

California Fish and Game Commission



Compilation of Public Comments on Petition 2023-32MPA

This PDF file compiles public comments that were included as exhibits in meeting materials and supplemental handouts for Commission meetings **after the 2026 regional MPA petitions meetings, starting with the June 2026 Commission meeting**. 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.

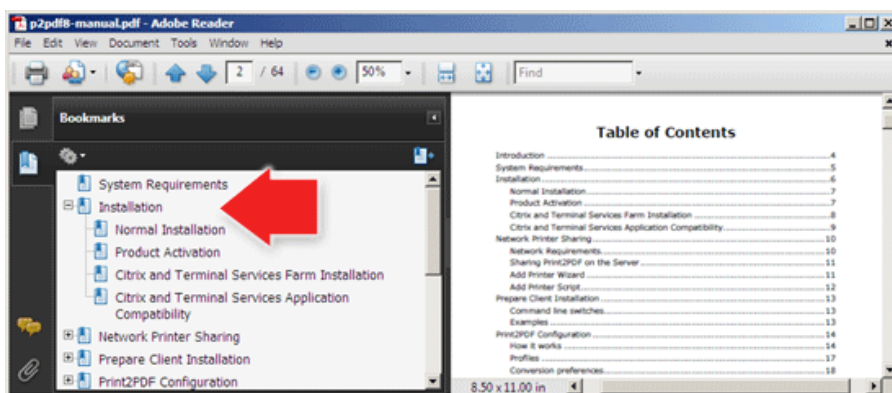
Last updated: through August 12-13, 2026 CFGC

EASY GUIDE TO USING THE PACKET

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

**June 17-18, 2026
Commission Meeting**



Outlook

Opposition to Environmental Action Committee of West Marin (EAC) Duxbury Petition 2023-32MPA and SMCA Expansion

From Josh Christenson

Date Wed 06/03/2026 12:56 PM

To FGC <FGC@fgc.ca.gov>

Cc saveduxburyaccess@gmail.com <saveduxburyaccess@gmail.com>

Dear President Sklar and Commissioners,

I oppose the proposed no-take reserve and any unjustified expansion of the Duxbury Reef SMCA.

Duxbury Reef is already highly protected within Point Reyes National Seashore and the Greater Farallones National Marine Sanctuary, alongside strict statewide fishing regulations. Long-term UCSC monitoring shows natural variability, not ecosystem collapse, and there is no evidence that current regulated use is causing harm. If issues arise, targeted, least-restrictive management tools are available and appropriate.

CDFW scientists have already rejected the EAC's claim that Duxbury is in crisis and recommended denying the no-take reserve. Proposing expansion without site-specific justification departs from established, evidence-based standards and risks unnecessary harm to coastal communities, including local fishing access and food security in West Marin.

I urge the Commission to:

- Reject a no-take reserve at Duxbury Reef
- Maintain current SMCA boundaries unless clear, site-specific need is demonstrated
- Rely on adaptive, least-restrictive management tools
- Include the February 2026 Save Duxbury Access alternative petition in the official record

Sincerely,

Joshua Paul Christenson
El Granada, California

Kent Khtikian

June 4, 2026

via email (fgc@fgc.ca.gov)

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

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

Dear President Sklar and Honorable Commissioners:

For the reasons set forth below, the survey submitted by the opponents of Environmental Action Committee of West Marin's ("EAC") Petition 2023-32MPA is not applicable to, nor does it reflect, the conditions which are the concern of Petition 2023-32MPA and which that Petition seeks to remedy. The basis for this comment is that from 2013 to the present, I have been part of a team of four persons (3 biologists and I) that conducted the Multi-Agency Rocky Intertidal Network ("MARINE") surveys of intertidal life at four sites in Marin County and one on Alcatraz, including the Bolinas Point site on Duxbury Reef. I most recently assisted in the survey of the Bolinas Point site on May 19, 2026. I have also written a training manual for docents which identified and described all invertebrate species in the intertidal area of Duxbury Reef.

The opponents of the Petition have submitted a report of a survey of Duxbury Reef (performed about 720 yards north of Bolinas Point) which they claim shows that the "reef is doing well and not in decline."¹ The study that the opponents reference, and which they previously submitted at least twice to the Commission, is set forth in the attached document (hereinafter the "BP MARINE Survey"). Contrary to the opponent's claim, for the reasons set forth below in paragraphs 1-3, there is no basis to conclude from the BP MARINE Survey that "the reef is doing well and not in decline".

1. The BP MARINE Survey covers only an 8-year period ending in 2014, and shows no invertebrate² counts after about January 2014, for 5 of the 7

¹ This characterization of the survey has been often repeated by Save Duxbury Access ("SDA") in public meetings, in numerous social media posts, and in SDA's submissions to the media. For example: "This 20-year study shows a stable eco-system, with no documented collapse." "Perspective", *Pt. Reyes Light*, February 5, 2026 , p4. As explained below, there are several reasons why this is misleading.

² The BP MARINE study presents data to 2024 for *Fucus* and *Mastocarpus* which are both algae and *Phyllospadix* ("surf grass") which is a plant, and bare rock. EAC's petition is concerned with the condition of the invertebrates

*species of invertebrates shown in that document.*³ Therefore, neither a conclusion regarding the presence, absence or degree of any adverse impacts in the past 12 years on those five species, nor a general inference concerning the current condition of any other invertebrate species premised on that data, would be supported by what is presented in the BP MARINe Survey. The inappropriateness of such an inference is further indicated by the fact that starting in May 2017, well after the last year's data (2012), there was a dramatic increase in Duxbury visitation as a consequence of the highly publicized beached Blue Whale (May 2017), a Fin Whale (May 2018), two grey whales (2019 and 2020), and the Covid epidemic (commencing about March 2020).

*2. The BP MARINe Survey does not adequately address the many small, motile and/or cryptic species that the thousands of Duxbury Reef's annual student and recreational visitors hope to see, and that are most sensitive to and directly impacted by the human handling/possession and taking activity on Duxbury that EAC's petition hopes will be mitigated by the proposed redesignation.*⁴ Information about the condition of those species has been presented in the documents that were submitted to the Fish & Game Commission by EAC. None of the seven invertebrate species in the MARINe Survey were species of concern in EAC's submission.

3. The BP MARINe Survey was performed in an intertidal area

and raises no issue concerning the condition of algae or plants on Duxbury.

³ The BP MARINe Survey does show data for *Mytilus* (CA Mussel) and *Pisaster ochraceus* (common sea star) through to 2024. It shows a stable *Mytilus* population. (Mussels have not been a species of interest to either student groups or recreational visitors/tidepoolers.) However, it also shows a dramatic crash of *Pisaster* commencing in 2014 and which continues to 2024. BP MARINe Survey at pg. 8. That drop in the population of *Pisaster* is due to star wasting disease, a general mortality condition which was not limited to Duxbury Reef and not a consequence of the mixed take/no take regulation of Duxbury. Although EAC's petition, if granted, would obviously not prevent star wasting disease, it would promote the recovery on Duxbury of the several star species that were present on Duxbury prior to the star wasting epidemic. In that regard, it should be noted that the BP MARINe survey set forth in the BP MARINe Survey shows no data for any other species of sea star, including *Leptasterias* spp., and *Henricia* spp., which regardless of star wasting disease are of particular concern to EAC's petition due to their sensitivity to handling. For example, all *Leptasterias* brood their young as does one species of *Henricia* and consequently are particularly highly sensitive to being picked up (an activity which tide-poolers justify by inferring that "fishing is allowed so what harm is there in picking something up and putting it back or taking it home"), whereas all other species of sea stars on the Central Coast of California are broadcast spawners.

⁴ Those species include *Pugettia richii*, *Pugettia producta*, *Pugettia gracilis*, *Romaleon antennarium*, *Pachygrapsus crassipes*, *Hemigrapsus nudus*, *Hemigrapsus oregonensis*, *Leptasterias* spp., *Henricia* spp., *Xiphister atropurpureus*, *Lottia gigantea*, *Oligocottus* spp, *Gobiosox maeandricus*, *Octopus rubescens*, and *Octopus dofleini*.

purposefully chosen as a survey site for the fact that the area selected is a relatively remote and a very infrequently visited part of Duxbury, and, therefore, with a low probability of being impacted by any visitation - like the other MARINE Survey sites in Marin County and on Alcatraz. For reason of the location of the site selected, the results of surveys conducted at Bolinas Point are well suited to understanding macro-anthropogenic impacts (such as oil spills, acidification and water temperature change). However, it would not reflect any of the micro-anthropogenic impacts (such as taking, handling, and turning over rocks) occurring in any other part of Duxbury Reef, other than the immediate study area at Bolinas Point in which the study plots and transects for the BP MARINE survey are located. The inapplicability of the BP MARINE study to the heavily visited Agate Beach area of Duxbury is compounded to the extent that there are micro-habitats in the Agate Beach area of Duxbury, and organisms in those micro-habitats, that are not present within the plots of the BP MARINE Survey.

SUPPORT FOR COMPROMISED RESOLUTION

In conclusion, I believe that the evidence which all interested persons have submitted supports a compromised approval of the Petition as follows:

- (1) the current Marine Protected Area to remain a Marine Conservation Area;
- (2) the Southern and Northern Extensions of the Marine Protected Area to be classified as State Marine Reserves⁵; and,
- (3) there be no limitation on offshore fishing off the Southern or Northern Extensions as described in EAC's letter to the Commission dated November 26, 2025.

This proposed solution:

- (1) would not deprive anyone of their current rights to fish from the reef in the current Marine Protected Area, which is the area where fishing from the reef occurs. (It should be noted that this would not address the problem of the taking and injury to intertidal creatures caused

⁵ Examples of current MPAs (in the North-Central coast area) which are contiguous with differing designations (e.g. one as a MCA and the other as a MR) and share boundaries despite their differing designations:

Pt Arena MR & Sea Lion Cove MCA
Stewart Point MR & Salt Point MCA
Salt Point MCA & Gerstle Cove MR (wholly within Salt Point MCA)
Bodega Head MR & Bodega Head MCA
Montara MR & Pillar Point MCA

At Duxbury there are clear physical features between the current MPA and the Northern & Southern Extensions.

by visitors who infer that such activity is permitted because fishing is permitted, despite signage to the contrary and, therefore, would not abate the loss of invertebrate biomass, and would be a significant compromise of EAC's petition.)

(2) would not have any impact on commercial or recreational offshore fishing;

(3) would provide a legal framework for the protection of intertidal species on the Northern and Southern Extensions for generations to come;

(4) would not impact fishing from the reef in the Southern and Northern Extensions as fishing in those areas does not occur because of either the difficulty of access, reef topography, remoteness, or some combination of those three. However, if the moratorium on the taking of Red Abalone which has been extended to 2036 is not extended beyond 2036, the picking of Red Abalone, a predominately sub-tidal species, in the intertidal area of the Northern Extension would no longer be permitted; nevertheless, in that event, even if the area down to low low water is a marine reserve, Red Abalone could still be taken by wading and snorkeling/scuba diving from shore into any area below low low water and by snorkeling/scuba diving from a boat.

Respectfully submitted,

A rectangular grey box redacting the signature of Kent Khtikian.

Kent Khtikian

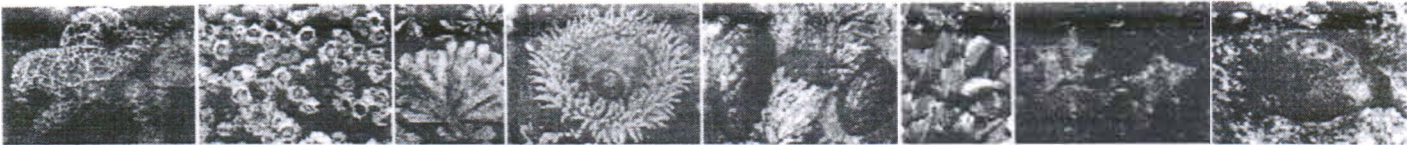
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Bolinas Point Long-Term trends

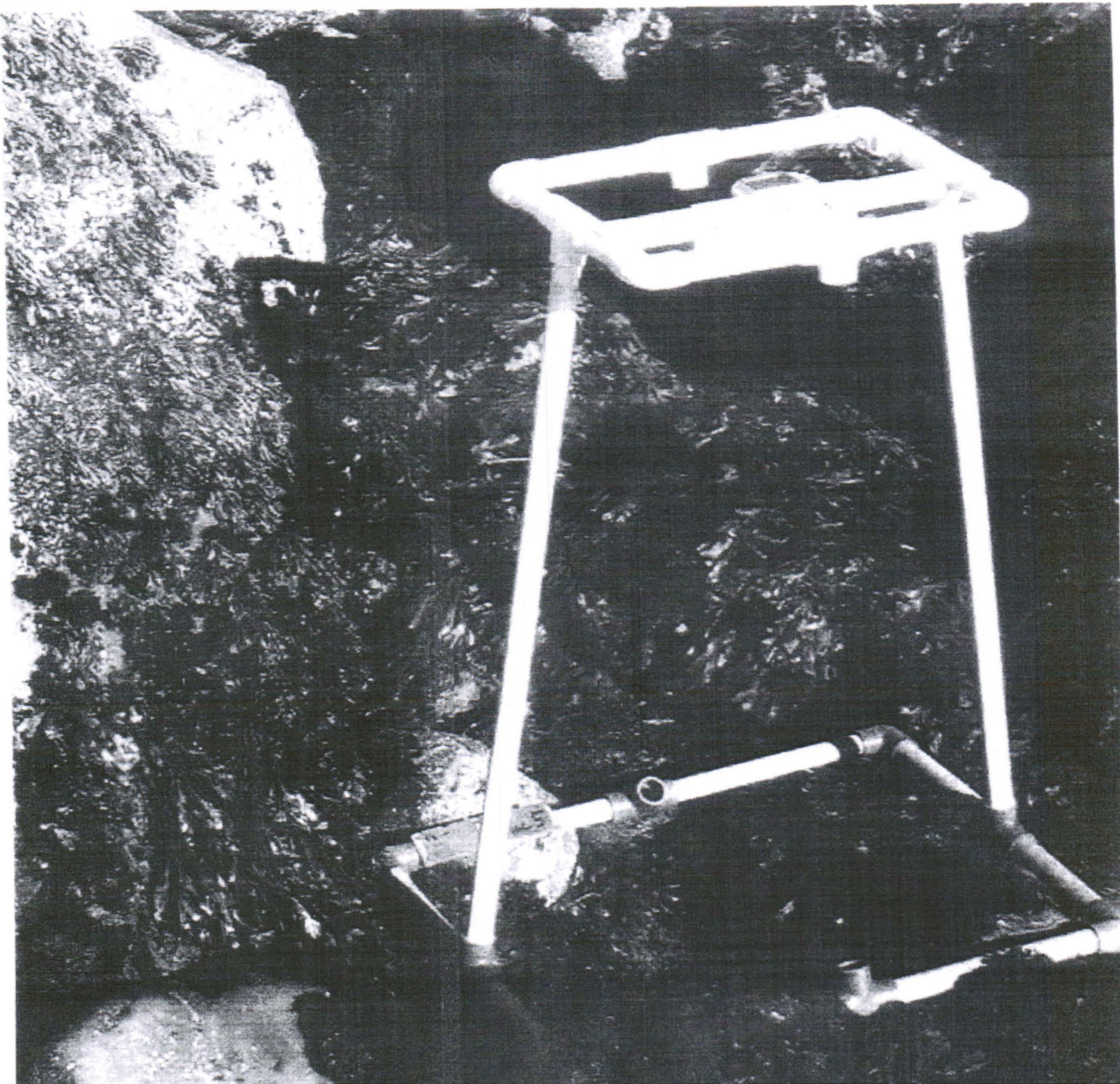


In order to standardize species resolution across all MARINe groups and over time, some species (typically rare) were lumped for graphical presentation of Long-Term monitoring data. See [lumped categories](#) for definitions (some variation occurs between methods and over time).

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

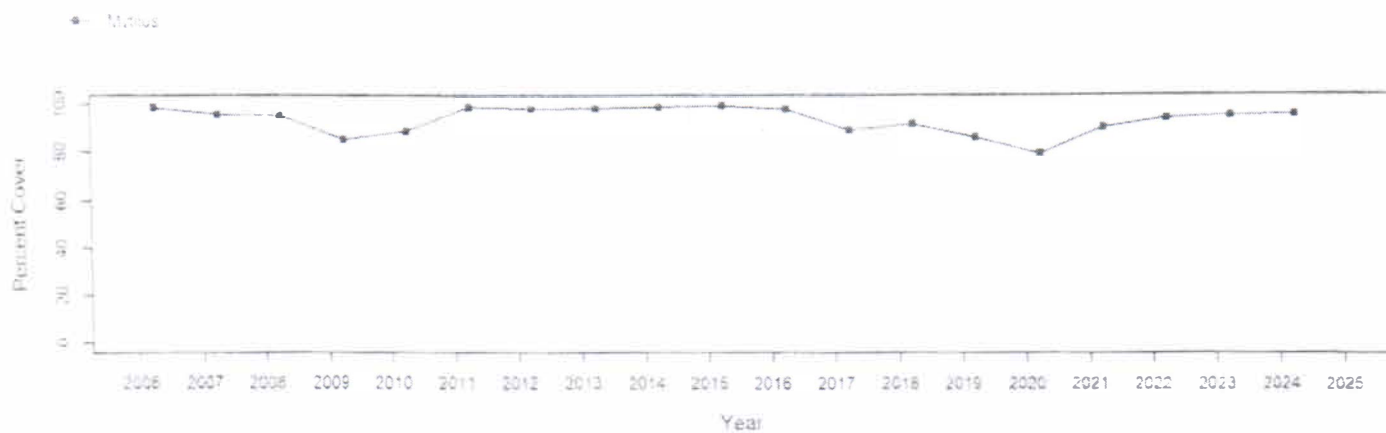
Photo Plots



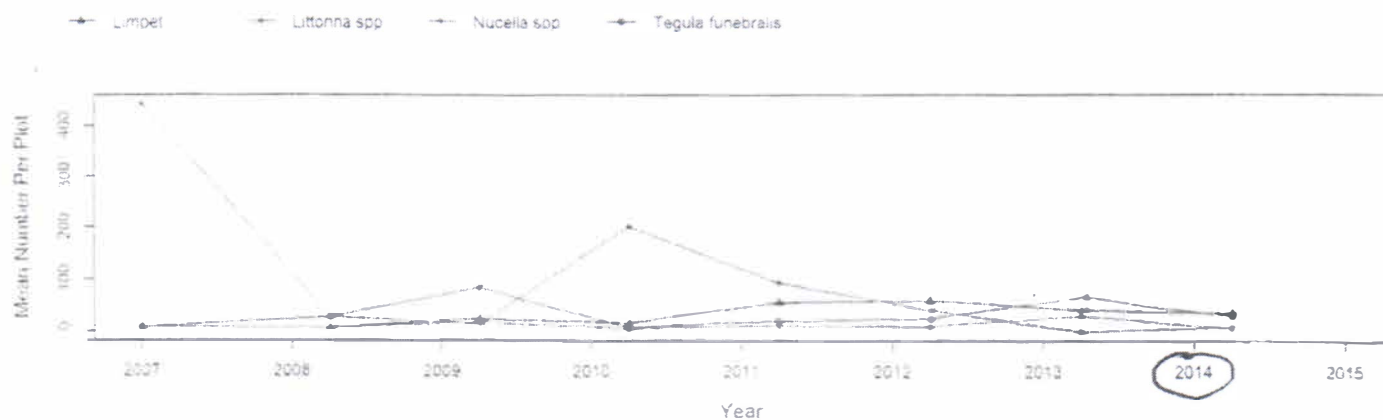


Below are the trends observed for each Photo Plot target species at this site. Long-Term percent cover trend graphs also include any species that reached a minimum of 25% cover during any single point in time within a given target species assemblage. Breaks in trend lines represent missed sampling events.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

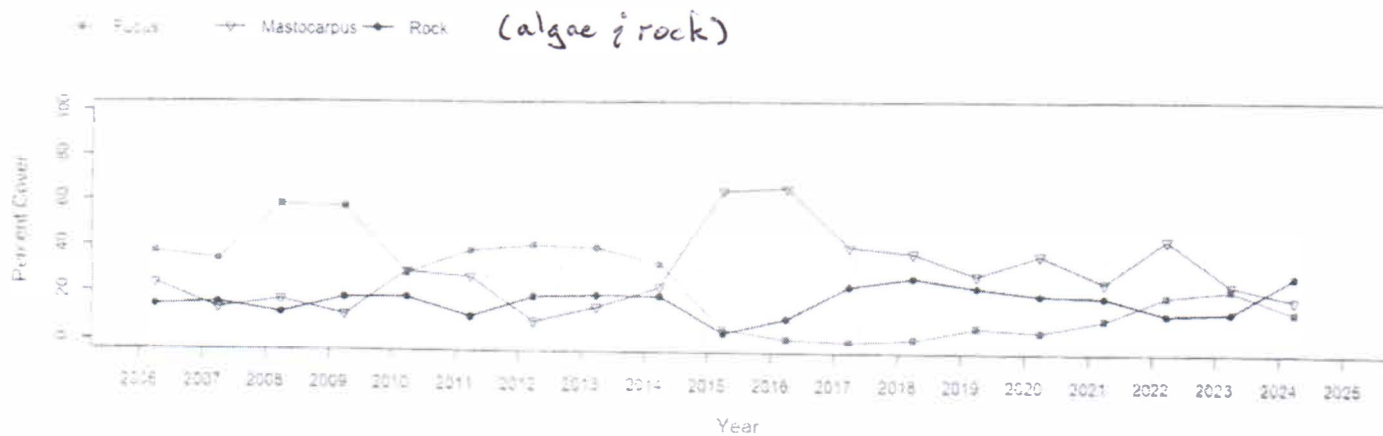
***Mytilus* (California Mussel)** – percent cover



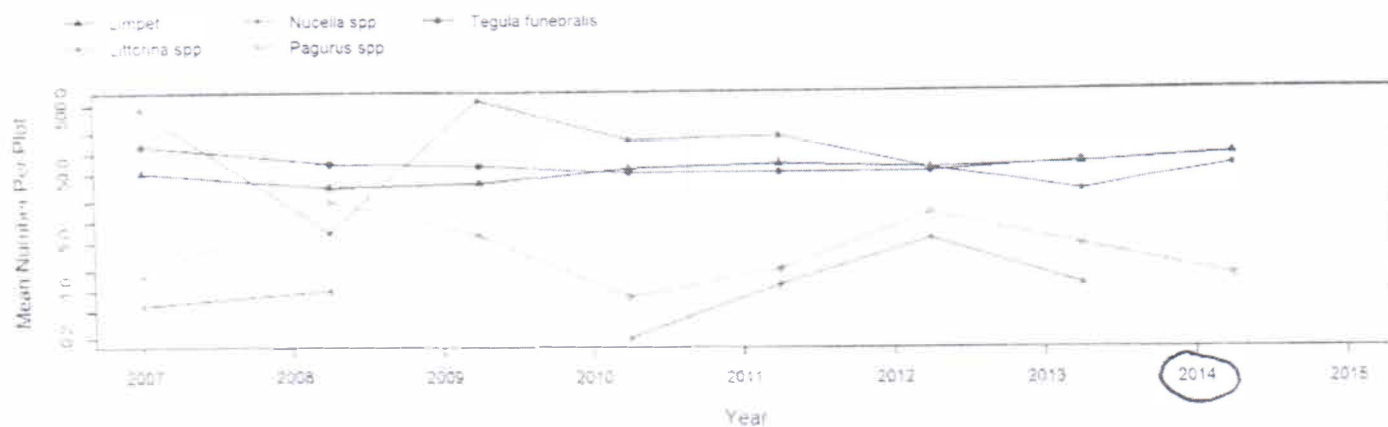
Mytilus (California Mussel) – motile invertebrate counts



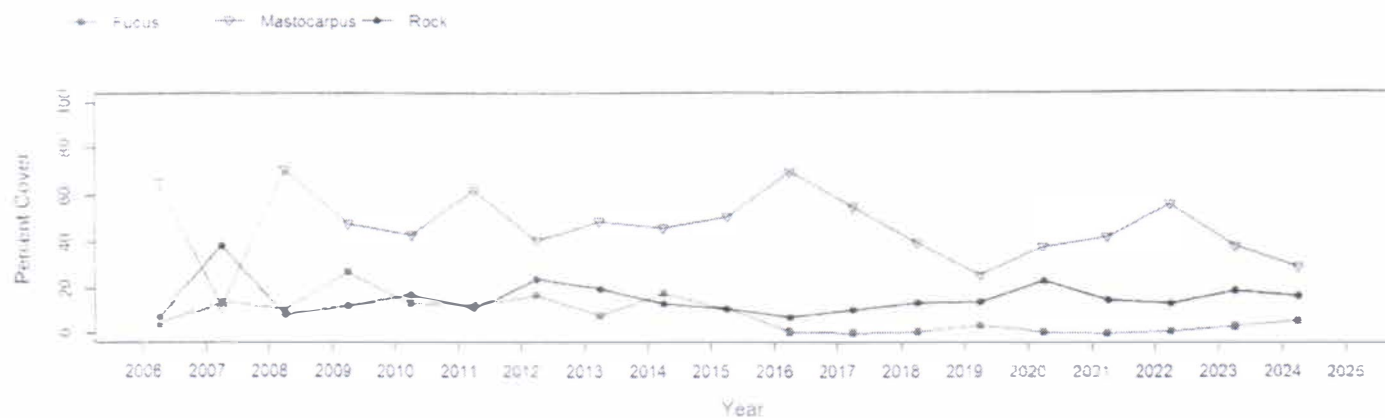
Fucus (Northern Rockweed) – percent cover



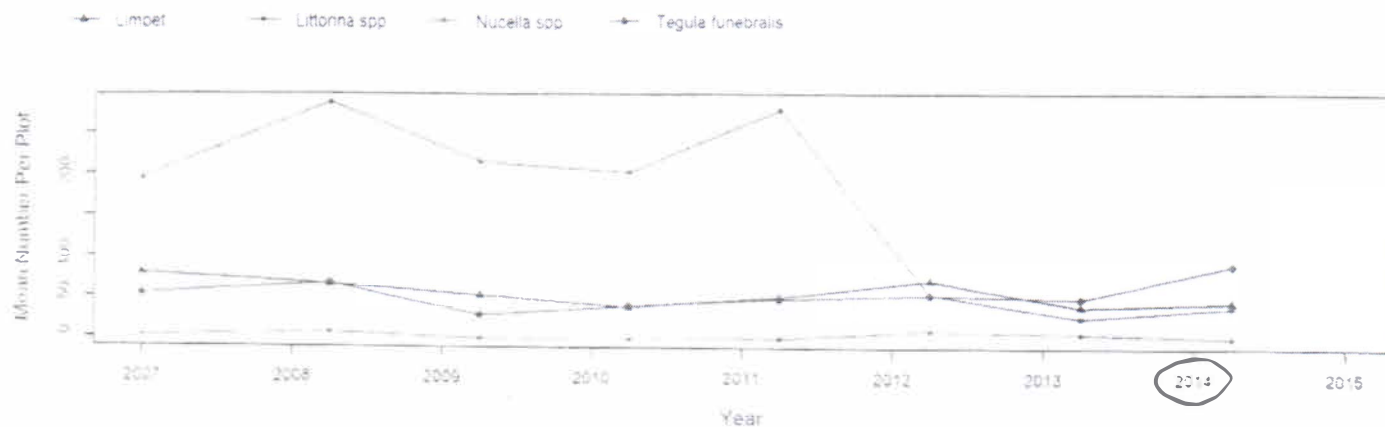
Fucus (Northern Rockweed) – motile invertebrate counts



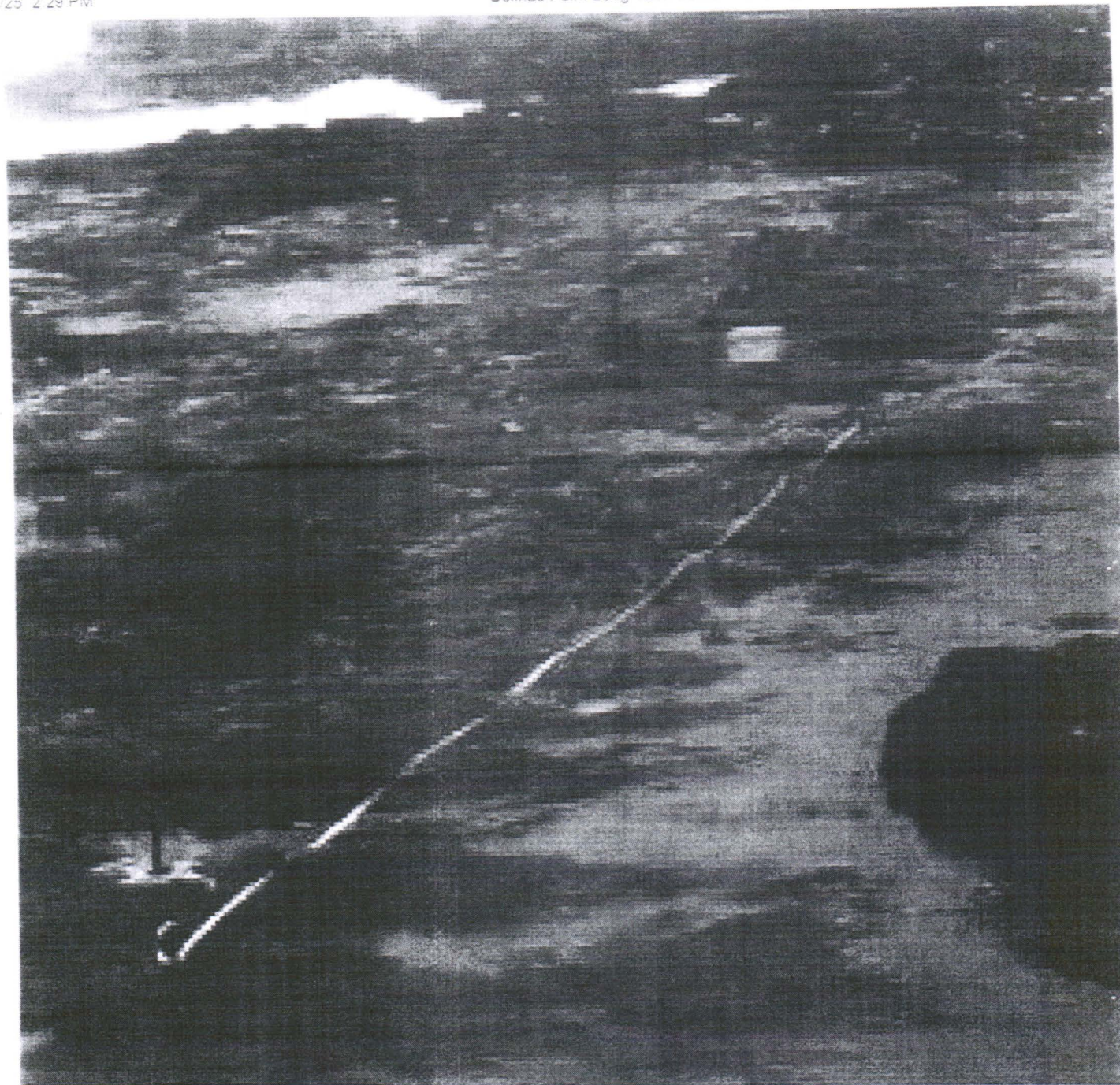
Mastocarpus (Turkish Washcloth) – percent cover



Mastocarpus (Turkish Washcloth) – motile invertebrate counts

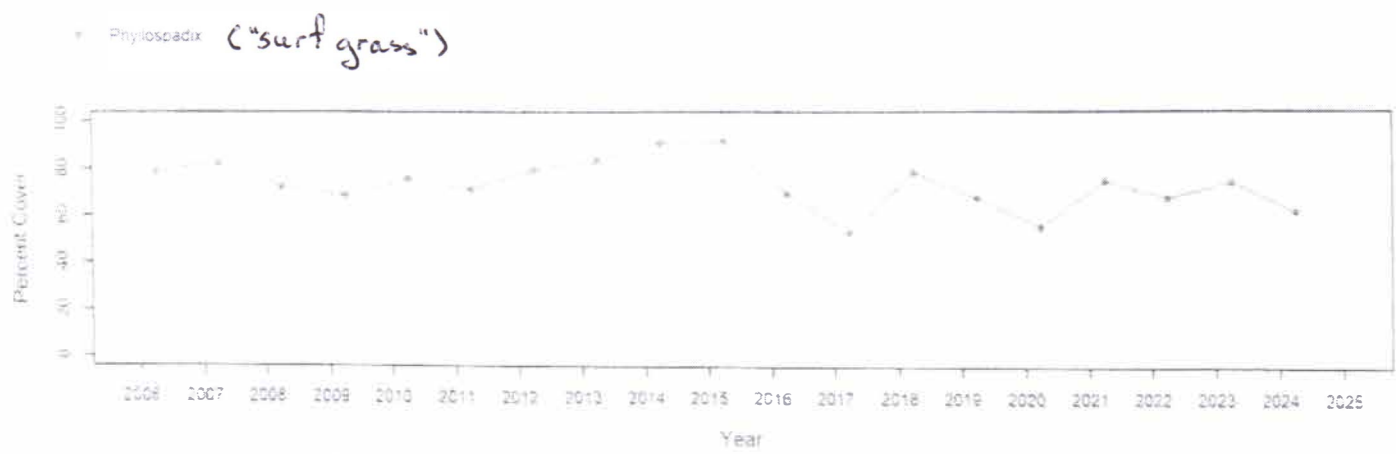


Transects

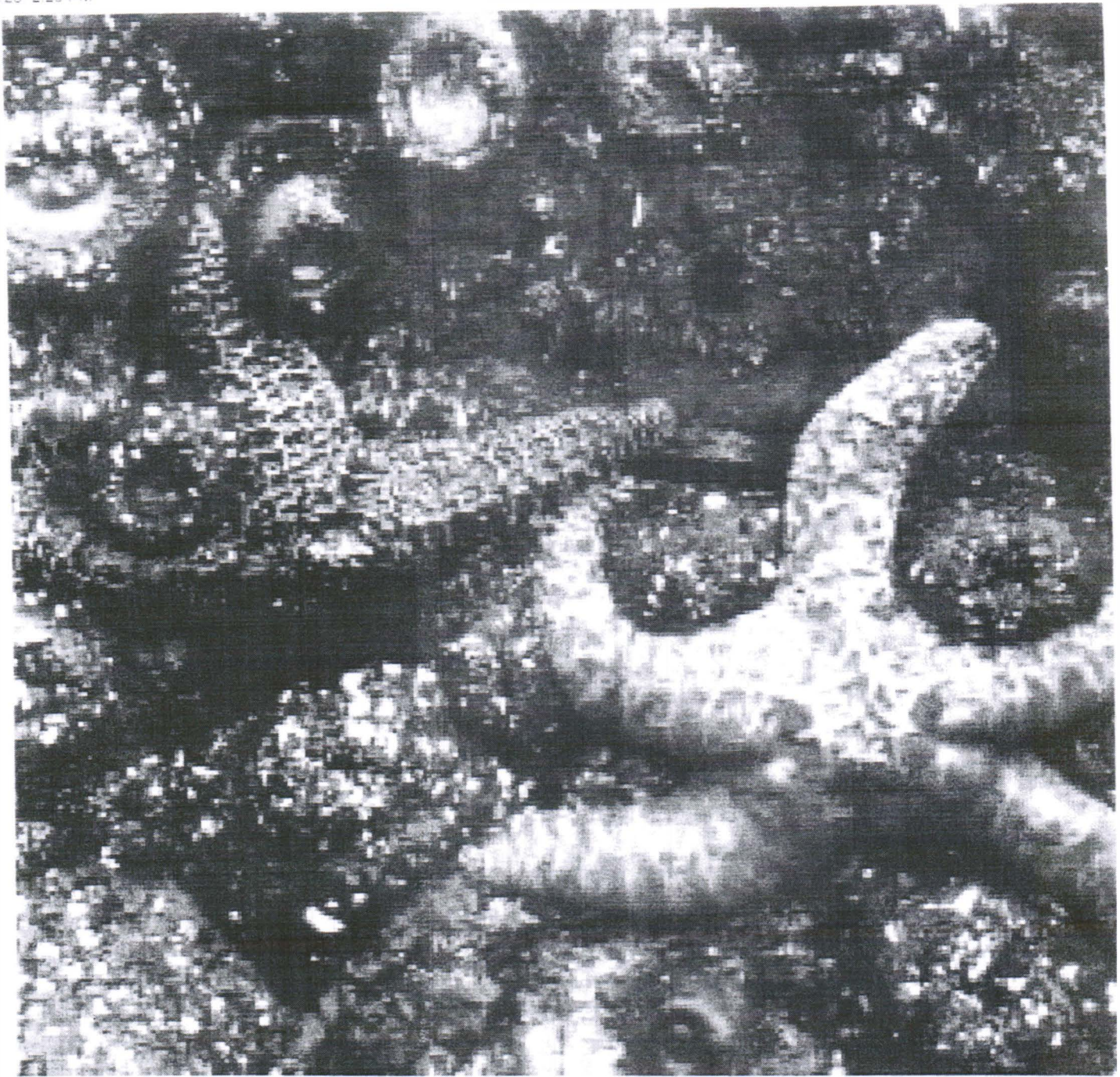


Below are the trends observed for each Transect target species at this site. Long-Term trend graphs also include any species that reached a minimum of 25% cover during any single point in time within a given target species assemblage. Breaks in trend lines represent missed sampling events.

Phyllospadix (Surfgrass)

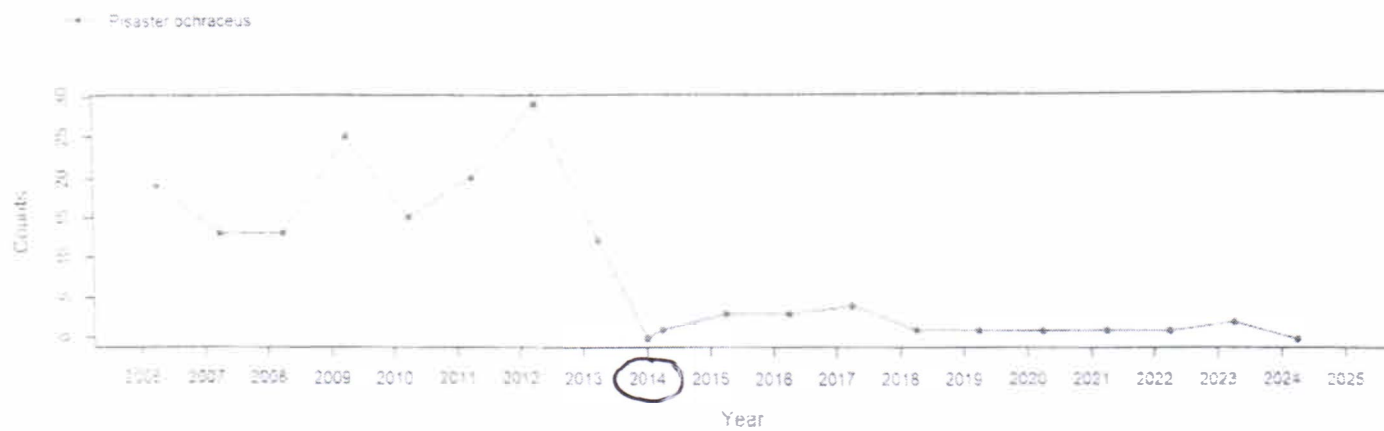


Species Counts and Sizes

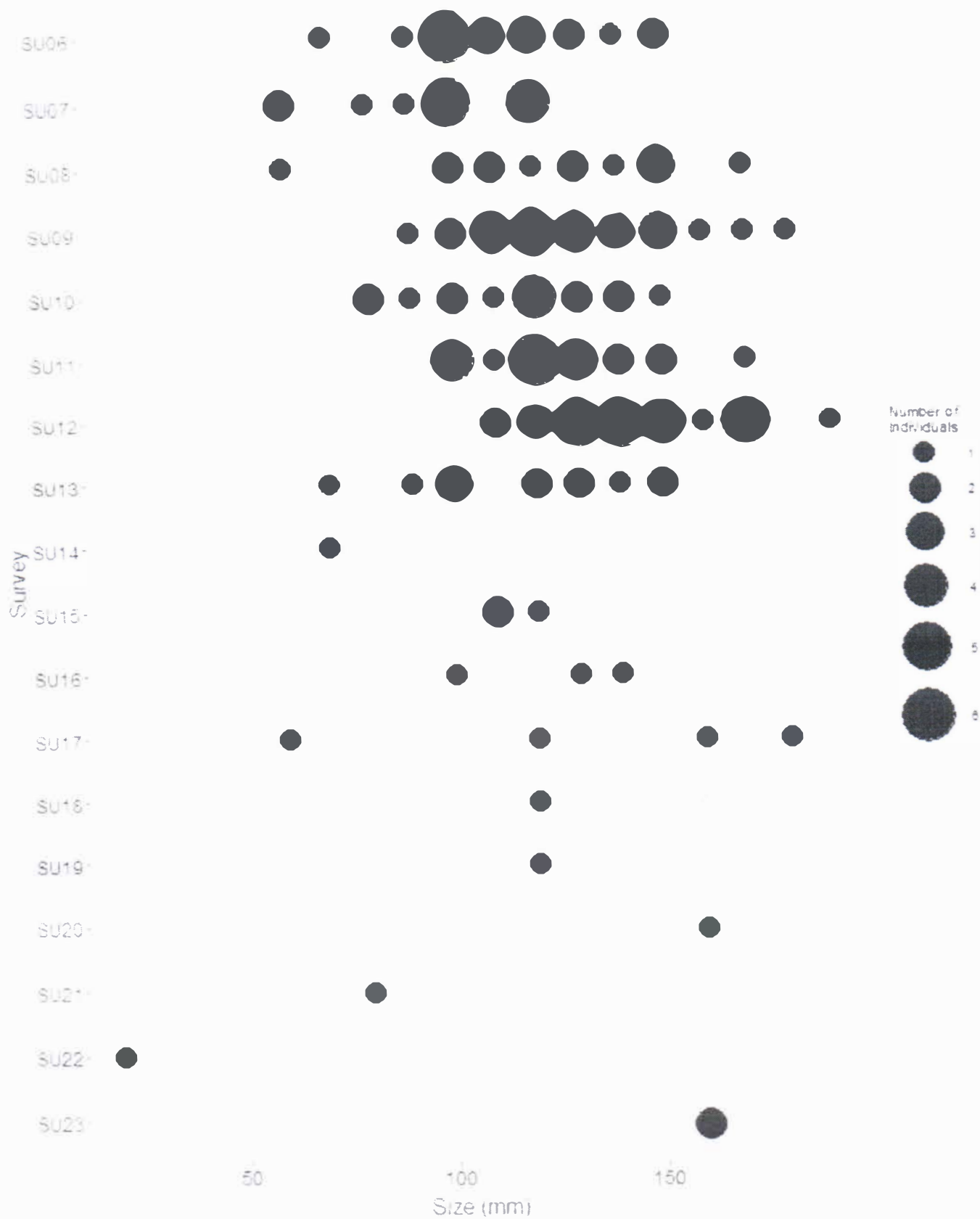


Species Counts and Sizes (where recorded) for *Pisaster* are shown below for this site. At some sites, other sea star species and *Katharina* are counted in addition to *Pisaster*. The sum of all individuals across all plots is displayed. Note that data gaps are represented by breaks in long-term count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

Pisaster ochraceus (Ochre Star) – counts



Pisaster ochraceus (Ochre Star) – sizes



From: Nancy Hanson
Sent: Monday, June 8, 2026 4:30 PM
To: FGC
Subject: Duxbury Reef comments

To California Fish and Game,

We support the redesignation and expansion of the Duxbury Reef in Bolinas California. We want to see it elevated to a State Marine Reserve to better protect all the fragile life on this important shale reef - one of the largest in North America. Please do not be swayed by a few fishermen and a restaurant when such an important ecosystem is threatened with illegal take. Please protect the full extent of the reef with this new designation.

Thank you, Nancy & Dean Hanson

Tomales Bay Association



P.O. Box 369

Pt. Reyes Station, California 94956



2026 June 02'

Attn: Fish and Game Commission
DEPARTMENT OF FISH AND WILDLIFE
P.O. Box 944209
Sacramento, CA 94244-2090

RE: Duxbury Reef and petition for expansion

On behalf of the Tomales Bay Association, I am writing to you to reject the petition of the Environmental Action Committee of west Marin.

As an environmental community-based non-profit organization established in 1960's, the Tomales bay Association is dedicated to preserving and protecting the natural resources and beauty of the Tomales Bay, its watershed and surrounding area- through research, education, and active review of conservation and planning issues. We were a primary and active participant in the hearings which culminated in the SWRCB Order 95-17 governing streamflows and providing instream protections for threatened and endangered species (included salmonids) within Lagunitas Creek.

At the request of a number of local Bolinas and Stinson Beach residents, we were also involved in opposing the illegal diking and agricultural use of a transitional wetland that was specifically identified in the Marin County Local Coastal Plan, unit-II, as important and in need of protection for its value as such.

We supported the original creation of the marine protected areas along the coast, and in particular that of Duxbury reef area. We viewed it as important for species protection and as a propagation area for many marine species, as well as an important area for public education and scientific research. There was at that time a concerted effort to compromise and protect the rights of local fishers as well as the protection of marine species and environment, on which local fishers and community members continue to be keenly supportive of.

We agree with marine biologist Dr. David Ainley, that there is insufficient data to suggest any expansion of the no-take reserve or conservation area, and we have seen no evidence to suggest otherwise.

We strongly urge the Commission to reject any expansion of the conservation area at this time.

Thank you for your consideration.

Sincerely,


Kenneth Fox, President

cc. open

**August 12-13, 2026
Commission Meeting**



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August 7, 2026

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

RE: Fish and Game Commission 8/12 Agenda Item 7C: *Marine
Protected Area Petitions: Petition 2023-32MPA*

Dear President Sklar and Commissioners,

Established in 1971, the Environmental Action Committee of West Marin (EAC)'s mission is to protect and sustain West Marin's lands, waters, and biodiversity. We represent approximately 1,200 community members, primarily from West Marin.

On November 30, 2023, we submitted Petition 2023-32 to adaptively manage Duxbury State Marine Conservation Area (SMCA). Since November 30, 2023, we have submitted many supplemental comment letters on the petition. Most recently, on April 12, 2026,¹ we submitted a letter to the Fish & Game Commission (Commission) to express our general support for the California Department of Fish & Wildlife's (CDFW) recommendation, with additional requests for language and boundary clarifications, as presented to the Commission on April 21, 2026.²

We thank CDFW, the Ocean Protection Council (OPC), and Commission staff for their hard work evaluating marine protected area (MPA) petitions. Both CDFW and OPC play important roles in MPA management, and we appreciate all of their time and expertise devoted to this process and the future management of our oceans.

This letter includes: I. General support for OPC's recommendation for Petition 2023-32MPA; II. SMCA boundaries should include areas with meaningful

¹ See EAC's April 12, 2026 Letter at <https://static1.squarespace.com/static/587d5638beba893ba15a0b/t/69f98fd0130cc7745c73dcb2/1777962960593/2026.04.12.+EAC+Comments+re.+Agenda+Item+3D.+Duxbury+Reef+Petition+%232023-32MPA.pdf>.

² See EAC's April 21, 2026 Presentation at <https://static1.squarespace.com/static/587d5638beba893ba15a0b/t/69f98ef227940a533a618064/1777962739000/Marine+Protected+Areas+-+Duxbury+Reef+Petition+42126.pdf>.

protections; III. Suggested SMCA language clarifications to better protect the intertidal & be consistent with Bin 1 tidepool language; and IV. Response to the Justice, Equity, Diversity, and Inclusion evaluations.

I. General Support for OPC's Recommendation for Petition 2023-32MPA

We thank OPC, in its capacity as lead policy manager for MPAs, for its science-based review of MPA petitions and the precautionary approach it employed in its evaluations. **This perspective and expertise are critical as the ocean faces incredible climate-driven challenges**, including a new marine heatwave that could disrupt marine food systems, stress intertidal communities, and devastate kelp forests that are still reeling from the last major heatwave.

We appreciate that OPC reviewed additional petitioner input after the March 14, 2025 deadline, including EAC's additional community outreach and informal amendment submissions (November 26, 2025³) to reduce impacts to offshore commercial and recreational fishing.

We were pleased to find that OPC's recommendation for Petition 2023-32MPA for Duxbury Reef is largely consistent with CDFW's: **both agencies' recommendations align with our assertion that there are clear benefits associated with protecting the full extent of Duxbury Reef's intertidal habitat, large portions of which are currently unprotected.**

OPC found that petition 2023-32MPA—as clarified on April 21st, 2026⁴—provides **clear MPA Network design improvements and confers meaningful biodiversity benefits through protection of the northern and southern extent of the reef within SMCAs.**⁵

This would **double the amount of rocky shoreline protected** by this MPA and **improve representation** for intertidal habitats in the North Coast bioregion.⁶ It could also **increase biomass** of currently harvested intertidal species; **bolster overall species richness & diversity**; protect **ecological connectivity** across the full reef ecosystem; and **strengthen the reef's resilience to future climate impacts**, as a 2023 study shows that **protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.**⁷ These climate resilience benefits are also reflected in CDFW's evaluation.⁸

II. SMCA Boundaries Should Include Areas with Meaningful Protections

Our November 26, 2025 request for clarified boundaries in the north and south (also stated at the April 21st, 2026 Commission meeting) intended to 1. align the mapping of our request with our primary intent to protect

³ See EAC November 26, 2025 letter at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=239690&inline#page=697>.

⁴ See EAC's April 21, 2026 Presentation at <https://static1.squarespace.com/static/587d5638beba893ba15a0b/t/69f98ef227940a533a618064/1777962739000/Marine+Protected+Areas+-+Duxbury+Reef+Petition+42126.pdf>.

⁵ OPC Staff Recommendations - Petitions to Adaptively Manage California's Marine Protected Area Network, pp. 3-4.

⁶ OPC Staff Recommendations - Petitions to Adaptively Manage California's Marine Protected Area Network, p. 22.

⁷ Smith, J. G., et al. (2023). A marine protected area network does not confer community structure resilience to a marine heatwave across coastal ecosystems. *Global Change Biology*, 29(19), 5634-5651. <https://doi.org/10.1111/gcb.16862>.

⁸ CDFW Evaluation for Petition 2023-32MPA.

the rocky intertidal in the expansion areas, and 2. reduce impacts to offshore commercial and recreational fishing.⁹

At this time, both CDFW¹⁰ and OPC¹¹ have recommended establishing SMCA protections in the north and south expansion areas that do not restrict existing commercial or recreational take allowances, beyond new intertidal protections for seaweed and invertebrates (except abalone when open). We understand the intent is to continue allowing existing shore- and boat-based fishing.

While we appreciate OPC's evaluation, we take this opportunity to point out that one contiguous SMCA with boundaries that closely hug the intertidal in the north and south expansion areas and use regulations *consistent* with the existing SMCA, would be the most beneficial for public understanding. If MPA boundaries were to include offshore areas that *allow* commercial and recreational fishing, nothing would functionally change from when those areas were *unprotected* by MPA regulations (unless *only* certain species were listed for allowable take by hook and line fishing offshore, e.g., wild Pacific salmon and California Halibut). **Thus, we prefer our proposed November 26, 2025 boundaries,¹² whereby commercial and recreational boat-based fishing could continue outside the expanded SMCA.**

We request that these **boundaries be informed by the CDFW law enforcement department** to ensure ease of enforcement and public understanding, which is one of the petition's original goals. **Ultimately, our intent is that any expanded SMCA areas protect the rocky intertidal and its invertebrates and algae, without impacting offshore commercial and recreational fishing.**

III. Suggested SMCA Language Clarifications to Better Protect the Intertidal & Be Consistent with Bin 1 Tidepool Language

Both OPC and CDFW's evaluations do not address the documented visitor confusion about the partial take allowance at Duxbury Reef SMCA, a phenomenon present at other partial take MPAs where take of finfish is allowed but take of invertebrates is not.¹³ Many visitors believe take of *any species* is allowed when they see shorefishing, poke-pole fishing, or fisherpeople with buckets of bait, or when they read unclear signage. Also, the current language is overly broad and inconsistent with other rocky intertidal SMCAs.

While a no-take State Marine Reserve could have best addressed this confusion by improving the clarity of full protection for visitors, we understand the need to balance ecological protection with fishing uses so valued by the community. **Therefore, in lieu of a State Marine Reserve designation, the SMCA language in both the existing MPA and in the north and south expansion areas should be further clarified to protect fragile intertidal life.**

⁹ See EAC November 26, 2025 letter at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=239690&inline#page=697>.

¹⁰ CDFW Evaluation for Petition 2023-32MPA, pp. 3 & 5.

¹¹ OPC Staff Recommendations - Petitions to Adaptively Manage California's Marine Protected Area Network, p. 22.

¹² See EAC November 26, 2025 letter at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=239690&inline#page=697>.

¹³ https://youtu.be/4JO_UeZj4Xs?si=H6f5qKUZvgVOjmXk&t=13616, 4:55:38.

In our April 21, 2026¹⁴ presentation to the Commission, we presented proposed modified language (proposed changes to the current SMCA language in red):

“It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, EXCEPT: Recreational take of abalone, and finfish from shore **by hook and line only**, is allowed. **Take of living, non-living, geological or cultural marine resources from tidepools is prohibited.**”

However, we recommend that any changes to Bin 2 petitions be consistent with language granted by the Commission in Bin 1 petitions regarding rocky intertidal zones. At the April 21, 2026 Commission meeting, Susan Ashcraft, Marine Advisor to the Commission, stated:

“The recommendation about strengthening tidepool protection language—there was a component of that in the Bin 1 petitions, and you as a Commission have granted that. So there is language that the Department has already been working on in relation to other intertidal zones that are intended for protection. And so, there is a pathway to do that and be consistent.”¹⁵

Bin 1 petition 2023-22MPA for Crystal Cove and Dana Point SMCAs requested to change the description of “tidepools” to “rocky intertidal zone.” The Commission decision was “grant with alternative pathway” and to coordinate with the petitioner to develop language to add the definition of rocky intertidal habitat to the general provisions subsection 632(a).¹⁶

Therefore, to be consistent with prior Commission actions, we slightly update this proposed language to replace “tidepools” with “rocky intertidal zone” (proposed changes again in red with underline for the updated language in this letter).

“It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, EXCEPT: Recreational take of abalone, and finfish from shore **by hook and line only**, is allowed. **Take of living, non-living, geological or cultural marine resources from the rocky intertidal zone is prohibited.**”

As stated in previous letters to the Commission, MPA Watch data shows around **95% of visitors to Duxbury Reef SMCA since 2014 were engaging in nonconsumptive uses**. Regulations that reduce visitor confusion as to what is allowed and not allowed will better protect intertidal health while continuing to allow hook and line fishing off the reef, enhancing experiences like tidepooling, education, research, and more for nonconsumptive users.

IV. Response to the Justice, Equity, Diversity, and Inclusion Evaluations

¹⁴ See EAC’s April 21, 2026 Presentation at <https://static1.squarespace.com/static/587d5638beba893ba15a0b/t/69f98ef227940a533a618064/1777962739000/Marine+Protected+Areas+-+Duxbury+Reef+Petition+42126.pdf>.

¹⁵ https://cal-span.org/meeting/cfg_20260421/, (3:27:00).

¹⁶ <https://storymaps.arcgis.com/collections/27e78c677dca484ebfb37120abc59d10?item=2>.

We thank CDFW, OPC, and California Natural Resources Agency teams for their effort to answer Questions 14 and 16 of the MPA Petition Evaluation Framework, as well as for the Commission's direction to complete these critical analyses. We also appreciate the acknowledgement that these evaluations are "initial" and only a "first step" in incorporating equity into MPA adaptive management.¹⁷

The evaluation states that the two questions related to equity in the MPA petition evaluation framework "were added to reflect the commitments of CDFW and [the Commission] to improving access to marine resources for all Californians, increasing access for traditionally underserved and marginalized communities, and implementing and advancing the [Commission] Justice, Equity, Diversity, and Inclusion (JEDI) Policy."¹⁸ **We believe improving access to marine resources for all means there are thriving ocean and coastal ecosystems to access, and that MPA protections are an important tool to achieve this.** At Duxbury Reef, this means maintaining high biodiversity, intact ecosystem structure, and resilient intertidal communities that can better withstand climate change so that future generations will still be able to access, enjoy, and learn from these incredible marine ecosystems.

We were surprised to find that an equity evaluation of petition 2023-32MPA was not completed. Question 14 of the framework asks "[d]oes the proposed change provide more equitable access opportunities (e.g., fishing, educational, and/or other recreational opportunities) for traditionally underserved or marginalized communities?"¹⁹ To answer Question 14, the evaluation states "[a] 10-mile radius serves as a practical benchmark for identifying communities most likely to regularly access particular coastal areas for recreation, subsistence activities, exercise, cultural practices, or stewardship activities."²⁰

However, the evaluation also recognizes in its introduction that "[u]nderstanding the history of exclusion along the coast is important as proposed changes to the marine protected areas (MPA) network are being considered."²¹ Indeed, due to historical and ongoing inequities, displacement, and denied access, the California coast is overwhelmingly white and affluent. **Many marginalized communities today may not live immediately adjacent to coastal areas, and must travel much farther than 10 miles to access their nearest MPA.**

Duxbury Reef sees visitors from major population hubs in eastern Marin County and further north, San Francisco, the Peninsula, the East Bay, Sacramento, and even further within California, or beyond the state. Visitors from these locations must all travel further than 10 miles to access Duxbury Reef.

While this demographic data may not be readily available, we encourage the Commission to consider this information in their decision-making to ensure **the California coast is accessible and healthy for all of its visitors.**

¹⁷ Initial Assessment of Q14 & Q16 of the 2025 MPA Petition Evaluation Framework, p. 6.

¹⁸ Initial Assessment of Q14 & Q16 of the 2025 MPA Petition Evaluation Framework, p. 5.

¹⁹ Initial Assessment of Q14 & Q16 of the 2025 MPA Petition Evaluation Framework, p. 7.

²⁰ Initial Assessment of Q14 & Q16 of the 2025 MPA Petition Evaluation Framework, p. 10.

²¹ Initial Assessment of Q14 & Q16 of the 2025 MPA Petition Evaluation Framework, p. 4.

Additionally, we would like to call attention to a study released last month on racial and economic disparities in coastal access and engagement.²² While the study does not deny the value that fishing brings to its practitioners, **it also uplifts the importance and value derived of nonconsumptive ocean uses (i.e. gatherings, beach sports, reflection and meditation), especially to the low income and/or vulnerable communities it surveyed:**

“While California’s coastal management often prioritizes extractive uses and material outcomes (i.e., employment, food security, and economic growth), our findings suggest that relational and subjective benefits are far greater for many individuals, particularly those from low-income households and/or vulnerable communities. Across our study population, individuals associated with such demographics expressed a consistent preference for engaging in social and/or contemplative activities (i.e., group and family gatherings, informal beach sports, reflection and meditation, etc.) when interacting with oceans and coasts.”

We support efforts to more meaningfully address and include equity outlined in the “Future Opportunities” section.²³

V. Conclusion

Thank you for considering these comments, and please do not hesitate to reach out with any questions.

Sincerely,



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

cc:

Susan Ashcraft, Marine Advisor, California Fish and Game Commission

Erica Mason, Senior Environmental Scientist, Supervisor, California Department of Fish and Wildlife

Melissa A. Miller-Henson, Executive Director, California Fish and Game Commission

Craig Shuman, Marine Region Manager, California Department of Fish and Wildlife

Claire Waggoner, Marine Region Habitat Conservation Program Manager, California Department of Fish and Wildlife

Jenn Eckerle, Executive Director, California Ocean Protection Council

Mike Esgro, Senior Biodiversity Program Manager (Supervisory) & Tribal Liaison, California Ocean Protection Council

Staci Lewis, Marine Protected Area Network Manager, California Ocean Protection Council

²² Frawley, T.H., et al. Racial and economic disparities in coastal access and engagement mediate the ocean’s contribution to human wellbeing. Nat Commun 17, 5975 (2026). <https://doi.org/10.1038/s41467-026-75034-4>.

²³ Initial Assessment of Q14 & Q16 of the 2025 MPA Petition Evaluation Framework, pp. 15-18.

From: B. Hartwell
Sent: Wednesday, July 29, 2026 7:49 PM
To: FGC
Subject: Opposition to Petition 2023-32MPA — Duxbury Reef State Marine Conservation Area Redesignation

Brittany Hartwell

[REDACTED]
Santa Rosa, CA [REDACTED]
[REDACTED]

July 29, 2026

California Fish and Game Commission

P.O. Box 944209

Sacramento, CA 94244-2090

Submitted via email: fgc@fgc.ca.gov

CC: California Department of Fish and Wildlife, Marine Region

RE: Opposition to Petition 2023-32MPA - Duxbury Reef State Marine Conservation Area Redesignation

Dear Commissioners and Department Staff,

I am writing to express my strong opposition to the petition asking the Fish and Game Commission to redesignate Duxbury Reef from a State Marine Conservation Area to a State Marine Reserve, which would effectively close the reef to fishing.

As a lifelong resident of the North Bay coast, I have spent decades fishing these waters, as have generations before me. Those of us who spend time along this coastline know it intimately - we've watched it change over time and care deeply about its health and longevity.

Eliminating access won't preserve the reef. It will simply erect another barrier between people and the natural spaces that build understanding, stewardship, and respect. Intergenerational pole-and-line fishing cultivates reverence for the land and sea, not destruction. Anglers are not the enemy - we're often the eyes and ears on the water, reporting pollution, hazards, and illegal activity.

This closure would also come at a real cost to the people who depend on these waters for food. Local anglers already contend with a shrinking footprint of accessible fishing grounds after previous closures and restrictions. Each additional loss narrows the options for community members who rely on this coastline for a sustainable, self-caught source of seafood - one with none of the environmental cost of commercial supply chains.

Notably, even the petitioning organization's own monitoring data undercuts the case for closure: 2024 reporting documented well over a hundred potential violations at Duxbury Reef, and not one involved hook-and-line fishing. The overwhelming majority involved unauthorized hand collection of intertidal species and issues related to dogs on the beach - not licensed anglers acting within the rules. I would ask the Department to weigh this discrepancy carefully, as it directly contradicts the premise that fishing access is driving harm to the reef.

I understand that CDFW's own draft evaluation of this petition already recommends against redesignating Duxbury Reef to the more restrictive reserve status, while supporting only a boundary adjustment that would not reduce existing take allowances. I strongly support that recommendation and urge the Commission to adopt it as written, rather than yield to a petition that goes well beyond what the Department's own analysis supports.

Local anglers have a real conservation track record: during the years abalone harvest was still sustainable, it was often anglers themselves who volunteered for early-morning watches on holiday weekends, reporting illegal take - everyday coastal residents, not paid activists. That same spirit is alive today; a coalition of local residents has recently organized specifically to propose enforcement- and education-based alternatives to closure, precisely because they believe access and conservation are compatible.

It's hard not to feel alienated when proposals frame responsible anglers as threats to the ecosystem we value most. Many of us hold generational knowledge of these waters and would otherwise be natural conservation partners - but advocacy that severs our remaining ties to the coastline makes that collaboration unlikely.

If the goal is genuine preservation, more targeted measures exist. Enforcement capacity in this region is genuinely stretched thin, with only a handful of wardens covering Marin and a dozen surrounding counties. Rather than closing the reef, the Department should pursue increased warden presence during low-tide and peak visitation periods, continued and expanded support for the existing volunteer docent program, and restrictions on dog access in the sensitive intertidal zone itself - not just the parking lot and trail. These approaches target the actual, documented sources of disturbance rather than penalizing a community with a long record of responsible use.

Conservation succeeds by building allies, not excluding them. I urge the Department and Commission to reject the redesignation of Duxbury Reef and instead pursue solutions that protect the reef while preserving access for those who have long shown care and stewardship for this place.

With thanks,
Brittany Hartwell

From: Reba Meigs
Sent: Tuesday, July 14, 2026 5:37 PM
To: FGC; West Marin Food Systems
Subject: Support for Community-Based Stewardship and the Save Duxbury Adaptive Management Proposal
Attachments: LOS Duxbury Adaptive Management Plan (1) (1) (1).pdf

Dear Melissa Miller-Henson,

I hope this email finds you well. I am writing on behalf of the West Marin Food Systems Group to express our support for community-based stewardship and the Save Duxbury Adaptive Management Proposal. The West Marin Food Systems Group is a shared leadership regional collaborative of schools, community organizations, food providers, farmers, ranchers, fishermen, public agencies, and nonprofit partners working to improve equitable access to healthy, locally produced food throughout West Marin. Our work is grounded in the understanding that healthy communities depend upon healthy working landscapes—including our agricultural lands and our coastal waters.

We recognize that Marine Protected Areas (MPAs) are an important tool for protecting California's coastline and precious reefs like Duxbury. We also believe that healthy marine ecosystems, sustainable fisheries, and responsible public access can coexist, particularly in places like West Marin, where stewardship and conservation have long been community values.

West Marin Food Systems partners with Leave No Trace through the Cleaner California Coast Initiative and with NOAA Sea Grant in partnership with UC San Diego and Penn State University to strengthen coastal stewardship through science, education, and cross-sector collaboration. Our participation in the MPA Collaborative Network reflects a shared leadership approach to protecting coastal resources by building local capacity, advancing effective communication, and implementing practical stewardship solutions.

Last month, Leave No Trace facilitated a statewide training for the MPA Collaborative Network focused on effective communication for MPA partners, including land managers. Our participation in regional MPA Collaborative meetings has emphasized pollution prevention, understanding visitor behavior, and advancing practical stewardship strategies, such as reusable cup and container programs, fishing-line and tackle collection stations at public beaches and marinas, cigarette butt receptacles and visitor education that reduces impacts before they occur.

In addition, our team will be working closely with our UCCE partners to create an emergency food plan for West Marin and we see our local fisheries as an instrumental part of this plan.

Please find attached our letter of support for the Save Duxbury Adaptive Management Proposal, we encourage you to take a community-led shared leadership approach and join community members, key stakeholders and the West Marin Food Systems Group in support of the the Duxbury Adaptive Management Plan

Best regards,

Reba Meigs, on behalf of the West Marin Food Systems Group



July 2, 2026

California Department of Fish and Wildlife
California Fish and Game Commission

Re: Support for Community-Based Stewardship and the Save Duxbury Adaptive Management Proposal

Dear Commissioners,

On behalf of Innovative Health Solutions and the West Marin Food Systems Group, we respectfully submit this letter in support of the Save Duxbury Adaptive Management proposal and its commitment to collaborative, science-based stewardship that recognizes both the ecological importance of Duxbury Reef and the essential role local fishermen play in the health and resilience of West Marin's food system.

The West Marin Food Systems Group is a regional collaborative of schools, community organizations, food providers, farmers, ranchers, fishermen, public agencies, and nonprofit partners working to improve equitable access to healthy, locally produced food throughout West Marin. Our work is grounded in the understanding that healthy communities depend upon healthy working landscapes—including our agricultural lands and our coastal waters.

During the COVID-19 pandemic, Innovative Health Solutions served as fiscal sponsor for the Marin Food Policy Council and administered the [*Catch Together*](#) initiative, an emergency food security program developed in partnership with local fishermen. Through this effort, four local commercial fishermen supplied fresh, locally caught seafood to more than 40 community providers, ultimately reaching 19,520 Marin County families in just three months. The program distributed high-quality local protein through organizations including the Bolinas Community Center, Feed the People, Bolinas Community Kitchen, San Geronimo Valley Community Center, Coast Café, the San Francisco-Marin Food Bank, and numerous other community partners. It also helped sustain local fishermen whose traditional restaurant markets had collapsed during the pandemic.

Catch Together demonstrated something our collaborative continues to see today: local fishermen are not simply resource users—they are essential partners in regional food security, emergency preparedness, economic resilience, and community well-being.

As the West Marin Food Systems Group expands partnerships with schools, community kitchens, local producers, and organizations working to strengthen regional food systems, we continue to recognize locally harvested seafood as an important source of healthy protein and an integral part of a diverse, climate-resilient foodshed. Maintaining access to sustainably

cc: The Honorable Jared Huffman, U.S. Representative, California's 2nd Congressional District
Dennis Rodoni, Supervisor, Marin County Board of Supervisors, District 4



harvested local seafood supports both vulnerable families and the economic viability of West Marin's fishing community.

We also believe that the future of Duxbury Reef should be guided through robust community engagement, shared leadership, adaptive management, and the best available science. The collaborative approach outlined in the proposed Adaptive Management Framework reflects many of the same principles that guide our work: bringing together community organizations, local resource users, educators, public agencies, and conservation partners to develop durable, locally supported solutions.

This philosophy also aligns with ongoing efforts to revitalize the West Marin Chamber of Commerce. As we work to strengthen economic opportunity across the region, it has become increasingly clear that agriculture, commercial fishing, tourism, environmental stewardship, local businesses, and community health are interconnected. The long-term vitality of West Marin depends upon coordinated partnerships that recognize the contributions of all sectors while protecting the natural resources upon which they depend.

We appreciate the Save Duxbury Access petition's emphasis on science, stakeholder engagement, education, and adaptive management. We encourage the Commission to continue working with local fishing families, community organizations, educators, conservation partners, and public agencies to develop solutions that protect both California's extraordinary coastal resources and the communities that have stewarded them for generations.

Thank you for your consideration and for your continued stewardship of California's marine resources.

Sincerely,

A handwritten signature in dark ink, appearing to read "Reba Meigs".

Reba Meigs

West Marin Food Systems Group
Innovative Health Solutions

cc: The Honorable Jared Huffman, U.S. Representative, California's 2nd Congressional District
Dennis Rodoni, Supervisor, Marin County Board of Supervisors, District 4

From: Ingrid Noyes
Sent: Tuesday, July 21, 2026 11:26 AM
To: FGC
Subject: Opposition to Environmental Action Committee of West Marin (EAC) Duxbury Petition

To the California Fish and Game Commission:

Dear President Sklar and Commissioners,

I'm writing to express opposition to the Environmental Action Committee of West Marin's (EAC) Duxbury Petition, 2023-32MPA and SMCA Expansion. I oppose the proposed no-take reserve and any unjustified expansion of the Duxbury Reef SMCA.

Duxbury Reef is already highly protected within Point Reyes National Seashore and the

Greater Farallones National Marine Sanctuary, alongside strict statewide fishing regulations.

Long-term UCSC monitoring shows natural variability, not ecosystem collapse, and there is no

evidence that current regulated use is causing harm. If issues arise, targeted, least-restrictive

management tools are available and appropriate.

CDFW scientists have already rejected the EAC's claim that Duxbury is in crisis and recommended denying the no-take reserve. Proposing expansion without site-specific justification departs from established, evidence-based standards and risks unnecessary harm to

coastal communities, including local fishing access and food security in West Marin.

I urge the Commission to:

- Reject a no-take reserve at Duxbury Reef
- Maintain current SMCA boundaries unless clear, site-specific need is demonstrated
- Rely on adaptive, least-restrictive management tools
- Include the February 2026 Save Duxbury Access alternative petition in the official record

Thank you very much for your consideration.

Sincerely,

Ingrid Noyes
native of West Marin
currently living in Novato CA

From: Palace Wine Dept <wine@palacemarket.com>
Sent: Wednesday, July 29, 2026 8:11 PM
To: FGC
Subject: Opposition to Petition 2023-32MPA — Duxbury Reef State Marine Conservation Area Redesignation

Palace Market

[11300 CA-1](#)

[Point Reyes Station, CA 94956](#)

brit@palacemarket.com | 415-663-1016

July 29, 2026

California Fish and Game Commission

P.O. Box 944209

Sacramento, CA 94244-2090

Submitted via email: fgc@fgc.ca.gov

CC: California Department of Fish and Wildlife, Marine Region

RE: Opposition to Petition 2023-32MPA — Duxbury Reef State Marine Conservation Area Redesignation

Dear Commissioners and Department Staff,

We are writing as the team at Palace Market to express our strong opposition to the petition asking the Fish and Game Commission to redesignate Duxbury Reef as a State Marine Reserve, which would effectively close the reef to fishing.

Our store sources fish directly from local anglers who fish these waters, and we've built that relationship over years because it matters - to our business, to our customers, and to this community. Closing Duxbury Reef would not just affect a handful of hobbyists. It would eliminate a working source of food for the people who buy from our counter every week.

There is real value in a short supply chain. Fish caught at Duxbury Reef reaches our customers within hours, not days or weeks. It requires no refrigerated freight, no overseas processing, and no long-haul trucking, all of which carry a far heavier environmental footprint than a local angler with a rod and a bucket. When customers ask us for the most sustainable option in the case, the answer is often the fish caught a few miles from where we're standing. Closing this fishery doesn't reduce environmental impact; it pushes our customers toward seafood with a larger one.

There's also a resilience argument here that's easy to overlook. Local, small-scale fisheries like this one diversify where our community's food comes from. When supply chains are disrupted, as they have been in

recent years, communities with functioning local food systems fare better than those entirely dependent on distant, centralized sources. A healthy relationship between local grocers and local anglers is part of what makes a community food-secure, not just food-convenient.

We also want to note that even the petitioning organization's own monitoring data undercuts the case for closure: 2024 reporting documented well over a hundred potential violations at Duxbury Reef, and not one involved hook-and-line fishing. The overwhelming majority involved unauthorized hand collection of intertidal species and issues related to dogs on the beach, not the anglers whose catch stocks our shelves. We would ask the Department to weigh this discrepancy carefully, as it directly contradicts the premise that fishing access is driving harm to the reef.

We understand that CDFW's own draft evaluation of this petition already recommends against redesignating Duxbury Reef to the more restrictive reserve status, while supporting only a boundary adjustment that would not reduce existing take allowances. As a local business that depends on that continued access, we strongly support that recommendation and urge the Commission to adopt it as written.

The anglers who supply our store aren't strangers to this coastline, many have fished these waters for decades, some for generations. They have a genuine stake in the reef's health, because their livelihood depends on it lasting. Treating them as a threat to be regulated out, rather than a community with skin in the game, misses an opportunity to build real partners in conservation.

If the goal is genuine preservation, there are more targeted paths forward: increased warden presence during peak visitation, continued support for the existing volunteer docent program, and tighter restrictions on dog access in the sensitive intertidal zone itself. These address the documented sources of disturbance without cutting off a small business's access to the most sustainable seafood available to this community.

We urge the Department and Commission to reject the redesignation of Duxbury Reef and instead pursue solutions that protect the reef while preserving the local fishing access that keeps our store, and this community's food system, connected to the coast we all depend on.

Sincerely,

The Team at Palace Market
Brit Hartwell, General Manager
Point Reyes Station

From: The Goose & Fern <thegooseandfern@gmail.com>
Sent: Wednesday, July 29, 2026 8:04 PM
To: FGC
Subject: Opposition to Petition 2023-32MPA — Duxbury Reef State Marine Conservation Area Redesignation

The Goose and Fern
116 5th St
Santa Rosa, CA 95401
thegooseandfern@gmail.com

July 29, 2026

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

CC: California Department of Fish and Wildlife, Marine Region

RE: Opposition to Petition 2023-32MPA — Duxbury Reef State Marine Conservation Area Redesignation

Dear Commissioners and Department Staff,

We are writing as the team at The Goose & Fern to express our strong opposition to the petition asking the Fish and Game Commission to redesignate Duxbury Reef as a State Marine Reserve, which would effectively close the reef to fishing.

Our kitchen sources fish directly from local anglers who fish these waters, and we've built that relationship over years because it matters, to our restaurant, to our guests, and to this community. Closing Duxbury Reef would not just affect a handful of hobbyists. It would eliminate a working source of food for the people who cook for, and dine with, us every week.

There is real value in a short supply chain. Fish caught at Duxbury Reef reaches our kitchen within hours or days, not weeks. It requires no refrigerated freight, no overseas processing, and no long-haul trucking, all of which carry a far heavier environmental footprint than a local angler with a rod and a boat. When guests ask us about the most sustainable dish on the menu, the answer is often the fish caught just an hour from where they're sitting. Closing this fishery doesn't reduce environmental impact; it pushes our menu toward seafood with a larger one.

There's also a resilience argument here that's easy to overlook. Local, small-scale fisheries like this one diversify where our community's food comes from. When supply chains are disrupted, as they have been in recent years, communities with functioning local food systems fare better than those entirely dependent on

distant, centralized sources. A healthy relationship between local restaurants and local anglers is part of what makes a community food-secure, not just food-convenient.

We also want to note that even the petitioning organization's own monitoring data undercuts the case for closure: 2024 reporting documented well over a hundred potential violations at Duxbury Reef, and not one involved hook-and-line fishing. The overwhelming majority involved unauthorized hand collection of intertidal species and issues related to dogs on the beach, not the anglers whose catch ends up on our plates. We would ask the Department to weigh this discrepancy carefully, as it directly contradicts the premise that fishing access is driving harm to the reef.

We understand that CDFW's own draft evaluation of this petition already recommends against redesignating Duxbury Reef to the more restrictive reserve status, while supporting only a boundary adjustment that would not reduce existing take allowances. As a local business that depends on that continued access, we strongly support that recommendation and urge the Commission to adopt it as written.

The anglers who supply our kitchen aren't strangers to this coastline, many have fished these waters for decades, some for generations. They have a genuine stake in the reef's health, because their livelihood depends on it lasting. Treating them as a threat to be regulated out, rather than a community with skin in the game, misses an opportunity to build real partners in conservation.

If the goal is genuine preservation, there are more targeted paths forward: increased warden presence during peak visitation, continued support for the existing volunteer docent program, and tighter restrictions on dog access in the sensitive intertidal zone itself. These address the documented sources of disturbance without cutting off a small business's access to the most sustainable seafood available to this community.

We urge the Department and Commission to reject the redesignation of Duxbury Reef and instead pursue solutions that protect the reef while preserving the local fishing access that keeps our kitchen, and this community's food system, connected to the coast we all depend on.

Sincerely,

The Team at The Goose & Fern
Clyde & Brit Hartwell

Comments for August 12th FGC Meeting: Agenda Item 2

From Isabel Dawson [REDACTED]
Date Thu 07/30/2026 01:32 PM
To FGC <FGC@fgc.ca.gov>
Cc Ashcraft, Susan [REDACTED] ashley [REDACTED]

Dear Commissioners,

Please see the **three attached comment letters** to be submitted under **Agenda Item 2: General Public Comment**, for the upcoming August 12th Fish & Game Commission meeting.

These comments may have been emailed directly to FGC previously, but we want to ensure they reach the right address and make it on the record.

Thank you for your consideration.

Best,

Isabel Dawson
Policy Associate
Environmental Action Committee of West Marin (EAC)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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July 03, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA

Dear Eric Sklar,

I am writing to provide public comment on Duxbury Reef Petition #2023-32MPA for your review at upcoming Fish & Game Commission meetings.

I support the staff recommendation to "grant in concept" the northern and southern boundary expansions at Duxbury Reef State Marine Conservation Area, which proposes to include the currently unprotected intertidal habitat in a State Marine Conservation Area.

The northern unprotected part of the reef is extremely important for larval connectivity, is adjacent to important seabird nesting areas and a marine mammal colony, and may be increasingly important as a climate refuge for intertidal communities moving north. The southern unprotected part of the reef holds rare and sensitive species and hosts a harbor seal colony year-round. Protecting this rare and productive habitat will improve larval connectivity and the reef's resilience to climate change.

Protecting these ecologically connected areas benefits not only the health of intertidal creatures, but also enhances the recreational and educational access of the ~95% of people who visit Duxbury Reef to tidepool, take walks, learn, and study.

I urge the Commission to protect this special place by adopting the Department's recommendation and protecting the north and south intertidal habitat within a State Marine Conservation Area. The full extent of Duxbury Reef's sensitive and biodiverse habitat deserves to be protected for current and future generations.

Thank you for considering my comments.

Sincerely,
Daniel Edelstein

A rectangular area of the document has been redacted with a solid grey box, likely covering a signature or contact information.

July 28, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA: Agenda Item 2

Dear Eric Sklar,

I am writing to provide public comment on Duxbury Reef Petition #2023-32MPA for your review at upcoming Fish & Game Commission meetings.

I support the staff recommendation to "grant in concept" the northern and southern boundary expansions at Duxbury Reef State Marine Conservation Area, which proposes to include the currently unprotected intertidal habitat in a State Marine Conservation Area.

The northern unprotected part of the reef is extremely important for larval connectivity, is adjacent to important seabird nesting areas and a marine mammal colony, and may be increasingly important as a climate refuge for intertidal communities moving north. The southern unprotected part of the reef holds rare and sensitive species and hosts a harbor seal colony year-round. Protecting this rare and productive habitat will improve larval connectivity and the reef's resilience to climate change.

There is a great deal of misunderstanding around the Duxbury MPA and increased science, signage and communication is needed for the community and visitors to understand the complexity and the need for increased marine protection. Protecting these ecologically connected areas benefits not only the health of intertidal creatures, but also enhances the recreational and educational access of the ~95% of people who visit Duxbury Reef to tidepool, take walks, learn, and study.

I urge the Commission to protect this special place by adopting the Department's recommendation and protecting the north and south intertidal habitat within a State Marine Conservation Area. The full extent of Duxbury Reef's sensitive and biodiverse habitat deserves to be protected for current and future generations.

Thank you for considering my comments.

Sincerely,
David McGuire

[Redacted]
[Redacted]

July 28, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA: Agenda Item 2

Dear Eric Sklar,

I am writing to provide public comment on Duxbury Reef Petition #2023-32MPA for your review at upcoming Fish & Game Commission meetings. I have been a resident of California for my entire life, born in San Francisco, and lived for 35 years on the coast in Pacifica, California. I was able to walk on the beach every single day. I have also spent many days exploring the coastline and marveling at the diversity of life found in the ocean. My children attended Ocean Shore Alternative School, where a yearly project, Oceans Week, allowed the entire school community to learn more about the importance of the ocean ecology and balance. We spent three days in Point Reyes and two days at Fort Ross. For these reasons, I am passionate about preserving as much as we can about the oceans around us, and how they benefit us.

I support the staff recommendation to "grant in concept" the northern and southern boundary expansions at Duxbury Reef State Marine Conservation Area, which proposes to include the currently unprotected intertidal habitat in a State Marine Conservation Area.

The northern unprotected part of the reef is extremely important for larval connectivity, is adjacent to important seabird nesting areas and a marine mammal colony, and may be increasingly important as a climate refuge for intertidal communities moving north. The southern unprotected part of the reef holds rare and sensitive species and hosts a harbor seal colony year-round. Protecting this rare and productive habitat will improve larval connectivity and the reef's resilience to climate change.

Protecting these ecologically connected areas benefits not only the health of intertidal creatures, but also enhances the recreational and educational access of the ~95% of people who visit Duxbury Reef to tidepool, take walks, learn, and study. This needs to include our children and grandchildren.

I urge the Commission to protect this special place by adopting the Department's recommendation and protecting the north and south intertidal habitat within a State Marine Conservation Area. The full extent of Duxbury Reef's sensitive and biodiverse habitat deserves to be protected for current and future generations.

Thank you for considering my comments.

Sincerely,
Joanne Simonson

[Redacted signature block]

June 18, 2026

California Fish and Game Commission

P.O. Box 944209

Sacramento, CA 94244-2090



RE: Supplemental Letter for Inclusion in the Administrative Record in Response to Environmental Action Committee of West Marin (EAC) May 11, 2026 Statement Regarding Petition 2023-32MPA (Duxbury Reef SMCA)

Dear Commissioners:

Save Duxbury Access (SDA) submits this supplemental letter to its perfected administrative record to the California Fish and Game Commission in the matter of Petition 2023-32MPA, filed by the Environmental Action Committee of West Marin (EAC). This submission is intended to preserve our objections, requests, and supporting arguments for the record and to ensure they are considered in any Commission action on the petition. This letter supplements and incorporates by reference all prior submissions and objections previously filed by Save Duxbury Access in this proceeding.

This letter in response to the May 11, 2026 statement from the Environmental Action Committee of West Marin ("EAC"), published in the Bolinas Hearsay News, announcing further changes to Petition 2023-32MPA. The May 11 statement raises three distinct concerns that, taken together, render the current proposal unsuitable for grant on the existing record: **(i) it materially mischaracterizes CDFW's March 2026 recommendation; (ii) it advances regulatory language that was never before CDFW when CDFW evaluated the petition and that the Department has confirmed cannot now be incorporated into its evaluation; and (iii) it was published outside any formal amendment procedure the Commission has authorized**, deepening a pattern of post-deadline revisions announced without a refiled FGC-1 (14 CCR § 662), without notice under Bagley-Keene (Cal. Gov. Code § 11125.7), and without engagement with the Bolinas community most directly affected.

I. CDFW Did Not Recommend What EAC Now Claims.

EAC's May 11 statement asserts that its current request "supports CDFW's recommendation." It does not. CDFW recommended that the Commission **deny the no-take State Marine Reserve reclassification** and grant only in concept limited boundary expansions designed to protect intertidal habitat while **maintaining existing commercial and recreational take allowances**. CDFW further found that EAC's underlying claims of confusion and violations were **unsubstantiated by enforcement data**, noted that officers issued **zero citations at Duxbury from 2019 through 2025**, and concluded that improved signage, education, and outreach could be "just as or more effective" as redesignation. EAC's restatement of "support" elides each of these findings.

II. The Petition CDFW Evaluated Is Not the Petition Now Before the Commission.

On February 11, 2026, CDFW Marine Region Manager Dr. Craig Shuman confirmed on the record that CDFW's evaluations are completed *"on the petitions as they were referred to the department by the commission with the information that we had at the time of referral,"* and that *"all this new information that's coming in is not getting incorporated into the evaluations."* (Cal-Span, FGC mtg. of Feb. 11, 2026.) The petition CDFW formally evaluated in March 2026 sought no-take SMR reclassification on a defined boundary set. The current proposal—SMCA with "clarifying language" requiring "no take in rocky intertidal tidepool areas" and fishing only "by casting from the rocks or beach to waters beyond the intertidal zone," combined with an undefined northern boundary expansion—is materially different. EAC has not refiled FGC-1 as required by 14 CCR § 662; its supporting materials, letters of support, and MPA Watch data still reference the original 2023 no-take SMR proposal; and CDFW has not had the opportunity (or, on Dr. Shuman's account, the ability) to incorporate any of the post-referral amendments into its evaluation. **The Commission is being asked to grant a proposal that no agency in the regulatory chain has formally reviewed.**

The April 2026 San Mateo hearing made the consequences of this drift concrete. CDFW recognized Duxbury Reef's importance to Bolinas and broader Marin County as a multi-use coastal area supporting tidepooling, wildlife viewing, shore-based fishing, and commercial and recreational fishing offshore, and specifically identified the northern offshore area as part of the **most valuable fishing block** for the hook-and-line California halibut fishery out of the port of Bolinas. When Commissioner Zavaleta asked the petitioner to define the proposed northern boundary, EAC offered **"200 feet or 500 feet,"** could not identify whether that distance was measured from the high-tide line or low-tide line, and offered to "follow up." Commissioner Zavaleta correctly observed that **"those details matter."** Whether the boundary is 200 feet at mean high tide or 500 feet at mean lower low water determines whether the most valuable hook-and-line halibut block out of Bolinas is preserved or eliminated. A proposal that cannot define its core regulatory line at the public hearing has not yet crystallized into a petition the Commission can lawfully evaluate.

III. The May 11 Language Creates a De Facto SMR That CDFW Recommended Against.

EAC's proposed "clarifying language"—"no take in rocky intertidal tidepool areas" and fishing only "by casting from the rocks or beach to waters beyond the intertidal zone"—is **functionally impossible to comply with** at Duxbury Reef. The rocky intertidal extends hundreds of feet from shore at low water; Bolinas residents and visitors fish on and around the reef structure itself; and the configuration of the reef makes casting "beyond" the intertidal from shore physically impracticable. The language would foreclose shore-based fishing, eeling, spearfishing, and any future recovery of abalone harvest within the SMCA. In substance, it converts the SMCA into the **no-take SMR that CDFW expressly recommended denying**. No site-specific evidence has been provided to justify restrictions that differ materially from the petition CDFW evaluated.

IV. The Commission Has Permitted Asymmetric Procedural Treatment.

The procedural posture of Petition 2023-32MPA has departed from the Commission's own *August 2023 MPA Regulation Change Petition Framework*. Commissioner Murray acknowledged on February 11, 2026 that the Commission has *"pretty clearly discouraged people from talking about their petitions for the last couple years"* and noted her discomfort that petitioners who submitted in 2023 "have not had the opportunity to talk about their petitions." (Cal-Span, FGC mtg. of Feb. 11, 2026.) Commissioner Anderson stated at the Goleta meeting on May 6, 2026 that "because the advocate from Duxbury, uh, keeps asking about it ... *you can add additional items to each one of these things* when we make the final determination." (Cal-Span, FGC mtg. of May 6, 2026, 4:41:27.) President Sklar described the practice as an "iterative process" through which a petitioner may "submit a letter, [and] it'll be considered as part of the decision making that we make down the road." (Id. at 2:23:59.)

This latitude has been extended to EAC. It was not extended to SDA. Commission staff's April 11, 2026 letter rejected SDA's submittal as **"non-regulatory"** while expressly inviting SDA to use the April 21, 2026 regional MPA petitions meeting to **"share and briefly present"** its proposal as an alternative to Petition 2023-32MPA. At the last minute, SDA was denied presentation time and relegated to public comment. The same April 11 letter stated that the Commission was **"not accepting new MPA-related petitions"** for the current process—even as EAC has, since that date, been permitted to alter its petition's designation, boundary, and operative take language through an undefined "informal iterative process" without a refiled FGC-1 and without prior notice to the affected community. The disparity is reinforced by Dr. Shuman's acknowledgment on February 11, 2026 that an "alternative pathway"—including non-regulatory measures—is part of the Commission's Bin 1 grant-with-alternative-pathway architecture, a pathway the Commission has applied to other petitions but appears to have foreclosed in this proceeding by classifying SDA's submission as outside the regulatory stream entirely.

V. The Iterative Practice Implicates Notice and Meaningful-Comment Requirements.

The Bagley-Keene Open Meeting Act requires that the public be given a meaningful opportunity to comment on matters actually before the Commission. (Cal. Gov. Code § 11125.7.) The current record contains multiple materially different versions of Petition 2023-32MPA—the original December 2023 no-take SMR petition; the November 2025 southern-boundary amendment; the April 2026 hearing pivot to SMCA with an undefined northern boundary expansion; and the May 11, 2026 introduction of "clarifying language" that, in operation, creates a no-take zone—each announced through different channels, none of them through a refiled FGC-1. As public commenter Mollie Lounibos observed on the record, *"as this petition has materially transformed ... the materials that stand no longer align with this new proposal, including their letters of support, anecdotal observations, MPA watch survey data, as well as their primary justification."* (Cal-Span, FGC mtg. of May 6, 2026, 6:11:23.) The April 2026 hearing exchange about whether the boundary was at "200 feet or 500 feet" is the practical embodiment of a moving-target proposal. A petition whose operative terms remain unsettled at the time of the noticed public hearing cannot satisfy § 11125.7's meaningful-comment guarantee.

VI. EAC Has Not Met the MLPA's Expectations for Local Engagement or Site-Specific Justification at Duxbury.

Throughout this process, EAC has failed to engage in **free, prior, and informed consultation** with the Bolinas community most directly affected. The petitioner has not hosted a single public meeting in Bolinas or West Marin. EAC's representation that the petition enjoys "strong community support" is contradicted by the absence of any such meetings. The *Marine Life Protection Act* and its Master Plan, including *Chapter 4 (Adaptive Management)*, built the existing MPA network through Regional Stakeholder Groups, a Blue Ribbon Task Force, and dedicated outreach into coastal communities (including translation into five languages). "Stakeholder process" is, in this regime, a term of art that carries substantive procedural weight. A petition seeking to alter the MPA network without engaging the affected coastal community departs from the very architecture under which the SMCA was established.

Independent evidence in the administrative record also undercuts the premise of a Duxbury-specific emergency. Long-term UC Santa Cruz/MARINe monitoring at Bolinas Point shows variability consistent with statewide trends rather than a site-specific collapse, and CDFW law-enforcement data show zero citations at Duxbury since 2019.

VII. EAC's "Completely Unprotected" Framing Is Not Accurate.

EAC's public communications describe the proposed expansion areas as "currently unprotected intertidal habitat." That framing materially understates the protections already in place. Within the existing Duxbury Reef SMCA, take of intertidal invertebrates and seaweeds is already prohibited. Recreational take is limited to finfish and abalone (currently closed until 2036), and is subject to generally applicable Title 14 regulations, including size limits, bag limits, seasons, gear restrictions, and license requirements. Commercial fishing is not allowed inside the SMCA and remains subject to those same statewide rules outside the MPA boundaries. The shoreline and offshore expansion areas are further covered by the Duxbury Reef Area of Special Biological Significance (ASBS), Point Reyes National Seashore, and Greater Farallones National Marine Sanctuary, as well as the Marine Life Management Act framework, the federal Marine Mammal Protection Act, the Migratory Bird Treaty Act, and the California Coastal Act on the landward side. CDFW's own evaluation acknowledges that the current SMCA already prohibits intertidal invertebrate and seaweed take and that redesignation to an SMR would not add meaningful additional protection for those resources. EAC's "unprotected" language therefore misstates both the existing regulatory baseline and the incremental effect of the proposed boundary expansions and SMR-style restrictions.

VIII. Relief Requested.

For the foregoing reasons, Save Duxbury Access respectfully requests that the Commission:

1. **Deny Petition 2023-32MPA in its entirety**, including the SMR reclassification and boundary expansions originally sought and each of the post-deadline amendments that were not formally filed on FGC-1, evaluated by CDFW against a stable referral package, or noticed to the affected community through a clearly defined process; or, in the alternative,

2. **Direct that any continued consideration of Petition 2023-32MPA proceed only after EAC files a new FGC-1** reflecting the proposal in its current form, the petition is re-noticed under 14 CCR § 662 and Cal. Gov. Code § 11125, CDFW is afforded a re-set evaluation period against that stable record, and Bolinas-area stakeholder outreach is completed;
3. **Give meaningful weight to SDA’s community-based stewardship alternative**—anchored on signage, education, outreach, and collaborative management—as a “grant with alternative pathway” of the type CDFW has previously identified as available within the Commission’s Bin 1 architecture (see Dr. Craig Shuman, Cal-Span, Feb. 11, 2026), consistent with CDFW’s conclusion that signage, education, and outreach may be “just as or more effective” tools at Duxbury Reef; and
4. **Place on a future Commission agenda the question whether amended MPA-related petitions must be supported by documented local stakeholder outreach** in the affected community before being advanced for Commission action.

Please file this letter in the official administrative record for Petition 2023-32MPA and confirm its inclusion in the record for any future Commission review or action on this matter. Save Duxbury Access expressly reserves all rights to seek judicial review, including under *California Code of Civil Procedure § 1085*, with respect to any final Commission action taken on a record that does not address the foregoing.

Attached are supporting materials documenting the evolution of the petition, the discrepancies between EAC’s public claims and CDFW’s findings, the regulatory regime already in place, and the procedural irregularities that have disadvantaged the Bolinas community throughout this process.

Respectfully submitted,

Save Duxbury Access

Save Duxbury Access is a grassroots group of Bolinas residents who believe in protecting Duxbury Reef while keeping access open for fishing (both commercial and recreational), surfer access, tidepooling, and reef educational programs for schools. Protecting access ensures that our children will nurture a connection with nature and continue our longstanding tradition of responsible stewardship in Bolinas, California.

Attachment A: EAC Post-Deadline Amendments — Petition 2023-32MPA

Version	Designation	Boundary Expansion	Allowed Take	FPIC / Filing Channel
2023 (Original Petition)	SMR — No-take	Defined northern and southern boundaries	None — complete no-take zone	FGC-1 filed; no Bolinas public meetings; minimal outreach; “strong community support” claim disputed
March 2025	DEADLINE FOR AMENDMENTS	DEADLINE FOR AMENDMENTS	DEADLINE FOR AMENDMENTS	DEADLINE FOR AMENDMENTS
November 2025	SMR — No-take	Southern boundary amendment to address asymmetry	None — complete no-take zone	Amendment discovered by community through third party; confirmed by EAC at meeting
April 2026 (San Mateo Hearing)	SMCA (no longer seeking SMR)	Undefined northern boundary expansion; southern expansion as defined in November 2025	Verbally endorsed CDFW fishing protections but could not define the northern boundary when questioned by Commissioner Zavaleta (“200 feet or 500 feet ... I would imagine from mean high tide”)	No FGC-1 filed for materially changed petition; major amendments announced at hearing with no prior community notice
May 11, 2026 (Local Press)	SMCA with “clarifying language” (functionally an SMR)	Northern expansion (still undefined) and southern expansion as defined in November 2025	“Clarifying language” includes “no take in rocky intertidal tidepool areas” + fishing only by “casting from rocks/beach beyond intertidal zone” (functionally equivalent to no-take SMR given reef configuration); continues to assert to have “eliminated all commercial impacts” despite northern boundary remaining undefined	Amendment published in Bolinas Hearsay News (Local Press) rather than filed with the Commission. No FGC-1 filed; no prior notice or community engagement; CDFW has confirmed post-referral amendments are not incorporated into its evaluation (Shuman, 2/11/26)

Key Questions:

- Has any version after March 2025 been formally submitted via a new FGC-1 form?
- Have supporting materials been updated to reflect and justify the post-deadline changes?
- What version of the petition is actually before the Commission for decision?
- Why was this petition allowed an “informal iterative process” while Save Duxbury Access was told the Commission was “not accepting new MPA-related petitions”?
- How can the Commission evaluate whether fishing impacts have been “eliminated” when the petitioner could not define the northern boundary with precision at the April hearing?
- Given CDFW Marine Region Manager Dr. Craig Shuman’s on-record statement that “all this new information that’s coming in is not getting incorporated into the evaluations,” how can EAC accurately represent that its May 11 proposal “supports CDFW’s recommendation”?

Attachment B: What CDFW Actually Recommended

CDFW did not support EAC's no-take proposal. The Department recommended that the Commission **deny the SMR reclassification** and only **grant in concept** limited boundary expansions that protect intertidal habitat **without restricting existing commercial or recreational fishing.**

No enforcement crisis

- CDFW found EAC's claims of confusion and violations **"unsubstantiated by enforcement data"**
- Officers issued **zero citations** at Duxbury from 2019–2025
- MPA Watch data are **not designed to document violations**; EAC characterized all handling of organisms as "potential violations"
- CDFW concluded **signage, education, and outreach** could be **"just as or more effective"** as redesignation

No-take conversion conflicts with original MPA purpose

- CDFW found the SMR proposal **does not align with the MPA's original intent** and would **unnecessarily eliminate established uses** vetted during MLPA planning
- Current SMCA already prohibits intertidal invertebrate and seaweed take; SMR would **not add meaningful protection**
- CDFW recommended petitioners work with Bolinas community on **outreach and education** instead

Fishing community impacts

- CDFW recognized Duxbury as important to Bolinas and **broader Marin County** for multiple uses including shore-based and offshore fishing
- Northern offshore area is **the most valuable halibut fishing block** for Bolinas hook-and-line fleet
- **Few alternative fishing locations** exist in Marin County

Boundary uncertainty at April hearing

- When asked how far north boundary would extend, petitioner offered **"200 feet or 500 feet"** without clarity on measurement baseline
- Petitioner initially answered **"from mean high tide, I would imagine ... we can follow up"**
- Commissioner Zavaleta: **"those details matter"**—difference determines whether halibut grounds are lost
- Undercuts claim that fishing impacts were already resolved

May 11 amendment creates functional no-take zone

- EAC's proposed language requires "no take in rocky intertidal tidepool areas" and fishing only by "casting from the rocks or beach to waters beyond the intertidal zone"
- **Functionally impossible to comply with** at Duxbury Reef where rocky intertidal extends hundreds of feet from shore
- Bolinas residents and visitors fish on and around the reef structure itself, not by casting over it from sand
- Would eliminate shore-based fishing, eeling, spearfishing, and future abalone harvest
- Creates **de facto no-take zone functionally equivalent to the SMR** that CDFW explicitly recommended denying
- No site-specific evidence provided to justify new restrictions that differ substantially from evaluated petition
- May 11 language was never before CDFW when CDFW completed its March 2026 evaluation; per CDFW Marine Region Manager Dr. Craig Shuman (Cal-Span, Feb. 11, 2026), "all this new information that's coming in is not getting incorporated into the evaluations"

No site-specific emergency

- Long-term monitoring shows variability **consistent with statewide trends**, not a Duxbury-specific crisis
- CDFW found **no critical new information** warranting SMR redesignation
- Unclear whether SMR would provide **greater benefit than outreach and education**

CDFW did not endorse the petition as filed

- Department found proposed boundaries **do not align with feasibility guidelines** and would need refinement
- Recommended only an **alternative pathway** with redesigned boundaries that protect intertidal habitat without unnecessarily restricting fishing

Duxbury treated differently from other Bin 2 petitions

- Other **Bin 2 petitions** required substantial **site-specific evidence** and **stakeholder consensus** before consideration; this proposal provides neither while seeking restrictions that **CDFW explicitly recommended denying**
- CDFW found **no critical new information**, **no enforcement crisis**, and **no Duxbury-specific emergency**—yet the Commission is being asked to expand boundaries based on a **weaker evidentiary standard** than applied to other communities under the **Bin 2 framework**
- Commissioner Murray acknowledged on Feb. 11, 2026 that the Commission has "pretty clearly discouraged people from talking about their petitions for the last couple years"—yet EAC has been heard repeatedly on Petition 2023-32MPA, including a recorded "iterative" dialogue at the Goleta meeting on May 6, 2026

- Commissioner Anderson stated on May 6, 2026 that “you can add additional items to each one of these things”—generalizing the practice from a Duxbury-specific accommodation into an emerging rule of decision being created outside any rulemaking under the California APA

Existing regulatory protections rebut EAC’s “completely unprotected” framing

- **Title 14 CCR fishing regulations:** size limits, bag limits, season closures, gear restrictions, and California fishing license requirements apply throughout the proposed expansion area
- **Marine Life Management Act** (Fish & Game Code §§ 7050 et seq.): statewide framework governing sustainable management of marine fisheries, fishery management plans, and ecosystem-based management
- **Marine Mammal Protection Act** (16 U.S.C. §§ 1361 et seq.): federal protection for the resident harbor seal colony year-round
- **Migratory Bird Treaty Act** (16 U.S.C. §§ 703 et seq.): federal protection for adjacent seabird nesting populations
- **Endangered Species Act** (federal and state): protection for any listed species transiting or using the area
- **California Coastal Act:** governs land-side activity adjacent to the reef and coastal access
- **Marine Life Protection Act + Master Plan, Chapter 4 (Adaptive Management):** existing MPA network already underpins the SMCA designation through a structured stakeholder process (RSGs, Blue Ribbon Task Force, five-language outreach)
- CDFW’s own evaluation acknowledged that the proposed SMR redesignation **would not add meaningful protection** beyond what the current SMCA and statewide framework already provide
- **Current Duxbury Reef SMCA:** prohibits take of intertidal invertebrates and seaweeds (the protection EAC seeks to add is already in place for those resources)

Attachment C: EAC Amendment to Petition 2023-32MPA (5/11/26)

Monday, May 11, 2026

Bolinas Hearsay News

page 6

DUXBURY REEF UPDATE: The CA Department of Fish & Wildlife (CDFW) has recommended* protecting the **full extent** of Duxbury Reef's **intertidal** habitat within a **State Marine Conservation Area (SMCA)**, the current designation.

**Recommendations are not final decisions. The Fish & Game Commission still needs to vote around August, and can consider amendments and other information not in the original petition.*

EAC's Updated April 2026 Position on Duxbury Reef Petition

EAC has revised our petition request based on stakeholder input and CDFW's recommendation. EAC supports CDFW's recommendation to "grant in concept" the northern and southern boundary expansions at Duxbury Reef, which would make this currently unprotected intertidal habitat a State Marine Conservation Area. CDFW's recommendation would not impact recreational or commercial fishing in the expanded areas and would better protect other sensitive intertidal life. EAC is requesting smaller amended boundaries and consistent clarified language that protects intertidal sea life and reduces visitor confusion while maintaining most recreational fishing. We are suggesting the SMCA language allows for recreational fishing from shore, but hook and line only, and no take in rocky intertidal tidepool areas.

Image below from EAC's 4/21 presentation. Learn more at the QR code. Reach out with any questions/to share input.

CDFW Recommendation EAC Current Request

March 2026	April 12, 2026 Letter
1 SMCA > SMCA Keep Duxbury Reef an SMCA.	Same
2 3 Boundary Expansions "Grant in concept" northern and southern boundary expansions as SMCAs: do not restrict existing commercial or recreational take allowances beyond new intertidal protections in these areas; do not change existing SMCA.	Boundary Expansions Adopt CDFW recommendation + use November 2025 amended boundaries to make the entire area a single SMCA with uniform regs.
	Add language clarifications to protect tidepool marine life



Learn more:

eacmarin.org/duxburypetition

What does this mean for recreational and commercial fishing?

If CDFW's recommendation is adopted, the reef **would not become a no-take reserve**. Recreational fishing would **continue** within the current marine protected area and the expanded SMCA. The boundary expansions would focus protection on the intertidal, **eliminating impacts to commercial fishing**.

The **language clarifications** EAC is additionally advocating for would still allow for **most fishing** at Duxbury Reef—casting a line from the rocks or beach to the waters beyond the intertidal zone.

Will this impact non-consumptive uses of the reef? I.e., tidepooling, dog walking, education, surfing, research, etc.

These recreational, non-consumptive uses would still be allowed. CDFW's recommendation and EAC's current position would not change or restrict any of these uses.

How will protecting the full reef habitat provide benefits for reef creatures and visitors?

The **northern** unprotected part of the reef is vital for larval connectivity, adjacent to important seabird nesting areas and a marine mammal colony, and will likely increasingly become a climate refuge for intertidal communities moving north. The **southern** unprotected part of the reef holds rare and sensitive species and hosts a harbor seal colony year-round. Including this rare and productive habitat in an SMCA would protect larval connectivity and improve climate change resilience. CDFW's recommendation also identifies benefits.

When intertidal health is protected, and marine life is abundant and diverse, the recreational and educational experiences of all visitors improve.

[Reproduction of EAC announcement published in Bolinas Hearsay News, May 11, 2026 — see attached PDF page]

From: Save Duxbury Access <saveduxburyaccess@gmail.com>
Sent: Wednesday, June 17, 2026 5:57 PM
To: FGC; Miller-Henson, Melissa [REDACTED]
Cc: Ashcraft, Susan [REDACTED] Shuman, Craig [REDACTED] Eckerle, Jenn [REDACTED] Esgro, Michael [REDACTED] Waggoner, Claire [REDACTED] Kord, Eric [REDACTED] farallones@noaa.gov; anne_altman@nps.gov; Chris.Chamberlain@MarinCounty.gov; calla@mpacollaborative.org
Subject: Re: Submission of Save Duxbury Access Administrative Remedy – Petition 2023-32MPA (Duxbury Reef SMCA)
Attachments: SDA_Admin_Remedies_V2 6-17-2026.pdf

Dear Executive Director Miller-Henson and Commissioners,

Please find attached Version 2 of Save Duxbury Access's Administrative Remedy regarding the Duxbury Reef MPA and related petitions. This updated version replaces our earlier submission.

We respectfully request that the Commission accept Version 2 into the record and consider it in its decision-making. Please confirm receipt at your convenience.

Respectfully,

Mollie Lounibos
Save Duxbury Access
Bollinas, California

On Tue, Apr 14, 2026 at 5:56 PM Save Duxbury Access <saveduxburyaccess@gmail.com> wrote:

Dear Executive Director Miller-Henson and Commissioners,

After careful and thorough consideration of the Commission's proceedings regarding the Duxbury Reef MPA and related petitions, Save Duxbury Access has submitted the attached Administrative Remedy to the Commission.

Save Duxbury Access respectfully requests that the Commission give due consideration to our comments and concerns as outlined in the attached letter, including our formal legal challenge to staff's rejection of our February 2026 regulatory petition, our objections to proceeding with boundary expansion on the current record, and our proposed Adaptive Management Plan as a regulatory alternative.

We remain committed to constructive dialogue aimed at resolving these matters and to making every practical effort to avoid formal litigation. We appreciate the opportunity to contribute to the record in advance of the April 15–16 Commission meeting and the April 21 regional MPA petitions meeting,

and we stand ready to answer any questions or provide additional information the Commission may require.

Respectfully,

Mollie Lounibos
Save Duxbury Access
Bollinas, California

SAVE DUXBURY ACCESS
P.O. Box 55, Bolinas, Marin County, California 94924

June 17, 2026

California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, California 95814
Attn: Commission Secretary, Executive Director Melissa A. Miller-Henson, and All Commissioners

RE: Perfected Administrative Record (Version 2) — Petition 2023-32MPA (Duxbury Reef SMCA)
Formal Objection to Any Commission Action on a Materially Amended and Un-Evaluated Petition Configuration | Formal Objection to the Commission's Departure From Its Own Adopted MPA Petition Framework | Renewed Challenge to the Staff Rejection and “non-regulatory” Reclassification of the SDA Petition | Continued Objections to Boundary Expansion Without a Functioning AMP, a CEQA Cumulative Impact Analysis, and a Socioeconomic Baseline | Objection to Improper Deference to Federal Wilderness and 30×30 Agendas | Preservation of All Rights Under CEQA, the APA, the Bagley-Keene Open Meeting Act, CCP Sections 1094.5 and 1085, and the MLPA

Dear Commissioners:

I. INTRODUCTION: SCOPE AND PURPOSE OF THIS VERSION 2 UPDATE

Save Duxbury Access (SDA) — the Bolinas-rooted community organization submits this Version 2 update to its perfected administrative record to the California Fish and Game Commission (the Commission) in the matter of Petition 2023-32MPA, filed by the Environmental Action Committee of West Marin (EAC). This submission is made pursuant to Public Resources Code Section 21177, Code of Civil Procedure Sections 1094.5 and 1085, the California Administrative Procedure Act, the Bagley-Keene Open Meeting Act, and the Commission's procedures for public comment on Marine Protected Area (MPA) petitions under the Marine Life Protection Act (MLPA).

This update is filed in a procedural posture that has materially changed since Version 1 was submitted on April 12, 2026. The Commission's April 15-16 and April 21, 2026 regional meetings have occurred, and the Commission has now articulated, on the record, the schedule by which it intends to resolve the Bin 2 petitions, including Duxbury Reef 2023-32MPA:

- **June 2026** — no MPA business on the Commission's agenda.
- **August 2026 (Sacramento)** — a third meeting day is added to receive the Ocean Protection Council (OPC) evaluation and recommendations, the CDFW report on the five tribal-led petitions, and a JEDI-approach report, with limited public comment on receipt.
- **Between August and October** — “30,000-foot” Commission deliberation; per the on-record intervention of the Commission's own legal counsel, public comment remains open through the October meeting.
- **October 2026** — formal grant/deny vote on each petition (or on individual actions within each petition), with one or two additional days added if needed, and a possible slip to an October-receive / December-vote sequence if the tribal-led work is incomplete by August.

The practical effect of this schedule is that the window in which SDA must preserve its procedural objections in the administrative record is now approximately ninety to one hundred fifty days. This Version 2 update is filed to ensure that every objection SDA may later raise on judicial review has first been presented to the Commission in writing, consistent with the exhaustion-of-administrative-remedies doctrine.

All substantive legal arguments advanced in Version 1 of this administrative record — including the CEQA cumulative impact deficiency, the Bin 2 evidentiary inconsistency, the APA least-burdensome-alternative requirement, and the socioeconomic and JEDI policy deficiencies — are fully incorporated herein by reference and remain operative. The April 11, 2026 letter from Executive Director Miller-Henson, entered into the record by Version 1, likewise remains part of the record. Version 2 repositions the record for the August-receipt / October-vote posture and adds the following:

- **Section II** — Formal objection that the regulatory action the Commission is now being urged to adopt is a materially amended configuration of EAC's petition that CDFW never evaluated and the public was never noticed to comment upon, in violation of the APA and the MLPA Master Plan.
- **Section III** — Formal objection that the Commission's conduct of this proceeding has departed from its own adopted August 2023 MPA Petition Framework, with supporting reference to the Commission's own on-record statements at its February 11, May 6 (Goleta), and May 19 (San Clemente), 2026 meetings.
- **Section IV** — Renewed and strengthened challenge to the “non-regulatory” reclassification of the SDA petition, demonstrating from the Commission's own record that the regulatory / non-regulatory line it invoked is not consistently applied.
- **Section IX** — Formal objection to the Commission's improper deference to federal wilderness designation processes and the executive 30×30 conservation target, neither of which may lawfully displace the Commission's independent state mandate.

The remaining sections restate and update SDA's positions on the CDFW SMR denial, boundary expansion, AMP sequencing, CEQA, the federal/30×30 governance conflict, socioeconomic analysis, and SDA's formal requests, which are revised to reflect the procedural posture as of June 17, 2026.

II. THE COMMISSION CANNOT LAWFULLY ACT ON A MATERIALLY AMENDED, UN-EVALUATED PETITION CONFIGURATION

The regulatory action EAC now urges the Commission to adopt is not the petition CDFW evaluated. Over the course of this proceeding, EAC's petition has materially changed, and the most consequential changes were introduced after the petition was referred to CDFW and after CDFW's evaluation was already underway. The Commission cannot lawfully grant a regulatory action on this moving-target record without first restoring the APA and MLPA Master Plan procedures that a material amendment requires.

A. The Configuration Before the Commission Is a Compound of Material Changes CDFW Never Evaluated

Read together, EAC's April 12, 2026 letter and its April 21, 2026 regional-meeting presentation ask the Commission to adopt a regulatory action that is a compound of three distinct elements: (a) CDFW staff's March 2026 “grant in concept” recommendation on boundary expansion; (b) EAC's November 26, 2025 boundary amendment, which CDFW conceded it “could not consider” in its evaluation; and (c) new

SMCA regulatory text that EAC introduced for the first time in its April 12, 2026 letter — including a “hook-and-line only” gear restriction, a prohibition on take from tidepools, and a prohibition on the take of geological and cultural resources from tidepools.

None of elements (b) or (c) was the subject of a CDFW evaluation, an Initial Statement of Reasons under Government Code Section 11346.2, a Notice of Proposed Action under Government Code Section 11346.4, or a 45-day public comment period directed to that specific regulatory text. The Commission's own practice of designating formal amendments with “AM1” / “AM2” suffixes confirms that its procedural architecture contemplates a formal, traceable amendment process — not letter-based, ad hoc modification at any time up to the moment of a vote.

B. EAC Has Admitted, and CDFW Has Confirmed on the Record, That the Evaluations Are Frozen at the Referral Package

This is not a contested factual matter requiring SDA to prove anything. EAC's own April 12, 2026 letter states that CDFW's evaluation “could not consider” the November 2025 amendment. And at the Commission's February 11, 2026 meeting, CDFW Marine Region Manager Dr. Craig Shuman confirmed on the record that the formal evaluations CDFW was completing are based on the petitions “as they were referred to the department by the commission with the information that we had at the time of referral,” and that “all this new information that's coming in is not getting incorporated into the evaluations.” President Sklar accepted that characterization, agreeing that “the iterative process will . . . take place at those [regional] meetings.”

CDFW Marine Region Manager Shuman further stated, at the Commission's February 11, 2026 meeting, that an iterative process in which the agency receives and incorporates new information as it goes “is not the process that has been set up.” The August 2023 MPA Petition Framework's bifurcated structure — Commission referral, then CDFW evaluation, then Commission decision — cannot logically accommodate a substantive amendment introduced at a stage when the CDFW evaluation has already been completed against a frozen referral package. The Commission would be voting on a configuration its own expert staff never analyzed.

C. Adoption Without Fresh APA Notice and an Initial Statement of Reasons Would Be Reversible Error

Two strands of the APA are directly implicated. First, under Government Code Section 11346.4, the specific SMCA regulatory text EAC introduced on April 12, 2026 was never the subject of a Notice of Proposed Action containing that text. Adoption without fresh notice and a 45-day comment period directed to the operative language is reversible error. Second, under Government Code Section 11346.2, there is no Initial Statement of Reasons in the record explaining the necessity of the new provisions — the gear restriction, the tidepool take exclusion, and the geological / cultural take prohibition. Adoption without an ISOR fails the APA's reasoned-decision-making requirement. The Commission's certified regulatory program status does not relieve it of these core APA obligations.

D. Treating 30×30 Preferences as Binding Direction Would Be an “Underground Regulation”

To the extent the Commission treats Ocean Protection Council policy preferences or the Governor's 30×30 Executive Order (N-82-20) as binding direction requiring it to expand or upgrade protection at Duxbury Reef, it would be applying a “standard of general application” that has not been adopted as a regulation under the APA. Government Code Section 11340.5 prohibits the enforcement of such underground regulations. SDA addresses the substance of this improper deference in Section IX below;

here it is sufficient to note that any reliance on those external policy preferences as the operative justification for regulatory action is independently defective under the APA.

E. The Morphed Configuration Was Not Produced by the Master Plan's Required Process

The Commission is bound by the MLPA Master Plan, including the Science Advisory Team's alongshore-span guidelines and the adaptive-management protocols set out in Chapter 4 of the Master Plan. The amended configuration now before the Commission was not produced by the Science Advisory Team review, the ecological siting analysis, or the Regional Stakeholder Group and Blue Ribbon Task Force process that the Master Plan requires. “Stakeholder process” and “iterative” are terms of art in the MLPA regime that carry substantive procedural weight; they cannot be satisfied by the receipt of a letter at a regional meeting. Acting on the morphed configuration would therefore depart from the Master Plan as well as from the APA.

III. THE COMMISSION'S CONDUCT OF THIS PROCEEDING HAS DEPARTED FROM ITS OWN ADOPTED PETITION FRAMEWORK

The defects identified in Section II are not isolated. They are symptoms of a broader pattern in which the Commission has substituted an undefined, ad hoc set of practices for the formal MPA Petition Framework it adopted in August 2023 and the adaptive-management process set out in Chapter 4 of the 2016 Master Plan. SDA places the following objections on the record, each supported by the Commission's own statements at its public meetings, which are part of the official Cal-Span record of those proceedings.

A. Substitution of an Undefined “Iterative” Practice for the Formal Amendment Procedure

At the Commission's May 6, 2026 Goleta meeting, President Sklar characterized the petition review as an “iterative process” in which any party may “submit a letter” at any time before a vote, to “be considered as part of the decision making.” When challenged, President Sklar acknowledged that the word “iterative” “was used in the original MPA process to mean something very specific,” and that he was “using it generally.” At the February 11, 2026 meeting, Executive Director Miller-Henson conceded that the Commission's practice as to petitioner participation has “evolved over time,” and Commissioner Zavaleta sought to cabin the practice as something the Commission is doing “in a contained way following the [Decadal Management Review]” in order to “avoid setting a different expectation.” These are admissions that the Commission is operating outside its written Framework. As shown in Section II, CDFW's confirmation that the formal evaluations do not incorporate the iterative submissions completes the picture: the “iterative” practice is not integrated with the evaluation pipeline on which the Commission's decision is supposed to rest.

B. Asymmetric Procedural Treatment of Similarly Situated Parties

Inconsistent application of procedural rules to similarly situated parties is the paradigm of arbitrary and capricious administrative action. At the February 11, 2026 meeting, the Commission's own Vice-President, Commissioner Murray — who chairs the Commission's MPA petition effort — stated on the record that she was “a little uncomfortable” that, for those who “submitted petitions over two years ago,” the Commission has “very clearly asked them” not to speak and they “have not had the opportunity” to address their petitions, even as a newly arriving submitter received podium time. She added that “ceded time or not, we have . . . pretty clearly discouraged people from talking about their petitions for the last couple years,” and called for transparency about “what it takes to be able to get extra time so that everyone has the same opportunity.” President Sklar's response — “we've discouraged it, but it hasn't stopped it” — confirms the absence of an enforceable, neutrally applied rule.

C. Moving-Target Amendments Impair the Public's Right to Meaningful Comment

If a petition may be amended by letter at any time up to the moment of the vote, then by definition the public cannot exercise its right under Bagley-Keene Open Meeting Act Section 11125.7 to address the Commission on the operative proposal before the Commission acts. Members of the public raised precisely this defect on the record, noting that as the Duxbury petition “materially transformed” it was unclear whether EAC had filed a new FGC-1 form or whether its existing support letters, anecdotal observations, and MPA Watch data still aligned with the new proposal — and describing the “moment of iterative absurdity” at which it was not known whether new restrictions “would be measured from low water or from high, be at 200 feet or at 500 feet.” The structural mismatch between what was noticed and what is in fact being considered at the time of decision is confirmed by CDFW's admission that the evaluations do not incorporate the later material.

D. The Proposed Closure of the Administrative Record Was Without Authority

At the May 19, 2026 San Clemente meeting, the presiding Commissioner President proposed that the Commission “close the record” after the August meeting so as to “take no more comment written or in person or on Zoom” at the October meeting. The Commission's own legal counsel intervened on the record, stating that “as a general rule, you don't have any authority to just close the administrative record,” and that he was “worried about you trying to close the administrative record” without identifiable authority. Commissioner Zavaleta observed that closing the record after August “does not give the public a chance to respond to whatever it is that we recommend in October.” The Commission subsequently acknowledged that it “cannot not take public comment on an item” and that comment would remain open “until we vote” in October. SDA requests written confirmation, for the record, that the administrative record will remain open and public comment will be accepted through the October 2026 vote.

E. Pre-Petition Engagement With the EAC Petitioner Is Now Corroborated on the Record

At the February 11, 2026 meeting, Executive Director Miller-Henson referred on the record to “the conversations that had been taking place with the petitioner who submitted a petition in 2023.” That reference corroborates the community's prior concern, raised at the Goleta meeting, that Commissioners had indicated awareness of the Duxbury Reef petition “literally years before it was formally submitted.” Substantive pre-petition engagement between Commissioners or staff and a prospective petitioner, while not categorically impermissible, raises concerns of appearance of partiality, potential ex parte communication in a quasi-adjudicative posture, and potential Bagley-Keene serial-meeting exposure. SDA places this concern on the record and reserves all rights with respect to it.

IV. THE “NON-REGULATORY” RECLASSIFICATION OF THE SDA PETITION CANNOT REST ON A NEUTRALLY APPLIED RULE

Version 1 of this record formally challenged the April 11, 2026 determination by which Commission staff rejected SDA's February 2026 regulatory petition under Title 14, Section 662, on the ground that the Adaptive Management Plan (AMP) proposal does not constitute a “regulation.” That challenge is renewed and strengthened here. The Commission's own record now demonstrates that the regulatory / non-regulatory distinction the staff invoked is not applied consistently or on settled criteria, and therefore cannot support the rejection of SDA's petition.

A. The SDA Petition Proposed a Specific Amendment to an Existing California Regulation

SDA's petition proposed to incorporate the AMP's binding trigger system, monitoring obligations, and Advisory Council governance structure into Title 14, Section 632(b)(50) — the regulation that governs the Duxbury Reef SMCA. An amendment to a specific provision of the California Code of Regulations governing how an SMCA is managed, and applying to all persons and agencies with jurisdiction over the site, is a “rule . . . of general application” within the meaning of Government Code Section 11342.600. That is a regulatory change. The Miller-Henson letter's contrary conclusion is stated without supporting reasoning.

B. The Rejection Was Unexplained and Unreasoned

The April 11, 2026 letter does not identify which element of SDA's FGC-1 filing was deficient, does not identify which required category under Section 662(b) was unmet, and cites no Commission precedent for concluding that a proposed amendment to Title 14 fails to qualify as a regulatory change. An administrative determination that fails to articulate the factual or legal basis for its conclusion is not adequately reasoned for purposes of administrative or judicial review. The Commission must place on the record a written explanation, supported by specific citation to APA authority and Commission procedure, of the basis for the determination.

C. The Commission Itself Does Not Consistently Apply the Regulatory / Non-Regulatory Line

The Commission's own record establishes that the line on which the rejection rests is porous in both directions. At the May 19, 2026 San Clemente meeting, President Sklar stated that “everything is regulatory,” and that items “within the petitions” are properly considered by the Commission when it grants or denies; the Executive Director took the position that non-regulatory items are “a separate list” off the formal vote sheet; and CDFW Marine Region Manager Shuman identified a “third option” — “grant with alternative pathway” — that the Commission had “used” in the Bin 1 petitions and that “could be the non-regulatory measure.” At the February 11, 2026 meeting, President Sklar conceded that “anybody can submit anything as a regulatory thing and then we deny it . . . that's a process that we . . . can't really change,” and Commissioner Murray acknowledged she would “like to discourage” improper filings but identified no mechanism to do so. A classification that the Commission applies case-by-case under unwritten criteria, and that its own members describe inconsistently, cannot supply a principled, neutrally applied basis for rejecting SDA's petition while accepting EAC's parallel petition for full evaluation.

D. Disparate Treatment of Parallel Petitions Is an Abuse of Discretion Under CCP Section 1085

EAC's petition and SDA's petition both propose changes to the same regulation — Title 14, Section 632(b)(50) — governing the same geographic area, and both were submitted on FGC-1 forms. The Commission accepted EAC's petition for full staff evaluation while rejecting SDA's as “non-regulatory,” with the apparent consequence that negotiations on SDA's AMP were suspended. This disparate treatment of substantively parallel petitions, without a principled legal distinction, is an arbitrary and capricious exercise of the Commission's procedural authority cognizable as an abuse of discretion under Code of Civil Procedure Section 1085. SDA reserves all rights to seek judicial review of the April 11 rejection under CCP Section 1085, independently of and in addition to any broader challenge under CCP Section 1094.5.

E. Formal Entry of the Miller-Henson Letter and SDA's Response

The April 11, 2026 Miller-Henson letter remains entered in the official administrative record of Petition 2023-32MPA pursuant to Version 1 of this record and Public Resources Code Section 21167.6 as written evidence submitted to the Commission. SDA's responses to each operative ruling in that letter — contesting the rejection of the regulatory petition, declining to concede that non-regulatory reception is a procedurally equivalent substitute for petition evaluation, contesting the suggestion that SDA coordinate with EAC's outreach program, and acknowledging the MPA Collaborative only as a supplemental rather than a substitute pathway — are restated and preserved in full.

V. CDFW'S DENIAL OF 2023-32MPA_1 IS CORRECT AND MUST BE FORMALLY ADOPTED

SDA formally affirms and endorses CDFW's recommendation to deny petition 2023-32MPA_1, the request to reclassify Duxbury Reef SMCA as a no-take State Marine Reserve. The evidentiary record CDFW compiled independently confirms each of the following findings.

A. Zero Enforcement Citations Refute the Petitioner's Core Factual Claim

CDFW Marine Enforcement District data show that officers visited Duxbury Reef SMCA throughout 2019 to 2025 and issued zero citations for violating MPA regulations during that period. Of the nearly 1,000 “potential violations” logged by EAC's own MPA Watch program, only a handful per year were reported to enforcement, the majority involving offshore boat-based fishing rather than intertidal take. As a member of the public summarized on the record at the Goleta meeting, “CDFW law enforcement reported zero citations at Duxbury since 2019.” The enforcement problem EAC identifies as the justification for SMR reclassification does not exist in the empirical record.

B. EAC's MPA Watch Methodology Is Overbroad and Unreliable

CDFW correctly found that characterizing all “hand collection of biota, including the handling of organisms while participating in tidepooling activities” as potential violations is methodologically unsound. MPA Watch is a passive observation program not designed to document regulatory violations, and EAC — the organization that prepares the Marin County MPA Watch reports — had an inherent conflict of interest in characterizing routine tidepool visitation as evidence of widespread non-compliance. The Commission should place on the record a specific finding that EAC's MPA Watch data, as presented in petition 2023-32MPA_1, does not constitute objective evidence of a regulatory enforcement problem.

C. An SMR Would Add No Meaningful Intertidal Protection

The existing SMCA regulations already prohibit the harvest of invertebrates and seaweed from the rocky intertidal habitat. CDFW confirmed that reclassification to an SMR “would not result in additional regulatory protection for the rocky intertidal habitat” — the precise habitat EAC claims to protect. The only take SMR designation would eliminate is shore-based recreational finfish fishing and, when the moratorium eventually lifts, abalone — activities culturally and economically vital to the Bolinas community and deliberately preserved in the MLPA Initiative planning process.

D. The Duxbury Docent Program Demonstrates the Effectiveness of the Education-First Approach

CDFW's evaluation notes a measurable decrease in potential violations following implementation of the Duxbury Docent program in January 2021 — a community-led stewardship model of exactly the kind that

SDA's AMP Framework formalizes and scales. This is direct empirical support for SDA's core contention: targeted outreach and education, properly resourced and institutionally supported, is at least as effective as regulatory reclassification in achieving this SMCA's ecological protection goals.

VI. THE BOUNDARY EXPANSION RECOMMENDATIONS CANNOT PROCEED ON THE CURRENT RECORD

SDA's opposition to the grant-in-concept for boundary expansion is not reflexive opposition to all boundary modification. It is a legally grounded objection to proceeding without the site-specific evidence, functioning governance structure, socioeconomic baseline, and procedural sequencing that law and sound administrative practice require.

A. CDFW Applied Inconsistent Evidentiary Standards Across Bin 2 Petitions

In Bin 2 petitions 2023-14MPA, 2023-33MPA, 2023-34MPA, and 2023-24MPAAM — all recommended for denial — the dispositive grounds included the absence of site-specific evidence of ecological need; conflict with the original intent of the MPA as established in the MLPA Initiative; proposed changes that would not improve MPA Network design under the science guidelines; significant adverse socioeconomic impacts on coastal fishing communities; and the availability of non-regulatory alternatives such as education, outreach, and enforcement. Each of these grounds applies with equal or greater force to the Duxbury boundary expansion, yet CDFW reaches a different result. CDFW's affirmative case rests on the general ecological importance of shale reef habitat, climate-resilience principles applicable statewide, and alignment with Science Advisory Team alongshore-span guidelines — none of which is a site-specific finding. CDFW's own evaluation acknowledges that its long-term monitoring site is located “north of the most heavily visited portion of the reef, which limits the ability to assess the direct effects of human visitation” in the very areas proposed for new SMCA designation.

In petition 2023-34MPA (Point Buchon), CDFW denied a change because it “does not align with original intent of the MPA.” CDFW's own evaluation of 2023-32MPA acknowledges that the Blue Ribbon Task Force “did not advance” the northern expansion alternative “given the proposed fishing restrictions . . . and the proximity of other proposed MPAs that would have further restricted fishing.” The northern expansion now recommended encompasses exactly the area the Task Force deliberately excluded. The Commission must require CDFW to provide a written explanation, placed in the record, for why the evidentiary and procedural standards that produced denial in the comparable Bin 2 petitions do not apply with equal force here. Absent such an explanation, adopting the expansion is an arbitrary departure from the Commission's own analytical framework, cognizable as an abuse of discretion under CCP Section 1085.

B. The Blue Ribbon Task Force Deliberately Excluded the Northern Expansion Area

The North Central Coast Regional Stakeholder Group and Blue Ribbon Task Force considered and rejected proposals that would have included the northern portion of Duxbury Reef's rocky intertidal habitat within the MPA boundary. That rejection reflected a determination that the fishing restrictions required to encompass that area were disproportionate to the ecological benefit, given the significance of that coastline to the Bolinas fishing community and the proximity of other restrictive MPAs. Revisiting that deliberate compromise without the site-specific evidence, stakeholder process, and regulatory sequencing the MLPA requires is not adaptive management — it is the circumvention of adaptive management.

C. The Northern Expansion Zone Overlaps the Most Economically Significant Fishing Block for the Port of Bolinas

CDFW's own Figure 1 and supporting analysis confirm that Commercial Fishing Block 447 — which directly overlaps both proposed expansion zones, particularly the northern expansion — is the most valuable block for the hook-and-line California halibut fishery operating out of the Port of Bolinas. Commercial fishermen report actively fishing within 1,000 feet of shore in the northern expansion area when conditions permit. CDFW's alternative pathway asserts the new SMCAs would be designed to maintain existing commercial and recreational take, but the boundaries and take regulations for those SMCAs have not been defined. Until they are, the assurance that commercial fishing will be preserved is a promise in a staff evaluation, not a guarantee in regulation. The Commission cannot approve boundary expansion in concept while leaving the precise protections for commercial fishing undefined and unenforceable.

VII. THE ADAPTIVE MANAGEMENT PLAN MUST PRECEDE ANY BOUNDARY EXPANSION

SDA's February 2026 petition proposes to amend Title 14, Section 632(b)(50) to incorporate a binding, site-specific Adaptive Management Plan into the regulatory framework governing Duxbury Reef SMCA, grounded in Fish and Game Code Sections 2852(a), 2853(c)(3), and 7050(b). Notwithstanding the procedural determination addressed in Section IV, the AMP remains the least burdensome regulatory alternative on the current record and must be evaluated as such before any boundary expansion proceeds. As the AMP Framework states, “the addition of an effective site-specific management plan to the existing SMCA . . . should be approved and implemented before any expansion of the area of the SMCA is contemplated.”

A. The AMP Is Required to Establish the Baseline the Commission Needs

CDFW acknowledges there is no site-specific scientific evidence of ecological harm in the proposed expansion zones. Without a baseline monitoring program specifically covering those areas — which the AMP would establish through partnership with the UC Santa Cruz long-term intertidal program and College of Marin — the Commission cannot determine whether expansion is ecologically necessary, whether its boundaries are calibrated to actual conditions, or whether its take regulations are proportionate to documented threats. Designating new SMCAs before establishing that baseline inverts the scientific process the MLPA requires.

B. The AMP Provides the Governance Structure for CDFW's Own Outreach Mandate

CDFW's evaluation recommends “comprehensive outreach and education” on three separate occasions. SDA's proposed Duxbury Advisory Council — modeled on the Bolinas Lagoon Advisory Council — would convene CDFW, Marin County Parks, the National Park Service, the Greater Farallones National Marine Sanctuary, the Bolinas-Stinson Union School District, the Bolinas Rod and Boat Club, College of Marin, and tribal representatives. Without the Advisory Council there is no institutional structure to implement CDFW's own recommendations. To ensure the AMP has a durable institutional sponsor with the capacity to enter binding cooperative agreements and persist across decades, SDA is actively developing a permanent local-governance vehicle to administer the AMP, with the intention of transitioning sponsorship from SDA to that institution upon its formation; the cooperative-agreement architecture available under California law provides the durable framework the Commission has indicated it requires.

C. The AMP Is the Least Burdensome Regulatory Alternative Under the APA

Government Code Section 11346.3 requires the Commission to adopt the least burdensome means of achieving its mandate. CDFW denied 2023-32MPA_1 in part because “targeted outreach and education can be just as, or more, effective than changes in MPA regulations.” That proportionality logic applies with identical force to boundary expansion: if ecological concerns at the existing SMCA can be addressed through non-regulatory means, then concerns in the expansion zones — where CDFW has identified no site-specific threats — can certainly be addressed by non-regulatory means before a new SMCA is imposed.

D. The AMP's Traffic Light System Provides the Adaptive Management Flexibility the MLPA Requires

The AMP incorporates a data-responsive Traffic Light trigger system: under GREEN conditions (stable invertebrate populations, resilient kelp, high biodiversity per UCSC / MARINE data), the status quo continues; under YELLOW conditions (statistically significant localized decline linked to human interaction), the Advisory Council implements targeted temporary measures; under RED conditions (critical systemic ecosystem failure), the Council triggers emergency convention with all relevant agencies. This provides the adaptive-management tools the MLPA requires without the irreversible socioeconomic consequences of preemptive boundary expansion.

VIII. CEQA REQUIRES A CUMULATIVE IMPACT ANALYSIS BEFORE ANY BOUNDARY EXPANSION

The Commission's authority to adopt MPA regulations is subject to the California Environmental Quality Act. Certified regulatory program status does not exempt the Commission from CEQA's core substantive mandates. In *Pesticide Action Network North America v. California Department of Pesticide Regulation*, the court held that a certified regulatory program must comply with CEQA's fundamental requirements, including a comprehensive cumulative impact analysis. In *Mountain Lion Coalition v. Fish and Game Commission* (1989), the court affirmed a peremptory writ directing this Commission to prepare an environmental document with a legally sufficient cumulative impact analysis before proceeding with a regulatory action under the Fish and Game Code. Neither the EAC petition nor the CDFW staff evaluation contains the cumulative impact analysis CEQA requires. The following analyses are absent from the record and must be completed before the Commission acts.

A. Effort Displacement (“Shifting Effort”) Analysis

If new SMCAs are designated with take restrictions on boat-based commercial fishing, the effort currently conducted there will be displaced into adjacent open areas. This displacement is a reasonably foreseeable indirect physical change in the environment that CEQA Guidelines Section 15355 requires to be analyzed. The Commission must identify where displaced effort will concentrate, the baseline conditions of the receiving waters, and whether new fishing pressure will trigger localized stock depletion or habitat degradation. A meaningful cumulative impact analysis under CEQA Guidelines Section 15130 must assess the aggregate regional effect of all reasonably foreseeable closures — not the Duxbury expansion in isolation.

B. Greenhouse Gas and Vessel Transit Analysis

When commercial and recreational vessels are displaced from near-shore grounds, they must travel greater distances to viable alternatives, increasing fuel consumption and greenhouse gas emissions — a quantifiable physical consequence that CEQA's climate provisions require to be analyzed. Neither the

EAC petition nor the CDFW evaluation addresses this. The Commission's CEQA obligation does not disappear because the petitioner and CDFW have failed to address it.

C. No Cumulative Analysis of Concurrent West Marin Closures

The record must reflect the cumulative context of all reasonably foreseeable MPA regulatory changes along the relevant stretch of the Marin coastline, including other petitions pending before the Commission that may further restrict access to regional fishing grounds. The Commission cannot lawfully approve the Duxbury boundary expansion as an isolated action while ignoring the cumulative burden imposed on the fishing community when that action is considered together with existing restrictions and other pending changes.

IX. NO DEFERENCE TO EXECUTIVE 30×30 AGENDAS

A recurring theme in this proceeding is a potential general deference to executive conservation agendas and general climate conditions that lie outside the Commission's jurisdiction. SDA places the following objections on the record and incorporates by reference its separately filed letter of notice concerning jurisdictional conflict and the absence of cumulative impact analysis.

A. The Commission's Mandate Is Defined by California Law, Not Federal Policy

The Commission derives its authority from the California Constitution and the Fish and Game Code. The constitutional public-trust over the State's fish and wildlife is a state function answerable to California's citizens. The Commission does not serve as an instrument of federal environmental policy, a surrogate for the OPC or other agencies, or an implementing body for executive orders. Should the Commission allow its proceedings to be leveraged as part of the federal wilderness designation aims of NGOs or other agencies, or outside conservation targets such as 30×30, it would be operating outside its lawful authority.

B. Federal Wilderness Designation Beneath & Adjacent to Duxbury Proposed Boundaries is a Unique Vulnerability

The federal wilderness designation process under the Wilderness Act of 1964 applies to federally managed lands and waters and runs through Congress, not through public comment periods with fishing communities. The Commission should note that EAC — the petitioner here — has simultaneously been a lead advocate for wilderness-designation expansion at Point Reyes National Seashore, including the marine-wilderness conversion of Drakes Estero, following the elimination of “non-conforming uses” such as motorized boats and commercial activity associated with oyster farming, and ranching. Enabling the federal wilderness logic of the petitioner, which is by design hostile to consumptive and commercial use, into a state MLPA proceeding that is built on community input, stakeholder process, sustainable use, and adaptive management, would be procedurally inappropriate. The Commission should articulate, on the record, the distinction between federal wilderness management and assumptions, and California's state waters, state fishing rights and management, and state-controlled boundaries, and continue to conduct this proceeding accordingly.

C. The 30×30 Initiative Is an Executive Directive, Not a Legislative Mandate Binding the Commission

Executive Order N-82-20 directs state agencies to work toward conserving 30 percent of California's lands and coastal waters by 2030. An executive order is not legislation; it does not amend the Fish and Game Code, expand the Commission's authority, or alter its constitutional trust obligations. The indiscriminate application of a 30×30 acreage target to Duxbury Reef — without independent, California-specific scientific justification — substitutes an executive policy preference for the evidence-based

regulatory process the Commission is required to follow, and it disproportionately burdens a small, unincorporated coastal community. As Section VII explains, the State's own 30×30 Roadmap recognizes that community stewardship counts; the Commission's fastest and most equitable path to the State's conservation objectives at Duxbury is to recognize a functioning community stewardship area, not to impose a poorly sequenced boundary expansion.

D. The Ocean Protection Council's Agenda Does Not Supersede the Commission's Statutory Mandate

The Ocean Protection Council may play an important advisory and coordinating role, but it is not the Commission, and its policy priorities do not bind the Commission. The Commission may not lawfully subordinate its independent regulatory judgment to the OPC's agenda or treat OPC-aligned advocacy and OPC-funded science as foreclosing the Commission's obligation to evaluate independently the rights and interests of California anglers, commercial fishermen, and coastal communities. SDA requests that the Commission clarify, on the record, the distinct and subordinate role of the OPC in these proceedings.

X. A COMPLETE SOCIOECONOMIC IMPACT ANALYSIS IS REQUIRED BY COMMISSION POLICY

The Commission's Coastal Fishing Communities Policy (adopted February 2024) commits the Commission to support management options that sustain the social and economic stability of coastal fishing communities while minimizing adverse regulatory impacts. The Commission's Justice, Equity, Diversity and Inclusion (JEDI) Policy requires that regulatory actions not impose disproportionate burdens on marginalized or low-income communities. The current record satisfies neither policy with respect to the proposed expansion zones.

A. Commercial Halibut Fishery at Block 447

A complete socioeconomic baseline must quantify the total annual revenue derived from Commercial Fishing Block 447; the number of vessels and permit holders dependent on it; the geographic availability of alternative grounds given the existing density of MPAs in Marin County; and the downstream effects on shoreside businesses in the Port of Bolinas. CDFW's evaluation references the block's significance but does not produce this analysis. The Commission cannot make a finding of Coastal Fishing Communities Policy compliance on the current record.

B. Subsistence Fishing and JEDI Compliance

Duxbury Reef's Agate Beach access point is the only walk-in, vehicle-accessible intertidal reef shoreline in Marin County for subsistence fishers and gatherers who lack offshore vessels or the means to travel to distant alternatives. Any regulatory action restricting access falls disproportionately on low-income residents of Bolinas and surrounding West Marin. As the region becomes increasingly housing-stressed and economically polarized, Duxbury Reef represents a vital, irreplaceable subsistence resource for working families. A formal JEDI analysis must precede any boundary designation affecting this access.

XI. REMAINING PROCEDURAL DEFICIENCIES

A. All Petitions and Requests Affecting Duxbury Reef Must Be Considered Together

Whether SDA's February 2026 filing is evaluated as a regulatory petition or as a non-regulatory request — a characterization SDA contests — the Commission must consider it concurrently with, and as an alternative to, the boundary expansion recommendations arising from 2023-32MPA. The MLPA's

adaptive-management mandate, the APA's least-burdensome-alternative requirement, and CEQA's obligation to consider a reasonable range of alternatives each independently require that the AMP be before the Commission when it acts on boundary expansion. Proceeding on expansion while the AMP awaits evaluation in a separate, subordinated process would fracture the record and deprive the Commission of the full range of regulatory alternatives the law requires.

B. The Pattern of Prejudgment Remains Part of the Record

At the February 11, 2026 hearing, statements from the dais characterized SDA's AMP filing as “not regulatory” and as “a letter” before CDFW staff had completed their evaluation and while the public comment period remained open. The April 11 Miller-Henson letter formalized that characterization into a written staff determination. Read together with the on-record admissions catalogued in Sections II through IV, these events document a pattern of pre-determination regarding SDA's petition and an asymmetry of treatment favorable to EAC that are inconsistent with the Commission's obligation to provide a fair administrative process. SDA places these events in the record and reserves all rights arising from them.

XII. FORMAL REQUESTS TO THE COMMISSION

In order to exhaust all available administrative remedies and preserve all rights to judicial review under Code of Civil Procedure Sections 1094.5 and 1085, SDA formally requests that the Commission take the following actions:

1. **PROCEDURALLY RESET THE EAC PETITION OR HALT ITS EVALUATION.** Require EAC to file a new FGC-1 form reflecting all material amendments to its petition, including the November 2025 boundary amendment and the April 12, 2026 SMCA regulatory text; re-open formal public comment on the operative, amended proposal; and re-set the CDFW evaluation timeline so the evaluation matches what is in fact before the Commission, consistent with CDFW's confirmation that its evaluations do not incorporate post-referral material. Failing the above, halt further evaluation of the evolved EAC proposal as not properly before the Commission under Title 14, Section 662, and the APA.
2. **RECONSIDER THE “NON-REGULATORY” CLASSIFICATION OF THE SDA PETITION.** Provide a written statement of the basis for the classification, including the underlying authority, the decision-maker, and the date; correct the classification, consistent with the principle articulated by President Sklar that items within a petition are appropriately considered by the Commission and with the Bin 1 “grant with alternative pathway” precedent identified by CDFW; and resume negotiations on the Adaptive Management Plan immediately.
3. **CONFIRM THE PROCEDURAL BASELINE FOR THE AUGUST RECEIPT AND OCTOBER VOTE.** Confirm in writing that the administrative record will remain open and public comment will be accepted through the October 2026 vote, consistent with the on-record intervention of Commission counsel at San Clemente on May 19, 2026; that any further material amendment to a petition before the vote will be made on a fresh FGC-1, re-noticed, and subject to a renewed comment period; and that the draft regional-meeting process will be published in writing, with a public comment period, in advance of the August 2026 meeting.
4. **ADOPT THE CDFW DENIAL OF 2023-32MPA_1.** Formally adopt CDFW's recommendation to deny petition 2023-32MPA_1, and place on the record a specific finding that the zero-citation enforcement record, the methodological deficiencies in EAC's MPA Watch data, and the

demonstrated effectiveness of the Duxbury Docent program each independently support the denial.

5. **REQUIRE A WRITTEN LEGAL EXPLANATION OF THE PETITION REJECTION.** Direct Commission counsel or staff to produce a written explanation, placed in the official record, identifying the specific APA provision and the specific deficiency in SDA's FGC-1 filing that supports the conclusion that a proposed amendment to Title 14, Section 632(b)(50) does not constitute a regulatory change.
6. **EVALUATE THE AMP AND CONDITION ANY EXPANSION ON PRIOR AMP EVALUATION AND BASELINE DATA.** Direct CDFW to evaluate SDA's AMP framework on its merits as a complete regulatory alternative to boundary expansion, and do not advance boundary designation under 2023-32MPA_2 or 2023-32MPA_3 until (a) the AMP has been formally evaluated and the Commission has determined on the record whether it is a sufficient alternative; (b) a site-specific scientific and socioeconomic baseline study for the expansion zones has been completed; and (c) the Duxbury Advisory Council has been formally convened.
7. **REQUIRE A CEQA CUMULATIVE IMPACT ANALYSIS.** Prior to any final action on boundary expansion, direct CDFW to prepare a cumulative impact analysis under CEQA Guidelines Sections 15355 and 15130 addressing (a) effort displacement from the expansion zones into adjacent open areas; (b) compounding effects of any concurrent or reasonably foreseeable closures in West Marin; and (c) greenhouse gas consequences of increased vessel transit distances.
8. **REQUIRE A COMPLETE SOCIOECONOMIC IMPACT ANALYSIS.** Direct CDFW to conduct a site-specific socioeconomic impact analysis of the expansion zones, with particular attention to (a) the commercial halibut fishery's dependence on Block 447; (b) subsistence fishing patterns in the expansion areas; and (c) JEDI and Coastal Fishing Communities Policy compliance.
9. **ADDRESS THE BIN 2 INCONSISTENCY ON THE RECORD.** Require CDFW to provide a written explanation for why the evidentiary standards that supported denial in petitions 2023-14MPA, 2023-33MPA, 2023-34MPA, and 2023-24MPAAM do not apply with equal force to the Duxbury boundary expansion, or modify the recommendation accordingly.
10. **ARTICULATE THE COMMISSION'S INDEPENDENCE FROM FEDERAL WILDERNESS, 30×30, AND OPC AGENDAS.** Articulate, on the record, that each restriction applicable to the Duxbury Reef MPA is grounded exclusively in California law and California-specific fisheries science; analyze and protect against federal wilderness designation objectives and vulnerabilities enabled by Commission regulatory decisions within state-jurisdictional waters; demonstrate that the proceeding is not structured to satisfy a 30×30 acreage target; and clarify the distinct and subordinate role of the Ocean Protection Council.
11. **ENTER ALL AUGUST AND OCTOBER MATERIALS INTO THE ADMINISTRATIVE RECORD.** Direct Commission staff to enter all materials presented by SDA and other parties at the August 2026 and October 2026 meetings, and at any continued or rescheduled meeting on Petition 2023-32MPA, into the official administrative record of Petition 2023-32MPA and any related proceedings.

XIII. CONCLUSION

Since Version 1 of this record was submitted, the Commission's own meetings have clarified the procedural posture and, in doing so, deepened rather than resolved the core legal deficiencies in the administrative record. The petition the Commission is being urged to adopt is a materially amended configuration its own staff never evaluated and the public was never noticed to comment upon. The Commission has, by its own members' on-record admissions, substituted an undefined “iterative” practice for the formal Framework it adopted in August 2023, applied procedural latitude unevenly across petitioners, and entertained closing the administrative record without authority. The “non-regulatory” classification of SDA's petition rests on a distinction the Commission itself does not consistently apply. And the record still lacks the CEQA cumulative impact analysis, the site-specific ecological and socioeconomic baseline, and the defined commercial-fishing protections that law requires before any boundary expansion.

SDA's position remains what it has been throughout this proceeding: the Commission should deny EAC's SMR petition, as CDFW has recommended; should decline to act on any materially amended configuration until proper APA notice, an Initial Statement of Reasons, a fresh CDFW evaluation, and the Master Plan's stakeholder process have been observed; should condition any boundary expansion on the prior adoption of a functioning Adaptive Management Plan and the completion of site-specific baseline studies; and should require the CEQA cumulative impact analysis the law demands before any final regulatory action. These are not unreasonable requests. They are what the MLPA, CEQA, the APA, the Bagley-Keene Act, and the Commission's own policies require.

SDA is prepared to implement the AMP immediately. The Advisory Council is ready to convene. The community stands ready to be the stewardship partner that CDFW has called for — three times, in its own evaluation. SDA urges the Commission to choose the path that is scientifically sound, legally defensible, and just.

All arguments, objections, and requests set forth in this letter and in Versions 1 through 4 of this administrative record are formally entered into the administrative record of this proceeding pursuant to Public Resources Code Section 21177 and the common-law exhaustion doctrine. SDA reserves all rights, including the right to seek judicial review under Code of Civil Procedure Sections 1094.5 and 1085 — including with respect to the April 11, 2026 staff rejection of SDA's regulatory petition and any Commission action on a materially amended petition configuration — should the Commission fail to act in conformity with the applicable legal standards.

Respectfully submitted,

SAVE DUXBURY ACCESS

Bolinas, California
June 17, 2026

Enclosures:

- Letter from Melissa A. Miller-Henson, Executive Director, California Fish and Game Commission, to Mollie Lounibos, Save Duxbury Access, dated April 11, 2026 (previously entered into the administrative record).
- Save Duxbury Access letter of notice concerning jurisdictional conflict, abdication of statutory duty, and absence of required cumulative impact analysis (incorporated by reference in Section IX).

cc:

California Department of Fish and Wildlife, Marine Region
Craig Shuman, Regional Manager, CDFW Marine Region
Claire Waggoner, Environmental Program Manager, CDFW Marine Region
CDFW Marine Enforcement District — Eric Kord, Assistant Chief
California Attorney General's Office
Office of the Governor
Ocean Protection Council
Greater Farallones National Marine Sanctuary
Point Reyes National Seashore
Marin County Parks
Calla Allison, Executive Director, MPA Collaborative Network