:44:54.5	Jonathan	Howell				US	Petition Signed Petition Signed
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	Kyle						_
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2024-02-04 00:39:37.56	James	Tregembo				US	Petition Signed

2024-02-03 23:56:53.447	Frank	Cunninghom				US	Datition Cianad
2024-02-03 23:36:35.447		Cunningham				US	Petition Signed Petition Signed
2024-02-03 22:13:07.423	Kyle	Rempe Skehen	_	A C 1-	CA		
	Michael			Arroyo Grande	CA	US	Petition Signed
2024-02-03 21:04:23.823	Carl	Hancock				US	Petition Signed
2024-02-03 20:34:57.753	Callie	Warne				US	Petition Signed
2024-02-03 20:02:32.65	Harrie	Dennison				US	Petition Signed
2024-02-03 19:52:17.087	Jacob	Jensen				US	Petition Signed
2024-02-03 19:19:31.487	Dale	Parsons				US	Petition Signed
2024-02-03 19:17:18.01	Sterling	Coberly				US	Petition Signed
2024-02-03 19:04:40.757	Reece	Reber				US	Petition Signed
2024-02-03 18:56:03.143	Adam	Bloomer				US	Petition Signed
2024-02-03 18:46:40.147	Jesus	Juarez gama				US	Petition Signed
2024-02-03 18:38:07.283	John	Shimmick				US	Petition Signed
2024-02-03 18:16:11.547	Charles	Stanton				US	Petition Signed
2024-02-03 18:07:46.917	Kenneth	Ply				US	Petition Signed
2024-02-03 17:55:22.687	Cameron	Dobbs				US	Petition Signed
2024-02-03 17:53:51.817	Brian	Phipps				US	Petition Signed
2024-02-03 17:52:10.473	Chase	Ascari				US	Petition Signed
2024-02-03 17:45:34.163	Nestor	Albances				US	Petition Signed
2024-02-03 17:27:50.223	John	Towers				US	Petition Signed
2024-02-03 17:18:03.18	Aaron	Pittman				US	Petition Signed
2024-02-03 16:58:29.703	Christopher	Agacite				US	Petition Signed
2024-02-03 16:44:19.967	David	Rosenthal				US	Petition Signed
2024-02-03 15:48:35.097	Christopher l	Lincoln				US	Petition Signed
2024-02-03 15:41:54.56	Chris	Killen				US	Petition Signed
2024-02-03 14:58:20.36	Ryan	Lamke				US	Petition Signed
2024-02-03 14:00:13.89	Jack	Cliff				US	Petition Signed
2024-02-03 13:27:50.02	Jacob	Sandoval				US	Petition Signed
2024-02-03 13:25:47.0	Daniel	Gross				US	Petition Signed
2024-02-03 13:21:33.573	William	Armstrong				US	Petition Signed
2024-02-03 13:20:41.387	Caleb	Warrick				US	Petition Signed
2024-02-03 13:16:03.28	David	Zachry				US	Petition Signed
2024-02-03 13:15:26.283	Tyler	Blackburn				US	Petition Signed
2024-02-03 13:04:39.467	Ryan	Schultz				US	Petition Signed
2024-02-03 12:59:07.173	Victor	Flores				US	Petition Signed
2024-02-03 12:58:03.97	Jack	Van Nieulande				US	Petition Signed
2024-02-03 12:37:16.943	Trevor	La Presle				US	Petition Signed
2024-02-03 12:35:33.723	Zachary	Matters				US	Petition Signed
2024-02-03 12:13:53.08	Charles	Toney				US	Petition Signed
2024-02-03 11:57:45.247	Mike	Garske				US	Petition Signed
2024-02-03 11:50:06.25	Ismael Max	Villegas				US	Petition Signed
2024-02-03 11:42:34.637	jeff	chisdak				US	Petition Signed
2024-02-03 11:29:37.853	Bryce	Carnehl				US	Petition Signed
2024-02-03 11:23:11.003	Sandra	Sanchez				US	Petition Signed
2024-02-03 10:47:10.197	Ryan	Houge				US	Petition Signed
2024-02-03 10:44:25.037	Jacob	Rantz				US	Petition Signed
2024-02-03 10:43:14.297	David	Allen				US	Petition Signed
2024-02-03 10:39:46.707	Bryan	Maiorca				US	Petition Signed
2024-02-03 10:22:42.447	Evan	Livadas				US	Petition Signed
2024-02-03 10:00:36.227	Steve	Broadley				US	Petition Signed
2024-02-03 09:41:14.653	James	Derington				US	Petition Signed
2024-02-03 09:14:12.427	Ethan	Hall				US	Petition Signed
2024-02-03 09:10:51.607	Ralph	Puett				US	Petition Signed

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2024-02-03 08:59:33.513 2024-02-03 06:43:50.977	Trace	Pena Barats				US	Petition Signed
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2024-02-03 04:27:27.593	Arthur	Frick				US	Petition Signed
2024-02-03 03:29:29.203	Ben	Carter				US	Petition Signed
2024-02-03 03:16:19.52	Philip	Trompke				US	Petition Signed
2024-02-03 02:50:01.12	David	Modena				US	Petition Signed
2024-02-03 02:12:16.923	Andrew	Law				US	Petition Signed
2024-02-03 01:59:51.773	Michael	Hale				US	Petition Signed
2024-02-03 01:28:13.503	Jeff	Kafka				US	Petition Signed
2024-02-03 00:57:44.12	Scott	Brichan				US	Petition Signed
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2024-02-02 23:54:08.423	Daniel	Crouch				US	Petition Signed
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2024-02-02 23:18:58.11	Patrick	Young				US	Petition Signed
2024-02-02 23:14:05.52	Mark	Walline				US	Petition Signed
2024-02-02 22:31:18.197	Ryan	McGaffin				US	Petition Signed
2024-02-02 22:22:27.137	Timothy	Watson		Middle Grove	NY	US	Petition Signed
2024-02-02 21:27:23.713	Timothy	Padilla				US	Petition Signed
2024-02-02 21:22:05.84	Matthew	Broadley				US	Petition Signed
2024-02-02 21:08:03.4	Ryan	Tracey				US	Petition Signed
2024-02-02 21:05:54.64	Jose	Camarena				US	Petition Signed
2024-02-02 21:04:37.32	Erick	Burres				US	Petition Signed
2024-02-02 21:01:20.403	Adrian	Silveira				US	Petition Signed
2024-02-02 20:58:02.777	Shaun	Ayers				US	Petition Signed
2024-02-02 20:56:18.6	Tom	Stubbs				US	Petition Signed
2024-02-02 20:44:54.14	Rafael	Santillan				US	Petition Signed
2024-02-02 20:42:57.203	Alex	Selman				US	Petition Signed
2024-02-02 20:31:49.4	Zane	Murphy				US	Petition Signed
2024-02-02 20:21:30.41	Jeremy	Kerekes				US	Petition Signed
2024-02-02 20:20:07.45	Eric	Manahan		Hollis	ME	US	Petition Signed
2024-02-02 20:18:56.503	Marcus	LeBlanc		Grover beach	CA	 US	Petition Signed
2024-02-02 20:10:44.193	Dave	Gifford		Grover sewer	GET	 US	Petition Signed
2024-02-02 19:56:09.143	Dave	Rechel				US	Petition Signed
2024-02-02 19:43:54.443	Gabriel	Silveira				US	Petition Signed
2024-02-02 19:43:17.527	Eric	Bodjanac				US	Petition Signed
2024-02-02 19:40:58.32	Jesus	Padiernos				US	Petition Signed
2024-02-02 19:29:09.317	Jaime	Gutierrez				US	Petition Signed
2024-02-02 19:27:36.86		Gertler				US	
2024-02-02 19:15:32.903	Darren	NG					Petition Signed
	SynKae					US	Petition Signed
2024-02-02 19:15:13.213	Daniel	Silveira				US	Petition Signed
2024-02-02 19:06:32.177	Matthew	Bond				US	Petition Signed
2024-02-02 18:56:00.567	Cole	Pickford				US	Petition Signed
2024-02-02 18:55:34.027	Nick	DeFerrari				US	Petition Signed
2024-02-02 18:43:33.243	Cecilia	Giddings				US	Petition Signed
2024-02-02 18:05:26.83	Isaac	Beck				US	Petition Signed
2024-02-02 17:46:21.643	Clayton	Beaver				US	Petition Signed
2024-02-02 17:45:06.907	Travis	Craven				US	Petition Signed
2024-02-02 17:30:47.033	Eric	Tye				US	Petition Signed
2024-02-02 17:16:16.94	Benjamin	Kaslin				US	Petition Signed

2024-02-02 16:25:01.977		Matt	Dage				US	Datition Cianad
		Matt	Rose					Petition Signed
2024-02-02 16:10:12.253		Kevin	Vella				US	Petition Signed
2024-02-02 15:56:10.45		Charlie	de la Rosa				US	Petition Signed
2024-02-02 15:55:01.117		Nicholas	Angus				US	Petition Signed
2024-02-02 15:38:15.073		Nick	Ippolito				US	Petition Signed
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 Petition Signed
2024-02-02 13:10:37.263		Nick					US	Petition Signed Petition Signed
			Garcia					
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

### FGC@fgc

From: David Schwier

**Sent:** Monday, March 18, 2024 9:38 PM

To: FGC

**Subject:** Attn: Marine Resources Committee - citizen letter for 3/19 meeting

Dear Committee members,

I write this to say my family and I love the ocean, spearfishing and conservation. We recreate a couple dozen times a year on our boat in local waters around Orange County and Catalina Island. It is important to show my kids that our seafood also comes from local waters too and we can actively learn about them and maybe pursue some ourselves to catch. They love eating all of our minimal catches and are very thankful for the full experience.

We all take care of our beautiful environment and do beach cleanups, creating awareness, and respect for nature. My memories growing up with my father (deceased) and fishing his "secret spot" in Laguna Beach, cannot be replicated with my daughter because we are not allowed to fish there anymore. While I did take her snorkeling there to see the fish (amazing just the same), it just didn't fulfill the dream of mine to hook a "big one" like dad and I did there years ago.

Please stop closing our access to these resources and all the joys that come with it. Our local impact can be sustainable with just more educating of the public. Please reopen the protected areas and then do another review in due time and see how to best proceed in keeping our oceans healthy and abundant in all life!

Thank you for reading my letter, David Schwier

### FGC@fgc

From: Alejandro Meruelo

**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

**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: Frimond, Jeremy CM <

Sent: Tuesday, July 2, 2024 08:53 AM

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

Cc: Fabian, Erin <

Subject: Public Comment - July 17, 2024 FGC Meeting - City of Laguna Beach

Good Morning,

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

Respectfully Submitted,



### **Jeremy Frimond**

Assistant City Manager City Manager's Office 505 Forest Avenue, Laguna Beach, CA 92651

Phone:

Email:



## THREE ARCH BAY COMMUNITY SERVICES DISTRICT

5 BAY DRIVE, LAGUNA BEACH, CALIFORNIA 92651-6780 (949) 499-4567 FAX: (949) 499-2352

May 1, 2023

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

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

Dear Commissioners.

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

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

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

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

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

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

Thank you,

Gary Rubel President

Three Arch Bay Community Services District

Cc: City of Laguna Beach

Dary w Rubel

Board Members of the TAB CSD



August 29, 2023

Commissioners and Staff,

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

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

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

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

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

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

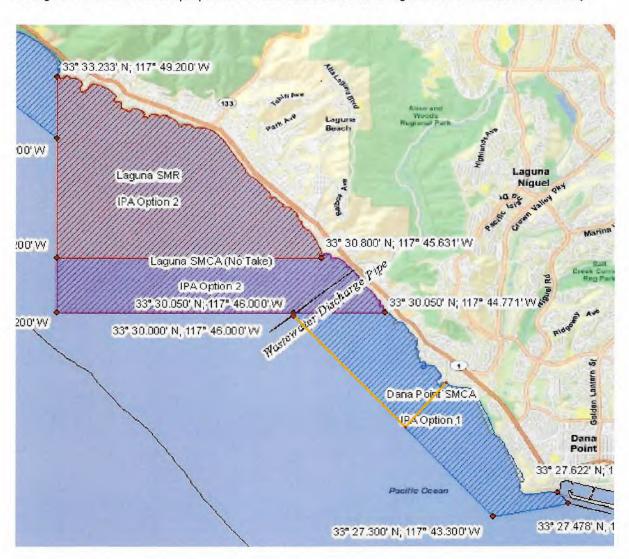
Climate change science recognizes the ocean as key to reversing negative anthropogenic climate impacts.

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

All

Greg O'Loughlin, President South Laguna Civic Association

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





July 5, 2023

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

(916) 653-4899

fgc@fgc.ca.gov

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

Dear Commissioners Sklar and Murray,

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

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

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

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

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

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

Respectfully submitted,

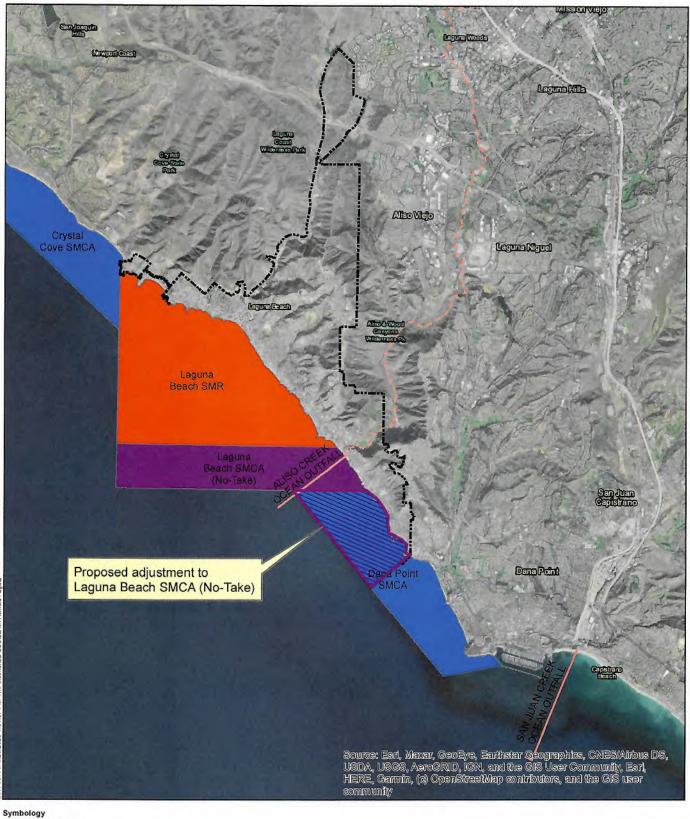
Mike Beanan

Laguna Bluebelt Coalition 9132 Beach, CA 92651 PO Box Laguna

Proposed City Limit Southern Boundary Revision for SMCA No Take:

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

 $\underline{https://lagunabeach.maps.arcgis.com/apps/webappviewer/index.html?id=75a3aa3236c7475bb5e81925\\ \underline{d130a763}$ 



---- City Limits

SOCWA Effluent Transmission Line

SOCWA Ocean Outfall

Proposed Laguna Beach SMCA (No-Take) Adjustment



Figure 1 City of Laguna Beach **Proposed Marine Protected Area Adjustment** 



Laguna Bluebelt Coalition MPA Decadal Review From: California Fishermens Resiliency Association <california fishermens resiliency@gmail.com>
Sent: Wednesday, July 3, 2024 06:44 PM
To: FGC <FGC@fgc.ca.gov>
Cc:
Steve Scheiblauer

Steve Scheiblauer

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: Donna Kalez <

**Sent:** Friday, July 5, 2024 11:12 AM

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

Subject: comments for Marine resources meeting July 17-18

Please see our letter regarding 2023-24 bin 2

Thank you

Donna Kalez, COO
Dana Wharf Sportfishing & Whale Watching
34675 Golden Lantern
Dana Point, Ca. 92629
949.496.5794 ext 116
www.danawharf.com
www.linktr.ee/danawharf

Dana Point: The Dolphin & Whale Watching Capital of the World ®

Keep in touch: <u>Twitter</u>, <u>Facebook</u>, <u>Instagram</u>, <u>You Tube</u>

Chair: Festival of Whales Foundation



7/4/24

California Fish and Game Commission

Subject: Concerns Regarding Binning of MLPA Petition submittals.

Dear Fish and Game Commission Marine Resources,

I am writing to express my deep and continued concerns regarding the MLPA Decadal review and the petition 2023-24 to expand the closures in the coastal area of Laguna Beach in Orange County ( 2023-24MPA Mike Beanan, Laguna Bluebelt Coalition Extend Laguna no-take SMCA southern boundary to the southern border of City of Laguna Beach, which will require modification of northern boundary of Dana Point.) We understand that you have put the petition in BIN 2 and we want to assure you that we are still very much opposed to this petition: When you ask in the report Is limited controversy anticipated? (N): Public comments/letters have already been received by CDFW and CFGC about this petition, indicating a **high degree** of anticipated controversy. This is a very true statement and the fishing community is extremely worried. Below is testimony I provided back in January 2024 and should be reviewed again.

As a long-standing business owner for over 50 years, Dana Wharf Sportfishing and Whale Watching, a business started by my father Don Hansen, I feel compelled to share my perspective on this matter.

Since 1971, Dana Wharf Sportfishing and Whale Watching has been an integral part of the Dana Point community, providing daily fishing trips from Dana Point Harbor. Over the past 12 years, we have diligently followed the rules and adapted to the closure of a significant fishing area in Laguna Beach immediately to the north of our Harbor due to the MLPA implementation. While we fish in the waters off San Clemente to our south as well as waters off shore on our longer trips. The proposed expansion of the closure areas in Laguna Beach includes highly popular spots for both commercial and recreational fishing for our shorter trips.

Expanding the Marine Protected Areas (MLPA) in these areas would have devastating consequences for the livelihoods of local fishermen, my business, and the well-being of our employees and patrons. Having efficient, equitable access to good fishing spots close to our location is essential for individuals who may not be able to take longer trips for many reasons including special needs, children, seniors and those who cannot afford longer trips to catch their

fish. Shorter trips not only provide more affordable options but also cater to individuals who cannot be on a boat for an extended period.

The proposed expanded areas would not allow us to provide enjoyable fishing experiences without requiring extensive travel, it would limit our access and take away vital options to the fishery. It is crucial to consider that the Marine Life Protection Act was implemented with strict guidelines for determining closure areas along our coast; it is a network of protected areas . I can assure you that the MLPA was a long and painful process for all involved. Accepting a petition to expand an area that does not warrant expansion would not align with the original intent of the act. Instead, we should focus on conducting more long-term monitoring and comprehensive surveys to better understand the current state of the fishery in the closure area. We should be supporting science and adaptive management.

Dana Wharf Sportfishing and Whale Watching has been a steadfast partner in adapting to the MLPA closure. We employ 50 individuals who make a living on the water, through both fishing and whale watching activities. When evaluating petitions, I implore you to prioritize the use of scientific data and consider the economic and social impact on the community.

You recently finished your

### **Coastal Fishing Communities Policy**

We are a coastal fishing community working within all the regulations and closures already so any future closing or restrictions will be devastating.

Should you require any additional information or wish to discuss this matter further, please do not hesitate to contact me at

Sincerely,

Donna Kalez

Owner

Dana Wharf Sportfishing and Whale Watching

----Original Message----

From: Ryan McGaffin <

Sent: Wednesday, August 28, 2024 5:14 PM

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

Subject: South Laguna MPA Expansion Opposition

Hi, my name is Ryan McGaffin . I am a charter boat captain and commercial lobster fisherman out of Dana Point.

I am contacting you today to oppose the expansion of the Laguna Beach MPA.

I have grown up in Southern California and from an early age I fell in love with the ocean, some of my earliest memories were fishing with my dad and grandpa on the Aliso Beach pier, and from there I was hooked. Every day after that I would ask to go fishing, eventually when I was 14 I got a work permit and I got a job on the Dana Wharf boats helping out on half days and 3/4 day trips during the summer.

I remember fishing and diving Laguna Beach and how special of a place that was to me.

Fortunately, I get to have memories of fishing and enjoying all of Laguna Beach before it was closed. But, unfortunately, a lot of people don't get to have those memories or enjoy all that Laguna has to offer.

The Laguna Beach expansion would affect me and countless other people negatively. I have been a charter boat captain out of Dana Point the last 10 years and regularly fish the areas that are proposed to be closed, I typically take out people from out of town and they, and I, enjoy the beautiful scenery and fishing that South Laguna has to offer. Not only do I take out tourist to enjoy the coast but I commercial lobster fish that area as well, and if the expansion happens it will be devastating to the already crowded fishery forcing the remainder of the Lobster fisherman to crowd into smaller and smaller areas putting more pressure on what little coastline we have left.

Besides the negative financial aspects this expansion would have on me personally and many others, I am most concerned about the memories that this expansion would take away from the future generations. I have a one and a half year old daughter that may not be able to enjoy, experience, and make memories fishing and diving in her own back yard like I did as a child, and that's the part that makes me truly sad. How many children for generations would be affected by this expansion? Who knows how many future marine biologist, commercial fishermen/women or recreation fishers would never get the spark and love for the ocean if those memories could never happen.

I want to be able to take my daughter out fishing and to have her explore all the ocean has to offer, and there's thousands of other fathers and mothers who feel the same, this closure would affect not only me and my family but thousands of others FOREVER and that is just not fair.

Please consider this when making your decision.

Thank You, Ryan McGaffin

From: Travis Vaughan <

Sent: Wednesday, August 28, 2024 3:54 PM

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

**Subject:** Opposing Proposed expansion of Laguna beach smca

Dear FGC commission

My name is Travis Vaughan, I'm 41 years old, worked on the water my whole life invested everything I have, time wise and money, into making a living as a commercial fisherman. My wife and I just had our first son and I express a interest, if he take to it, in passing my knowledge of seamanship and responsible sustainable fishing onto him.

I would like to express that the expansion of the Laguna Beach No Take SMCA would be devastating to our local fishermen, causing further compaction in particular to the California Spiny Lobster Fishery, and therefore threatening sustainability. Our fisheries have always proven sustainable thanks to tools like size limits, seasons and quotas.

I realize there are many other potential mpas that are under examination and consideration for expansion and I oppose all of them. These closures will put many good hardworking families out of business, it will affect those restaurants and markets depending on our catch as well as the publics ability to source local quality sustainably harvested Seafood.

Please be considerate when making the decisions to allow or not allow the implication or expansion of these fishing closures. Know they are going to have a negative impact on real people depending on these areas to feed their families.

Thanks for your consideration

Travis Vaughan

From: Gary Sanserino <

Sent: Saturday, October 19, 2024 04:25 PM

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

**Subject:** Support for Laguna Beach MPA boundary adjustment

Attn: Marine Resources Committee, Nov. 6-7 meeting

Please support the expansion of the Marine Protection Act in the Laguna Beach area as proposed. This area is highly fished. The game and plant life Need a safe area so that it can recover and serve this in future generations well.

Gary Sanserino

From: Guy Westgaard <

Sent: Saturday, October 19, 2024 10:58 PM

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

Subject: YES on Laguna Beach MPA boundary adjustment No

You have created enough protected space within the city of Laguna beach and should leave what is currently available for our children and grandchildren children to fish and harvest from the sea as we have done for generations. With respect to the sea and all it has to offer. Guy and his family and families in the future.

From: Josh Hernandez <

Sent: Thursday, October 24, 2024 03:41 PM

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

Subject: MpA

Hi my name is Josh Hernandez I am a commercial fisherman from Dana Point, CA. I am emailing in regards to the proposed MPA closure.

I oppose the p ld 2023 -24mpa.

I oppose this closure because there is already a large closure area that closes ninety % of Laguna Beach. Closing more of our local

Coastline would only force the already crowded fishery into a smaller space. Also the reason for making the closure has to do with kelp restoration. The area that might get closed has a kelp forest that is currently thriving, even with continuous fishing efforts. The kelp will come and go whether the area is being fished or not, as we have seen throughout our lives in various areas.

Thank you for your time

Josh Hernandez

From:	<	>

Sent: Monday, October 28, 2024 12:33 PM

To: FGC <FGC@fgc.ca.gov>
Cc: 'A' < >

Subject: I support adjusting the MPA to include all of South Laguna

I support adjusting the MPA to include all of South Laguna

In addition to all the other reasons you are aware of for doing this, the hundreds of commercial lobster traps with lines connecting the traps on the seabed with the floats on the water surface have changed the migration pattern of returning grey whale mothers and their newborn calves. As is, the commercial traps, floats, and lines stretch hundreds of years into the ocean immediately south of the current southern boundary of the "No-take" zone creating what much be sensed by the whales as a net or other barrier, and this forces them into deeper, and potentially more dangerous, waters along this stretch of coast. Hopefully, you can adjust the new southern boundary in such a manner is to lower the negative impacts on these returning whales.

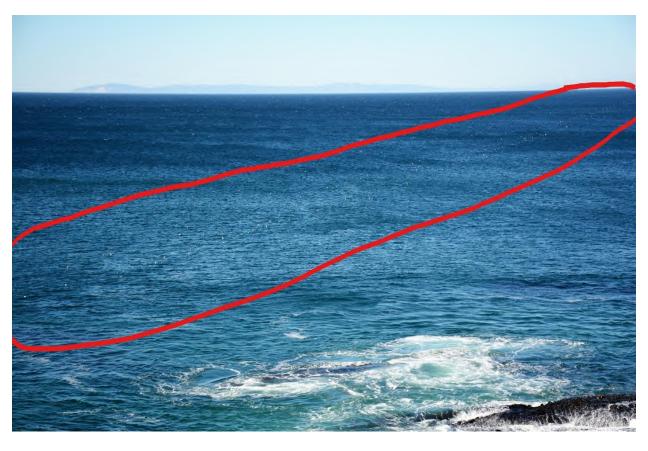
Aside from environmentalist concerns, I'd think local tourist focused businesses, like the hotels that line the Laguna coast, would benefit from a return to more "close-in" whale sightings from the beach like we had before the commercial lobster fisherman created the current barrier.

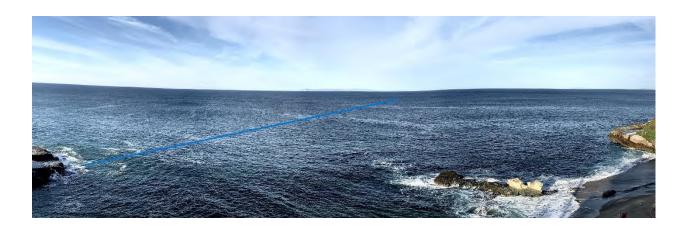
Thank you.

John Thomas

South Laguna









### **NEWS**

# Environmentalists fear lobster traps off Laguna Beach pose danger to whales along the coastline



Kurt Lieber, president and founder of Ocean Defenders Alliance, is trying to raise awareness of the 130 or so lobster traps that go more than a mile out to sea off the coast of Laguna at Table Rock Beach. He says the high density of traps endangers marine life, including whales. (Photo by Mindy Schauer, Orange County Register/SCNG)

By ERIKA I. RITCHIE | eritchie@scng.com | Orange County Register

PUBLISHED: November 30, 2017 at 7:17 p.m. | UPDATED: December 4, 2017 at 8:39 a.m.

LAGUNA BEACH — Kurt Lieber was shocked when he counted 130 lobster traps set in a straight line along a half-mile border on the northern side of the city's Marine Protected Area.

The founder of Ocean Defenders Alliance, a nonprofit dedicated to a debris-free sea, was searching for hot spots with a high density of traps that could endanger whales traveling along the coastline. In the past few years there has been a huge spike in whales entangled in fishing gear.

Gray whales regularly pass by the beaches of Laguna on their annual migration from Alaska to the lagoons of Baja. Humpbacks are seen there too, especially in winter months.



Lieber, of Huntington Beach, found the traps when he took his boat out from Dana Point Harbor two weeks ago. Just off the breakwater, he counted 67 traps. While the total number of traps off Dana Point didn't alarm him, he said he was horrified by the number of traps starting in 10 feet of water just off Table Rock Beach in Laguna.

"It seems anywhere there's a Marine Protected Area, the traps are densely set," he said.

But Laguna Beach and Dana Point aren't Lieber's only targets. He's monitored boundaries on the border of Santa Monica Bay, on the south side off Redondo Beach and the north side off Malibu — where he found 180 traps along 1.8 miles.

In San Diego County, he flew over La Jolla, another Marine Protected Area. In Central California, he counted crab traps — considered among the most threatening to whales — and gathered data at Morro Bay, Monterey Bay, Drakes Bay, Bodega Bay and Moss Landing.

A lot of gear types can be problems for whales including drifting net, crab and lobster traps. Crab and lobster fishing make up 50 percent of the entanglements, Lieber said.

Lieber will provide data and mapping to researchers at the National Oceanic and Atmospheric Administration, the Turtle Island Restoration Network and the Center for Biological Diversity. The latter, in October, filed a lawsuit against the California Department of Fish and Wildlife, claiming the agency has fallen short in preventing Dungeness crab fishery gear from killing humpback and blue whales and leatherback sea turtles.

In 2015, there were 62 reported entanglements in all forms of fishing gear. Eleven of those were found with gear from the California Dungeness crab fishery, according to NOAA. In 2016, there were 71 whale entanglements, well above the average of eight whales trapped in fishing gear annually from 1982 to 2015, according to NOAA.

"If we can locate them maybe we can minimize the impact by spacing them further apart or putting less in the water at one time, "Lieber said. "I'm hoping to spark a dialogue."

Rodger Healy, a 30-year lobster fisherman from Dana Point, called Lieber's claims "absurd."

In 2016, the lobster fishery brought in 679,000 pounds, according to Andrew Hughan, a spokesman for the California Department of Fish and Wildlife. Healy said the fishermen go out of their way to make sure their traps don't endanger whales. He said in 120 years, only one humpback in 22014 has become entangled in a lobster trap in California.

"That was during an El Niño year where we fished deeper," he said.

Typically, Healy said, he fishes no deeper than 100 feet. Gray whales on the northern migration generally pass in deeper water. But



The lobster fishery, like the crab fishery, is regulated by the California Department of Fish and Wildlife. The fishery opens in October and closes in March. There are no restrictions on where lobster traps are placed in relationship to each other, said Hughan. Traps, though, have to be more than 750 feet away from a pier or jetty.

The beaches off Laguna were declared a Marine Protected Area in 2012, the result of efforts of local organizations and individuals - collectively the Laguna Bluebelt Coalition - that wanted to restore Laguna's marine life and habitat. Laguna's coastline — once known for an abundance of abalone — had been depleted by decades of fishing.

Now, five years later, local watermen report a variety of fish, tide pool creatures and kelp along the protected coastline. Gray, blue and humpback whales are no longer a rarity in the picturesque coves.

Earlier this year, the Department of Fish and Wildlife released the results of a study monitoring the state's Marine Protected areas. A review of the state's lobster revealed that Laguna's protected area showed the most significant growth.

Healy said it's that Marine Protected Area which closed off fishing along seven miles of coastline — from Table Rock Beach to Irvine Point — that led to the increased trap density along the boundary line.

"The closure in Laguna took half of my traps," he said. "The amount there now may sound like a lot but there were upward of 1,000 traps there before the closure. We were more spread out and now we've had to condense. This is a direct result of the closure. We're trying to catch the spillover that was promised to us in the process."

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### 🌬 Author **Erika I. Ritchie** | Reporter

Erika Ritchie reports on South Orange County coastal communities, military issues and Camp Pendleton for the OC Register. She explores everything from coastal access, environmental issues and marine life to city government, animal welfare and quality of life. She's won many awards including first place in news (2016) by the Orange County Press Club for her coverage of record numbers of whale entanglements off the California coast. Erika's covered military change of command and seen military affairs firsthand from the sea aboard a battleship, air from a MV-22 Osprey, and land including Pendleton's International war games and San Clemente Island's ordnance ranges. Journalism allows Erika's penchant for telling human stories of conflict, struggle and joy. Her monthly Everyday Hero feature does just that, highlighting achievements of some of Orange County's most dedicated volunteers and non-profit leaders. Since joining the Register in 2001, she's at times covered every city in South Orange County delving into development, housing, transportation, county government and social issues. She's often written about Saddleback Church and Pastor Rick Warren's emerging national and global roles. Erika's passionate about animals and outdoor adventure. She runs, stand-up paddles and skis - both alpine and x-country. She frequents Mammoth Lakes and Mountain for hiking, biking & skiing and for her dogs to frolic in the snow and lakes. She grew up bilingual in German and conversational in French.

eritchie@scng.com



From: Mike Beanan <

Sent: Friday, November 1, 2024 11:43 AM

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

Cc: |

Subject: Public Comment: MRC November 6-7

Subject: Public Comment: MRC November 6-7

Marine Resources Committee

November 1, 2024

RE: Laguna Bluebelt Petition 2023-24

Commissioners and Staff,

The Laguna Bluebelt Coalition continues to seek collaboration with City, County, Fishing and Tribal leaders in revising the existing State Marine Conservation Area (SMCA) to a No Take area.

Justification for the boundary revision is to establish a citywide MPA for enforcement consistency and protection of essential marine habitats.

### Adaptive Management

Previously, the Science Advisory Team (SAT) determined the ideal size of a fully protected MPA is between 9 and 16 square miles while advising that "Bigger is Better" in predicting success in restoring depleted sea life impacted by decades of over-fishing. Laguna Beach was determined to be a critical linkage for sea life genetic dispersal between Palo Verdes and La Jolla. The Laguna Beach SMR and SMCA No Take area are presently only 9 square miles. A slightly larger Laguna MPA will offer greater success in regional goals for sea life recovery. The proposed boundary revision will protect and aid in restoring an historical kelp forest in the southern portion of Laguna Beach.

As part of the iterative process, a series of meetings have taken place with shore fishing advocates, lobster fishermen, commercial passenger fishing company and local tribes to evaluate the proposed boundary revision. Specifically, lobster fishermen have requested an East/West latitude adjustment for the southern boundary to facilitate accurate trap placement. The proposed boundary will feature a prominent bluff promontory to identify the revised border.

**Enforcement Challenges** 

and fishing activities. Verification of a valid California Fishing License as well as seasonal catch and targeted fish species are hampered by inadequate access for enforcement officers.

### Essential Sea Life Habitat

The southern area of Laguna Beach is characterized by steep bluffs, deep coastal waters, offshore reefs and isolated coves to yield a unique rich, mixing zone for marine mammal foraging opportunities. The offshore reef situated parallel to shore creates an inshore foraging area for coastal dolphins routinely observed in the area.

The proposed boundary revision as a No Take SMCA will allow for kelp restoration in the Thousand Steps Reef to increase overall kelp abundance, which is key to sea life recovery.

### **Community Support**

The Laguna Beach City Council has requested staff guidance in several letters to process the proposed boundary revision within the existing MPA network. As many as a dozen environmental organizations, community groups and individuals have joined the City's Environmental & Sustainability Committee's endorsement for the new boundary.

The proposed boundary revision has been evaluated by Commission Staff and determined to comply with four of the five criteria for approval. Please consider advancing Petition 2023-24 for timely review and approval.

Thank you for your leadership in marine life protection,

Mike Beanan

w/Laguna Bluebelt Coalition



Marine Resources Committee

November 1, 2024

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### **Enforcement Challenges**

The proposed boundary revision for citywide protection will provide effective enforcement consistency for fishers and visitors. Presently, enforcement measures are inadequate due to remote access. Fragile tide pools and shore reefs are routinely damaged by trampling

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Thank you for your leadership in marine life protection,

Mike Beanan

w/Laguna Bluebelt Coalition





December 10, 2024

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

Subject: Appreciation for Local Agency Participation Framework and Petition Review Process

Dear Members of the California Fish and Game Commission,

On behalf of the City of Laguna Beach, I would like to express our sincere gratitude for the thoughtful development of a framework to include local agencies in the petition process. This initiative exemplifies the Commission's commitment to fostering collaboration and ensuring diverse perspectives are considered in the stewardship of California's Marine Protected Area (MPA) Network.

The City looks forward to reviewing the State's assessment of Petition 2023-24MPA, which contemplates the expansion of the No-Take Laguna Beach State Marine Conservation Area's southern boundary to align with the City's southern limits. We value the careful analysis being undertaken and recognize its importance in shaping the future of our marine ecosystems.

As we approach 2025, the City of Laguna Beach remains committed to actively participating in this process and providing informed input. We appreciate the Commission's leadership and dedication to preserving California's coastal resources and stand ready to engage in discussions that will ensure the continued success of the MPA Network.

Thank you for your ongoing efforts and for providing the City and other local agencies the opportunity to contribute to this critical process.

Sincerely,

Alex Rounaghi

Mayor

From: GAYLE WAITE <

Sent: Thursday, January 23, 2025 01:22 PM

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

Subject: Support for the Extension of MPA-Laguna Beach

Dear CA Fish and Game Commissioners,

Please see the attached support letter from the Laguna Canyon Conservancy Board of Directors regarding extension of the MPA along the southern coast of Laguna Beach. I have also attached the petition from the Laguna Bluebelt regarding this matter as we join with our local environmental colleagues to urge you to advance this forward.

Thank you for all of your hard work on behalf of the state of California.

Best regards,

Gayle Waite

President, Laguna Canyon Conservancy



### P.O. Box 1383, Laguna Beach, CA 92652 • www.LagunaCanyonConservancy.org

January 23, 2025

Fish and Game Commission, State of California
ATTN: Melissa Miller-Henson, Executive Director and
Commissioners Samantha Murray, Erika Zavaleta, Jacque Hostler-Carmesin, Eric Sklar and
Darius Anderson
P.O. Box 944209
Sacramento, CA 94244-2090
Via Mail and Email: FGC@FGC.CA.GOV

RE: Extension of the MPA along the southern coast of Laguna Beach

Dear Commissioners,

The Board of Directors of the Laguna Canyon Conservancy (LCC) joins with other local environmental groups in support of the Laguna Bluebelt's revision to the Southern Boundary for Petition 2023-24 MPA to a No Take SMCA (State Marine Conservation Area), for citywide enforcement and protection of essential sea life between Palos Verdes and La Jolla MPAs.

At present the southern area of Laguna Beach is designated as within the Dana Point SMCA. This designation has led to confusion regarding place names and Take regulations. The Bluebelt Petition will simplify the No Take regulation for the entire city of Laguna Beach, address inaccurate site names and restore Laguna Beach as the correct jurisdiction for this area.

The Laguna Canyon Conservancy hopes the Commission will accept and implement these revisions as vital to the protection of our ecosystems and sea life, revising and expanding the network of No Take MPAs.

As stewards of our wilderness, along with our colleagues from other environmental organizations, the LCC looks forward to the California Fish and Wildlife Commission protecting our coastal environment and habitat for present and future generations, as you have consistently done.

We thank you in advance for taking this critical step forward.

Laguna Canyon Conservancy is a nonprofit, all-volunteer environmental organization founded in 1988 to Save and Protect Laguna Canyon. LCC members have been involved in expanding the South Coast Wilderness nature reserves of Orange County that now include over 22,000 acres of parks, open space, and marine preserves. For more information, please visit <a href="https://www.lagunaCanyonConservancy.org">www.lagunaCanyonConservancy.org</a>.

Sincerely,

Gayle Waite

President, Laguna Canyon Conservancy

CC: City Council of Laguna Beach, City Manager Dave Kiff, Assistant CM Jeremy Frimond

From: Donna Kalez

Sent: Monday, March 3, 2025 02:47 PM

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

**Subject:** Letter for the MRC on 3/13/25

Please review my letter to the MRC committee and the full commission in regards to petition 2023-24 BIN 2.

Thank you as always for your help.

Donna Kalez, COO Dana Wharf Sportfishing & Whale Watching

34675 Golden Lantern

Dana Point, Ca. 92629

949.496.5794 ext 116

www.danawharf.com

www.linktr.ee/danawharf

Dana Point: The Dolphin & Whale Watching Capital of the World ®

https://youtu.be/Tk0Uu9Vb-Jg?si=GLH\_bJtzt2ty-dh\_

Keep in touch: <u>Twitter</u>, <u>Facebook</u>, <u>Instagram</u>, <u>You Tube</u>

**Chair: Festival of Whales Foundation** 



34675 Golden Lantern Dana Point, Ca. 92629

2/25/25

Fish and Game Commision and MRC chairs.

My name is Donna Kalez, and I am the owner of Dana Wharf Sportfishing. I am writing to you regarding the amendment to petition 2023-24 by the Laguna Beach Blue Belt.

During the last Fish and Game commission meeting I learned of this petition amendment.

Dana Wharf Sportfishing and Whale Watching has consistently expressed our strong opposition to this petition. We also firmly oppose the amendment, which, in our view, inaccurately represented the discussions from the OCMPAC meeting we all attended.

I would like to draw your attention to the letter I sent to the Laguna Blue Belt on 2/17 concerning the amended petition. We maintain our opposition to this petition, as it lacks the scientific evidence necessary to justify any expansion in the area. Please also understand that the amended petition is still 1.5 miles long closing the entire coast of Laguna to fishing both recreational and commercial lobster.

Thank you for your attention to this matter and for your commitment to the process . If you have any questions, please feel free to call me. Additionally, I have included my previous letter from 1/23/23 in opposition to the same petition , which may provide further context. PLease reject petition 2023-24 currently being considered in BIN 2.

Sincerely,

Donna Kalez

Owner, Dana Wharf Sportfishing

2/17/25

Michael Beanan Laguna Bluebelt Association

Dear Mr. Beanan

I am writing to you regarding your recent submission for changes to your Fish and Game Commission petition 2023–24. Dana Wharf Sportfishing and Whale Watching remains opposed to your original petition as well as your amended petition. Your proposal still calls for a southern expansion of over one mile to the Dana Point coastal border. We see no justification for this expansion other than your desire to exclude fishing boats from your community.

The rationale behind your petition does not align with the scientific evidence, and the fishing community—both recreational and commercial users are highly upset about any expansion proposal of this Marine Protected Area (MPA). This situation remains **highly controversial**.

Your most recent amended petition contains several inaccuracies, one of which suggests that Dana Wharf Sportfishing and Whale Watching has shifted its focus primarily to whale watching. This is a significant inaccuracy.

Here is your statement:

While commercial fishing businesses generally object to MPAs, it is worth noting that Dana Wharf has shifted operations away from fishing to pursue new economic opportunities as the Whale and Dolphin Watching Capital of the World – America's first Whale Heritage Site. The designation of just over 1 square mile of a new No Take SMCA is just a fraction of the present Dana Wharf fishing grounds and will not measurably impact their annual sportfishing and whale tour revenues. Dana Wharf presently operates large fishing grounds spanning hundreds of square miles from Dana Point south to Camp Pendleton and west to Catalina and San Clemente Islands.

As you may know, Dana Wharf Sportfishing and Whale Watching has been in operation since 1971, founded by my father, Don Hansen, who initiated whale watching from the Dana Point Harbor that same year and also started the Festival of Whales. His passion for the California gray whale has profoundly influenced the whale watching industry and inspired generations to protect our beautiful coastline and the Whales and dolphins that inhabit our waters .

We have since 1971 engaged in both whale watching and fishing trips, our offerings have not changed. The area that you consistently want closed is an area where the fishing public accesses and it's not just our boats it's many private fishing boats as well as commercial Lobster boats. This area, when we choose to fish there, is for our short term trips fishing for just

4-5 hours. Since the inception of the MPA closure in Laguna Beach, we have respected you and your group and have limited our engagement in fishing off of that area, but it remains an option in our tool kit and we do take our half day fishing trips to Laguna as well as our popular Fish For Life trips. These trips are also popular with senior citizens, children and families who can't travel long distances on our longer trips, due to the time and often money they cost.

Currently and for the last 12 years the current MPA a 10-mile closure in Laguna Beach, significantly impacted our fishing area. While we support the **existing MPA** in Laguna Beach and have adapted to that closure, we will not allow you to misrepresent our comments or our business practices as being in favor of any further expansion. Once again, we stand in opposition to your petition and the amended petition. Please refrain from using what you appear to believe about Dana Wharf Sportfishing's business practices in your letters and petitions. Please also don't use our photos in any way in your petitions.

I would appreciate it if you could rescind your most recent petition changes submitted on January 27, as this was misleading in nature and had many inaccuracies.

We are always available to discuss this matter with you further. Please feel free to email me anytime.

Thank you,

Donna Kalez



34675 Golden Lantern Dana Point, Ca. 92629

1/30/23

California Fish and Game Commission

Subject: Concerns Regarding MLPA Decadal Review Petition submittals.

Dear Fish and Game Commission,

I am writing to express my deep concerns regarding the MLPA Decadal review and the petition 2023-24 to expand the closures in the coastal area of Laguna Beach in Orange County. As a long-standing business owner for over 50 years , Dana Wharf Sportfishing and Whale Watching, a business started by my father Don Hansen, I feel compelled to share my perspective on this matter.

Since 1971, Dana Wharf Sportfishing and Whale Watching has been an integral part of the Dana Point community, providing daily fishing trips from Dana Point Harbor. Over the past 12 years, we have diligently followed the rules and adapted to the closure of a significant fishing area in Laguna Beach immediately to the north of our Harbor due to the MLPA implementation. While we fish in the waters off San Clemente to our south as well as waters off shore on our longer trips. The proposed expansion of the closure areas in Laguna Beach includes highly popular spots for both commercial and recreational fishing for our shorter trips.

Expanding the Marine Protected Areas (MLPA) in these areas would have devastating consequences for the livelihoods of local fishermen, my business, and the well-being of our employees and patrons. Having efficient, equitable access to good fishing spots close to our location is essential for individuals who may not be able to take longer trips for many reasons including special needs, children, seniors and those who cannot afford longer trips to catch their fish. Shorter trips not only provide more affordable options but also cater to individuals who cannot be on a boat for an extended period.

The proposed expanded areas would not allow us to provide enjoyable fishing experiences without requiring extensive travel, it would limit our access and take away vital options to the fishery. It is crucial to consider that the Marine Life Protection Act was implemented with strict guidelines for determining closure areas along our coast; it is a network of protected areas. I

can assure you that the MLPA was a long and painful process for all involved. Accepting a petition to expand an area that does not warrant expansion would not align with the original intent of the act. Instead, we should focus on conducting more long-term monitoring and comprehensive surveys to better understand the current state of the fishery in the closure area. We should be supporting science and adaptive management.

Dana Wharf Sportfishing and Whale Watching has been a steadfast partner in adapting to the MLPA closure. We employ 50 individuals who make a living on the water, through both fishing and whale watching activities. When evaluating petitions, I implore you to prioritize the use of scientific data and consider the economic and social impact on the community.

Thank you for your attention to this matter. I trust that you will carefully consider the concerns raised by the fishing industry and the local community in your decision-making process as you manage the MLPA process and prepare for the next 10 years <a href="https://wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan">https://wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan</a> . Should you require any additional information or wish to discuss this matter further, please do not hesitate to contact me at

Sincerely,

Donna Kalez

Owner

Dana Wharf Sportfishing and Whale Watching



March 6, 2025

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

### SUBJECT: Support for Further Analysis of Petition 2023-24MPA – March 13 Marine Resources Committee Meeting

Dear Members of the Marine Resources Committee,

On behalf of the City of Laguna Beach, I am writing to express the City's support for further analysis of Petition 2023-24MPA, which proposes the extension of the no-take Laguna Beach State Marine Conservation Area's southern boundary to align with the City's southern coastal border off Three Arch Bay. The City Council adopted Resolution No. 25.007 on February 25, 2025 (Attachment 1), affirming this position and encouraging the California Fish and Game Commission and the California Department of Fish and Wildlife to conduct further evaluation of the petition's merits.

As you are aware, the Marine Life Protection Act established California's Marine Protected Area (MPA) Network to conserve marine biodiversity and promote sustainable marine resource management. The State's recent ten-year review of the MPA Network underscored the importance of continued scientific assessment, stakeholder engagement, and adaptive management in ensuring the effectiveness of these conservation efforts.

The City of Laguna Beach urges the Marine Resources Committee to allow Petition 2023-24MPA to proceed to further evaluation rather than being denied at the initial hearing. We believe that additional scientific review, public engagement, and policy analysis will provide insights into the potential benefits of expanding the no-take Laguna Beach State Marine Conservation Area's southern boundary.

Should the Committee recommend continuing its evaluation of Petition 2023-24MPA, we respectfully request that it consider forming a task force consisting of representatives from State and local government, as well as key stakeholder groups, to examine local boundary modifications and ensure a balanced, science-based approach. This task force could facilitate collaboration among relevant entities, incorporate local ecological and socioeconomic data, and provide recommendations to the Commission that reflect the interests of conservation, and community priorities. Such an inclusive process would help ensure that any modifications to the Marine Protected Area boundaries are based on sound science and broad stakeholder engagement.

California Fish and Game Commission Marine Resources Committee March 6, 2025 Page 2

We appreciate the Commission's commitment to science-based marine resource management and look forward to continued collaboration on efforts to protect California's coastal ecosystems.

Thank you for your consideration of this request.

Sincerely,

Mayor

Attachments

1. Resolution #25.007

#### **RESOLUTION NO. 25.007**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, SUPPORTING FURTHER ANALYSIS OF PETITION 2023-24MPA TO EXTEND THE NOTAKE LAGUNA BEACH STATE MARINE CONSERVATION AREA'S SOUTHERN BOUNDARY TO THE CITY'S SOUTHERN COASTAL BOUNDARY OFF THREE ARCH BAY

WHEREAS, the Marine Life Protection Act established the California Marine Protected Area Network to enhance the conservation of marine ecosystems, protect biodiversity, and promote sustainable marine resource management; and

WHEREAS, the State of California conducted the first ten-year management review of the Marine Protected Area Network in 2022 to assess the effectiveness of conservation efforts through scientific evaluations, stakeholder engagement, and compliance monitoring; and

WHEREAS, the California Fish and Game Commission (the "Commission") and the California Department of Fish and Wildlife (the "Department") implemented a petition process to consider modifications to the Marine Protected Area Network based on scientific data, community input, and policy objectives; and

WHEREAS, the Laguna Bluebelt Coalition submitted Petition 2023-24MPA requesting the extension of the no-take Laguna Beach State Marine Conservation Area's southern boundary to align with the City's southern border, which would necessitate a modification to the northern boundary of the Dana Point State Marine Conservation Area; and

WHEREAS, the California Fish and Game Commission Marine Resource Committee is anticipated to consider Bin 2 petitions requiring further review as early as its March 13, 2025, meeting; and

WHEREAS, the City has received letters of support from Laguna Beach residents and organizations advocating for the proposed no-take expansion; and

WHEREAS, various scientific studies considered by the Commission and the Department as a part of the decadal management review found certain benefits to fish populations in marine protected areas; and

WHEREAS, the City finds that it would be beneficial to have further analysis done on the potential benefits of extending the no-take Laguna Beach State Marine Conservation Area's southern boundary to align with the City's southern border.

# NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES RESOLVE:

SECTION 1. The City Council hereby expresses its support for further analysis of Petition 2023-24MPA requesting the extension of the no-take Laguna Beach State Marine Conservation Area's southern boundary to align with the City's southern border and hereby recommends that Petition 2023-24MPA not be denied at its initial hearing and that the Commission and the Department establish a process for further analysis of the Petition in the near term.

SECTION 2. The City Council authorizes the Mayor, City Manager to submit letters in support of continuing to evaluate Petition 2023-24MPA, or similar initiatives that may arise from the State's review process that would promote expanding no-take provisions in the southern coastal waters of Laguna Beach.

SECTION 3. The City Council encourages a partnership-driven approach that ensures transparency, scientific integrity, and balanced decision-making, fostering a process that considers both conservation priorities and community interests in evaluating potential modifications to the Marine Protected Area boundaries.

#### ADOPTED this 25th day of February, 2025.

Alex Rounaghi, Mayor

ATTEST:

Ann Marie McKay, City Clerk

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, certify that the foregoing Resolution No. 25.007 was duly adopted at a regular meeting of the City Council of said City held on February 25, 2025, by the following vote:

AYES: COUNCILMEMBERS: Jones, Kempf, Whalen, Orgill, Rounaghi

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

City Clerk, City of Laguna Beach, California



June 21, 2024

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

Subject:

Request for Local Government Participation Framework During the Marine Protected Area Petition Process

Dear Members of the California Fish and Game Commission,

While the City of Laguna Beach did not submit a petition requesting changes to the MPAs along its jurisdictional coastline, two petitions were submitted to the State, including:

- Petition 2023-24MPA (Laguna Bluebelt Coalition) requesting that the No-Take Laguna Beach State Marine Conservation Area's southern boundary be extended to the City's southern border, which will require modification of northern boundary of the Dana Point State Marine Conservation Area. This petition was placed into Bin 2.
- Petition 2023-22MPA (Orange County Coast Keeper) requesting color modifications to informational mapping materials, modifying the definition of tidepools, and permitting research, monitoring, and restoration activities in Orange County MPAs, including Laguna Beach. Petition 2023-22MPA was placed into Bin 1.

We collectively, as Californians, are passionate about our ocean. As such, the petition process is of great importance to coastal communities. Local agencies are facing increased pressure to take positions on petitions within their jurisdiction without clear direction or analysis from the state related to scope or feasibility of a petition. We believe that providing a framework for local government involvement will more effectively facilitate the discussion regarding MPA modifications at the local level and allow City Councils to be impactful when contemplating MPA policies or boundary revisions.

The City thanks the Commission in advance of its July 17, 2024, meeting and hopes it will consider the City's request to provide local governments with direction during this process. As expressed in the City's letter dated November 29, 2023 (attached), the Laguna Beach City Council remains willing to engage in discussions regarding the MPA networks along its coastline.

Sincerely,

Sue Kemp Mayor

#### Attachment 1



November 29, 2023

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

Re: Support for Future Discussions Regarding Potential Changes to the Existing Marine Protected Areas off the Coast of Laguna Beach

Dear Members of the California Fish and Game Commission,

I am writing on behalf of the City of Laguna Beach to express our sincere appreciation for the outstanding leadership and commitment you have demonstrated in managing California's Marine Protected Area (MPA) Network since its inception in 2012. Your dedication to preserving our state's marine ecosystems has not only ensured the conservation of biodiversity but has also contributed significantly to the sustainable management of our coastal resources.

On January 23, 2023, the California Department of Fish and Wildlife released its decadal management review report, marking a crucial milestone in the evaluation of the effectiveness of the MPA Network. The City of Laguna Beach is pleased to have participated in this process by submitting a letter on February 6, 2023, in support of the local MPA boundaries as designated.

We acknowledge the comprehensive efforts undertaken by the Commission to assess the current state of California's MPAs and the commitment to enhancing their effectiveness. The recommendations outlined in the report, particularly those regarding potential changes to MPA regulations, reflect a proactive approach to adaptive management that we commend.

While the City of Laguna Beach is not submitting a petition to consider altering its local boundaries at this time, we want to express our willingness to actively engage in future discussions regarding the Vision 30 by 30 initiative and potential changes to the existing MPA in the southern portion of the City, including those outlined in the attached letters received by the City from the Laguna Bluebelt Coalition, South Laguna Civic Association, and the Three Arch Bay Community Services District. As stewards of our coastal environment, we recognize the importance of collaborative efforts in achieving the goals of marine conservation and sustainable resource management.

In conclusion, we extend our gratitude to the California Fish and Game Commission for your exemplary leadership in managing the Marine Protected Area Network. We look forward to the continued success of California's MPAs and to participating in future discussions to address issues raised in the attached letters and that contribute to the achievement of the Vision 30 by 30 initiative.

Sincerely,

Bob Whalen

Mayor



### THREE ARCH BAY COMMUNITY SERVICES DISTRICT

5 BAY DRIVE, LAGUNA BEACH, CALIFORNIA 92651-6780 (949) 499-4567 FAX: (949) 499-2352

May 1, 2023

California Fish and Wildlife Commission P.O. Box 944209 Sacramento, CA 94244-2090 fgc/afgc.ca.gov

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

Dear Commissioners.

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

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

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

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

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

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

Thank you,

Gary Rubel President

Three Arch Bay Community Services District

Cc: City of Laguna Beach

Dary w Rubel

Board Members of the TAB CSD



August 29, 2023

Commissioners and Staff,

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

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

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

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

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

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

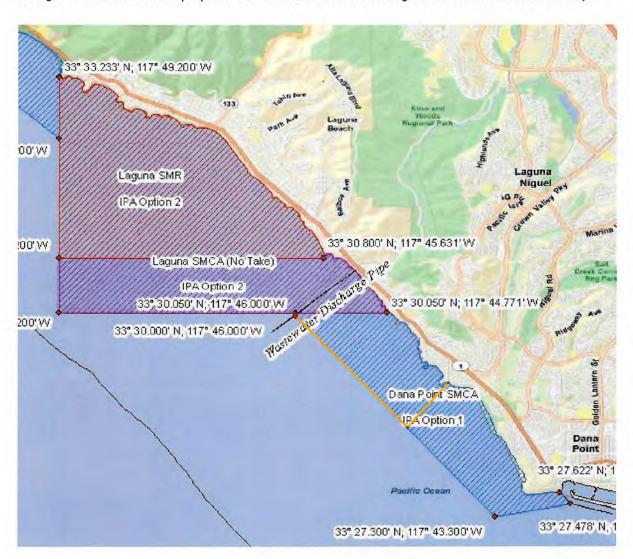
Climate change science recognizes the ocean as key to reversing negative anthropogenic climate impacts.

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

ACH

Greg O'Loughlin, President South Laguna Civic Association

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





July 5, 2023

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

(916) 653-4899 fgc@fgc.ca.gov

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

Dear Commissioners Sklar and Murray,

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

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

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

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

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

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

Respectfully submitted,

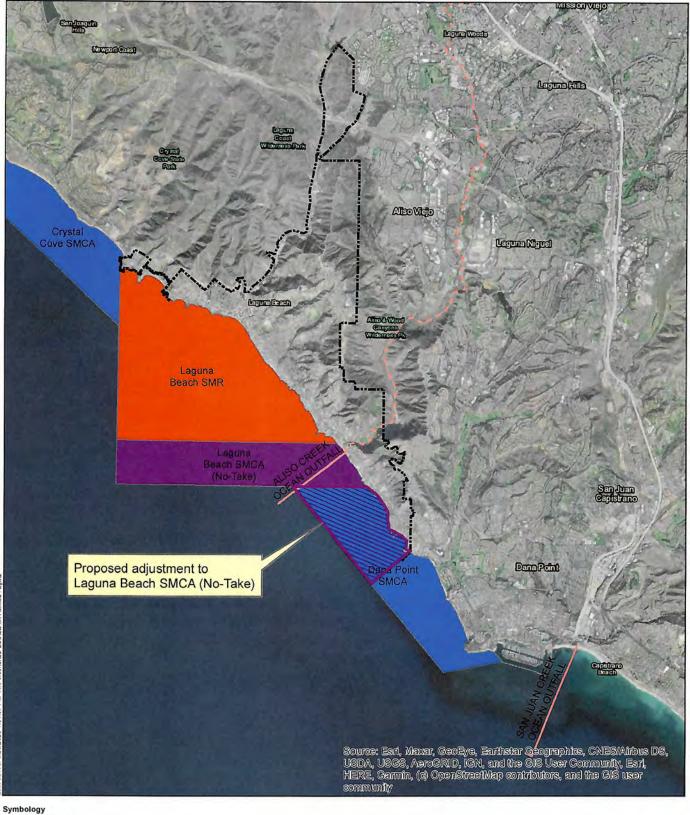
Mike Beanan

Laguna Bluebelt Coalition 9132 Beach, CA 92651 PO Box Laguna

Proposed City Limit Southern Boundary Revision for SMCA No Take:

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

 $\frac{https://lagunabeach.maps.arcgis.com/apps/webappviewer/index.html?id=75a3aa3236c7475bb5e81925}{d130a763}$ 



---- City Limits

SOCWA Effluent Transmission Line

SOCWA Ocean Outfall

Proposed Laguna Beach SMCA (No-Take) Adjustment



Figure 1 City of Laguna Beach **Proposed Marine Protected Area Adjustment** 



Laguna Bluebelt Coalition MPA Decadal Review



February 7, 2024

Marine Resources Committee P.O. Box 944209 Sacramento, CA 94244-2090 fgc@fgc.ca.gov

**Subject**: <u>Supplemental Comment</u>: Petition for regulation change (Tracking Number 2023-24MPA)

#### **Dear Commissioners:**

Laguna Ocean Foundation is a local non-profit organization whose mission is the protection and restoration of public coastal and marine resources of Laguna Beach. I am writing on behalf of the Foundation in reference to the Laguna Bluebelt's Proposed Marine Protected Area Adjustment (Petition 2023-24) to extend the SMCA No Take to the southern boundary of the City of Laguna Beach. To assist the Commission and CDFW Staff in evaluating this petition, we are providing the information Laguna Ocean Foundation submitted to the RSG when MPA boundaries were being deliberated more than ten years ago.

The information we submitted at that time is based on analysis of GIS data of local coastal and offshore habitats derived through field methods developed by experts like Steve Murray, specifically for assessing the biodiversity of the Laguna Coast. Based on that analysis and fundamental principles of conservation biology, Laguna Ocean Foundation provided the following observations that we believed were relevant to design of the MPA system at that time and may prove relevant to consideration of the proposed adjustment.

- The rocky intertidal habitat on the Laguna Coast is a critical, regional steppingstone connecting rocky intertidal patches along the coast. In the Southern California region all rocky intertidal habitat has high value, some areas have VERY high value based on biodiversity indicators (See areas mapped in gold in attached High Value Habitat map.)
- Kelp beds are high biodiversity offshore habitats. They are scarce in the Southern California region. Their long-term persistence requires active management. There are two historical kelp beds on the Laguna Coast: just south of Main Beach and in the vicinity of Monarch Point in South Laguna—both warrant stewardship.



•Laguna Ocean Foundation and other local stakeholders supported MPA boundaries that include areas directly offshore of the very high value rocky intertidal habitat and the two historical kelp beds along the Laguna Coast.

The findings of the decadal review indicate that resources within the MPA reserve system are significantly more resilient to change. The risk of biodiversity loss due to climate change and other sources of stress is even greater than it was 10 years ago. We encourage the Commission and CDFW staff to continue to address evolving threats while also addressing the needs of all stakeholders.

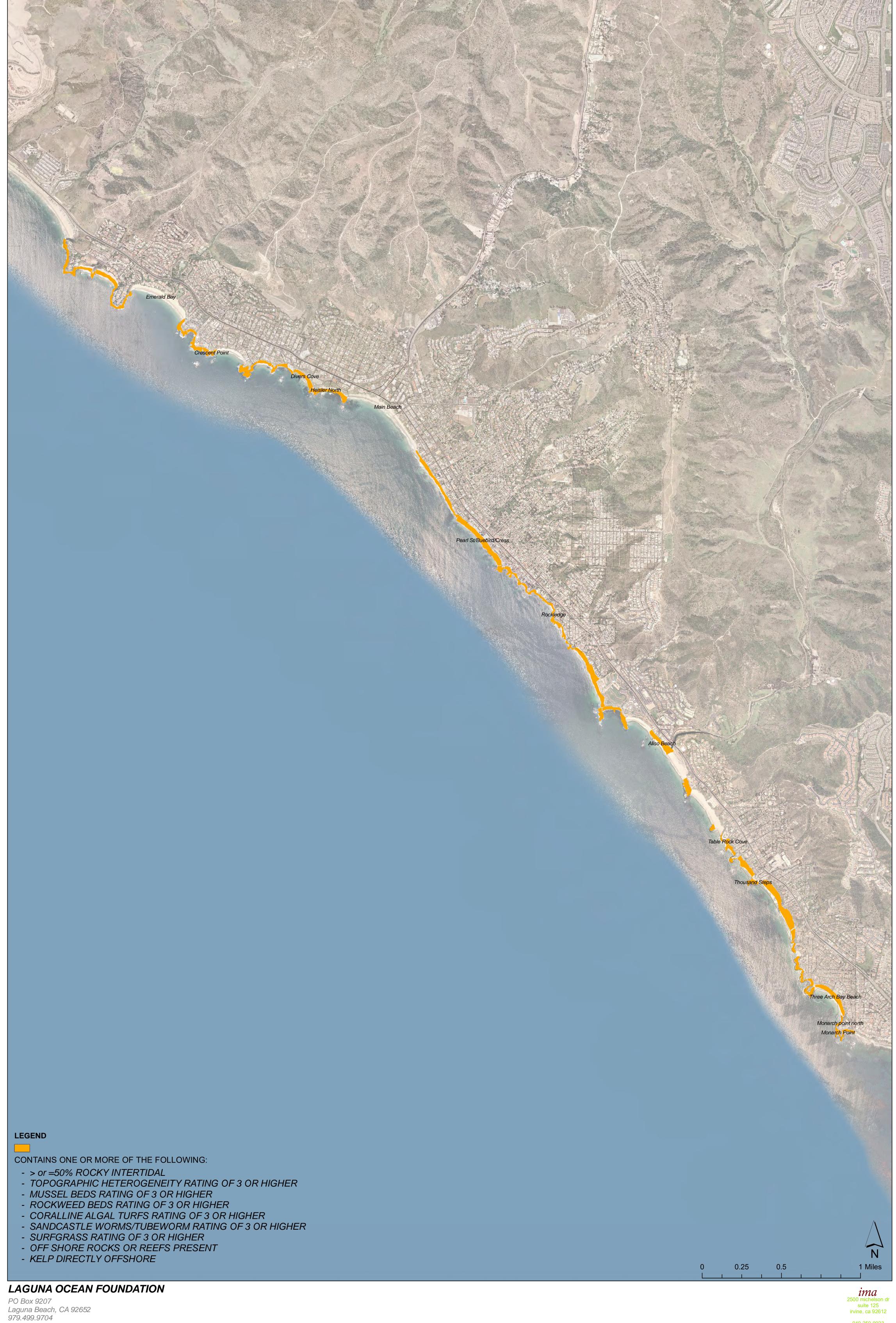
Respectfully submitted,

E. Almenge

Ed Almanza, Vice-Chairman

Laguna Ocean Foundation

Attachment: Map of Very High Value Habitats along Laguna Coast



From: Mike Beanan <

**Sent:** Friday, March 14, 2025 10:41 AM

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

Cc: Ashcraft, Susan@FGC <

Subject: Petition 2023-24-R

Hi,

Please add my comments for the record in evaluating Petition 2023-24-R.

Thank you,

Mike Beanan

Laguna Bluebelt Coalition

Laguna Bluebelt - Working Together for a Healthy Ocean

<u>Laguna Bluebelt - Working Together for a Healthy Ocean</u>

Working Together for a Healthy Ocean. Support our New Marine Reserves Your support is critical if they are to succeed.

www.lagunabluebelt.com

Mike Beanan, Co-founder, Laguna Beach Coalition

Thank you for including us in the process to evaluate and, hopefully, approve Petition 2023-24-R to protect all of Laguna Beach's Marine Life.

Based upon stakeholder input, we have submitted a Revised Petition offered as a compromise to support and ease near shore enforcement along one, common latitude line. The original petition followed Laguna Beach's City Limits extending southwesterly from the shoreline. This made the determination of the offshore boundary difficult according to participants at a recent stakeholder meeting hosted by the Orange County Marine Protected Area Collaborative in Dana Point. While there is some debate about who made the suggestion, which led to an unfortunate misunderstanding, the revised petition before you is a smaller SMCA No Take than originally requested but still protects kelp and essential fish habitats.

When evaluating the Petitions, I suggest we comply with and enhance the goals of the Marine Management Plan by increasing the coherence and effectiveness in protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage with full citywide protection. Fortunately, Laguna's unique MPAs have dramatically improved recreational, educational and study opportunities provided by marine ecosystems through coordinated enforcement by Marine Safety Lifeguards, Park Rangers and community volunteers working together to minimize human disturbance. Petition 2023-4-R is consistent with all of the goals for the Marine Management Act and legislative intent of the Marine Life Protection Act of 1999.

I am not unfamiliar with economic challenges. I grew up in a large working class family in Northern California surfing the cold, wild waves while diving for abalone with my brothers off of Gualala and Mendocino or fishing mountain lakes. Leaving high school and to avoid the draft, I joined the Navy, studied navigation and was assigned to SEAL Team One, as a Platoon Sergeant and sent to Vietnam. Turning 21, I got out, worked my way through college and earned a degree in Biology before being hired as Assistant Dean at UC Irvine to manage veteran programs. One of my first projects was a pioneering Handicapped Scuba Project for wheelchair veterans and others...now a worldwide opportunity for the physically challenged community to enjoy and explore underwater wonders.

I continue now to swim and free dive Laguna's remarkable MPAs while traveling and Scuba diving other MPAs. I encourage FGC staff and commissioners to visit and swim Laguna's MPA and see large Sheepshead and robust kelp forests free of sea urchin barrens.

As a Californian, I feel an opportunity and responsibility to protect and restore our natural heritage - an abundant ocean teeming with sea life. Please consider approving the Laguna Bluebelt's Petition 2023-24-R as part of your legacy for California's sea life protection.



#### FGC@FGC

**From:** Zachary Greenfield Greenfield

Sent: Thursday, April 10, 2025 9:51 AM

To: FGC

**Cc:** weberfisheries@gmail.com; CLTFA

**Subject:** Laguna Beach MPA Closure opposition - concerned lobster fisherman

#### Dear California Fish and Game Commission,

I am writing to express my opposition to the continued and potential expansion of Marine Protected Areas (MPAs) in Laguna Beach, particularly in light of the California Spiny Lobster Fishery Management Plan (FMP) and the Marine Protected Area Decadal Management Review. As a concerned commercial lobster fisherman, I believe the current restrictions imposed by MPAs are unnecessarily limiting the spiny lobster fishery, which has demonstrated sustainability and economic importance to our coastal communities for over 100 years!

The California Spiny Lobster Fishery Management Plan, adopted in 2016, established a robust framework for managing both commercial and recreational lobster fisheries. It includes science-based harvest control rules and monitoring mechanisms to ensure the long-term health of the spiny lobster population. The FMP itself acknowledges that the fishery was not in decline when the plan was developed, suggesting that existing management strategies were sufficient to maintain sustainability. The imposition of MPAs, such as the Laguna Beach State Marine Reserve, seems to overlay redundant restrictions on an already well-regulated fishery, displacing fishermen from productive grounds without clear evidence of additional ecological benefit.

Furthermore, the Marine Protected Area Decadal Management Review, initiated to assess the effectiveness of California's MPA network, should prompt a critical look at whether these closures are achieving their intended goals. Early data from areas like Laguna Beach show increased lobster sizes and growth rates, which is promising, and closure expansion must be weighed against the significant economic and cultural losses to local fishermen. The closure of roughly 15% of the coastline, including prime lobster habitat in Laguna Beach, has forced commercial and recreational fishers to less productive areas, reducing their yields and threatening livelihoods. The FMP already accounts for the contributions of MPAs to spawning output, suggesting that fishery management can adapt without blanket no-take zones.

I urge the Commission to reconsider the scope of MPAs in Laguna Beach. The spiny lobster fishery has proven resilient under the FMP's adaptive management, and the Decadal Review provides an opportunity to refine, rather than expand, these protected areas. Please prioritize a balanced approach that supports both marine ecosystems and the communities that depend on them.

Thank you for your attention to this matter.

Zachary Greenfield

California Lobster and Trap Fisherman's Association Treasurer

#### FGC@FGC

From: Travis Vaughan

Sent: Thursday, April 10, 2025 7:22 PM

To: FGC

**Subject:** Opposed to expansion of South Laguna no take MPA

Greetings my name is Travis Vaughan, commercial lobster fisherman based primarily out of Dana point, California. I Already expressed my concerns multiple times in multiple letters and in person about the effects of the expansion of the South Laguna MPA and all MPAs for that matter, but there seems to be some confusion and mix up that according to the petitioners we as a group of fishermen in Dana point support that closure, let me just clear up that is false, my colleague Zachary Greenfield was at a meeting with the blue belt society where the main petitioner Mike Benen seems to have confused or twisted his statement. I just wanted to express that myself nor any other lobster fisherman in any way shape or forms support the expansion of this MPA in it original format or the amended proposal.

Thank you Travis Vaughan

#### FGC@FGC

From: Travis Weber

Sent: Thursday, April 10, 2025 7:55 PM

To: FGC

**Subject:** Opposition to Petition 2023-24

#### Dear Commissioners,

My name is Travis Weber, I am a commercial lobster fisherman located out of Dana Point Harbor. I'd like to start by thanking you all for your time and the efforts you put into ensuring the sustainability of our fisheries and wildlife conservations.

I am reaching out today to declare my opposition to both the revised and original petitions for the Laguna Beach MPA 2023-24, which were submitted by the Laguna Blue Belt Coalition. Having discussed this matter at great length with my fellow lobstermen, I am confident in stating on their behalf that these petitions do not have any support from them either.

Expanding closures along our coastline without clear scientific justification is, in my view, deeply concerning and ethically questionable. I believe that rather than limiting access, we should be supporting the robust, sustainable, and small-scale fishing operations that have helped shape California into the vibrant and diverse coastal state it is today.

Thank you again.

Sincerely, Travis Weber Owner/Operator, Weber Fisheries Member, California Lobster and Trap Fishermen's Association (CLTFA) From: Mike Beanan < > Sent: Thursday, April 10, 2025 11:53 AM

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

Cc: Newell, Caroline- < >; Ashcraft,

Susan < >

Subject: Petition 2023-24MPA-AM1

#### Commissioners & Staff,

The Laguna Bluebelt Coalition has submitted revised language in support of Petition 2023-24MPA-AM1. The revised version is intended to clarify recommendations from stakeholders participating in the OCMPA Collaborative Meeting on August 22, 2023.

The OCMPA Collaborative Meeting was well attended with recommendations from several participants. In the course of gaining input, comments from lobster fishers were misunderstood as supporting the revised petition since the new boundary would ease compliance with lobster trap placement. Subsequent to the meeting, I spoke with several lobster fishers, and they indicated they did not support the petition in any form, so I have removed their input in the revised petition.

In large meetings with multiple individuals offering recommendations, miscommunication is not unusual, and I apologize for any misunderstandings or inconveniences.

Thank you for understanding, Mike Beanan Co-founder Laguna Bluebelt Coalition From: Mike Beanan <

Sent: Thursday, July 24, 2025 10:22 AM

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

Cc: Susan Ashcraft <

Subject: Re: Marine Resources Committee

Commissioners and Staff,

Please find attached draft responses to the Evaluation Framework for your consideration of Petition 2023-24-R.

Thank you,

Mike Beanan Laguna Bluebelt Coalition

#### III. Bin 2 Petition Grouping: Identify Tribally-focused Petitions

The proposed Petition is supported by the Juaneño Band of Mission Indians Acjachemen Nation. A Letter of Support to Extend MPA to Laguna Beach Southern Boundary has been submitted to CA Fish and Game Commission.

## IV. Evaluation Questions (See Bin 2 for 16 evaluation questions and reference sites)

- 1. The proposed changes In Laguna Bluebelt Petition 2023-24-R will support the MLPA Goals to enhance the effectiveness of the MPA Network in protecting and improving the state's native marine life, biodiversity, habitats, and the integrity of marine ecosystems (§2853). Working with local consumptive and non-consumptive stakeholders, adaptive management objectives were implemented to facilitate a better understanding of the boundary revision from the existing city limits to longitude lines for ease of navigation and enforcement. The proposed boundary change will increase kelp coverage in response to changing ocean conditions and threats.
- 2a. To advance the Petition, several meetings with DFGC and staff have clarified the changes to comply with recommendations by the Science Advisory Team from minimum size and shape success to preferred size and shape where "bigger is better" for overall MPA network performance.

The Decadal Management Review includes 28 recommendations, many of which are addressed below:

The Laguna Bluebelt Coalition has engaged with members of the Acjachemen tribe during the Annual Laguna Kelpfest, OCMPA Collaborative meetings and events. Present engagement includes networking with local leadership and successfully gaining formal tribal council support for the proposed change.

Testimony from Dana Point stakeholders at Laguna Beach City Council confirm the MPA spillover effect has created a sustainable fishery. This supports proposed changes that will likely produce the same marine life abundance and spillover effect.

Comprehensive initiatives for outreach and education to achieve JEDI goals include an Annual Laguna Bluebelt Photo Contest, Laguna KelpFest, OCMPAC Collaborative

events, Aliso Berm Education & Monitoring Program and Internships, Kelp Coloring Book, Laguna Art Museum "Art & Nature" Event, etc.

Through regular testimony with MRC, DFGC, City of Laguna Beach, County of Orange, Coastal Commission, SDRWQCB and others, the Laguna Bluebelt Coalition continues to coordinate and collaborate with OPC and other agencies on California's ocean and coastal priorities to enhance coastal biodiversity, climate resiliency, human access and use through a sustainable regional blue economy benefiting from Laguna Beach's MPA "Grow Fish Zone".

Through partnerships and networking with OC Coastkeeper, City of Laguna Beach, County of Orange, Marine Safety and local NGOs, the Laguna Bluebelt Coalition coordinates for multiple outreach events and education materials, fund MPA research and coastal monitoring, advance enforcement and compliance while engaging in policy development for ordinances and permitting issues aimed at water quality in MPAs.

A robust enforcement capacity in Laguna Beach includes 90 Marine Safety Lifeguards with MPA enforcement responsibilities, several Tidepool Docent Programs and Beach Park Rangers supported by vigilant community members reporting incidences of illegal fishing.

The Aliso Berm Education and Monitoring Program's "Berm Buddies", presently in its  $4^{\text{th}}$  year, is coordinated by a series of young women marine scientists from diverse backgrounds. Upon one year of work, each program coordinator advanced to full time professional positions in leading environmental agencies or tribal communities.

The Aliso Berm Education and Monitoring Program's is central to improving ocean water quality for sea life health in Laguna's MPAs and provide unfettered safe public access at Aliso Beach.

Laguna Beach's MPAs are a window to the sea for 6 million annual visitors from around the world. Signage at all beach and cove entry points highlight MPA rules and regulations. Welcoming events include the Coast Film Festival of Environmental movies, Tribal Dedications at KelpFest, community presentations to City and local organizations, free buttons, kelp coloring books, stickers and brochures as well as an online website and new short film.

Research and informal monitoring include sea drone training to track sea life, community kelp forest surveys, and SCUBA diver reports. The Laguna Bluebelt Photo Contest, since 2010, chronicles images of MPA habitat, essential kelp forests, tide pools and keystone species as well as rare and endangered sea life. The Photo Contest highlights the many examples of personal engagement with the many ways to appreciate Laguna's MPA features to build community support and informal enforcement capacity.

Collaboration has begun with UC Irvine to identify glyphosate "Roundup" contaminates flowing from Aliso Creek to Laguna's SMCA. Test results will be used to advance removal of dry season urban runoff to support healthy conditions for offshore kelp reefs and MPA sea life to survive and thrive.

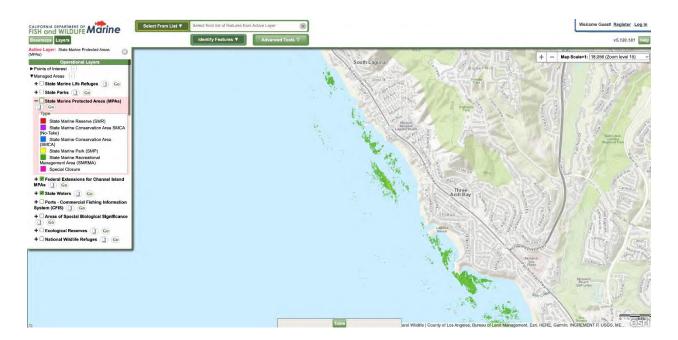
The Petition is supported by local residents, NGOs and others to improve the MPA network design from minimum success to preferred size and shape. A citywide MPA network with full sea life protection will continue the current sustainable spillover effect while locating offshore fishing operations closer to Dana Point Harbor to conserve fuel and reduce greenhouse gas emissions from commercial fishing vessels. The proposed change represents just 1% of Dana Point's advertised 100 square miles of fishing grounds.

The ocean and sea life have remained central in Laguna Beach's long cultural heritage spanning over 10,000 years. The Bluebelt Coalition honors those who came before us and seeks to honor those to come in the future with abundant sea life. Laguna's marine life continues to provide the fresh air we breathe; our sea food harvested just outside the MPA boundaries; recreation, rejuvenation, contemplation, inspiration, art, entertainment and joy. A flourishing Laguna Beach Greenbelt/Bluebelt ecosystem will inspire others to do more in establishing MPAs.

The proposed change is necessary to mitigate the damage from the Easton/Palisades/Malibu Wildfires leading to the likely contamination of the Point Dume and Point Vicente MPAs. Hundreds of marine life including dozens of dolphins were injured or died from Harmful Algae Blooms triggered by firefighting phosphorus flowing to the sea. Laguna's MPAs presently serve as an essential genetic bank for Southern California marine life recovery and will benefit from the proposed boundary change of just over 1 square mile and consistent citywide sea life protection.

MPA network performance is confirmed by the regular incidence of fishing by Commercial Passenger Fishing Vessels (CPFV) frequenting Three Arch Bay and Thousand Steps Cove in southern Laguna Beach. Lobster trap season reveals traps placed three across and extending 1.5 miles from shore suggests a sustainable fishery is being maintained.

3 & 4. While no leases are in the proposed area the place name requires a change from Dana Point SMCA to South Laguna SMCA to accommodate future kelp forest restoration efforts along the over-fished outer reef. KelpWatch and Fish and Wildlife charts reveal historical kelp forests in the proposed South Laguna SMCA as candidate sites for restoration.



5. More data is always useful. For example, scientific data integration could consolidate present and historical information on kelp coverage and sea life abundance. Since there is an emphasis on economics throughout the process it may be useful to evaluate fishing records from CPVFs to track catch rates and species over the past 30 to 40 years of operation in the proposed area of about 1.3 square mile to determine trends in marine life. Likewise, lobster landing data since 2012 may be useful to measure spillover effect at the existing No-Take boundary.

- 6. Laguna's MPAs have a robust, successful and comprehensive management system for education and enforcement.
- 7a & 7b. The proposed change was part of the MLPA Planning Process negotiations for establishing Laguna Beach's MPA boundaries. At the time, the Three Arch Bay Community was reluctant to be included in the No Take SMCA and "inside corners" for boundaries were discouraged. Presently, the State's MPA Map reveals "inside corners" at some boundaries and the Three Arch Bay Community Service District favors a "No Take SMCA" Boundary to the southern city limit and citywide enforcement consistency.
- 8. The proposed changes are designed to simplify and reduce the likelihood of unintentional infractions by aligning the boundary with readily identifiable latitude and longitude lines and support a consistent city-wide network. The present network is unnecessarily complex and leads to public misunderstandings as to what is allowed within the City of Laguna Beach. The proposed southern boundary features a prominent landform and sea bluff to facilitate public understanding. Designation of the South Laguna marine life area as the "Dana Point SMCA" was an oversight in the MLPA Initiative planning process. This requires a change to the "South Laguna No Take SMCA" or, alternatively, merge with the existing "Laguna No Take SMCA". The revised Dana Point SMCA would continue to provide fishing opportunities benefiting from the spillover effect.
- 9. The Science Guidelines recommends MPA success improves with bigger protected areas. The proposed change adds1.3 square miles of essential tidepools, intertidal, kelp habitat, and rocky reefs. This can lead to increased biodiversity and healthier marine environments to replenish regional fish stocks and benefit local economies. Expanding MPAs can enhance the resilience of marine ecosystems to climate change impacts, such as ocean acidification and rising sea temperatures. Healthy ecosystems are better equipped to adapt to changing conditions. Expanding the network connectivity allows for better larval dispersal and genetic exchange between populations and strengthens the overall resilience of marine species. Scientists conducted extensive studies to identify areas with significant ecological value, such as diverse habitats, important breeding grounds, and areas with high biodiversity. Laguna Beach was recognized for its rocky intertidal zones, kelp forests, and sandy seafloor, which support a wide variety of marine species.

- 10. Fortunately, the proposed change will come at no cost to the City of Laguna Beach since the area is presently enforced by Marine Safety Lifeguards and Patrol Boat, CDFW Wardens, Park Rangers and community reports.
- 11. The proposed change will improve consistent City-wide enforceability of MPA.
- 12. A citywide fully protected MPA will enhance the public's understanding of the importance of MPAs and the value of healthy sea life for everyone.
- 13. The proposed change will maintain and enhance protection of marine resources in Laguna's MPA network. SAT determined bigger is better. Recent damage to surrounding coastal waters from Easton/Palisades/Malibu wildfires require a larger Laguna MPA to protect marine life genetic diversity and contribute to wildfire restoration efforts at Point Dume and Point Vicente MPAs.
- 14. Laguna Beach's MPAs are a destination for traditionally underserved or marginalized communities among the City's 6 million annual visitors with access opportunities for education and recreation. The City sponsored Aliso Berm Education and Monitoring program, KelpFest, Laguna Art Museum Art and Nature with related education materials all provide these opportunities.
- 15. Expanding the MPA to include Three Arch Bay will result in an additional no-take zone. This would reduce the available fishing grounds for lobster fishermen. However, while there may be short-term economic losses, expanding MPAs usually leads to long-term sustainable benefits from the spillover effect. Studies confirm healthier marine ecosystems result in more sustainable fish stocks benefitting fishermen through increased catches outside the protected areas.

The proposed change will benefit non-consumptive activities by relocating fishing just over one mile south of the current No Take SMCA boundary. A revised boundary will promote kelp forest recovery to increase economic benefits for recreational SCUBA diving and snorkeling businesses among historic kelp forests along offshore rocky reefs.

16. The proposed change will not affect other 2023 MPA petitions in the area.

### V. Supplemental Analysis, Data, Information and Citations

Expanding Laguna Beach's Marine Protected Area (MPA) during the Decadal Review is supported by several compelling factors:

- 1.**Enchanced Biodiversity Protection:** A modest MPA expansion of just over 1 square mile can provide additional breeding and feeding habitats for marine species, allowing the ecosystem to recover and thrive while adding to increased biodiversity and healthier marine environments.
- 2.**Improved Fisheries Management:** Larger MPAs beyond the SAT minimum preferred size can help replenish fish stocks by providing areas where fish can breed and grow without the pressure of fishing leading to more sustainable fisheries benefiting local economies.
- 3. Climate Resilience: Laguna Beach's kelp forests sequester vast amounts of carbon and release oxygen as they grow as much as two feet per day. Expanding MPAs can enhance the resilience of marine ecosystems to climate change impacts such as ocean acidification, harmful algae blooms, rising sea temperatures and coastal erosion. Healthy marine ecosystems are better equipped to adapt to changing conditions.
- 4. Increased Tourism and Recreational Opportunities: Laguna Beach, with a resident population of 22,000, attracts over 6 million tourists annually to well protected MPAs and remains a top Southern California destination for scientific studies tide polling, open ocean swimming, SCUBA diving, snorkeling and free diving among kelp forests with abundant schools of fish. Campaigns with VisitLaguna and others serve to boost local tourism businesses and raise awareness about the many values of ocean conservation.
- 5.**Scientific Research and Monitoring:** Larger MPAs with diverse features like steep coastal sea bluffs in South Laguna can provide more unique opportunities for scientific research and monitoring for a better understanding of unique marine ecosystems to inform conservation strategies.
- 6. **Cultural and Heritage Preservation:** Laguna Beach has a long tradition of honoring and preserving the cultural heritage associated with MPAs. Expanding the

MPA can help preserve and maintain more cultural and historical ties to marine environments for coastal communities.

- 7. **Ecosystem Services**: MPAs contribute significantly to ecosystem services as carbon sequestration, nutrient cycling and water purification. Expanding the MPA will enhance these services and support overall ocean health.
- 8. **MPA Network Connectivity:** Expanding the MPA can improve the regional connectivity of the MPA network, allowing for better larval dispersal and genetic exchange between populations to strengthen the overall resilience of marine species.

These factors highlight the ecological, economic and social benefits of expanding Laguna Beach's MPAs for full citywide sea life protection. The Decadal review provides an opportunity to assess the effectiveness of existing MPAs and make informed decisions about their expansion to ensure long-term sustainability and resilience.

### VI. Summary of Other Considerations

Ocean Protection Council Science Advisory Team (OPC-SAT): SAT used network models to evaluate whether sufficient areas exist within the California MPA Network to protect against severe disturbance events, like wildfires, and provide the resilience needed to facilitate climate change adaptation and deliver projected MPA-related conservation and fishery benefits into the future.

**Scientific Assessments:** Scientists conducted extensive studies to identify areas with significant ecological value, such as diverse habitats, important breeding grounds, and areas with high biodiversity to recognize Laguna Beach for its rocky intertidal zones, kelp forests, and sandy seafloor supporting a variety of marine species.

#### FGC@FGC

From: Gale Granger

**Sent:** Monday, September 29, 2025 9:10 PM

To: FGC

**Cc:** jinger wallace

**Subject:** RE: Support for Bluebelt Petition 2023–24R to extend MPA to Laguna Beach southern

boundary

## Dear Commissioners,

I would like to address the need to retain and expand the Laguna Beach Marine Reserve(MPA) for all of Laguna Beach by extending it to Muscle Cove, Three Arch Bay. I and my family have fished the ocean waters of Alaska, Mexico, Central America, Florida, and the Caribbean. In addition, we've fished the waters from Newport Beach to San Clemente for the last 40 years. I feel we have knowledge of both commercial and sport ocean fishing.

We have witnessed the dramatic decline in the number of fish caught by both charter and sport fishermen over the years, and believe that by extending the marine reserve, a healthy sea life population could be restored.

I support the current marine reserve which has shown a great improvement in sea life numbers and extending it to include Three Arch Bay as requested by the Laguna Bluebelt petition 2023–24R.

Sincerely Barbara Granger

Sent from my iPad

From: Cadyn Zeutenhorst <

**Sent:** Saturday, October 11, 2025 05:23 AM

To: MPAManagement@wildlife.ca.gov < MPAManagement@wildlife.ca.gov >; FGC

<FGC@fgc.ca.gov>

Cc: MPA\_Collaboration@wildlife.ca.gov < MPA\_Collaboration@wildlife.ca.gov >

Subject: Laguna MPA - Public Comment/Concerns

To Whom it May Concern,

Attached is a PDF containing public comments and correspondence regarding the proposed Laguna Beach MPA expansion (2023-24MPA-R). I respectfully request that these comments are added to the official record.

Thank you for your time and consideration.

Respectfully,

Cadyn Zeutenhorst

Third Officer - USNS Guam

# To: California Department of Fish and Wildlife Re: Public Comment on Proposed Laguna Beach MPA Expansion (2023-24MPA-R)

Dear Commissioners,

My name is Cadyn Zeutenhorst, and I grew up in Dana Point. As a lifelong fisherman, free-diver, and merchant mariner, I have seen first hand that this specific stretch of coast remains productive and is one of the healthier areas that is still publicly accessible.

I have attached discussions between myself and the petitioner, Mike Beanan, where I expressed my concern and dissatisfaction with the proposed MPA expansion. I truly believe their reasoning and approach is invalid, and that this proposed change will negatively impact thousands of responsible anglers. I strongly encourage rotating MPA's, targeted management, and habitat restoration as a first step before total closure.

If there is anything I can do to be more involved, please let me know. I also know many others who are passionately against this petition, so any information is greatly appreciated. Thank you for your time, please see the correspondence below.

Respectfully,

Cadyn Zeutenhorst Third Officer - USNS Guam

# From Cadyn Zeutenhorst, October 9, 2025:

Hi there,

My name is Cadyn and I live in Dana Point. I would like to voice some serious concerns regarding your pending petition to expand the Laguna Beach MPA. As someone who has grown up fishing, diving, and working on boats in these areas, the idea that even more of our coastline could be closed is pretty frustrating to say the least. Don't get me wrong I am all for sustainability, but let me tell you why shutting down our coastline is unnecessary, unfair, and dismissive of the local community.

First and foremost, I seriously think you guys are approaching this in the wrong way. Continuously expanding protected areas simply puts more pressure on other regions. I read in your petition that fishing boats including Dana Wharf have plenty of other fishing grounds including Catalina and San Clemente island. Do you realize that miles of the Catalina coastline are also closed? Or that your average recreational fisherman can't just drive on out 60+ miles offshore to SCI when they want to fish? That island is always closed anyways because of Navy exercises! Closing miles and miles of coastline simply adds way more boat traffic and pressure to areas that need a break. Seriously, it's rare to show up to a spot at Catalina or even off the coast of Dana Point and not see a dozen other boats there. Why not rotate MPA's? If they work as well as you all say they do, then open Laguna after ten years and close San Clemente.

Many of the arguments in the petition were vague or just irrelevant. It was mentioned that lobster traps would *likely* interfere with whale migration along the coast. Has it happened? Were there any local, documented entanglements? I would love to see evidence. I rarely see anyone fish for lobster in deeper than 100 feet of water, so is this really a major problem? The petition mainly mentions Dana Wharf and sportfishing boats in general, and how they have plenty of areas to operate. What about the free-divers? Beach fishermen? Private boaters? 6-pack charters? Kids who want to ride bikes down to the beach and make a few casts? These people will lose access to valuable coastline which provide local caught seafood and exciting recreational activities. The majority of fishermen I know spend most of their time fishing from shore, so why is one company the primary subject? Not everyone can afford to go on those trips all the time...

Additionally, please don't say that the purpose behind this is strictly for conservation. I noticed how you conveniently had included that "estimated resident property values gain an increase of 20% from proximity to a fully protected MPA." This is completely irrelevant to public access or conservation and just is super unnecessary. People that *actually* care about sustainability shouldn't even be thinking about financial gain.

I grew up fishing and diving in many of these places that you people want to shut down. It is still very productive and an area I love to go to regularly. Closing more of our coast to responsible recreational and commercial use is deeply frustrating and unfair to the people who depend on it for both

livelihood and enjoyment. I urge the commission to give more transparency and also include people who get outside and use these areas responsibly.

Myself along with many of my friends, family, and members of the fishing community will be continuing to stay updated on this petition and will also reach out to Fish and Wildlife regularly. Please take these concerns seriously.

Respectfully,

Cadyn Zeutenhorst

### From Mike Beanan, October 10th, 2025:

Hi Cadyn,

Thank you for reaching out to us to share your perspective. I'm a native Californian who grew up diving for abalone off of Gualala and grabbing lobster off of Imperial Beach while stationed in Coronado as a young Navy SEAL. I realize change is hard, but our sea life in California and around the world has suffered from decades of over-fishing.

We are a local community dedicated to restoring Laguna's sea life and iconic kelp forests. This is not really possible without protecting kelp forests from sea urchins grazing on the holdfast. The Science Advisory Team recommends a larger preferred size for success which is why we are adding the last part of Laguna.

Rotating MPAs as you suggest will not achieve sustainability since many fish, like Giant Sea Bass, which can live 80 years, require 30 years to be the most productive. What happen to San Clemente's kelp forests on offshore reefs? In terms of fishing grounds, why are there so few fish in Dana Point? Was it over-fished? Wasn't Wheeler Reef created to add fishing areas?

The petition area only has public access at 1000 Steps since Three Arch Bay is a closed residential development with no public shore access. Over-fishing has wiped out fish at 1000 Steps and the once large kelp forest is gone likely due to the loss of Sheepshead heavily fished by day boats. However, kelp protected in Laguna's MPA continues to thrive.

Since I come from a fishing family, I take your comments seriously and appreciate your point of view. But I also urge you to consider why scientists and the Fish & Game Commission decided to establish 124 MPAs in California among hundreds of MPAs around the world.

We all want more fish so let's follow the science and keep up the conversation on how best to restore and protect California's sea life.

Mike

# From Cadyn Zeutenhorst, October 11, 2025:

Hi Mike,

Thank you for taking the time to write back, I appreciate the information and desire for conservation, I am on the same page.

That being said, I still see major flaws in your points and reason for the MPA expansion. First and foremost, as I'm sure you know, Black Sea Bass are federally protected regardless of any protected areas put in place. Even if they do require 30+ years to be most productive, regulations on them are insanely strict and expanding an MPA would have zero impact on their protection. They're already off limits, so that notion is irrelevant.

As for the areas you mentioned, Three Arch and 1000 Steps, those are the places I love to dive and fish regularly, and honestly have great success. Sure it's not as productive as it probably was decades ago, but it is still teeming with life including sheepshead, bass, and lobster. Implying that these areas are "wiped-out" and that the kelp is "gone" just shows you probably don't get in the water too often. Or maybe your mask fogged up.

If you come from a fishing family, you should be aware that day boats cannot be entirely blamed for overfishing. Pressure from large scale commercial operations greatly damages our local opportunities, and should be the main focus here. Many don't realize it, but even other countries are beginning to move-in closer and encroach on our waters. There are also poachers out there that give anglers a bad rap, and don't represent the majority of people who actually are responsible. When I worked on sportfishing boats, I can assure you that all fishing was conducted well within the established rules and regulations. As a matter of fact, Calico Bass yearly catch totals for just Dana Wharf have been steadily rising with 58,562 captured in 2022, 67,800 in 2023, and 79,821 in 2024 (976 Tuna). These numbers don't necessarily reflect overfishing.

You also mentioned that kelp forests, specifically on San Clemente's reefs, are lacking/gone. I'm no scientist, but I've been on the water long enough to know that seasonal variations play a large role in the condition of these kelp forests. It tends to fluctuate throughout the year, with warm water cycles like El Nino thinning them out, and cold winters promoting growth. The assumption that they're gone is once again inaccurate.

Wheeler Reef, as you kindly mentioned, was created to add fishing areas, and is *thriving* as a matter of fact. I'm glad you brought this up because if anything, this shows that habitat restoration and enhancement can work great without shutting people out! Here's a link: <a href="https://www.cbs8.com/article/news/local/outreach/earth8/san-onofres-wheeler-reef-is-thriving-earth-8/509-0c77fd64-7b55-498b-9cd4-baa101b629d7">https://www.cbs8.com/article/news/local/outreach/earth8/san-onofres-wheeler-reef-is-thriving-earth-8/509-0c77fd64-7b55-498b-9cd4-baa101b629d7</a>. I've heard countless times that it's been proven that MPA's do indeed work. You mentioned the Black Sea Bass as an excuse, but please, tell me, why would rotating MPA's and implementing habitat restoration not be successful?

Finally, I noticed you didn't acknowledge the financial aspect that was originally included in the petition. It's really important that this closure doesn't become a way for wealthy homeowners to essentially privatize public waters for financial benefit. Policy that benefits homeowners and restricts access for all fishermen is a bad look.

Again, I'm not against conservation. All I can say is that this petition is punishing the people that actually follow the rules and enjoy these areas responsibly. Permanent closures shut people out and diminish opportunity. Consider rotations. What about seasonal protections? Or Urchin control? Maybe habitat restoration? I just think it's bizarre to go straight to full on closure without even <u>trying</u> these alternatives.

Thanks for discussing, you will be hearing from me again.

-Cadyn