38. Petition 2023-32MPA (Duxbury Reef SMCA)

Today's Item **Information ☐** **Action ☒**

Request to reclassify Duxbury Reef State Marine Conservation Area (SMCA) to a state marine reserve (SMR) and expand the northern and southern boundaries.

Consider evaluations, recommendations, and public comments in determining whether to grant or deny marine protected area (MPA) Petition 2023-32MPA (Exhibit 1).

Petitions or individual actions within the petition that are granted today will be added to the Commission's rulemaking calendar for consideration in a future rulemaking.

Summary of Previous/Future Actions

• Received petition; referred to the Marine Resources Committee and the Department for review	December 2023; February 2024
• Received Department petition evaluation	April 15-16, 2026
• Received petitioner's presentation and discussed region-specific petitioned actions via regional meeting	April 21, 2026
• Received additional evaluations and recommendations from the Department and California Ocean Protection Council (OPC)	August 12-13, 2026
• **Today, consider granting or denying all or parts of Petition 2023-32MPA**	**October 13-16, 2026**

Background

Pursuant to Section 662, any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit a petition for regulation change (Form FGC-1). For background on the regular process for considering regulation change petition forms submitted by the public, see Agenda Item 22 (this meeting). Due to the complexity and unique nature of the MPA petition evaluation process, this and other MPA petitions are scheduled separately from the standing agenda item for regulation change petitions.

For detailed background information and key documents related to the MPA petition process, see the staff summary titled *Introduction to Bin 2 MPA Regulation Change Petitions and Evaluations* (this meeting). The summary introduction includes links to the index of MPA petitions and compiled public comments across time; the Department's evaluations, recommendations, and companion document; OPC's policy evaluation and recommendations complementing the Department's evaluations; the equitable access and the Commission Justice, Equity, Diversity and Inclusion Policy initial assessments; and the Department's and OPC's presentations.

Overview of Proposed Regulatory Actions

Submitted by the Environmental Action Committee of West Marin (EAC), this petition proposes to reclassify Duxbury Reef SMCA, near Bolinas in Sonoma County, as an SMR and to expand boundaries northward and southward:

Action 1. Reclassify Duxbury Reef SMCA as an SMR

Action 2. Expand Duxbury Reef SMCA boundaries southward

Action 3. Expand Duxbury Reef SMCA boundaries northward

Overview of Non-Regulatory Requests

This petition does not contain any non-regulatory requests.

Petitioner's Stated Intent

The petitioner explains that the proposed change from an SMCA to an SMR is motivated by difficulty interpreting and enforcing current regulations, resulting in large incidences of take violations; the boundary expansions are proposed to increase habitat protections to fully cover the entirety of the contiguous shale reef habitat. See Exhibit 1 for more details.

Public Input Over Time

The Commission has received public comments on MPA petitions continuously since petitions were submitted in late 2023. Staff has compiled packets of comments about this petition that were included in committee or Commission meeting binders or supplemental handouts from the December 2023 through the August 2026 Commission meeting (links to packets of comments received are available online in the final column of the *Status of MPA Petitions for Regulation Change Index* table). Comments received after the August 2026 Commission meeting, but by this meeting's comment deadline, are included with this staff summary and/or staff summaries for the MPA petition agenda items.

Non-tribally led petitions (including this petition) were last discussed at the regional meetings held in April and May 2026. The overarching goal of the meetings was to provide an inclusive, well-informed forum where petitioners could present their proposals, community members could openly share perspectives on the proposals, and commissioners could ask questions, to build a foundation of understanding to help guide Commission decisions at today's meeting.

Petition 2023-32MPA proposes three actions located near Bolinas in Sonoma County; therefore, the petitioned actions were discussed at the April 21, 2026 regional meeting. For regional meeting materials, see the Staff Summary for April 21, 2026, and the petitioner presentation to the Commission on April 21, 2026.

Petitioner Clarifications

The petitioner has indicated a desire to modify their request and EAC is now requesting the Commission consider several modifications to the original 2023 proposal:

1. Maintain Duxbury Reef as an SMCA.
2. Boundary expansions:
    a. Adopt the Department's recommendation (as supported by OPC) to "grant in concept" the northern and southern boundary expansions as SMCAs, without changing the existing SMCA's seaward boundaries.
    b. Use the amended northern and southern boundaries proposed by EAC in November 2025 to designate the entire area as a single SMCA with uniform

regulations. This option narrows the seaward boundary in the expansion areas to focus on the intertidal zone.

c. Updated boundaries should be informed by Department law enforcement to ensure ease of enforcement and public understanding.

3. Add clarifying language to strengthen protections for tidepool marine life such as “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.” (updated language underlined)

The Commission has not formally approved this request as an amendment to the petition.

Agency Evaluations and Recommendations

Department

The Department’s evaluation, presented at the Commission’s April 15-16, 2026 meeting, recommends denial of all three petitioned actions, with the full technical analysis and summary of key findings provided in Exhibit 2.

Action 1. Deny the petition action to reclassify Duxbury Reef SMCA as an SMR. In summary:

- The petitioner’s claim that current regulations cause confusion and that non-compliance has increased relative to other Marin County MPAs are not substantiated by Department enforcement data.
- Reclassifying the SMCA as an SMR would not add meaningful protection for the rocky intertidal habitat the MPA was designed to protect, and would unnecessarily eliminate established uses previously vetted through the Marine Life Protection Act (MLPA) Initiative planning process.
- The request deviates from the adaptive management recommendations of the Decadal Management Review and conflicts with the MPA’s original intent to balance habitat protection with recreational fishing access.
- Current SMCA regulations do not present enforcement challenges for the Marine Enforcement District (MED) within the existing MPA boundaries. While MED has noted challenges with individuals legally harvesting outside the MPA and then returning through the MPA to the main access point, these issues may be more efficiently addressed through the boundary expansions proposed under actions 2 and 3.
- Improvements to signage, education, and outreach may be equally or more effective than reclassification to an SMR.

Actions 2 and 3. Grant, in concept, the expansion of Duxbury Reef SMCA boundaries southward and northward. In summary:

- The Department supports expanding protection of the contiguous rocky intertidal habitat, if done in a manner that maintains the existing Duxbury Reef SMCA and does not restrict commercial or recreational take beyond new intertidal protections within the expanded areas. This could be achieved by:

  - Designating a new SMCA to protect the southern portion of the contiguous rocky intertidal habitat of Duxbury Reef,
  - Designing take regulations for the new northern Duxbury Reef SMCA to balance the goals of expanding protections for intertidal invertebrates (except abalone when allowed) and seaweed with the goal of maintaining existing commercial and recreational take of other species from shore and by boat, and
  - Designing the SMCA boundaries to maximize alignment with master plan Science and Feasibility Guidelines to optimize intertidal protections and enforceability for shore-based and boat-based users.

- Duxbury Reef is the largest intertidal shale reef in North America and is a rare unique habitat not found elsewhere in California.
- Expanding the SMCA boundaries to the south, to encompass the southernmost fringe of the reef that extends south of Duxbury Point, has potential to enhance biodiversity and ecosystem function at this site by protecting the connected rocky intertidal habitat.
- The proposed change has potential to increase climate resiliency of the associated ecological community by protecting the entirety of the contiguous reef habitat.
- The proposed change is consistent with the intended goals of the Duxbury Reef SMCA, aligns with the original intent of this MPA, and supports adaptive management of the MPA Network.
- During the MLPA Initiative planning process, Duxbury Reef was identified as an important site for the fishing community, especially for the adjacent, rural community of Bolinas, so the Commission-approved regulations preserved some of the recreational take popular at this site.

Ocean Protection Council (OPC)

OPC staff, in its science and policy recommendations presented at the August 12-13, 2026 Commission meeting and provided in Exhibit 3, recommends designating two new SMCAs to protect the northern and southern portions of Duxbury Reef, each with take regulations that protect intertidal seaweed and invertebrates while allowing for continuation of other existing shore- and boat-based fishing.

The rationale for the recommendation is centered on Duxbury Reef being a unique, highly biodiverse shale reef, but lacking protection in its northern and southern intertidal areas. Expanding coverage would nearly double protected shoreline, improve representation of vulnerable intertidal habitats, and enhance ecosystem resilience. However, simply enlarging the existing SMCA could unnecessarily restrict offshore fishing that does not impact intertidal biodiversity.

OPC therefore recommends creating two new SMCAs to protect the northern and southern intertidal areas of Duxbury Reef. These new SMCAs should prohibit take of intertidal seaweed and invertebrates (except abalone when allowed) while preserving existing shore- and boat-based fishing. OPC defers to the Department on final boundary recommendations.

Key Considerations

- *Ecological*

  Duxbury Reef is a unique, highly biodiverse shale reef, and extending protection to its northern and southern portions could enhance protection of the contiguous intertidal shale reef habitat, biodiversity, and ecosystem resilience. The Department and OPC support boundary expansions that protect sensitive intertidal resources while preserving existing compatible shore- and boat-based fishing. Both recommend retaining the SMCA designation rather than reclassifying the area as an SMR.

- *Community Access and Established Uses*

  Duxbury Reef supports longstanding fishing, gathering, and recreational activities, particularly for the adjacent Bolinas community, and is regularly visited by school groups and families for educational activities. Staff recognizes that strong local opposition to both proposed expansions reflects concerns extending beyond fishing access to the preservation of longstanding cultural traditions, community identity, and way of life. The original SMCA was designed to balance intertidal protection with continued fishing opportunities, which is an important consideration in evaluating the extent of any proposed expansion and their associated regulations.

- *Stewardship, Education, and Compliance*

  EAC's longstanding docent and community science programs contribute to education and stewardship at Duxbury Reef. Bolinas community members have also invested substantial effort in developing a community stewardship proposal emphasizing outreach, education, signage, and monitoring, and have expressed interest in collaborating with EAC. These efforts reflect shared conservation interests and opportunities for constructive collaboration. While the Department's enforcement data do not document elevated take violations within the existing SMCA, visitor interactions with sensitive tidepool organisms and confusion about permitted activities documented by EAC docents underscores the value of improved signage, education, and outreach. Continued collaboration among EAC, local residents, and managing agencies could advance these shared objectives regardless of the Commission's decision.

- *Management and Decision Considerations*

  The Commission may consider the northern and southern expansions independently, recognizing their differing implications for access, fishing, and enforcement. The northern expansion's remote shoreline and access infeasibility presents additional challenges for public awareness, monitoring, and enforcement, while the southern expansion could help address difficulties distinguishing legal harvest outside the SMCA from take within its boundaries. Any boundary modifications warrant careful attention to preserving established fishing allowances, regulatory clarity, and enforceability.

Today

Today, the Commission will consider the petition, petition evaluations and recommendations, and public comments in determining whether to grant or deny the petition; the Commission may choose to grant the petition in whole or in part (that is, select specific petition actions) and may also grant with modifications informed by public input and discussions.

If the petition, any individual actions, or any modified actions are granted today, they will be added to the Commission's rulemaking calendar for consideration in a future rulemaking.

Significant Public Comments

To view comments received for this meeting that are not specific to an individual petition, such as comments about the process, broad support for specific goals, or the MPA network, see the comment summary and exhibits in Introduction to Bin 2 MPA Regulation Change Petitions and Evaluations.

1. A group of 52 West Marin businesses collectively urge the Commission to reject Petition 2023-32MPA, stating that expanding or converting the Duxbury Reef SMCA to a no-take reserve would harm coastal access, local food security, small-business livelihoods, and longstanding fishing and gathering traditions, without scientific justification. They instead advocate for community-led stewardship and adaptive, least-restrictive management that protects the reef while preserving sustainable local use. (Exhibit 4)
2. Save Duxbury Access and the Bolinas Coastal Stewardship Guild urge the Commission to reject Petition 2023-32MPA, stating that the proposal is based on an incomplete and misleading scientific record, overlooks legal risks related to federal wilderness conversion, and would unnecessarily restrict culturally significant community access. They request that the Commission defer or deny the petition and direct agencies to pursue a transparent, evidence-based, community-driven stewardship approach instead. (Exhibit 5)
3. A Marin County supervisor urges the Commission to deny reclassifying Duxbury Reef as a no-take reserve, supporting the Department's conclusion that current protections are already effective while emphasizing the need for a clearer, more transparent public process. The supervisor highlights strong local stewardship efforts and encourages continued collaboration, education, and community engagement as essential components of long-term reef conservation. (Exhibit 6)
4. Scanned poster received at the August 2026 Commission meeting that lists coastal businesses opposing Petition 2023-32MPA. (Exhibit 7)
5. Save Duxbury Access urges the Commission to fully reject Petition 2023-32MPA, warning that expanding or reclassifying the Duxbury Reef SMCA could trigger a federal wilderness conversion that would shift state-managed waters into federally controlled no-take areas, undermining public access, local fishing rights, and community stewardship. They state that the petition lacks scientific justification, poses significant jurisdictional risks, and threatens livelihoods in a region already deeply committed to protecting its coastal resources. (Exhibit 8)
6. A commenter urges the Commission to preserve public access and the current shore-based finfish fishing at Duxbury Reef, emphasizing that the SMCA is already highly protective and that fishing is vital for local families, cultural traditions, and food security. They believe that any further restrictions should be evidence-based and narrowly tailored, rather than broad prohibitions that unnecessarily harm coastal communities. (Exhibit 9)

7. A Fairfax resident urges the Commission to reject the proposed no-take reserve and any expansion of the Duxbury Reef SMCA, supporting the Department's recommendation to deny reclassification and calling for evidence-based, least-restrictive management. They emphasize that effective conservation should protect habitat while respecting community use, advocating for continued monitoring, education, and enforcement rather than broader restrictions. (Exhibit 10)
8. A Bolinas resident urges the Commission to reject the proposed no-take reserve and any expansion of the Duxbury Reef SMCA, noting there is no scientific evidence of ecosystem harm and that current protections are already robust. They warn that expanding restrictions would unnecessarily damage Bolinas' traditional shore-fishing community, local food security, and the coastal economy. (Exhibit 11)
9. The Bolinas community urges the Commission to pause action on Petition 2023-32MPA until a formal legal analysis is completed, warning that tightening state restrictions in the Duxbury Reef SMCA could inadvertently trigger a federal wilderness conversion that would extinguish California's reserved public trust fishing and mineral rights. They request a clear, accurate public record and interagency review by the State Lands Commission to ensure the Commission understands the legal implications before voting on the petition. They provide a follow-up clarification regarding the potential to convert some of the coastline north of Bolinas. (Exhibit 12)
10. A Bolinas resident urges the Commission to reject expanding or reclassifying the Duxbury Reef SMCA, suggesting that claims of reef degradation are unsupported, stricter rules would harm local fishing families, and community-based stewardship — not added restrictions — is the most effective path for protection. They also warn that increased restrictions could shift authority from the State to the federal government, which is viewed as less reliable for ensuring balanced management. (Exhibit 13)
11. The Coast Miwok Tribal Council of Marin clarifies that it has not endorsed Petition 2023-32MPA and did not authorize the use of its name or identity in support of the proposal. The council member asks the Commission to correct the public record and emphasizes that the tribe's non-participation should not be interpreted as relinquishing any Indigenous rights or interests. (Exhibit 14)
12. The River Otter Ecology Project supports expanding and clarifying the Duxbury Reef SMCA to fully protect its rocky intertidal habitat. They cite ecological benefits, alignment with California's conservation goals, and improved protection for connected wildlife areas. They also emphasize that stronger protections support long-term ecosystem health, resilience, and equitable access for future generations. (Exhibit 15)
13. Ventura County Commercial Fishermen's Association opposes reclassifying Duxbury Reef SMCA to an SMR based on the Department's finding that stricter regulations are unnecessary, supports protecting intertidal habitat, and asks the Commission to deny the reclassification, redesign any boundary expansions to avoid restricting existing fishing, and preserve compatible fishing activities. (Exhibit 16)
14. EAC, the petitioner for 2023-32MPA, formally requests that Duxbury Reef remain an SMCA and that its boundaries be expanded north and south to protect the full rocky intertidal habitat. EAC also submits 23 individual comment letters supporting the petition. They note that the Department and OPC both support expanded protections to

improve ecological connectivity, biodiversity, and climate resilience. The proposal adds clarifying language for tidepool protection while maintaining compatible fishing access. EAC cites community and tribal support and asks the Commission to move the petition into formal rulemaking. (Exhibit 17)

15. Coastside Fishing Club supports the Department's recommendation to deny the Duxbury petition, stating that OPC's late recommendations fall outside the decadal review process and lack scientific basis. They note Department found no evidence of ecological decline or added benefit from converting Duxbury to an SMR, and raise concerns about unclear petition amendments and potential loss of important fishing access. They urge the Commission to uphold established evidentiary standards and reject the petition. (Exhibit 18)
16. A commenter asks the Commission to reject Petition 2023 32, stating there is insufficient evidence to justify approval and expressing disagreement with the reasoning provided by the petitioner. (Exhibit 19)
17. The Sportfishing Association of California SAC opposes the Duxbury Reef petition, urging the Commission to deny new take restrictions and boundary expansions based on the Department's findings that the proposed changes are unsubstantiated and would limit public fishing access. SAC also cites economic and access impacts on local communities and supports maintaining existing intertidal protections without expanding closures. (Exhibit 20)
18. A high-volume of comments were addressed to Governor Gavin Newsom, OPC and the Commission, opposing Petition 2023-32MPA, citing a lack of site-specific evidence for additional restrictions and concerns about impacts on fishing, subsistence gathering, and local coastal communities. They state that Duxbury Reef is already protected and further closures should not proceed without clear justification and meaningful community involvement. (Exhibit 21)
19. Mollie Lounibos, Save Duxbury Access, urges the Commission to deny Petition 2023-32MPA in full, citing unreliable and misrepresented endorsements, including the Coast Miwok Tribal Council's explicit statement that it never supported the petition and requested correction of the record. They are also concerned that unresolved and unverified federal vessel-restriction claims pose legal and procedural risks for state decision-making and should not be treated as established facts. They request that the Commission correct the endorsement record, obtain authoritative federal documentation, and avoid advancing a petition grounded in disputed premises. (Exhibit 22)

Recommendation

Commission Staff

Consider evaluations, Department and OPC recommendations, key considerations, and public comments in determining whether to grant in whole or in part, grant with modifications, or deny Petition 2023-32MPA (Exhibit 1).

Department

For the reasons detailed in Exhibit 2 and summarized under "Agency Evaluations and Recommendations," (1) Deny Action 1, to reclassify Duxbury Reef SMCA as an SMR; and (2)

Grant in concept actions 2 and 3, to expand Duxbury Reef SMCA boundaries southward and northward…"in a manner that maintains the existing Duxbury Reef SMCA and does not restrict commercial or recreational take beyond new intertidal protections within the expanded areas, through all of the following:

(a) Designating a new SMCA to protect the southern portion of the contiguous rocky intertidal habitat of Duxbury Reef;

(b) Designing take regulations for the new northern Duxbury Reef SMCA to balance the goals of expanding protections for intertidal invertebrates (except abalone when allowed) and seaweed with the goal of maintaining existing commercial and recreational take of other species from shore and by boat; and

(c) Designing the SMCA boundaries to maximize alignment with MLPA Master Plan science and feasibility guidelines to optimize intertidal protections and enforceability for shore-based and boat-based users."

Ocean Protection Council

Designate two new SMCAs to protect the northern and southern portions of Duxbury Reef, each with take regulations that protect intertidal seaweed and invertebrates while allowing for continuation of other existing shore and boat-based fishing for the reasons detailed in Exhibit 3 and summarized under "Agency Evaluations and Recommendations."

Exhibits

1. Petition 2023-32MPA, received November 30, 2023
2. Department evaluation companion document and petition evaluation, companion document updated on July 30, 2026 and petition evaluation received March 20, 2026
3. Letter from Jenn Eckerle, Deputy Secretary for Oceans and Coastal Policy, California Natural Resources Agency and Executive Director, OPC, with OPC staff recommendations and recommendation narratives for petitions to adaptively manage California's MPA network, received July 31, 2026
4. Letter from a coalition of over 50 west Marin businesses, received August 3, 2026
5. Letter from Mollie Lounibos, Save Duxbury Access, received August 11, 2026
6. Letter from Dennis Rodoni, District 4 Supervisor, Marin County Board of Supervisors, received August 11, 2026
7. Poster from multiple coastal businesses, received August 13, 2026
8. Letter from Save Duxbury Access, received August 13, 2026
9. Email from Warren G, received September 4, 2026
10. Email from Richard Redmond, received September 4, 2026
11. Email from Harriet Moss, received September 6, 2026
12. Emails from Mollie Lounibos, received September 13 and 16, 2026
13. Email from Don Smith, received September 21, 2026

14. Email from Sky Road Webb, Councilman, Coast Miwok Tribal Council of Marin and Vice Chairman, Coast Miwok Tribal Community Agency, received September 21, 2026
15. Email from Terrence Carrol, Cofounder and Research Director, River Otter Ecology Project, received September 30, 2026
16. Email from Dave Colker, Executive Director, Ventura County Commercial Fishermen's Association, received September 30, 2026
17. Email from Ashley Eagle-Gibbs, Executive Director, Environmental Action Committee of West Marin, received September 30, 2026
18. Email from Kevin Godes, Coastside Fishing Club, received September 30, 2026
19. Email from John Lopez, received September 28, 2026
20. Email from Merit McCrea, Sportfishing Association of California, received September 30, 2026
21. Representative sample of several form campaign emails received by the Commission, Ocean Protection Council, and Governor Newsom's Office by September 30, 2026
22. Email from Mollie Lounibos, received September 23, 2026

Motion

Moved by _____ and seconded by _____ that the Commission **grants** Petition 2023-32MPA.

OR

Moved by _____ and seconded by _____ that the Commission **grants** Petition 2023-32MPA, **except does not:**

____ **Action 1.** Reclassify Duxbury Reef SMCA as an SMR.

____ **Action 2.** Expand Duxbury Reef SMCA boundaries southward.

____ **Action 3.** Expand Duxbury Reef SMCA boundaries northward.

OR

Moved by _____ and seconded by _____ that the Commission **denies** Petition 2023-32MPA.

Tracking Number: (2023-32MPA
)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)
Name of primary contact person: Ashley Eagle-Gibbs, Environmental Action Committee of West Marin (EAC)
Address: 65 3rd St Suite 12, Point Reyes Station, CA 94956
Telephone number: (415) 663-9312
Email address: ashley@eacmarin.org

2. **Rulemaking Authority (Required) -** *Reference to the statutory or constitutional authority of the Commission to take the action requested:* Authorities cited: Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code.

3. **Overview (Required) -** EAC requests the Commission change the status of Duxbury Reef from a State Marine Conservation Area (SMCA) to a State Marine Reserve (SMR) because of documented difficulty of interpretation and enforcement of current regulations and the resulting large incidence of take. In addition, declines have been observed in marine life abundance and biodiversity. EAC also requests the Commission extend the southern boundary further south and the northern boundary to Double Point Special Closure to increase habitat protections to *fully* cover the entirety of the contiguous reef habitat.

Applying an SMR designation to the area currently known as Duxbury Reef SMCA and expanding that new SMR north and south so as to encompass the entirety of the Duxbury Reef habitat is consistent with the original goals of the Marine Life Protection Act (MLPA) including goals 1, 2, 3, and 4 related to preserving natural diversity, sustaining marine life populations, protecting marine habitats for their intrinsic value, and improving recreational and educational

opportunities while minimizing human disturbance.[1] It is also supported by regional partners including the Greater Farallones and Cordell Bank National Marine Sanctuaries.

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

Duxbury Reef is the largest shale reef in California, and one of the largest in North America. The extensive tidepool network hosts a rich diversity and abundance of marine species, many of which are sheltered in numerous holes and crevices made possible because of the relatively soft shale that composes it. Invertebrates, algae, fish, and visiting land, shore, and seabirds thrive and feed there, and are interconnected with highly productive rocky and kelp habitats just offshore. Unfortunately, the entire habitat of Duxbury Reef is not actually within the current boundaries of the Duxbury Reef SMCA. In 2008, there was a proposal to create the Double Point SMCA which would include more of the Duxbury Reef habitat north of the current Duxbury Reef SMCA. Double Point SMCA was never created, leaving that critical habitat outside of any Marine Protected Area (MPA). Today, ongoing observations of take and current federal designations of the areas around the Duxbury Reef habitat demonstrate that protections provided by the MPLA for the entirety of the Duxbury Reef habitat must be reconsidered. In that goal, EAC would like to make three requests regarding Duxbury Reef SMCA.

Three parts of this request include:

1. **Change SMCA to SMR**: Current regulation 14 CCR § 632(b)(50)(B) allows for the recreational take of finfish from shore and abalone when allowed by the California Department of Fish and Wildlife (CDFW) (currently the abalone fishery is closed until 2026).

   A) Current regulations cause confusion and result in more take than the regulations allow. In other words, the allowance of some take at Duxbury Reef is confusing to many visitors and results in a high count of take violations. People are confused about why you can take finfish and abalone, but not other invertebrates or algae. Most people also do not read the existing signs. Confusion is generated especially when visitors see people fishing from shore by hook and line or with the poke pole and bucket used to fish monkeyface eel (*Cebidichthys violaceus*) in the tidepools. In addition, Duxbury Docents[2] have observed fisher people collecting mussels from the reef to use as bait for fishing. According to feedback provided during the August 24, 2023 Golden Gate Collaborative meeting, damage to the reef also results when people have been observed using crowbars and tire jacks to take purple sea urchins (*Strongylocentrotus purpuratus*),[3] which have nestled in holes they have carved in the rock.

   B) Increased visitation and violations: Marin MPA Watch data shows significantly greater visitation and potential violations relative to other monitored MPA sites in Marin County, including take and potential poaching incidents. The rate of visitation and potential poaching increased significantly since 2017. Visitation declined somewhat after the

[1] https://wildlife.ca.gov/Conservation/Marine/MPAs/MLPA
[2] In collaboration with Marin County Parks and Open Space, EAC runs a docent program at Duxbury Reef.
[3] See row 55, https://docs.google.com/spreadsheets/d/1Eu1efUliHZ2bazdKM5lK5UKzsIEluHEU9k9HdR1oudo/edit#gid=0

COVID pandemic emergency but remains elevated and potential poaching incidents remain high.

C) Loss of diversity and biomass: Professionals, local community members, and visitors have commented that they have noticed a loss in diversity and number of organisms at Duxbury Reef in the past 10 years, especially the area that is most heavily visited. Partly this is due to an increase in visitation, but the harvest of organisms is a contributor to loss that adds undue stress on a vulnerable reef community.

To protect this highly vulnerable and biologically rich intertidal community, also designated as an Area of Special Biological Significance, it is of vital importance that the designation for Duxbury Reef should change to State Marine Reserve, where all take is prohibited. This will reduce confusion, make educating visitors easier and compliance easier for visitors, and will better protect marine life. Damage to the marine populations is compounded by increasing threats due to climate change and the loss of habitat from sea level rise, which together are creating changed ocean conditions since the MPA was first designated.

2. **Expand the boundaries**: The current boundaries of Duxbury Reef SMCA defined by 14 CCR § 632(b)(50)(A) do not cover the entirety of the Duxbury Reef habitat.

   A) **Expand MPA south**: Duxbury Reef habitat extends south of the MPA boundary into an intertidal area that is not currently protected by the MPA. People access this area at very low tide, or by boat. Fisher people can fish near the intertidal reef and collectors can walk back through the protected part of the reef with their buckets of collected marine life, causing an enforcement challenge. There is also a regular, daily harbor seal haul out on this southern section of the reef. It has been reported that boaters (fishers, collectors, and recreational) have been observed in this area flushing harbor seals into the water from their haul-out resting site. This southern extension area is contiguous and ecologically connected with the Duxbury Reef MPA habitat. Many rocky intertidal species move about on the reef at high tide, especially young larval stages that repopulate areas on different parts of the reef. Equal protection of the entire reef habitat is of vital importance to the ecological health of Duxbury Reef.

   B) **Expand MPA north**: The reef ecosystem also extends north of the current MPA boundary and includes rocky intertidal areas and some bluff-faced sandy beach areas north to Double Point Cove. Double Point Cove is designated as an Area of Special Biological Significance and is a harbor seal haul-out and pupping site. It is also adjacent to the Stormy Stack Special Closure on the north end of the cove, which prohibits access within 300 feet around the rock island. According to individual reports, boaters, including some fishing, have been observed close to the bird colony on Stormy Stack, and flushing the harbor seals at their haul outs at the south rock and in the Double Point Cove. This area is currently unprotected by the MPA network, yet is ecologically sensitive and continuous with sensitive reef and beach habitat that is currently protected. Incorporating this northern section ensures that this unique reef habitat is fully protected in its entirety from take and disturbance to marine mammals, seabirds, intertidal, and subtidal species. In the past, there was a proposal to create an MPA

between the current Double Point Special Closure and the current Duxbury Reef SMCA. The MPA would have satisfied goals 1, 2, 3, and 5 of the MLPA. An MPA in this area would specifically protect diverse areas in close proximity to each other, protect critical habitat that species of economic value rely upon, ensure minimal human disturbance occurs in sensitive habitats, and utilize scientific guidelines in the *California MLPA Master Plan for Marine Protected Areas*.

As the largest intertidal shale reef in North America, with abundant and diverse marine life, Duxbury Reef deserves the additional attention of the Commission and increased protection against ongoing take and poaching activity. This type of rocky intertidal habitat is rare. This is especially critical in consideration of the combined impacts of dramatically increased visitation, ocean acidification, and sea level rise which will increasingly impact the biodiversity of the reef.

This proposal was discussed at the Golden Gate MPA Collaborative meeting on August 24, 2023[4], although a consensus was not reached. Key use concerns raised included those discussed above, as well as support from the Superintendent of the Greater Farallones and Cordell Bank National Marine Sanctuaries, which is included in Attachment 3.

SECTION II: Optional Information

5. Date of Petition: 11/30/23

6. Category of Proposed Change
- ☐ Sport Fishing
- ☐ Commercial Fishing
- ☐ Hunting
- ☒ Other, please specify: MPA Section 632.

7. The proposal is to: (*To determine section number(s), see current year regulation booklet or https://govt.westlaw.com/calregs*)
- ☒ Amend Title 14 Section(s): 632(b)(50).
- ☐ Add New Title 14 Section(s):
- ☐ Repeal Title 14 Section(s):

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition ☒ Not applicable.

9. **Effective date**: *If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency:* As soon as possible.

10. **Supporting documentation:** *Identify and attach to the petition any information supporting the proposal including data, reports and other documents:* Numerous letters from community members and experts including Maria Brown, Greater Farallones and Cordell Bank National Marine Sanctuaries Superintendent, have provided significant information about the need to

[4] See rows 54-55, https://docs.google.com/spreadsheets/d/1Eu1efUliHZ2bazdKM5lK5UKzsIEluHEU9k9HdR1oudo/edit#gid=0

consider additional conservation measures at Duxbury Reef. Information in these letters explains how Duxbury Reef would benefit from increased protection of the unique and important habitat of the entire reef. See the following index of attachments which includes maps, letters of support, Marin MPA Watch data, and previously submitted EAC letters. We may further supplement this petition as additional information becomes available.

11. **Economic or Fiscal Impacts:** *Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing:* Known impacts from the three proposed changes (designation change, extension south, and extension north) may result in fewer people able to harvest food (fish and invertebrates, commercially and recreationally) on the intertidal reef and beach, and offshore of Duxbury Reef. However, currently, the Wilderness Act prohibits recreational and commercial motorboats and all commercial enterprises within ¼ mile of the Phillip Burton Wilderness Area (16 U.S.C. sec. 1133(c); Point Reyes National Seashore, "Superintendent's Compendium"), which includes the area offshore of the entire extent of the requested northern extension of the Duxbury MPA. Therefore, the economic impact of the northern extension may be relatively minor, as there are existing complementary regulations. The proposed MPA change to SMR and expansion north including the cove at Double Point would serve to strengthen the protections on the state level, making them consistent with federal protections. The additional layer of protection to the extension area under California state law would, as a consequence of being under the MPA umbrella, have the benefit of the information on take limitations reaching more people as it would then be available through the state's MPA outreach publications. We believe that this would significantly enhance compliance even with current protections as enforcement resources and abilities are currently limited.

    Additionally, there will be an additional cost to CDFW to update the official signage at Agate Beach Marin County Park which hosts the access trail and parking lot for Duxbury Reef, as well as costs for updated outreach publications.

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

SECTION 3: FGC Staff Only

Date received: 11/30/2023

FGC staff action:
- □ Accept - complete
- □ Reject - incomplete
- □ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:
- □ Denied by FGC

□ Denied - same as petition _____
Tracking Number

□ Granted for consideration of regulation change

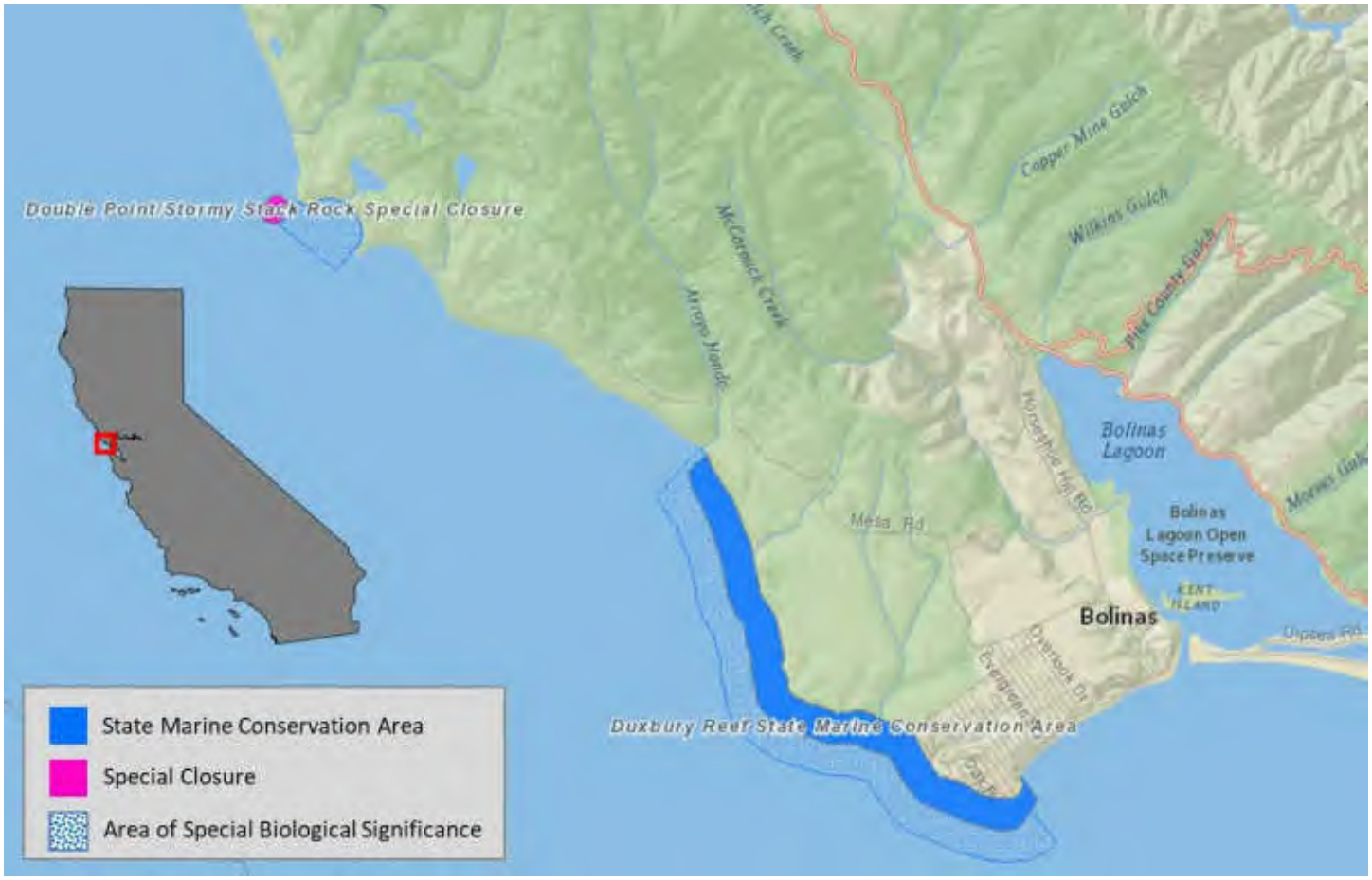
Index of Attachments Submitted re. Duxbury Reef Petition by EAC, November 30, 2023					
Attachment #	**Date**	**Sender/Preparer**	**Description**	**Previously Submitted to FGC**	**FGC Meeting Document Link**
1	11/30/23	Prepared by Environmental Action Committee of West Marin (EAC)	Maps depicting ASBS and proposed changes (4 pages)	No	N/A
2	11/30/23	Prepared by EAC	Summarized data from mpawatch.org Marin MPA Watch (3 pages)	No	N/A
3	7/5/2023	EAC including attached letters from Greater Farallones and Cordell Bank National Marine Sanctuaries and National Park Service	EAC Comments to Fish and Game Commission re. MRC Agenda Item 5: MPA DMR Petition for Modification of Duxbury Reef and Drakes Estero MPAs including attachments 1 + 2 (**(1) EAC April 6, 2023, comments to Fish and Game Commission including EAC March 13, 2023 letter and November 14, 2022 letter from National Park Service** **(2) Greater Farallones and Cordell Bank National Marine Sanctuaries April 15, 2023, comments to Fish and Game Commission)**	Yes (Comment 7 to July MRC meeting documents, pp. 78-101 of meeting documents)	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&inline
4	11/21/23	Marin County Supervisor Dennis Rodoni	Support for Environmental Action Committee (EAC) Petition to the California Fish and Game Commission for regulation change at Duxbury Reef (2 pages)	No	N/A
5	November 2023	Max Korton, Marin County Parks	Support for Environmental Action Committee's Petition for Regulation Change at Duxbury Reef (2 pages)	Unsure	N/A
6	11/25/23	Sarah G. Allen, PhD, Retired Senior Science Advisor National Park Service	Decadal Review Recommendations for the California North Central Marine Protected Areas (3 pages)	Yes	N/A - Was submitted 11/25/23
7	11/29/23	Josh Churchman	Petition for Modification of Duxbury Reef Marine Protected Area (2 pages)	Yes	N/A - Was submitted 11/29/23

Index of Attachments Submitted re. Duxbury Reef Petition by EAC, November 30, 2023					
Attachment #	**Date**	**Sender/Preparer**	**Description**	**Previously Submitted to FGC**	**FGC Meeting Document Link**
8	11/29/23	NGOs	Support for Environmental Action Committee's Petition for Regulation Change at Duxbury Reef (2 pages)	No	N/A
9	7/3/23	Kent Khtikian	Petition for Modification of Duxbury Reef Marine Protected Area (4 pages)	Yes (Comment 1 to July MRC meeting documents, pp. 33-36 of meeting documents)	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&inline
10	7/3/23	Joe Mueller, College of Marin	Petition for Modification of Duxbury Reef Marine Protected Area (3 pages)	Yes (Comment 1 to July MRC meeting documents, pp. 37-39 of meeting documents)	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&inline
11	7/6/23	Lily Rosenman	Petition for Modification of Duxbury Reef Marine Protected Area (2 pages)	Yes (Comment 1 to July MRC meeting documents, pp. 40-41 of meeting documents)	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&inline
12	7/5/23	Bridget Bartholome	Petition for Modification of Duxbury Reef Marine Protected Area (3 pages)	Yes (Comment 1 to July MRC meeting documents, pp. 42-44 of meeting documents)	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&inline
13	7/6/23	Laura Lee Miller	Petition for Modification of Duxbury Reef Marine Protected Area (3 pages)	Yes (Comment 1 to July MRC meeting documents, pp. 45-47 of meeting documents)	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&inline
14	7/1/23	150 individuals	Group letter supporting Duxbury Reef petition (30 pages)	Yes but it appears that only one page of the thirty pages was included (Comment 1 to July MRC meeting documents, p. 48 of meeting documents)	https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213546&inline
15	7/6/23	Courtney Barend	Petition for Modification of Duxbury Reef Marine Protected Area (2 pages)	I believe this was submitted to FGC, but I do not see it in the July packet.	N/A
16	11/30/23	Jeffrey R. Boehm, The Marine Mammal Center	Petition for modification of Duxbury Reef Marine Protected Area	Yes	N/A - Submitted 11/30/23

ATTACHMENT 1

Attachment 1

Figure 1: First Map Attached to EAC's Petition re. Duxbury Reef
Prepared for Submission November 30, 2023.
California Department of Fish & Wildlife Marine Region Map
Sourced from CDFW[1]



Description: Map showing current boundaries of Duxbury Reef SMCA, Double Point Special Closure Area, and designated Areas of Special Biological Significance.

[1] https://cdfwmarine.wordpress.com/tag/stormy-stack-rock/

Figure 2: Second Map Attached to EAC's Petition re. Duxbury Reef
Prepared for Submission November 30, 2023, also submitted in EAC's March 13, 2023 letter to FGC



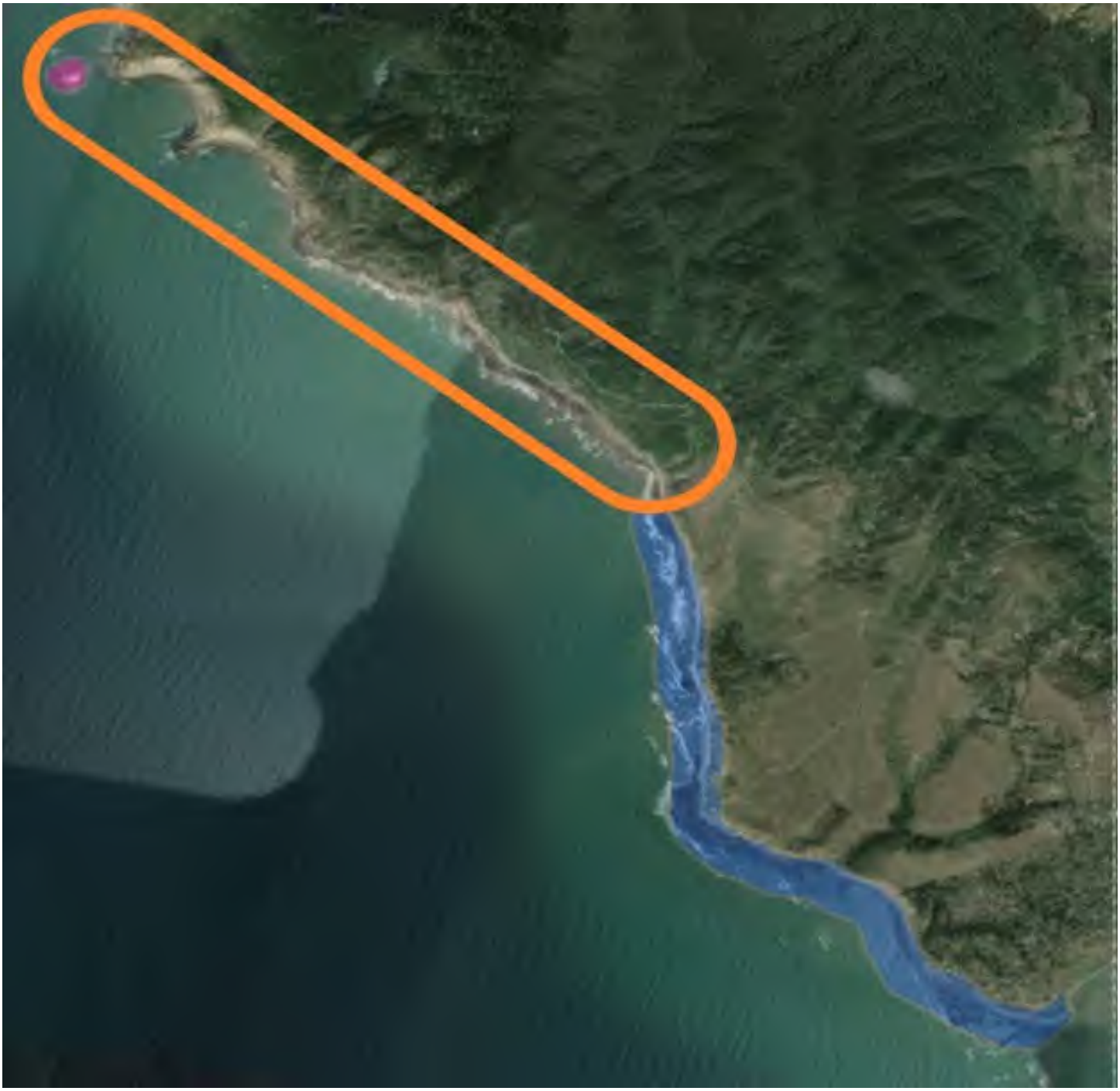
Description: Overlay of Duxbury Reef SMCA with an orange outline of the portion of the reef that is exposed at low tide that is not currently included in the MPA. A southern boundary extension of Duxbury Reef is needed to fully connect the ecological habitat area, protect vulnerable species, and reduce confusion for the public on what activities are allowed. The orange overlay shows the approximate location of our southern boundary extension request.

Figure 3: Third Map Attached to EAC's Petition re. Duxbury Reef
Prepared for Submission November 30, 2023.
Satellite map of Duxbury Reef SMCA Southern Boundary
Sourced from Google Maps



Description: Coordinate of southernmost point of the intertidal Duxbury Reef habitat.

Figure 4: Fourth Map Attached to EAC's Petition re. Duxbury Reef
Prepared for Submission November 30, 2023, also submitted in EAC's March 13, 2023 letter to FGC



Description: Image of Double Point Special Closure and Duxbury Reef SMCA boundary. The orange highlight indicates the area outside of the MPA network that is interconnected and includes an additional Area of Special Biological Significance (cove near Double Point closure highlighted in pink). The blue area is the current Duxbury Reef SMCA. The orange overlay shows the approximate location of our northern boundary extension request.

ATTACHMENT 2

Attachment 2

Prepared for Submission November 30, 2023 with EAC's Petition

Data From Marin MPA Watch (mpawatch.org)

The following tables and graphs were downloaded from the MPA Watch (mpawatch.org) data portal, which holds all the statewide data for MPA Watch surveys. The portal automatically generates tables and graphs for managers to use in their yearly reports. The tables were generated from Marin MPA Watch survey sites in Marin County, which is administered by the Environmental Action Committee of West Marin in partnership with Point Reyes National Seashore and California Academy of Sciences.

Count of Potential Violations from Marin MPA Watch

2019 Compared with All Years (since 2014)

MPA	January 1 December 31 All Years	January 1, 2019 through December 31, 2019
Estero de Limantour SMR	4	2
Point Reyes SMR	38	10
Control PRSOUTH	0	0
Duxbury Reef SMCA	1,273	40
Corte Madera Marsh SMP	18	0
All MPAs Combined	1,333	52

2020 Compared with All Years (since 2014)

MPA	January 1 December 31 All Years	January 1, 2020 through December 31, 2020
Estero de Limantour SMR	4	0
Point Reyes SMR	38	2
Control PRSOUTH	0	0
Duxbury Reef SMCA	1,273	299
Corte Madera Marsh SMP	18	0
All MPAs Combined	1,333	301

2021 Compared with All Years (since 2014)

MPA	January 1 December 31 All Years	January 1, 2021 through December 31, 2021
Estero de Limantour SMR	4	0
Point Reyes SMR	38	0
Control PRSOUTH	0	0
Duxbury Reef SMCA	1,273	126
Corte Madera Marsh SMP	18	9
All MPAs Combined	1,333	135

2022 Compared with All Years

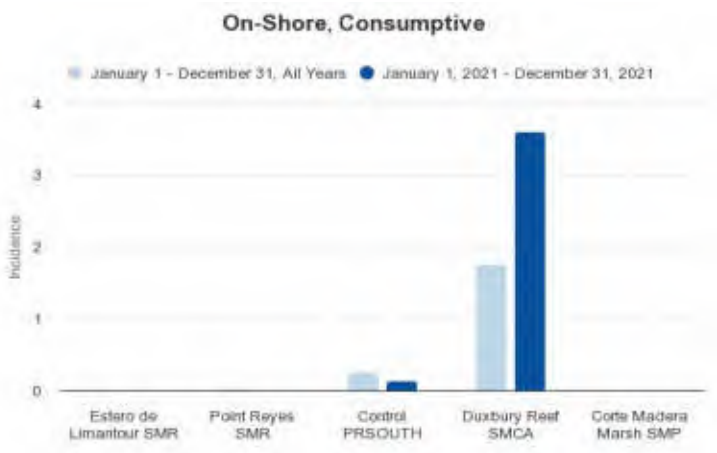
MPA	January 1 December 31 All Years	January 1, 2022 through December 31, 2022
Estero de Limantour SMR	4	0
Point Reyes SMR	38	6
Control PRSOUTH	0	0
Duxbury Reef SMCA	1,273	188
Corte Madera Marsh SMP	18	3
All MPAs Combined	1,333	197

In both 2021 and 2022, Duxbury Reef counts of potential violations (termed “potential” because violations observed by MPA Watch volunteers have not been investigated and confirmed by the California Department of Fish and Wildlife (CDFW)) are much greater than any of the other survey locations covered by Marin MPA Watch. The violations consist of hand collection of marine life for removal, but can also include picking up/collecting for temporary observations (e.g. kids with buckets). Violations also include fishing by boat within 1,000 feet offshore, however, this is much less common than hand collection. Fishing by hook and line from shore is allowed in the MPA.

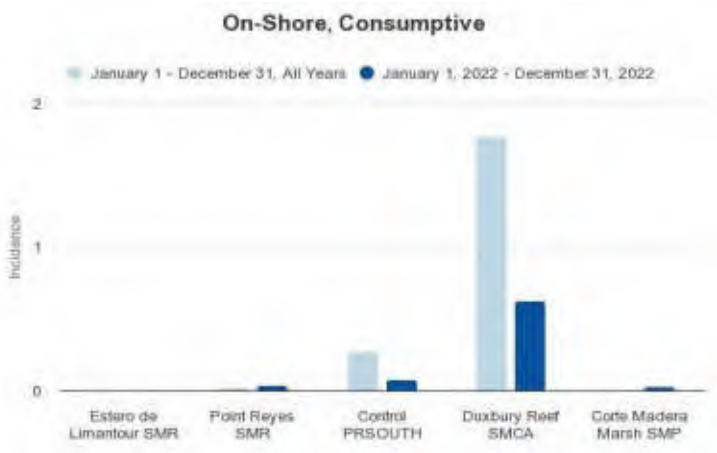
Incidence of Consumptive Uses

Consumptive uses and visitation rate at Duxbury Reef are significantly greater than the other Marin MPA Watch survey sites. On-shore Consumptive uses include hand collection and fishing from shore with hook and line which is allowed in the SMCA. However, much more frequent at Duxbury Reef are hand collection activities, which are a violation of the regulations.

2021 Compared with All Years

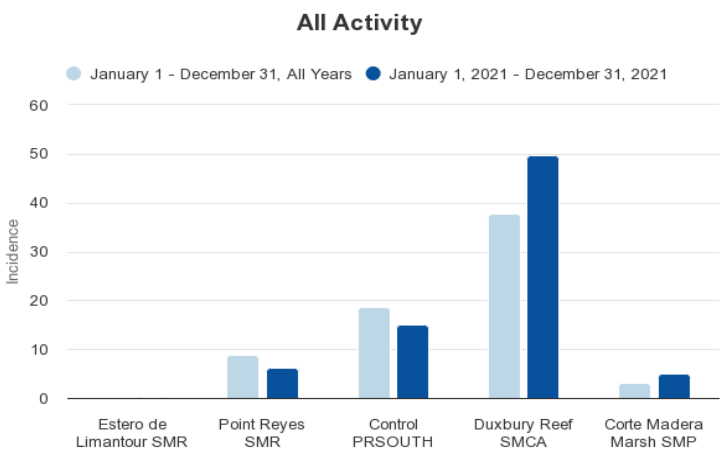


2022 Compared with All Years

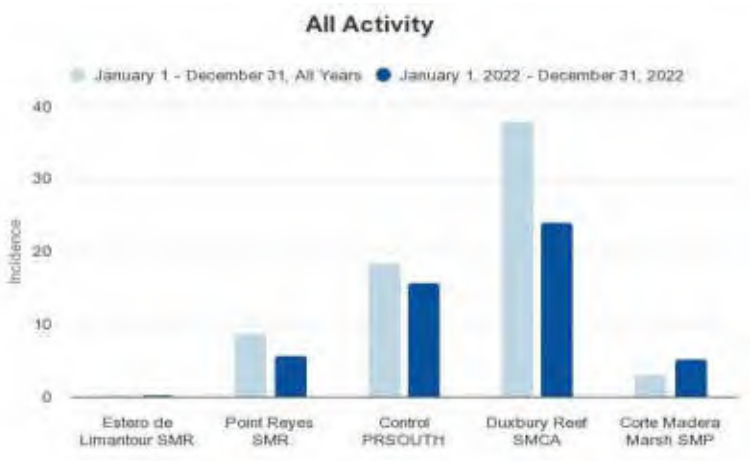


Visitation Rate

2021 Activity Compared with All Years



2022 Activity Compared with All Years



ATTACHMENT 3

west marin environmental action committee
ESTABLISHED 1971

Board of Directors

Bridger Mitchell, Ph.D.
President

Ken Drexler, Esq.
Vice-President

Mairi Pileggi, Ph.D.
Treasurer

Cynthia Lloyd, Ph.D.
Secretary

Terence Carroll
Director

Sarah Killingsworth, Esq.
Director

Jerry Meral, Ph.D.
Director

Patty Neubacher
Director

David Weinsoff, Esq.
Director

David Wimpfheimer
Director

Staff and Consultants

Morgan Patton
Executive Director

Ashley Eagle-Gibbs, Esq.
Legal and Policy Director

Leslie Adler-Ivanbrook
Program Director

Jessica Reynolds Taylor
Development Director

Grace Milstein
Communications Associate

Patricia Wimpfheimer
Bookkeeper

July 5, 2023

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

Re. Fish and Game Commission MRC Agenda Item 5: MPA DMR
Petition for Modification of Duxbury Reef and Drakes Estero MPAs

Dear President Sklar and Honorable Commissioners,

The Environmental Action Committee of West Marin (EAC) has been working to protect the unique lands, waters, and biodiversity of coastal Marin County since 1971. We are deeply committed to California's marine protected area (MPA) network and have been actively supporting MPAs through outreach, education, and community science activities since the first regional stakeholder meetings that would eventually establish the network of 124 MPAs.

We submit this letter to request that the letter we previously addressed to the Fish and Game Commission (Commission) in support of the MPA decadal management review (DMR), submitted on April 6, 2023, also be considered a petition to the Commission submitted pursuant to California Fish & Game Code Section 2861(a), for addition to and modification of the MPAs at Duxbury Reef and Drakes Estero. A copy of that letter is enclosed herewith. This request is being made to ensure we are compliant with any additional procedures that are entailed in the presentation to the Commission of a "petition" as contemplated in Fish and Game Code Section 2861(a), which might not have been satisfied by the April 6 DMR comment letter submittal.

Furthermore, this letter also serves as a comment on the MPA DMR (Marine Resources Committee Agenda Item 5) for the July 20th meeting. We commend the Commission for the vision of the draft prioritized recommendations dated June 12, 2023. We thank the Department of Fish and Wildlife (Department) for their hard work on this prioritization, and we generally agree with the prioritization and timelines.

As an overall comment related to the prioritization, we urge the Commission to institutionalize climate-cognizant adaptive management to ensure that management of the MPA network can respond to sea-level rise and other climate changes. We also hope that the Commission will broadly embrace recommendation 4 and support changes to the MPA network and management program. We were pleased to see that recommendation 4 was identified as a near-term priority.

As requested in our prior comments, specifically, we petition for the Commission to recommend the following additions to and modifications of the

Drakes Estero State Marine Conservation Area (SMCA) and the Duxbury Reef SMCA, as currently described in California Code of Regulations Title 14, Section 632(b)(47) and (50), respectively:

1. Change the designation of Drakes Estero SMCA to a "State Marine Reserve" as described in California Code of Regulations (CCR) Title 14 § 632(a)(1)(A).
2. Change the designation of the Duxbury Reef SMCA to a "State Marine Reserve."
3. Extend the southern boundary of the Duxbury MPA to the most southerly tip of Duxbury Reef exposed at mean lower low water, that is, to a point at approximately 37 deg. 53.1315' N. lat, 122 deg. 41.7549' W. long.
4. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure as described in CCR Title 14 § 632(b)(49).

We also request that: (1) the letter to the Commission dated April 15, 2023, from the Greater Farallones and Cordell Bank National Marine Sanctuaries (copy enclosed) be made a part of the record in support of this petition; and (2) that EAC and others be allowed to submit further written evidence and testimony in support of this petition.

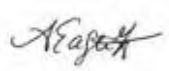
Please advise us if there is any further step(s) that should be taken by EAC and/or others to present a "petition" to the Commission pursuant to California Fish & Game Code Section 2861(a). Finally, please do not hesitate to ask for any further information that the Commission believes will assist it in addressing this petition.

We also request that the Commission clarify the process of public engagement regarding the DMR going forward. A more streamlined and intuitive comment and petition system would allow for easier public engagement and would further the justice, equity, diversity, and inclusivity goals of the Commission. Clarity would be especially helpful regarding what type of regulation changes could be considered in the DMR and what types would require their own petition.

While we understand that this may be forthcoming, it would also be helpful to have clarity related to the focus of future meetings and the Department and Commission's proposed work plan with some additional specificity related to how the public and stakeholders can participate most effectively.

Thank you for your consideration of our comments and all your work on the DMR process. We look forward to continuing to engage including review of the staff report and participation at the July 20th meeting.

Sincerely,



Ashley Eagle-Gibbs
Legal & Policy Director

cc: Susan Ashcraft, Marine Advisor, Fish and Game Commission
Becky Ota, Marine Habitat Conservation Program Manager, Department of Fish and Wildlife

Attachments: (1) EAC April 6, 2023, comments to Fish and Game Commission
(2) Greater Farallones and Cordell Bank National Marine Sanctuaries April 15, 2023, comments to Fish and Game Commission

west marin environmental action committee

ESTABLISHED 1971

Board of Directors

Bridger Mitchell, Ph.D.
President

Ken Drexler, Esq.
Vice-President

Mairi Pileggi, Ph.D.
Treasurer

Cynthia Lloyd, Ph.D.
Secretary

Terence Carroll
Director

Sarah Killingsworth, Esq.
Director

Jerry Meral, Ph.D.
Director

Patty Neubacher
Director

David Weinsoff, Esq.
Director

David Wimpfheimer
Director

Staff and Consultants

Morgan Patton
Executive Director

Ashley Eagle-Gibbs, Esq.
Legal and Policy Director

Leslie Adler-Ivanbrook
Program Director

Jessica Reynolds Taylor
Development Director

Grace Milstein
Communications Associate

Patricia Wimpfheimer
Bookkeeper

April 6, 2023

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

Re. Agenda Item 25. Marine protected areas decadal management review

Dear President Sklar and Honorable Commissioners,

The Environmental Action Committee of West Marin (EAC) has been working to protect the unique lands, waters, and biodiversity of coastal Marin County since 1971. We are deeply committed to California's marine protected area (MPA) network and have been actively supporting MPAs through outreach, education, and community science activities since the first regional stakeholder meetings that would eventually establish the network of 124 MPAs.

We submitted written comments dated March 13th in advance of the Fish and Game Commission (Commission) Marine Resources Committee (MRC) meeting (attached to this letter), as well as providing oral comments at the March 16th MRC meeting related to the decadal management review. We appreciated the hybrid meeting format, which allowed us to participate remotely.

We submit this follow up letter with locally specific boundary and designation change requests to the full Commission to facilitate discussion at the April meeting. Related to our previously submitted requests (March 13 and 16), we highlight our key requests here for discussion and prioritization at the April meeting:

1) Request evaluation of Drakes Estero State Marine Conservation Area (SMCA) for a designation change to a State Marine Reserve,

2) Request evaluation of Duxbury Reef State Marine Conservation Area for a designation change to a State Marine Reserve and extension of the southern boundary to fully encompass the reef habitat area, and

3) Request a science-based analysis to review a northern extension of the Duxbury Reef SMCA to Double Point Special Closure based on increased visitation by the public to the Area of Special Biological Significance.

This letter and our prior letter are also supported by prior written comments submitted by the National Park Service dated (November 14, 2022, also attached).

As a final request, we would like to gain clarity on the process for boundary and designation changes.

1) Specifically, is it necessary to submit a formal petition related to these aforementioned requests and correspondence? It was not entirely clear at the March MRC meeting whether a petition is required or if the Department of Fish and Wildlife is able to recommend adaptive management strategies based on the Decadal Review and submitted comments. We respectfully request clarification to facilitate effective public participation in this process.

Thank you for your dedication to adaptive management, and we look forward to the April Commission meeting and more collaboration on the adaptive management prioritization and recommendations as we approach the July MRC meeting.

Sincerely,

Morgan Patton, Executive Director

Ashley Eagle-Gibbs, Legal and Policy Director

west marin environmental action committee
ESTABLISHED 1971

Board of Directors

Bridger Mitchell, Ph.D.
President

Ken Drexler, Esq.
Vice-President

Mairi Pileggi, Ph.D.
Treasurer

Cynthia Lloyd, Ph.D.
Secretary

Terence Carroll
Director

Sarah Killingsworth, Esq.
Director

Jerry Meral, Ph.D.
Director

Patty Neubacher
Director

David Weinsoff, Esq.
Director

David Wimpfheimer
Director

Staff and Consultants

Morgan Patton
Executive Director

Ashley Eagle-Gibbs, Esq.
Legal and Policy Director

Leslie Adler-Ivanbrook
Program Director

Jessica Reynolds Taylor
Development Director

Grace Milstein
Communications Associate

Patricia Wimpfheimer
Bookkeeper

March 13, 2023

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

Re. MRC Agenda Item 9: Marine Protected Areas (MPA) Decadal Management Review

Dear President Sklar and Commissioner Murray,

The Environmental Action Committee of West Marin has been working to protect the unique lands, waters, and biodiversity of coastal Marin County since 1971. We are deeply committed to California's marine protected area (MPA) network and have been actively supporting MPAs through outreach, education, and community science activities since the first regional stakeholder meetings that would eventually establish the network of 124 MPAs.

We continue our support for the network as members of the Golden Gate MPA Collaborative Network, collecting human-use activity data through our local MPA Watch program, Marin MPA Watch, with partners at the Point Reyes National Seashore, and we have created a team of local volunteers who provide outreach and education as intertidal docents at Duxbury Reef State Marine Conservation Area (SMCA).

Thank you for this opportunity to submit comments on the MPA Decadal Review. We want to thank the Department of Fish and Wildlife (CDFW) and Fish and Game Commission staff and partners for the momentous achievement related to the completion of the Decadal Review and accompanying report. The report highlights the effectiveness and importance of our state's unique and precedent setting MPA network.

Before our specific comments, we would like to note that due to the flooding in Monterey County, our team is unable to travel to the in-person meetings, including the Decadal Management Review Forum. We are grateful the Marine

Resources Committee meetings will have the opportunity for hybrid participation and the Monterey County emergency highlights the continued need for hybrid meetings to ensure broad-based public engagement opportunities in the future. We look forward to viewing the Decadal Management Review Forum online and we are disappointed we will not be able to ask questions or contribute to the discussion in person.

In general, we are supportive of many of the recommendations and future steps outlined in Chapter 6; however, we have included some specific comments related to our geographic area in coastal Marin County for additional consideration. We have organized our comments by the MPA Network Performance categories noted in Chapter 6.

1. MPA Network Design / Boundaries and MPA Designation Changes

We have included three specific requests below related to designation and boundary changes with additional discussion following.

Request 1: Include condition and use change data for MPAs to provide an assessment of changed conditions (i.e. on-shore and offshore activities and uses) that would inform the need for adapting the MPA Network Design that would include boundaries and designation changes that are in alignment with today's conditions and circumstances.

Request 2: Request evaluation of Drakes Estero State Marine Conservation Area for a designation change to a State Marine Reserve.

Request 3: Request evaluation of Duxbury Reef State Marine Conservation Area for a designation change to a State Marine Reserve and extension of the southern boundary to fully encompass the reef habitat area.

The Decadal Review needs to include a reference of site conditions of the 124 MPAs from the date of MPA designation compared to current-day conditions that include changes in surrounding on-shore or offshore commercial/recreational consumptive and non-consumptive uses, and visitation data. This information would be beneficial when analyzing information for boundary and designation changes based on changed conditions. We highlight two Marin County examples below:

Example 1: Drakes Estero State Marine Conservation Area
Drakes Estero State Marine Conservation Area (SMCA) was established at a time when a commercial aquaculture operation was in business. The commercial operator closed in 2012, and offshore and on-shore infrastructure has been removed. Drakes Estero was designated as Marine Wilderness in 2012 following the

closure of the commercial operation in its waters. Following the Marine Wilderness designation, the Point Reyes National Seashore completed an expensive restoration project ($4 million) in the waters of Drakes Estero. The Estero is one of the last fully intact wetlands in the state of California, is an Area of Special Biological Significance, and a biologically rich estuary that consists of extensive eelgrass beds, tidal flats, wetlands, sand bars, and open water that supports a variety of fish, invertebrates, shorebirds, waders, waterfowl, and mammals including harbor seals and river otters.

On November 14, 2022, the Point Reyes National Seashore[1] submitted a letter to Dr. Craig Shuman, California Department of Fish and Wildlife Marine Region Manager, and to Samantha Murray, Fish and Game Commissioner, that supports a MPA designation change of Drakes Estero from a SMCA to State Marine Reserve (SMR) for the below reasons:

> *2010 designation as SMCA relied on presence of commercial aquaculture operation. DOI authorization of commercial aquaculture ended in 2012, and operations ceased in 2014. Area is now Congressionally Designated Wilderness, $4m estuary restoration completed in 2017. Recreational take of shellfish appears to be very rare, requires long kayak trips in wilderness area with no cell service and limited emergency response. Increased protections for eelgrass, estuarine biodiversity, and marine wilderness. If converted to an SMR, join Estero de Limantour into a single SMR for naming and outreach purposes.*

Example 2: Duxbury Reef SMCA
Duxbury Reef SMCA was established at a time when visitation to this area was very low and not many people were visiting the intertidal area. However, visitation to this MPA has been steadily and significantly increasing as previously unknown trails and beaches of Point Reyes National Seashore have begun to attract visitors to locations such as Alamere Falls.
Since 2017, MPA Watch volunteers documented approximately a 70 percent increase in visitation to Duxbury Reef that continued to increase in 2020 and 2021 during the pandemic.

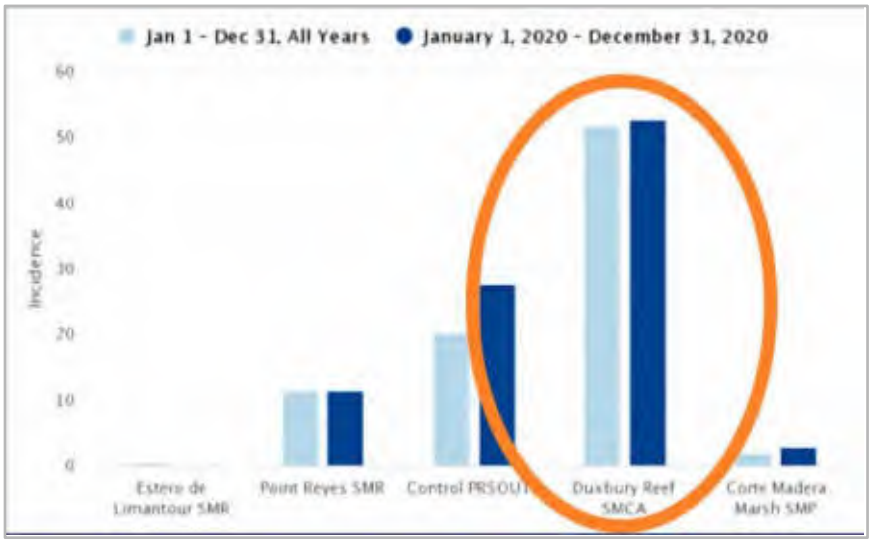


Figure 1.
MPA Watch Recreational and Consumptive Activity 2014-2020 and 2020

[1] Letter from Point Reyes National Seashore to California Department of Fish and Wildlife, November 14, 2022

A comparison of the MPA visitation trends across all designated MPAs in coastal Marin County, Duxbury has the highest overall visitation count of all MPA Watch transects in Marin, the smallest area, and is a highly sensitive intertidal habitat.

Our MPA Watch 2020 Annual Report notes the rise in visitation in 2020:

> *This MPA [Duxbury Reef State Marine Conservation Area] recorded a use rate of 29.4 activities per mile surveyed. This is an increase of 79% compared to the prior year. 11% of the observations in the MPA are on-shore consumptive.* ***305 incidents of hand collection of biota in the intertidal were observed in the months of June, July, and August 2020*** *(emphasis added). Duxbury Reef SMR has the highest use count [66%] of all MPAs surveyed by Marin MPA Watch … in one of the smallest survey areas. Duxbury Reef is a sensitive intertidal habitat where human impacts (trampling and collecting) may have long-term negative impacts to habitat and species.*

In 2022, we established the Duxbury Docent program in partnership with Marin County Parks and Open Space which provides visitor education and collects MPA Watch human-use data. On the ground, our docents are engaging with the public and have first-hand experience in the confusion of the designation of the MPA that is leading to unintended compliance issues at this location. Specifically, we summarized below our docent experiences while interacting with visitors,

> *The allowance of finfish fishing from shore and notice about the allowance of abalone take at Duxbury generates confusion in the community and among visitors about what is and is not allowed.*

At Duxbury Reef SMCA, our experience on the ground is that the permitted allowance of recreational finfish and abalone from shore is confusing to the public, and with increased visitation since 2017 this tends to lead to non-compliance that may be hindering the goals of the MLPA at this site.

The inclusion of community science data on human use, activities, and visitation data from overlapping jurisdictions, like the Point Reyes National Seashore in coastal Marin County, would provide a wealth of data that could assist in informing the adaptive management strategies of the MPA Network.

This would be especially beneficial when analyzing information for boundary and designation changes that would provide up-to-date information on changing conditions that would ensure the management of the MPAs are meeting the goals of the Marine Life Protection Act (MLPA)'s six goals[2].

[2] MLPA Goals: Protect the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems. 1) Help sustain, conserve and protect marine life populations, including those of economic value, and rebuild those that are depleted. 2) Improve recreational, educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity. 3) Protect marine natural heritage, including protection of representative and unique marine life habitats in CA waters for their intrinsic values. 4) Ensure California's MPAs have

2. Regulatory and Framework Review / MPA Network Design:

Request 4: Need for inclusion of biological and environmental condition status, community science data, and ecological habitat mapping when analyzing a need for MPA designation and boundary changes.

We support Recommendation #4 and request as part of the identification of science-based approaches to inform analysis that biological and environmental conditions, ecological habitat maps, and environmental designations (like Marine Wilderness, Areas of Special Biological Significance, etc.) are included.

We provide two examples below, Duxbury Reef and Double Point, related to immediately connected habitat areas excluded from MPA boundaries.

Example 1: Duxbury Reef SMCA
The current MPA boundaries of Duxbury Reef SMCA fail to encompass the entire reef that is exposed at a low tide. At low tide, people can walk to the portion that is outside the MPA, making it fully accessible. Figure 2 highlights the area that is part of the intertidal ecological habitat area but has been excluded from the MPA boundary.

In addition, the regulations state that the MPA seaward boundary is 1,000 feet from the seaward of mean, low, low tide, but the MPA boundary designation includes 1,000 feet from high tide. This language is ambiguous and confusing to the public.



Figure 2.
Overlay of Duxbury Reef SMCA with an orange outline of the portion of the reef that is exposed at low tide that is not currently included in the MPA. A southern boundary extension of Duxbury Reef is needed to fully connect the ecological habitat area and reduce confusion for the public on what activities are allowed.

clearly defined objectives, effective management measures and adequate enforcement and are based on sound scientific guidelines. 5) Ensure the State's MPAs are designed and managed, to the extent possible, as a network.

Example 2: Double Point

North of Duxbury Reef SMCA is a Special Closure Area (Double Point) that is ecologically significant and connected to Duxbury Reef. In the November 2022 letter from Point Reyes National Seashore, they note there are concerns about the protection of seabirds, marine mammals, and concerns with kayaking disturbances of harbor seals. A long-established harbor seal monitoring program by Point Reyes National Seashore at this location includes datasets on harbor seal pupping and movements. At the time the Special Closure was established, there was little human activity and disturbance in this area until about 2017 when hiking to Alamere Falls became very popular.

A science-based analysis to review whether it would make sense to extend the Duxbury Reef MPA further north to the Special Closure should be considered with data provided by the Point Reyes National Seashore on the presence of marine mammals and disturbance events. A review of this type would inform whether there is a need to extend the Duxbury MPA boundary north or expand the Double Point Special Closure, which we think is likely warranted based on our current understanding and available data.

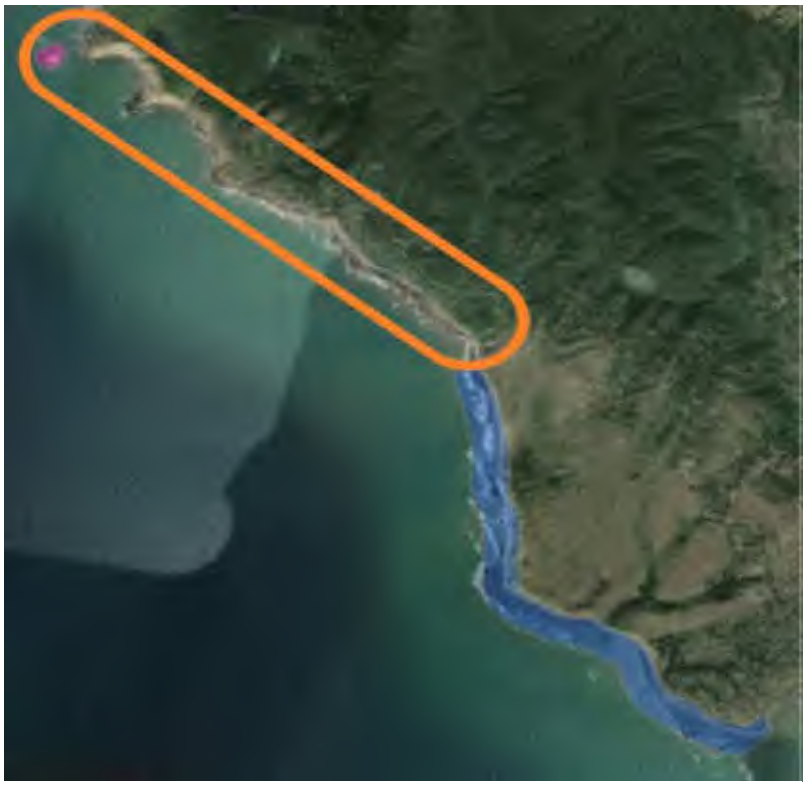


Figure 3.
Image of Double Point Special Closure and Duxbury Reef SMCA boundary. The orange highlight indicates the area outside of the MPA network that is interconnected and includes an additional Area of Special Biological Significance (cove near Double Point closure).

3. Enforcement and Compliance:

Request 5: Need for enforcement volunteer programs in rural areas, specifically an extension of CDFW-trained enforcement volunteers piloted in 2020 at Pillar Point due to the high visitation and poaching incidents.

Duxbury Reef SMCA is located within a nexus of overlapping jurisdictional authority, including the CDFW, Greater Farallones National Marine Sanctuary, Point Reyes National Seashore, and Marin County Parks and Open Space. However, the only agencies who can issue citations in the areas where most people visit at Duxbury Reef are the CDFW and the Marin County Sheriff.

Duxbury Reef SMCA is a rural location with limited signage and a lack of cellular service. Prior to 2022 and the creation of our program, there was no established outreach and education program for visitors to learn about the intertidal environment and limited oversight from regulatory agencies to ensure compliance with MPA regulations.

MPAs, like Duxbury Reef SMCA, need additional resources to enhance outreach and educational efforts, otherwise, the area becomes an MPA only in name and is not meeting MLPA goals.

Since 2014, the MPA Watch program has collected human-use data including potential violation data that is not reflected in the public enforcement violation data. Specifically, the MPA Watch and Duxbury Docent programs have collected data on increased visitation prior to the noted influx of visitation due to the pandemic in 2020:

> *Since 2017, MPA Watch volunteers documented approximately a 70 percent increase in visitation to Duxbury Reef, and in 2020, more than 300 observations of hand-collection of biota were documented at Duxbury Reef over a three-month period along with a 79 percent increase in visitation compared to 2019.*
>
> *In 2022, the Duxbury Docent program completed 65 shifts. Docents engaged with more than 1,000 members of the public and successfully deterred 37 potential consumptive use violations (hand-collection of biota) during those shifts through outreach and education.*

While establishing the Duxbury Docent program is an important step, additional resources are needed from CDFW to help meet the goals of the MLPA at this MPA. For example, establishing a partnership program like the pilot program of CDFW-trained outreach volunteers at Pillar Point in 2020 would benefit the Duxbury Docent program as a partnership to improve outreach, education, and MPA regulatory compliance.

4. Enforcement and Compliance:

Request 6: Need for transparency in violation tracking and numbers of visits by wardens to specific MPAs.

It would be beneficial to the public to have a quarterly report available that lists the number of cited violations at each MPA and the number of visits by CDFW wardens to that location. This information would assist with reconciling the community science data collected by programs like MPA Watch with the enforcement data. This would assist with finding compliance and enforcement gaps and subsequently allocating resources for increased capacity, or establishing community partnerships for outreach and educational programs in the future.

5. Outreach and Education:

Request 7: Need for up-to-date signage that incorporates information/access to seasonal fishing regulations.

Throughout the MPAs located in coastal Marin County, signage continues to be a challenge. Locations within the Point Reyes National Seashore sometimes include signage that an area is an MPA and closed to fishing and collecting, while other locations include do not have signage. If there are other pressing public noticing requirements like during the pandemic, MPA signage was removed and replaced.

As CDFW analyzes what is useful for MPA signage and effectiveness related to compliance and education, it would be helpful to include options for the public to obtain up-to-date information using QR codes, including current fishing regulations and definitions. This is especially important in areas where there are overlapping jurisdictional responsibilities and within SMCAs where regulations may differ on what is allowed or not allowed. Specifically, as noted previously by our Duxbury Docent program volunteers,

> *Signage is not kept up to date to reflect specific closures and hyperlinks to Fish and Game Code is not included for visitors to reference and look up current regulations.*

In general, much of the public is not up to date on the fishing seasons or what fisheries are open or closed, and the lack of information at access points creates confusion. Information for outreach and education also needs to be designed for the average recreational MPA visitor, and special signage for intertidal areas should be shared collaboratively throughout the state with intertidal groups to standardize messaging.

6. Tribal Coordination:

Request 8: Need for pathways to increased tribal coordination and inclusion.

We recommend increased and meaningful tribal engagement and co-management across all aspects of the MPA network including community science, building tribal capacity, improved coordination, and outreach and inclusion of all tribes, federal and non-federally recognized tribes.

7. Climate Resilience and Adaptation:

Request 9: Need to develop pathways to integrate with California's 30x30 Initiative, climate resilience, and adaptation goals.

We are actively engaged in coastal resiliency planning and the state's 30x30 implementation. Related to 30x30, we hope to continue the dialogue around how our MPA network intersects with California's 30x30 goals. Careful coordination is required between all these goals and planning processes to ensure the best outcome.

The Fish and Game Commission should work towards climate-resilient MPAs through an equitable, science-based process that is adaptive and includes additional monitoring metrics, connecting to the state's long-term monitoring goals. Our MPAs must be climate ready. It is important that the CDFW and the Fish and Game Commission consider the need for our MPA network to adapt to sea level rise, as wetland and public trust boundaries shift. The MPAs can also serve as important climate refugia sites.

8. Public Engagement and Timeline:

Request 10: Outline the opportunities for public engagement and timeline for consideration of incorporation of public comments on the Decadal Review.

We are grateful for the opportunity to comment on the Decadal Review but would like clarification from CDFW and the Fish and Game Commission on the recommended pathways to ensure that concerns raised in this comment letter are considered for inclusion in the adaptive management plans.

We also raise specific boundary and designation change requests that are localized to our geographic region and clarification on how those items will be considered and if it is appropriate as part of this process or would need to be raised independently of the Decadal Review.

Summary of Requests

Request 1: Include condition and use change data for MPAs to provide an assessment of changed conditions (i.e. on-shore and offshore activities and uses) that would inform the need for adapting the MPA Network Design that would include boundaries and designation changes that are in alignment with today's conditions and circumstances.

Request 2: Request evaluation of Drakes Estero State Marine Conservation Area for a designation change to a State Marine Reserve.

Request 3: Request evaluation of Duxbury Reef State Marine Conservation Area for a designation change to a State Marine Reserve and extension of the southern boundary to fully encompass the reef habitat area.

Request 4: Need for inclusion of biological and environmental condition status, community science data, and ecological habitat mapping when analyzing a need for MPA designation and boundary changes.

Request 5: Need for enforcement volunteer programs in rural areas, specifically an extension of CDFW-trained enforcement volunteers piloted in 2020 at Pillar Point due to the high visitation and poaching incidents.

Request 6: Need for transparency in violation tracking and numbers of visits by wardens to specific MPAs.

Request 7: Need for up-to-date signage that incorporates information/access to seasonal fishing regulations.

Request 8: Need for pathways to increased tribal coordination and inclusion.

Request 9: Need to develop pathways to integrate with California's 30x30 Initiative, climate resilience, and adaptation goals.

Request 10: Outline the opportunities for public engagement and timeline for consideration of incorporation of public comments on the Decadal Review.

Conclusion

Thank you for the opportunity to comment on the Decadal Review and for your consideration of our comments. We look forward to additional dialogue in the coming months as the public can comprehensively engage and participate in the pathways forward that will inform the future adaptive management decisions that help to ensure an inclusive, responsive, and resilient MPA Network.

Sincerely,



Morgan Patton
Executive Director
Environmental Action Committee of West Marin

cc: Susan Ashcraft, Senior Environmental Scientist and Marine Advisor, California Fish and Game Commission; Melissa A. Miller-Henson, Executive Director, California Fish and Game Commission; Becky Ota, Marine Habitat Conservation Program Manager, California Department of Fish and Wildlife; Craig Shuman, Marine Region Manager, California Department of Fish and Wildlife; and Dennis Rodoni, Marin County Supervisor District 4

United States Department of the Interior

NATIONAL PARK SERVICE
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956
Department of the Interior Region 10

IN REPLY REFER TO:

L7617

November 14, 2022

Craig Shuman, Marine Region Manager, CDFW

Samantha Murray, President, California Fish and Game Commission

Dear Mr. Shuman and President Murray:

The National Park Service (NPS) strongly supports the continued science-based and stakeholder driven designation and management of the most significant biodiversity focused Marin Protected Area (MPA) network in the United States. We anticipate the 10-year review will strengthen and reinforce the unparalleled benefits to protecting California's unique ecologically and economically important and irreplaceable marine biodiversity.

The NPS participated in the 2008 – 2009 stakeholder working groups recommending proposed Network of MPAs for the North-Central Coast. Since that time, NPS continues to support and conduct protection, education, monitoring, and research in the four State MPAs that overlap with the boundaries of Point Reyes National Seashore: Estero de Limantour State SMR, Drakes Estero SMCA, the Point Reyes SMR, and Duxbury Reef SMCA. Similarly, we also protect and monitor seabird and marine mammal populations in the three special closures within park boundaries: Point Reyes Headlands, Point Resistance Rock, and Double Point/Stormy Stack. We are proud to help protect and monitor these MPAs that both stakeholder subgroups overwhelmingly concurred on the Commission enacted MPA designations along the Marin County coastline.

The biodiversity protections established by these seven MPAs within the boundaries of Point Reyes National Seashore are key components in the NPS mission to *"…preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations."* Importantly, the majority of Point Reyes National Seashore's outer coast out to ¼ mile from shore is Congressionally designated as Potential Wilderness, which restricts commercial activities (including commercial fishing) and motorized equipment (including motorboats). These federal marine wilderness areas overlap partially or entirely with all seven State MPAs in Marin County.

Our continued support and engagement with the State MPA designations is summarized below where NPS, in collaboration with many partners, conducts ecological restoration, ecological monitoring, human use monitoring, research, protection, and education.

Table 1: Summary of National Park Service programs and projects in the seven State MPAs that overlap with NPS waters at Point Reyes National Seashore.

State MPA	Ecological Restoration	Ecological Monitoring	Human Use Monitoring	Research	Education	Protection
Drakes Estero SMCA	X	X	X	X	X	X
Estero de Limantour SMR				X	X	X
Point Reyes SMR	X	X	X	X	X	X
Duxbury Reef SMCA		X	X	X	X	X
Point Reyes Headlands Special Closure		X	X	X	X	X
Point Resistance Rock Special Closure		X	X		X	X
Double Point/Stormy Stack Special Closure		X	X	X	X	X

Recent and ongoing NPS investments in these State MPAs include:

- $4m restoration of the Drakes Estero SMCA in 2016-2017 removing 3.6m lbs. of aquaculture debris and continued annual monitoring of eelgrass restoration.
- Annual harbor seal and/or elephant seal monitoring in all the MPAs (except Estero de Limantour).
- NPS Visitor and Resource Protection patrol and response at all MPA sites, including vessel response and coordination with Marin County Sheriff and CDFW game wardens.
- NPS rocky intertidal monitoring at the Duxbury Reef SMCA as well as additional reference sites throughout the park
- NPS and Partner Rocky Intertidal habitat mapping for oil spill response and climate change tracking.
- Ashy Storm-Petrel Monitoring at the Double Point/Stormy Stack Special Closure
- Logistical support for USFWS Seabird Monitoring at five of the seven MPAs.
- $250,000 in funding to match OPC funded ROV fish and invertebrate surveys at the Point Reyes Headlands SMR (via UCSD).
- Funding to supplement and support seafloor habitat mapping between Tomales Point and Duxbury Reef to support the MPA stakeholder working groups and science teams (via Moss Landing Marine Lab).
- Funding supporting UC Davis research developing MPA larval dispersal models (Botsford Lab) in the Point Reyes region used by the MPA Science advisory Team.
- Endangered Black Abalone Restoration research (with UCSC) at the Point Reyes SMR and Point Reyes Headlands Special Closure.
- Hosting regular joint law enforcement trainings on MPA law, science, policy, and emerging issues.
- Co-development and support for of an MPA Watch program for Marin County that covers all the MPAs.

- Advising on an MPA-intertidal docent program at Duxbury Reef SMCA.
- MPA science, policy, and protection education at NPS visitor centers, interpretive programs and media.

NPS scientists, interpreters, law enforcement and partners regularly work and perform outreach, research and monitoring in these seven State MPAs. Based on our intimate long-term understanding of these areas and to continue support for the NPS Mission and Federal wilderness policies, we respectfully submit our MPA designation recommendations in Table 2 as CDFW and the Commission undergoes the 10-Year MPA review.

Table 2: National Park Service's State MPA recommendations for MPA 10-year review.

State MPA	NPS Recommendation	Rationale
Drakes Estero SMCA	Convert from SMCA to SMR	2010 designation as SMCA relied on presence of commercial aquaculture operation. DOI authorization of commercial aquaculture ended in 2012, and operations ceased in 2014. Area is now Congressionally Designated Wilderness, $4m estuary restoration completed in 2017. Recreational take of shellfish appears to be very rare, requires long kayak trips in wilderness area with no cell service and limited emergency response. Increased protections for eelgrass, estuarine biodiversity, and marine wilderness. If converted to an SMR, join with Estero de Limantour into a single SMR for naming and outreach purposes.
Estero de Limantour SMR	No Change/or merge with proposed Drakes Estero SMR	Protection of eelgrass and estuarine biodiversity.
Point Reyes SMR	No Change	Continued protection of marine biodiversity, including Seabirds, Marine Mammals, Black Abalone
Duxbury Reef SMCA	Continue as SMCA or Convert to SMR	NPS staff observe periodic illegal take of invertebrates after 12 years despite SMCA status. Full SMR status would clarify regulations and ease enforcement/education needs. Premier site for intertidal and ocean education in Marin County. NPS and UCSC long-term intertidal monitoring sites.
Point Reyes Headlands Special Closure	No Change	Protection of Seabirds, Marine Mammals, Black Abalone
Point Resistance Rock Special Closure	No Change	Protection of Seabirds. NPS has concerns about boating and kayaking disturbances. However, these are generally due to the public not following existing regulations.
Double Point/Stormy Stack Special Closure	No Change	Protection of Seabirds, Marine Mammals. NPS has concerns about boating and kayaking disturbances. However, these are generally due to the public not following existing regulations. NPS continues to monitor harbor seals outside the special closure for disturbance events.

Please contact NPS Cooperative Ecosystems Studies Unit Science Advisor Ben Becker at ben_becker@nps.gov if you would like any additional supporting information on NPS MPA support activities or our MPA recommendations.

Sincerely,

Anne Altman
Acting Superintendent

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Greater Farallones and Cordell Bank
National Marine Sanctuaries
991 Marine Drive, The Presidio, San Francisco, CA 94129

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

April 15, 2023

RE: Adaptive Management of California's Marine Protected Area Network

Dear President Sklar and Members of the Fish and Game Commission:

Greater Farallones National Marine Sanctuary (sanctuary) includes the state waters designated between Marin County and Point Arena. In addition, Greater Farallones National Marine Sanctuary staff (GFNMS) manage the northern portion of the Monterey Bay National Marine Sanctuary between Año Nuevo and Marin County. As such, GFNMS' management area aligns with the California Marine Life Protection Act (MLPA) North Central California Region providing an opportunity for shared management of the waters overlapping 25 state MPAs and 6 special closures. Since the designation of these protected areas, we have worked to support the statewide network through education, outreach, enforcement, and research. We look forward to continuing to work together to protect these nationally important marine areas, and appreciate the opportunity to provide comments to the Commission on adaptive management of the statewide MPA network.

This letter is intended to share information about the importance of Duxbury Reef, the need to consider additional conservation measures to effectively protect it, and to support a community-based process to recommend enhanced protections at Duxbury Reef State Marine Conservation Area.

The Importance of Duxbury Reef

Duxbury Reef is a place of special significance to California's coast. Its shale reef ecosystem is the largest in California, and supports over 100 species of invertebrates and marine plants. Accessible tidepools are frequently used to teach the next generation of marine scientists how to monitor ecosystem health and to engage the public in responsible wildlife watching. Since 2000, Duxbury has been a survey site of GFNMS and Greater Farallones Association's LIMPETS program, in which Bay Area students conduct intertidal monitoring of the reef. For many, Duxbury is their first experience visiting a marine protected area. In addition to its state and federal protections, Duxbury is part of the Golden Gate Biosphere Network, a United Nations' World Network of Biosphere Reserves established as sites of excellence. At less than three quarters of a square mile in area, it is one of the smallest MPAs in the statewide network.

The Need to Consider Additional Conservation Measures at Duxbury Reef

With rising sea levels intertidal animals need the space and time to adapt and build resilience to climate change. Duxbury Reef, an easy-to-access, popular coastal location in the Bay Area, is highly impacted by increased visitation. The impacts of increased visitation since its designation as an SMCA in 2010 have been well documented by agencies and partner organizations. Preliminary findings from the GFNMS Condition Report, an assessment of the health of the sanctuary over the last 10 years, revealed that Duxbury is the most easily accessed reef within the sanctuary. Although visitor use occurs at multiple rocky reef locations throughout the sanctuary, documented trampling and collecting of intertidal species at Duxbury reef makes it the location of highest concern for intertidal impacts in the sanctuary. These activities can cause long-term negative impacts to sanctuary habitat and species and reduce the resilience of species to adapt to changing ocean conditions.

The 2020 MPA Community Compliance Forum Report[1] offers details about illegal collections at Duxbury. Community members observed visitors using buckets, small nets and tools to collect reef animals including purple urchins and turban snails. They also expressed concern about increased visitation and impacts to tidepools from trampling, moving rocks for viewing, and crushing animals.

Data from Marin MPA Watch supports observations about increased visitation and illegal take. Marin MPA Watch has conducted surveys at Duxbury Reef since 2013 documenting significant increases in visitation, as well as human impacts to the reef. In recent annual reports, they noted the following use patterns at Duxbury[2]:

- In spite of being the smallest MPA, Duxbury has the highest use count (visitation) of all MPAs surveyed in 2022, accounting for 49% of total human activities in Marin MPA Watch locations.
- 16 observations were made of illegal hand collection of biota in 2022, as well as 62 observations of hand collection of biota in 2021.
- 305 incidents of hand collection of biota in the intertidal were observed in the months of June, July, and August 2020.

Duxbury's SMCA designation allows for certain kinds of take, which may confuse visitors that are not familiar with the regulations. Current regulations allow for "recreational take of finfish from shore and abalone", which is an unusually broad definition for an SMCA. Most SMCA designations include specific gear types (e.g. hook and line, dip net), but at Duxbury, the lack of specificity implies all gear types used to target finfish from shore, including hook and line, poke poles, and other gear are permissible. Poke poles used to target eels on the reef are a common

[1] Golden Gate Compliance Forum Report, 2020. see https://www.mpacollaborative.org/goldengate/
[2] MPA Watch Regional Report, Marin County, 2022 and 2020.

sight and are permitted under current regulations. Seeing legal take of finfish by various gear types occurring on a busy day may cause uninformed visitors to Duxbury to think that other forms of collection are legal. This confusion may be resulting in illegal take, which has been frequently observed on the reef by MPA Watch volunteers and docents.

Another potential source of confusion amongst coastal visitors may be from the allowed take at the southernmost extent of Duxbury Reef, which is unprotected by the current SMCA. This southern boundary area is accessible at low tide via the main parking lot, as well as a goat trail accessed at the end of Ocean Boulevard and Maple Road in Bolinas. Since collection is allowed at this part of the reef, unfamiliar visitors may see legal take occurring and assume that it is allowed on all areas of the reef.

Community Input on Adaptive Management of MPAs

GFNMS supports a community-based approach to recommending additional conservation tools to ensure the Duxbury Reef ecosystem thrives and is offering to help support such an effort. GFNMS is offering to propose to our Sanctuary Advisory Council (SAC) a GFNMS-CDFW working group composed of community members and science experts to recommend conservation measures and tools to address concerns about the health of Duxbury Reef. A joint working group of GFNMS and CDFW could provide a meaningful forum for community members and scientists to discuss and propose adaptive management recommendations to ensure a healthy State and Federal MPA.

Community-led processes to manage and protect our ocean are a valuable way to achieve community support, which in turn can promote better compliance. GFNMS is committed to attending future meetings of the Fish and Game Commission and Marine Resources Committee for our shared areas in which adaptive management of MPAs will be discussed and will participate in community processes that the state chooses to undertake in our region.

Thank you in advance for considering a Duxbury Reef community process whether led through GFNMS, CDFW, or a NGO to ensure that our shared resources thrive.

Sincerely,



Maria Brown, Superintendent
Greater Farallones and Cordell Bank National Marine Sanctuaries

ATTACHMENT 4

COUNTY OF MARIN

BOARD OF SUPERVISORS
DENNIS RODONI
Fourth District

Marin County Civic Center
3501 Civic Center Drive
Suite 329
San Rafael, CA 94903
415 473 7331 T
415 473 3645 F
415 473 6172 TTY
DRodoni@marincounty.org
www.marincounty.org/bos

November 21, 2023

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

Re: Support for Environmental Action Committee (EAC) Petition to the California Fish and Game Commission for regulation change at Duxbury Reef

Dear President Sklar and Commissioner Murray,

I am pleased to extend my support for the Environmental Action Committee of West Marin's Petition to the Fish and Game Commission for a regulation change at Duxbury Reef State Marine Conservation Area (Duxbury SMCA).

Duxbury Reef's shale reef supports a complex and rich ecosystem of over 100 species of invertebrates, marine algae, plants, associated finfish, and avian species. Its broad, flat slope affords easy access to rocky intertidal tidepool for the general public and as an outdoor classroom for students.

Currently, Duxbury Reef SMCA is only open for recreational finfish fishing and closed to any hand collection of biota. Over the last several years, my office has been made aware of compliance and regulation issues related to confusion on what is allowed and not allowed at Duxbury Reef based on the MPA regulatory designation and the mapping that does not include the southern portion of the reef that is exposed at low tied. In addition, concerns have been received about the northern boundary public visitation increases near Double Point and Stormy Stack where regulations are inconsistent with the southern intertidal areas.

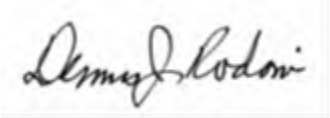
My office strongly supports efforts to align regulations across jurisdictions to protect resources that align agency enforcement, education, and public safety initiatives for the public.

To reduce public confusion about what is allowed and not allowed at this location, we support the petition to adaptively manage regulations at Duxbury Reef and support the request to modify the existing Duxbury Reef SMCA regulations with the following changes proposed by EAC:

1. Change the Duxbury Reef SMCA designation to State Marine Reserve (SMR),
2. Extend the southern boundary of the Duxbury MPA to the most southerly tip of Duxbury Reef exposed at mean lower low water.
3. Extend the northern boundary of the Duxbury Reef MPA protections to the Double Point/Stormy Stack Special Closure to protect contiguous, more pristine reef habitat to the north, which is ecologically connected to the current SMCA, but which is at risk of being degraded.

My office enthusiastically supports California's Marine Protected Area (MPA) Network and its goals for increasing MPA awareness and understanding, facilitating MPA regulatory compliance, supporting enforcement, and encouraging informed enjoyment and stewardship of MPAs.

Sincerely,



Dennis Rodoni
Marin County Supervisor, District 4

ATTACHMENT 5

COUNTY OF MARIN

MARIN COUNTY PARKS
Preservation • Recreation

MARIN COUNTY
PARKS
PRESERVATION RECREATION

OPEN SPACE DISTRICT
REGIONAL PARKS & PATHWAYS
COMMUNITY PARKS
LANDSCAPE SERVICES

Max Korten
DIRECTOR AND
GENERAL MANAGER

Marin County Civic Center
3501 Civic Center Drive
Suite 260
San Rafael, CA 94903
415 473 6387 T
415 473 3795 F
415 473 2495 TTY
www.marincountyparks.org

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

Re: Support for Environmental Action Committee's Petition for Regulation Change at Duxbury Reef

Dear President Sklar and Commissioner Murray,

Marin County Parks submits these comments in support of the Environmental Action Committee of West Marin (EAC)'s petition regarding changes to the regulations for the Duxbury Reef State Marine Conservation Area (SMCA). Marin County Parks is committed to coastal protection, the marine protected area (MPA) network, and the state's 30x30 goals.

Duxbury Reef's shale reef supports a complex and rich ecosystem of over 100 species of invertebrates, marine algae, and plants, plus associated fin fish and avian species. Its broad, flat slope affords easy access to rocky intertidal tidepools which are visited by many people throughout the year and used as outdoor classrooms for students from primary school to the university level. On some days, there can be hundreds of visitors at Duxbury Reef, including many visitors from other states and countries.

To help preserve the ecosystem of Duxbury Reef for the enjoyment, education, and inspiration of current and future generations, and to minimize the negative impacts of "take" to Duxbury Reef's vulnerable intertidal habitat and species, we urge the California Fish and Game Commission to modify the existing Duxbury Reef SMCA regulations with the following changes proposed by EAC:

1. **Change the Duxbury Reef SMCA designation to State Marine Reserve (SMR)** in which no take would be allowed, to more fully protect vulnerable marine species at risk of impacts from take. This would eliminate the existing public confusion and enforcement challenge related to the current allowance of some take. Redesignating Duxbury to an SMR is of vital importance.
2. **Extend the southern boundary of the Duxbury MPA** to the most southerly tip of Duxbury Reef exposed at mean lower low water. That is, protect the whole reef to a point at approximately 37° 53.1315' N. latitude, 122° 41.7549' W. longitude, to include the southern reef area which is contiguous with the rest of the MPA, and ecologically sensitive yet currently unprotected.

3. **Extend the northern boundary of the Duxbury Reef MPA** protections to the Double Point/Stormy Stack Special Closure as described in CCR Title 14 § 632(b)(49) to protect contiguous, more pristine reef habitat to the north which is ecologically connected to the current SMCA, but which is at risk of being degraded.

We support Califomia's MPA Network. In the case of Duxbury Reef, we assert that these changes would help to preserve the reef's biodiverse marine life for future generations, reduce public confusion about allowable take, protect the southem and northern sections of the reef habitat, all in combination with changing ocean and climate conditions including sea level rise that add further stress on sensitive marine creatures and alter the habitat.

Sincerely,

Max Korten
Director and General Manager
Marin County Parks

ATTACHMENT 6

November 25, 2023

To:

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

From:

Sarah G. Allen, PhD
[redacted]
Inverness, CA 94937
[redacted]

Re: Decadal Review Recommendations for the California North Central Marine Protected Areas

Dear President Sklar and Honorable Commissioners:

The California Marine Life Protection Act has been a model for other states and countries on how to establish a network of MPAs and provide protection to critical species and ecosystems that are fundamental to the biodiversity and economic health of California. Designation also involves periodic reevaluation and adaptive management of the sites. You are currently reviewing the North Central Coast Marine Protected Areas (MPAs) for the first decadal evaluation, and I wish to comment on and contribute to your review. For 50 years, I have studied marine life in California with an emphasis on marine birds and mammals, and was a scientist on the Scientific Advisory Team with expertise in marine mammals during the initial selection of sites within the North Central Coast Region. Twenty-six of those years, I was employed with the U.S. National Park Service as an ecologist and later as Science Program Lead for the Pacific West Region. During that time, I served on numerous federal/state collaborative committees and working groups, including, but not limited to, representative for the National Park Service on the staff committee for the California Biodiversity Council and for the nascent Parks and Protected Areas working group. While still working with and since retiring from the National Park Service in 2019, I have continued to study marine birds and mammals throughout the region, and am co-author of the University of California Press *Field Guide on Marine Mammals of the Pacific*.

My recommendations based on professional experience and continued study of pinniped and seabird colonies are as follows:

1. **Expand all Special Closure Areas** in the North Central Coast Region from 300 ft. to 1000 ft. to provide better protection for nesting seabirds including at North and Southeast Farallon Islands, Point Reyes Headlands, Point Resistance Rock, Double Point/Stormy Stack, and Egg Rock. From my years of studying nesting seabirds, I have noted that birds may begin reacting to boats as far as 1000 ft. away by head bobbing, and will leave eggs and chicks at shorter distances. Additionally, during surveys over the past several years, I have directly observed fishing boats disturbing nesting seabirds beyond 300 ft. at Double Point/Stormy Stack, and violating the 300 ft. buffer. When disturbing nesting seabirds, boats expose eggs and chicks to predators such as ravens and gulls, and a single disturbance can affect the productivity for an entire nesting season if seabirds do not return.

2. **Expand the Duxbury Reef MPA north** to include the Double Point/Stormy Stack Special Closure. The marine ecosystems of this area are exceptional as documented in its designation as an Area of Special Biological Significance (see Chan 1979). Double Point is home to one of the largest harbor seal (*Phoca vitulina*) breeding colonies in the state of California and to a significant seabird nesting site on Stormy Stack and the adjacent mainland cliffs. Ashy Storm Petrels (*Hydrobates homochroa*) a species of Conservation Concern in California, nest at this site, one of only a few breeding sites in the state. Black Oystercatchers (*Haematopus bachmani*), also nest there and are designated by the California Audubon Society as a Climate Endangered species because of their vulnerability to sea level rise. Other significant seabirds include >1000 Common Murres (*Uria aalge*), hundreds of cormorants, and tens of Pigeon Guillemots (*Cepphus Columba*), an indicator species of MPA recovery because of their delimited foraging/nesting habitat. Additionally, several hundred Brown Pelicans (*Pelecanus occidentalis*) roost at the site during the year.

Current protections of Stormy Stack and Double Point are insufficient. During surveys over the past several years, I have observed commercial party and recreational fishing boats violating the 300 ft. buffer and also disturbing nesting seabirds even beyond 300 ft. Fishing party boats on occasion produce noise through loud speakers as they circle around the area, which disturbs seabirds and seals at distances greater than 300 ft. By flushing nesting seabirds, boats expose eggs and chicks to predators such as ravens and gulls. One disturbance can affect the productivity for an entire breeding season if seabirds do not return to lay another egg.

3. **Expand the Duxbury Reef MPA south** to include the southern extension of Duxbury Reef that currently is not protected from people walking over and harvesting invertebrates and algae. There is a small but significant harbor seal colony on the southern extension of the reef that serves as a way station for seals to rest while traveling north to Point Reyes from San Francisco Bay and out to the Farallon Islands (Green et al. 2006). The seals are present consistently year round, and every year several pups occur there.

4. **Elevate the expanded Duxbury-Double Point MPA to State Marine Reserve**. The sensitivity and biological diversity of both Duxbury Reef and Double Point/Stormy Stack deserve full Marine Reserve status, as described in above points 1-3. Current marine reserves in California protect only approximately 9% of the state waters from harvest. The area has a long scientific history documenting biodiversity and significance, and consequently, is a good candidate for elevating to full reserve status (Chan 1979). Recently, the College of Marin broke ground to rebuild the historical Bolinas Field Station, which will continue and expand on the long history of scientific research about the coastal ecology of the area.

4. **Combine Drakes Estero SMCA with the Estero de Limantour State Marine Reserve** in order to extend reserve status protection to the middle and upper reaches of Drakes Estero. Drakes and Limantour esteros form a complex of tidal sand bars where harbor seals give birth and rest onshore year round, and is one of the largest concentrations of seals in California (Codde & Allen 2015). Recreational take of clams is the only activity allowed in this SMCA. Currently under this designation, seals are regularly disturbed by recreational clam diggers who come by kayak to dig for clams on the sand bars where the seals haul out. These sandbars are inaccessible to people on foot from the mainland and are only exposed and accessible to the seals during medium to low tides. During the harbor seal pupping season (March 1-June 30), non-motor boat access in the estero is restricted by Point Reyes National Seashore regulations, and restricted to all motor boats year round because Drakes Estero is within federally designated Wilderness. Nevertheless, there is no restriction to non-motor boats after June 30 when seals are hauling out to molt their fur. The molt (June-August) is energetically costly to the seals, requiring longer times to rest

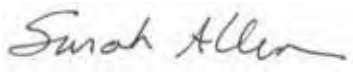
onshore. The National Park Service supported conversion from SMCA to SMR to California Fish and Game Commission in a detailed letter dated November 14, 2022.

5. **Create a Special Closure** of 1000 ft. at Northwest Cape Rocks, north of Fort Ross. These rocks have significant seabird nesting colonies and have one of the few Steller sea lion (*Eumetopias jubatus*) breeding colonies in the state (https://www.fortross.org/animals/steller-sea-lion). Steller sea lions were delisted from the federal endangered species list several years ago; however, the California sub-population continues to decline with an estimate of only around 2,000 (NOAA Stock Assessment 2020). The site was proposed for MPA and Special Closure designation when I was an advisor on the Science Advisory Team, but was not included at that time. Since then, the Steller sea lion colony has continued to decline at this location and state-wide.

California has been able to rebuild some of the unique and critically significant coastal ecosystems over the past decade through the establishment of an MPA network. Nevertheless, only 16% of state waters are designated as MPAs and there are only 14 Special Closures statewide. The 30x30 California Initiative advocates for 30% of the state be protected by 2030. Increasing the number and areal extent of MPAs in state waters will be a positive action to meet the goals of the initiative and a prudent management strategy to meet the immense challenges from changes in climate that already are harming California's marine resources.

Thank you for your service to protect the exceptional resources of California.

Sincerely,



Sarah G. Allen, PhD
Retired Senior Science Advisor
National Park Service

cc: Ashley Eagle-Gibbs, Environmental Action Committee of West Marin

References

Chan, G. 1979. California Marine Waters Aras of Special Biological Significance Reconnaissance survey reports. Double Point and Duxbury Reef. California State Water Resources Control Board. Water Quality Monitoring Report No. 79-14 and 15.

Green, D.E., Grigg, E., Allen, S., & Markowitz, H. 2006. Monitoring the potential impact of the seismic retrofit construction activities at the Richmond-San Rafael Bridge on harbor seals (*Phoca vitulina*): May 1, 1998 – December 31, 2004. Final Report, IHA 11/19/03-11/18/04. 100pp.

Codde, S. & S. Allen. 2015. Pacific harbor seal (*Phoca vitulina richardsi*) monitoring at Point Reyes National Seashore and Golden Gate National Recreation Area: 2013 annual report. Natural Resource Report NPS/SFAN/NRR—2015/919. National Park Service, Fort Collins, Colorado.

ATTACHMENT 7

Josh Churchman
[redacted]
email: [redacted]
telephone: [redacted]

November 29, 2023

via email (fgc@fgc.ca.gov) & U.S. Mail

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

Re: **Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") regarding the Duxbury Reef Marine Protected Area.

My experience/background relevant to this matter.

I am a fisherman in Bolinas for sixty seven years. I started as a sport fisherman and progressed into commercial fishing as I got older. I am now and have been a member of the Bolinas Rod & Boat Club for fifty years and I was a stakeholder on the long and painful road to forming MPA's along our coast.

For the enjoyment, education and inspiration of current and future generations, and to minimize the negative impacts of the ever increasing number of visitors to Duxbury Reef's intertidal habitat, all three of the following additions and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") which EAC has requested should be approved by the Commission.

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".

Designating the entirety of the Duxbury MPA as a State Marine Reserve is upon us. It is time for us to prohibit all taking of anything, including all fishing from shore (except under a scientific collecting permit for authorized research, restoration or monitoring).

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water (the "Southern Reef Extension")

I understand that the Southern Reef Extension is at this time outside of and unprotected

by the current MPA boundaries. This part of the reef should be included in the new boundaries.

3. **Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point (the "Northern Reef Extension")**

I understand that the Northern Reef Extension is outside of and unprotected by the current SMCA. It is my understanding that this unprotected area commences at the North boundary of the current SMCA, roughly at the outfall of Arroyo Hondo Creek, and would extend to the northern point of Double Point. This is a much more abundant reef area and should have been included long ago.

No New Exclusions of Offshore Commercial Fishing

Finally, I wish to clearly state that while I am strongly in favor of providing full protection as a State Marine Reserve to the entire Duxbury intertidal reef, I am concerned that a thousand foot outer boundary is excessively punitive to the Bolinas fishing community. If the regulations would exclude the taking of Salmon and Halibut, or the outer boundary could be moved in to three hundred feet it would still protect the intertidal zone and not adversely impact the local fishermen as dramatically. Salmon and Halibut are " pelagic" and they do not influence the health of the reef in any significant way. However, there are times when both congregate along that shoreline and in very close to the beach.

Summary

I think it is time to exercise "adaptive management". Increase the intertidal protections and.at the same time, protect the future of a healthy Bolinas fishing community.

Respectfully submitted,

Josh Churchman

cc. Kent Khtikian



ATTACHMENT 8

November 29, 2023

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

Re: Support for Environmental Action Committee's Petition for Regulation Change at Duxbury Reef

Dear President Sklar and Commissioner Murray,

The undersigned organizations submit these comments in support of the Environmental Action Committee of West Marin (EAC)'s petition regarding changes to the regulations for the Duxbury Reef State Marine Conservation Area (SMCA). The undersigned organizations are committed to coastal protection, the marine protected area (MPA) network, and the state's 30x30 goals.

Duxbury Reef's shale reef supports a complex and rich ecosystem of over 100 species of invertebrates, marine algae, and plants, plus associated finfish and avian species. Its broad, flat slope affords easy access to rocky intertidal tidepools which are visited by many people throughout the year, and used as outdoor classrooms for students from primary school to the university level. On some days, there can be hundreds of visitors at Duxbury Reef, including many visitors from other states and countries.

To help preserve the ecosystem of Duxbury Reef for the enjoyment, education, and inspiration of current and future generations, and to minimize the negative impacts of "take" to Duxbury Reef's vulnerable intertidal habitat and species, we urge the California Fish and Game Commission to modify the existing Duxbury Reef SMCA regulations with the following changes proposed by EAC:

1. **Change the Duxbury Reef SMCA designation to State Marine Reserve (SMR)** in which no take would be allowed, to more fully protect vulnerable marine species at risk of impacts from take. This would eliminate the existing public confusion and enforcement challenge related to the current allowance of some take. Redesignating Duxbury to an SMR is of vital importance.
2. **Extend the southern boundary of the Duxbury MPA** to the most southerly tip of Duxbury Reef exposed at mean lower low water. That is, protect the whole reef to a point at approximately 37° 53.1315' N. latitude, 122° 41.7549' W. longitude, to include the southern reef area which is contiguous with the rest of the MPA, and ecologically sensitive yet currently unprotected.
3. **Extend the northern boundary of the Duxbury Reef MPA** protections to the Double Point/Stormy Stack Special Closure as described in CCR Title 14 § 632(b)(49) to protect contiguous, more pristine reef habitat to the north which is ecologically connected to the current SMCA, but which is at risk of being degraded.

We enthusiastically support California's MPA Network. In the case of Duxbury Reef, we assert that strengthened protections are urgently needed to preserve the reef's biodiverse marine life for future generations, considering public confusion about allowable take, as well as the lack of any protection of the southern and northern sections of the reef habitat, all in combination with changing ocean and climate conditions including sea level rise that add further stress on sensitive marine creatures and alter the habitat.

Sincerely,

Chance Cutrano Director of Programs Resource Renewal Institute	Laura Deehan State Director Environment California Research and Policy Center
Neal Desai Senior Program Director, Pacific Region National Parks Conservation Association	Suzanne Hume Educational Director & Founder CleanEarth4Kids.org
Megan Isadore Executive Director River Otter Ecology Project	Scott D. Sampson, Ph.D. Executive Director California Academy of Sciences
Terri Thomas President Marin Conservation League	Tomas Valadez CA Policy Associate Azul
Robert Vergara Roger Arliner Young (RAY) Ocean Conservation Fellow Natural Resources Defense Council	

ATTACHMENT 9

Kent Khtikian
[redacted]
email: [redacted]
telephone: [redacted]

July 3, 2023

via email (fgc@fgc.ca.gov) & U.S. Mail

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

Re: **Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations and to minimize the negative impacts of visitors to Duxbury Reef's intertidal habitat and species all three of the following additions to and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". [1]

Designating the entirety of the Duxbury MPA as a State Marine Reserve is imperative, whether or not the boundaries of the current MPA re expanded as urged below.

I have observed a very large increase in the visitation to the Duxbury MPA over the course of the last 12 years. (The increase over the prior 35 years was not nearly as large in absolute numbers; indeed, the increase during that prior 35 year period was hardly noticeable.) I have also observed that there is now, as compared to 12 years ago, a corresponding large increase in both commercial and recreational collection. This includes collection of fauna and flora, for consumption as well as for non-consumption purposes. When speaking with visitors, who have

---

[1] I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected. I am a retired attorney and I have read and am familiar with all sections of the Marine Life Protection Act (Fish & Game § 2850 et seq.) and the regulations promulgated thereunder (14 C.C.R. §632).

been engaged in non-consumptive, casual or recreational collecting, I have consistently heard confusion about what is or is not allowed within the current SMCA. Visitors see legal taking occurring within the current SMCA and assume that taking of anything is allowed. In addition, when permitted taking is observed, the ability of docents to protect the SMCA from not only recreational collecting, but also to minimize the usually unintended negative impacts of trampling, moving rocks for viewing, and temporarily removing animals from tide pools (this causes injury as the animal may have been in a location where it's food was present, or where it was tending eggs, or where it had a required or preferred exposure to or protection from tidal currents and wave shock[2]). Visitors compare, rationalize and measure their own trampling, invertebrate handling or collecting, and rock-overturning activity against the permitted taking. Simply put, continuing to permit some taking from Duxbury undermines the realization of the Commission's proscription that "it is unlawful to injure, damage, take, or possess any living ... marine resource"(14 C.C.R. § 632(a)(1)) that is not otherwise excepted from taking in the Duxbury SMCA.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water (the "Southern Reef Extension")

a. Direct Impacts on the Southern Reef Extension. The Southern Reef Extension is outside of and unprotected by the current SMCA. This unprotected area constitute about 5/6's of that portion of Duxbury Reef extending off the southern tip of the Bolinas peninsula. It is accessible at low tide from 3 points: the Agate Beach County parking lot; the Bolinas beach boat ramps at the ends of Brighton Road and Wharf Roads; and, a "local" trail down the bluff on the southern point of the Bolinas mesa. While the Southern Reef Extension does not have as many visitors as other parts of Duxbury Reef, it is an area on which I have observed an increasing number of incidents of collecting. The Southern Reef Extension has many species not found on, or rarer on, those portions of Duxbury that are more heavily visited. Its relatively pristine state is at risk of being degraded. Many of the species I have seen on the Southern Reef Extension have always been, or are now, absent or comparatively relatively rare on those parts of the SMCA most heavily visited by humans (for example, Lissothuria nutriens (Dwarf Sea Cucumber), Nuttallina californica (Nuttall's Chiton), Mopalia ciliata (Hairy Chiton), Oligocottus snyderi (Fluffy Sculpin) a number of species of nudibranch such as Diaulua sandiegensis (Ring-spotted Dorid) and Dendrodoris albopunctata (Salted Dorid). Other species I have seen on the Southern Reef Extension are now relatively rare, but had once been more numerous, on the more frequently visited part of the reef - within the current SMCA - due to collecting/poaching of that species itself (e.g. Lottia gigantea (Owl Limpet)) or loss from the trampling, handling or collecting of what a species (e.g. Octopus dofleini and Octopus rubescens) feeds on. Finally I have observed since the early 1980's, at roughly the midpoint of the Southern Reef Extension, a continuous colony of Phoca vitulina (Harbor Seals) that is easily flushed into the water by approaching humans.

---

[2] I would be happy to testify as to specific impacts of these kinds on specific species.

b. Impacts on the Existing SMCA. In addition to the direct impacts on the unprotected Southern Reef Extension itself, the collection in the Southern Reef Extension has at least two negative impacts on the intertidal habitat of the current SMCA. First, visitors unfamiliar with the existence of the SMCA or, if knowing it exists, unfamiliar with its boundaries see legal taking occurring on the unprotected Southern Reef Extension, where there is no limitation to only the taking of finfish, and assume that broader taking (e.g. taking bivalves for bait, collecting invertebrates, harvesting algae) is allowed in the area within the current SMCA. Second, it negatively impacts the complex and rich ecosystem of the entire reef by removing from the less visited areas (the Northern & Southern Reef Extensions) those species that could otherwise repopulate the more heavily visited areas (the current SMCA).

3. **Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point (the "Northern Reef Extension")**

The Northern Reef Extension is outside of and unprotected by the current SMCA. This unprotected area commences at the North boundary of the current SMCA (roughly the outfall of Arroyo Hondo Creek) and would extend to the northern point of Double Point. It is accessible from 6 points: the Agate Beach County parking lot (at low tide); two trails down from the Commonweal area; a trail down from a small parking area on Mesa Road North of Point Blue's Palomarin Field Station; a trail that commences about 200 yards North of the Palomarin trailhead (branching off the Coast Trail); and, at low tide from the beach from Alamere Falls. The number of visitors at the Palomarin trailhead has increased many-fold. Ten years ago it was rare to have more than 15 cars in the trailhead parking lot on a Saturday or Sunday during the Summer; now parking fills that lot at any time of the year, and often extends down Mesa road - on occasion nearly to Point Blue's field station. The Northern Reef Extension has many species not found on, or now rarer on, those portions of Duxbury that are more heavily visited. Its relatively pristine state is at risk of being degraded. Perhaps the most memorable (to me) two species I have seen in the Northern Reef Extension, but not in the SMCA, are Anarrhichthys ocellatus (Wolf Eel), and Scorpaenichthys marmoratus (Giant Marbled Sculpin or Giant Sculpin) protecting its eggs, a species I have seen in the intertidal area only twice in over 30 years in tidepools which was protecting eggs and potentially could be easily captured. Obviously, like the collecting activity in the Southern Reef Extension, that same activity in the unprotected Northern Reef Extension, negatively impacts the complex and rich ecosystem of the entire reef.

My experience/background relevant to this matter.

I was a part-time resident of Bolinas from 1976 to 1985. From 1986 to the present I have continuously been a full-time resident of Bolinas. During that period I have observed Duxbury Reef, keeping field and laboratory notes of my observations over that time. I am a rocky shores naturalist, trained as part of the rocky shores partnership between California Academy of Sciences and the Gulf of the Farallones National Marine Sanctuary, and in marine biology course work at the College of Marin (as examples). Two days a month for over 3 years I was a volunteer docent at the California Academy of Sciences, specializing in marine invertebrates.

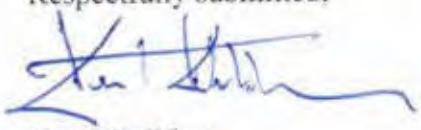
Each year for the past 10 years I have performed surveys of intertidal invertebrates in the more untouched areas of the Marin Coast (4 sites including one on Duxbury Reef) and Alcatraz Island as part of the Multi-Agency Rocky Intertidal Network (MARINe). For 8 years I surveyed and tagged pinnipeds in Pt. Reyes National Seashore. I participated in MPA Watch from 2013 to 2021. I have spent over 100 hours a year docenting at Duxbury Reef, including taking school groups on the reef from primary school to college classes, over the past12 years. In 2022 I created the docent program on Duxbury Reef in partnership with EAC, I taught the docent volunteers the biology and the identification of species found on Duxbury, and trained them in docenting protocols. I was previously named volunteer of the year by the National Park Service, by the Greater Farallones National Marine Sanctuary, and by EAC. I am also a member of the Bolinas Rod & Boat Club.

Summary

Duxbury Reef's side-shelf shale reef supports a complex and rich ecosystem. Its tidal pools are easy to access and are frequently used as outdoor classrooms for students from primary school to the university level and for recreation. On some days there are 100s of visitors to Duxbury Reef, including many visitors from other States and countries, for tide pool exploration and wildlife watching.

In order to preserve without further impairment, and to correct harm that has been previously done to, the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations all three of the above-described additions to and modifications of the Duxbury Reef State Marine Conservation Area proposed should be approved by the Commission.

Respectfully submitted,



Kent Khtikian

cc. Morgan Patton, EAC

ATTACHMENT 10

Date: July 3, 2023

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

via email (fgc@fgc.ca.gov) & U.S. Mail

From: Joe Mueller
College of Marin
Dept. of Life and Earth Sciences
835 College Ave
Kentfield, CA 94904

Re: **Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") dated April 6, 2023 regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve the ecological integrity of the Communities of Duxbury Reef for the recreational use, education and scientific modeling opportunities of current and future generations and to minimize the damaging impacts of visitors to Duxbury Reef's rocky intertidal communities all three of the following additions to and revisions of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

My experience/background relevant to this matter.
As a Professor of Marine Biology at College of Marin for 33 years I have been studying Duxbury Reef and leading marine biology field trips to the reef for all of these years. I have been part of conducting invertebrate population assays on the reef since 1985. Recently I have led a research project to follow through on invertebrate studies that have been monitoring biodiversity trends since the early 1970s.

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". [1]
Designating the entirety of the Duxbury MPA as a State Marine Reserve is of vital importance,

[1] I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected.

whether or not the boundaries of the current MPA are expanded as urged below. Over my 33 years of teaching college level courses on Duxbury Reef I have observed a significantly large increase in the visitation to the Duxbury MPA over the course of the last 12 years or so. Additionally, I have observed that there is a corresponding significant increase in both commercial and recreational collecting/fishing as compared to 12 or so years ago. This includes collecting of both invertebrates, vertebrates and algae for food as well as for general collecting purposes. Most importantly I've notice a precipitous drop and reef invertebrate diversity and biomass. It is in my professional opinion that continuing to permit some taking from Duxbury undermines the realization of the Commission's proscription that "it is unlawful to injure, damage, take, or possess any living ... marine resource"(14 C.C.R. § 632(a)(1)) that is not otherwise excepted from taking in the Duxbury SMCA.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water (the "Southern Reef Extension")

a. Direct Impacts on the Southern Reef Extension. The Southern Reef Extension is outside of and unprotected by the current SMCA. This unprotected area constitutes about 5/6's of that portion of Duxbury Reef extending off the southern tip of the Bolinas peninsula. It is accessible at low tide from 3 points: the Agate Beach County parking lot; the Bolinas beach boat ramps at the ends of Brighton Road and Wharf Roads; and, a "local" trail down the bluff on the southern point of the Bolinas mesa. While the Southern Reef Extension does not have as many visitors as other parts of Duxbury Reef, it is an area on which I have observed an increasing number of incidents of collecting over the last few years. The Southern Reef Extension has a significantly higher biodiversity than those regions of Duxbury that are more heavily visited due to easier access. This is due to the diverse microhabitats found in this area as well as other abiotic variables. The reef's relatively pristine state is at risk of being degraded. If needed I would be happy to provide your office with a list of invertebrate and vertebrate species historically found within the Southern Reef Extension that are now, absent or comparatively rare on those parts of the SMCA most heavily visited. Other species I have seen on the Southern Reef Extension are now relatively rare, but had been more numerous in the past, on the more frequently visited part of the reef - within the current SMCA - due to collecting/poaching of that species, e.g. *Lottia gigantea* or most likely loss from the trampling, handling or collecting of what some species (e.g. *Octopus dofleini* and *Octopus rubescens*) feed on. I have also observed colonies of Harbor Seals that are easily frightened into the water by approaching humans in this area.

b. Impacts on the Existing SMCA. In addition to the direct impacts on the unprotected Southern Reef Extension, the collection in the Southern Reef Extension has at least two negative impacts on the intertidal habitat of the current SMCA. First, visitors unfamiliar with the existence of the SMCA or, if knowing it exists, unfamiliar with its boundaries see legal taking occurring on the unprotected Southern Reef Extension, where there is no limitation to only the taking of finfish, and assume that broader taking (e.g. taking bivalves for bait, collecting invertebrates, harvesting algae) is allowed in the area within the current SMCA. Second, it negatively impacts the

complex and rich ecosystem of the entire reef by removing from the less visited areas (the Northern & Southern Reef Extensions) those species that could otherwise repopulate the more heavily visited areas (the current SMCA).

3. **Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point (the "Northern Reef Extension")**

The Northern Reef Extension is outside of and unprotected by the current SMCA. This unprotected area commences at the North boundary of the current SMCA (roughly the outfall of Arroyo Hondo Creek) and would extend to the northern point of Double Point. It is accessible from 6 points: the Agate Beach County parking lot (at low tide); two trails down from the Commonweal area; a trail down from a small parking area on Mesa Road North of Point Blue's Palomarin Field Station. I'm told by expert National Park staff that there has been a significant increase in visitation and is due to social media. The Northern Reef Extension has a richer biodiversity than areas of Duxbury that are more heavily visited. Its relatively pristine state is at risk of being degraded. As you're aware, the collecting activity in the Southern Reef Extension is the same activity in the unprotected Northern Reef Extension and negatively impacts the complex and rich ecological communities of the entire reef system

Summary

Duxbury Reef's side-shelf shale reef supports complex and rich ecological communities. Its tidal pools are easy to access and are frequently used as outdoor classrooms for students from primary school to the university level as well as for recreation. On many days I have counted more than 150 visitors using Duxbury Reef, that have come to explore the rocky intertidal community.

In order to preserve without further damage, and to allow the reef to heal so it can provide enjoyment, education and inspiration for current and future generations I strongly recommend that all three of the above-described additions to and revisions of the Duxbury Reef State Marine Conservation Area proposed should be approved by the Commission.

Please feel free to contact me for any clarification or questions. jmueller@marin.edu

Respectfully submitted,

Joe Mueller
Professor of Marine Biology
College of Marin
Kentfield, CA 94904
jmueller@marin.edu

cc. Morgan Patton, EAC

ATTACHMENT 11

California Fish and Game Commission
July 6, 2023

Lily Rosenman

email: [redacted]

July 6, 2023

via email (fgc@fgc.ca.gov) & U.S. Mail

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

Re: **Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations and to minimize the negative impacts of visitors to Duxbury Reef's intertidal habitat and species all three of the following additions to and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".[1]
2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water.
3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Rationale for my support of the above actions.

My comments below are premised upon my following experience. I have continuously been a full-time resident of Bolinas since 2021. Since moving to Bolinas I have spent many hours on Duxbury Reef. I am currently taking classes at the College of Marin to obtain a Natural History Certificate and have completed 4 of the 7 courses for that certification. I completed the docent training class for the Duxbury Reef docent program in January 2022. I have been an active docent on Duxbury Reef since January 2022, and I have spent many hours on the reef as a docent. I have been visiting and exploring Duxbury reef since the 1980s, and the experiences

[1] I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected.

tidepooling there throughout my childhood have directly influenced my current path to learning more about Ecology and Marine Biology.

As a docent I have talked to visitors who were engaged in casual, recreational collecting. From numerous interactions with visitors, it is apparent that visitors often feel that their own activity of turning over rocks, walking through tide pools, or recreational collecting is less harmful than whatever fishing that they either see occurring on the reef or they read as being permitted on the signage in the Agate Beach parking lot.

When fishermen are in the SMCA, I am too uncomfortable as a volunteer docent, to try to stop - or even dissuade - fishermen from using mussels as bait or from removing other invertebrates either for consumption or for bait.

If Duxbury was designated as a State Marine Reserve, there would be no question that the taking or possessing is not permitted. Nor would there be permitted taking occurring, against which visitors could compare, rationalize and justify their own trampling, invertebrate handling, and rock-overturning activity.

I have also observed that there are large parts of Duxbury Reef, both to the North and South of the boundaries of the current area designated as the Duxbury Reef State Marine Conservation Area which are increasingly visited. Those areas are outside of the Duxbury marine protected area. Consequently, there is no attempt to dissuade or even report harmful conduct in the parts of the reef which are now relatively pristine. The risk of the degradation of those areas would be reduced by expanding the boundaries of Duxbury marine protected area to include them and by designating the entirety as a State Marine Reserve. Moreover, unless someone was posted out beyond the current boundaries of the SMCA (and there are not enough volunteers to do that), it is impossible to tell if people who are walking back from more remote parts of the reef to the County's Agate Beach parking area who are carrying buckets, collected the contents of those buckets inside the current boundaries of the Duxbury SMCA or in those larger unprotected areas of Duxbury Reef outside of its current protected boundaries.

Sincerely,



Lily Rosenman

cc. Morgan Patton, EAC

ATTACHMENT 12

Bridget Bartholome
[redacted]
email: [redacted]
telephone: [redacted]

July 5, 2023

via email (fgc@fgc.ca.gov) & U.S. Mail

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

Re: **Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") dated April 6, 2023 regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations and to minimize the negative impacts of visitors to Duxbury Reef's intertidal habitat and species all three of the following additions to and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".[1]
2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water.
3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Rationale for my support of the above actions.

[1] I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected.

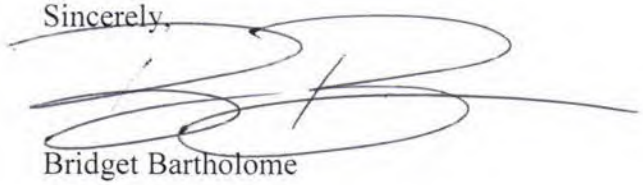
California Fish and Game Commission
July 5, 2023

My comments below are premised upon my following experience. I have continuously been a full-time resident of Bolinas since 2006. Since moving to Bolinas I have spent many hours on Duxbury Reef. I am currently taking classes at the College of Marin to obtain a Natural History Certificate and have completed 6 of the 7 classes for that certification. I took the docent training class for the Duxbury Reef docent program in January 2022 and I have been continually participating in that program on Duxbury Reef since that date. I was also resident choreographer for Bolinas Bay Performing Arts 2014-2020, and taking young people to the reef to learn and explore was an integral part of our production of "The Little Mermaid". I have also been a member of the Bolinas Rod and Boat Club since 2020.For the past year I have also been assisting in performing invertebrate surveys in several areas within the current Duxbury SMCA.

I have observed a very large increase in the visitation to the Duxbury SMCA over the course of the last 7 years. As a docent I have talked to visitors who were engaged in casual, recreational collecting. On those occasions when others on the reef were fishing, the visitors would ask me why fishing with lines and hooks, or with poke poles, was permitted, but taking other animals (bivalves, snails, urchins) from the reef, or turning over rocks, or splashing through tide pools (and, for example, potentially destroying egg deposits or crushing juvenile crabs taking refuge in tide pools when the tide retreats) was prohibited. Docents are volunteers, and are present on the reef for only a small percentage of the time. It is apparent to me that despite the signs in the Agate Beach parking lot, many people believe that their activity is less impactful than the taking by others that is permitted. In addition, when people are walking back from one of the more distant parts of Duxbury's protected area to the County's Agate Beach parking lot carrying fishing rods and buckets, it is very uncomfortable for docents to try to peer in the buckets to determine if they are carrying off anything other than finfish or abalone; indeed, it is uncomfortable to the point that the observation is rarely attempted. Consequently, if Duxbury was designated as a State Marine Reserve, there would be no question that the taking or possessing is not permitted. Nor would there be permitted taking occurring, against which visitors could compare, rationalize and justify their own trampling, invertebrate handling, and rock-overturning activity.

I have also observed that there are large parts of Duxbury Reef, both to the North and South of the boundaries of the current area designated as the Duxbury Reef State Marine Conservation Area which are increasingly visited. Those areas are outside of the Duxbury marine protected area. Consequently, there is no attempt to dissuade or even report harmful conduct in the parts of the reef which are now relatively pristine. The risk of the degradation of those areas would be reduced by expanding the boundaries of Duxbury marine protected area to include them and by designating the entirety as a State Marine Reserve. Moreover, unless someone was posted out beyond the current boundaries of the SMCA (and there are not enough volunteers to do that), it is impossible to tell if people who are walking back from more remote parts of the reef to the County's Agate Beach parking area who are carrying buckets, collected the contents of those buckets inside the current boundaries of the Duxbury SMCA or in those larger unprotected areas of Duxbury Reef outside of its current protected boundaries.

Sincerely,



Bridget Bartholome

cc. Morgan Patton, EAC

ATTACHMENT 13

Laura Lee Miller
[redacted]

July 6, 2023

via email (fgc@fgc.ca.gov) & U.S. Mail

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

Re: **Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations and to minimize the negative impacts of visitors to Duxbury Reef's intertidal habitat and species all three of the following additions to and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".[1]
2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water.
3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Rationale for my support of the above actions.

My comments below are premised upon my following experience. I have continuously been a full-time resident of Bolinas since 2001, and am a lifelong resident of Marin County. Since moving to Bolinas I have spent many hours on Duxbury Reef. In both Bolinas waters and Tomales Bay, as a Red Cross certified swimming instructor I have taught open water safety

[1] I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected.

skills, for both West Marin Community Services and Bolinas Stinson School. I received a naturalist certificate from the College of Marin after completing 12 courses, including marine biology. I have volunteered at the Point Blue Conservation Marine Lab, specializing in krill ID from Cordell Bank surveys. I took the docent training class for the Duxbury Reef docent program in January 2022 and I have been continually participating in that program on Duxbury Reef since that date. I have spent many hours on the reef as a docent since January 2022. For the past 3 years I have also been performing invertebrate surveys in several areas within the current Duxbury SMCA. I am also an active member of the Bolinas Rod and Boat Club.

I have observed a very large increase in the visitation to the Duxbury SMCA over the course of the last 20 years but especially the past 4 years. As a docent I have talked to visitors who were engaged in casual, recreational collecting. From numerous interactions with visitors, it is apparent that visitors often feel that their own activity of turning over rocks, walking through tide pools, or recreational collecting is less harmful than whatever fishing that they either see occurring on the reef or they read as being permitted on the signage in the Agate Beach parking lot. They are almost always confused by this mix of regulations, with some species allowed to be collected and or consumed, and others not.

I have also noticed the disappearance of long-lived invertebrate species from those parts of the Duxbury SMCA frequented by fishermen, from which there is a good fishing access to the surf, for example owl limpets, which are edible. It is very awkward, in fact uncomfortable as a volunteer, to try to peer in a fisherman's bucket(s) to determine if they are carrying off anything other than finfish, or to try to dissuade them from using mussels as bait or from removing other invertebrates either for consumption or for bait.

In sum, if Duxbury was designated as a State Marine Reserve, there would be no question that the taking or possessing is not permitted. Nor would there be permitted take occurring, against which visitors could compare, rationalize and justify their own trampling, invertebrate handling, and rock-overturning activity.

I have also observed that there are large parts of Duxbury Reef, both to the North and South of the boundaries of the current area designated as the Duxbury Reef State Marine Conservation Area which are increasingly visited. Those areas are outside of the Duxbury marine protected area. Consequently, there is no attempt to dissuade or even report harmful conduct in the parts of the reef which are now relatively pristine. The risk of the degradation of those areas would be reduced by expanding the boundaries of Duxbury marine protected area to include them and by designating the entirety as a State Marine Reserve. Moreover, unless someone was posted out beyond the current boundaries of the SMCA (and there are not enough volunteers to do that), it is impossible to tell if people who are walking back from more remote parts of the reef to the County's Agate Beach parking area who are carrying buckets, collected the contents of those buckets inside the current boundaries of the Duxbury SMCA or in those larger unprotected areas of Duxbury Reef outside of its current protected boundaries.

Thank you for considering these critical designation and boundary recommendations for Duxbury Reef, to the benefit of all our west coast fisheries and wildlife.

Laura Lee Miller

cc. Morgan Patton, EAC

ATTACHMENT 14

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
Kelly Cardosa	[redacted]
Kelly Green	
Nik Bertulis	
Noah Dailey	
John Gavis	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
Kimberly Charles	[redacted]
George Turner	
Mills Turner	
THOMAS J BRAUN	
Nancy Torrey	

2/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
LINDA MEIER	[redacted]
Kathy McNamara	
Jennifer MacPhail	
Catherine MacPhail	
Crawford Canalli	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
MICHAEL LIGHT	[redacted]
BROOKE MARSCHALL	
Kimmy Haines	
Dale Polissar	
John Hutchinson	

4/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
Karen Mosbito	[redacted]
CHRISTIAN MORABITO	
GADE	
Sam Brady	

5/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
Patricia Potovsky	[redacted]
Sylvia Potovsky	
Jon N Potovsky	
Shannon McCullough	
Carl Macabito	

6/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
Vanessa Marcotte	[redacted]
Apollo Burton	
TODD D. Smith	
Mike Lucchi	
Pam Fahey	

7/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
PAULETTE BILGART	[redacted]
Gregory Shelley	
Dante Filippetto	
Sothea Teng	
ANNE LAVEMAN	

8/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
Joy Conway	[redacted]
Scott Kuhl	
Jenny Vuko	
Luca Punketo	
Liam Gislason	

9/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
Terry Conicella	[redacted]
Ronald Zero	
Michael Tao	
Monty Bond	
Alison Wells	

10/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
Bruce Lowry	[redacted]
/Jennifer Pfeffer	
Sandy Dierks	
Anne Sands	
Sabrina Lodwick	

11/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
Lisa Kelley	[redacted]
Kam Peras	
Christine Mazzeo	
Cheryl Ruggiero	
EMILY OZEK	

12/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name

Bonnie M. Jones

Lisa Herbert

Chris Brahm

Marc Sanchez-Cano

Clayton Ferrari

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
ZOE BALLATE	
ALEX Gottlieb	
Jennifer Brahm	
Tim Murray	
NICK BOGLE	

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

Re: Petition for modification of Duxbury Reef Marine Protected Area

Dear President Sklar and Honorable Commissioners,

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

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

We believe that in order to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations and to minimize the negative impacts of collecting to Duxbury Reef's intertidal habitat and species all three of the following additions to and modifications of the Duxbury Reef State Marine Conservation Area proposed by EAC should be approved by the Commission.

1. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water
2. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.
3. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".

Name	**Residence Address**
Steve Howell	[redacted]
Sam Scott	
Nilk BAKER	
Mackenzie Price	
Will Scott	
Keith Rosenthal	

15/30.

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
Pegan Brooke	[redacted]
David J. Moritz	
Wilmer Laufman	[redacted]
Donald Gerlach	
Matthew Weiss	

16/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
Eustache de Saint Pulle	[redacted]
Maggie Richardson	
TREVOR RICHARDSON	
Sergio Pineda	
Elena Sanchez-Corea	

17/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
Dominic Cacciatore	[redacted]
Maria Elena Gutierrez	
Daniel Gutierrez	
Dahyana Otero	
Erin O'Reilly	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
Kevin Leake	[redacted]
Meg Simonds	
Ed Chicza	
Ralph Camicia	
Kylee Wadleigh	

19/30

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
DAVID POTOVSKY	[redacted]
Diana Sottile	
Sean Pakenham	
Alessia POTOVSKY	
Carl Gardner	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
Dawn Balestreri	[redacted]
Ramona Zero	
Kathy Harris	
Claire Harris	
James Harrison	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
CHERYL MOTHERSHEAD	[redacted]
STEVE MOTHERSHEAD	
Jenny Jacox	
Mike Jacox	
Haley Winter	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
Allen Tech	[redacted]
[signature]	
[signature]	
Cliff Station	
Kate Bayes, MD	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
Wendy Jaffe	[redacted]
E C Riley Jr	
Louise Yy	
Janet Kroon	
Phil Lochner	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
Elle Grailey	[redacted]
Simon Barrad	
GAIL REITANO	
Kevin Hunter	
Cathy Sanchez Cbr	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
Octavio Mena	[redacted]
Laura Szaworzenski	
Carol Fagan	
Lewis Stringer	
Lakshmi Kavia	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
Jesse Butler	[redacted]
Jawb Kline	
Sam Blake	
Phil Butler	
Don Smith	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
John Lum	[redacted]
Scott Palmer	
Susan Gale	
Maureen Marshall	
Laurie MacPhail	[redacted]

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve". I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water

3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Name	**Residence Address**
J. Zeno	[redacted]
Lee Mercer	
Richard Keen	
ALLISON EVANS	
Ann Veille	

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

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

Dear President Sklar and Honorable Commissioners,

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

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

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

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

Name	**Residence Address**
Vincent Frankovsky	[redacted]
Paul Hetzer	
Rokas Azmona	
Corey Black	
Robert D.11	

ATTACHMENT 15

Courtney Barend
[redacted]

July 6, 2023

via email (fgc@fgc.ca.gov) & U.S. Mail

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

Re: **Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing to you in support of the petition submitted to you by the Environmental Action Committee of West Marin ("EAC") regarding the Duxbury Reef Marine Protected Area.

For the reasons stated below, I believe that in order to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations and to minimize the negative impacts of visitors to Duxbury Reef's intertidal habitat and species all three of the following additions to and modifications of the Duxbury Reef State Marine Conservation Area ("SMCA") should be approved by the Commission.

1. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve".[1]
2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water.
3. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure, that is the northern point of the area known as Double Point.

Rationale for my support of the above actions.

My comments below are premised upon my following experience. I have continuously been a full-time resident of Bolinas since 2020. Since moving to Bolinas I have spent many hours on Duxbury Reef. I am currently taking classes at the College of Marin for an associate's degree in Natural Sciences and have obtained a Natural History Certificate. I completed the docent training class for the Duxbury Reef docent program in January 2022. I have been an active docent on Duxbury Reef since January 2022, and I have spent many hours on the reef as a docent. I am currently employed as an intern with California Academy of Sciences as a Marine Mammal Intern and have been regularly assisting them with the collection of marine mammal

[1] I understand that a designation as a "State Marine Reserve" will prohibit all taking, damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit or authorized research, restoration or monitoring, whereas in a SMCA some species are unprotected.

specimens that have been found deceased on the beaches in some of these MPA zones. I have previously worked with the National Park Service as well as the Monterey Bay Aquarium helping to educate the public in various ways about conservation of sensitive ecological systems.

As a docent I have talked to visitors who were engaged in casual, recreational collecting. From numerous interactions with visitors, it is apparent that visitors often feel that their own activity of turning over rocks, walking through tide pools, or recreational collecting is less harmful than whatever fishing that they either see occurring on the reef or they read as being permitted on the signage in the Agate Beach parking lot.

When fishermen are in the SMCA, I am too uncomfortable as a volunteer docent, to try to stop - or even dissuade - fishermen from using mussels as bait or from removing other invertebrates either for consumption or for bait.

If Duxbury was designated as a State Marine Reserve, there would be no question that the taking of or possessing is not permitted. Nor would there be permitted taking occurring, against which visitors could compare, rationalize and justify their own trampling, invertebrate handling, and rock-overturning activity.

I have also observed that there are large parts of Duxbury Reef, both to the North and South of the boundaries of the current area designated as the Duxbury Reef State Marine Conservation Area which are visited. Those areas are outside of the Duxbury marine protected area. Consequently, there is no attempt to dissuade or even report harmful conduct in the parts of the reef which are now relatively pristine. The risk of the degradation of those areas would be reduced by expanding the boundaries of Duxbury marine protected area to include them and by designating the entirety as a State Marine Reserve. Moreover, unless someone was posted out beyond the current boundaries of the SMCA (and there are not enough volunteers to do that), it is impossible to tell if people who are walking back from more remote parts of the reef to the County's Agate Beach parking area who are carrying buckets, collected the contents of those buckets inside the current boundaries of the Duxbury SMCA or in those larger unprotected areas of Duxbury Reef outside of its current protected boundaries.

Sincerely,

Courtney Barend

Courtney Barend

cc. Morgan Patton, EAC

ATTACHMENT 16

The Marine Mammal Center®

November 30, 2023

via email (fgc@fgc.ca.gov) & U.S. Mail

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

Re: **Petition for modification of Duxbury Reef Marine Protected Area**

Dear President Sklar and Honorable Commissioners,

I am writing on behalf of The Marine Mammal Center (the Center) in support of the petition submitted by the Environmental Action Committee of West Marin (EAC) regarding the Duxbury Reef Marine Protected Area.

As the world's largest marine mammal teaching hospital, the central mission of the Center is to advance global ocean conservation through marine mammal rescue, scientific research and education. The Center's federally authorized response operations includes over 600 miles of California's coast from Mendocino to San Luis Obispo counties, as well as in Hawai'i, from the main Hawaiian Islands, northwest through the entire archipelago.

In California, one of the three primary marine mammal species the Center responds to is the harbor seal (*Phoca vitulina*). Harbor seal females are attentive to their pups for several weeks after birth but are easily startled or flushed from their birthing sites, leading to abandonment of their pups. This occurs many times each birthing season throughout our range, and is a risk across the Point Reyes peninsula, including the shoreline of Duxbury Reef.

In light of the risk to harbor seals, and concern for the health of the reef, in general, and for the reasons stated below, the Center believes that to preserve unimpaired the ecosystem of Duxbury Reef for the enjoyment, education and inspiration of current and future generations, and to minimize the negative impacts of visitors to its intertidal habitat and species, all three of the requests of EAC regarding the Duxbury Reef State Marine Conservation Area (SMCA) should be approved by the Commission.

1. **Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure (the "Northern Reef Extension")**

The proposed Northern Reef Extension commences at the North boundary of the current

SMCA, roughly at the outfall of Arroyo Hondo Creek, and would extend to the northern point of Double Point, to take in all of the Double Point cove and to include the Stormy Stack Special Closure. Double Point is the home of one of the largest breeding colonies of harbor seals in California. The cove, the large rock off of the south point and the tide pools at Double Point are used for birthing, nursing and raising pups by harbor seals. Harbor seals are easily flushed by recreational and commercial boats approaching these seal haul outs. Unfortunately, the special closure area currently protects only the area within 300 feet of Stormy Stack (the rock formation off of the northern tip of Double Point). However, the parts of the Double Point cove most frequented by harbor seals are well outside of that 300 foot Stormy Stack special closure zone.

2. Extend the southern boundary of the Duxbury Marine Protected Area to the most southerly tip of Duxbury Reef exposed at mean lower low water (the "Southern Reef Extension")

The Southern Reef Extension is at this time outside of and unprotected by the current SMCA. I understand that this unprotected area constitutes about 5/6's of that portion of Duxbury Reef extending off the southern tip of the Bolinas peninsula.

On the Southern Reef Extension there is a harbor seal haul out which has been used year-round by harbor seals for decades as both a resting haul out for both adults and pups and as a minor birthing location. In addition, the intertidal area in the Southern Reef Extension is truly exceptional and there is currently no law protecting its invertebrates and algae from harvesting or casual collecting, thus encouraging foot traffic disruptive to harbor seals.

3. Change the designation of the Duxbury Reef State Marine Conservation Area to a "State Marine Reserve."

Designating the entirety of the Duxbury MPA as a State Marine Reserve is imperative, whether or not the boundaries of the current MPA are expanded as urged above. A designation of Duxbury Reef as a "State Marine Reserve" will prohibit all taking (including all fishing from shore), damage, injury or possession of any living, geological or cultural marine resource, except under a scientific collecting permit for authorized research, restoration or monitoring. Under Duxbury's current designation as a State Marine Conservation Area fishing from shore is permitted and some species are unprotected. Again, this encourages greater foot traffic, disrupting harbor seals and leading to resource damage and depletion.

Within the current Duxbury SMCA there is a harbor seal haul out which has been used daily in moderate and low tides by harbor seals for many decades. It is a haul out that is disturbed by visitors to the reef during low tides. Although shore-based fishing from Duxbury is reported to have become less popular over the years, harbor seal flushing in the current SMCA is nevertheless usually the consequence of shore-based fishermen venturing out to the further areas of the current designation. Prohibiting shore-based fishing, I believe, would substantially reduce disturbance to that harbor seal haul out. In addition, the elimination of shore-based fishing from the entire reef would remove a source of confusion on the part of visiting casual visitors as to the propriety of their own trampling, invertebrate handling or collecting, and rock-overturning activity, as they currently witness these actions while be guided to act otherwise.

We believe that designating an expanded Duxbury MPA as a State Marine Reserve will serve the objectives of California's 30x30 Initiative and place under protection California's largest intertidal reef ecosystem, its resident marine mammals and other sensitive marine resources that are under pressure from multiple sources.

Thank you for your consideration of these points.

Respectfully submitted,



Jeffrey R. Boehm, DVM, ACAW
Chief External Relations Officer

cc. Ashley Eagle-Gibbs, Environmental Action Committee of West Marin

November 25, 2023

To:

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

From:

Sarah G. Allen, PhD
P.O. Box 527
Inverness, CA 94937
sallen520@gmail.com

Re: Decadal Review Recommendations for the California North Central Marine Protected Areas

Dear President Sklar and Honorable Commissioners:

The California Marine Life Protection Act has been a model for other states and countries on how to establish a network of MPAs and provide protection to critical species and ecosystems that are fundamental to the biodiversity and economic health of California. Designation also involves periodic reevaluation and adaptive management of the sites. You are currently reviewing the North Central Coast Marine Protected Areas (MPAs) for the first decadal evaluation, and I wish to comment on and contribute to your review. For 50 years, I have studied marine life in California with an emphasis on marine birds and mammals, and was a scientist on the Scientific Advisory Team with expertise in marine mammals during the initial selection of sites within the North Central Coast Region. Twenty-six of those years, I was employed with the U.S. National Park Service as an ecologist and later as Science Program Lead for the Pacific West Region. During that time, I served on numerous federal/state collaborative committees and working groups, including, but not limited to, representative for the National Park Service on the staff committee for the California Biodiversity Council and for the nascent Parks and Protected Areas working group. While still working with and since retiring from the National Park Service in 2019, I have continued to study marine birds and mammals throughout the region, and am co-author of the University of California Press *Field Guide on Marine Mammals of the Pacific*.

My recommendations based on professional experience and continued study of pinniped and seabird colonies are as follows:

1. **Expand all Special Closure Areas** in the North Central Coast Region from 300 ft. to 1000 ft. to provide better protection for nesting seabirds including at North and Southeast Farallon Islands, Point Reyes Headlands, Point Resistance Rock, Double Point/Stormy Stack, and Egg Rock. From my years of studying nesting seabirds, I have noted that birds may begin reacting to boats as far as 1000 ft. away by head bobbing, and will leave eggs and chicks at shorter distances. Additionally, during surveys over the past several years, I have directly observed fishing boats disturbing nesting seabirds beyond 300 ft. at Double Point/Stormy Stack, and violating the 300 ft. buffer. When disturbing nesting seabirds, boats expose eggs and chicks to predators such as ravens and gulls, and a single disturbance can affect the productivity for an entire nesting season if seabirds do not return.

2. **Expand the Duxbury Reef MPA north** to include the Double Point/Stormy Stack Special Closure. The marine ecosystems of this area are exceptional as documented in its designation as an Area of Special Biological Significance (see Chan 1979). Double Point is home to one of the largest harbor seal (*Phoca vitulina*) breeding colonies in the state of California and to a significant seabird nesting site on Stormy Stack and the adjacent mainland cliffs. Ashy Storm Petrels (*Hydrobates homochroa*) a species of Conservation Concern in California, nest at this site, one of only a few breeding sites in the state. Black Oystercatchers (*Haematopus bachmani*), also nest there and are designated by the California Audubon Society as a Climate Endangered species because of their vulnerability to sea level rise. Other significant seabirds include >1000 Common Murres (*Uria aalge*), hundreds of cormorants, and tens of Pigeon Guillemots (*Cepphus Columba*), an indicator species of MPA recovery because of their delimited foraging/nesting habitat. Additionally, several hundred Brown Pelicans (*Pelecanus occidentalis*) roost at the site during the year.

Current protections of Stormy Stack and Double Point are insufficient. During surveys over the past several years, I have observed commercial party and recreational fishing boats violating the 300 ft. buffer and also disturbing nesting seabirds even beyond 300 ft. Fishing party boats on occasion produce noise through loud speakers as they circle around the area, which disturbs seabirds and seals at distances greater than 300 ft. By flushing nesting seabirds, boats expose eggs and chicks to predators such as ravens and gulls. One disturbance can affect the productivity for an entire breeding season if seabirds do not return to lay another egg.

3. **Expand the Duxbury Reef MPA south** to include the southern extension of Duxbury Reef that currently is not protected from people walking over and harvesting invertebrates and algae. There is a small but significant harbor seal colony on the southern extension of the reef that serves as a way station for seals to rest while traveling north to Point Reyes from San Francisco Bay and out to the Farallon Islands (Green et al. 2006). The seals are present consistently year round, and every year several pups occur there.

4. **Elevate the expanded Duxbury-Double Point MPA to State Marine Reserve**. The sensitivity and biological diversity of both Duxbury Reef and Double Point/Stormy Stack deserve full Marine Reserve status, as described in above points 1-3. Current marine reserves in California protect only approximately 9% of the state waters from harvest. The area has a long scientific history documenting biodiversity and significance, and consequently, is a good candidate for elevating to full reserve status (Chan 1979). Recently, the College of Marin broke ground to rebuild the historical Bolinas Field Station, which will continue and expand on the long history of scientific research about the coastal ecology of the area.

4. **Combine Drakes Estero SMCA with the Estero de Limantour State Marine Reserve** in order to extend reserve status protection to the middle and upper reaches of Drakes Estero. Drakes and Limantour esteros form a complex of tidal sand bars where harbor seals give birth and rest onshore year round, and is one of the largest concentrations of seals in California (Codde & Allen 2015). Recreational take of clams is the only activity allowed in this SMCA. Currently under this designation, seals are regularly disturbed by recreational clam diggers who come by kayak to dig for clams on the sand bars where the seals haul out. These sandbars are inaccessible to people on foot from the mainland and are only exposed and accessible to the seals during medium to low tides. During the harbor seal pupping season (March 1-June 30), non-motor boat access in the estero is restricted by Point Reyes National Seashore regulations, and restricted to all motor boats year round because Drakes Estero is within federally designated Wilderness. Nevertheless, there is no restriction to non-motor boats after June 30 when seals are hauling out to molt their fur. The molt (June-August) is energetically costly to the seals, requiring longer times to rest

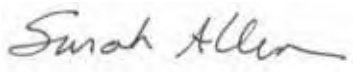
onshore. The National Park Service supported conversion from SMCA to SMR to California Fish and Game Commission in a detailed letter dated November 14, 2022.

5. **Create a Special Closure** of 1000 ft. at Northwest Cape Rocks, north of Fort Ross. These rocks have significant seabird nesting colonies and have one of the few Steller sea lion (*Eumetopias jubatus*) breeding colonies in the state (https://www.fortross.org/animals/steller-sea-lion). Steller sea lions were delisted from the federal endangered species list several years ago; however, the California sub-population continues to decline with an estimate of only around 2,000 (NOAA Stock Assessment 2020). The site was proposed for MPA and Special Closure designation when I was an advisor on the Science Advisory Team, but was not included at that time. Since then, the Steller sea lion colony has continued to decline at this location and state-wide.

California has been able to rebuild some of the unique and critically significant coastal ecosystems over the past decade through the establishment of an MPA network. Nevertheless, only 16% of state waters are designated as MPAs and there are only 14 Special Closures statewide. The 30x30 California Initiative advocates for 30% of the state be protected by 2030. Increasing the number and areal extent of MPAs in state waters will be a positive action to meet the goals of the initiative and a prudent management strategy to meet the immense challenges from changes in climate that already are harming California's marine resources.

Thank you for your service to protect the exceptional resources of California.

Sincerely,



Sarah G. Allen, PhD
Retired Senior Science Advisor
National Park Service
Sallen520@gmail.com

cc: Ashley Eagle-Gibbs, Environmental Action Committee of West Marin

References

Chan, G. 1979. California Marine Waters Aras of Special Biological Significance Reconnaissance survey reports. Double Point and Duxbury Reef. California State Water Resources Control Board. Water Quality Monitoring Report No. 79-14 and 15.

Green, D.E., Grigg, E., Allen, S., & Markowitz, H. 2006. Monitoring the potential impact of the seismic retrofit construction activities at the Richmond-San Rafael Bridge on harbor seals (*Phoca vitulina*): May 1, 1998 – December 31, 2004. Final Report, IHA 11/19/03-11/18/04. 100pp.

Codde, S. & S. Allen. 2015. Pacific harbor seal (*Phoca vitulina richardsi*) monitoring at Point Reyes National Seashore and Golden Gate National Recreation Area: 2013 annual report. Natural Resource Report NPS/SFAN/NRR—2015/919. National Park Service, Fort Collins, Colorado.

Attachment 1

California Department of Fish and Wildlife's 2023 Decadal Management Review Marine Protected Area Petition Evaluation

COMPANION DOCUMENT



CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

CALIFORNIA MARINE PROTECTED AREAS

July 2026

This document is the 2023 Decadal Management Review Marine Protected Area Petition Evaluation Companion Document (Companion Document). The Companion Document and the California Department of Fish and Wildlife (CDFW) Transmittal Memo should be read in advance of the 2023 Bin 2 Petition Evaluations as it includes supplemental information and additional context for the evaluations.

The Companion Document was originally released March 20, 2026 along with CDFW's evaluations and recommendations for the ten Non-tribally-led Petitions. This July 2026 version of the Companion Document includes the following additions: a detailed timeline of the 2023 MPA Petition milestones, updates related to tribal outreach and engagement, a new section on Climate Resilience and MPAs, and additional supplemental information for Question 5 (information gaps) and Question 9 (MPA Network design and Levels of Protection (LOP)) of the evaluation.

INTRODUCTION

At its February 14-15, 2024, meeting, the California Fish and Game Commission (CFGC) referred 20 Marine Protected Area (MPA) petitions to CDFW for review, evaluation, and recommendation. These petitions were sorted into Bin 1 and Bin 2 Petitions. The Marine Resources Committee (MRC) considered CDFW's recommendations on 5 Bin 1 Petitions at the November 6-7, 2024 MRC meeting and CFGC adopted the MRC's recommendations at the December 11-12, 2024 CFGC meeting. See Table 1 for a comprehensive overview of process milestones for the 2023 MPA Petitions.

On August 14, 2025, CFGC approved an evaluation framework (Framework) for the 15 Bin 2 Petitions referred to CDFW proposing changes to the MPA Network. CDFW developed the Framework, with support from staff at CFGC and Ocean Protection Council, based on the adaptive management process outlined in chapter 4 of the 2016 Master Plan for MPAs. The 2016 Master Plan directs CDFW and CFGC to use the Marine Life Protection Act (MLPA) Goals and mandates, Master Plan objectives, and Science Advisory Team (SAT) Science Guidelines established during the MLPA Initiative planning process as the primary basis for evaluating any action taken to make changes to the MPA Network. The 2016 Master Plan adaptive management process also includes consideration of emerging issues, such as changes to the MPA Network that would enhance climate resilience and/or help mitigate climate impacts. CDFW considered climate change effects throughout the evaluation, recognizing that the effects of climate change are overarching and climate resilience is an implicit goal of adaptive management of the MPA Network as a whole. The Framework also draws from the Decadal Management Review (DMR) and Recommendations, and the MPA Regulation Change Petition Framework approved by CFGC at their August 2023 meeting, which is rooted in the DMR Recommendation cornerstones of MPA Governance, MPA Management Program Activities, and MPA Network Performance.

The Framework includes the following sections:

I. Petition Summary
II. CDFW Recommendations with Brief Justifications
III. Bin 2 Petition Grouping: Identify Tribally-led Petitions
IV. CDFW 2023 MPA Bin 2 Petition Narrative and Evaluation
V. Supplemental Analyses, Data and Information, and Citations

CDFW used the Framework to transparently evaluate petitions and develop recommendations to CFGC for the 2023 MPA Bin 2 Petitions. The evaluations were based on materials submitted in December 2023 and amendments received through March 2025. Subsequent changes, improvements, or stakeholder engagement undertaken by petitioners after March 2025 were not considered. CDFW recognizes that new information on these petitions may be available for CFGC consideration.

The Bin 2 Petitions and petition actions vary in complexity, and the Framework is designed to address this spectrum of complexity. In some cases, it was more appropriate to evaluate Bin 2 Petitions as a whole and in other cases, it was more appropriate to evaluate the individual proposed actions or grouped proposed actions that were similar within a petition. Not all evaluation components in Section IV applied to every proposed action or petition as they were not all relevant to each proposed action or petition. CDFW applied the evaluation components as appropriate, and the level of detail varied based on factors such as applicability of the question or information available. Non-regulatory requests were not evaluated through the Framework. For some petitions, CDFW recommended an alternative pathway to achieving the desired outcome of the proposed change.

The DMR indicated the MPA Network is meeting expectations and functioning effectively towards achieving the Goals of the MLPA. Therefore, significant regulatory changes to the MPA Network should meet a high threshold of demonstrated conservation value and need, as well as clear, science-supported benefit.

This evaluation is not the only process by which regulatory changes have been considered as part of the adaptive management of the MPA Network. Since implementation of California's MPA Network, targeted legislative and regulatory refinements have been identified to align MPAs with their original intent, clarify or correct provisions, or address priority management and enforcement issues. Since 2013, four legislative amendments and seven regulatory packages have been enacted to strengthen and support the adaptive management of the MPA Network and Management Program. The regulatory amendments:

- 2014 – Clarified and corrected provisions, including general provisions, definitions, take, and boundaries
- 2015 – Clarified and corrected provisions, including general provisions, definitions, take, and boundaries. This includes refining and correcting boundary coordinates for 106 MPAs
- 2016 – Added provisions for tribal take in north coast MPAs
- 2018 – Repealed a special closure due to conflict with private property
- 2018 – Added provisions for tribal take in south coast MPAs and amended boundaries to better align with historical subsistence and cultural use
- 2022 – Cleaned up State Marine Recreational Management Area language
- 2023 – Provided a mechanism for operation and maintenance of pre-existing artificial structures in MPAs

The legislative amendments include Senate Bill 96 (2013), Assembly Bill 298 (2015), Assembly Bill 2369 (2018), and Assembly Bill 63 (2021). See Appendix G of the Decadal Management Review for more information about regulatory packages and legislative amendments that apply to MPA Network management implemented since 2012. All amendments were deliberately and carefully constructed, consistent with directives in the Fish and Game Code (§§2853 and 2855), MLPA, and the Master Plan for MPAs, to preserve the integrity of the MPA Network.

CDFW remains committed to adaptive management through regulatory and non-regulatory pathways and will continue to work with tribes and partners to advance the Recommendations of the DMR through a science-based, inclusive statewide process consistent with the requirements of the MLPA and Master Plan for MPAs.

Table 1. Summary of 2023 MPA Petition Process Milestones.

Date	Milestone
Aug 2023	California Fish and Game Commission (CFGC) approves DMR adaptive management recommendation prioritization framework and supported the Marine Resources Committee preference to consider changes to the MPA Network using the existing CFGC petition process
Oct 2023	CFGC releases "Overview of Process to Consider Potential Changes to California's MPA Network"
Dec 2023	CFGC receives 20 MPA-related petitions with 80+ actions
Feb 2024	CFGC refers all 20 petitions to CDFW for evaluation
Apr 2024	CFGC adopts 3-phased approach to petition evaluation

Date	Milestone
Aug 2024	CFGC approves binning petitions, requests CDFW evaluate the five Bin 1 Petitions and develop a proposed framework to evaluate 15 Bin 2 Petitions
Nov 2024	CDFW releases recommendations for five Bin 1 Petitions
Dec 2024	CFGC makes decisions on Bin 1 Petitions and establishes March 14, 2025 deadline for amendments to Bin 2 Petitions
Mar 14, 2025	Deadline for amendments to Bin 2 Petitions
Apr 2025	CFGC refers amended Bin 2 Petitions to CDFW for evaluation
Apr-May 2025	CDFW develops Draft Bin 2 Petition Evaluation Framework with Ocean Protection Council and CFGC staff
May 2025	Update and discussion at CFGC Tribal Committee (TC) meeting on Bin 2 MPA Petitions and proposed approach for evaluations
Aug 2025	Update and discussion on 2023 MPA Petitions and Draft Evaluation Framework at CFGC TC and CFGC. Four Tribally-led petitions identified and CFGC approves framework for evaluating Bin 2 MPA Petitions
Dec 2025	Update and discussion at CFGC TC on Bin 2 MPA Petitions; identifies one more Tribally-led petition; directs CDFW to return to April 2026 CFGC TC to discuss MPA Petitions prior to releasing evaluations for the Tribally-led petitions
Mar 20, 2026	CDFW releases evaluations and recommendations for the 64 proposed actions in the ten non-Tribally-led Bin 2 MPA Petitions and the Companion Document
Apr 2026	Update and discussion at CFGC TC on five Tribally-led petitions. CFGC accepts amendments to four of the Tribally-led petitions and refers them to CDFW for evaluation
Apr-May 2026	Regional CFGC meetings discussing Bin 2 MPA Petitions • April 21, 2026 in San Mateo, Del Norte through Monterey counties petitions • May 5-6, 2026 in Goleta, alongshore San Luis Obispo through Santa Barbara counties petitions (day 1) and Northern Channel Islands (day 2) • May 19, 2026 in San Clemente, Los Angeles through San Diego counties petitions, including Santa Catalina Island
July 2026	CDFW releases evaluations and recommendations for the 9 proposed actions in the five Tribally-led Bin 2 MPA Petitions and the revised Companion Document

SUPPLEMENTAL EVALUATION INFORMATION

CDFW compiled supplemental information and additional context for the Tribally-led etitions, the topic of climate resilience and MPAs, and the responses to Evaluation Questions 1, 2a, 5, 9, 10a, and 14, and Section V. Supplemental Analyses, Data and Information, and Citations. CFGC staff conducted the analysis and prepared the responses for Questions 16 and 17 and provided additional context for their evaluations below. The information provided here was common across the evaluations and is included here to prevent having to repeat it in each evaluation.

TRIBALLY-LED PETITIONS

This Companion Document includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners (Attachment A below). As directed by CFGC, CDFW evaluated the Tribally-led petitions with the CDFW 2023 MPA Bin 2 Petition Evaluation Framework. Tribally-led petitions, per CFGC direction, were discussed at the April 14, 2026, CFGC Tribal Committee meeting. *Note: California Native American tribe is the preferred term to use per the Governor's Office of Tribal Affairs when generally mentioning tribes of California, both federally and non-federally recognized.*

The following petitions were identified by CFGC as Tribally-led petitions:

- Santa Ynez Band of Chumash Indians: Designate a New Chitqawi SMCA Near Morro Bay with a Tribal Take Exemption for Santa Ynez Band of Chumash Indians (2023-19MPA_AM1)
- Santa Ynez Band of Chumash Indians: Establish Co-Management at Point Buchon SMCA, Change the Name, and Add a Tribal Exemption for Santa Ynez Band of Chumash Indians at Point Buchon SMCA, and Change the Boundary at Point Buchon SMR (2023-20MPA_AM1)
- Tolowa Dee-ni' Nation: Remove Recreational Take of True Smelt and Change the Boundary at Pyramid Point SMCA (2023-21MPA_AM1)
- Northern Chumash Tribal Council: Designate a New SMCA Near Point Sal with an Allowance for Recreational Take of Finfish by Hook-and-Line from Shore (2023-28MPA_AM2)
- Santa Ynez Band of Chumash Indians: Designate a New SMCA Near Mishopshno/ Carpinteria with an Allowance for Recreational Take of Finfish by Hook-and-Line From Shore and a Tribal Take Exemption for Santa Ynez Band of Chumash Indians (2023-29MPA_AM2)

Summary of Tribal Outreach and Engagement with California Native American Tribes for the 2023 MPA Petitions

In late 2023, CFGC received 20 petitions from California Native American tribes (tribes) and the public requesting changes to California's MPA Network. CFGC referred the 2023 MPA Petitions to CDFW to evaluate in early 2024. This document provides a summary of tribal outreach and engagement with California Native American tribes for the 20 2023 MPA Petitions, including five Tribally-led petitions, proposing approximately 70 changes to the MPA regulations for MPAs from southern California to the Oregon border (2023 MPA Petitions).

Summary of CDFW tribal outreach for all 2023 MPA petitions

Since receiving the petitions, CDFW has provided regular updates on the status of the 2023 MPA Petitions and petition evaluation process through email communications and mailed letters to the CDFW tribal contact list. The CDFW tribal contact list includes over 400 individuals across the state who represent and/or work for a California Native American tribe. The statewide list is maintained by CDFW's Tribal Liaison and includes people on the Native American Heritage Commission (NAHC) contact list and others who have elected to receive updates from CDFW related to tribes. These updates included offers for consultation and meetings between tribes and CDFW. In October 2025, CFGC and CDFW sent letters via email and postal mail to the CDFW tribal contact list to specifically offer formal consultation or informal meetings on the 2023 MPA Petitions. CDFW also presented written and verbal updates at meetings of CFGC's Tribal Committee. These outreach efforts to tribes are summarized in Table 2.

Summary of additional outreach and engagement with tribes for Tribally-led petitions

At the August 12, 2025, CFGC's Tribal Committee meeting, the Tribal Committee identified four of the 2023 MPA Petitions as Tribally-led petitions, which are petitions that were submitted by a tribe, representative designated by a tribe, or tribal organization, or have a tribal co-sponsor. These included:

- 2023-19MPA submitted by Santa Ynez Band of Chumash Indians
- 2023-20MPA submitted by Santa Ynez Band of Chumash Indians
- 2023-21MPA submitted by Tolowa Dee-ni' Nation
- 2023-29MPA submitted by Natural Resource Defense Council (NRDC), Santa Ynez Band of Chumash Indians (SYBCI), and Environmental Defense Center

At the May 7, 2025, meeting, CFGC's Tribal Committee requested CDFW send additional offers to all tribes for consultation on the remaining 2023 MPA Petitions and to reach out to offer to meet with tribes associated with the Tribally-led petitions. On October 16,

2025, CDFW distributed to the CDFW statewide tribal contact list a letter offering joint tribal consultation with CDFW and CFGC on any 2023 MPA Petition. This letter was also included in the fall quarterly CDFW Tribal Updates email. As of July 2026, no tribes have requested consultation.

On November 24, 2025, CFGC received a letter from Northern Chumash Tribal Council and NRDC indicating that Northern Chumash Tribal Council was a formal co-sponsor for petition 2023-28MPA, and requested CFGC consider the petition a Tribally-led petition.

At the December 9, 2025, CFGC Tribal Committee meeting, the CFGC Tribal Committee reconsidered the designation of petition 2023-28MPA and recommended CFGC designate it as a Tribally-led petition in light of the November 2025 co-sponsorship from Northern Chumash Tribal Council. At the December 11, 2025, CFGC meeting, CFGC designated petition 2023-28MPA as a Tribally-led petition. CFGC's Tribal Committee requested that before releasing the Tribally-led petition evaluations, CDFW engage with the tribes leading or co-leading petitions, including to better understand the intent of the petitions, and then share an update on the engagement and any clarifications on the petitions at the April 14, 2026 CFGC Tribal Committee meeting. CFGC's Tribal Committee and CFGC reaffirmed that CDFW should use the Evaluation Framework approved by CFGC in August to evaluate the Tribally-led petitions.

At the February 11, 2026, CFGC meeting, CFGC approved the addition of an agenda item for CDFW to provide an update and to have a discussion on the Tribally-led petitions at the April 14, 2026, Tribal Committee meeting.

Between September 2025 and June 2026, CDFW participated in discussions with representatives of tribes regarding the Tribally-led petitions.

At the April 14, 2026, CFGC Tribal Committee meeting, tribal representatives provided an overview and clarifications for the five Tribally-led petitions. SYBCI proposed amendments to 2023-19MPA, 2023-20MPA, and SYBCI and NRDC proposed amendments to 2023-29MPA_AM1. Northern Chumash Tribal Council and NRDC proposed amendments to 2023-28MPA_AM1. No amendments were proposed for 2023-21MPA. CDFW presented an update on tribal outreach and engagement since December and summarized the clarifications and proposed amendments for the Tribally-led petitions. At the meeting on April 15, 2026, the CFGC Tribal Committee recommended to CFGC that CDFW evaluate the Tribally-led petitions according to the proposed amendments and clarifications discussed during the meeting. CFGC subsequently referred the amended petitions (2023-19MPA_AM1, 2023-20MPA_AM1, 2023-21MPA_AM1, 2023-29MPA_AM2, and 2023-29MPA_AM2) to CDFW for evaluation using the Evaluation Framework approved by CFGC in August 2025.

Table 2. Summary of CDFW tribal outreach and engagement to date related to the 2023 MPA Petitions and petition process, including communication method and type of content. Unless otherwise specified, all tribal outreach communications included tribes listed on the CDFW tribal contact list maintained by CDFW's Department Tribal Liaison, which includes 400 people from the NAHC Contact List and additional tribal representatives.

Date	Method	Content
5/31/2024	Email	Released Blog Post: Seeking Your Feedback to Help Manage California's Marine Protected Area Network
10/4/2024	Email	CDFW Informational MPA DMR Petition Process Update: Background, DMR petition process, next steps, upcoming meetings
10/25/2024	Email	Released Blog Post: MPA Day
11/22/2024	Email	CDFW Informational MPA DMR Petition Process Update: Background, DMR petition process, next steps, upcoming meetings
4/11/2025	Email	CDFW Tribal Liaison provided Department update email, including CDFW Informational MPA DMR Petition Process Update
5/7/2025	Tribal Committee: Meeting Materials	Written Informational Update: California's Marine Protected Area Network Decadal Management Review and Subsequent Marine Protected Area Regulation Amendment Petition Process (pg. 99 of 129) Verbal update on the 2023 MPA Petitions and draft evaluation framework by Susan Ashcraft, CFGC Marine Advisor
8/14/2025	Tribal Committee: Meeting Presentation	Presentation by Craig Shuman, CDFW Marine Region Manager, on 2023 MPA Petitions and draft evaluation framework. Tribal Committee identified four Tribally-led petitions
9/2025	Email	CDFW invitation to meet to discuss petitions sent to petitioners for the four Tribally-led petitions
10/16/2025	Mail	Invitation Letter for joint tribal consultation with CDFW and CFGC on any 2023 MPA Petition
10/17/2025	Email	CDFW Tribal Liaison - Department update email, including CDFW Informational MPA DMR Petition Process Update and Invitation Letter for Joint Tribal Consultation
10/20/2025 – 6/24/2026	Meetings	Discuss Tribally-led petitions with tribal petitioners

Date	Method	Content
12/9/2025	Tribal Committee	CDFW update on the 2023 MPA Petitions and upcoming release of CDFW petition evaluations and outlining three regional meetings to be held to discuss petitions and evaluations
4/14/2026	Tribal Committee	CDFW presentation to provide an update on tribal outreach and engagement, and summarize clarifications and proposed amendments for Tribally-led petitions
6/26/2026	Email	CDFW Tribal Liaison provided Department update email, including CDFW Informational MPA DMR Petition Process Update and upcoming meetings to discuss the 2023 MPA Petitions

CLIMATE RESILIENCE AND MPAS

Since implementation of California's MPA Network, the state's coastal ecosystems have experienced increasingly significant climate-driven changes, including marine heatwaves, ocean acidification, and shifting species distributions. Although climate change was not explicitly incorporated into the MLPA Initiative planning process, the MPA Network was designed using resilience-oriented principles. Foundational design elements such as habitat replication, larval connectivity, and varying levels of protection were incorporated conservatively to support biodiversity, ecological function, and ecosystem resilience under uncertain and changing environmental conditions, including natural disturbances, decadal oceanographic variability, and unanticipated increases in fishing pressure.

MPAs are most effective at reducing extractive pressures, and their contribution to climate resilience depends in part on whether they measurably enhance key network attributes, such as connectivity, habitat replication, and protection of climate refugia. CDFW evaluated whether proposed changes were likely to meaningfully contribute to MPA Network performance through improvements to connectivity, habitat redundancy, or related ecological functions or provide measurable ecological benefits relative to the current performance of the MPA Network. Where existing MPAs already meet the SAT Science Guidelines established during the MLPA Initiative planning process, and proposals do not provide evidence the proposed change would demonstrably improve connectivity, redundancy, or resilience under changing environmental conditions and as specifically defined in the SAT Science Guidelines, the addition or expansion of a protected area alone is insufficient to conclude that climate resilience would be enhanced. Although there is broad evidence of increasing environmental stressors, restricting fishing alone will not address their cumulative impact. The existence of multiple stressors does not justify specific boundary modifications or new MPAs in the

absence of strong evidence that the proposal would likely result in site-specific ecological benefits.

MPAs may confer some resiliency to climate change by providing a buffer from some of these stressors, especially MPAs that limit or completely exclude fishing. Management of California's fisheries is mandated by the Marine Life Management Act, which includes objectives such as ecosystem protection, sustainability, and rebuilding populations, among others (Fish & G. Code § 7050). While the primary function of MPAs in California is to protect and enhance marine habitats and populations, understanding how effective fisheries management measures interact with a functioning MPA Network to bolster resiliency to climate change in California is still a critical knowledge gap identified in the DMR to be addressed through implementation of Recommendations 26-28 that focus on influencing factors and fisheries integration.

The absence of demonstrable ecological gains is particularly relevant where proposed changes could result in substantial socioeconomic impacts to ocean users. This underscores the importance of grounding management decisions in clear, place-based specific evidence of functional ecological improvement and considering socioeconomic impacts so that anticipated conservation benefits are considered relative to potential trade-offs in those areas.

CDFW 2023 MPA BIN 2 PETITION EVALUATION

EVALUATION QUESTIONS

Question 1: Does the proposed change support the MPA Network in meeting one or more of the MLPA Goals and align with MPA Master Plan adaptive management objectives?

The MLPA Goals and Master Plan objectives are inextricably linked and act as the foundational tools that CDFW utilizes for effective adaptive management of the MPA Network. Individual MPAs in the MPA Network were not necessarily designed to address all six Goals of the MLPA but instead act as an important component of a functioning MPA Network that was designed to holistically address the MLPA Goals. As such, CDFW has evaluated the proposed actions within the broader adaptive management framework and how the proposed action may or may not align with the MLPA Goals/Master Plan objectives and advance MPA Network management.

MLPA Goals

1. Protect the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems.

2. Help sustain, conserve and protect marine life populations, including those of economic value, and rebuild those that are depleted.
3. Improve recreational, educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.
4. Protect marine natural heritage, including protection of representative and unique marine life habitats in CA waters for their intrinsic values.
5. Ensure California's MPAs have clearly defined objectives, effective management measures and adequate enforcement and are based in sound science guidelines.
6. Ensure the State's MPAs are designed and managed, to the extent possible, as a network.

Master Plan Adaptive Management Objectives

- Protect the structure and function of marine ecosystems
- Improve native marine life populations, including those of economic value
- Ensure minimal disturbance while allowing for sustainable opportunities for recreation, education and research
- Ensure comprehensive representation of all key habitats, including unique habitats
- Use learning acquired through administration of the MPA Management Program to adaptively manage the objectives, management measures, enforcement efforts, and scientific guidelines to inform management decisions
- MPAs function as a cohesive statewide network

Question 2a: Does the proposed change advance adaptive management recommendations in the Decadal Management Review?

California's Marine Protected Area Network Decadal Management Review
DMR Adaptive Management Recommendations

Question 5: Are there significant information gaps that need to be filled to inform the evaluation of the proposed change?

Justice, Equity, Diversity, and Inclusion

There are information gaps related to assessing issues around equity and access for traditionally underserved or marginalized communities within the existing MPA Network, as well as the proposed changes in the Bin 2 petitions. The DMR includes recommendations to advance work in this area that the MPA Management Program intends to work on in the near future. Also, see response for Questions 14 and below.

Economic and Fiscal Impacts

The CFGC petition form, Petition to the California Fish and Game Commission for Regulation Change, requires the petitioner to complete the section, "Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing." Responses provided in the Bin 2 Petitions often had limited data related to potential economic and fiscal impacts, particularly those related to individuals or businesses, including individuals from the sport and commercial fishing industries. This may be due to limited time provided to petitioners to prepare petitions or to the limited existence of this data. However, given the scope and timeline of this analysis, CDFW did not have the ability to provide a supplemental analysis of the economic or fiscal impacts for the 73 changes proposed across the 15 Bin 2 Petitions.

Fish and Game Code section 2853 highlights that the Marine Life Protection Program (now the MPA Management Program) must include a process for the establishment, modification, or abolishment of existing MPAs or new MPAs, that involves all interested parties, including, but not limited to, individuals from the sport and commercial fishing industries, aquaculture industries, coastal and ocean tourism and recreation industries, marine conservation organizations, local governments, marine scientists, and the public (Fish & G. Code § 7050 (b)(7)), and that facilitates the designation of MPAs consistent with the Master Plan adopted pursuant to Fish and Game Code section 2855. Fish and Game Code section 2855 states that when making decisions regarding the siting of new MPAs and major modifications of existing MPAs, CDFW shall take into account relevant information including, but not limited to, the socioeconomic and environmental impacts of various alternatives.

CDFW's Bin 2 MPA Petition evaluations include preliminary assessments of socioeconomic impacts to commercial and recreational fisheries, but these assessments are not a substitute for the relevant information required by Fish and Game Code section 2855. The evaluations do not include an assessment of any socioeconomic benefits or impacts beyond impacts to commercial and recreational fisheries. Implementation of the regulatory changes proposed in the Bin 2 MPA Petitions are anticipated to have socioeconomic impacts, some of which may be significant to individuals or businesses; and additional data and information are needed to meet the level of analyses required by Fish and Game Code section 2855.

Question 9: Does the proposed change improve individual MPA or MPA Network design so that it better aligns with or meets the MPA science guidelines?

To ensure consistency across petition evaluations, CDFW developed a decision tree to evaluate if a proposed action would improve individual MPA or MPA Network design and/or improve alignment with the SAT Science Guidelines (Figure 1). The decision tree includes considerations such as whether the proposed change has the potential to affect the MPA's size or Level of Protection (LOP) and includes a framework to respond to the question. The science-based design criteria were developed by the SAT during the MLPA Initiative planning process to provide quantitative guidance for achieving network-scale ecological objectives (e.g., North Coast Study Region guidance Executive Summary from the North Coast SAT Methods Used to Evaluate MPA Proposals). While there were slight deviations between planning regions in the amount of individual habitat types necessary to meet habitat representation and replication targets, key design elements were consistent statewide. MPAs intended to contribute to ecological goals were required to be at least 9 square miles in size and meet one of the three highest LOPs (Very High, High, or Moderate-High). Importantly, the analysis focused not only on whether proposals meet SAT Science Guidelines, but on whether they would likely provide a net ecological benefit to the MPA Network in addition to meeting SAT Science Guidelines—that is, likely to have measurable improvements beyond existing conditions.

Levels of Protection

California's SAT developed the LOP framework during the MLPA Initiative planning process. California's SAT LOP framework is specifically designed to evaluate fishing-related impacts within the state's MPAs and considers the species that may be taken, the gear used, the geographic region, and the potential direct and indirect ecological effects of those activities on species and habitats. As a result, the SAT LOP framework is the most appropriate framework to use when considering proposed changes or additions to the MPA Network as it was tailor-made for evaluating and comparing California's MPAs.

The SAT LOP framework differs substantially in scope, structure, and application from the protection categories defined in Grorud-Colvert et al.'s (2021) MPA Guide[1]. Although the MPA Guide provides a valuable global framework for making standardized comparisons of MPA outcomes worldwide, it is not an appropriate framework for evaluating California's 2023 MPA Petitions. The two frameworks were developed for different purposes, applied different criteria, and the frameworks differ in scale and structure. Given the two frameworks have different scales and approaches, protection categories

[1] Grorud-Colvert *et al.* (2021). *T*he MPA Guide: A framework to achieve global goals for the ocean. *Science* **373**, eabf0861(2021). DOI:10.1126/science.abf0861; see also https://mpa-guide.protectedplanet.net/resources

that appear similar in name may represent substantially different regulatory conditions and ecological outcomes under the two systems.

The MPA Guide was designed to compare MPAs globally as MPAs around the world vary from fully protected with strong implementation measures (such as those in California's MPA Network), to MPAs on paper only or those that allow activities such as intensive fishing and/or large impact infrastructure and aquaculture. The MPA Guide uses broad activity-based classifications that consider multiple categories of human use. Fishing is treated as one of several activity categories evaluated. Others include dredging and dumping, anchoring, infrastructure, aquaculture, non-extractive activities, and mining. The MPA Guide includes protection levels based on the number and types of activities allowed, without differentiating by species, fine-scale gear type(s), or geographic context. The MPA Guide captures the global scale of allowed activities in MPAs worldwide and categorizes these into four LOPs. The approach enables comparisons across global habitats and activities, which vary greatly. In contrast, California's SAT LOP framework has six levels of protection and is specifically tailored to the fisheries, gear types, species, and habitats in the MLPA planning regions, which enable precise assessments of potential contribution to ecological goals as well as comparisons within California's MPA Network.

In addition to being more relevant to California, the SAT LOP framework applies a more precautionary approach than the MPA Guide framework. During the MLPA Initiative planning process, the SAT evaluated allowed activities under the assumption that they could occur at maximum plausible intensity over time. This reflected the expectation that MPA access would remain open to all users and that fishing pressure could increase unpredictably in the future. For example, during the COVID-19 pandemic, California experienced an unanticipated surge in the harvest of intertidal organisms for sale and subsistence. By comparison, under the MPA Guide LOP framework, potential future increases or sudden changes in fishing intensity, such as the example described above, are not explicitly incorporated into protection level assignments. Instead, the 2021 MPA Guide evaluates activities based on their current intensity, scale, duration, frequency, and overall present-day impact. Its framework is therefore intended to categorize MPAs according to contemporary cumulative impact levels rather than to distinguish in detail among specific fishing practices or ecological interactions. Consequently, the LOPs between the two frameworks are not comparable, and the SAT LOP framework is the most appropriate framework to use for evaluating the 2023 MPA Petitions.

Please see the CDFW Science Guide to California's MPA Network for more specific information on science evaluation of MPA proposals during the MLPA Initiative planning process, including LOPs, as well as a current assessment of how the MPA Network conforms to the SAT Science Guidelines.

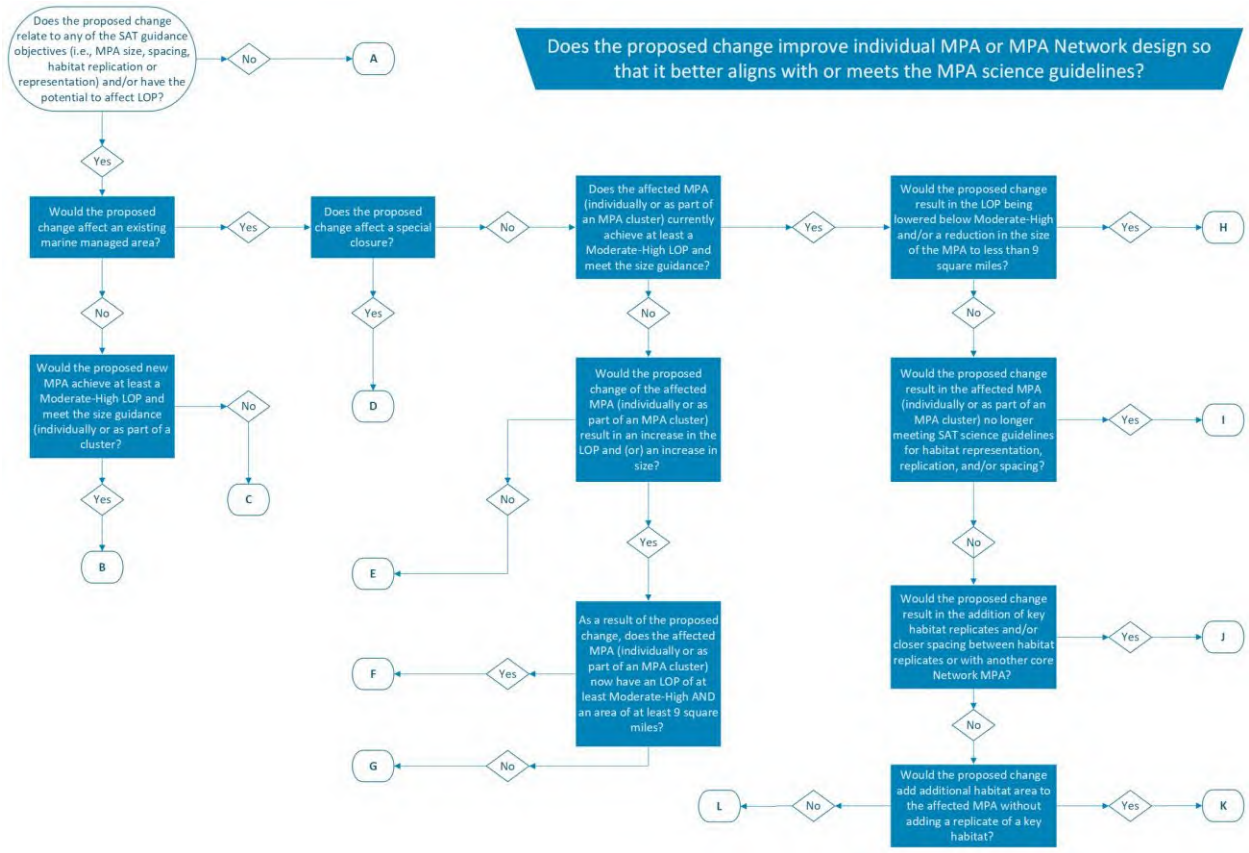


Figure 1. Decision tree framework used to formulate responses for Question 9 for each proposed action. The starting point, at the upper left corner, is based on whether the proposed change has the potential to affect the MPA's size or Level of Protection (LOP). The rest of the questions help to identify the effects such a change may have on the design of the individual MPA and the MPA Network. Based on this decision tree, the effects of a proposed action were determined to belong to one of the following groups:

A. Not applicable because the proposed action does not affect MPA size or LOP. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the SAT Science Guidelines.
B. New MPA meets minimum size and LOP requirements. Proposed action would improve MPA Network design and enhance alignment with the SAT Science Guidelines.
C. New MPA does not meet minimum size and/or LOP requirement. Proposed action does not improve MPA Network design, nor does it enhance alignment with the SAT Science Guidelines.
D. Not applicable because the SAT Science Guidelines do not apply to special closures. Proposed action does not improve MPA Network design, nor does it enhance alignment with the SAT Science Guidelines.

E. Neither existing MPA nor as proposed meets minimum size and/or LOP requirement. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the SAT Science Guidelines.
F. Existing MPA does not meet minimum size and/or LOP requirement, but would meet both as proposed. Proposed action improves the design of the individual MPA and the MPA Network, and enhances alignment with the SAT Science Guidelines.
G. Existing MPA does not meet minimum size and/or LOP requirement. Proposed change improves individual MPA design, but does not improve MPA Network design or enhance alignment with the SAT Science Guidelines.
H. Existing MPA meets minimum size and LOP requirements, but no longer would as proposed. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the SAT Science Guidelines.
I. Existing MPA meets minimum size and LOP requirements. MPA as proposed meets both criteria but no longer meets one or more SAT Science Guidelines. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the SAT Science Guidelines.
J. Existing MPA meets minimum size and LOP requirements. Proposed action results in meeting additional SAT Science Guideline(s). Proposed action improves design of individual MPA and MPA Network, and enhances alignment with the SAT Science Guidelines.
K. Existing MPA meets minimum size and LOP requirements. Proposed action increases the amount of habitat(s) protected but additional SAT Science Guidelines are not met. Proposed action improves the design of the individual MPA but not of the MPA Network, and does not enhance alignment with the SAT Science Guidelines.
L. Both existing MPA and as proposed meet minimum size and LOP requirements. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the SAT Science Guidelines.

Question 10a: Does the proposed change align with CDFW Feasibility Guidelines?

CDFW Feasibility Guidelines

Question 14: Does the proposed change provide more equitable access opportunities (e.g., fishing, educational, and/or other recreational opportunities) for traditionally underserved or marginalized communities?

CDFW is committed to improving access to marine resources in California for traditionally underserved and marginalized communities. This question was included in

the evaluation framework because of that commitment, as well as input from partners to prioritize improvement of accessibility and recommendations from the DMR to integrate justice, equity, diversity, and inclusion principles into MPA Network management. However, after exploration of the available information and methods that could be used to address this question for each proposed action, CDFW originally determined that providing the level of evaluation this question and the relevant communities deserve would not be possible within the scope and timeline of the petition evaluations. Most of the petitions did not include sufficient information to accurately assess benefits and/or impacts to historically marginalized and underserved communities. Additional details and outreach were needed by petitioners to support this portion of the analysis.

At the time, CDFW reviewed multiple information sources, and found there are many different approaches to defining and identifying "traditionally underserved or marginalized communities." CDFW reviewed the definition of disadvantaged communities (DACs) in Senate Bill 535, which is based on pollution burden and federally recognized tribal status (a map of DACs per this definition is available here, data used to determine community status is available through the CalEnviroScreen tool).

CDFW also considered the definition of DACs utilized by the California Department of Water Resources, where DACs are areas where median annual household income is 80% or less of the statewide median annual household income (a map of those communities is available here).

CDFW found the data and information in the California Governor's Office of Land Use and Climate Innovation's Vulnerable Communities Platform to be valuable in understanding access issues related to the MPA Network. The Vulnerable Communities Platform provides information on more specific and potentially applicable metrics, such as food insecurity and linguistic isolation, which could be used to better understand access issues (e.g., subsistence fishing, language access for outreach materials, individual indicators data is available here).

In the March 2026 Companion Document, CDFW's primary findings for Question 14 were that additional information and time were needed, including completion of some DMR Recommendations, to sufficiently address the question.

Following CDFW's submission of the petition evaluations, CFGC, CDFW, and Ocean Protection Council received substantive feedback identifying two areas of concern. First, the response to Question 14 was unsatisfactory and that people, including Commissioners, wanted to see additional analysis for Questions 14 and 16. Second, people identified a broader need for more robust engagement with, and meaningful

incorporation of the perspectives of, traditionally underserved and marginalized communities throughout the process.

At the Regional 2023 MPA Petitions meeting on May 19, 2026, CFGC directed CDFW to convene experts in Justice, Equity, Diversity and Inclusion within the agency and at partner agencies to provide additional analyses. CDFW's Deputy Director of Strategic Engagement, Equity, and Partnerships led this work in collaboration with California Natural Resources Agency, CFGC staff, and Ocean Protection Council and released a separate document with supplemental information for Question 14 and 16.

Question 16: Is the proposed change consistent with the CFGC Justice, Equity, Diversity and Inclusion Policy?

CFGC staff conducted this analysis and prepared the response to Question 16, which was supplemented by a July 2026 document prepared as described in the paragraph above.

Justice, Equity, Diversity and Inclusion Policy Overview

The CFGC Justice, Equity, Diversity and Inclusion Policy (JEDI Policy) reflects CFGC's deep commitment and responsibility to support safe and equitable access to California's thriving native wildlife and natural habitats, supported by inclusive decision-making that reflects the needs and values of the state's diverse communities. The policy acknowledges the significant past injustices experienced by historically marginalized and underserved communities and seeks to correct the burdens these communities have faced in accessing nature, participating in regulatory decision-making, and the privilege often associated with outdoor access. The JEDI Policy also considers and seeks to correct the disproportionate burdens on California Native American tribes and recognizes their interwoven stewardship relationships with the environment.

The JEDI Policy identifies 13 individual commitments referred to as "actions" that guide how CFGC advances its JEDI commitments. Implementation of the policy has been an ongoing priority of CFGC since its adoption in February 2022 and CFGC staff are continuing to explore meaningful ways to meet its commitments. Inclusion of the JEDI Policy in the Framework was intended to highlight this commitment.

Evaluation of MPA Petitions

Evaluating MPA petitions for their consistency with CFGC's JEDI Policy marked the first time CFGC staff attempted to systematically apply the policy's principles to inform CFGC decision-making. Through the process of evaluating MPA petitions against the JEDI Policy, CFGC staff found it was unable to make determinations about whether, or to

what extent, any specific petition advances or conflicts with the JEDI Policy. The findings are described in detail here, along with next steps to resolve these limitations moving forward.

CFGC staff reviewed the pending MPA petitions to identify conceptual intersections with JEDI principles. Of the 13 commitments in the policy, 7 are not relevant to the evaluation because they focus on internal operations, partnerships, and governance processes. The remaining six are directly applicable to the MPA petitions:

- Considering and correcting for disproportionate burdens on historically marginalized communities,
- Improving responsiveness to the needs of marginalized fish and wildlife users,
- Amplifying tribal voices and issues,
- Considering the implications of decisions on subsistence activities,
- Improving and championing safe and equitable access to abundant and healthy fish and wildlife populations, and
- Promoting cultural, community, and economic opportunities related to fish and wildlife that CFGC regulates.

In seeking to apply the six applicable commitments, staff identified several knowledge gaps that limited its ability to provide consistent or objective petition-level JEDI determinations. Ultimately, CFGC staff concluded that there is insufficient information available to meaningfully assess potential JEDI-related implications of petitions in a manner that reflects the intent of the policy.

Key concepts such as subsistence activities, equitable access to abundant fish and wildlife populations, and cultural, community and economic opportunities do not have CFGC-adopted definitions, metrics, or measurable criteria. Without clearly articulated definitions, datasets, or rubrics, petition-specific JEDI assessments would be inherently speculative. Staff have, however, gained a clearer understanding of these gaps, which will be important to address in future policy implementation.

Tribally-Led Petitions

One area that CFGC has already recognized is the distinct role of petitions that amplify tribal voices, which is reflected in how CFGC has grouped these petitions for discussion. Five petitions were submitted either by a tribe or with tribal participation as co-sponsors for petitions submitted by non-tribal proponents. CFGC has grouped these as “Tribally-led,” which includes tribally co-sponsored petitions. Some of these petitions advance tribally identified MPA names and, in some cases, include recommendations related to pursuing co-management or co-stewardship. Collectively, they reflect the

interests of federally recognized tribes as well as non-federally recognized tribal communities with enduring relationships to California's coast. Many of these proposals have the potential to foster long-term partnerships or shared leadership with California Native American tribes, which are considered marginalized and/or underserved communities, supporting the broader intent of CFGC's JEDI Policy.

Petitioner Intent

CFGC staff acknowledges that several petitions explicitly reference, within their petition rationale(s), goals related to equitable access, subsistence activities, long-term abundance of fish and wildlife, or other JEDI-related intentions. While the stated intentions are important context, the previously described evaluation limitations prevented staff from assessing the degree to which these intentions may achieve the goals. CFGC staff acknowledges that changes to harvest or non-consumptive access may relate to subsistence or equity considerations, but cannot reliably characterize the nature or extent of those relationships without risking over-generalization or speculation.

Current and Future Focus

In the absence of the tools needed for petition-level JEDI analysis, and because many JEDI commitments were intended primarily to guide CFGC processes, CFGC staff began to focus on the overall petition process, including the planning for the regional MPA petition meetings. CFGC staff efforts have included: consulting with partners to inform development of approaches to support safe and inclusive participation, selecting meeting locations near affected communities to reduce travel barriers, elevating tribal voices, increasing transparency about meeting format and expectations, and exploring additional ways to provide accessible engagement opportunities. The regional meetings an opportunity for CFGC to engage with local communities regarding MPA petitions. Proposals that reflect community knowledge, lived experience, and local needs align more closely with the inclusive decision-making envisioned by the JEDI Policy. Public comments emphasizing the level of community engagement, or lack thereof, were not considered when conducting the petition evaluations.

Evaluation of the MPA petitions has highlighted critical next steps needed to strengthen CFGC's ability to apply the JEDI Policy in future evaluations. Consistent with the intent of Recommendation 8 in CDFW's Marine Protected Area Network Decadal Management Review — a mid-term priority focused on evaluating the accessibility of MPAs to various community groups — staff recognizes that broader collaborative efforts with various partners will be needed to establish the foundational elements for integrating JEDI considerations across the MPA Network. Advancing this work will support both the

CFGC's JEDI Policy goals and more meaningful future evaluations, beyond what is possible within the limited scope of this petition process.

Links

JEDI Policy: California Fish and Game Commission Justice, Equity, Diversity, and Inclusion Policy, approved February 16, 2022

JEDI Policy Definitions: California Fish and Game Commission JEDI Definitions

Question 17: Is the proposed change consistent with the CFGC Coastal Fishing Communities Policy?

CFGC staff conducted this analysis and prepared the responses to Question 17 for the proposed actions in the evaluations. CFGC staff provided this additional context for their evaluations of Question 17.

Coastal Fishing Communities Policy Overview

The CFGC Coastal Fishing Communities (CFC) Policy guides CFGC, in partnership with CDFW, in supporting the long-term needs, social well-being, and economic health of California's coastal fishing communities while upholding the conservation and management goals central to both agencies' missions and mandates. The CFC Policy defines coastal fishing communities broadly as: (a) social, cultural, economic, and/or place-based groups whose members are dependent upon, engaged in, or benefit from local, wild-capture, commercial, recreational, or subsistence marine harvest or processing to meet the social and economic needs of the community, (b) include, but are not limited to, the businesses and organizations that depend upon or support those activities, and (c) may be a subset or member of larger or associated coastal communities. Adopted in February 2024, the CFC Policy formalizes a vision for how CFGC engages with fishing communities, incorporates their needs into decision-making, and contributes to their resilience.

Evaluation of MPA Petitions

Evaluating MPA petitions for their consistency with CFGC's CFC Policy marked the first time CFGC staff have attempted to apply the policy's principles to inform CFGC decision-making. Through the process of evaluating MPA petitions against the policy, CFGC staff found they were unable to make determinations about whether, or to what extent, any specific petition advances or conflicts with the goals of the CFC Policy. The findings are described in detail here, along with next steps to resolve these limitations moving forward.

The goal of Question 17 is to identify where petitioned actions may conceptually intersect with the CFC Policy—not to evaluate biological outcomes addressed elsewhere in the petition evaluation framework or provide a full socioeconomic analysis.

As CFGC staff applied the CFC Policy to each petition and its proposed actions, it became clear that only limited information is currently available to assess potential implications for coastal fishing communities. The policy encompasses broad aims, such as maintaining or enhancing fishing opportunities, supporting community resilience and adaptive capacity, and ensuring coastal fishing community interests are meaningfully factored into CFGC decision-making.

However, CFGC does not yet have detailed economic, demographic, or cultural data to determine how proposed regulatory changes may affect specific coastal fishing communities. Existing statewide information—primarily the Ocean Sport Fishing web application and community profiles from FishingCommunities.net, last updated in 2023 using 2021 data—provides useful general context on ports, landings, and community characteristics. CFGC staff expertise and experience also contributed to the understanding of impacts of petitioned actions on nearby coastal fishing communities. These sources of information do not provide the level of resolution necessary to draw conclusions about individual community dependence, vulnerability, or long-term resilience.

Given the limitations, CFGC staff focused the evaluation on three elements that could be consistently and objectively applied across all petitions:

- Describes the nature of the proposed regulatory change,
- Identifies whether a petition action would increase, decrease, or have no direct effect on commercial or recreational fishing opportunity within or near the affected MPA, and
- Identifies the coastal fishing communities most geographically-proximate to the affected area, by identifying the nearest ports or harbors and travel distance between them, although these do not necessarily reflect smaller coastal fishing communities that may be affected.

Some petition actions were given “not applicable” responses, reflecting that those actions are not subject to evaluation as they are either not regulatory change requests or they are proposals outside of the regulatory framework for MPA management.

Some petitions propose increasing fishing opportunities, which could conceptually support short- or long-term community resilience within the context of California’s existing fishing regulations and the broader fisheries management goals, and other petitions propose strengthening or expanding MPAs, which may confer long-term

ecological benefits that indirectly support fishing communities. However, CFGC staff cannot evaluate the proposed changes on biological, stock-related, or long-term effects relative to supporting fishing opportunities under this question.

A full understanding of potential benefits or impacts to coastal fishing communities requires meaningful input from the community members themselves—commercial, recreational, and subsistence harvesters, as well as the businesses and organizations that support local fishing economies. CFGC staff view this evaluation as an initial step based on the information currently available, and not as a comprehensive assessment of the lived experience, priorities, or needs of individual communities. Public comments that provide such feedback have not been directly considered in the evaluation. While CFGC has received a wealth of public comments to inform its understanding of the range of views thus far, CFGC's upcoming regional MPA petition review meetings will provide an important opportunity for commenters to further supplement CFGC staff's analysis with direct feedback from those most connected to the affected areas. Continued dialogue with coastal fishing communities will help strengthen the foundation for applying the CFC Policy in future decision-making and improve CFGC's ability to better understand and support the adaptive capacity and long-term resilience of California's fishing communities over time.

Possible next steps in policy implementation and pathways to begin filling data gaps are anticipated for discussion at a future CFGC Marine Resources Committee meeting. This discussion ideally would lead to developing options and needs to enable integrating consideration of the CFC Policy into CFGC's decision-making.

Links

CFC Policy: California Fish and Game Commission Coastal Fishing Communities Policy, adopted February 14, 2024 (also included on the following page)

Current Regulations Map: Ocean Sport Fishing Web App

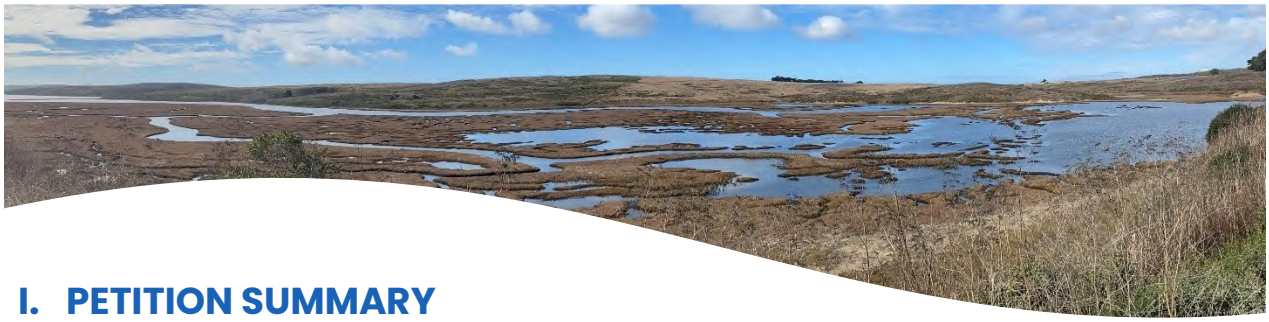
Partner website, California Fishing Communities, providing profiles of the history, economics, and culture of California's fishing communities (last updated in 2023 with 2021 data): FishingCommunities.net

SUMMARY OF OTHER CONSIDERATIONS

After completing the evaluations, none of the petition evaluations had information to include in this section beyond what was provided in the other five sections of the evaluation. Consequently, this section was removed from the evaluations.

California Department of Fish and Wildlife's Evaluation of 2023 Decadal Management Review Marine Protected Area Petition:

Reclassify Duxbury Reef SMCA to an SMR and Expand the Southern and Northern Boundaries (2023-32MPA)



I. PETITION SUMMARY

CFGC Tracking Number	2023-32MPA
Petition Contact/Affiliation	Ashley Eagle-Gibbs, Environmental Action Committee (EAC) of West Marin
Number of Proposed Actions	3
Affected MPAs	Duxbury Reef SMCA
Petition Summary	Change Duxbury Reef State Marine Conservation Area (SMCA) to a State Marine Reserve (SMR), extend the southern boundary further south, and extend the northern boundary to the Double Point Special Closure.
Link to StoryMap page	2023-32MPA

March 2026

II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

Note: If a change to the Marine Protected Area (MPA) regulations is not needed to address the proposed change, the California Department of Fish and Wildlife (CDFW) did not evaluate the proposed change using the framework. However, CDFW may recommend an alternative pathway to achieving the desired outcome of the proposed change.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-32MPA_1 Reclassify Duxbury Reef SMCA to an SMR to prohibit take.	The petitioner's stated intent for the proposed change is difficulty of interpretation and enforcement of current regulations resulting in large incidence of take violations.	**Deny.** The petitioner asserts that current regulations cause confusion and that there has been an increase in non-compliance relative to other Marin County MPAs. These claims are unsubstantiated by CDFW enforcement data. The proposed change would not result in additional regulatory protection for the rocky intertidal habitat that the current MPA was designed to protect, and it would unnecessarily eliminate established uses previously vetted during the Marine Life Protection Act (MLPA) Initiative planning process. The proposal deviates from the adaptive management recommendations of the Decadal Management Review and conflicts with the MPA's original intent to balance habitat protection with recreational fishing. Current SMCA regulations do not present enforcement challenges for Marine Enforcement District (MED) within the existing MPA boundaries. MED has identified some enforcement challenges with people legally harvesting outside of the MPA boundaries, then traversing through the MPA to return to the main access point, however this challenge may be best addressed by the proposed boundary changes (see below). Improved signage, education, and outreach efforts at this location could be just as or more effective than a regulatory change to an SMR.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-32MPA_2 Expand the proposed Duxbury Reef MPA by extending the southern boundary.	The petitioner's stated intent for the proposed change is to increase habitat protections to fully cover the entirety of the contiguous reef habitat.	**Grant in concept.** CDFW recommends expanding protections of the rocky intertidal habitat in a manner that does not change the existing Duxbury Reef SMCA and does not restrict existing commercial or recreational take allowances beyond new intertidal protections in the expansion area. This could be achieved by: • Designating a new SMCA to protect the southern portion of the contiguous rocky intertidal habitat of Duxbury Reef, • Designing take regulations for the new southern Duxbury Reef SMCA to balance the goals of expanding protections for intertidal invertebrates (except abalone when allowed) and seaweed with the goal of maintaining existing commercial and recreational take of other species from shore and by boat, and • Designing the SMCA boundaries to maximize alignment with Science and Feasibility Guidelines (See Attachment 1) to optimize intertidal protections and enforceability for shore-based and boat-based users. Duxbury Reef is the largest intertidal shale reef in North America and is a unique habitat not found elsewhere in California. Protecting the southern portion of the reef has potential to enhance biodiversity and ecosystem function at this site by protecting the connected rocky intertidal habitat. CDFW proposes to expand boundaries of the SMCA to the south to encompass the southernmost fringe of the reef that extends south of Duxbury Point. The proposed change to encompass one of the rarest

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		habitats in California and the largest shale reef in North America has potential to increase climate resiliency of the associated ecological community by protecting the entirety of the contiguous reef habitat. The proposed change is consistent with the intended goals of the Duxbury Reef SMCA, aligns with the original intent of this MPA, and supports adaptive management of the MPA Network. During the MLPA Initiative planning process, Duxbury Reef was identified as an important site for the fishing community, especially for the adjacent, rural community of Bolinas, so the California Fish and Game Commission (CFGC) approved regulations that preserved some of the recreational take popular at this site. Expanding the southern boundary with the current SMCA regulations or as an SMR would further restrict existing recreational and commercial fishing activities at Duxbury Reef. With a goal to protect intertidal habitat, the expanded boundaries and take regulations should be designed in a way that does not unnecessarily restrict commercial and recreational fishing that occurs beyond the reef. CDFW recognizes the importance of Duxbury Reef to the adjacent community of Bolinas and broader Marin County as a site that supports multiple uses of the marine environment. This proposed alternative pathway would meet the petitioner's goals of protecting more of this unique rocky intertidal habitat while balancing the needs of the local community and the intent of this MPA that was established in the MLPA Initiative planning process.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		CDFW also recommends the petitioners work with the local community of Bolinas, and other interested parties to build a comprehensive outreach and education strategy at Duxbury Reef to foster stewardship of this reef in an inclusive manner.
2023-32MPA_3 Expand the proposed Duxbury Reef MPA by extending the northern boundary north to Double Point Special Closure.	The petitioner's stated intent for the proposed change is to increase habitat protections to fully cover the entirety of the contiguous reef habitat.	**Grant in concept.** CDFW recommends expanding protections of the rocky intertidal habitat in a manner that does not change the existing Duxbury Reef SMCA and does not restrict existing commercial or recreational take allowances beyond new intertidal protections in the expansion area. This could be achieved by: • Designating a new SMCA to protect the northern portion of the contiguous rocky intertidal habitat of Duxbury Reef. CDFW would develop boundaries of the SMCA to extend north near Double Point/Stormy Stack Rock Special Closure, which would encompass the northern fringe of the reef, • Designing take regulations for the new northern Duxbury Reef SMCA to balance the goals of expanding protections for intertidal invertebrates (except abalone when allowed) and seaweed with the goal of maintaining existing commercial and recreational take of other species from shore and by boat, and • Designing the SMCA boundaries to maximize alignment with Science and Feasibility Guidelines (See Attachment 1) to optimize intertidal protections and enforceability for shore-based and boat-based users. See justification for 2023-32MPA_2 for more details.

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes[1] (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

Tribal Components Questions	Answer and Explanation
Was the petition submitted by a California Native American tribe, representative designated by a tribe or tribal organization, or have a tribal co-sponsor? If yes, a. Does the proposed change explicitly aim to advance tribal co-management, subsistence harvesting, stewardship, and/or provide a tribal benefit through recognizing the cultural significance of an area? b. Is the proposed regulatory change explicitly linked to a tribe or tribes? (i.e. tribal exemption, tribal take only MPA, or new MPA for co-management).	No, this petition was not submitted by a tribe or representative designated by a tribe or tribal organization, and it does not have a tribal co-sponsor.

[1] California Native American tribe is the preferred term to use per the Governor's Office of Tribal Affairs when generally mentioning tribes of California, both federally and non-federally recognized.

IV. PETITION EVALUATION

The petitioner has proposed reclassifying the Duxbury Reef SMCA as an SMR and expanding its northern and southern boundaries to cover the entire contiguous rocky intertidal habitat. Duxbury Reef is the largest shale reef in North America and is a unique habitat not found elsewhere in California. It overlaps with portions of Point Reyes National Seashore, Duxbury Reef Area of Special Biological Significance (ASBS), and the Greater Farallones National Marine Sanctuary (GFNMS). The current SMCA designation allows recreational take of finfish[2] from shore and red abalone (*Haliotis rufescens*) (note the abalone fishery is closed until 2036) (as defined in California Code of Regulations (Cal. Code Regs.), title (tit.) 14, § 632, subdivision (subd.)(a)(2)), which the petitioner states creates public confusion regarding permitted activities and enforcement challenges that could be addressed by prohibiting all take. The petition refers to observations made by visitors and docents which suggest that seeing legal fishing leads others visiting the reef to mistakenly believe they can harvest invertebrates and seaweed from the rocky intertidal, resulting in noncompliant take. The petitioner also requests expanding the MPA's northern and southern boundaries to protect the entirety of the intertidal reef habitat to more effectively safeguard the area's rare shale reef biodiversity and overall ecosystem health.

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-32MPA_1

The petitioner has proposed to reclassify Duxbury Reef SMCA to an SMR because of "difficulty of interpretation and enforcement of current regulations and the resulting large incidence of take violations." Currently, the recreational take of finfish from shore and abalone is allowed in this MPA. The petitioner asserts that an SMR designation at this MPA would simplify regulations, align with one or more of the MLPA Goals, and improve protection for intertidal habitat. However, given that MED data report zero citations issued in recent years, and other factors discussed below, CDFW's evaluation finds the proposed change:

- Would not result in additional regulatory protection for the rocky intertidal habitat,
- Is inconsistent with the goals of this MPA, as identified in the MLPA Initiative planning process,
- Does not align with the original intent of this MPA,
- Does not address a current or emerging MPA management challenge, and
- Does not advance management of the MPA Network.

The proposed change is inconsistent with the goals of this MPA defined during the MLPA Initiative planning process (MLPA 2008a) and presented to CFGC when the resulting MPA

[2] Any species of bony fish or cartilaginous fish (sharks, skates and rays).

was adopted into regulation. These goals remain relevant today, including protecting marine natural heritage and improving recreational opportunities. Duxbury Reef SMCA is a relatively accessible area that attracts many visitors due to its exceptional tidepooling, wildlife viewing, and recreational fishing opportunities. Despite the high rate of human visitation at Duxbury Reef SMCA, CDFW found no objective evidence substantiating the petitioner's assertions that confusion about the current SMCA regulations is causing significant illegal take from the rocky intertidal habitat within the current MPA boundaries (Table 1). The petitioner provided MPA Watch data as an attachment to the petition and notes nearly 1000 potential violations of MPA regulations between 2019 and 2024 at Duxbury Reef. MPA Watch is a statewide community science program that trains volunteers to passively observe and collect data on human activity and use of coastal marine resources both inside and outside MPAs. Data collection is standardized across the state to ensure scientifically rigorous, comparable data to examine how human uses are changing as a result of MPA implementation. While MPA Watch observations on human uses could help inform enforcement efforts in MPAs, the program is not designed to collect definitive data on violations of MPA regulations. MPA Watch volunteers may observe and/or report potential violations to MED through CDFW's CalTIP hotline (1-888-334-2258) while they are conducting their surveys at their discretion, but it is not part of the standardized data collection nor a requirement of the survey (MPA Watch Network, 2020).

In the case of the Duxbury Reef SMCA, EAC of West Marin prepares the MPA Watch reports for Marin Couty. The annual reports for Duxbury Reef and the petition characterize all hand collection of biota, including the handling of organisms while participating in tidepooling activities, as "potential violations[3]." Of the "potential violations" included in the MPA Watch reports from Duxbury Reef since 2019, between 1 and 6 were reported each year to MED and/or other enforcement partners such as Marin County Parks (EAC of West Marin 2019-2024, Table 1). Most of the "potential violations" reported to MED were offshore recreational fishing activities, which are not permitted in Duxbury Reef SMCA. Data provided by MED show that officers visit Duxbury Reef throughout the year but have not issued any citations for violating the MPA or other regulations at Duxbury Reef between 2019 and 2025 (Table 1). MED has indicated that they prioritize on the ground education regarding potential take associated with tidepooling activities and would generally only issue a citation if there is clear intention to harvest intertidal organisms for the purpose of consumption or removal of organisms from the site. Outreach and education are one of the pillars of the MPA Management Program, and MED officers in the

[3] Marin County MPA Watch reports include the term "potential violations" because activities observed by MPA Watch volunteers have not been consistently reported to, or investigated and confirmed by MED.

field are key to informing people about the MPA Network and ensuring compliance with the regulations.

While SMRs generally simplify enforcement by prohibiting all take, MED enforcement data do not indicate a unique enforcement challenge regarding compliance with the current SMCA regulations within the existing MPA boundaries at this site (Table 1). Given this, a reclassification to an SMR is not likely to effectively resolve the petitioner's concerns regarding public tidepooling practices at Duxbury Reef SMCA. Experience from other heavily visited tidepooling areas in California, research conducted in select south coast MPAs (Tydlaska and Edwards 2022), and testimonials reported from the docents conducting outreach at Duxbury Reef SMCA (EAC of West Marin, 2019-2024), indicate that targeted outreach and education can be just as, or more, effective than changes in MPA regulations. The MPA Watch data at Duxbury Reef showed a decrease in potential violations following implementation of the Duxbury Docent program in January 2021 (Table 1). The MPA Watch annual reports continue to report high visitation at Duxbury Reef SMCA relative to other MPAs in Marin County and the 2024 report mentioned attrition in the Duxbury Docent and MPA Watch programs. CDFW has partnered with local entities at comparable sites that are popular for tidepooling to implement outreach and education strategies tailored to site-specific conditions with successful outcomes. Enhanced signage and focused outreach efforts during peak low-tide periods at Duxbury Reef SMCA could continue to engage the public to improve tidepool practices and support outreach and compliance with the SMCA regulations.

The Duxbury Reef SMCA was designed during the MLPA Initiative planning process to balance resource protection with traditional recreational access (MLPA 2008a), and a No-take designation would restrict existing allowed uses that are important to the coastal heritage of the local community Bolinas. These take allowances were carefully contemplated and deliberated during the MLPA Initiative planning process. Maintaining current take allowances supports local marine resource access, allows communities like Bolinas to continue long-standing fishing practices, and fosters community stewardship. In addition, Duxbury Reef overlaps with fishing grounds used by the local commercial hook-and-line California halibut (*Paralichthys californicus*) fishery, which contributes to a local and sustainable food supply for West Marin communities (Fig. 1).

RECOMMENDATION FOR 2023-32MPA_1

Given these considerations, and the information from the evaluation below, **CDFW recommends CFGC DENY PETITON 2023-32MPA_1** to reclassify Duxbury Reef SMCA to an SMR. CDFW also recommends the petitioners work with the local community of Bolinas, and other interested parties to build a comprehensive outreach and education strategy at Duxbury Reef to foster stewardship of this reef in an inclusive manner.

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-32MPA_2 and 3

The petitioner proposes extending the southern boundary of Duxbury Reef SMCA to the southern end of the reef and the northern boundary of Duxbury Reef SMCA to Double Point/Stormy Stack Special Closure to encompass the entirety of the contiguous rocky intertidal reef habitat. CDFW acknowledges the significant ecological importance of the shale reef at Duxbury Reef SMCA, and after careful review, finds the proposed boundary changes to protect intertidal habitat:

- Are consistent with the goals of this MPA, as identified in the MLPA Initiative planning process, and may help further advance these goals,
- Improve the overall design of the MPA,
- Align with the original intent of this MPA, and
- Advance management of the MPA Network at Duxbury Reef.

Duxbury Reef is part of the largest shale reef in North America and represents a unique geologic feature not found elsewhere in California. Prior to the MLPA Initiative planning process, the area was established by CFGC in 1971 as the Duxbury Reef Reserve and designated by the State Water Resources Control Board as an ASBS in 1974. During the MLPA Initiative planning process, alternative MPAs were considered at this location north of the existing MPA that would have included the northern portion of the rocky intertidal habitat as well as larger areas of offshore waters that would have allowed for more types of offshore take (MLPA 2008b). The Blue Ribbon Task Force did not advance these in the preferred alternative given the proposed fishing restrictions within these larger alternative SMCAs and the proximity of other proposed MPAs that would have further restricted fishing, missing the opportunity to afford protection to the rocky intertidal habitat to the north of the current MPA (MLPA 2008b). While the current onshore and offshore boundaries of Duxbury Reef SMCA include the reef from the mean high tide line out to 1,000 feet seaward of mean lower low water, the northern- and southernmost portions of the rocky intertidal habitat of Duxbury Reef are not within the current MPA boundaries. Given that this MPA was specifically designed to protect rocky intertidal habitat, the proposed actions to expand the boundaries of the MPA to both the north and south to encompass the entire rocky intertidal ecosystem at this site present an adaptive management opportunity to improve overall MPA design of Duxbury Reef SMCA. Encompassing the entire intertidal reef in a manner that does not preclude existing shore-based and offshore commercial and recreational fishing activities could increase biodiversity and ecosystem function by protecting the most extensive rocky intertidal habitat that exists in the state, and better protect a sensitive, rare habitat that is particularly vulnerable to the effects of climate change (Harley 2011, Thorner et al. 2014, Kaplanis et al. 2024).

Expanding the northern and southern boundaries of Duxbury Reef SMCA would improve the overall design of the MPA[4]. Expanding the MPA to the north and south would increase the MPA's alongshore span to better align with the Science Advisory Team's (SAT) preferred threshold (6 to 12.5 miles) identified during the MLPA Initiative planning process. Expanding the alongshore span has potential to further enhance biodiversity and ecosystem function by incorporating extensive rocky intertidal habitat that is currently outside the MPA boundaries (Table 2). In addition, expanding the boundaries to include the full extent of the rocky intertidal reef would improve consistency with CDFW Feasibility Guidelines, which recommend avoiding MPA boundaries that divide continuous beach and rocky intertidal habitats, as occurs under the current MPA configuration.

CDFW recognizes the importance of Duxbury Reef to the adjacent community of Bolinas and broader Marin County as a site that supports multiple uses of the marine environment. Not only is Duxbury Reef a popular place to experience nature through tidepooling, wildlife viewing, and beach recreation, the waters offshore the reef support important recreational and commercial fishing grounds. During the MLPA Initiative planning process, the North Central Coast Regional Stakeholder Group and Blue Ribbon Task Force recognized the importance of the need for multiple uses to coexist at the reef, and recommended CFGC adopt the Duxbury Reef SMCA that aims to protect the rocky intertidal habitat while allowing some recreational uses to continue. The need to balance these multiple uses still exists today. The area proposed for the southern expansion remains an important recreational fishing ground. The area proposed for the northern expansion also supports an important local hook-and-line California halibut fishery out of the port of Bolinas. CDFW commercial fisheries block data shows that Duxbury Reef overlaps with commercial fishing block 447, which is the most valuable fishing block for the hook-and-line California halibut fishery operating out of port of Bolinas and is utilized by other San Francisco Bay Area ports (Fig. 1). Commercial fishermen report fishing within 1000 feet from shore at Duxbury Reef (outside the existing Duxbury Reef SMCA) when weather conditions permit, especially in the northern part of the reef that would be affected by the proposed northern expansion.

Since the objective of the proposed northern and southern expansions is to protect the biodiversity in the intertidal habitat of the reef, extending the boundaries with the current SMCA regulations or as an SMR would unnecessarily restrict existing commercial and

[4] The petitioner states part of the rationale for extending the northern boundary is that "incorporating this northern section ensures that this unique reef habitat is fully protected in its entirety from take and disturbance to marine mammals, seabirds, intertidal and subtidal species." To clarify, extending the boundaries of the MPA (whether as an SMCA or SMR) would not change existing protections for marine mammals or seabirds or change recreational access to the area the because the MPA is not/would not be a Special Closure.

recreational take. Therefore, CDFW recommends an alternative solution to address the petitioner's intent of protecting the rocky intertidal habitat while meeting local community needs and not reducing existing protections in the MPA Network.

RECOMMENDATION FOR 2023-32MPA_2 and 3

Given these considerations and the information from in the evaluation below, **CDFW recommends CFGC Grant in Concept 2023-32MPA_2 and 2023-32MPA_3**. CDFW recommends expanding protections of the rocky intertidal habitat in a manner that does not change the existing Duxbury Reef SMCA and does not restrict existing commercial or recreational take allowances beyond new intertidal protections in the expansion areas. This could be achieved by:

- Designating two new SMCAs to protect the northern and southern portions of the contiguous rocky intertidal habitat of Duxbury Reef,
- Designing take regulations for the new northern and southern Duxbury Reef SMCAs to balance the goals of expanding protections for intertidal invertebrates (except abalone when allowed) and seaweed with the goal of maintaining existing commercial and recreational take of other species from shore and by boat, and
- Designing the SMCA boundaries to maximize alignment with Science and Feasibility Guidelines (See Attachment 1) to optimize intertidal protections and enforceability for shore-based and boat-based users.

CDFW also recommends the petitioners work with the local community of Bolinas and other interested parties to build a comprehensive outreach and education strategy at Duxbury Reef to foster stewardship of this reef in an inclusive manner.

EVALUATION QUESTIONS

2023-32MPA_1: Reclassify Duxbury Reef SMCA to an SMR prohibit take.

QUESTION 1: DOES THE PROPOSED CHANGE SUPPORT THE MPA NETWORK IN MEETING ONE OR MORE OF THE MLPA GOALS AND ALIGN WITH MPA MASTER PLAN ADAPTIVE MANAGEMENT OBJECTIVES?

The MLPA Goals and Master Plan objectives are inextricably linked and act as the foundational tools that CDFW utilizes for effective adaptive management of the MPA Network. Individual MPAs in the Network were not necessarily designed to address all six Goals of the MLPA but instead act as an important component of a functioning Network that was designed to holistically address the MLPA Goals as a whole. As such, CDFW has evaluated this action within the broader adaptive management framework and how the proposed action may or may not align with the MLPA Goals and advance management

of the MPA Network. See Question 1 of Attachment 1 for the MLPA Goals and MPA Master Plan objectives.

The petitioner asserts that reclassifying Duxbury Reef SMCA to an SMR (combined with the proposed boundary expansions to the north and the south), would advance MLPA Goals 1, 2, 3, and 4 related to preserving natural diversity, sustaining marine life populations, protecting marine habitats for the intrinsic value, and improving recreational and educational opportunities.

Duxbury Reef SMCA was designed to meet regional MPA Goals 2 and 3 "protect species while allowing traditional recreational access," and "protect an area of important marine natural heritage." Regarding improving recreational and educational opportunities (Goal 4), Duxbury Reef was already recognized during the MLPA Initiative planning process as an "important educational site & long term research site [that] takes advantage of long monitoring – PISCO (Multi-Agency Rocky Intertidal Network, or MARINe) sites at Duxbury Reef & Bolinas Point, educational use of Duxbury Reef, long term studies by College of Marin & GFNMS, & GFNMS planning docent program." Thus, the proposed change would offer no change in the design of the affected MPA in terms of Goals 2, 3, or 4.

Reclassifying Duxbury Reef SMCA as a SMR would be consistent with Goal 1, however, this action would not result in additional regulatory protection for the rocky intertidal habitat. Harvest of rocky intertidal species is already prohibited within the SMCA, with limited exceptions for certain nearshore finfish that may occur in this habitat (e.g., monkeyface prickleback (*Cebidichthys violaceus*)) and abalone (red abalone has been closed since 2018 and is expected to remain closed until at least April 1, 2036, to allow populations to recover).

Long-term monitoring at Duxbury Reef indicates that the abundance of some species has increased over time, while others have declined (MARINe long-term monitoring data), patterns that are consistent with statewide trends and reflect the inherent variability of rocky intertidal populations (Miner et al. 2018, Raimondi and Smith 2022). The 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 on areas of highest use without a targeted study.

Based on the available information, observed ecological variability cannot be attributed to a single factor, such as human visitation or potential poaching. Accordingly, it is unclear whether reclassification to an SMR alone would provide greater benefits to biodiversity and ecosystem function than other management approaches. While the simple regulations of No-take MPAs are generally easier to enforce (Goal 5), improving

signage and outreach efforts regarding the current MPA regulations could be just as, or more, effective than a regulatory change to redesignate the MPA to an SMR.

QUESTION 2A: DOES THE PROPOSED CHANGE ADVANCE ADAPTIVE MANAGEMENT RECOMMENDATIONS IN THE DECADAL MANAGEMENT REVIEW?

No. The proposed change does not advance adaptive management recommendations from the Decadal Management Review. See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management Recommendations.

QUESTION 2B: IF NOT, DOES THE PROPOSED CHANGE ADDRESS A CURRENT OR EMERGING MPA MANAGEMENT CHALLENGE?

No. The proposed change does not address a current or emerging MPA management challenge. While the petitioner asserts that prohibiting take could help the growing number of people visiting the reef understand and comply with the regulations, improving signage and outreach efforts about the current regulations is likely to be just as, or more effective, than a regulatory change to an SMR. See response to Question 1 regarding the goals this MPA was designed to meet and response to Question 8 for additional information on the background and intended purpose of this MPA.

QUESTION 3: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING CFGC NON-MPA REGULATIONS, PERMITS, OR LEASES (E.G., KELP LEASES, AQUACULTURE LEASES, EXPERIMENTAL FISHING PERMITS)?

No. CDFW does not anticipate that CFGC would need to make conforming changes to other regulations, permits, or leases in response to the proposed change to these MPA regulations.

QUESTION 4: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING REGULATIONS, PERMITS, LEASES, OR MANAGEMENT ACTIVITIES OF ANY OTHER AGENCY OR ENTITY?

Yes. State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board (Water Boards): Duxbury Reef SMCA falls within an existing ASBS that has boundaries just slightly north (to Arroyo Hondo river) of the northern SMCA boundary and extending further offshore than the SMCA. It is unclear whether the proposed change would have direct or indirect effects on the management activities of the Water Boards for this ASBS. However, we do not anticipate that Marin County would need to update their Duxbury Reef ASBS Compliance Plan in response to the proposed change.

Marin County Parks: CDFW shares jurisdiction of Duxbury Reef SMCA with Marin County Parks and would need to coordinate enforcement, updates to signage, and outreach efforts.

National Park Service: CDFW shares jurisdiction of Duxbury Reef SMCA with Point Reyes National Seashore and would need to coordinate enforcement, updates to signage, and outreach efforts.

National Oceanic and Atmospheric Administration (NOAA), Greater Farallones National Marine Sanctuary (GFNMS): CDFW shares jurisdiction of Duxbury Reef SMCA with GFNMS and would need to coordinate enforcement, updates to signage, and outreach efforts.

This list may not be exhaustive. The proposed change may have the potential to affect existing regulations, permits, leases, or management activities of Tribal governments, other agencies, and entities not identified here.

QUESTION 5: ARE THERE SIGNIFICANT INFORMATION GAPS THAT NEED TO BE FILLED TO INFORM THE EVALUATION OF THE PROPOSED CHANGE?

No. CDFW has sufficient information to evaluate and make a recommendation on this proposal. When evaluating this petition, CDFW reviewed the information in the petition as well as information including but not limited to:

- Rocky intertidal long-term monitoring (MARINe) data,
- CDFW's enforcement and compliance data,
- MPA Watch data and annual reports for Marin County, and
- MLPA Initiative planning documents and related information (e.g., MLPA Goals and MPA Master Plan adaptive management objectives).

CDFW reviewed the available information and did not find that it supports the petitioner's assertions that there is "documented difficulty of interpretation and enforcement of current regulations" which results in a "large incident of take violations." Improving signage and outreach efforts could be just as, or more effective, than a regulatory change to convert the SMCA to an SMR. Furthermore, the information indicates the proposed action is unlikely to measurably enhance protection beyond what is currently offered, is inconsistent with the original intent of the MPA, and would unnecessarily impact recreational fishing opportunities.

QUESTION 6: ARE THERE SIGNIFICANT MANAGEMENT GAPS THAT NEED TO BE FILLED TO INFORM THE EVALUATION OF THE PROPOSED CHANGE?

No. CDFW has sufficient management information to proceed with the evaluation of this proposed change.

QUESTION 7A: WAS THE PROPOSED CHANGE CONSIDERED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

No. The proposed change was not considered during the MLPA Initiative planning process. All MPA proposals set forth by the Blue Ribbon Task Force included some level of take to meet the Goals of the MLPA and the marine resource use needs of the local community (MLPA 2008b). As such, the proposed change would deviate from the original intent of the MPA (see response to Question 8 for detail regarding original intent).

One of the Regional Stakeholder Group proposals for Duxbury Reef was to designate it as a State Marine Park with the same level of take as the current SMCA (MLPA 2008b). CFGC adopted the Regional Stakeholder Group's recommendations for take for Duxbury Reef SMCA, acknowledging the desire to protect the rocky intertidal habitat while also providing local fishing communities with some continued access. Designating Duxbury Reef SMCA as a State Marine Park is under the authority and discretion of the State Parks and Recreation Commission.

> **QUESTION 7B:** IS THERE NEW INFORMATION AVAILABLE, CHANGING CONDITIONS SINCE THE MLPA IMPLEMENTATION PHASE, AND/OR INFORMATION PRESENTED IN THE DMR THAT WARRANTS REEVALUATION OF THE PROPOSED CHANGE?
>
> **No.** CDFW has not identified any critical new information that would warrant the redesignation of Duxbury Reef SMCA to an SMR.

QUESTION 8: IF THE PROPOSED CHANGE AFFECTS AN EXISTING MPA, DOES THE PROPOSED CHANGE ALIGN WITH THE ORIGINAL INTENT OF THE MPA IDENTIFIED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

No. The proposed change to reclassify Duxbury Reef SMCA to an SMR does not align with the original intent of the MPA as established during the MLPA Initiative planning process. The original intent was to maintain a portion of the existing MPA as a natural marine heritage site by protecting the intertidal reef while allowing for shore-based recreational fishing. Reclassification would terminate all recreational fishing, contradicting the MPA's

original design to balance resource protection with traditional recreational fishing access.

Current regulations already prohibit the harvest of invertebrates and seaweed within the rocky intertidal habitat. Consequently, an SMR designation would offer no additional protection for these specific intertidal species. Aside from potential abalone harvest (currently under a statewide closure through April 1, 2036), the intertidal habitat is already protected from take under the existing SMCA status.

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

The MLPA requires that the design of individual MPAs and the statewide MPA Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team (SAT) and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on Level of Protection (LOP), which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 9 square miles and meet one of the three highest LOPs (i.e., Very High, High, or Moderate-high) to contribute to ecological goals such as habitat replication and representation.

Duxbury Reef SMCA is 0.69 square miles with a moderate LOP and therefore was not designed to meet either criterion (Table 1). Reclassifying the SMCA to an SMR would not change the spatial area of the MPA but it would increase the LOP from Moderate to Very High, which would enhance alignment with the SAT guidelines.

Additionally, intertidal SMRs and SMCAs do not follow the scientific guideline which "recommends extending MPAs from shallow to deep habitats. If intertidal protection is desired, it should be in areas where offshore habitats are also protected." The proposed action would not increase the MPA's area to the minimum recommended size, and unlikely to improve the design of the Duxbury Reef SMCA or the MPA Network. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

QUESTION 10A: DOES THE PROPOSED CHANGE ALIGN WITH CDFW FEASIBILITY GUIDELINES?

Yes. While the existing Duxbury Reef SMCA was not designed to meet all CDFW Feasibility Guidelines, the proposed change was analyzed by identifying factors relevant to a reclassification from an SMCA to SMR, which include the MPA Types and Take Regulations. The proposed change aligns with the classifications in the MPA Types

section of the Feasibility Guidelines. The current regulations for the SMCA meet the Take Regulations feasibility guidelines, although the proposed change would further simplify the take regulations. See Question 10a of Attachment 1 for CDFW Feasibility Guidelines.

> **QUESTION 10B:** IF NOT, IS THERE A RATIONALE FOR MOVING FORWARD WITH THE PROPOSED CHANGE OR AN ALTERNATIVE THAT COULD MEET THE INTENT BUT BETTER ALIGN WITH FEASIBILITY GUIDELINES?
>
> **No.** There is no rationale for moving forward with the proposed change or an alternative.

QUESTION 11: DOES THE PROPOSED CHANGE MAINTAIN OR IMPROVE ENFORCEABILITY OF MPA REGULATIONS?

No. Although the proposed change to reclassify Duxbury Reef SMCA to an SMR has potential to improve enforceability at this MPA because No-take MPAs are generally easier to enforce, MED found no objective evidence that confusion about the current SMCA regulations is causing significant illegal take from the rocky intertidal habitat within the current MPA boundaries. Of the close-to 1000 "potential violations" (characterized by the petitioner as all hand collection of biota, including the handling of organisms during tidepooling activities) observed during MPA Watch surveys from 2019-2024 at Duxbury Reef, between 1 and 6 were reported each year to MED through CDFW's CalTIP hotline (1-888-334-2258) and/or other enforcement partners. Most of these were offshore recreational fishing activities which are not permitted in Duxbury Reef SMCA. Data provided by MED show that officers visit Duxbury Reef throughout the year but have not issued any citations for violating the MPA or other regulations at Duxbury Reef between 2019 and 2024 (Table 1). MED has indicated that they prioritize on the ground education regarding potential take associated with tidepooling activities and would generally issue a citation only if there is a clear intention to harvest intertidal organisms. The petitioner's concern regarding the public and tidepooling could be better addressed with improved outreach and signage at the site.

QUESTION 12: DOES THE PROPOSED CHANGE SIMPLIFY REGULATORY LANGUAGE OR ENHANCE PUBLIC UNDERSTANDING WITHOUT CHANGING THE INTENT OF THE MPA?

No. Although the petitioner's stated intent of the reclassification to an SMR is to simplify the current SMCA regulations to help enhance public understanding, the reclassification would change the original intent of the MPA, which was to provide rocky intertidal habitat protection while allowing some recreational take from shore. Additionally, it is likely that public understanding could be better addressed with improved outreach and signage at the site.

While No-take regulations are generally easier to enforce and for the public to understand, redesignating the MPA with No-take regulations into an existing MPA where some consumptive uses are allowed has potential to introduce enforcement challenges where none currently exist.

QUESTION 13: DOES THE PROPOSED CHANGE MAINTAIN OR ENHANCE PROTECTION OF MARINE RESOURCES?

No. While reclassifying Duxbury Reef SMCA to an SMR has the potential to enhance protection of recreationally caught finfishes from shore, it would only maintain (not enhance) protection for the rocky intertidal habitat, as it is already protected under the current SMCA regulations:

> *"It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, EXCEPT: Recreational take of abalone[5], and finfish[6] from shore only, is allowed."*

The red abalone fishery has been closed since 2018 and is expected to remain closed until at least April 1, 2036. The proposed change would not enhance protection of abalone until the fishery reopens.

QUESTION 14: DOES THE PROPOSED CHANGE PROVIDE MORE EQUITABLE ACCESS OPPORTUNITIES (E.G., FISHING, EDUCATIONAL, AND/OR OTHER RECREATIONAL OPPORTUNITIES) FOR TRADITIONALLY UNDERSERVED OR MARGINALIZED COMMUNITIES?

See Question 14 of Attachment 1.

QUESTION 15: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT CONSUMPTIVE AND/OR NON-CONSUMPTIVE ACTIVITIES? IF SO, HOW?

Yes. Reclassification to an SMR would end recreational fishing opportunities where there are few alternative places for local fishing to occur within Marin County due to other nearby SMRs and terrain of the surrounding coastline. The proposed change would prohibit the current recreational fishing allowances that include the recreational take of finfish from shore and abalone. This has potential to impact recreational anglers, primarily those who poke pole for monkeyface prickleback, as well as users who rely on the area for subsistence fishing.

---

[5] Please note that the abalone fishery is closed until at least 2026.

[6] Any species of bony fish or cartilaginous fish (sharks, skates and rays).

Non-consumptive activities are not expected to be impacted by the proposed action (e.g. access, dog walking, tidepooling, surfing, research and monitoring, etc.).

QUESTION 16: IS THE PROPOSED CHANGE CONSISTENT WITH CFGC JUSTICE, EQUITY, DIVERSITY AND INCLUSION POLICY?

See Question 16 of Attachment 1.

QUESTION 17: IS THE PROPOSED CHANGE CONSISTENT WITH CFGC COASTAL FISHING COMMUNITIES POLICY?

The following analysis was prepared by CFGC staff. See Question 17 of Attachment 1 for additional context on CFGC's response. The proposed change would reduce fishing access, which may cause harm to communities dependent upon fishing access, including the coastal fishing communities of:

- Bolinas (~3 nautical miles (nm) away from area of proposed change) and
- San Francisco (~14 nm away from area of proposed change).

The action is anticipated to impact the commercial small boat hook-and-line fishery homeported in the Bolinas fishing community.

QUESTION 18: DOES THE PROPOSED CHANGE INTERACT WITH OR HAVE THE POTENTIAL TO AFFECT PROPOSED CHANGES IN OTHER 2023 MPA PETITIONS?

No. The proposed change does not interact with or have the potential to affect proposed changes in other 2023 MPA petitions.

2023-32MPA_2, 3: Expand the MPA by extending the southern and northern boundaries.

QUESTION 1: DOES THE PROPOSED CHANGE SUPPORT THE MPA NETWORK IN MEETING ONE OR MORE OF THE MLPA GOALS AND ALIGN WITH MPA MASTER PLAN ADAPTIVE MANAGEMENT OBJECTIVES?

The MLPA Goals and Master Plan objectives are inextricably linked and act as the foundational tools that CDFW utilizes for effective adaptive management of the MPA Network. Individual MPAs in the Network were not necessarily designed to address all six Goals of the MLPA but instead act as an important component of a functioning Network that was designed to holistically address the MLPA Goals. As such, CDFW has evaluated this action within the broader adaptive management framework and how the proposed

action may or may not align with the MLPA Goals and advance Network management. See Question 1 of Attachment 1 for the MLPA Goals and Master Plan objectives.

The rocky intertidal habitat at Duxbury Reef is part of the largest shale reef in North America that is a rare habitat that exists no place else in California. The existing northern boundary of Duxbury Reef SMCA does not include the northern portion of the reef, and to the south, the offshore boundary of the MPA (1,000 feet seaward of mean lower low water), does not extend far enough offshore to encompass the southernmost extension of the reef off Duxbury Point.

Expanding the southern and/or northern boundaries to encompass the contiguous intertidal shale reef habitat is consistent with MLPA Goal 4 "To protect marine natural heritage, including protection of representative and unique marine life habitats in north central California waters, for their intrinsic value" and would do more to protect this important marine natural heritage site.

The proposed boundary expansions also have potential to enhance enforceability by extending similar regulations across the entire habitat, which is also aligned with Goal 5, "To ensure that north central California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines."

This MPA was already designed to meet Goals 2 and 3 (see response to Question 1 under 2023-32MPA_1 for details on the specific goals).

QUESTION 2A: DOES THE PROPOSED CHANGE ADVANCE ADAPTIVE MANAGEMENT RECOMMENDATIONS IN THE DECADAL MANAGEMENT REVIEW?

No. The proposed change does not advance adaptive management recommendations from the Decadal Management Review. See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management recommendations.

QUESTION 2B: IF NOT, DOES THE PROPOSED CHANGE ADDRESS A CURRENT OR EMERGING MPA MANAGEMENT CHALLENGE?

Visitation at Duxbury Reef SMCA has increased since the COVID 19 pandemic and the potential effects of climate change, such as sea level rise, threaten rocky intertidal habitats statewide. Due to the significant challenge that climate change presents in California and globally, especially to coastal marine environments (Mach et al. 2017, Smith et al. 2023), CDFW remains committed to managing the MPA Network through the lens of climate resilience (Hoffman et al. 2021). The proposed change to encompass one of the rarest habitats in California, and the largest shale reef in North America, within the Duxbury Reef SMCA, has potential to

increase climate resiliency of the associated ecological community by protecting the entirety of the contiguous reef habitat.

QUESTION 3: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING CFGC NON-MPA REGULATIONS, PERMITS, OR LEASES (E.G., KELP LEASES, AQUACULTURE LEASES, EXPERIMENTAL FISHING PERMITS)?

No. However, Both proposed boundary expansions have the potential to overlap with three current Experimental Fishing Permits (EFPs) operating between the California/Oregon border and Point Conception. The EFPs prohibit operation within MPA boundaries so changes to the permits would not be needed. The recommended alternative pathway would not interact with existing EFPs.

QUESTION 4: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING REGULATIONS, PERMITS, LEASES, OR MANAGEMENT ACTIVITIES OF ANY OTHER AGENCY OR ENTITY?

Yes. State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board (Water Boards): Duxbury Reef SMCA falls within an existing ASBS that has boundaries just slightly north (to Arroyo Hondo river) of the northern SMCA boundary and extending further offshore and south than the current SMCA boundaries. The proposed boundary changes would not align with the ASBS boundaries either. It is unclear whether the proposed change would have direct or indirect effects on the management activities of the Water Boards. However, we do not anticipate that Marin County would need to update their Duxbury Reef ASBS Compliance Plan in response to the proposed change.

Marin County Parks: CDFW shares jurisdiction of Duxbury SMCA with Marine County Parks and would need to coordinate enforcement, updates to signage, and outreach efforts.

National Park Service: CDFW shares jurisdiction of Duxbury Reef SMCA with Point Reyes National Seashore and would need to coordinate enforcement, updates to signage, and outreach efforts.

NOAA, GFNMS: CDFW shares jurisdiction of Duxbury SMCA with GFNMS and would need to coordinate enforcement, updates to signage, and outreach efforts.

This list may not be exhaustive. Tribal governments, and/or other agencies and entities may have overlapping jurisdictions with CDFW in the area that could be affected by the proposed change.

QUESTION 5: ARE THERE SIGNIFICANT INFORMATION GAPS THAT NEED TO BE FILLED TO INFORM THE EVALUATION OF THE PROPOSED CHANGE?

No. CDFW has sufficient information to evaluate and make a recommendation on this proposal. When evaluating this petition, CDFW reviewed the information in the petition as well as information including but not limited to:

- Rocky intertidal long-term monitoring (MARINe) data,
- Enforcement and compliance data,
- MLPA Initiative planning documents and related information (e.g., MLPA Goals and MPA Master Plan adaptive management objectives), and
- Commercial California halibut landings.

QUESTION 6: ARE THERE SIGNIFICANT MANAGEMENT GAPS THAT NEED TO BE FILLED TO INFORM THE EVALUATION OF THE PROPOSED CHANGE?

No. CDFW has sufficient management information to proceed with the evaluation of this proposed change.

QUESTION 7A: WAS THE PROPOSED CHANGE CONSIDERED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

No. The proposed change to encompass the northern and southern boundaries of Duxbury Reef SMCA was not specifically considered during the MLPA Initiative planning process as proposed. The Blue Ribbon Task Force and Regional Stakeholder Group contemplated various shapes and sizes of an SMCA that would have protected the northern portion of the rocky intertidal habitat (MLPA 2008b), but the Blue Ribbon Task Force did not advance these in the preferred alternative given the proposed fishing restrictions within these larger alternative SMCAs and the proximity of other proposed MPAs that would have further restricted fishing (MLPA 2008a,b). The integrated preferred alternative that was adopted in 2012 used the boundaries from the then existing Duxbury Reef Marine Reserve (MLPA 2008b).

QUESTION 7B: IS THERE NEW INFORMATION AVAILABLE, CHANGING CONDITIONS SINCE THE MLPA IMPLEMENTATION PHASE, AND/OR INFORMATION PRESENTED IN THE DMR THAT WARRANTS REEVALUATION OF THE PROPOSED CHANGE?

Yes. Visitation at Duxbury Reef SMCA has increased since the COVID 19 pandemic and the effects of climate change, such as sea level rise, threaten rocky intertidal habitats statewide. Due to the significant challenge that climate change presents in California and globally, especially to coastal marine environments (Mach et al.

2017, Smith et al. 2023), CDFW remains committed to managing the MPA Network through the lens of climate resilience (Hoffman et al. 2021).

The proposed change to encompass one of the rarest habitats in California, and the largest shale reef in North America, within the Duxbury Reef SMCA, has potential to increase climate resiliency of the associated ecological community by protecting the entirety of the contiguous reef habitat (Bates et al. 2019, Anderson et al. 2023).

QUESTION 8: IF THE PROPOSED CHANGE AFFECTS AN EXISTING MPA, DOES THE PROPOSED CHANGE ALIGN WITH THE ORIGINAL INTENT OF THE MPA IDENTIFIED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

The original intent of the Duxbury Reef SMCA identified during the MLPA Initiative planning process was to maintain a portion of the existing MPA as a natural marine heritage site by protecting the intertidal reef while allowing for shore-based recreational fishing.

The proposed boundary extensions partially align with the original intent as they would protect the entire shale reef rocky intertidal habitat but would impact fishing activities that were deliberately retained during the MLPA Initiative planning process. The recommended alternative pathway would more closely align with the original intent identified during the MLPA Initiative planning process.

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 9 square miles and meet one of the three highest LOPs (i.e., Very High, High, or Moderate-high) to contribute to ecological goals such as habitat replication and representation.

Duxbury Reef SMCA is 0.69 square miles with a Moderate LOP and therefore does not meet either criterion (Table 1). Extending either the northern or southern boundary or both would increase the area protected within the MPA, which would improve the design of this individual MPA. However, because the proposed changes would not increase the MPA's LOP, implementation would not improve the design of the MPA Network as defined

by the science guidelines. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

QUESTION 10A: DOES THE PROPOSED CHANGE ALIGN WITH CDFW FEASIBILITY GUIDELINES?

No. As proposed, neither boundary extension aligns with CDFW Feasibility Guidelines that recommend MPA boundaries be well marked, recognizable, clear and simple, consider multiple users (including shore-based and offshore users), and facilitate effective enforcement.

Additionally, the proposed northern boundary aligns with the Double Point/Stormy Stack Rock Special Closure, which uses distance from shore and does not align with a whole line of latitude. However, see response to 10b below regarding enhancing feasibility of the proposed boundaries. See Question 10a of Attachment 1 for CDFW Feasibility Guidelines.

QUESTION 10B: IF NOT, IS THERE A RATIONALE FOR MOVING FORWARD WITH THE PROPOSED CHANGE OR AN ALTERNATIVE THAT COULD MEET THE INTENT BUT BETTER ALIGN WITH FEASIBILITY GUIDELINES?

Yes. The northern and southern boundaries can be refined to (1) protect the entirety of the rocky intertidal shale reef without unnecessarily eliminating established uses previously vetted during the MLPA Initiative planning process, and (2) optimize enforceability for shore-based and boat-based users. The boundary expansions do aim to include the extent of the rocky reef which would improve consistency with the guidelines that recommend avoiding MPA boundaries that divide continuous beach and rocky intertidal habitats. Including the entire extent of the reef inside the MPA boundaries could improve enforceability by applying similar regulations to the entire habitat (see response to Question 11 for enhancing enforceability of the proposed boundaries).

QUESTION 11: DOES THE PROPOSED CHANGE MAINTAIN OR IMPROVE ENFORCEABILITY OF MPA REGULATIONS?

The northern and southern boundaries and take restriction proposed in the petition may present enforcement challenges. CDFW recommends granting the extended boundaries in concept but would design the boundaries and take restrictions to maximize alignment with Science and Feasibility Guidelines, which would optimize and potentially improve enforceability.

QUESTION 12: DOES THE PROPOSED CHANGE SIMPLIFY REGULATORY LANGUAGE OR ENHANCE PUBLIC UNDERSTANDING WITHOUT CHANGING THE INTENT OF THE MPA?

Not applicable. The proposal to expand the southern and northern boundaries was not intended to simplify or clarify the current regulatory language for Duxbury Reef SMCA. The proposed alternative could enhance understanding of the boundaries by including the extent of the rocky intertidal reef habitat within the MPA without impacting the majority of existing commercial and recreational fishing activities in the expanded areas.

QUESTION 13: DOES THE PROPOSED CHANGE MAINTAIN OR ENHANCE PROTECTION OF MARINE RESOURCES?

Yes.
2023-32MPA_2: Expanding the southern boundary would protect an additional 0.48 square miles of area and 0.36 square miles of nearshore hard bottom habitat (Table 2).

2023-32MPA_3: Expanding the northern boundary would protect an additional 0.77 square miles of area, 0.59 square miles of nearshore hard bottom habitat, and 3.25 linear miles of rocky intertidal habitat (Table 2).

Both expansions would enhance protection of intertidal marine organisms (except abalone when the fishery is open and finfish). Other commercial and recreational fishing currently occurs in these areas and would continue under CDFW's proposed alternative.

QUESTION 14: DOES THE PROPOSED CHANGE PROVIDE MORE EQUITABLE ACCESS OPPORTUNITIES (E.G., FISHING, EDUCATIONAL, AND/OR OTHER RECREATIONAL OPPORTUNITIES) FOR TRADITIONALLY UNDERSERVED OR MARGINALIZED COMMUNITIES?

See Question 14 of Attachment 1.

QUESTION 15: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT CONSUMPTIVE AND/OR NON-CONSUMPTIVE ACTIVITIES? IF SO, HOW?

Yes. As proposed in the petition, extending either the southern or northern boundaries of Duxbury Reef SMCA with the existing take regulations would prohibit any take of marine resources except for recreational take of finfish from shore and recreational take of abalone. Reports from the local community of Bolinas note that this could affect boat-based take by both recreational and commercial fisheries that fish offshore of the reef when conditions allow. This area lies within CDFW Fishing Block 447, which is heavily used by commercial hook-and-line California halibut fishermen stationed in Bay Area ports, especially the port of Bolinas (Fig. 1).

However, the recommended alternative would meet the petitioner's goals of protecting more of this special rocky intertidal habitat while minimizing further impacts to consumptive users.

Granting either the proposed southern or northern boundary extension in addition to the reclassification to an SMR (**2023-32MPA_1**) would impact existing consumptive activities.

Non-consumptive activities are not expected to be impacted by either boundary extension (e.g. access, dog walking, tidepooling, surfing, research and monitoring, etc.).

QUESTION 16: IS THE PROPOSED CHANGE CONSISTENT WITH CFGC JUSTICE, EQUITY, DIVERSITY AND INCLUSION POLICY?

See Question 16 of Attachment 1.

QUESTION 17: IS THE PROPOSED CHANGE CONSISTENT WITH CFGC COASTAL FISHING COMMUNITIES POLICY?

The following analysis was prepared by CFGC staff. See Question 17 of Attachment 1 for additional context on CFGC's response. The proposed change would reduce fishing access, particularly for shore-based hook-and-line anglers and the commercial small boat hook-and-line fishery homeported in the coastal fishing communities of:

- Bolinas (~3 nm away from area of proposed change) and
- San Francisco (~14 nm away from area of proposed change).

The impacts of this proposed change are anticipated to be exacerbated if coupled with reclassification as proposed in action 2023-32MPA_1 of this petition.

QUESTION 18: DOES THE PROPOSED CHANGE INTERACT WITH OR HAVE THE POTENTIAL TO AFFECT PROPOSED CHANGES IN OTHER 2023 MPA PETITIONS?

No. The proposed change does not interact with, or have the potential to affect, proposed changes in other 2023 MPA petitions.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

Table 1: MPA Watch data on human visitation at Duxbury Reef reported in the program's annual reports from 2019-2024 and MPA Watch observations classified by the petitioner as "potential violations" that include hand collection of biota and boat-based consumptive activities. MPA Watch data reports for the full calendar year of 2025 are not

currently available. CDFW MED total number of visits and enforcement citations issued at Duxbury Reef SMCA for 2019-2025. MED did not start reporting number of officer visits to MPAs until 2023 so there is no data available from 2019-2022.

Year	MPA Watch observations	MPA Watch observations identified as "potential violations"	MPA Watch observations of offshore (boat-based) consumptive activities	CDFW enforcement visits	CDFW enforcement citations issued
2019	842	40	3	No data	0
2020	2,380	299	6	No data	0
2021	1,557	126	2	No data	0
2022	2,593	151	0	No data	0
2023	2,552	259	4	24	0
2024	1,750	130	2	17	0
2025	No data	No data	No data	3	0

Table 2: MPA attributes (area, LOP, depth range, and habitat extent) of the existing Duxbury SMCA and as proposed in petition 2023-MPA32. A dash (—) indicates that the MPA does not contain the habitat type. Habitat extent may be reported in linear miles or square miles, depending on data availability and Science Advisory Team (SAT) guidance.

Values shown in **bold** indicate that the MPA attribute meets the relevant science guideline established by the SAT during the MLPA Initiative planning process. An MPA contributes to habitat replication only if it first meets the minimum size (>9 sq mi) and LOP (Very High, High, or Moderate-High) criteria (i.e., first two rows must be bold). Duxbury Reef currently has an LOP of Moderate; the LOP would be Very High if it were reclassified to an SMR as proposed.

	Existing	Proposed North Expansion	Proposed South Expansion	Total Proposed Plus Existing
MPA Area (sq mi)	0.69	0.77	0.48	1.94
Level of Protection	Moderate			Moderate
Min Depth (m)	0	0	0	0
Max Depth (m)	5.7	21.4	11.2	21.4
Eelgrass (sq mi)	—	—	—	—
Kelp (mi)	0.02	**0.95**	**0.36**	**1.33**
Beach (mi)	**3.02**	**3.45**	**0**	**6.48**
Rocky Intertidal (mi)	**3.03**	**3.25**	**0**	**6.27**
Estuaries (sq mi)	—	—	—	—
Hard Substrate				
0-30 m (sq mi)**	0.58	0.59	0.36	1.52
30-100 m (sq mi)	—	—	—	—
100-200 m (sq mi)	—	—	—	—
>200 m (sq mi)	—	—	—	—
Soft Substrate				
0-30 m (sq mi)**	0.06	0.18	0.12	0.36
30-100 m (sq mi)	—	—	—	—
100-200 m (sq mi)	—	—	—	—
>200 m (sq mi)	—	—	—	—

**Note that nearshore substrate measurements are in square miles rather than linear miles.

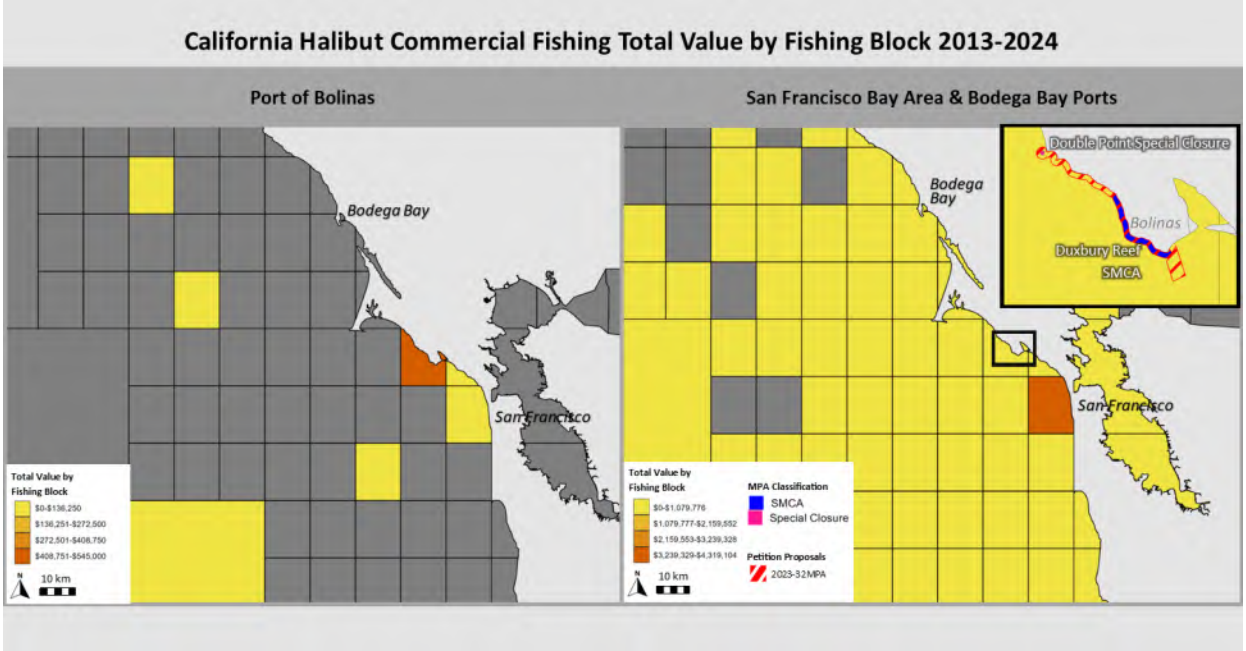


Figure 1. Total value (in millions of $US) of commercially caught (by hook-and-line) California halibut from 2013-2024 by California Department of Fish and Wildlife fishing blocks for the San Francisco Bay Area. The left panel depicts the fleet fishing out of the Port of Bolinas. The right panel depicts the fleet fishing out of all Bay Area Ports from San Francisco Bay to Bodega Bay. The inset depicts the commercial fishing block 447 that overlaps with the proposed boundary expansions and redesignation of Duxbury Reef SMCA.

CITATIONS

Anderson M.G., M. Clark, A.P. Olivero, A.R. Barnett, K.R. Hall, M.W. Cornett, M. Ahlering, M. Schindel, B. Unnasch, C. Schloss, D.R. Cameron. 2023. A resilient and connected network of sites to sustain biodiversity under a changing climate. Proceedings of the National Academy of Sciences 120(7)e2204434119.

Bates A.E., R.S.C. Cooke, M.I. Duncan, G.J. Edgar, J.F. Bruno, L. Benedetti-Cecche, I.M. Cote, J.S. Lefcheck, M.J. Costello, N. Barret, T.J. Bird, P.B. Fenberg, R.D Stuart-Smith. 2019. Climate resilience in marine protected areas and the 'Protection Paradox'. Biological Conservation 236(305-314).

Environmental Action Committee of West Marin. MPA Watch Annual Reports 2019-2024. mpawatch.org/reports/.

Harley C.D.G. 2011. Climate Change, Keystone Predation, and Biodiversity. Science 334(6059):1124-1127.

March 2026

Hoffman, G.E., E.L. Hazen, R.F. Ambrose, D. Aseltine-Neilson, H. Carter, J.E. Caselle, F. Chan, D. Kone, A. Levine, F. Micheli, D. Panos, J. Sunday. J.W. White. 2021. Climate Resilience and California's Marine Protected Area Network: A Report by the Ocean Protection Council Science Advisory Team Working Group and California Ocean Science Trust.

Kaplanis, N.J., M.W. Denny, P.T. Raimondi. 2024. Vertical distribution of rocky intertidal organisms shifts with sea-level variability on the Northeast Pacific coast. Global Change Biology 30:e17527.

Mach M.E., L.M. Wedding, S.M. Reiter, F. Micheli, R.M. Fujita, R.G. Martone. 2017. Assessment and management of cumulative impacts in California's network of marine protected areas. Ocean and Coastal Management 137:1-11.

Marine Life Protection Act Initiative (MLPA). 2008a. California MLPA North Central Coast Project Integrated Preferred Alternative Marine Protected Area (MPA) Proposal (adopted by the MLPA Blue Ribbon Task Force on April 23, 2008). Revised May 27, 2008.

Marine Life Protection Act Initiative (MLPA). 2008b. California Marine Life Protection Act Initiative North Central Coast Project: Side-by-Side Comparison (maps and proposed regulations) of the North Coast Marine Protected Area (MPA) Proposals 0 (existing MPAs), 1-3, 2-XA, 4 and Integrated Preferred Alternative. Subregion 4: Double Point to Point San Pedro.

Miner, C.M., J.L. Burnaford, K. Ammann, B.H. Becker, S.C. Fradkin, S. Ostermann-Kelm, J.R. Smith, S.G. Whitaker, P.T. Raimondi. 2021. Latitudinal variation in long-term stability of North American rocky intertidal communities. Journal of Animal Ecology 90:2077-2093.

MPA Watch Network. 2020. MPA Watch California Manual. mpawatch.org/resources/.

MPA Watch Annual Reports for Marin County 2019-2024. Environmental Action Committee of West Marin.

Raimondi, P., J. Smith. 2022. Assessment of rocky intertidal habitats for the California Marine Protected Area Monitoring Program: Decadal report. A report to the Ocean Protection Council and UC Sea Grant.

Smith J.G., C.M. Free, C. Lopazanski, J. Brun, C.R. Anderson, M.H. Carr, J. Claudet, J.E. Dugan, J.G. Eurich, T.B. Francis, S.L. Hamilton, P.T. Raimondi, R.M. Starr, S.L. Ziegler, K.J. Nickols, J.E. Caselle. 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.

Thorner, J., L. Kumar, S.D.A. Smith. 2014. Impacts of climate-change-driven sea level rise on intertidal rocky reef habitats will be variable and site specific. PLOS ONE 9(1):eB6130.

Tydlaska, M.M., M.S. Edwards. 2022. Comparisons of visitor knowledge and behavior between rocky intertidal habitats with different levels of protection in San Diego County, California. Ocean and Coastal Management 221:106122.

CALIFORNIA
OCEAN
PROTECTION
COUNCIL

July 31, 2026

California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814
Transmitted via email: fgc@fgc.ca.gov

Re: OPC Staff Recommendations - Petitions to Adaptively Manage California's Marine Protected Area Network

Dear President Sklar, Vice President Anderson, and Members of the California Fish and Game Commission,

Thank you for your leadership in managing California's Marine Protected Area (MPA) Network – the global gold standard for marine conservation. Building on our public letter transmitted to the California Fish and Game Commission (CFGC) on March 20[1], which outlined the role of the California Ocean Protection Council (OPC) in MPA management and highlighted major OPC policy priorities for MPAs, we are pleased to provide specific input and OPC staff's recommendations on submitted petitions for changes to the MPA Network currently under consideration by CFGC. As noted in our March 20 letter, this input is intended to complement the comprehensive evaluations of MPA petitions conducted by the California Department of Fish and Wildlife (CDFW) under a separate set of questions and criteria established by CFGC.

The first-ever Decadal Management Review of the MPA Network, released in 2023, clearly demonstrated that MPAs are working to improve California's ocean health. However, the Decadal Management Review did not specifically explore opportunities to strengthen the existing MPA Network. As noted in our March 20 letter, OPC believes that evaluating MPA petitions with this question in mind is essential for ensuring the continued success of California's MPAs, especially as a changing climate increasingly threatens coastal and marine

1 https://opc.ca.gov/wp-content/uploads/2026/03/OPC-letter-on-MPA-petitions_3.20.26-508.pdf

ecosystems and ecosystem services. Therefore, this input provided by OPC staff is explicitly focused on whether proposed actions hold promise to strengthen the performance and durability of the MPA Network. This is consistent with OPC's Strategic Plan[2] and key recommendations from the Decadal Management Review[3].

Overall, **OPC's petition recommendations are rooted in a precautionary approach.** The 2026 California Coast and Ocean Report[4], released earlier this year, indicates that climate change is increasingly threatening coastal and marine ecosystems, as well as benefits provided by those ecosystems to coastal communities and California Native American tribes. In the face of warming oceans, sea level rise, the devastation of our state's kelp forests, severe shocks to fishing communities, and other climate-driven impacts, California's MPA Network is one of our most effective conservation tools for safeguarding biodiversity, building climate resilience, and ensuring the continued delivery of important ecosystem services that drive our state's multi-billion dollar ocean economy.

It is through this lens that we assessed petitions. Specifically, we looked for opportunities to bolster the types of MPA benefits anticipated to serve as an "insurance policy" against changing ocean conditions, such as increased population sizes, higher genetic diversity, strengthened ecological connectivity, and intact food webs. In doing so, we acknowledge that the effects of climate change are uncertain and that MPAs are not a panacea for the threats facing our ocean. We strongly support continued research and monitoring to assess the impacts of climate change on coastal and marine ecosystems and how MPAs may mitigate these impacts. In particular, California's robust MPA monitoring program, which is actively tracking the effects of MPAs across key ecosystems and coastal communities statewide, will continue to be a crucial tool in evaluating the overall success of the Network and any adaptive management changes made through the petition process. OPC is committed to continuing our support for the development and application of best available science to adaptively manage the Network into the future.

Given this precautionary approach, **we do not recommend that CFGC approve any petition that would weaken the existing MPA Network** (Petitions 2023-14MPA, 2023-15MPA_AM, 2023-

---

2 OPC 2026-2030 Strategic Plan Objective 3.1: Strengthen the performance and durability of California's Marine Protected Area Network.

3 Decadal Management Review recommendations #4 (Apply what is learned from the first Decadal Management Review to support proposed changes to the MPA Network and Management Program); #23 (Expand and target monitoring and research efforts to examine the design attributes of the MPA Network more effectively); #28 (Further integrate influencing factors into ecological and human study designs and interpretations of MPA performance).

4 https://opc.ca.gov/wp-content/uploads/2026/03/California-Coast-and-Ocean-Report-2026.pdf

16MPA, 2023-18MPA[5], and 2023-23MPA_AM[6]**.** These petitions include several proposed actions that would open no-take State Marine Reserves or limited-take State Marine Conservation Areas to certain new types of fishing. OPC appreciates the thoughtfulness of petitioners in developing these proposals; however, we find that any actions that would roll back existing protections pose an unacceptable risk to the integrity of the existing Network. Such actions, while well-intentioned, have the potential to compromise existing conservation benefits and degrade the ability of the Network to meet the goals of the Marine Life Protection Act.

As a first step in assessing petitions with potential to strengthen the MPA Network (i.e. proposals for new MPAs, expanded MPAs, or stricter regulations), OPC staff first considered **whether petitions would improve MPA Network design**. Importantly, neither the Decadal Management Review nor CDFW's recently released Science Guide to California's MPA Network[7] identify significant design deficiencies in the MPA Network. Indeed, the Network is largely compliant with science guidance from the MPA planning process, with most MPAs meeting minimum size guidelines and all MPAs meeting minimum spacing guidelines. However, from a precautionary standpoint, some petitions have clear potential to improve MPA Network design, for example by reducing large distances between MPAs or increasing the representation of vulnerable habitats within the Network. OPC finds clear Network design benefits for three petitions: Petition 2023-29MPA_AM2, Petition 2023-32MPA, and two actions within Petition 2023-33MPA_AM1.

As a next step, OPC considered **whether petitions would result in meaningful additional biodiversity protection beyond what the current MPA Network already provides**. This could include actions such as: bolstering protections for important geological or biological features; protecting additional sensitive habitat, such as eelgrass, kelp forests, or rocky shores; protecting ecosystems that are important larval sources, sinks, or retention zones; strengthening ecological

---

5 Petition 2023-18MPA includes an action that would open Vandenberg State Marine Reserve to certain types of shore fishing. A petition submitted in 2022 by the City of Lompoc (Petition 2022-04) proposes a similar action and will be considered by CFGC alongside the other petitions discussed here. While we recognize that Petition 2022-04 is intended to improve equitable coastal access for local residents, it would weaken protections provided by Vandenberg State Marine Reserve, which serves as a critical backbone MPA in the region. We recommend that CFGC deny Petition 2022-04.

6 One action in 2023-23MPA_AM (Action 20) has potential to strengthen the MPA Network: designation of a new MPA at Tanker's Reef. However, as proposed, this new MPA falls far below the minimum area required to function as a replicate in the MPA Network and is unlikely to provide meaningful additional conservation benefits beyond those already achieved by the existing Network, especially in the highly protected Monterey Bay region.

7 https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=246940&inline

connectivity; reducing fishing pressure on populations in decline; promoting improved ecosystem structure and function; or enhancing the resilience of the MPA Network to current or predicted climate impacts. Importantly, in exploring this consideration, OPC gave equal weight to petitions that would address current specific threats to biodiversity, such as the impacts of fishing gear on sensitive habitats, and petitions that would improve the Network's ability to withstand larger-scale and more diffuse impacts, such as marine heat waves. OPC finds compelling biodiversity benefits for several petitions: Petition 2023-21MPA_AM1, Petition 2023-27MPA_AM1, Petition 2023-28MPA_AM1, Petition 2023-29MPA_AM2, Petition 2023-32MPA, and two actions within Petition 2023-33MPA_AM1.

Finally, OPC considered **whether petitions would help support and revitalize tribally-led stewardship**. OPC is highly supportive of MPA adaptive management actions that advance co-governance, co-management, and collaborative stewardship with tribes. Such actions, which include protecting places with high biocultural significance, are essential not only for righting historical wrongs, but also for reconnecting tribes to traditional stewardship practices that can directly benefit biodiversity. Increased support for tribal stewardship is a top priority in both OPC's 2026-2030 Strategic Plan[8] and the California Natural Resources Agency's recently released Tribal Stewardship Policy[9], which aims to expand tribal stewardship of at least 7.5 million acres of California's lands and coastal waters. OPC finds that the following petitions have strong potential to advance tribally-led stewardship: Petition 2023-20MPA_AM1, Petition 2023-21MPA_AM1, Petition 2023-28MPA_AM2, and Petition 2023-29MPA_AM2.

Based on these considerations, OPC recommends approval of the following petitions, with some modifications. In developing these recommendations, OPC staff evaluated the most recent versions of petitions, including any amendments or clarifications received from petitioners after CFGC's March 2025 deadline for petition amendments.

8 OPC 2026-2030 Strategic Plan Objective 2.1: Strengthen partnerships with California Native American tribes.

9 https://resources.ca.gov/Initiatives/Tribalaffairs/TribalStewardshipPolicyAndToolkit

Table 1. OPC's recommended petitions.

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-20MPA_AM 1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Buchon SMCA and Point Buchon SMR (existing)	Santa Ynez Band of Chumash Indians	Add a tribal take exemption at Point Buchon SMCA, rename Point Buchon SMCA, and adjust northern boundary of Point Buchon SMR	Approve tribal take exemption and renaming; deny proposed boundary change
2023-21MPA_AM1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Pyramid Point SMCA (existing)	Tolowa Dee-ni' Nation	Remove recreational take of true smelt in Pyramid Point SMCA and adjust northern boundary of Pyramid Point SMCA	Approve proposed removal of recreational take of true smelt; deny proposed boundary change
2023-27MPA_AM1 (as clarified at the May 6, 2026 CFGC regional meeting)	Anacapa Island SMCA (existing)	Environmental Defense Center	Modify regulations at Anacapa Island SMCA to protect sensitive eelgrass habitats (with several options proposed)	Modify SMCA regulations to prohibit the deployment of lobster traps shallower than 50 feet
2023-28MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Sal SMCA (new)	Northern Chumash Tribal Council and Natural Resources Defense Council	Add a new MPA near Point Sal	Approve the proposed new Point Sal SMCA

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-29MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Mishopshno SMCA (new)	Santa Ynez Band of Chumash Indians and Natural Resources Defense Council	Add a new MPA near Carpinteria	Approve the proposed new Mishopshno SMCA
2023-32MPA (as clarified at the April 21, 2026 CFGC regional meeting)	Duxbury Reef SMCA (existing)	Environmental Action Committee of West Marin	Expand Duxbury Reef SMCA and modify regulations to strengthen protections for intertidal species	Designate two new SMCAs to protect the northern and southern portions of Duxbury Reef, each with take regulations that protect intertidal seaweed and invertebrates while allowing for continuation of other existing shore- and boat-based fishing
2023-33MPA_AM1	Various existing MPAs and one proposed new MPA	Environment California and Azul	Expand six existing MPAs statewide and add a new MPA in Santa Cruz	Approve proposed expansion of Point Dume SMCA, but deny proposed additional take allowance in Point Dume SMCA. Approve a smaller expansion of Point Conception SMR. Deny proposed expansion of Natural Bridges SMR, Cabrillo SMR, South Point SMR, or Gull Island SMR. Deny proposed designation of a new SMCA at Pleasure Point.

Detailed narratives providing justification for these recommendations are provided in the "Recommendation Narratives" section below, starting on page 10.

We recognize that our recommendations do not include three petitions intended to strengthen the MPA Network: Petition 2023-19MPA, Petition 2023-24MPA and Petition 2023-34MPA.

- Petition 2023-19MPA, submitted by the Santa Ynez Band of Chumash Indians, would designate a new SMCA, to be named Chitqawi in honor of a nearby Chumash coastal

village, offshore and to the north of Morro Bay in San Luis Obispo County. The proposed Chitqawi SMCA would protect waters adjacent to Morro Rock. However, the proposed SMCA would be located immediately adjacent to Morro Bay Harbor, a critical regional port, potentially presenting significant challenges. OPC also recognizes that many California Native American tribes, including non-federally recognized tribes, have significant cultural ties to Morro Rock. Given that the original petition focused on co-management of the area as its main goal, OPC recommends that CFGC work with the Santa Ynez Band of Chumash Indians to identify alternative pathways for strengthening protection of Morro Rock and establishing meaningful co-management agreements here and in the broader region. The petition process may have been an irregular fit for the Tribe's goals with this petition and OPC is committed to working with the Tribe going forward to protect this area through meaningful co-management.

- Petition 2023-24MPA, submitted by the Laguna Bluebelt Coalition, would extend the southern boundary of the Laguna Beach No-Take SMCA into the northern portion of Dana Point SMCA, expanding the No-Take SMCA and aligning its southern boundary with the southern border of the City of Laguna Beach. While this would increase overall protection in the area and potentially benefit fished species (e.g. finfish, lobster, and urchin) within the Dana Point SMCA, OPC notes that the existing boundary of the Laguna Beach No-Take SMCA currently aligns with both a clear latitude line as well as prominent rocky outcroppings, which serve as a helpful landmark for both boat-based and shore-based anglers. Changing this well-established and clear boundary has the potential to result in increased confusion and potential enforcement challenges.

- Petition 2023-34MPA, submitted by Environment California and Azul, would reclassify Point Buchon SMCA to an SMR and strengthen protections in Farnsworth Onshore and Offshore SMCAs by removing all take except for recreational spearfishing. Petitioners argue that these changes are necessary to address issues regarding compliance with MPA regulations; however, neither Point Buchon SMCA nor Farnsworth Onshore or Offshore SMCAs appear to have an unusually high number of MPA-related citations and, in fact, citation data demonstrate an overall trend of improved compliance with MPA regulations at Point Buchon SMCA.

For reference, our recommendations on each of the fifteen MPA petitions currently under consideration by CFGC are summarized in the "Recommendations At-a-Glance" table below, starting on page 28.

In closing, OPC appreciates the robust conversation around MPA petitions to date and recognizes that the many Californians who have engaged in this process hold a diversity of

perspectives, interests, and viewpoints related to these petitions. OPC staff attended all three in-person regional meetings of CFGC held earlier this year, which were intended to provide a venue for public feedback on petitions. At those meetings, we heard tribal members, conservation advocates, and students voice strong and passionate support for a strengthened MPA Network that can help protect our vulnerable coast and ocean in a time of rapid environmental change. However, we were also compelled by the serious concerns of many members of local communities, including commercial and recreational fishermen, whose lives and livelihoods have the potential to be significantly impacted by new or expanded MPAs. We deeply value California's commercial and recreational fishing communities and recognize their critical role in supporting a thriving blue economy. To that end, where possible, we have endeavored to provide creative recommendations on petitions that add conservation value to the existing MPA Network while limiting impacts to commercial and recreational fishing. More broadly, as highlighted in Goal 4 of our 2026-2023 Strategic Plan, OPC is committed to advancing a sustainable blue economy by investing in healthy marine ecosystems and resilient coastal communities that can continue to support fishing livelihoods for generations to come.

Additionally, the regional meetings made it abundantly clear that many communities, especially communities entitled to environmental justice, can face significant systemic barriers to accessing the coast and ocean and to participating in MPA management and decision-making processes. Millions of Californians visit the coast each year to access the ocean in different ways, including to engage in both consumptive and non-consumptive uses. Because of this, assessing benefits related to equitable access for individual petitions is a complex undertaking. Impacts of individual petitions on equitable access[10] and on advancing CFGC's Justice, Equity, Diversity, and Inclusion Policy[11] have been initially assessed via a joint effort between OPC and CDFW [12]; OPC is committed to expanding equitable access to the coast and ocean and supporting improved inclusion in coastal and ocean management, consistent with the goal of OPC's 2026-2030 Strategic Plan to maximize community benefits and stewardship, as well as OPC's Equity Plan[13].

---

10 Specifically Question 14 in CDFW's Evaluation Framework: Does the proposed change provide more equitable access opportunities (e.g., fishing, educational, and/or other recreational opportunities) for traditionally underserved or marginalized communities?

11 Specifically Question 16 in CDFW's Evaluation Framework: Is the proposed change consistent with the CFGC Justice, Equity, Diversity and Inclusion Policy (https://fgc.ca.gov/About/JEDI)?

12 Available here: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=246997&inline

13 https://www.opc.ca.gov/webmaster/_media_library/2022/11/OPC-Equity-Plan-508.pdf

Thank you for considering our recommendations. We look forward to the work ahead and to continued meaningful engagement with California's diverse coastal communities as the petition process unfolds.

Sincerely,



Jenn Eckerle
Deputy Secretary for Oceans and Coastal Policy, California Natural Resources Agency
Executive Director, Ocean Protection Council

Recommendation Narratives

Petition 2023-20MPA_AM1: Add a tribal take exemption at Point Buchon SMCA, rename Point Buchon SMCA, and change northern boundary of Point Buchon SMR

The Santa Ynez Band of Chumash Indians (SYBCI) has proposed several changes to Point Buchon SMCA[14] and Point Buchon SMR[15]. As amended by the tribe at the April 14, 2026 meeting of CFGC's Tribal Committee[16], these proposed changes are: add a tribal take exemption at Point Buchon SMCA for the Santa Ynez Band of Chumash Indians, rename Point Buchon SMCA, and change the northern boundary of Point Buchon SMR. Located approximately eight miles south of Morro Bay in San Luis Obispo County, Point Buchon SMCA and Point Buchon SMR together protect nearly 19 square miles of rocky reefs, sandy seafloor, beaches, kelp forests, rocky intertidal habitat, offshore pinnacles, and some of the shallowest cold-water corals in California (SeaSketch California 2026). Point Buchon SMR spans approximately 2.5 miles of coastline between Coon Creek and Diablo Canyon and protects 6.7 square miles of coastal waters between shore and approximately 200 feet deep (SeaSketch California 2026). Point Buchon SMCA protects more than 12 square miles of coastal waters offshore of the SMR, ranging from approximately 200 to 400 feet deep (SeaSketch California 2026).

Adding a tribal take exemption to Point Buchon SMCA and renaming Point Buchon SMCA to better reflect Chumash cultural heritage both represent significant opportunities to advance tribal sovereignty, collaborative governance, and tribal stewardship within the Central Coast[17] bioregion of the MPA Network. Similar to other tribal take exemptions currently granted to SYBCI for MPAs in the South Coast bioregion of the MPA Network, such as Kashtayit SMCA, the proposed tribal take exemption for Point Buchon SMCA would exempt SYBCI members from MPA-specific take restrictions and thus allow SYBCI members to harvest living marine resources

---

14 SMCA = State Marine Conservation Area. In this type of MPA, certain recreational or commercial fishing activities may be allowed, while other types of take are prohibited. https://wildlife.ca.gov/Conservation/Marine/MPAs/Definitions#mpa

15 SMR = State Marine Reserve. In this type of MPA, all take is prohibited. https://wildlife.ca.gov/Conservation/Marine/MPAs/Definitions#mpa

16 https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=245526&inline

17 As defined in the 2018 MPA Monitoring Action Plan (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161748&inline), the bioregions of the MPA Network are: North Coast (California/Oregon border to San Francisco Bay, including the Farallon Islands), Central Coast (San Francisco Bay to Point Conception), and South Coast (Point Conception to U.S./Mexico border, including the Channel Islands).

for cultural, subsistence, and stewardship purposes. Regulations in the adjacent Point Buchon SMR would remain unchanged.

Point Buchon is also culturally significant. The petition identifies Buchon as a historical Chumash village site and describes the area as having special spiritual significance to Chumash maritime peoples. Establishing a tribal take exemption at Point Buchon SMCA and renaming the SMCA would recognize this significance and advance progress toward tribal co-management of this MPA, which the tribe has requested to pursue through a non-regulatory pathway. **OPC recommends that CFGC approve the proposed tribal take exemption and name change for Point Buchon SMCA.**

Petitioners have also requested to adjust Point Buchon SMR's northern boundary further to the north, arguing that doing so would better capture the full marine area offshore of Point Buchon. However, OPC notes that the existing northern boundary aligns with a readily determinable line of latitude (35° 15.250' N) and prominent onshore landmarks; changing the boundary could cause confusion and enforcement challenges and would also result in a misalignment of the northern boundaries of Point Buchon SMR and SMCA. **OPC recommends that CFGC deny the requested boundary adjustment for Point Buchon SMR.**

Petition 2023-21MPA_AM1: Remove recreational take of true smelt in Pyramid Point SMCA and adjust northern boundary of Pyramid Point SMCA

The Tolowa Dee-ni' Nation has proposed two changes to Pyramid Point SMCA, located at Pyramid Point in Del Norte County near the California-Oregon border: removal of the current recreational take allowance for true smelt, and adjustment of the SMCA's northern boundary. Pyramid Point SMCA is the northernmost MPA in California's MPA Network and covers approximately 14 square miles of sandy beaches, offshore rocks, and soft seafloor; currently the only type of take allowed in this MPA is recreational take of surf smelt (*Hypomesus pretiosus*, known as *lhvmsr* in the Tolowa language)[18] by dip net or Hawaiian-type throw net, as well as tribal take of all species, consistent with applicable state fishing regulations, by the Tolowa Dee-ni' Nation through a tribal take exemption. The proposal is intended to protect a culturally and ecologically important forage fish species while maintaining tribal take of that species,

18 Technically, Pyramid Point SMCA allows take of a three-species "true smelt" group: surf smelt, night smelt, and whitebait smelt. To achieve the requested removal of the recreational take allowance for surf smelt, it is necessary to remove the recreational take allowance for the species group. At the April 14, 2026 meeting of CFGC's Tribal Committee, the Tolowa Dee-ni' Nation amended this petition to change its request from removal of the take allowance for surf smelt to removal of the take allowance for true smelt.
https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=245526&inline

particularly take associated with traditional Tolowa Dee-ni' Nation "fish camps" – annual events where members of the Nation travel to the coast to fish, camp, and traditionally process surf smelt during its spawning months from July to October.

Petitioners argue that removal of the existing recreational take allowance is needed because, according to the Tolowa Dee-ni' Nation's Traditional Knowledges – particularly the observations of traditional surf smelt fishermen – surf smelt populations have declined substantially since the late 1990s. OPC respects and affirms the importance of tribal science and Traditional Knowledges and also notes that this trend has been documented through non-indigenous science. Though no formal stock assessments have been completed for surf smelt, CDFW's 2020 Enhanced Status Report for the species shows that commercial landings statewide (95% of which occur in Humboldt and Del Norte County ports) regularly exceeded 500,000 pounds per year in the mid-1990s but dropped precipitously in 1998-1999 and have not exceeded 250,000 pounds per year in the last twenty years (CDFW 2020). Commercial surf smelt landings declined to record lows of approximately 700-1,000 pounds annually between 2017 and 2019 before showing a modest rebound beginning in 2020, although catches remained well below historical levels (CDFW 2025). California Recreational Fisheries Surveys (CRFS) data summarized in CDFW's Enhanced Status Report that recreational surf smelt landings were negligible from 2005 through 2017, apart from an anomalous spike to approximately 110,000 pounds in 2011; the CRFS program that produced these estimates was discontinued in 2018 (CDFW 2020, CDFW 2025).

The decline of surf smelt populations concerns OPC for several reasons. First, forage fishes such as surf smelt play critical roles in nearshore food webs because they transfer energy from plankton-rich coastal waters to higher trophic levels, supporting fish, seabird, and marine mammal populations (Pikitch et al. 2014, Essington et al. 2015). Surf smelt in particular play a foundational role in Northern California coastal ecosystems by serving as prey for species such as salmon, seabirds, marine mammals, and other predators. As an important forage fish, their abundance can reflect broader ecosystem condition and food web dynamics (Santora et al. 2021, NOAA Fisheries 2022). Second, Native American tribes on California's North Coast have relied on surf smelt since time immemorial for subsistence and cultural heritage. As described in the petition, Tolowa families return to the coast each year for "fish camps" that involve the harvest of surf smelt using traditional A-frame nets, with associated prayers, protocols, and ceremonies. Maintaining access to a healthy surf smelt population is essential to the continuation of tribes' cultural practice, food sovereignty, spiritual relationships, and community well-being (Turner et al. 2008, Charles & Wilson 2009).

Surf smelt are a sensitive species and their population trends can be heavily influenced by a number of factors. This includes not only fishing pressure – heavy fishing can cause surf smelt populations to decline quickly given their short life cycles and the fact that most fishing occurs

during spawning – but also environmental stressors, including warming waters, pollution, and physical impacts to beaches where they spawn (Russell et al. 2022, Tomlin et al. 2021). OPC recognizes that MPAs have limited ability to mitigate these larger-scale threats. However, given the population declines noted above and the ecological and cultural importance of surf smelt, OPC supports stricter MPA regulations to strengthen protections for this vulnerable species. OPC notes that approval of this petition would allow continued tribal harvest of surf smelt, but this traditional take is unlikely to have population-level impacts.

To support the recovery of surf smelt, the integrity of nearshore food webs, and the continuation of tribal stewardship and cultural use of this species into the future, **OPC recommends that CFGC approve removal of the allowance for recreational take of true smelt in Pyramid Point SMCA**. The Tolowa Dee-ni' Nation would retain its existing tribal take exemption for this SMCA.

Petitioners have also requested a boundary adjustment to align the northern boundary of Pyramid Point SMCA with the terrestrial California-Oregon border. California's terrestrial northern boundary was intended to run along the 42° N latitude line, but initial surveys with primitive equipment in 1868 resulted in a zigzag border that deviates up to a half mile north or south of that latitude line. In contrast, the offshore northern boundary is an arc that projects seaward from the 42° N latitude line and connects the outermost headlands of the mainland coast to offshore rocks. For this reason, California's offshore and terrestrial borders are slightly misaligned; the offshore boundary is consistent with California's legally recognized northern border at 42° N latitude and is used in all ocean-based regulations. Changing the northern boundary of Pyramid Point SMCA so that it no longer aligns with this recognized offshore boundary would likely result in regulatory confusion and enforcement challenges. **OPC recommends that CFGC deny the request to modify Pyramid Point SMCA's northern boundary.**

Petition 2023-27MPA_AM1: Modify regulations at Anacapa Island SMCA to protect sensitive eelgrass habitats

Environmental Defense Center has submitted a petition with three options intended to better protect sensitive eelgrass meadows inside the Anacapa Island SMCA from the impacts of lobster traps and other hard-bottomed fishing gear. As clarified by the petitioner at the May 6, 2026 CFGC regional meeting[19], the proposed options are 1) Change regulations to disallow commercial lobster fishing year-round within the Anacapa Island SMCA; 2) Change regulations

19 Video available at https://cal-span.org/meeting/cfg_20260506/. Discussion of Petition 2023-27MPA_AM1 begins at 01:05:13.

to disallow hard bottomed fishing gear (including anchoring if applicable) near eelgrass meadows within the Anacapa Island SMCA, or 3) Change the border of the Anacapa Island Special Closure to prohibit the deployment of lobster traps from 0-50 feet deep, instead of the existing 0-20 feet deep.

Pacific eelgrass (*Zostera pacifica*) is a foundational species that is found along California's open coast and provides vital habitat, food, and shelter for a variety of marine fishes and invertebrates. Eelgrass also supports sediment stabilization and erosion protection, plays an important role in nutrient cycling, and helps mitigate climate change by sequestering carbon (Waycott et al. 2009, Fourqurean et al. 2012, Duarte et al. 2013). Eelgrass beds are inherently dynamic and naturally fluctuate from year to year; eelgrass persistence is influenced by a variety of environmental factors including temperature, currents, sediment dynamics, water quality, and availability of suitable substrate (Grech et al. 2012, Rock & Daru 2021, Zabarte-Maeztu et al. 2021, Herrera et al. 2022). At the same time, numerous studies have demonstrated that hard-bottomed fishing gear, including traps and pots, can negatively impact eelgrass (Stevens 2021, Rees et al. 2021). Traps can crush eelgrass shoots and rhizomes upon impact, and they may smother eelgrass if left in place. The setting and retrieval of traps, dragging of trap lines, and movement of traps while in the water often leaves bare scouring marks or "haloes" of damage in eelgrass meadows (Abadie et al. 2016, Stevens 2021, Rees et al. 2021).

Eelgrass meadows were once abundant along the north sides of all three islets that make up Anacapa Island, generally found from approximately 0-20 feet deep but sometimes extending to 45 feet deep (Altstatt 2021). Although eelgrass virtually disappeared around Anacapa Island during the late 1980s following the 1982-1983 El Niño and subsequent overgrazing by white sea urchins, it has recovered in many places thanks in part to a successful eelgrass restoration effort initiated in 2002 at Frenchy's Cove on the north side of West Anacapa Island (Altstatt et al. 2014).

Frenchy's Cove is situated within both the island-wide nearshore Anacapa Island Special Closure, which prohibits the use of nets and traps from 0-20 feet deep, as well as the much larger Anacapa Island SMCA, which extends to the three nautical mile state water boundary and prohibits most forms of take except for recreational take of lobster and pelagic finfish, as well as commercial take of lobster. Offshore of Frenchy's Cove, a Brown Pelican Fledgling Area – an extension of the Special Closure across approximately 4,000 feet of coastline – prohibits all boating activity and access from 0-120 feet deep from January 1 - October 31. Together, these regulations protect eelgrass meadows located in 0-20 feet of depth year-round, and meadows located deeper than 20 feet for 10 months out of the year.

These existing regulations already provide eelgrass meadows at Frenchy's Cove with substantial protection from fishing gear impacts. However, eelgrass meadows deeper than 20 feet at Frenchy's Cove are still vulnerable to fishing gear impacts for two months out of the year. Subtidal surveys conducted by the Channel Islands monitoring program show that these deeper meadows represent a substantial proportion of the eelgrass inside the Anacapa Island SMCA (SeaSketch California 2026) and, because eelgrass is a delicate ecosystem that can take years to recover from fragmentation or scarring (Altstatt et al., 2014; Reed & Hovel, 2006), damage accrued during the two months that the Brown Pelican Fledgling Area is open is likely to have lasting and outsized impacts on the integrity and function of these eelgrass meadows.

OPC recognizes that some data gaps exist regarding the distribution of eelgrass at Frenchy's Cove and Anacapa Island more broadly, as well as the drivers contributing to its persistence and loss. However, in the context of substantial declines of eelgrass statewide since the 1950s (Waycott et al. 2009, Harris et al. 2026), and the critical importance of eelgrass meadows for marine biodiversity (Kindeberg et al. 2022), OPC finds that regulatory action to protect the full extent of eelgrass meadows inside Anacapa Island SMCA, i.e. providing new protections for meadows that occur from 20-45 feet, is warranted. In assessing the petitioner's proposed options, OPC finds that Option 1 (prohibiting lobster fishing within the entire Anacapa Island SMCA, which extends three nautical miles offshore to a depth of nearly 500 feet) is unnecessary to protect eelgrass meadows, which are a nearshore ecosystem. Further, OPC notes that Option 2 (prohibiting lobster fishing "near eelgrass meadows") would be difficult to enforce given the inherently dynamic nature of these ecosystems. Finally, OPC is concerned that Option 3 (extending the boundary of the Anacapa Island Special Closure from 20 feet deep to 50 feet deep) could be problematic for multiple reasons: first, the specific intent of the Special Closure is to decrease entanglement risk for birds feeding near roosting grounds on the island; second, changing the boundary could add to existing significant regulatory confusion between the Anacapa Island SMCA, SMR, and Special Closure/Brown Pelican Fledgling Area; and third, this option would unnecessarily restrict lobster fishing opportunities outside of the Anacapa Island SMCA. Therefore, **OPC recommends that CFGC modify the regulations at Anacapa Island SMCA to prohibit the deployment of lobster traps shallower than 50 feet**. This simplified alternative pathway would strengthen protections for eelgrass meadows within their full depth range inside the SMCA, while maintaining lobster fishing opportunities outside the SMCA.

OPC also recognizes that non-consumptive activities, such as anchoring, may have similar impacts on eelgrass meadows as lobster trapping. OPC recommends exploration of non-regulatory management solutions, potentially including installation of moorings within the SMCA, to mitigate other activities that can damage the seafloor.

Petition 2023-28MPA_AM2: Add a new MPA near Point Sal (Point Sal SMCA)

The Northern Chumash Tribal Council and the Natural Resources Defense Council have proposed the designation of a new State Marine Conservation Area at Point Sal, California, situated at the northern end of Vandenberg Space Force Base near the City of Guadalupe in northern Santa Barbara County. As amended by petitioners at the April 14, 2026 meeting of CFGC's Tribal Committee[20], the proposed new Point Sal SMCA, which would eventually be given a name in a Chumash language to honor the importance of the area to local Chumash peoples, would span close to 7 miles of coastline and encompass nearly 15 square miles, from shore to a maximum depth of 187 feet (SeaSketch California 2026). It would prohibit all forms of take except for recreational take of finfish from shore using hook and line.

The proposed new Point Sal SMCA is located roughly 50 miles to the north of Point Conception, at the northern end of a major biogeographic transition zone within the California Current Large Marine Ecosystem, where warmer waters from the south meet colder, nutrient-rich waters from the north, supporting exceptionally high biodiversity (Hamilton et al. 2010, Blanchette et al. 2008, Arafeh-Dalmau et al. 2023). The waters offshore of Point Sal in particular are highly productive and nutrient-rich due to seasonal coastal upwelling in the area. This area supports abundant fish and invertebrate populations and serve as critical foraging grounds for seabirds and marine mammals – including multiple iconic California species such as brown pelicans, southern sea otters, and humpback whales (Checkley & Barth 2009).

The proposed new SMCA would protect a large portion of Point Sal's coastline and offshore waters, including sandy beach, rocky shoreline, shallow hard bottom, shallow soft bottom, and deep soft bottom habitats (SeaSketch California 2026). The new SMCA would also include a known krill hotspot that supports feeding blue whales from late spring to early fall (Santora et al. 2011, Savoca et al. 2021). Importantly, as noted by the petitioner, the area inside the proposed SMCA leeward of Point Sal may also function as a larval retention zone. Headlands and coastal promontories like Point Sal can slow or recirculate ocean currents, allowing fish and invertebrate larvae to remain near suitable settlement habitats rather than being transported offshore during upwelling events (Mace & Morgan 2006, Morgan et al. 2011, Harvey et al. 2021, Robinette et al. 2019). Robinette et al. (2019) found that seabird foraging rates, which can be used as an indicator of juvenile fish abundance, are generally higher in the lee of headlands and along south-facing coasts such as Point Sal. This suggests that the proposed new MPA has the

20 https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=245526&inline

potential to protect an area of high juvenile fish recruitment, which could potentially add a rich new larval source "node" to the MPA Network.

The proposed Point Sal SMCA would also protect an area of substantial cultural importance to the Chumash people. There are long-standing Chumash connections to Point Sal, including archaeological evidence of occupation near the area dating back nearly 5,000 years. The Northern Chumash Tribal Council has stated that Point Sal is an especially sacred area within the broader Chumash Heritage National Marine Sanctuary, and designation of the proposed new Point Sal SMCA represents a unique opportunity to strengthen biodiversity protections within the Sanctuary.

Importantly, Point Sal is extremely remote. The public access road to Point Sal State Beach was washed out during severe storms during the 1998 El Niño event and was never repaired. Currently, access to Point Sal State Beach requires a round-trip hike of approximately 10 miles. Therefore, although the petitioners' proposed take allowance for hook-and-line fishing from shore would technically result in a moderate-low level of protection for Point Sal based on the science guidelines from the MPA planning process, OPC finds that the proposed new SMCA would likely still provide meaningful and significant biodiversity benefit given the difficulty associated with accessing Point Sal State Beach for shore-based fishing. Should existing conditions change in the future, we would support revisiting the take allowance for shore-based fishing.

Overall, OPC finds that the proposed new Point Sal SMCA represents an important opportunity to protect a pristine and relatively undisturbed biodiversity hotspot, while recognizing the biocultural significance of the area to local Chumash tribes. **OPC recommends that CFGC approve the proposed new Point Sal SMCA.**

Petition 2023-29MPA_AM2: Add a new MPA near Carpinteria (Mishopshno SMCA)

The Santa Ynez Band of Chumash Indians, Natural Resources Defense Council, and Environmental Defense Center have proposed the designation of a new SMCA near Carpinteria, California, located approximately twelve miles southeast of Santa Barbara. The proposed new MPA, to be named Mishopshno in honor of a nearby Chumash coastal village, would protect key nearshore ecosystems in the Santa Barbara Channel, including a large portion of Carpinteria Reef. As amended by petitioners at the April 14, 2026 meeting of CFGC's Tribal Committee[21], the proposed new Mishopshno SMCA would span nearly 4 miles of shoreline and encompass

21 https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=245526&inline

approximately 9 square miles, from shore to a maximum depth of 141 feet (SeaSketch California 2026). It would prohibit all forms of take except for recreational take of finfish from shore using hook and line, with a tribal take exemption for the Santa Ynez Band of Chumash Indians.

The Santa Barbara Channel is part of a major biogeographic transition zone near Point Conception, separating cold waters to the north of Point Conception from warmer waters to the south (Dever et al. 2004, Johnson & Hartwell 2018). The proposed new Mishopshno SMCA would protect a number of important coastal and marine habitats within the Santa Barbara Channel, including sandy beach, coastal marsh, estuary, and kelp forest habitats (SeaSketch California 2026). Importantly, a new Mishopshno SMCA would provide new protection for Carpinteria Reef, a shallow kelp forest and rocky reef ecosystem that is home to a diversity of marine fishes and invertebrates such as Lingcod, California Sheephead, Kelp Bass, and both red and purple sea urchins (Levenbach 2008, Carr et al. 2017). This reef supports a large kelp patch that, according to Landsat data from 1984-2023 (Bell et al. 2024), has continued to persist despite the recent 2014-2016 marine heat wave and overall declines in the region, making it one of the most stable kelp forests in the Santa Barbara Channel (Fig. 2). The petitioners also note that Carpinteria Reef may serve as an aggregation site for juvenile Great White Sharks, though such aggregations are often highly dynamic and may shift locations from year to year.

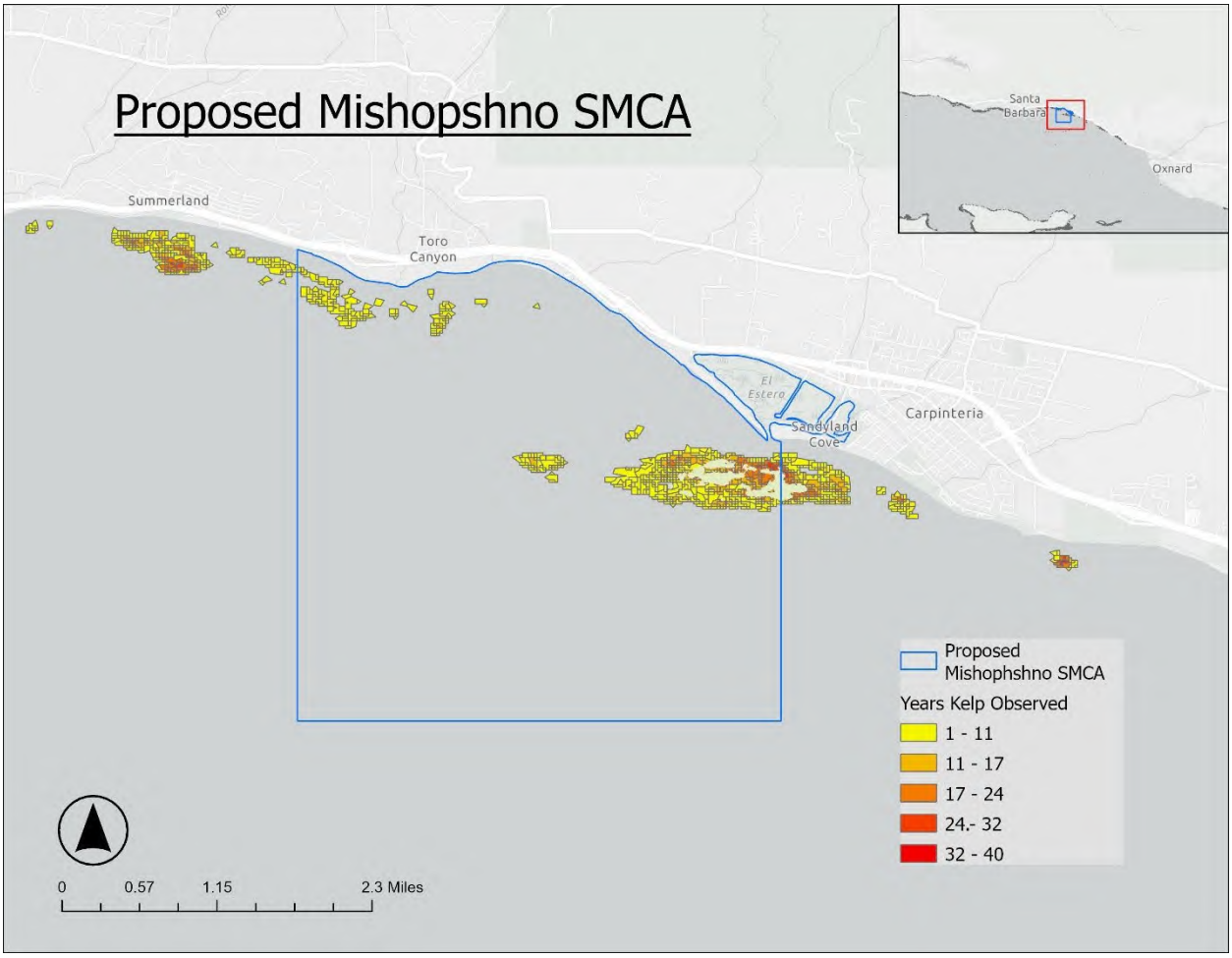


Figure 1. The proposed new Mishopshno SMCA. Satellite monitoring of kelp canopy cover via Landsat from 1984-2023 shows a persistent kelp forest at Carpinteria Reef near the proposed eastern boundary of the SMCA.

In addition to protecting an area of high biodiversity in an ecologically important region of the state, the most significant way in which the proposed Mishopshno SMCA could improve the ecological performance of California's MPA Network is by strengthening connectivity between Campus Point No-Take SMCA to the west and Point Dume SMCA to the southeast. Ensuring that larvae, eggs, spores, or juveniles of marine species are able to move into, out of, or between MPAs is fundamental to the success of California's MPAs as an ecologically connected network. For this reason, science guidance from the MPA planning process included explicit spacing guidelines for MPAs. According to this guidance, in order for MPAs to be within dispersal range for most ecologically and economically important groundfish and invertebrate species, they should be spaced 31-62 miles apart. Currently, the distance between the eastern boundary of Campus Point SMCA and the western boundary of Point Dume SMCA is approximately 60 miles (SeaSketch California 2026). This is very near the upper limit of the spacing guidelines and the largest distance between MPAs in the entire Network.

This distance concerns OPC for multiple reasons. First, while there are several MPAs nearby at the Northern Channel Islands, recent studies suggest the islands may not be as reliably or consistently ecologically connected to the mainland as previously thought due to the presence of small-scale eddies and coastal currents that can impact cross-channel exchange during some oceanographic conditions, while enhancing local retention and alongshore connectivity under others (Dauhajre et al. 2019, Robinette et al. 2012, Harvey et al. 2021). Second, both Campus Point No-Take SMCA and Point Dume SMCA contain kelp forests. Potentially weak connectivity between these habitats could pose risks to kelp resilience in the broader region. Finally, ecological connectivity has the potential to be highly disrupted by the impacts of climate change, which have already been well documented in the Southern California Bight (Magris et al. 2014, Schiff et al. 2019, Wilson et al. 2020, Kekuewa et al. 2022, Frieder et al. 2024). Climate-driven changes in temperature, ocean circulation, and upwelling can dramatically affect larval development, settlement, and survival, with important implications for connectivity (O'Connor et al. 2007, Kendall et al. 2016, Pecl et al. 2017, Pinsky et al. 2019, Wilson et al. 2020). Additionally, in some cases, climate impacts can eliminate important larval source populations entirely, such as when kelp forests are converted to urchin barrens (Rogers-Bennett & Catton 2019, Starko et al. 2024) – potentially making the effective ecological distance between intact protected habitats much greater than the geographic distance between MPA boundaries (Wilson et al. 2020).

The proposed Mishopshno SMCA, which would be located 14.6 miles from Campus Point No-Take SMCA and 44.1 miles from the Point Dume SMR/SMCA cluster (SeaSketch California 2026), would fill the existing large distance between these two MPAs and potentially act as a key "stepping stone" in the Santa Barbara Channel. This has the potential to improve ecological connectivity between Campus Point No-Take SMCA and Point Dume SMCA, especially between the kelp habitats protected by these MPAs, buffer against future climate impacts on connectivity, and strengthen overall resilience in the Santa Barbara Channel. OPC recognizes that the petitioners' proposed allowance for hook-and-line fishing from shore would result in a moderate-low level of protection per science guidance from the MPA planning process, with potential impacts on connectivity; however, continued shore-based fishing access to this area has significant potential to benefit local communities and non-federally recognized tribes.

OPC also recognizes the cultural significance of this area to local Chumash peoples. Members of the Santa Ynez Band of Chumash Indians have described ecosystems within the proposed Mishopshno SMCA as "living homelands and cultural landscapes" where gathering, teaching, ceremony, and other cultural practices have occurred for millennia. The area is also central to Chumash peoples' creation stories and canoe-building traditions. Designation of the proposed Mishopshno SMCA would represent a significant opportunity to protect the biocultural significance of the area and advance co-management with the Santa Ynez Band of Chumash

Indians, supporting the continued stewardship and care of this area's unique coastal and marine biodiversity by its original guardians.

Overall, OPC finds that the proposed new Mishopshno SMCA represents an important opportunity to improve MPA Network design, strengthen ecological connectivity, and recognize the biocultural significance of the area to local Chumash tribes. **OPC recommends that CFGC approve the proposed new Mishopshno SMCA.**

Petition 2023-32MPA: Expand Duxbury Reef SMCA and modify regulations to strengthen protections for intertidal species

The Environmental Action Committee of West Marin has proposed several actions intended to strengthen protections at Duxbury Reef SMCA. As clarified by the petitioner at the April 21, 2026 CFGC regional meeting[22], those actions are: expand the northern and southern boundaries of Duxbury Reef SMCA to protect the majority of Duxbury Reef's contiguous rocky intertidal habitat and modify regulations in Duxbury Reef SMCA to remove the current allowance for shore-based take of finfish by methods other than hook-and-line.

Duxbury Reef SMCA, located at the southern tip of the Point Reyes Peninsula in Marin County approximately one mile west of Bolinas, was designed specifically to protect Duxbury Reef, one of the largest shale reefs in North America and a unique geological feature found nowhere else in California (U.S. Geological Survey 2005). Duxbury Reef is very large and shallow; its broad, low-relief, gently sloping shale platform hosts an extensive network of cracks and crevices that are exposed at low tide and support exceptionally high biodiversity, including iconic intertidal species such as anemones, sea stars, and nudibranchs. It is one of the most accessible and frequently visited coastal sites in the region for tidepooling, and the reef serves as one of California's premier locations for environmental education and tidepool interpretation. Duxbury Reef SMCA was intentionally designed as a narrow, nearshore MPA that extends from the mean high tide line out to 1,000 feet seaward of mean lower low water, protecting intertidal habitat while allowing for commercial and recreational fishing further offshore, as well as recreational take of abalone (when allowed) and finfish from shore.

Currently, Duxbury Reef SMCA does not encompass the full extent of the reef's rocky intertidal habitat. This means that the northernmost and southernmost portions of Duxbury Reef currently receive no MPA protection, despite functioning as part of the same unique and biodiverse ecosystem as the portion of the reef within the existing SMCA. Expanding protections

22 Video available at https://cal-span.org/meeting/cfg_20260421/. Discussion of Petition 2023-32MPA begins at 03:11:24.

northward to Double Point/Stormy Stack Rock Special Closure and southward to the southernmost fringe of the reef, as proposed by petitioners, would capture the vast majority of Duxbury Reef, nearly doubling the amount of rocky shoreline protected by this MPA from 3.26 linear miles to 6.83 linear miles (SeaSketch California 2026) and improving representation of intertidal habitats, one of the rarest and most vulnerable coastal habitats in California, in the North Coast bioregion of the MPA Network (U.S. Geological Survey 2005).

OPC finds that these additional protections have the potential to increase biomass of currently harvested intertidal species, such as seaweed and shellfish, in the expansion areas, bolster overall species richness and diversity at Duxbury Reef, and improve ecological connectivity across the full reef ecosystem. Additional protection could also strengthen the reef's resilience to future climate change impacts, as protected rocky intertidal ecosystems have been found to exhibit greater resistance to, and recovery from, climate-driven disturbances such as marine heat waves compared to unprotected areas, helping to maintain community structure and ecological function during periods of extreme heating (CDFW 2023, Smith et al. 2023). However, OPC also notes that simply expanding the northern and southern boundaries of the existing SMCA could unnecessarily restrict existing boat-based commercial and recreational fishing activities in the proposed expansion areas, such as an important local commercial hook-and-line halibut fishery, that are not currently impacting intertidal biodiversity.

OPC recommends adding new protections for the intertidal in a way that does not change the existing Duxbury Reef SMCA and does not restrict existing commercial or recreational take, beyond new protections for intertidal seaweed and invertebrates, in the expansion areas. To accomplish this, **OPC recommends that CFGC designate two new SMCAs to protect the northern and southern portions of the contiguous rocky intertidal habitat of Duxbury Reef, with take regulations that protect intertidal seaweed and invertebrates (except abalone when allowed) while allowing for existing shore- and boat-based fishing**. We defer to CDFW to recommend final boundaries for these two new SMCAs based on feasibility and enforceability.

Petition 2023-33MPA_AM1: Expand six MPAs statewide and add a new MPA in Santa Cruz

Environment California and Azul have proposed a suite of actions – six proposed MPA expansions and one proposed new MPA – aimed at strengthening protections for kelp forest habitats across the state. Specifically, this petition proposes to expand Cabrillo SMR (southern San Diego), South Point and Gull Island SMRs (Northern Channel Islands), Point Dume SMCA (north of Los Angeles near the Los Angeles County/Ventura County border), Point Conception SMR (north of Santa Barbara), and Natural Bridges SMR (Santa Cruz). It also proposes the designation of a new SMCA at Pleasure Point (Santa Cruz). The proposed expansions and new MPA are aimed at protecting persistent, healthy kelp patches currently unprotected by the MPA

Network. Petitioners argue that protecting these new locations will help improve the resilience of kelp forest ecosystems across the state in the face of anticipated future marine heat waves and other climate stressors.

Kelp forests in California provide a variety of critical ecological functions and ecosystem services. Kelp serves as habitat and an important food source for a rich diversity of invertebrates, fishes, marine mammals, and birds, including ecologically and economically important species such as abalone, rockfishes, and sea otters (Hamilton et al. 2022, Bell et al. 2020). Kelp forests are critical to the well-being of California's coastal residents and the state's multi-billion-dollar ocean economy, providing valuable recreational opportunities such as scuba diving and wildlife viewing (Schiel & Foster 2015, NOAA Office of National Marine Sanctuaries 2025, Monterey Bay National Marine Sanctuary 2025), and kelp forest ecosystems also hold tremendous cultural significance for California Native American tribes. Unfortunately, recent climate-driven changes have resulted in severe and concerning kelp loss in California. A prolonged marine heat wave beginning in 2014 triggered unprecedented declines in California's kelp forests (Rogers-Bennett & Catton 2019, McPherson et al. 2021). Along the North Coast, more than 95% of bull kelp canopy was lost from 2014-2019 and has shown little recovery since then (McPherson et al. 2021), while statewide more than 75% of kelp forests remain below their long-term average in 2024 (Harris et al. 2026). As marine heat waves are expected to become more frequent and more severe as climate change accelerates, supporting the protection and restoration of these vulnerable ecosystems is a top priority for OPC.

Though MPAs cannot directly mitigate climate stressors such as warming ocean waters, petitioners argue that MPAs can support kelp resilience by promoting intact food webs. Specifically, petitioners note that healthy, abundant populations of predatory organisms, such as California Sheephead and California spiny lobster, can keep populations of kelp grazers like sea urchins in check, preventing urchins from overgrazing kelp (Hamilton et al. 2010, Caselle et al., 2015). While this is an active area of research and scientific evidence for the kelp resilience benefits of MPAs is mixed (Cavanaugh et al. 2019), several recent studies in California have demonstrated support for this "trophic cascade" hypothesis.

Eisaguirre et al. (2020) analyzed decades of subtidal monitoring data from the Northern Channel Islands and found that giant kelp density was significantly higher, and purple sea urchin density significantly lower, inside MPAs compared to adjacent fished areas. Kumagai et al. (2024) combined subtidal monitoring data with remotely sensed kelp canopy data to evaluate the statewide response of kelp forests to the 2014-2016 heat wave and found that fully protected MPAs appeared to enhance kelp forests' resistance to, and recovery from, marine heat waves in Southern California. Ortiz-Villa et al. (2025) used four decades of remote sensing data to examine the effects of 54 MPAs on kelp canopy coverage statewide and found that

implementation of MPAs resulted in an 8.5% increase in kelp canopy coverage compared to unprotected areas, with kelp forests in MPAs showing faster and more significant recovery following the 2014-2015 marine heat wave. Finally, results from the first Decadal Management Review of California's MPA Network showed that kelp canopy was more stable and resilient in MPAs, particularly in the South Coast (CDFW 2023).

Importantly, these documented benefits have largely been limited to Southern California, where lobster and Sheephead are abundant. In central California, where these predators are absent or uncommon and the main predator of sea urchins is the southern sea otter, most studies here have found little to no significant differences in urchin or kelp densities between MPAs and unprotected areas (Hamilton et al. 2010, Eisaguirre et al. 2020).

To identify specific areas to target for additional MPA protection, petitioners focused on areas of overlap between highly persistent kelp patches, as identified by Arafeh-Dalmau et al. (2021) using satellite data, and "medium-priority kelp restoration sites" as identified by Giraldo-Ospina et al. (2025) – defined as historically stable kelp beds that resisted the effects of the 2014-2015 marine heat wave and currently have a high proportion of kelp compared to their historical mean. This classification was intended by the authors of this study for use in a kelp restoration context; however, satellite imagery of kelp forest canopy, specifically Landsat data from 1984-2023 (Bell et al. 2024), does show that the areas identified by petitioners appear to be largely persistent over time (Fig. 2, Fig. 3). Given the anticipated impacts of climate change on kelp statewide, especially in the context of a historic new marine heat wave currently forming along the California coast and a predicted "Super El Niño" this year, OPC finds that, from a precautionary standpoint, protecting additional persistent kelp within the MPA Network is worth exploring at a limited scale.

Of the actions proposed in the petition, OPC recommends that CFGC deny the proposed expansion of Natural Bridges SMR and deny the proposed designation of a new SMCA at Pleasure Point. Both of these areas are located in Santa Cruz, at the northern end of the Monterey Bay. As described above, empirical support for the hypothesized "trophic cascade" benefits of MPAs for kelp has not been found in central California. Additionally, the proposed new MPA at Pleasure Point would not meet minimum guidelines for MPA size or level of protection, making it unlikely to accomplish biodiversity conservation objectives.

The remaining proposed actions are all focused on Southern California, where MPAs may promote improved kelp resilience by promoting trophic cascades. Of these actions, **OPC recommends that CFGC deny the proposed expansion of Cabrillo SMR.** Per the U.S. Navy, this proposed expansion has the potential to impact military readiness in the area. **OPC recommends that CFGC deny the proposed expansions of South Point SMR and Gull Island**

SMR; these proposed expansions would compromise the decades-long, deeply institutionalized state-federal partnership to co-manage the existing Channel Islands MPAs, which currently protect 20% of state waters around the Northern Channel Islands in no-take marine reserves. The proposed expansion of South Point SMR in particular would result in a misalignment with the boundaries of the neighboring Federal Marine Reserve.

OPC recommends approval, with modifications, of the remaining two proposed actions in Southern California (expansion of Point Dume SMCA and Point Conception SMR).

Point Dume SMCA. Located just offshore of Malibu in Los Angeles County, the existing Point Dume SMCA currently protects nearly 16 square miles of sandy beach, rocky shoreline, and kelp forest, as well as portions of a submarine canyon extending more than 2,000 feet deep. Petitioners propose expanding the existing Point Dume SMCA to the west by 4.6 square miles, approximately a 29% expansion, to protect a portion of a large, persistent kelp bed immediately adjacent to the SMCA. This expansion would increase the amount of kelp protected by the SMCA from 1.2 linear miles to 2.9 linear miles (SeaSketch California 2026, Fig. 3). **OPC recommends that CFGC approve the proposed expansion of Point Dume SMCA**. Petitioners have also proposed an adjustment to the take allowance at Point Dume SMCA to allow additional recreational take, including a new take allowance for recreational shore-based hook-and-line fishing. **OPC recommends that CFGC deny the proposed additional take allowance at Point Dume SMCA**, as this would drop the SMCA's Level of Protection from high to moderate-low such that it would no longer serve as a replicate MPA for kelp, beach, rocky intertidal, and soft bottom habitats.

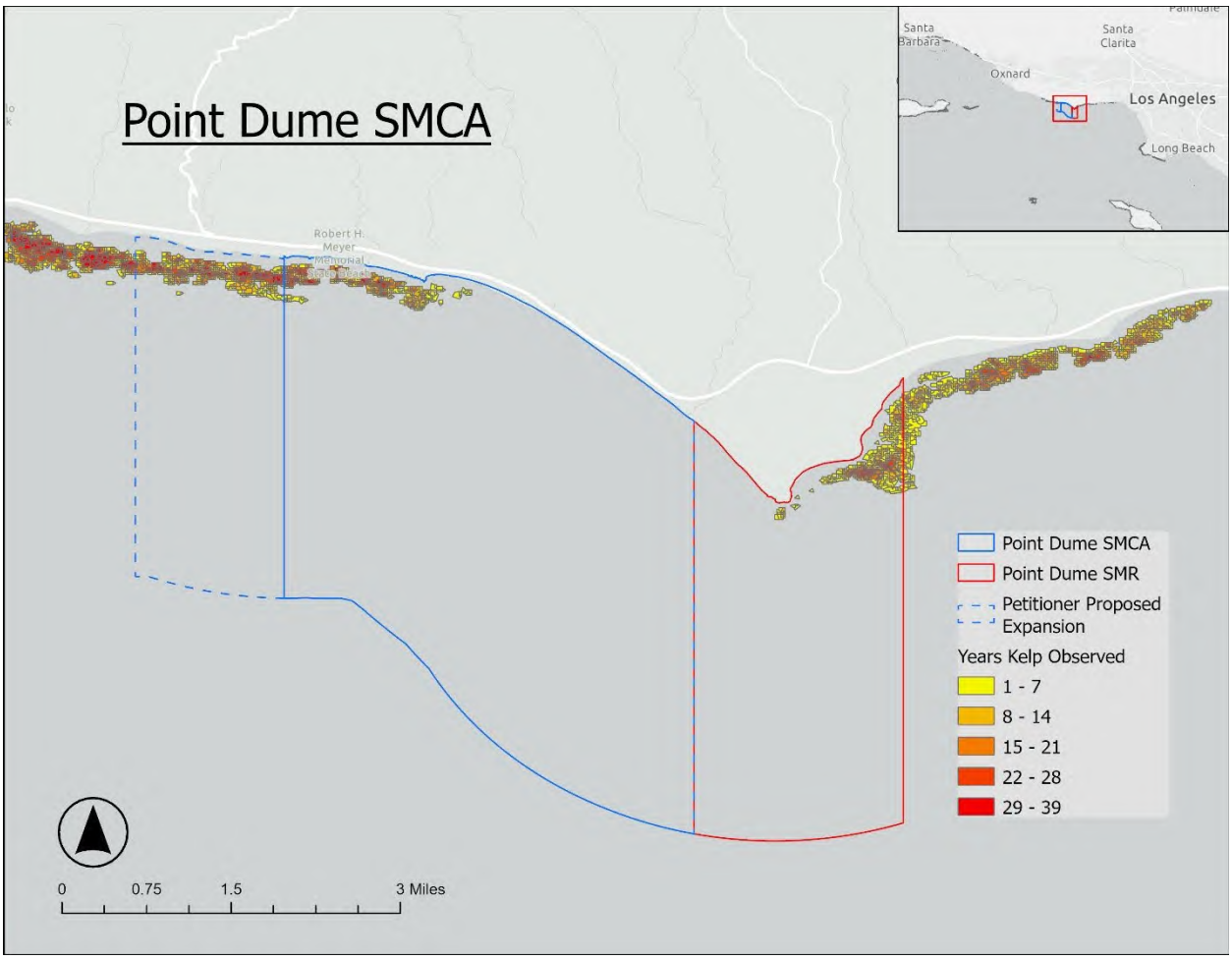


Figure 2. Point Dume SMCA and SMR, with petitioners' proposed expansion of Point Dume SMCA shown.

Point Conception SMR. Located at a major biogeographic transition zone, Point Conception SMR currently protects more than 22 square miles of rocky reefs, surfgrass beds, and kelp forests. Petitioners propose expanding the existing Point Conception SMR to the east by 14.6 square miles, which would include a very large patch of persistent kelp (Fig. 3). However, given the existing large size of this MPA, OPC finds that a smaller expansion, similar to the scale of expansion proposed for Point Dume SMCA, is more appropriate and would capture a significant portion of persistent kelp while maintaining some continued fishing access in this area. **OPC recommends that CFGC expand Point Conception SMR by shifting the eastern boundary of the SMR from the current 120° 25.000' W longitude line eastward to the 120° 23.000' W longitude line** (Fig. 3). This would expand the SMR by 7.65 square miles, approximately a 35% expansion, and increase the amount of kelp protected by the SMR from 2.27 linear miles to 4.44 linear miles (SeaSketch California 2026).

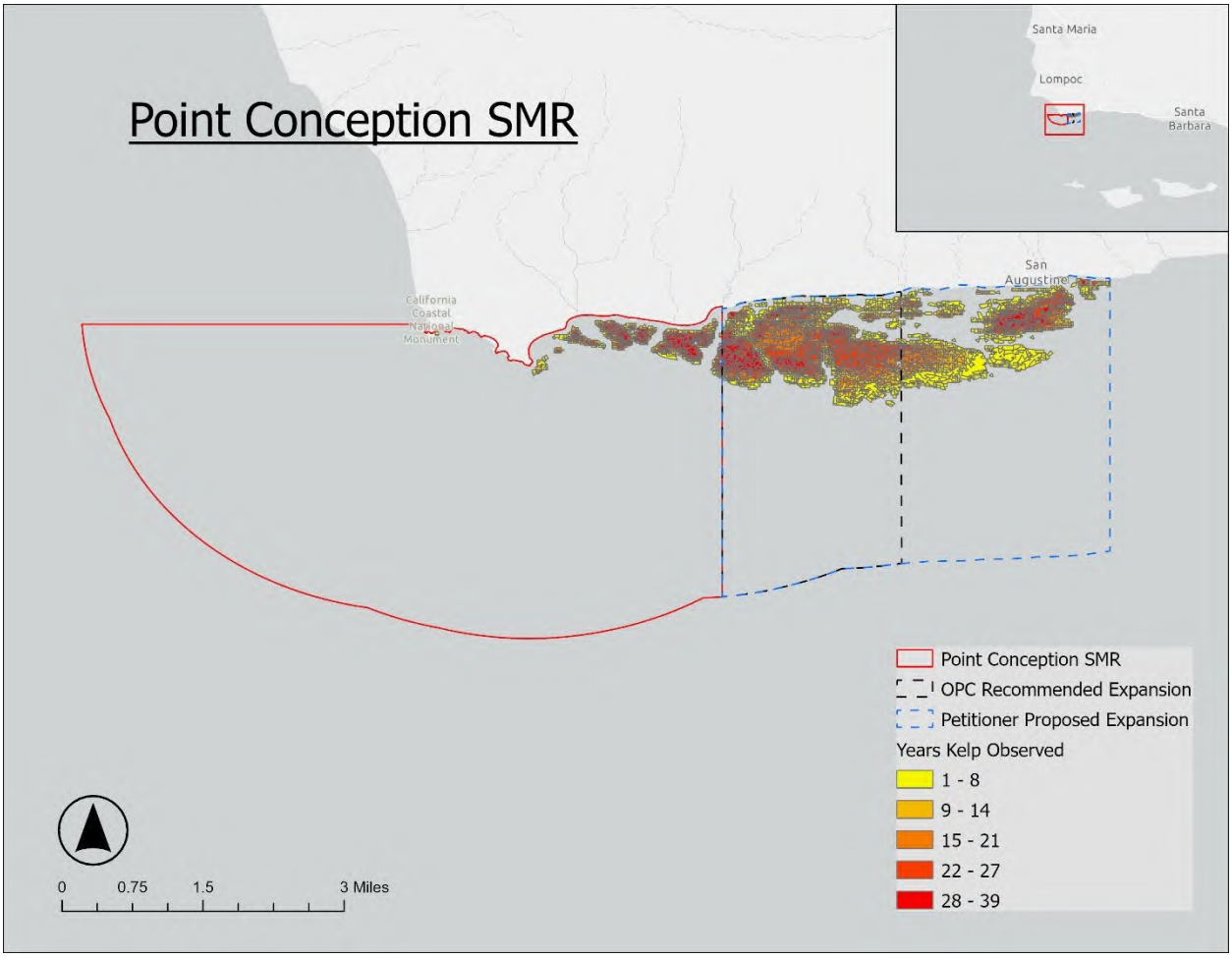


Figure 3. Point Conception SMR with petitioners' proposed expansion (blue dotted line) and OPC's recommended expansion (black dotted line) shown. OPC's recommended expansion encompasses much of the persistent kelp immediately adjacent to Point Conception SMR.

Recommendations At-a-Glance

Table 2. OPC's recommendations on all MPA petitions currently under consideration by CFGC.

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-14MPA	Nine SMCAs statewide (existing)	California Sea Urchin Commission	Allow commercial take of sea urchin in various MPAs	Deny
2023-15MPA_AM	Footprint SMR, Gull Island SMR, and Santa Barbara Island SMR (existing)	Blake Hermann	Reclassify SMRs to SMCAs to allow limited take of highly migratory species and possession of coastal pelagic species, or the take of pelagic finfish	Deny
2023-16MPA	Stewarts Point SMR and Bodega Head SMR (existing)	Bodega Bay Fisherman's Marketing Association	Reclassify SMRs to SMCAs to allow commercial take of salmon by trolling	Deny
2023-18MPA	Vandenberg SMR, Kashtayit SMCA, and San Miguel and Anacapa Island Special Closures (existing)	Ocean Conservancy	Multiple actions to modify allowed uses at several Santa Barbara Channel MPAs	Deny

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-19MPA	Chitqawi SMCA (new)	Santa Ynez Band of Chumash Indians	Add a new MPA near Morro Bay	Deny
2023-20MPA_AM1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Buchon SMCA and Point Buchon SMR (existing)	Santa Ynez Band of Chumash Indians	Add a tribal take exemption at Point Buchon SMCA, rename Point Buchon SMCA, and adjust northern boundary of Point Buchon SMR	Approve tribal take exemption and renaming; deny proposed boundary change
2023-21MPA_AM1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Pyramid Point SMCA (existing)	Tolowa Dee-ni' Nation	Remove recreational take of true smelt in Pyramid Point SMCA and adjust northern boundary of Pyramid Point SMCA	Approve proposed removal of recreational take of true smelt; deny proposed boundary change
2023-23MPA_AM1	Various MPAs in Monterey County (existing)	Giant Giant Kelp Restoration Project	Modify several regulations related to kelp restoration, including allowing urchin culling in Monterey MPAs; establish a new SMR at Tankers' Reef	Deny

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-24MPA_AM1	Laguna Beach No-Take SMCA and Dana Point SMCA (existing)	Laguna Bluebelt Coalition	Extend the southern boundary of the Laguna Beach No-Take SMCA to the southern border of Laguna Beach	Deny
2023-27MPA_AM1 (as clarified at the May 6, 2026 CFGC regional meeting)	Anacapa Island SMCA (existing)	Environmental Defense Center	Modify regulations at Anacapa Island SMCA to protect sensitive eelgrass habitats (with several options proposed)	Modify SMCA regulations to prohibit the deployment of lobster traps shallower than 50 feet
2023-28MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Sal SMCA (new)	Northern Chumash Tribal Council and Natural Resources Defense Council	Add a new MPA near Point Sal	Approve the proposed new Point Sal SMCA
2023-29MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Mishopshno SMCA (new)	Santa Ynez Band of Chumash Indians and Natural Resources Defense Council	Add a new MPA near Carpinteria	Approve the proposed new Mishopshno SMCA

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-32MPA (as clarified at the April 21, 2026 CFGC regional meeting)	Duxbury Reef SMCA (existing)	Environmental Action Committee of West Marin	Expand Duxbury Reef SMCA and modify regulations to strengthen protections for intertidal species	Designate two new SMCAs to protect the northern and southern portions of Duxbury Reef, each with take regulations that protect intertidal seaweed and invertebrates while allowing for continuation of other existing shore- and boat-based fishing
2023-33MPA_AM1	Various existing MPAs and one proposed new MPA	Environment California and Azul	Expand six existing MPAs statewide and add a new MPA in Santa Cruz	Approve proposed expansion of Point Dume SMCA, but deny proposed additional take allowance in Point Dume SMCA. Approve a smaller expansion of Point Conception SMR. Deny proposed expansion of Natural Bridges SMR, Cabrillo SMR, South Point SMR, or Gull Island SMR. Deny proposed designation of a new SMCA at Pleasure Point.
2023-34MPA	Point Buchon SMCA, Farnsworth Onshore and Offshore SMCAs (existing)	Environment California and Azul	Reclassify Point Buchon SMCA to an SMR to prohibit take; Remove all take except for recreational spearfishing in Farnsworth Onshore and Offshore SMCAs	Deny

References

Abadie, A., Lejeune, P., Pergent, G., & Gobert, S. (2016). From mechanical to chemical impact of anchoring in seagrasses: The premises of anthropogenic patch generation in Posidonia oceanica meadows. Marine Pollution Bulletin, 109(1), 61-71. https://doi.org/10.1016/j.marpolbul.2016.06.022

Altstatt, J. (2021). Island eelgrass (Zostera pacifica): Focused assessment of condition, health and extent of beds and biological monitoring of associated fish and invertebrate communities.

Altstatt, J. M., Ambrose, R. F., Carroll, J., Coyer, J., Wible, J., & Engle, J. M. (2014). Eelgrass meadows return to Frenchy's Cove, Anacapa Island: Recovery ten years after successful transplantation. Monographs of the Western North American Naturalist, 7, 500–517.

Arafeh-Dalmau, N., Cavanaugh, K. C., Possingham, H. P., Munguia-Vega, A., Montaño-Moctezuma, G., Bell, T. W., Cavanaugh, K., & Micheli, F. (2021). Southward decrease in the protection of persistent giant kelp forests in the northeast Pacific. Communications Earth & Environment, 2, Article 119. https://doi.org/10.1038/s43247-021-00177-9

Arafeh-Dalmau, N., Munguia-Vega, A., Micheli, F., Vilalta-Navas, A., Villaseñor-Derbez, J. C., Précoma-de la Mora, M., Schoeman, D. S., Medellín-Ortíz, A., Cavanaugh, K. C., Sosa-Nishizaki, O., Burnham, T. L. U., Knight, C. J., Woodson, C. B., Abas, M., Abadía-Cardoso, A., Aburto-Oropeza, O., Esgro, M. W., Espinosa-Andrade, N., Beas-Luna, R., ... Possingham, H. P. (2023). Integrating climate adaptation and transboundary management: Guidelines for designing climate-smart marine protected areas. One Earth, 6(11), 1523-1541. https://doi.org/10.1016/j.oneear.2023.10.002

Bell, T. W., Allen, J. G., Cavanaugh, K. C., & Siegel, D. A. (2020). Three decades of variability in California's giant kelp forests from the Landsat satellites. *Remote Sensing of Environment, 238*, 110811. https://doi.org/10.1016/j.rse.2018.06.039

Bell, T. W., Cavanaugh, K. C., & Siegel, D. A. (2024). SBC LTER: Time series of quarterly NetCDF files of kelp biomass in the canopy from Landsat 5, 7 and 8, since 1984 (ongoing) ver 26. Environmental Data Initiative.

Blanchette, C. A., Miner, C. M., Raimondi, P. T., Lohse, D., Heady, K. E. K., & Broitman, B. R. (2008). Biogeographical patterns of rocky intertidal communities along the Pacific coast of North America. Journal of Biogeography, 35(9), 1593–1607.

California Department of Fish and Wildlife. (2020). Surf smelt (Hypomesus pretiosus) enhanced status report. Marine Species Portal. https://marinespecies.wildlife.ca.gov

California Department of Fish and Wildlife. (2023). Decadal management review of California's marine protected area network.

California Department of Fish and Wildlife. (2025). Marine fisheries data explorer: Commercial landings. https://wildlife.ca.gov/Fishing/Commercial/Landings

Carr, M. H., Robinson, S. P., Wahle, C., Davis, G., Kroll, S., Murray, S., Schumacker, E. J., & Williams, M. (2017). The central importance of ecological spatial connectivity to effective coastal marine protected areas and to meeting the challenges of climate change in the marine environment. Aquatic Conservation: Marine and Freshwater Ecosystems, 27(S1), 6-29. https://doi.org/10.1002/aqc.2800

Caselle, J. E., Rassweiler, A., Hamilton, S. L., & Warner, R. R. (2015). Recovery trajectories of kelp forest animals are rapid yet spatially variable across a network of temperate marine protected areas. Scientific Reports, 5, Article 14102. https://doi.org/10.1038/srep14102

Cavanaugh, K. C., Reed, D. C., Bell, T. W., Castorani, M. C. N., & Beas-Luna, R. (2019). Spatial variability in the resistance and resilience of giant kelp in Southern and Baja California to a multiyear heatwave. Frontiers in Marine Science, 6, Article 413. https://doi.org/10.3389/fmars.2019.00413

Charles, A., & Wilson, L. (2009). Human dimensions of marine protected areas. ICES Journal of Marine Science, 66(1), 6–15.

Checkley, D. M., Jr., & Barth, J. A. (2009). Patterns and processes in the California Current System. Progress in Oceanography, 83(1–4), 49–64.

Dauhajre, D. P., McWilliams, J. C., & Renault, L. (2019). Nearshore Lagrangian connectivity: Submesoscale influence and resolution sensitivity. Journal of Geophysical Research: Oceans, 124(7), 5180–5204. https://doi.org/10.1029/2019JC014943

Dever, E. P. (2004). Objective maps of near-surface flow states near Point Conception, California. Journal of Physical Oceanography, 34(2), 444-461.

Duarte, C. M., Losada, I. J., Hendriks, I. E., Mazarrasa, I., & Marbà, N. (2013). The role of coastal plant communities for climate change mitigation and adaptation. Nature Climate Change, 3(11), 961-968. https://doi.org/10.1038/nclimate1973

Eisaguirre, J. H., Eisaguirre, J. M., Davis, K., Carlson, P. M., Gaines, S. D., & Caselle, J. E. (2020). Trophic redundancy and predator size class structure drive differences in kelp forest ecosystem dynamics. Ecology, 101(5), Article e02993. https://doi.org/10.1002/ecy.2993

Essington, T. E., Moriarty, P. E., Froehlich, H. E., Hodgson, E. E., Koehn, L. E., Oken, K. L., Siple, M. C., & Stawitz, C. C. (2015). Fishing amplifies forage fish population collapses. Proceedings of the National Academy of Sciences, 112(21), 6648–6652. https://doi.org/10.1073/pnas.1422020112

Fourqurean, J. W., Duarte, C. M., Kennedy, H., Marbà, N., Holmer, M., Mateo, M. A., Apostolaki, E. T., Kendrick, G. A., Krause-Jensen, D., McGlathery, K. J., & Serrano, O. (2012). Seagrass ecosystems as a globally significant carbon stock. Nature Geoscience, 5(7), 505–509. https://doi.org/10.1038/ngeo1477

Frieder, C. A., Kessouri, F., Ho, M., Sutula, M., Bianchi, D., McWilliams, J. C., Deutsch, C., & Howard, E. (2024). Effects of urban eutrophication on pelagic habitat capacity in the Southern California Bight. Frontiers in Marine Science, 11, Article 1392671. https://doi.org/10.3389/fmars.2024.1392671

Giraldo-Ospina, A., Bell, T., Carr, M. H., & Caselle, J. E. (2025). A site selection decision framework for effective kelp restoration. Biological Conservation, 302, Article 110980. https://doi.org/10.1016/j.biocon.2025.110980

Grech, A., Chartrand-Miller, K., Erftemeijer, P., Fonseca, M., McKenzie, L., Rasheed, M., Taylor, H., & Coles, R. (2012). A comparison of threats, vulnerabilities and management approaches in global seagrass bioregions. Environmental Research Letters, 7(2), Article 024006. https://doi.org/10.1088/1748-9326/7/2/024006

Hamilton, S. L., Caselle, J. E., Malone, D. P., & Carr, M. H. (2010). Incorporating biogeography into evaluations of the Channel Islands marine reserve network. Proceedings of the National Academy of Sciences, 107(43), 18272–18277. https://doi.org/10.1073/pnas.0908091107

Hamilton, S. L., Gleason, M. G., Godoy, N., Eddy, N., & Grorud-Colvert, K. (2022). *Ecosystem-based management for kelp forest ecosystems.* Marine Policy, 136, 104919. https://doi.org/10.1016/j.marpol.2021.104919

Harris, J. L., Waters, T., & Zulian, M. (2026). California's 2026 coast and ocean assessment. California Ocean Science Trust.

Harvey, J. B. J., Ryan, J. P., Zhang, Y., Chavez, F. P., Cheriton, O. M., Fiechter, J., McManus, M. A., & Kudela, R. M. (2021). Influences of extreme upwelling on a coastal retention zone. Frontiers in Marine Science, 8, Article 648944. https://doi.org/10.3389/fmars.2021.648944

Herrera, M., Tubío, A., Pita, P., Vázquez, E., Olabarria, C., Duarte, C. M., & Villasante, S. (2022). Trade-Offs and Synergies Between Seagrass Ecosystems and Fishing Activities: A Global Literature Review. Frontiers in Marine Science, 9, Article 781713. https://doi.org/10.3389/fmars.2022.781713

Johnson, S. Y., & Hartwell, S. R. (2018). California State Waters Map Series—Offshore of Point Conception, California. U.S. Geological Survey.

Kekuewa, S. A. H., Courtney, T. A., Cyronak, T., & Andersson, A. J. (2022). *Seasonal nearshore ocean acidification and deoxygenation in the Southern California Bight. Scientific Reports, 12*(1), 17969. https://doi.org/10.1038/s41598-022-21831-y

Kendall, M. S., Poti, M., & Karnauskas, K. B. (2016). Climate change and larval transport in the ocean: Fractional effects from physical and physiological factors. Global Change Biology, 22(4), 1532–1547. https://doi.org/10.1111/gcb.13159

Kindeberg, T., Severinson, J., & Carlsson, P. (2022). Eelgrass meadows harbor more macrofaunal species but bare sediments can be as functionally diverse. Journal of Experimental Marine Biology and Ecology, 554, Article 151777.

Kumagai, J. A., Goodman, M. C., Villasenor-Derbez, J. C., Schoeman, D. S., Cavanuagh, K. C., Bell, T. W., Micheli, F., De Leo, G., & Arafeh-Dalmau, N. (2024). Marine protected areas that preserve trophic cascades promote resilience of kelp forests to marine heatwaves. Global Change Biology, 30(12), Article e17620.

Levenbach, S. (2008). Community-wide ramifications of an associational refuge on shallow rocky reefs. Ecology, 89(10), 2819–2828. https://doi.org/10.1890/07-0656.1

Mace, A. J., & Morgan, S. G. (2006). Larval accumulation in the lee of a small headland: Implications for the design of marine reserves. Marine Ecology Progress Series, 318, 19–29. https://doi.org/10.3354/meps318019

Magris, R. A., Pressey, R. L., Weeks, R., & Ban, N. C. (2014). Integrating connectivity and climate change into marine conservation planning. Biological Conservation, 170, 207–221.

McPherson, M. L., Finger, D. J. I., Houskeeper, H. F., Bell, T. W., Carr, M. H., Rogers-Bennett, L., & Kudela, R. M. (2021). Large-scale shift in the structure of a kelp forest ecosystem co-occurs with an epizootic and marine heatwave. Communications Biology, 4, Article 298.

Monterey Bay National Marine Sanctuary. (2025). Iconic kelp forests. National Oceanic and Atmospheric Administration. https://montereybay.noaa.gov/science/characterization/kelp-forests.html

Morgan, S. G., Fisher, J. L., & Largier, J. L. (2011). Larval retention, entrainment, and accumulation in the lee of a small headland: Recruitment hot spots along windy coasts. Limnology and Oceanography, 56(1), 161–178. https://doi.org/10.4319/lo.2011.56.1.0161

NOAA Fisheries. (2022). State of the California Current Ecosystem in 2021: Winter is coming?

NOAA Office of National Marine Sanctuaries. (2025). Kelp forest. National Oceanic and Atmospheric Administration. https://sanctuaries.noaa.gov/visit/ecosystems/kelpdesc.html

Ortiz-Villa, E. M., Rassweiler, A., Caselle, J. E., Cavanaugh, K. C., Arafeh-Dalmau, N., Bell, T. W., & Cavanaugh, K. C. (2025). Marine protected areas enhance climate resilience to severe marine heatwaves for kelp forests. Journal of Applied Ecology, 62(9), 2439–2453. https://doi.org/10.1111/1365-2664.70112

O'Connor, M. I., Bruno, J. F., Gaines, S. D., Halpern, B. S., Lester, S. E., Kinlan, B. P., & Weiss, J. M. (2007). Temperature control of larval dispersal and the implications for marine ecology, evolution, and conservation. Proceedings of the National Academy of Sciences, 104(4), 1266–1271.

Pecl, G. T., Araújo, M. B., Bell, J. D., Blanchard, J., Bonebrake, T. C., Chen, I., Clark, T. D., Colwell, R. K., Danielsen, F., Evengård, B., Falconi, L., Ferrier, S., Frusher, S., Garcia, R. A., Griffis, R. B., Hobday, A. J., Janion-Scheepers, C., Jarzyna, M. A., Jennings, S., ... Williams, S. E. (2017). Biodiversity redistribution under climate change: Impacts on ecosystems and human well-being. Science, 355(6332), eaai9214. https://doi.org/10.1126/science.aai9214

Pikitch, E. K., Rountos, K. J., Essington, T. E., Santora, C., Pauly, D., Watson, R., Sumaila, U. R., Boersma, P. D., Boyd, I. L., Conover, D. O., Cury, P. M., Heppell, S. S., Houde, E. D., Mangel, M., Plaganyi, E., Sainsbury, K., Steneck, R. S., Geers, T. M., Gownaris, N., & Munch, S. B. (2014). The global contribution of forage fish to marine fisheries and ecosystems. Fish and Fisheries, 15(1), 43-64.

Pinsky, M. L., Eikeset, A. M., McCauley, D. J., Payne, J. L., & Sunday, J. M. (2019). Greater vulnerability to warming of marine versus terrestrial ectotherms. Nature, 569(7754), 108-111. https://doi.org/10.1038/s41586-019-1132-4

Reed, B. J., & Hovel, K. A. (2006). Seagrass habitat disturbance: How loss and fragmentation of eelgrass Zostera marina influences epifaunal abundance and diversity. Marine Ecology Progress Series, 326, 133-143. https://doi.org/10.3354/meps326133

Rees, A., Sheehan, E. V., & Attrill, M. J. (2021). Optimal fishing effort benefits fisheries and conservation. Scientific Reports, 11, Article 3784. https://doi.org/10.1038/s41598-021-82847-4

Robinette, D. P., Nur, N., Brown, A., & Howar, J. (2012). Spatial distribution of nearshore foraging seabirds in relation to a coastal marine reserve. Marine Ornithology, 40(2), 111-116. https://doi.org/10.5038/2074-1235.40.2.978

Robinette, D. P., Nur, N., & Jahncke, J. (2019). Spatial patterns in nearshore juvenile fish abundance throughout the California network of marine protected areas as revealed by seabird foraging rates. CalCOFI Reports, 60, 1–14.

Rock, B. M., & Daru, B. H. (2021). Impediments to understanding seagrasses' response to global change. Frontiers in Marine Science, 8, Article 608867. https://doi.org/10.3389/fmars.2021.608867

Rogers-Bennett, L., & Catton, C. A. (2019). Marine heat wave and multiple stressors tip bull kelp forest to sea urchin barrens. Scientific Reports, 9, Article 15050. https://doi.org/10.1038/s41598-019-51114-y

Russell, M., Olson, M. B., Love, B. A., & Thuesen, E. V. (2022). Surf smelt accelerate usage of endogenous energy reserves under climate change. PLOS ONE, 17(6), e0270491. https://doi.org/10.1371/journal.pone.0270491

Santora, J. A., Sydeman, W. J., Schroeder, I. D., Wells, B. K., & Field, J. C. (2011). Mesoscale structure and oceanographic determinants of krill hotspots in the California Current: Implications for trophic transfer and conservation. Progress in Oceanography, 91(4), 397-409. https://doi.org/10.1016/j.pocean.2011.04.002

Santora, J. A., Schroeder, I. D., Bograd, S. J., Chavez, F. P., Cimino, M. A., Fiechter, J., Hazen, E. L., Kavanaugh, M. T., Messié, M., Miller, R. R., Sakuma, K. M., Sydeman, W. J., Wells, B. K., & Field, J. C. (2021). *Pelagic biodiversity, ecosystem function, and services: An integrated observing and modeling approach.* Oceanography, 34(2), 16–37. https://doi.org/10.5670/oceanog.2021.212

Savoca, M. S., Czapanskiy, M. F., Kahane-Rapport, S. R., Gough, W. T., Fahlbusch, J. A., Bierlich, K. C., Segre, P. S., Di Clemente, J., Penry, G. S., Wiley, D. N., Calambokidis, J., Nowacek, D. P., Johnston, D. W., Pyenson, N. D., Friedlaender, A. S., Hazen, E. L., & Goldbogen, J. A. (2021). *Baleen whale prey consumption based on high-resolution foraging measurements.* Nature, 599(7883), 85–90. https://doi.org/10.1038/s41586-021-03991-5

Schiel, D. R., & Foster, M. S. (2015). The biology and ecology of giant kelp forests. University of California Press.

Schiff, K., McLaughlin, K., Moore, S., & Cao, Y. (2019). Southern California Bight. In C. Sheppard (Ed.), World seas: An environmental evaluation (2nd ed.). Academic Press.

SeaSketch California. (2026). California marine protected area petition evaluation mapping and spatial analysis [Interactive mapping platform].

Smith, J. G., Free, C. M., Lopazanski, C., Brun, J., Anderson, C. R., Carr, M. H., Claudet, J., Dugan, J. E., Eurich, J. G., Francis, T. B., Hamilton, S. L., Mouillot, D., Raimondi, P. T., Starr, R. M., Ziegler, S. L., Nickols, K. J., & Caselle, J. E. (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

Starko, S., van der Mheen, M., Pessarrodona, A., Wood, G. V., Filbee-Dexter, K., Neufeld, C. J., Montie, S., Coleman, M. A., & Wernberg, T. (2024). *Impacts of marine heatwaves in coastal ecosystems depend on local environmental conditions. Global Change Biology, 30*(8), e17469. https://doi.org/10.1111/gcb.17469

Stevens, B. G. (2021). The ups and downs of traps: Environmental impacts, entanglement, mitigation, and the future of trap fishing for crustaceans and fish. ICES Journal of Marine Science, 78(2), 584–596. https://doi.org/10.1093/icesjms/fsaa135

Tomlin, H., Schellenberg, C., Barrs, J. B., Vivani, A. J. S., & Shaw, P. (2021). *Identifying and monitoring of forage fish spawning beaches in British Columbia's Salish Sea for conservation of forage fish.* FACETS, 6(1), 1024–1043. https://doi.org/10.1139/facets-2020-0038

Turner, N. J., Gregory, R., Brooks, C., Failing, L., & Satterfield, T. (2008). From invisibility to transparency: Identifying the implications. Ecology and Society, 13(2), Article 7.

U.S. Geological Survey. (2005). Roadside geology of Point Reyes National Seashore and vicinity (Open-File Report 2005–1127).

Waycott, M., Duarte, C. M., Carruthers, T. J. B., Orth, R. J., Dennison, W. C., Olyarnik, S., Calladine, A., Fourqurean, J. W., Heck, K. L., Hughes, A. R., Kendrick, G. A., Kenworthy, W. J., Short, F. T., & Williams, S. L. (2009). Accelerating loss of seagrasses across the globe threatens coastal ecosystems. Proceedings of the National Academy of Sciences, 106(30), 12377–12381. https://doi.org/10.1073/pnas.0905620106

Wilson, K. L., Tittensor, D. P., Worm, B., & Lotze, H. K. (2020). Incorporating climate change adaptation into marine protected area planning. Global Change Biology, 26(6), 3251–3267. https://doi.org/10.1111/gcb.15094

Zabarte-Maeztu, I., Matheson, F. E., Manley-Harris, M., Davies-Colley, R. J., & Hawes, I. (2021). Fine sediment effects on seagrasses: A global review, quantitative synthesis and multi-stressor model. Marine Environmental Research, 171, Article 105480. https://doi.org/10.1016/j.marenvres.2021.105480





West Marin Businesses

Support Fishing Access in Bolinas

Fishing feeds families, supports local livelihoods, and sustains West Marin's coastal culture.

West Marin businesses support continued, responsible public access to sustainable fishing and gathering at Duxbury Reef in Bolinas. Coastal access helps keep our community healthy—providing local food, recreation, connection to place, and economic activity for the businesses that serve residents and visitors.

We oppose the Environmental Action Committee of West Marin's petition to close the only remaining fishing and gathering access at Duxbury Reef. Rather than eliminating responsible community access, we support practical stewardship that protects the reef while preserving sustainable fishing, foraging, and shoreline traditions for current and future generations.

Protect food security. Support local businesses. Save sustainable fishing access in Bolinas! Honor local stewardship!

We urge the Fish and Game Commission to fully REJECT the Environmental Action Committee of West Marin (EAC) Duxbury Reef Petition 2023-32MPA. Thank you!



















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

Email: fgc@fgc.ca.gov
CC: saveduxburyaccess@gmail.com

August 3, 2026

Subject: Opposition to Petition 2023-32MPA and Support for Bolinas Community Stewardship

Dear President Sklar and Commissioners,

We, the undersigned West Marin businesses, **oppose the Environmental Action Committee of West Marin (EAC) Petition 2023-32MPA**, including the proposal to convert the Duxbury Reef State Marine Conservation Area (SMCA) into a no-take reserve and expand its northern and southern boundaries.

Our businesses are rooted in coastal communities that depend on continued public access to Duxbury Reef and the surrounding shoreline. The proposed expansion would harm local access, longstanding coastal use, West Marin's small-business economy, and sustainable food production without evidence that regulatory changes are needed.

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 concerns arise, targeted, least-restrictive management tools are available and appropriate.

We respectfully urge the Commission to:

- Reject the proposed no-take reserve at Duxbury Reef.
- Maintain the current SMCA boundaries.
- Support Bolinas community-led stewardship.

Thank you for your consideration of the impacts this proposal would have on West Marin's working waterfront, coastal access, and community-serving businesses.

Sincerely,

West Marin Businesses Opposed to Petition 2023-32MPA

STEMPLE CREEK RANCH®
GRASS FED & GRASS FINISHED

SALT BLOOM KITCHEN

THE ORIGINAL
STATION HOUSE CAFE
POINT REYES STATION, CALIFORNIA

Auklet

PT. REYES
BUILDING SUPPLY
& HARDWARE
EST. 1964

PALACE
EST 1898
MARKET
POINT REYES, CALIFORNIA

KORTY'S
FISH CAMP

ARBORICA
SALVAGED WOOD STEWARDSHIP

SIDE STREET
Kitchen

COAST CAFE
THINK GLOBALLY - EAT LOCALLY


local. organic. delicious.
ip
INVERNESS PARK
MARKET
breakfast. lunch. dinner.
12301 Sir Francis Drake Blvd., Inverness Park
415.663.1291 • InvernessParkMarket.com


BOLINAS PEOPLE'S STORE
natural and organic foods
OPEN
8:30 - 6:30
DAILY


BOVIDA


LA SIRENA
BOLINAS
94924
BO-TIQUE


BAYSIDE
BAR & LOUNGE
RESTAURANT


DEBONAIR
EVENTS


THE MARSHALL STORE
Oyster Bar & Smokehouse
Tomales Bay, California


TOMALES
Bakery


TOMALES BAY OYSTER COMPANY


Bolinas Surf Shop
Bolinas, California


GOLDEN COAST
HUMMUS
MADE WITH ORGANIC CHICKPEAS & TAHINI
VEGAN
GLUTEN-FREE
NO PRESERVATIVES
DAIRY-FREE
HANDMADE IN WEST MARIN

GUBBINS
BUILDING COMPANY
foundation to finish
ESTABLISHED 1998

LIVE WATER

PETER
SMITH
CONST



BOLINAS BAY
HARDWARE & MERCANTILE

PACIFIC SASH & DOOR
Custom & Reproduction
Doors & Windows
Dogtown, California 415 - 868 - 2811

GIACOMINI
TILE & STONE
OLEMA, CALIFORNIA

WELLSPRING CENTER
FOR HEALING

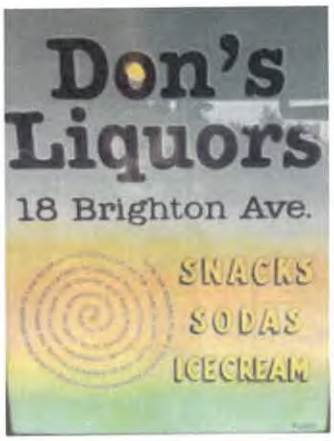
WEST MARIN
MASONRY

COVER GIRLS UPHOLSTERY
full service interiors - fabulous fabrics
MARA NELSON
owner
covergirlsupholstery@gmail.com


NEMEC
License #997110
EST. 2014
BOLINAS, CA
Construction Inc.


TRAVEL LEARN EXPLORE
OASIS
FOR KIDS
www.oasisforkids.org


jayli
Clothing


Don's
Liquors
18 Brighton Ave.
SNACKS
SODAS
ICECREAM


MARSHALL, CALIFORNIA
TONY'S SEAFOOD
HOG ISLAND OYSTER CO.


HOG
ISLAND
OYSTER
CO.


McGUINNESS
CONSTRUCTION, INC.
LIC NO. 473008
MAX McGUINNESS


FREE ESTIMATES
LOCALLY OWNED
& OPERATED
SINCE 1983
TREE
VACCARO'S
SERVICE
457-7134
CA. CONT. LIC #787460
FULLY INSURED
P.L., P.D. & W.C.


PARKSIDE
STINSON BEACH


AMANDA ROSS
SKINCARE





STINSON BEACH
MARKET
Full Service Grocery Store



steelys
drinkware

Cristina di Grazia
COASTAL MARIN REAL ESTATE

Lewis
CONSTRUCTION
415-868-2004
CUSTOM RESIDENTIAL HOMES & REMODELS

NICK BOGLE DESIGNS

BOLINAS
FILM FESTIVAL

DIXON MARINE SERVICES, INC.

SWEET QUEEN



First Valley Bistro, Inverness

Tachera Ranch, Bolinas

Ed Pohlman Construction, Bolinas

natural landscapes - Lea Earnhardt, Bolinas

Calpestri Business Solutions, Bolinas

HIGHWAY one PROPERTIES

THE SHERLEY GROUP REAL ESTATE

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,

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

hat and layer upon layer of handcrafted shirt, vest, skirt, overskirt and pounds of Native American turquoise.

Mort was a veterinarian and fine bicycle wheel builder who made tiny stainless steel cowboy hats on the side. They lived in Europe for a couple years, traveling in a van with their 4-year-old daughter, Tara, just to get away from the Nixon regime. They were pioneering mountain bikers, back when cycling throughout the national seashore was still legal. Ginny will roll on through history.

Jacquie Phelan
Fairfax

Interacting with the reef

Thank you for providing space for local voices in the ongoing conversation about Duxbury Reef. I am a Bolinas resident, a parent and a teacher at the Bolinas-Stinson School. I serve as the only P.E. teacher for both communities, and I want to speak about what the proposed expansion of the state marine conservation area would mean for foraging and access for our students.

There has been a lot of discussion about education for students from elsewhere in Marin and the greater Bay Area. Yet expanding the boundaries north and south would directly and negatively impact our local children—especially those from low-income families—who learn through careful, community-taught foraging and fishing. These practices are not just recreation; they are ways our kids learn how to provide food for their families in a responsible way, while also learning about the reef itself—how to respect, support and stay curious about it.

My own son's love for marine science grew out of his identity as a young fisherman. He was born into a fishing family in a fishing community. His interest in marine biology, conservation and environmental protection came because of that first connection to fishing and foraging. If he had not had the chance to fish and gather food from the reef, I doubt he would now dream of becoming a marine biologist.

Clamming and other forms of foraging are a huge part of how many families in Bolinas interact with the coast. I know many households that are meaningfully sustained by responsible foraging and small-scale fishing along our shore. These practices are carried out in ways that are careful, mindful and sustainable, passed down through generations.

Rather than further restricting access, I believe we should put education first—educating visitors who come here, and supporting our own students and families—to protect the reef while preserving these sustainable practices. Access to Duxbury Reef is not just about recreation; it is about food security, cultural continuity and hands-on environmental education for our children.

I respectfully ask that decision-makers consider the impacts on local youth and families and protect continued access as a sustainable way of feeding our community and educating the next generation of ocean stewards.

Ashley Rich
Bolinas

Backbone to tell the story

A huge, "great job" and "thank you" for publishing the article about the local fellow who was involved in the flotilla to Palestine. I know you may encounter backlash by some readers with Zionist beliefs, but please know that you have many readers who want to see more media with backbones putting this kind of information out there.

Susan Withers
San Rafael

Most competitive choices

Once again, Wade Holland has contributed his wisdom and knowledge to our community with his thoughtful and well-researched primary endorsements. I am in agreement with his advice about holding off voting until month's end, when we will

ENIA
ie made by hand
asio Valley Road
ia.com 415.508.8808
Hours this week

SFGATE GET OUR AD-FREE APP Sign in

TOP STORY 26m ago

'Stay indoors': Hazardous air spreads in North Bay as wildfire burns

FOOD

Point Reyes is having a restaurant renaissance

Restaurant returns to 'one of the best venues in the F-ing bay'

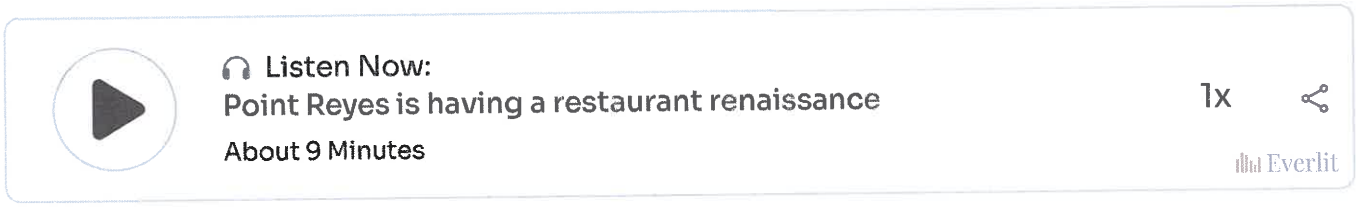


The house speciality fish and chips at Bayside Bar, Lounge and Restaurant in Inverness, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

By **Silas Valentino**, *Travel Editor*
Updated July 27, 2026 11:20 a.m.

→ ALL RESTAURANTS IN ARTICLE
→ ALL LOCAL HALIBUT, THREE WEST MARIN RESTAURANTS, ONE BOLINAS FISHERY (OPPOSE) ~~BAC~~ PESTWAY





In early July, a local angler named Danny Speirn hauled halibut in from a hazardous sandbar near the mouth of the Golden Gate strait. After he distributed the fish on shore, the meaty fillets started appearing on three distinct menus that recently debuted in West Marin.

At Salt Bloom Kitchen, a summer-only pop-up from a Stinson Beach caterer, the cuts became the Bolinas Halibut Tacos. They're topped with a cilantro chili cream, avocado and house-made pickled onions and wrapped in two soft corn tortillas jelled in cheese.



Bolinas Halibut Tacos at Salt Bloom Kitchen, a summer-only pop-up, in Stinson Beach, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

North on Highway 1 in Point Reyes Station, Bar Auklet lays the grilled fillet on a bed of corn succotash with salsa macha. The bites hit a higher note of delicacy when dished atop the restaurant's pièce de résistance: a 1,500-pound communal table forged of fallen fir and a Monterey cypress.

Bayside Bar, Lounge and Restaurant — across Tomales Bay along its western shoreline — takes the most versatile approach by preparing halibut as tacos, a sandwich or the house speciality: fish and chips. Those tender nibbles of white meat, coated in a fried batter, are served within yards of the windswept water along with a breathtaking panorama of the region.

The communities around the Point Reyes National Seashore see a restaurant open from time to time, but this summer is an outlier. Three concepts premiered somewhat simultaneously. It's a complementary bunch; Salt Bloom Kitchen is a beachfront takeout, Bar Auklet offers elevated sit-down dining, and Bayside is a casual joint for mingling locals and visitors to come and go like the tides.

More is on the way. After Saltwater Oyster Depot in Inverness closed last year, the owner of Coast Cafe in Bolinas is opening a new concept called First Valley Bistro. And earlier this year, Point Reyes Roadhouse on an intersection outside Point Reyes Station rebranded as Mi Casita.

Speirn, who hooked the halibut from his 22-foot skiff called the Marauder, grew up in Bolinas and has observed the surge of new openings. "It seems like a bit of a renaissance is going on," he said.

Depending on the day trip, if going on a longer hike on the point or a drive out to the beach, the three eateries are a new reason to venture over the hill into West Marin. Or, if anything else, it's an excuse to visit Point Reyes just for the halibut.



Douglas Zimmerman/SFGATE

A menu made for summer

Salt Bloom Kitchen's dishes, along with its schedule, are in accordance with the summer bounty. The eatery sources strawberries from Bay Area favorite Rodriguez Farms, and the tomatoes, onions and cucumbers come from the Gospel Flat Farm Stand up the road in Bolinas. The regional produce is the foundation for items like the velvety bavette steak sandwich with balsamic aioli ($27) or an ahi poke bowl ($18) that's served with a spicy mango sauce.

Thursday through Sunday, Salt Bloom Kitchen is purely a summer treat — owner Rachel DiPaolo said they follow the school schedule and will close down in mid-

September to allow employees to return to class, either in college or at Tamalpais High School.



A sign directs customers to Salt Bloom Kitchen, a summer-only pop-up at the back of the parking lot behind the post office in Stinson Beach, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE



Customers order at Salt Bloom Kitchen in Stinson Beach, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE



Ava Zech prepares a dish at Salt Bloom Kitchen in Stinson Beach, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

A second-generation Stinson Beach entrepreneur, DiPaolo started early in the food business, flipping burgers at the bygone Sand Dollar Restaurant around the corner, before continuing her mother's catering enterprise Debonair Events. At Salt Bloom Kitchen, she's designed a mentorship youth program for the 10 seasonal employees. Students learn how to filet a fish, sharpen a knife, crunch the POS numbers and even develop their own dishes. (The poke bowl was their idea.)



The bavette steak sandwich with balsamic aioli at Salt Bloom Kitchen in Stinson Beach, Calif., on July 10, 2026.

Douglas Zimmerman/SFGATE



An ahi poke bowl served with a spicy mango sauce at Salt Bloom Kitchen in Stinson Beach, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

On a recent Friday afternoon, "Beast of Burden" played from a stereo that the teenagers shared. The pop-up is atop asphalt over a few parking spaces in front of the catering kitchen, adjacent to the library. There were a few chairs and tables, a television with the World Cup on, and a wheelbarrow keeping drinks cold in ice.

A cardboard box with the words "Save Fishing in Bolinas" was refashioned into a navy blue mail box. Clipboards offered customers the chance to sign a petition or mail letters to the local congressional representative about the Duxbury Reef State Marine Conservation Area. A local environmental group vies to strengthen regulations, which could limit commercial fishing off the coast.



A petition to keep fishing open at the Duxbury Reef State Marine Conservation Area at Salt Bloom Kitchen in Stinson Beach, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

DiPaolo sources the halibut and rockfish from Speirn and other anglers and worries that their livelihood is at stake. "All they're doing is making money to feed their families," she said. "This community is built on farming and agriculture. And a lot has been threatened recently. This is part of our ecosystem."

As a University of Wisconsin student took the helm at the counter and started playing house music from the speaker, DiPaolo came out from the kitchen holding a plate of fluffy chocolate chip cookies, with a pinch of Maldon salt on top. "Salt is the key to everything good," she said.

Dining steps up in Point Reyes Station

When many folks think about dining in West Marin, seafood shack the Marshall Store comes to mind, but space is limited and confined. Owner Shannon Gregory was hungry for the next step, and the wide kitchen in the former Station House Cafe was an open canvas. He began by commissioning a custom wood-fire grill, and Bar Auklet was born.



The exterior of Bar Auklet in Point Reyes Station, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

Gregory then enlisted artisans in the area to reimagine one of the central restaurant spaces in Point Reyes Station using arboreal overtones.

Evan Shively, behind the West Marin lumberyard Arborica, created the chef's counter using sycamore. The colossal communal table built on a cypress log (which required 18 people to carry inside) came from the hands of nearby sculptor and miller Jason

McLean. And Inverness woodworker Ido Yoshimoto developed the restaurant's repeated motif of stairs, appearing randomly, like at the edge of some tables. Gregory said it evokes "discovery and stepping into something."



Servers prepare for customers at a chef's counter at Bar Auklet in Point Reyes Station, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE



The colossal communal table built on a cypress log at Bar Auklet in Point Reyes Station, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

Walking inside, it's clear how the interior has immediately shed its past self. No more carpet, burgundy plush booths or greasy spoons. Instead, Bar Auklet resembles the industrial chic found in some San Francisco mainstays like State Bird Provisions and The Progress; fitting, since all three tapped the Oakland architecture and design firm Wylie Price Design.

"Sheryl [Cahill] did a great job," Gregory said of the restaurateur who relocated the Station House Cafe to its original location down the street a few years ago. "We wanted something more elevated. The menu changes every week depending on the season."

A recent weekly special is the roasted half chicken with cheese-spinach panade and smoked mushroom ($40). For happy hour on Monday, Thursday and Friday from 3 to 5 p.m., the fried fish tacos were served with pineapple-cabbage curtido ($15).

Executive chef Anthony Paone and Gregory go way back (they worked at Cafe Rouge in Berkeley a couple of decades ago), and he molds the shapeshifting menu after having a hand in opening a "red sauce joint" in Sebastopol.



Customers dine at the bar at Bar Auklet in Point Reyes Station, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE



Executive chef Anthony Paone works in the kitchen at Bar Auklet in Point Reyes Station, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

Rounding out the Bar Auklet team are cidermaker Jan Lee and beverage director Robert Adams. The full bar pours Italian reds and a premium vermouth, but there's a surprise on the beer tap. Citing his love for the izakaya Rintaro in San Francisco, Gregory said he asked Adams if they could carry Asahi. "It's not obtrusive," he said of the Japanese lager. "And when it's nice and cold, it's the best."



Owner Shannon Gregory at Bar Auklet in Point Reyes Station, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

At the host stand by the door, where a paperback copy of Jack Kerouac's "On the Road" was mixed in with some menus, the reservations for Bar Auklet were booked out for the rest of July. The bar is still first come, first served, and seated at the end was Lagunitas resident Danielle Andrews. She was excited for a new restaurant in West Marin. And already envisioning her next visit.

"For me, I'll come after a hike or on a bike ride on my way out to the lighthouse. Or when kayaking in Tomales Bay," she said. "I'll sit out on the patio with a beer and fish tacos. It's perfect."

'Beach food' on the bay shore

Eye level with an oyster farm across the water, the dining room inside Bayside was a lost treasure.



Customers dining have views of Tomales Bay at Bayside Bar, Lounge and Restaurant in Inverness, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

Once called Barnaby's by the Bay, which operated there from 1985 until 2008, the restaurant connected to the Tomales Bay Resort in Inverness fell into dormancy during the pandemic. The hibernation befuddled James Tolbert. "This is one of the best venues in the F-ing bay," he said during happy hour. "It's iconic and deserves to be open."

The West Marin native and restaurateur journeyman joined his daughter Sophia in reviving the space, rechristening it the Bayside Bar, Lounge and Restaurant. They prepared what James calls "beach food." There's clam chowder ($8), calamari ($18)

and the catch of the day ($38), which in July is sometimes the halibut. One of Speirn's vessels, the Wanderer, is even celebrated on the menu. His anchor to Bayside goes even deeper; the angler and Sophia are dating.



A customer enters the Bayside Bar, Lounge and Restaurant in Inverness, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE



The black cod dip at Bayside Bar Lounge and Restaurant in Inverness, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE



Customers look at menus at Bayside Bar, Lounge and Restaurant in Inverness, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

Bayside finds the fertile middle between serving locals and the region's roughly 2.3 million visitors each year. Mondays and Thursdays tend to lean more for the neighborhood crowd. As the last meal before reaching the hill up to the seashore, and with a new sign of a sparkling martini glass, Bayside is a siren song for anyone passing by.

SFG

BECOME A FRIEND. GET OUR AD-FREE APP.

Access our new app with ad-free reading, curated maps and more.

GET IT NOW

The Tolberts have retained some of the nautical charm of its predecessor — on a wall in the back patio is the original sign for Barnaby's — while keeping the menu alive with surprise additions like a plate of ribs.



Manager James Tolbert stands with some of the dishes served at Bayside Bar, Lounge and Restaurant in Inverness, Calif., on July 10, 2026.
Douglas Zimmerman/SFGATE

James steers the ship like a congenial captain, welcoming guests with a wide smile and maybe a tale or two. When a group of ranchers who used to live on the point dropped in, he said to follow him. James was excited to share the Barnaby's sign enshrined in the back before guiding them to a table to watch the sunset and, perhaps, order the halibut.

Reject EAC Duxbury Reef Petition 2023-32MPA



Duxbury Reef Must Not Be Redesigned or Expanded on an Incomplete Record

August 11, 2026

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

Re: Opposition to the Ocean Protection Council's Evaluation of Petition 2023-32MPA—Duxbury Reef

Dear President Sklar and Commissioners:

I write on behalf of Save Duxbury Access and the Bolinas Coastal Stewardship Guild to respectfully **oppose the Ocean Protection Council's July 31 evaluation** and Duxbury-specific recommendation regarding Petition 2023-32MPA.

Members of our Bolinas community recently met with OPC staff and raised substantial material concerns that, in our view, were not fully reflected in OPC's written analysis. We have requested a further meeting with OPC as soon as possible. In the meantime, we respectfully ask the Commission not to rely on OPC's current Duxbury recommendation and to **allow OPC the opportunity to reconsider, withdraw, or substantially revise it before the Commission takes action.**

Since our meeting with OPC, we have also discovered substantial additional material from Gordan Chan of the College of Marin that appears not to have been disclosed or incorporated by the petitioner in the administrative record. This information is directly relevant to the factual basis, history, and likely consequences of the proposed Duxbury expansion. Its omission further underscores the need for OPC to revisit its evaluation and for the Commission to **defer action until the record is complete** and all material evidence can be fairly considered.

The attached materials document significant concerns from across the community, including:

- **Indigenous opposition** to closing access to Duxbury Reef;
- A **rebuttal by a renowned local scientist** of OPC's conclusions regarding biodiversity;
- Opposition from West Marin small businesses;
- Letters from **elected officials retracting prior support** after receiving new information;
- A memorandum explaining the petitioners' **wilderness-conversion agenda** and the potential federalization implications for these state waters; and
- **Additional material from Gordan Chan of College of Marin** that was not incorporated into the petitioner's presentation of the record.

First, OPC's evaluation does not address the potential wilderness-conversion consequences of expanding state MPAs into the Point Reyes potential wilderness strip. As discussed with OPC, motorized boating

and commercial uses remain permitted in this potential wilderness area. Federal policy treats the continuation of these nonconforming uses as a significant factor distinguishing potential wilderness from full wilderness.

Incremental regulatory actions that eliminate or constrain these uses—including de facto reserves created through new State Marine Conservation Areas and subsequent "clarifying language" that restricts shoreline activity in practice—may create the conditions for administrative wilderness conversion. Such **conversion could further federalize waters** presently managed by the State of California. This is not simply a matter of "strengthening an MPA"; it is a materially different land-and-water management outcome, with profound implications for public access, customary uses, and state authority. OPC's Duxbury narrative did not analyze these consequences.

Second, OPC's letter relies heavily on the assertion that the proposed expansion would increase biomass of harvested intertidal species and improve species richness and diversity across Duxbury Reef. Yet there is **no site-specific record of present intertidal take levels** within the proposed expansion areas, nor a comprehensive baseline dataset for the intertidal community against which such gains could be measured.

Duxbury Reef is already subject to overlapping and substantial protections through the existing Duxbury Reef SMCA, Point Reyes National Seashore, the Greater Farallones National Marine Sanctuary, and state and federal fish and wildlife laws. In this context, claims of substantial additional biomass or biodiversity benefits from redesignation are speculative and, at best, likely marginal compared with the protections already in place.

Third, CDFW's own evaluation found no demonstrated enforcement or compliance crisis at Duxbury. Officers reportedly issued no citations at the site over multiple years, and the Department expressly concluded that improved signage, education, and outreach could be "just as or more effective" than redesignation. The long-term UC Santa Cruz MARINe monitoring data—the only site-specific peer-reviewed dataset for Duxbury—show variability consistent with statewide trends rather than evidence of a site-specific ecological collapse.

These findings do not support the petition's characterization of an ecological emergency. Likewise, the petitioner's principal claim of widespread visitor confusion at Duxbury has been rebutted in the administrative record. Ironically, **the recommended north and south expansions would create a multi-zone, multi-regulation "jigsaw puzzle" along a single contiguous shoreline**—an arrangement far more likely to confuse visitors and complicate enforcement.

Finally, we are deeply concerned that the combined effect of the recommended north and south expansions, the potential wilderness context, and later regulatory "clarifying language" would be to close Bolinas' last openly accessible reef. Duxbury is a culturally significant place for shellfish and kelp gathering, limited fishing, subsistence harvesting, tidepool exploration, and everyday stewardship.

Coast Miwok oral history traces the Tribe's lineage in Marin back at least 10,000 years. Removing the remaining local harvesters, observers, and "eyes on the reef" from this stretch of coastline would undermine—not advance—the principles of community stewardship. It is particularly difficult to justify in **an area that is already among the most heavily protected coastal landscapes in the world**, absent a clear and site-specific rationale supported by the administrative record.

The proposed outcome also appears **inconsistent with OPC's stated commitments** to resilient coastal communities, equitable access, Tribal engagement, and community co-stewardship. Conservation measures should be evidence-based, proportionate, understandable to the public, and developed with—not imposed upon—the communities that have cared for these places for generations.

For these reasons, we respectfully urge the Commission to reject or defer action on OPC's current Duxbury recommendation under Petition 2023-32MPA. We further request that the Commission **encourage OPC to reconsider or withdraw its Duxbury-specific recommendation** and work with CDFW, Tribal representatives, local scientists, and the Bolinas community on a non-regulatory, stewardship-based approach that strengthens protection without triggering the wilderness-conversion, federalization, and access impacts described above.

Thank you for your consideration and for your commitment to a fair, transparent, and evidence-based public process.

Respectfully submitted,



Mollie Lounibos

on behalf of Save Duxbury Access and the Bolinas Coastal Stewardship Guild
Bolinas, California

Save Duxbury Access is a grassroots group of Bolinas residents who believe in protecting Duxbury Reef while keeping access open for low-impact fishing (both commercial and recreational), legal subsistence gathering, 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.

California Fish and Game Commission
P.O. Box 944209 Sacramento,
CA 94244-2090
Sent via Email: fgc@fgc.ca.gov
Cc: saveduxburyaccess@gmail.com

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

Dear California Fish and Game Commissioners,

I am writing as a direct Coast Miwok descendant to strongly oppose the MPA Petition 2023-32MPA to change the Duxbury Reef SMCA into a highly restrictive no-take Reserve and to expand it to the full rocky reef coastline in Bolinas. This would ban low impact traditional hook and line reef fishing in a significant portion of our ancestral territory of Marin County, an area that has more restrictive fishing regulations compared to other parts of California. For instance, all freshwater streams with the exception of a small portion of Walker Creek are closed to all fishing, all year. Many marine protected areas prohibit the take of all living marine resources within its boundaries. Fishing is prohibited in specific bodies of water such as, Muir Woods National Monument, and Rodeo Lagoon. Dungeness crab fishing is prohibited in San Francisco and San Pablo bays, and faces more restrictions elsewhere. The ocean salmon recreational fishery is currently closed. Nearby Stinson Beach does not have fishing restrictions but has restrictive policies regarding beach access at Seadrift, which is a 1.5 mile long private gated community located at the northern end of Stinson Beach. While I support regulations that protect our environment, it's important to remember that vulnerable people also need to be protected. We need balance.

My family recently lost its boat mooring on Tomales Bay when the Tomales Bay Vessel Management Plan (TBVMP) went into effect. This plan aimed to balance recreation with habitat protection but did not include protections for subsistence anglers who cannot afford the annual rent, insurance, mandatory annual inspections, contractor fees, etc required to participate in the new program. When we restrict fishing access for marginalized people and small coastal communities, we restrict the ability to be sustainable and self reliant. This needs to be considered when making (and changing) policies. For millenia, the Coast Miwok people have lived, tended, and stewarded these coastal waters. Our connection to the ocean is inseparable from our culture, identity, and ability to sustain ourselves. My opposition to this MPA petition is based on the following:

- Coastal Access: Restricting traditional, subsistence-based fishing practices infringes upon our constitutional rights and disrupts the generational transfer of knowledge.

- Cultural Sustainability: The health of the land and the people are tied together. Forcing a ban on traditional methods disregards our role as stewards of these ecosystems.

- Minimal Impact: Shorebased traditional hook and line fishing is highly selective and has a negligible impact on fish stocks.

I urge the Fish and Game Commission to reject the MPA petition (2023-32) in its entirety, preserving the current boundaries and status at Duxbury Reef, because there has been no scientific based rationale presented that necessitates a change to the current MPA. We should instead focus on improving signage and education while protecting low-impact recreational & commercial fishing that aligns with the CFGC Coastal Fishing Communities Policy, the CFGC Justice, Equity, Diversity, and Inclusion (JEDI) Policy, and California's Coastal Access sustainable management values. Thank you for considering this perspective.

Sincerely,

Andy Rocca
Marshall, California



California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814
Transmitted via email: fgc@fgc.ca.gov

Re: OPC Staff Recommendations - Petitions to Adaptively Manage California's Marine Protected Area Network

Dear President Sklar, Vice President Anderson, and Members of the California Fish and Game Commission:

Regarding OPC recommendations, as a practicing marine ecologist, who has been working in the California Current, including the Gulf of the Farallones, since the 1970's, I wish to support the Commission actions requested by the Save Duxbury Access and the Bolinas Coastal Stewardship Guild Bolinas, California, in their 31 July letter to you.

These are:

- **Preserve** the existing Duxbury Reef SMCA boundaries.
- **Reject** new north and south SMCAs absent strong sitespecific justification.
- **Direct attention** toward the tools CDFW itself identified as viable and potentially more effective at this site: improved signage, education, outreach, and collaborative stewardship.

Thanks to the collaborative efforts over the past several decades by the National Marine Fisheries and the California Department of Fish and Wildlife, the California Current has become the 'posterchild' of ecosystem-based fishery management, entirely an achievement based on science and continuous monitoring. Included in this successful management are a series of marine reserves and conservation areas, Duxbury-Agate being one of them among 5 such areas along the coast of Marin County. No other eastern boundary current can come even close in comparison, rather the other 4 EBCs are characterized by extreme fishery depletion and not just of pelagic fish. I have played a small part in this, with my opinion supporting Save Duxbury Access coming from seeing virtually no scientific data whatsoever presented to support a need for the vague proposal of 'adaptive management' i.e. changing what currently is not broken and so does not need fixing.

In the northern portion of the area in question at Duxbury, biologists from the University of California Santa Cruz have been monitoring intertidal species change from 2006 to the present (19 years). Other than species that have changed prevalence Statewide, such as certain starfish decreasing (owing to 'wasting disease'), they have found no significant trends in species richness or diversity (2025; https://marine.ucsc.edu/sites/bolinaspoint/bolinaspoint-lt/). That is somewhat different from the findings of Elahi et al. (2026, PeerJ 14:e21099 DOI 10.7717/peerj.21099), who summarized the monitoring of the intertidal at Hopkins Marine Station, begun in 1931, which is ~75 sea miles to the south of Duxbury. While the number of species has not changed, diversity has decreased slightly, i.e. some species became more dominant as, the authors surmised, a function of warming temperatures over the 90+ year record. No change was evident during the last 10+ years, consistent with the recent Duxbury record. Thus, changing the conservation status

of protected areas, like Duxbury, cannot play any role in what may be happening to the intertidal communities of the central California coast, as they adjust to ocean warming.

The science does not indicate any issues at Duxbury that changing its status could solve. The only thing that would be accomplished, and unintended consequence, is the diluting of the support for environmental action held steadfastly thus far by the citizens in the communities of West Marin. It has been that support that has resulted in this section of coast being among the most ecologically protected on the planet.

Sincerely

David Ainley

Ecologist

(co-founder and past-director of the marine program on the Farallon Islands (to 1995); past member of Committee of Scientific Advisors, Marine Mammal Commission; member, Scientific Advisory Committee of Marine Conservation Institute; initial proposer, with subsequent action, to designating the Ross Sea Region Marine Protected Area).

COUNTY OF MARIN

BOARD OF SUPERVISORS
DENNIS RODONI
Fourth District

Marin County Civic Center
3501 Civic Center Drive
Suite 329
San Rafael, CA 94903
415 473 7331 T
415 473 3645 F
415 473 6172 TTY
Dennis.Rodoni@marincounty.gov
MarinCounty.gov/board

January 15, 2026

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

Re: Withdrawal of Support for Petition Regarding Duxbury Reef SMCA

Dear President Zavaleta and Commissioners,

I am writing to formally withdraw my prior support for the Environmental Action Committee of West Marin's (EAC) petition requesting changes to the Marine Protected Area (MPA) designation at Duxbury Reef State Marine Conservation Area (SMCA), from my November 21, 2023 letter.

My prior support in 2023 was based on the petition's goal of improving clarity, consistency, and protection for a valued and sensitive marine environment. At the time my office was presented with 150 signatures of support, including from the local fishing community. The petition appeared to reflect broad and diverse community backing.

In the past year, I've heard from many other members of the West Marin community who are opposed to EAC's position and were unaware of the petition until well after its submission. They have shared their perspective that a more inclusive, community-informed approach is needed in shaping the future of Duxbury Reef – one that is rooted in long-standing connections to the reef.

Today, the Bolinas community is largely united in its opposition to the petition and their concern about being left out any public conversation prior to its submission. I hear my constituents clearly. They want an opportunity to be meaningfully engaged in shaping the future of Duxbury Reef, and deliberating this matter at the Fish and Game Commission level is simply too far along in the process.

I am respectfully asking for Commissioners to set aside, or withdraw, the petition. I request that Commissioners instead focus on creating an opportunity for meaningful community engagement and feedback – outside of a regulatory rulemaking context – to help develop a collective vision that reflects the local cultural, ecological, and recreational importance of Duxbury Reef.

The Bolinas community would be willing to come together for a constructive, respectful dialogue about the challenges facing the reef, especially those whose lives, work, and traditions are deeply linked to this coastline.

This is an opportunity for collaboration and for the community to work together toward shared stewardship of a place they deeply value.

I urge the Commission to set aside, or withdraw the petition, and allow the community to develop a broad community vision for stewardship of the Duxbury Reef.

Sincerely,

Dennis Rodoni

COUNTY OF MARIN

MARIN COUNTY PARKS

Preservation • Recreation

MARIN COUNTY
PARKS
PRESERVATION RECREATION

Chris Chamberlain
DIRECTOR AND
GENERAL MANAGER

1600 Los Gamos Drive
Suite 275
San Rafael, CA 94903
415 473 6387 T
parks.marincounty.gov

Thursday, January 21, 2026

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

Re: Withdrawal of Support for Petition Regarding Duxbury Reef SMCA

Dear President Zavaleta and Commissioners,

Marin County Parks is writing to formally withdraw it's prior support, expressed in correspondence dated November 2023, for the Environmental Action Committee of West Marin's (EAC) petition concerning proposed changes to the Marine Protected Area designation at Duxbury Reef State Marin Conservation Area.

At the time of our earlier correspondence, the petition was presented as having substantial community awareness and support. Since then, Marin County Parks has received feedback from West Marin residents indicating that many community members were unaware of the petition before its submission and do not support the proposed approach. This feedback highlights the need for broader engagement and dialogue before considering regulatory action.

As the steward of nearby coastal parks and open space preserves, and as a partner to surrounding communities and EAC, Marin County Parks believes that decisions affecting Duxbury Reef should be guided by an open, transparent public process that meaningfully includes the full range of community perspectives, particularly those with long-standing connections to the area.

Accordingly, Marin County Parks respectfully requests that the Commission withdraw the petition and encourage a community-based process to explore shared stewardship goals for Duxbury Reef.

We deeply believe in protecting this unique marine natural and cultural resource through thoughtful, long-term ecological stewardship.

Sincerely,

Chris Chamberlain, Director
Marin County Parks

JARED HUFFMAN
2ND DISTRICT, CALIFORNIA

WASHINGTON OFFICE
2445 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-5161

WEBSITE: huffman.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515–0502

COMMITTEE ON
NATURAL RESOURCES
WATER, WILDLIFE, AND FISHERIES – RANKING MEMBER
ENERGY AND MINERAL RESOURCES

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
HIGHWAYS AND TRANSIT
WATER RESOURCES AND ENVIRONMENT
RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS,
AND EMERGENCY MANAGEMENT

January 26, 2026

Erika Zavaleta, President
Melissa Miller-Henson, Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear President Zavaleta and Honorable Commissioners:

I am writing to modify my letter of support for EAC's petition to designate Duxbury Reef as a State Marine Reserve to a position of neutrality.

My letter of support was based on representation of broad local community support which is not present. I am encouraging everyone to keep working toward a consensus solution.

Sincerely,

JARED HUFFMAN
Member of Congress

EAC's Duxbury Petition: A Backdoor Push to Federalize State Waters?

There is a fairly quiet trigger event that can - and has - switched certain state coastal waters in West Marin from state control and managed access, to federal control with severe restrictions on local use and access. This mechanism is what the EAC used to move the waters of the Drakes Estero State Marine Conservation Area (SMCA) over to the Drakes Estero (federal) Marine Wilderness, once the oyster farm there was eliminated. Whether the Governor's appointees on the California Fish and Game Commission realize this or not, the EAC 2023 petition to expand to 8 miles and convert the Duxbury State Marine Conservation Area (SMCA) to a no take seems headed in the same direction. EAC initiated the Estero conversion all the way back in 2007, so they do know the drill. It is important for state agencies and affected coastal communities both to understand these state-to-federal conversion mechanisms, and how a "potential wilderness" designation on land, can drastically affect local food production and state control in state waters.

"Potential Wilderness" is a designation given to 8,000 acres of the Point Reyes National Seashore and Philip Burton Wilderness, including almost all of its coastline. It is written into the Wilderness Act of 1964 and into National Park Service policy that as soon as "non-conforming uses" have been eliminated, "potential wilderness" acreage is converted to federal wilderness by a simple letter written by the Secretary of the Interior and published in the Federal Register. Public comment and review is specifically prohibited. Oyster-farming, ranching and fishing all happen to be non-conforming uses, as are any motorized boat or car activity. Should the non-conforming use of fishing be incrementally eliminated through EAC petition-making and subsequent rule-making participation at the Commission, the flip of state-regulated waters to federal marine wilderness waters could occur as rapidly and as quietly as did the Estero conversion and the elimination of the ranches.

When the Point Reyes National Seashore was formed, its marine aspect was handled thus: the State of California gave to the Park the land beneath the waters ¼ mile out, but importantly: retained state control of navigable waters, retained fishing rights, and retained mineral rights in those waters. These state waters are heavily regulated, unlike the federal waters offshore where the heavy bottom trawling harvests occur. But still, an intrepid small fleet of both recreational and commercial anglers leaves ports from Bolinas and from ports north to fish sustainably, within the confines of those myriad existing constraints. The cumulative compromises over time mean there is nothing left to give, and survive. How is it middle ground, to no longer exist? The Park seems to think (look at their freely available maps linked below and at the Superintendent's own communications in support of EAC's Duxbury closure petition) that the state waters from just south of Palo Marin all the way north to Tomales Bluff are already severely restricted, no-take wilderness. This would sure be news to the law, to the Commission, and to generations of fishing families in West Marin.

OPC, the Governor, and his appointees on the Commission should treasure their state-chartered authority to protect our state waters and to retain jurisdiction over our state fishing rights. Allowing this petition (deemed essentially groundless by CDFW) to slide as far as it has based on no science, including an otherwise-inexplicable expansion of Duxbury north to

reach wilderness-adjacent waters, is an embarrassment of a flawed, feel good, non-inclusive process. Please stand for keeping Duxbury and the West Marin coastal waters under state control and state-managed access.

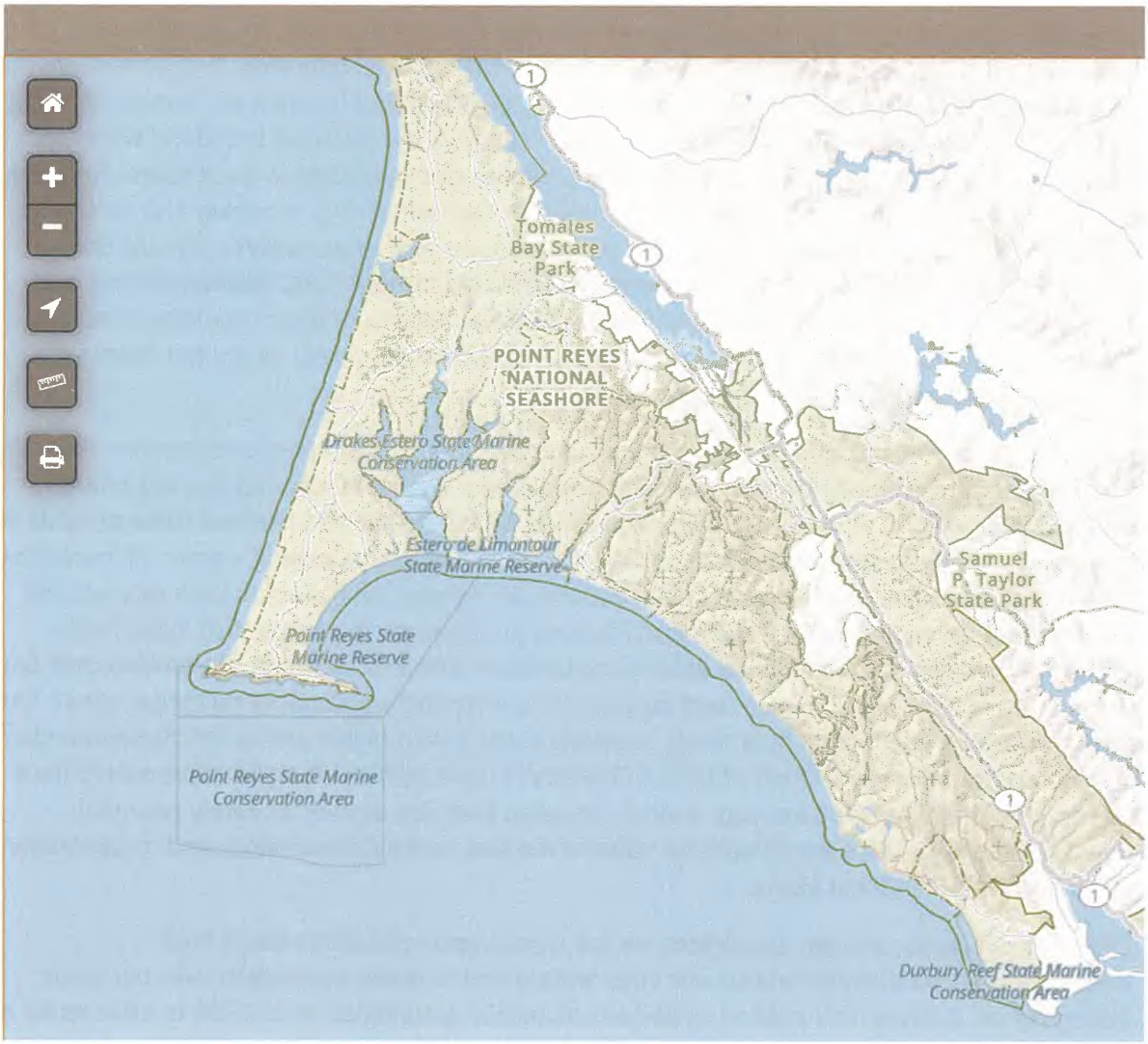
REFERENCES:

https://www.nps.gov/subjects/policy/mp-6-wilderness.htm

https://www.nps.gov/pore/learn/wilderness.htm

https://npshistory.com/publications/foundation-docdments/pore-fd-2020.pdf

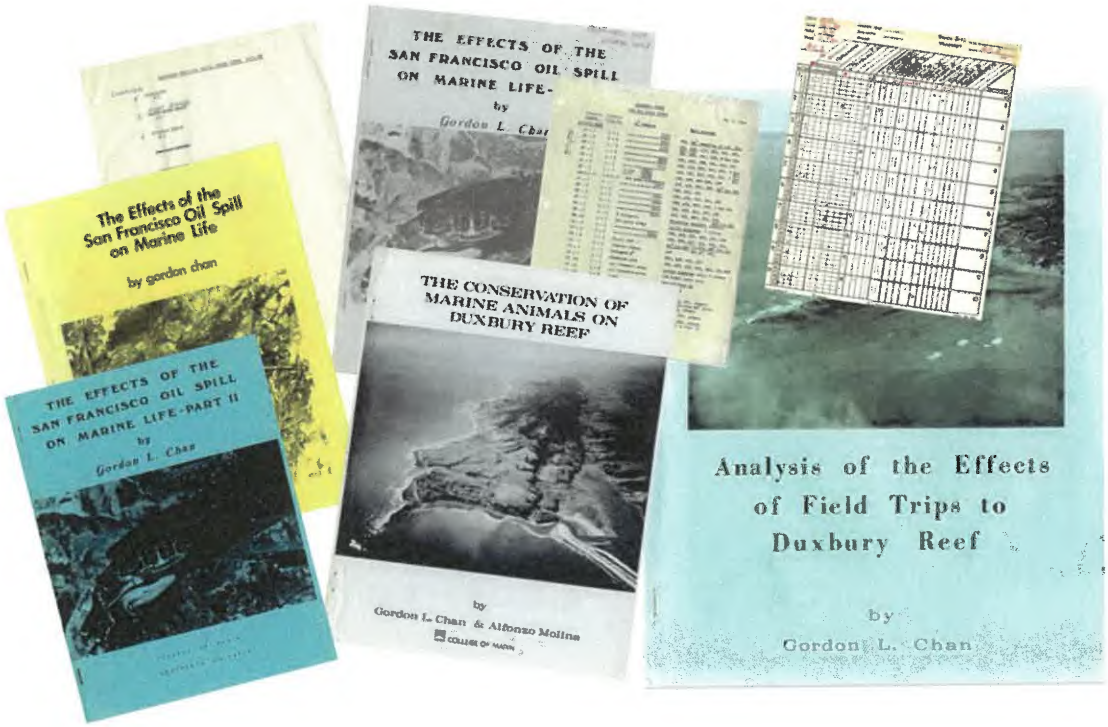
Phillip Burton Wilderness



The Incomplete Record:

Historic Duxbury Reef Baseline Research

Omitted from Petition 2023-32MPA



Gordon Chan's historic, pioneering intertidal research *was central to the establishment of Duxbury Reef's original protections. It focused on Agate Beach—the exact reef area that forms the central premise of EAC's justification for redesignation—yet was* ***not included in the scientific record*** *submitted with EAC's petition. These long-term College of Marin studies* ***provide a rare ecological baseline*** *for Agate Beach and Duxbury Reef, making their absence from the petition process a material omission. The petitioner also omitted UCSC/MARINe long-term monitoring data from Bolinas Point, within the existing SMCA and directly relevant to its proposed northern expansion. Because these directly relevant, publicly available datasets were absent from the petition record,* ***CDFW and OPC staff did not have the benefit of reviewing*** *them before completing their evaluations and recommendations.*

August 12, 2026

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

Re: **Reject Petition** 2023-32MPA **for Lack of a Complete Site-Specific Scientific Record**

Dear President Sklar and Commissioners,

The Commission should **reject** the Environmental Action Committee of West Marin (EAC) Duxbury Reef **Petition 2023-32MPA in its entirety**.

This petition seeks to impose permanent regulatory restrictions on the last remaining reef access in Bolinas: redesignation of Duxbury Reef SMCA as a State Marine Reserve and expansion of the MPA's northern and southern boundaries. These are not minor administrative adjustments. This petition would, at a minimum, **permanently eliminate the last shellfish and kelp gathering across miles of culturally significant coastline** that local residents and visitors have known, used, and cared for across generations.

Yet EAC did not submit a complete scientific record to justify those restrictions.

EAC submitted no peer-reviewed, site-specific scientific data supporting its proposed redesignation of the Agate Beach reef or its proposed boundary expansions. Most seriously, **the petitioner omitted Gordon Chan's extensive historical Duxbury Reef intertidal research conducted through the College of Marin**—the foundational site-specific scientific record for the Agate Beach portion of the SMCA, the exact area central to EAC's petition.

Chan's work is not peripheral. It is **the scientific baseline** needed to assess claims of ecological decline, visitor impacts, extraction, biodiversity loss, and the supposed need for further restrictions at Duxbury Reef. EAC asked the Commission to regulate the reef while **failing to provide the principal scientific record** documenting this specific area.

EAC also omitted UCSC/MARINe long-term monitoring data from Bolinas Point, from the middle of the current SMCA, despite seeking to extend restrictions into the northern part of the SMCA. This data may not represent Agate Beach, but it is plainly relevant to the northern expansion EAC proposed. EAC therefore submitted no peer-reviewed, site-specific evidence for either area it sought to regulate.

Because **EAC did not include these directly relevant, publicly available datasets in its petition record**, CDFW and OPC staff did not have them before them as part of the petitioner's evidentiary submission when they conducted their evaluations and developed their recommendations. The Commission should not treat agency review of an incomplete petition as a substitute for the petitioner's obligation to provide a complete, candid, site-specific scientific basis for permanent restrictions.

These omissions cannot be dismissed as technical oversights. They reflect a **recurring pattern** throughout this process: the petitioner has repeatedly failed to present publicly available, directly relevant datasets. Their absence leaves the petition without a complete, candid, or location-specific scientific foundation.

It is now the Bolinas community—not EAC—that has had to identify and submit the UCSC/MARINe data. We now also submit the Gordon Chan/College of Marin data so the Commission, the Department, OPC, and staff can see the evidence the petitioners left out. **This is backwards.** The burden belongs to the party seeking permanent restrictions, not to the residents whose access, practices, and future are at stake.

The Commission should also be aware that the **College of Marin Bolinas Field Station**, which has supported Duxbury Reef studies since the 1960s, was renovated and formally reopened in early 2025, with public statements that long-term Duxbury Reef monitoring would resume and that resulting data would be available to the public. Yet no such new site-specific data or study outputs from the reopened field station can be located in the Commission's record or in public repositories. Under California's own standards for adaptive management and "best available science," the Commission has a responsibility to ensure that **consequential decisions about permanent coastal closures at Duxbury Reef** are informed by this site-specific monitoring data, rather than proceed in its continued absence.

The Commission should not rescue this deficient petition by sending it into further grant-in-concept work or rulemaking. It should not ask the public to spend additional years responding to a proposal that was not supported by a complete record when submitted. **An incomplete petition should be rejected**—not repaired at public expense after the fact.

Adaptive management is not a slogan. **It requires transparency,** honesty about uncertainty, full disclosure of relevant evidence, and a genuine willingness to change course when the record does not support the proposed action. A process in which publicly available, peer-reviewed, site-specific data are omitted from the outset does not meet that standard.

Duxbury Reef deserves and has strong protection. **Sound and meaningful conservation cannot be built on selective evidence, incomplete analysis, and an opaque process.** It must be built on the full record, rigorous science, and respect for the community that lives with the consequences of these decisions.

We therefore respectfully urge that the Commission:

- **Reject Petition 2023-32MPA in its entirety.**

- Reject the SMR redesignation of Duxbury Reef SMCA.
- Reject all proposed northern and southern boundary expansions.
- **Decline to move this incomplete petition into any further grant-in-concept or rulemaking process.**
- Require that any future proposal begin anew with a **complete, publicly reviewable, peer-reviewed, site-specific scientific record** and meaningful community participation from the outset.

Sincerely,



Mollie Lounibos
on behalf of Save Duxbury Access and the Bolinas Coastal Stewardship Guild
Bolinas, California

Save Duxbury Access is a grassroots group of Bolinas residents who believe in protecting Duxbury Reef while keeping access open for low-impact fishing (both commercial and recreational), legal subsistence gathering, 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.

Duxbury Reef Studies Missing from EAC Petition 2023-32MPA

The Conservation of Marine Animals on Duxbury Reef

Authors: Gordon L. Chan and Alfonzo Molina

Publication: College of Marin, Kentfield, California, 1969

Holding institution: California Academy of Sciences

Read item View metadata

Analysis of the Effects of Field Trips to Duxbury Reef

Author: Gordon L. Chan

Publication: College of Marin, Kentfield, California, 1970

Holding institution: California Academy of Sciences

Read item View metadata

Duxbury Reef (Bolinas, CA): Transect Data — The 1970s

Author: Gordon L. Chan

Holding institution: California Academy of Sciences

Read item View metadata

Gordon L. Chan Transect Studies #1: Oil Spill (Duxbury Reef)

Author: Gordon L. Chan

Holding institution: California Academy of Sciences

Read item View metadata

Transect Studies: Duxbury, Fort Baker, Stinson, Chimney, Bird Rock, Double Pt., Big Pipe Reef (Post Oil Spill: 1971–72)

Author: Gordon L. Chan

Edition/date: 1971–1972

Holding institution: California Academy of Sciences

Read item View metadata

A Study of the Effects of the San Francisco Oil Spill on Marine Organisms

Author: Gordon L. Chan

Institutional author: College of Marin

Publication: College of Marin, Kentfield, California, 1972–

Holding institution: California Academy of Sciences

Read item View metadata

A Study of the Effects of the San Francisco Oil Spill on Marine Organisms

Author: Gordon L. Chan

Publication: College of Marin, Kentfield, California, 1972

Holding institution: California Academy of Sciences

Note: This is a separate BHL record from the 1972– series entry above.

Read item View metadata

The Effects of the San Francisco Oil Spill on Marine Life: Part II, Recruitment

Author: Gordon L. Chan

Publication: College of Marin, Kentfield, California, 1974

Holding institution: California Academy of Sciences

Read item View metadata

COUNTY OF MARIN

BOARD OF SUPERVISORS

PRESIDENT
Dennis Rodoni
4TH DISTRICT

VICE PRESIDENT
Mary Sackett
1ST DISTRICT

2ND VICE PRESIDENT
Eric Lucan
5TH DISTRICT

Katie Rice
2ND DISTRICT

Stephanie Moulton-Peters
3RD DISTRICT

Matthew H. Hymel
COUNTY EXECUTIVE
CLERK OF THE BOARD

Carla Kacmar
ASSISTANT CLERK OF THE BOARD

Marin County Civic Center
3501 Civic Center Drive
Suite 329
San Rafael, CA 94903
415 473 7331 T
415 473 3645 F
415 473 6172 TTY
MarinCounty.org/bos

August 4, 2026

Eric Sklar, President
Melissa Miller-Henson, Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Follow-Up Regarding Duxbury Reef State Marine Conservation Area and Community Stewardship

Dear President Sklar, Executive Director Miller Henson, and Commissioners,

I am writing to follow up on my January 15, 2026 letter regarding the petition proposing changes to the Duxbury Reef State Marine Conservation Area. In that letter, I withdrew my previous support for the petition and encouraged the Commission to provide a broader and more transparent public process before considering regulatory changes.

During your recent public meeting, Commissioners asked me to clarify my position regarding the California Department of Fish and Wildlife's recommendations and the revised proposal submitted by the Environmental Action Committee of West Marin. I appreciate the opportunity to provide that clarification.

First, I want to reaffirm my strong support for marine conservation and the long term protection of Duxbury Reef's unique rocky intertidal habitat. I also want to thank the California Department of Fish and Wildlife for the extensive scientific analysis and thoughtful evaluation they have provided throughout this process. Their work reflects a balanced approach that recognizes both the ecological importance of Duxbury Reef and the value of working collaboratively with the surrounding community.

I support CDFW's recommendation to deny the proposal to redesignate the existing State Marine Conservation Area as a State Marine Reserve. Based on the Department's analysis, the current designation already provides significant protections for the reef's sensitive resources while preserving the limited recreational opportunities intentionally retained when the Marine Protected Area was originally established.

My greatest concern throughout this process, however, has been the lack of clarity surrounding the proposal itself and the process used to evaluate it. Over the past several months, many community members have expressed confusion about what proposal is currently under consideration, how it has changed over time, what role the Department's recommendations play, and when meaningful opportunities exist for public participation. Regardless of the ultimate outcome, I believe the public

deserves a process that is transparent, understandable, and allows residents to remain informed as decisions evolve.

As the Commission considers any future actions related to Duxbury Reef, I respectfully encourage continued and meaningful engagement with the local community. Clear communication about proposed changes, timelines, opportunities for public input, and the rationale behind recommendations will help build trust and ensure that community members can participate in an informed and constructive manner.

Perhaps the most encouraging development since my January letter has been the remarkable response from the Bolinas community itself.

Residents have come together around a shared commitment to protecting Duxbury Reef through stewardship, education, science, and collaboration. Rather than becoming divided over this issue, the community has demonstrated that conservation and community engagement can move forward together.

The newly formed Bolinas Coastal Stewardship Guild has brought together local residents, schools, scientists, businesses, recreational and commercial fishers, educators, and conservation advocates around a shared vision of protecting Duxbury Reef through hands on stewardship, visitor education, scientific monitoring, and responsible recreation.

I have also been encouraged to see local students become part of this effort through stewardship and environmental education programs. Investing in the next generation of coastal stewards may ultimately prove to be one of the most important conservation investments we can make.

This community response closely reflects one of CDFW's own recommendations. The Department concluded that enhanced education, outreach, and signage can improve public understanding and compliance, and specifically recommended that petitioners work with the Bolinas community and other interested parties to develop a comprehensive stewardship and education strategy for Duxbury Reef.

Regulatory protections are an essential part of marine conservation, but they are only one part of a successful long term strategy. Lasting conservation also depends upon informed visitors, engaged local communities, scientific partnerships, and shared stewardship.

Communities that live alongside these extraordinary places often become their strongest advocates. When local residents, schools, scientists, businesses, and fishing families are actively involved in caring for a resource, conservation becomes something that is practiced every day rather than simply enforced.

The Bolinas community has demonstrated its willingness to invest its time, expertise, and energy into protecting Duxbury Reef for current and future generations. I encourage the Commission to recognize this collaborative effort as an important conservation asset while continuing to ensure that future decisions are made through a process that is transparent, inclusive, and easily understood by the public.

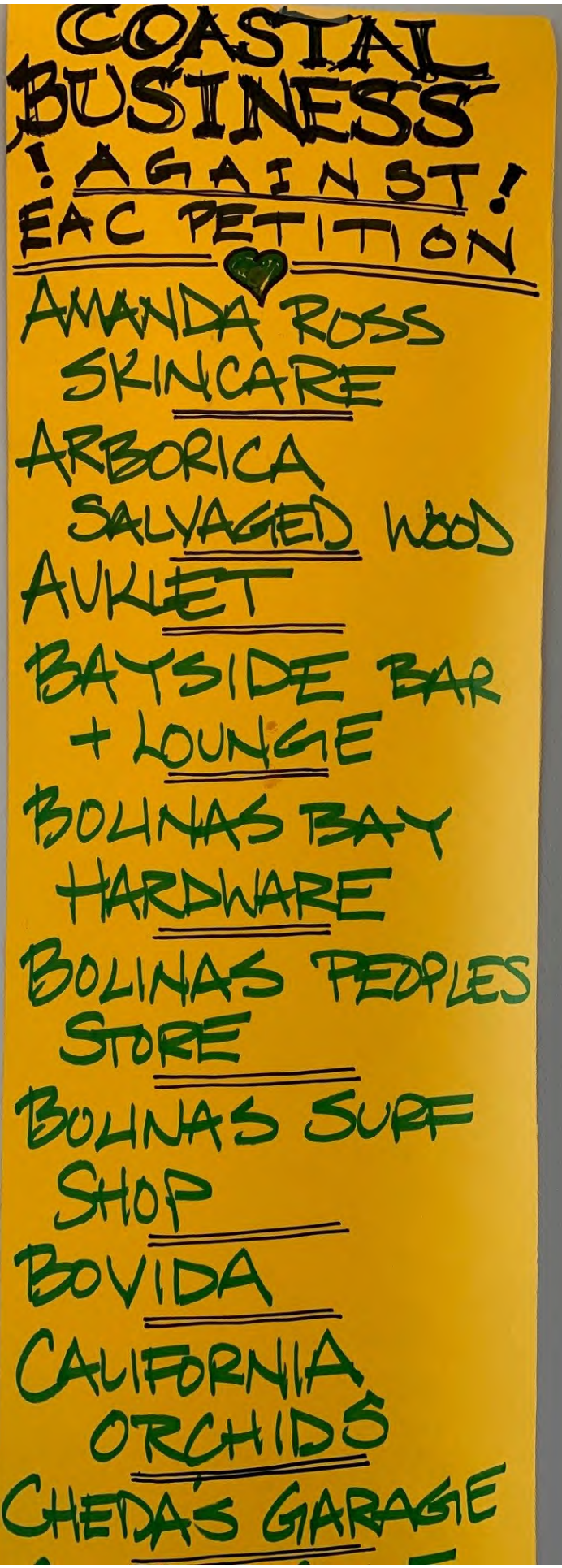
Thank you for your continued leadership and your commitment to protecting California's extraordinary marine resources. I appreciate your consideration of these comments and your continued partnership with the communities that care so deeply about our shared coastal resources.

Sincerely,



Dennis Rodoni

Supervisor, District 4
Marin County Board of Supervisors


COASTAL BUSINESS
!AGAINST!
EAC PETITION
AMANDA ROSS SKINCARE
ARBORICA SALVAGED WOOD
AUKLET
BAYSIDE BAR + LOUNGE
BOLINAS BAY HARDWARE
BOLINAS PEOPLES STORE
BOLINAS SURF SHOP
BOVIDA
CALIFORNIA ORCHIDS
CHEDAS GARAGE

Now's NOT the time to FEDERALIZE!



A duck killed in the San Francisco Bay Oil Spill of 1971 - BOLINAS. Photograph courtesy of Ilka Hartmann.

Reject EAC's Duxbury Reef 2023-32MPA Petition

If the Fish and Game Commission approves the EAC petition for rulemaking, the proposed restrictions at Duxbury Reef could help advance a federal wilderness-conversion process affecting California-managed waters within the potential-wilderness area. A comparable conversion occurred at Drakes Estero, where EAC played a leading advocacy role. Neither CDFW's nor the Ocean Protection Council's evaluation addresses this jurisdictional risk.

At a time when federal actions threaten environmental safeguards and California's coastal authority, we cannot risk surrendering state control over these waters surrounding shale reef. Bolinas knows firsthand the environmental devastation oil spills can bring: community members cleaned these beaches after the 1971 San Francisco Bay oil spill and again following the 2007 *Cosco Busan* spill. **Preserve California's jurisdiction, state-managed access, and meaningful local stewardship—fully REJECT Petition 2023-32MPA.**

EAC's Duxbury Petition

A Backdoor Push to Federalize State Waters?

There is a fairly quiet trigger event that can - and has - switched certain state coastal waters in West Marin from state control and managed access, to federal control with severe restrictions on local use and access. This mechanism is what the EAC used to move the waters of the Drakes Estero State Marine Conservation Area (SMCA) over to the Drakes Estero (federal) Marine Wilderness, once the oyster farm there was eliminated. Whether the Governor's appointees on the California Fish and Game Commission realize this or not, the EAC 2023 petition to expand to 8 miles and convert the Duxbury State Marine Conservation Area (SMCA) to a no take seems headed in the same direction. EAC initiated the Estero conversion all the way back in 2007, so they do know the drill. It is important for state agencies and affected coastal communities both to understand these state-to-federal conversion mechanisms, and how a "potential wilderness" designation on land, can drastically affect local food production and state control in state waters.

"Potential Wilderness" is a designation given to 8,000 acres of the Point Reyes National Seashore and Philip Burton Wilderness, including almost all of its coastline. It is written into the Wilderness Act of 1964 and into National Park Service policy that as soon as "non-conforming uses" have been eliminated, "potential wilderness" acreage is converted to federal wilderness by a simple letter written by the Secretary of the Interior and published in the Federal Register. Public comment and review is specifically prohibited. Oyster-farming, ranching, commercial fishing, recreational fishing from motorized boats, and any other motorized boating including boat-in surfing access, etc. all happen to be non-conforming uses, as are any motorized boat or car activity. Should the non-conforming use of fishing be incrementally eliminated through EAC petition-making and subsequent rule-making participation at the Commission, the flip of state-regulated waters to federal marine wilderness waters could occur as rapidly and as quietly as did the Estero conversion and the elimination of the ranches.

When the Point Reyes National Seashore was formed, its marine aspect was handled thus: the State of California gave to the Park the land beneath the waters ¼ mile out, but importantly: retained state control of navigable waters, retained fishing rights, and retained mineral rights in those waters. These state waters are heavily regulated, unlike the federal waters offshore where the heavy bottom trawling harvests occur. But still, an intrepid small fleet of both recreational and commercial anglers leaves ports from Bolinas and from ports north to fish sustainably, within the confines of those myriad existing constraints. The cumulative compromises over time mean there is nothing left to give, and survive. How is it middle ground, to no longer exist? The Park seems to think (look at their freely available maps linked below and at the Superintendent's own communications in support of EAC's Duxbury closure petition) that the state waters from just south of Palo Marin all the way north to Tomales Bluff are already severely restricted, no-take wilderness. This would sure be news to the law, to the Commission, and to generations of fishing families in West Marin.

OPC, the Governor, and his appointees on the Commission should treasure their state-chartered authority to protect our state waters and to retain jurisdiction over our state fishing rights. Allowing this petition (deemed essentially groundless by CDFW) to slide as far as it has based on no science, including an otherwise-inexplicable expansion of Duxbury north to reach wilderness-adjacent waters, is an embarrassment of a flawed, feel good, non-inclusive process. Please stand for keeping Duxbury and the West Marin coastal waters under state control and state-managed access.

REFERENCES:

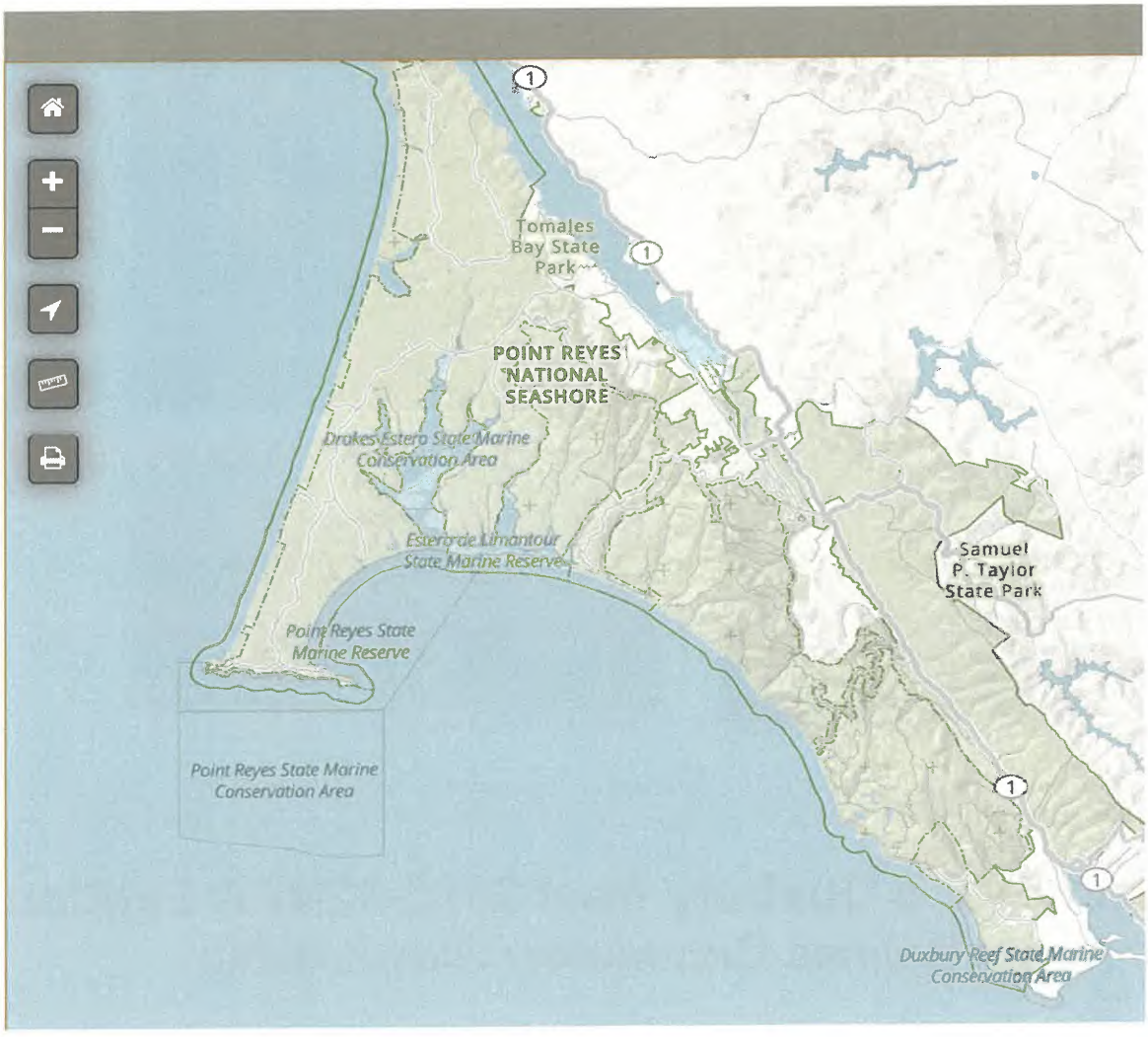
Overview: https://www.youtube.com/watch?v=-2juYE9AnGk

https://www.nps.gov/subjects/policy/mp-6-wilderness.htm

https://www.nps.gov/pore/learn/wilderness.htm

https://npshistory.com/publications/foundation-docduments/pore-fd-2020.pdf

Phillip Burton Wilderness





Volunteers picking up clumps of oil from a remote beach in BOLINAS, California - San Francisco Bay Oil Spill in January 18, 1971. Photograph courtesy of Ilka Hartmann.



Chronicle / Kurt Rogers





Chronicle / Deanne Fitzmaurice

BOLINAS community volunteer cleanup efforts. Collaboration between Marin County Parks and Open Space, the Bolinas Rod and Boat Club, and citizens on acquiring an oil boon through OSPR and training to deploy, 2007.

Reject EAC's Duxbury Reef 2023-32MPA Petition and Honor Bolinas Community Stewardship

Outlook

The Pan Coven of Marin's Wood's' opposition to the EAC petition

From Warren G
Date Fri 09/04/2026 07:47 PM
To FGC <FGC@fgc.ca.gov>

Dear Decision Makers,

I am writing to urge you to preserve continued public access to Duxbury Reef and the existing right to fish for finfish from shore.

Duxbury Reef is already extensively protected as a State Marine Conservation Area. Current regulations prohibit taking or damaging marine, geological, and cultural resources, with a limited exception for recreational shore-based finfish fishing. This carefully drawn exception recognizes that conservation and traditional public access can coexist.

The coastal communities surrounding Duxbury Reef are economically and culturally diverse. For some residents, fishing is not merely recreation...it provides food for their households, supports ancestral family traditions, and maintains a direct connection with the coast; Need I mentioned that Fisherman and women Are descendants of the Local native tribes. Eliminating shore fishing would disproportionately burden working-class families and people already confronting Marin County's extraordinary cost of living and food insecurity.

Protecting the reef is essential, but conservation policy should not unnecessarily exclude the people who live beside it and depend upon it. If specific ecological harm has been documented, regulations should address that harm through narrow, evidence-based measures. A complete prohibition on shore fishing should not be imposed without compelling evidence that the existing protections, fishing regulations, and enforcement are inadequate.

Please preserve public coastal access and the existing allowance for shore-based finfish fishing at Duxbury Reef. Let local fishingfolk continue to feed themselves and their families while respecting the strong protections already in place.

Sincerely,

Warren

September 4, 2026

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

Via email: fgc@fgc.ca.gov

Re: Petition 2023-32MPA - Opposition to a no-take reserve and SMCA expansion at Duxbury Reef

Dear Commissioners:

As a Fairfax resident and regular visitor to Duxbury Reef, I am writing to oppose the proposed no-take reserve and to ask that the Commission maintain the current boundaries of the Duxbury Reef State Marine Conservation Area (SMCA).

I am passionately concerned about marine habitat. Duxbury is not an abstract policy issue to me; it is a place I return to, value deeply, and want future generations to experience. Protecting its tidepools and marine life matters enormously to me. My opposition to this proposal is not a rejection of conservation. It reflects my belief that effective conservation should protect the reef while respecting the community connected to it.

I also appreciate the many ways my neighbors relate to Duxbury: through fishing, tidepooling, learning, observing wildlife, and simply being beside the ocean. Their relationships with the reef need not be identical to my own to deserve consideration. I do not believe that loving and protecting this place requires treating responsible, lawful use as incompatible with stewardship.

I support the California Department of Fish and Wildlife's March 2026 recommendation to deny reclassification to a no-take State Marine Reserve. On the separate question of expansion, I ask the Commission to retain the current SMCA boundaries. Any future proposal for broader restrictions should demonstrate a clear, site-specific need and explain why targeted, less restrictive measures would not adequately address it.

I favor practical stewardship: continued monitoring, clear signage, public education, support for docents, and enforcement of existing protections. Where problems are documented, the response should be tailored to those problems and developed with meaningful participation from the people who use and care for the reef.

Please reject the no-take designation, maintain the current SMCA boundaries, and prioritize adaptive, least-restrictive management. I also ask that the February 2026 Save Duxbury Access alternative petition be included in the official record and given fair consideration.

Duxbury deserves both strong habitat protection and a management approach that respects its place in community life. I urge you to pursue those goals together.

Sincerely,

Richard Redmond
Fairfax, California

Outlook

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

From Harriet Moss
Date Sun 09/06/2026 08:15 PM
To FGC <FGC@fgc.ca.gov>
Cc saveduxburyaccess@gmail.com <saveduxburyaccess@gmail.com>

To: California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
Email: fgc@fgc.ca.gov
CC: saveduxburyaccess@gmail.com

Dear President Sklar and Commissioners,

I strongly 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.

Bolinas is a coastal community and shore fishing is a traditional way of life. Expansion of the Duxbury Reef SMCA is completely unnecessary environmentally and would be the last nail in the coffin of our local fishing economy

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

Thank you for your attention to this matter.

Sincerely,

Harriet Moss

Outlook

Fwd: Follow-up questions re. federal wilderness conversion risk at Duxbury Reef

---

From: Mollie Lounibos
Sent: Wednesday, September 16, 2026 8:45 PM
To: Erika Zavaleta [redacted] Miller-Henson, Melissa [redacted]
Cc: Megan Matson [redacted] Gmail [redacted]
Subject: Follow-up questions re. federal wilderness conversion risk at Duxbury Reef

Erika and Melissa, thank you again so much for taking the time to discuss the very complicated and consequential federal wilderness conversion risk at Duxbury Reef. I've created an additional slideshow to address some of the additional questions that came up during our call. I hope this helps!

Is the Duxbury offshore strip already federal wilderness?
No. The roughly one-quarter-mile offshore strip is **potential wilderness additions**, not designated wilderness. It overlaps the proposed northern Duxbury SMCA expansion.

Does potential wilderness have the same rules as designated wilderness?
No. It may be managed to protect wilderness character, but it remains a distinct legal category until the Secretary of the Interior publishes a *Federal Register* notice that all Wilderness Act–prohibited uses have ceased. That conversion has occurred twice at Point Reyes—not for the waters adjacent to Duxbury Reef.

Is the conversion to designated wilderness permanent? Yes, once non-conforming uses have ceased, the admistrative conversion is AUTOMATIC, PERMANENT, and IRREVERSIBLE

What are we asking the Commission to do?
If advancing this petition could eliminate or materially reduce uses in potential-wilderness waters in a manner relevant to future federal wilderness conversion, then the Commission and the public should have a written, agency-supported analysis before—not after—a federal conversion notice is published.

Thank you,
Mollie

Outlook

Fwd: Request for written analysis — reserved public trust rights at Duxbury Reef (FGC Petition 2023-32MPA)

From: Mollie Lounibos
Sent: Sunday, September 13, 2026 3:07 PM
To: ExecutiveOfficer.Public@slc.ca.gov; Dumlao, Matthew@SLC <Matthew.Dumlao@slc.ca.gov>
Cc: AssistantExecutiveOfficer.Public@slc.ca.gov; Miller-Henson, Melissa [redacted] Yaun, Michae [redacted] Eckerle, Jenn@CNRA <Jenn.Eckerle@resources.ca.gov>
Subject: Request for written analysis — reserved public trust rights at Duxbury Reef (FGC Petition 2023-32MPA)

Dear Dr. Dumlao,

I am writing on behalf of the Bolinas community regarding a narrow but time-sensitive question about reserved public trust rights at Duxbury Reef, which appears to fall squarely within the Commission's jurisdiction over sovereign lands and the public trust. I would be grateful for a written analysis from your office before a related state action moves forward. I am copying the Fish and Game Commission and Ocean Protection Council because the analysis requested here bears directly on Petition 2023-32MPA and on the state's coordinated management of the MPA network. A brief background packet is attached for reference. The Fish and Game Commission is scheduled to consider Petition 2023-32MPA at its October 13–16, 2026 meeting.

California Fish and Game Commission Petition 2023-32MPA proposes expanding the Duxbury Reef State Marine Conservation Area northward into ¼-mile offshore tidelands that Congress designated as potential wilderness in 1976 under Public Law 94-544. California conveyed those same tidelands to the United States in the 1965 tidelands conveyance (Chapter 983, Statutes of 1965), expressly reserving public trust rights, including fishing and mineral rights. Public materials supporting the petition characterize those waters as if they were already fully designated Wilderness under the Wilderness Act, and as if commercial and motorized activity were already prohibited there — neither is correct.

The concern is that a state MPA vote materially restricting commercial and motorized use in the potential wilderness overlap could function as the operative event that triggers a Section 3 conversion under P.L. 94-567 — converting the potential wilderness to full Wilderness by Federal Register notice, without further public process. If that occurs, California's reserved rights under Chapter 983 may be extinguished or effectively unenforceable as a practical matter, even though the state's vote is the proximate cause. Because the Commission is the state trustee for those reserved rights, that outcome would appear to warrant the Commission's independent legal review before the vote, rather than after.

I am respectfully asking whether the State Lands Commission would provide a written analysis addressing the following questions:

— The current legal status of California's public trust rights, and specifically the fishing and mineral rights reserved under Chapter 983, in the ¼-mile tidelands adjacent to Duxbury Reef.

— Whether those reserved rights survive a Section 3 conversion of the adjacent potential wilderness to full Wilderness, and whether their exercise would remain legally protected after such a conversion.

— Whether the Commission has been formally consulted — or considers consultation appropriate — before the Fish and Game Commission acts on a petition that could function as a Section 3 trigger for federally administered lands adjacent to state-reserved rights.

— Any position or guidance the State Lands Commission wishes to provide the Fish and Game Commission on the public trust and reserved-rights implications of Petition 2023-32MPA.

With the Fish and Game Commission scheduled to take formal action on the marine protected area petitions on October 15–16, 2026, the timeline may not accommodate full inter-agency review. I respectfully request that the Commission's analysis be provided in writing before that date, or — if a full analysis is not possible on that timeline — that the Commission advise the Fish and Game Commission to defer action on Petition 2023-32MPA until the reserved-rights question is resolved. A conversation with the appropriate staff attorney or public trust program lead would be equally welcome. Even a brief written statement from your office — or an indication that the Commission intends to review the matter before the vote — would materially improve the record. Please treat any inaccuracy in my summary as unintentional; I will amend any factual point the Commission identifies as wrong.

Thank you for considering this request, and for the Commission's continued stewardship of California's sovereign lands.

Respectfully,
Mollie Lounibos
Bolinas, CA

cc:Grace Kato, Assistant Executive Officer, California State Lands Commission
Seth Blackmon, Chief Counsel, California State Lands Commission
Melissa Miller-Henson, Executive Director, California Fish and Game Commission
Michael Yaun, Legal Counsel, California Fish and Game Commission
Jenn Eckerle, Executive Director, California Ocean Protection Council

Attached: Duxbury Reef briefing packet and overview

Duxbury Reef

A federal potential-wilderness question inside a state MPA vote.

THE QUESTION THIS BRIEFING ADDRESSES

Whether a state vote to tighten restrictions inside a federal potential wilderness — waters where California expressly reserved public trust rights in 1965 — should proceed on the current record.

The ¼-mile offshore strip is federal potential wilderness.

Congress designated the ¼-mile offshore tidelands adjacent to Duxbury Reef — the same strip that lies inside the proposed northern SMCA expansion — as **potential wilderness**, not immediate Wilderness, because California expressly retained sovereign public trust rights in those waters when it conveyed them to the federal government in 1965.

Under federal law, that potential-wilderness status is not permanent: it converts to full Wilderness the moment the Secretary of the Interior publishes a notice that all uses prohibited by the Wilderness Act have ceased.

Congress created two categories in 1976 — not one.

25,370 acres

Designated Wilderness — immediately, in 1976

Wilderness Act rules apply on the effective date. Commercial enterprise and motorboats are prohibited, subject to statutory exceptions.

8,003 acres

Potential wilderness — holding pattern

Includes the tidelands extending roughly ¼ mile offshore along the Seashore — the same strip inside the proposed northern SMCA expansion. Converts to full Wilderness once the Secretary of the Interior publishes a notice that all Wilderness-Act-prohibited uses have ceased (P.L. 94-567, §3).

California did not simply hand these waters over.

When it conveyed the Point Reyes tidelands to the U.S., California kept three provisions on behalf of its people:

§ 2 — Mineral rights.	California reserved all mineral deposits, including oil and gas, and the right to prospect, mine, and remove them.
§ 3 — The right to fish.	“There is hereby reserved to the people of the state the right to fish in the waters underlying the lands described in Section 1.” NPS's 2007 Point Reyes Administrative History describes this reservation as including “the right to collect, gather, or harvest shellfish” (Sadin/Livingston, notes 108–109).
§ 4 — Reverter.	“If the United States ceases to use the lands for public purposes, all right, title and interest of the United States … shall cease and the lands shall revert and rest in the state.”

Interior said the reserved rights were “inconsistent with wilderness.”

Sept. 8, 1976 — public report to Congress on H.R. 8002

“Tidelands extending 1/4 mile offshore. The State of California retains mineral and fishing rights over the submerged lands. The reservation of such rights is inconsistent with wilderness.”

Oct. 1, 1976 — internal letter to Office of Management and Budget

“Very difficult if not impossible to acquire.” — Acting Secretary of the Interior, describing California's reserved rights, during the bill's final review.

The conversion pathway is not hypothetical.

NPS has used it twice at Point Reyes to reclassify potential wilderness as designated Wilderness — by Federal Register notice, without further public process.

1,752

acres

Nov. 18, 1999 conversion

Muddy Hollow, Abbotts Lagoon, and Limantour areas.

1,363

acres

Dec. 4, 2012 conversion

Drakes Estero, after commercial oyster operations ceased.

5,415

acres

Potential wilderness still in effect

Including the tidelands adjacent to Duxbury Reef.

A state MPA vote could satisfy the federal conversion standard.

The Wilderness Act's prohibited uses include **commercial enterprise** and **motorboats**.

If the state, through an MPA rule change, eliminates the remaining lawful commercial fishing and materially reduces motorized recreational fishing inside the potential-wilderness overlap, NPS could reasonably determine that all Wilderness-Act-prohibited uses have ceased — the exact standard §3 requires for conversion.

Conversion is effected by a Secretarial Federal Register notice — NPS asserts that notice is categorically excluded from NEPA and public comment (Director's Order #41).

These waters are described as already Wilderness. They are not.

The same characterization — that the ¼-mile offshore area is already designated Wilderness where commercial motorboats and commercial enterprises are prohibited — appears across the petitioner's public materials on Petition 2023-32MPA:

Petition webpage *(eacmarin.org/duxburypetition)* "Recreational and commercial motorboats and ALL commercial enterprises are prohibited within ¼ mi from shore from Sculpture Beach to Duxbury Reef due to its designation as a Phillip Burton Marine Wilderness."

"Duxbury Petition Fact Sheet & Update" PDF *(posted Nov 2025 / Jan 2026)* Same characterization repeated: waters described as already-designated Wilderness where offshore restrictions are already in force.

Nov. 26, 2025 comment letter to the Fish and Game Commission *(Petition 2023-32MPA)* Correctly identifies the area as "Potential Marine Wilderness (1/4 mile from shore)" in one sentence, then in the next describes it as a Wilderness area already providing offshore protections. The qualifier is dropped.

A complete, accurate, publicly available record before the vote.

— The complete evidentiary record.

— Written analysis from NPS, CDFW, and the California State Lands Commission of the federal conversion and public-trust questions.

— A final mapped proposal, released for public review, before any vote.

— Correction of the wilderness mischaracterization on the record.

THE THRESHOLD QUESTION Could advancing this petition eliminate or materially reduce uses in potential-wilderness waters relevant to future federal wilderness conversion? If so, the public and the Commission deserve a written answer on the record before the vote — not after a Federal Register notice has already converted the waters.

This briefing is not opposition to protecting Duxbury Reef. It is a request that any further restriction proceed on a complete, accurate, and publicly available record.

Duxbury Reef

A two-page briefing on the proposed SMCA expansion

THE QUESTION THIS PACKET ADDRESSES

Whether a state vote to tighten restrictions inside a federal potential wilderness — waters where California expressly reserved public trust rights in 1965 — should proceed on the current record.

IN THIS PACKET

Sheet 1. What potential wilderness is, and what California kept.

Legal-structural explainer. Two pages.

Sheet 2. How a state vote could trigger a federal conversion.

Procedural and record concerns. Two pages.

FOUR THINGS TO HOLD IN MIND

1 These waters are federal potential wilderness, not designated Wilderness.

2 Potential wilderness converts to full Wilderness automatically — no NEPA, no public comment — when the Secretary of the Interior finds all Wilderness-Act-prohibited uses have ceased.

3 California retained the right of its people to fish in these waters when it conveyed them in 1965 for the Point Reyes National Seashore. A state vote that eliminates that use has federal consequences.

4 The current record misstates the wilderness status of these waters and omits relevant context. Both are correctable before a vote.

THE THRESHOLD QUESTION

Could advancing this petition eliminate or materially reduce uses in potential-wilderness waters relevant to future federal wilderness conversion? If so, the public and the Commission deserve a written answer on the record before the vote — not after a Federal Register notice has already converted the waters.

WHAT WE ARE ASKING FOR

— The complete evidentiary record.

— Written analysis from NPS, CDFW, and the California State Lands Commission of the federal conversion and public-trust questions.

— A final mapped proposal, released for public review, before any vote.

— Correction of the wilderness mischaracterization on the record.

This packet is not opposition to protecting Duxbury Reef. It is a request that any further restriction proceed on a complete, accurate, and publicly available record.

The Proposed Northern Expansion Overlaps Federal "Potential Wilderness."

A plain-English explanation of what that means, why California's 1965 conveyance kept public trust rights in these waters, and why it matters for the proposed northern SMCA expansion.

THE BOTTOM LINE

Congress designated the ¼-mile offshore tidelands adjacent to Duxbury Reef — the same strip that lies inside the proposed northern SMCA expansion — as 'potential wilderness,' not immediate Wilderness, because California expressly retained sovereign public trust rights in those waters when it conveyed them to the federal government in 1965. Under federal law, that potential-wilderness status is not permanent: it converts to full Wilderness the moment the Secretary of the Interior publishes a notice that all uses prohibited by the Wilderness Act have ceased.

1 WHAT THE LAW ACTUALLY SAYS

On October 20, 1976, Congress passed Public Law 94-544, designating 25,370 acres of Point Reyes as Wilderness and an additional 8,003 acres as "potential wilderness additions." The companion statute, Public Law 94-567, created the conversion mechanism in its Section 3.

- 25,370 acres — immediately designated Wilderness in 1976.
- 8,003 acres — designated "potential wilderness," including the tidelands extending roughly 1/4 mile offshore along the Seashore.
- Section 3 of P.L. 94-567 states these lands "shall thereby be designated wilderness" when the Secretary publishes a Federal Register notice that all Wilderness-Act-prohibited uses have ceased.

2 WHAT CALIFORNIA CONVEYED — AND WHAT IT KEPT

California did not simply hand these waters over. Chapter 983 of the California Statutes of 1965 conveyed to the United States "all of the right, title, and interest of the State of California, held by the state by virtue of its sovereignty in and to all of the tide and submerged lands" within Point Reyes National Seashore — expressly "subject to the limitations which are described in Section 2 of this act."

Those limitations are three retained provisions — two reserved public trust rights (mineral and fishing) plus a reverter — that California kept on behalf of its people:

- **Section 2 — mineral rights.** California reserved all mineral deposits, including oil and gas, and the right to prospect, mine, and remove them.
- **Section 3 — the right to fish.** *"There is hereby reserved to the people of the state the right to fish in the waters underlying the lands described in Section 1."*
- **Section 4 — reverter.** *"If the United States ceases to use the lands for public purposes, all right, title and interest of the United States in and to such lands shall cease and the lands shall revert and rest in the state."*

These reservations reflect a foundational rule of California law: the State holds tidelands and submerged lands "subject to the public trust for statewide public purposes, including commerce, navigation, fisheries, and other recognized uses, and for preservation in their natural state" (Cal. Pub. Res. Code §6009; Marks v. Whitney, 6 Cal. 3d 251 (1971); Nat'l Audubon Soc'y v. Superior Court, 33 Cal. 3d 419 (1983)). The California State Lands Commission classifies Chapter 983 as a granted public trust conveyance. The Ninth Circuit has summarized the effect: California conveyed the Point Reyes tidelands "reserving certain minerals rights to itself and reserving the right to fish to Californians" (Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073 (9th Cir. 2014)). The National Park Service, in its 2007 Point Reyes Administrative History, describes this reservation as including "the right to collect, gather, or harvest shellfish" (Sadin/Livingston, notes 108–109) — one of several state-authorized uses in these tidelands that a boundary expansion would eliminate.

3 WHY THE TIDELANDS WERE FLAGGED "POTENTIAL," NOT "IMMEDIATE"

In its September 8, 1976 report to Congress on H.R. 8002 (the bill that became P.L. 94-544), the Department of the Interior objected to including the offshore tidelands as immediate Wilderness, in its own words:

"Tidelands extending 1/4 mile offshore. The State of California retains mineral and fishing rights over the submerged lands. The reservation of such rights is inconsistent with wilderness."

Interior said the same thing about Drakes Estero: "the reserved rights by the State on tidelands in this area make this acreage inconsistent with wilderness." Congress resolved the conflict by placing both areas into the "potential wilderness" category — a holding pattern that automatically converts once the Wilderness-Act-prohibited uses (which for these waters include the public fishing right California reserved in 1965) end.

Three weeks later, in an internal Oct. 1, 1976 letter to the Office of Management and Budget during the bill's final review, Interior described California's reserved rights as "very difficult if not impossible to acquire" — an agency-level acknowledgment, contemporaneous with enactment, that the reservation was not designed to be casually converted.

4 WHAT THE WILDERNESS ACT PROHIBITS INSIDE A WILDERNESS

The Wilderness Act of 1964 (P.L. 88-577) prohibits, subject to existing rights and statutory exceptions:

- Commercial enterprise
- Permanent roads
- Motorized equipment, motorboats, and mechanical transport
- Landing of aircraft
- Structures and installations

5 THIS PATHWAY IS NOT HYPOTHETICAL — NPS HAS USED IT TWICE

The National Park Service has already used the Section 3 conversion mechanism at Point Reyes on two occasions:

- November 18, 1999 — NPS published a Federal Register notice converting 1,752 acres in the Muddy Hollow, Abbotts Lagoon, and Limantour areas from potential wilderness to designated Wilderness, bringing the total to 27,122 acres.
- December 4, 2012 — NPS converted 1,363 acres of Drakes Estero to designated Wilderness after commercial oyster operations ceased, bringing the total to 27,315 acres.

Roughly 5,415 acres of potential wilderness remain within the Seashore today — including the tidelands adjacent to Duxbury Reef.

6 HOW THE CONVERSION ACTUALLY HAPPENS

Under NPS policy (Director's Order #41), potential wilderness is treated as an interim status. When NPS determines that nonconforming uses have ceased, it publishes the conversion notice in the Federal Register. NPS asserts that notice is categorically excluded from NEPA review and from public comment.

WHY THIS MATTERS HERE

Because the tidelands off Duxbury Reef sit inside potential wilderness, any state action that eliminates or materially reduces the remaining Wilderness-Act-prohibited uses — including commercial and recreational fishing that California expressly reserved to its people in 1965 — could satisfy Section 3 and open the door to federal conversion, without further public process. That conversion would extinguish public trust rights California retained on behalf of its citizens sixty years ago.

Sources: 16 U.S.C. §1131–1136 (Wilderness Act); P.L. 94-544 and P.L. 94-567 (Oct. 20, 1976); Chapter 983, California Statutes of 1965 (1965 Cal. Stat. 2604–2605, §§1–5), reproduced in NPS Point Reyes General Management Plan (1980); Cal. Pub. Res. Code §6009; Marks v. Whitney, 6 Cal. 3d 251 (1971); Nat'l Audubon Soc'y v. Superior Court, 33 Cal. 3d 419 (1983); Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073 (9th Cir. 2014); California State Lands Commission, Granted Public Trust Lands — Point Reyes National Seashore (slc.ca.gov); Department of the Interior Report on H.R. 8002 (Sept. 8, 1976), Ford Presidential Library archive; Acting Secretary of the Interior to Office of Management and Budget, Oct. 1, 1976 (letter re. H.R. 8002); 64 Fed. Reg. 62790 (Nov. 18, 1999); 77 Fed. Reg. 71826 (Dec. 4, 2012); NPS Director's Order #41; Paul Sadin with Dewey Livingston, Managing a Land in Motion: An Administrative History of Point Reyes National Seashore (NPS, 2007), notes 108–109; NPS Point Reyes Administrative History Update (2001–2022). Prepared for community use — verify against primary documents before public distribution.

DUXBURY REEF · FACT SHEET 2 OF 2

How a State MPA Vote Could Trigger a Federal Wilderness Conversion.

What the proposed Duxbury SMCA expansion could quietly set in motion — and the safeguards the public and Commission should require before any vote.

THE BOTTOM LINE

A state vote to expand and tighten the Duxbury Reef SMCA is being framed as a fisheries-management decision. But because the affected waters are federal "potential wilderness," tightening state rules to eliminate remaining fishing and motorboat use could satisfy the federal conversion trigger — permanently closing those waters under Wilderness Act rules without any additional federal public process. Two facts compound the risk: the petitioner's own materials misdescribe the current federal status of those waters, and the petitioner has not disclosed the automatic conversion mechanism to the Commission.

1 THREE MOVING PIECES THE PUBLIC NEEDS TO SEE TOGETHER

A. Federal potential wilderness. Tidelands adjacent to Duxbury Reef were designated "potential wilderness" by Congress in 1976 (P.L. 94-544). They convert to full Wilderness once the Secretary of the Interior publishes a notice in the Federal Register that all Wilderness-Act-prohibited uses have ceased (P.L. 94-567, §3). NPS asserts that notice is categorically excluded from NEPA and from public comment (Director's Order #41).

B. NPS has linked state MPAs to federal wilderness policy. In a November 14, 2022 letter to CDFW's Marine Region Manager and the Fish and Game Commission, Point Reyes National Seashore stated that its potential wilderness overlaps Marin MPAs and that NPS's MPA recommendations support "Federal wilderness policies." That letter puts state MPA design squarely inside the federal wilderness-conversion conversation.

C. EAC seeks a larger, more restrictive Duxbury SMCA. In its 2023–2026 filings on Petition 2023-32MPA, the Environmental Action Committee of West Marin (EAC) asks the Fish and Game Commission to expand the existing Duxbury Reef SMCA and — in the original petition — to reclassify it as a no-take State Marine Reserve. Its filings would tighten regulations inside the enlarged area:

- No taking of resources from the rocky intertidal zone.
- A narrow recreational shore hook-and-line exception that functionally prohibits most shore fishing.
- No stated commercial-fishing exception inside the enlarged SMCA.

2 THE TRIGGER RISK IN PLAIN TERMS

The Wilderness Act's prohibited uses include commercial enterprise and motorboats. If the state, through an MPA rule change, eliminates the remaining lawful commercial fishing and materially reduces motorized recreational fishing inside the potential-wilderness overlap, NPS could reasonably determine that all Wilderness-Act-prohibited uses have ceased — the exact standard Section 3 requires for conversion. Conversion is effected by a Secretarial Federal Register notice, not by further public process.

3 A KEY FACT HAS BEEN MISSTATED IN THE PUBLIC RECORD

The same characterization — that the offshore area from Sculpture Beach to Duxbury Reef is already a designated Wilderness where commercial motorboats and commercial enterprises are prohibited — appears across the petitioner's public materials on this petition:

- **Petition webpage (eacmarin.org/duxburypetition):** *"Recreational and commercial motorboats and ALL commercial enterprises are prohibited within ¼ mi from shore from Sculpture Beach to Duxbury Reef due to its designation as a Phillip Burton Marine Wilderness."*
- **"Duxbury Petition Fact Sheet & Update" PDF (posted Nov 2025 / Jan 2026):** *"Recreational and commercial motorboats and ALL commercial enterprises prohibited within ¼ mi. from shore from Sculpture Beach to Duxbury Reef due to the Phillip Burton Wilderness designation."*
- **November 26, 2025 EAC comment letter to the Fish and Game Commission on Petition 2023-32:** correctly identifies the area as "Potential Marine Wilderness (1/4 mile from shore)" in one sentence, then in the next sentence describes it as "This Wilderness area [that] already provides offshore protections and limits potentially harmful activities." The qualifier is dropped and the area is treated as if the offshore restrictions were already in force under federal law.

Why this matters for the vote. These tidelands are potential wilderness, not designated Wilderness. Under Section 3 of Public Law 94-567 and Section 4(d) of the Wilderness Act, the prohibitions on commercial enterprise and motorboats do not attach to potential wilderness until the Secretary of the Interior publishes a Federal Register conversion notice. No such notice has ever been published for these waters. Commercial and recreational fishing and motorized boating remain lawful there today under existing state rights. A Commissioner reading the materials above would reasonably assume that the state MPA change is merely codifying a federal prohibition that is already in force. It is not. It is potentially creating the very condition — cessation of Wilderness-Act-prohibited uses — that Section 3 requires for federal conversion.

4 A MATERIAL OMISSION FROM THE RECORD

The petitioner has extensive institutional familiarity with the federal conversion mechanism at issue. The National Park Service's Administrative History of Point Reyes describes "a coalition of Marin environmental groups spearheaded by the Environmental Action Committee of West Marin" as having submitted its own general management and wilderness proposals for Point Reyes during the process that produced Public Law 94-544 — the statute that created both the 25,370-acre designated Wilderness and the 8,003-acre potential wilderness category (Livingston, Point Reyes National Seashore Administrative History, p. 167). EAC's own website states that from 2005 to 2014 the organization "worked diligently to ensure Drakes Estero's wilderness designation" (eacmarin.org/rcmp) and that it "successfully advocated for Drakes Estero to be converted from potential wilderness to full wilderness in 2012" (eacmarin.org/wilderness) — the most recent use of the Section 3 pathway on the California coast.

The petitioner's filings before this Commission on Petition 2023-32MPA, including the November 26, 2025 comment letter, acknowledge the "Potential Marine Wilderness" status of the northern extension area but do not disclose to the Commission: (a) that potential wilderness converts to full Wilderness by operation of Section 3 of Public Law 94-567 once the Wilderness-Act-prohibited uses cease; (b) that conversion is effected by a Secretarial Federal Register notice that NPS has treated as categorically excluded from NEPA and public comment (Director's Order #41); or (c) that a state MPA rule change eliminating remaining lawful commercial and recreational uses in those tidelands could be treated by NPS as evidence that the cessation condition has been met.

The Commission has a legitimate interest in knowing about the mechanism, and about the petitioner's demonstrated familiarity with it, before it votes.

5 WHAT THE COMMISSION AND THE PUBLIC SHOULD REQUIRE BEFORE ANY VOTE

Before the Fish and Game Commission adopts the rule, CDFW, the Commission, and NPS should be required to publicly:

- Map the proposed SMCA / potential-wilderness overlap on a single, plain map, with acreage totals.
- Identify every lawful commercial and recreational use inside the overlap before and after the proposed change.
- Explain, in operational terms, how shore fishing remains workable under the proposed shore hook-and-line exception and rocky-intertidal prohibition.
- Analyze the federal-state jurisdictional and wilderness-conversion consequences on the record.
- Obtain written analysis on the record from NPS, CDFW, and the California State Lands Commission: from NPS, whether adoption would satisfy or contribute to satisfying the Section 3 cessation condition; from CDFW, the operational effect on lawful commercial and recreational uses inside the overlap; and from the State Lands Commission, whether the regulation is consistent with California's continuing public-trust obligations as trustee of the Chapter 983 reserved rights. If NPS's answer is yes, publish a map of the acreage affected and the process for any subsequent Federal Register conversion notice.

Commission question: *Could these state restrictions eliminate or materially reduce uses in potential-wilderness waters relevant to future federal wilderness conversion — and if so, has any agency been asked to analyze that on the record before the vote?*

> **WHY THIS SAFEGUARD MATTERS**
> If NPS's answer is "yes," the public and the Commission deserve to know that before the state vote — not after a Federal Register notice has already converted the waters and foreclosed further public process. The purpose of these safeguards is not to prejudge the petition. It is to make sure the Commission votes on a complete record.

Sources: 16 U.S.C. §1131–1136 (Wilderness Act); P.L. 94-544 and P.L. 94-567 (Oct. 20, 1976); 64 Fed. Reg. 62790 (Nov. 18, 1999); 77 Fed. Reg. 71826 (Dec. 4, 2012); NPS Director's Order #41; NPS Point Reyes Administrative History Update (2001–2022); Point Reyes National Seashore letter to CDFW/FGC, Nov. 14, 2022 (as cited in EAC April 6, 2023 comments to FGC); EAC, "Duxbury Reef Petition," eacmarin.org/duxburypetition; EAC, "Wilderness," eacmarin.org/wilderness; EAC, "Ranch Management Plan," eacmarin.org/rcmp; EAC, "Duxbury Petition Fact Sheet and Update" PDF (2025/2026); EAC Comments re. Petition 2023-32, Nov. 26, 2025; EAC Comments re. Agenda Item 3D: Duxbury Reef Petition 2023-32MPA, Apr. 12, 2026; CDFW Duxbury Reef SMCA regulations, 14 C.C.R. §632. Prepared for community use — verify against primary documents before public distribution.

Duxbury Reef — Source Dossier

Primary-source documents on Point Reyes wilderness designation, the offshore ¼-mile tidelands, and the 10-year MPA review.

HOW TO USE THIS PACKET

This packet gathers the five primary sources that support the two fact sheets. A short cover page precedes each source document. Use the tab letter (A–E) to locate a source; use the URL to verify the original.

CONTENTS

A pp. 4–6 **California Statutes of 1965, Chapter 983**
1965 Cal. Stat. 2604–2605. Conveys tide and submerged lands to the U.S.; reserves State mineral rights (§2) and the public right to fish (§3); reverts if U.S. ceases public purpose (§4).
https://www.slc.ca.gov/granted-public-trust-lands/grantees/point-reyes-national-seashore/

B pp. 7–12 **H.R. 8002 legislative record — Point Reyes Wilderness Designation (1976)**
Pub. L. 94-544, 90 Stat. 2515 (Oct. 20, 1976). Includes the Interior Report of Sept. 8, 1976 stating that the State's reserved fishing rights are "inconsistent with wilderness" — the reason the ¼-mile tidelands are potential wilderness.
https://www.fordlibrarymuseum.gov/sites/default/files/pdf_documents/library/document/0055/1669683.pdf

C pp. 13–14 **Federal Register Notice, Nov. 18, 1999**
64 Fed. Reg. 63057. Converts 1,752 acres (Muddy Hollow / Abbotts Lagoon / Limantour) from potential wilderness to designated wilderness under Sec. 3 of Pub. L. 94-567.
https://www.federalregister.gov/documents/1999/11/18/99-29779/notice-of-designation-of-potential-wilderness-as-wilderness-point-reyes-national-seashore

D pp. 15–17 **Federal Register Notice, Dec. 4, 2012**
77 Fed. Reg. 71826. Converts 1,363 acres of Drakes Estero from potential wilderness to designated wilderness after commercial shellfish authorizations expired.
https://www.federalregister.gov/documents/2012/12/04/2012-29381/designation-of-potential-wilderness-as-wilderness-point-reyes-national-seashore

E pp. 18–22 **NPS letter on Marin MPAs and 10-Year Review, Nov. 14, 2022**
Anne Altman, Acting Supt., Point Reyes NS, to CDFW and CFGC (ref. L7617). NPS recommendation for Duxbury Reef SMCA: "Continue as SMCA or Convert to SMR." NPS did not recommend the northern expansion sought by Petition 2023-32MPA.
https://www.nps.gov/pore/

Fact Sheet 1 — Potential Wilderness

Each factual claim in Fact Sheet 1 paired with the source in the packet that supports it.

---

1. In 1965, California conveyed its tide and submerged lands within Point Reyes National Seashore to the United States, reserving mineral rights to the State and the public right to fish, with reversion if the United States ceases the public purpose.

Source(s): *Tab A (Chapter 983, §§1–5). Cal. Pub. Res. Code § 6009; California State Lands Commission grant record.*

2. The State's reservation of fishing and mineral rights under Chapter 983 is why the offshore ¼-mile tidelands were placed in potential wilderness, not wilderness, in 1976.

Source(s): *Tab B (Interior Report of Sept. 8, 1976 in H.R. Rep. No. 94-1680; Ford White House memo of Oct. 13, 1976).*

3. Public Law 94-544 (Oct. 20, 1976) designated 25,370 acres as wilderness and classified an additional 8,003 acres as potential wilderness additions.

Source(s): *Tab B (H.R. 8002 as enacted). 16 U.S.C. § 1132 note; Wilderness Act at 16 U.S.C. §§ 1131–1136.*

4. Potential wilderness is a defined statutory category. Section 3 of Pub. L. 94-567 converts it to designated wilderness once Wilderness Act–prohibited uses cease and the conversion is published in the Federal Register.

Source(s): *Tab C (64 Fed. Reg. 63057, Nov. 18, 1999) and Tab D (77 Fed. Reg. 71826, Dec. 4, 2012).*

5. That mechanism has been used twice: 1,752 acres in 1999 (Muddy Hollow, Abbotts Lagoon, Limantour) and 1,363 acres in 2012 (Drakes Estero). Total designated wilderness at the Seashore is 27,315 acres; approximately 5,415 acres remain potential.

Source(s): *Tab C and Tab D.*

6. The offshore ¼-mile tidelands remain in potential wilderness so long as the State's reserved rights under Chapter 983 — including the public right to fish — remain in force.

Source(s): *Tab A (§§2–3); Tab B (Interior Report, Sept. 8, 1976); Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073 (9th Cir. 2014).*

7. California retains an affirmative public trust duty over the reserved fishing interest, including for ecological, recreational, and scientific uses. Navigation is an independent public trust use over navigable waters; the Chapter 983 reservations themselves are enumerated as two — fishing and mineral — not including navigation.

Source(s): *Cal. Pub. Res. Code § 6009; Marks v. Whitney, 6 Cal. 3d 251 (1971); National Audubon Society v. Superior Court, 33 Cal. 3d 419 (1983); Illinois Central R.R. v. Illinois, 146 U.S. 387 (1892). On the two Chapter 983 reservations, see DOI Solicitor Memo, Feb. 26, 2004, pp. 1–2 (https://peer.org/wp-content/uploads/attachments/09_07_05_doi_solicitor_opinion_pt_reyes.pdf); California grant terms also reserve "the right to convenient access to those waters for that purpose" (https://www.slc.ca.gov/granted_lands/).*

Fact Sheet 2 — MPA Vote Trigger Risk

Each factual claim in Fact Sheet 2 paired with the source in the packet that supports it.

---

1. Duxbury Reef SMCA was established through the 2008–2009 Marin Protected Area stakeholder process and is currently in the state's 10-year MPA review.

Source(s): *Tab E (NPS letter, Nov. 14, 2022, ref. L7617).*

2. NPS's written recommendation to CDFW and the Fish and Game Commission for Duxbury Reef SMCA is: “Continue as SMCA or Convert to SMR.” NPS did not recommend the northern expansion sought by Petition 2023-32MPA.

Source(s): *Tab E (NPS letter, Table 2).*

3. The offshore ¼-mile tidelands adjoining and overlapping Duxbury Reef SMCA are congressionally designated potential wilderness — a status Congress adopted specifically because the State reserved fishing rights in Chapter 983.

Source(s): *Tab E (NPS letter, p. 1); Tab B (Interior Report, Sept. 8, 1976); Tab A (Chapter 983, §3).*

4. Petition 2023-32MPA has not, as of this drafting, been accompanied on the public record by a complete evidentiary record, an authoritative written agency analysis of the proposed northern expansion, or a final mapped proposal.

Source(s): *Material omission from the record. Verifiable via the Fish and Game Commission public docket for Petition 2023-32MPA and the CDFW petition file.*

5. Before the Commission accepts or advances a petition that would restrict or expand an existing MPA, the 10-year review protocol calls for a complete evidentiary record and written agency analysis on which the Commission can vote.

Source(s): *California Fish and Game Commission MPA decisional-support process for the 10-year review; cross-referenced by NPS at Tab E.*

6. Any restriction proposed on the offshore ¼-mile tidelands must be evaluated against the State's continuing public trust duty over the reserved fishing interest under Chapter 983 and against the independent public trust interest in navigation over navigable waters, on which boat-based access to the reserved fishery in this area depends.

Source(s): *Tab A (§§2–3); Cal. Pub. Res. Code § 6009; Marks v. Whitney, 6 Cal. 3d 251 (1971); National Audubon Society v. Superior Court, 33 Cal. 3d 419 (1983). California grant terms reserve “the right to convenient access to those waters for that purpose” (https://www.slc.ca.gov/granted_lands/).*

7. EAC has publicly identified itself since 1971 as a supporter of wilderness designation at Point Reyes, and NPS's official administrative history credits EAC with a leadership role in the 1970s coalition that pressed for a larger wilderness designation. Petition 2023-32MPA does not, on the public record, address how additional MPA restrictions on the offshore ¼-mile tidelands would interact with the potential-wilderness status Congress adopted for those tidelands in 1976 or with the State's reserved public right to fish under Chapter 983.

Source(s): *EAC, Wilderness (https://www.eacmarin.org/wilderness); EAC, History & Victories (https://www.eacmarin.org/eac-history); Livingston, D., Point Reyes National Seashore Administrative History, pp. 167, 169 (https://www.govinfo.gov/content/pkg/GOVPUB-I29-PURL-gpo83873/pdf/GOVPUB-I29-PURL-gpo83873.pdf); Fish and Game Commission public docket for Petition 2023-32MPA.*

California Statutes of 1965, Chapter 983 (Stats. 1965, ch. 983)

In 1965, California enacted Chapter 983, conveying to the United States the State's interest in tide and submerged lands and other lands beneath navigable waters within the authorized boundaries of Point Reyes National Seashore, while reserving mineral rights to the State and fishing rights to the public.

CHAPTER 983

An act to convey certain tide and submerged lands to the United States in furtherance of the Point Reyes National Seashore.

[Approved by Governor July 9, 1965. Filed with Secretary of State July 9, 1965.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the United States, subject to the limitations which are described in Section 2 of this act, all of the right, title, and interest of the State of California, held by the state by virtue of its sovereignty in and to all of the tide and submerged lands or other lands beneath navigable waters situated within the boundaries of the Point Reyes National Seashore which the Secretary of the Interior is authorized to establish by authority of Public Law 87–657, 76 Stat. 538, and as such boundaries exist on the effective date of this act.

SEC. 2. There is hereby excepted and reserved to the State all deposits of minerals, including oil and gas, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands; provided, that no well or drilling operations of any kind shall be conducted upon the surface of such lands.

SEC. 3. There is hereby reserved to the people of the state the right to fish in the waters underlying the lands described in Section 1.

SEC. 4. If the United States ceases to use the lands for public purposes, all right, title and interest of the United States in and to such lands shall cease and the lands shall revert and rest in the state.

SEC. 5. The United States shall survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Marin County.

H.R. 8002 — Point Reyes National Seashore Wilderness Designation, California - 1976

In 1976, Congress enacted H.R. 8002, later Public Law 94-544, designating 25,370 acres of Point Reyes National Seashore as the Point Reyes Wilderness and classifying an additional 8,003 acres as potential wilderness additions.

Digitized from Box 65 of the White House Records Office Legislation Case Files at the Gerald R. Ford Presidential Library

APPROVED
OCT 18 1976
Statement issued
10/19/76

10/18/76

THE WHITE HOUSE

WASHINGTON

October 13, 1976

ACTION

Last Day: October 18

Routed 10/19/76

archives 10/19/76

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

SUBJECT: H.R. 8002 - Point Reyes National Seashore Wilderness Designation, California

Attached for your consideration is H.R. 8002, sponsored by Representative Burton and nine others.

The enrolled bill would designate the Point Reyes Wilderness comprising 25,370 acres within the Point Reyes National Seashore in California. An additional 8,003 acres would be classified as potential wilderness additions. The bill would also designate the principal environmental education center within the seashore as the "Clem Miller Environmental Education Center" in recognition of the contribution of the late congressman in originally establishing the Point Reyes National Seashore.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 8002 at Tab B.

GERALD R. FORD LIBRARY

be undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions.

H.R. 8002 would designate the Point Reyes Wilderness comprising 25,370 acres within the Point Reyes National Seashore in California. An additional 8,003 acres would be classified as potential wilderness additions. The enrolled bill would also designate the principal environmental education center within the seashore as the "Clem Miller Environmental Education Center" in recognition of the contribution of the late congressman in originally establishing the Point Reyes National Seashore.

This enrolled bill generally conforms to the Point Reyes Wilderness proposal that was transmitted to Congress under the previous Administration. In enacting H.R. 8002, the Congress added several small tracts to Interior's version of the wilderness area as well as substantially expanding the potential wilderness additions component by including four areas that Interior had opposed. While Interior's version would have been preferable, the additions contained in the enrolled bill are not so objectionable as to warrant our recommending its veto.

In its haste to adjourn, the Congress enacted essentially identical Point Reyes Wilderness provisions in a separate omnibus National Park System wilderness bill, H.R. 13160. The omnibus bill would designate thirteen separate National Park Service areas as wilderness, including the same Point Reyes areas as provided for under H.R. 8002. The omnibus bill will be sent to you shortly for action, with a recommendation of approval from this Office and the agencies.

This double enactment appears to represent nothing more than legislative inadvertence on the part of the Congress. We see no problem in your approving both bills. Accordingly, we recommend approval of H.R. 8002.

James T. Lynn
Director

Enclosures

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 8 - 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on H.R. 8002, "To designate certain lands in the Point Reyes National Seashore, California, as wilderness, amending the Act of September 13, 1962 (78 Stat. 538), as amended (16 U.S.C. 459c - 6a), and for other purposes."

Although we have no objection to the President approving the enrolled bill, it should be noted that the substance of this bill is identical to a provision on Point Reyes National Seashore in H.R. 13160 which we have recommended that the President approve.

H.R. 8002 provides for the designation of 25,370 acres of the Point Reyes National Seashore, in California, as wilderness, and 8,003 acres as potential wilderness additions.

This Department and the Administration had recommended that the Congress designate 24,730 acres of the Seashore as wilderness and 770 acres as potential wilderness. Basically, H.R. 8002 includes 4 areas in potential wilderness which we did not recommend: (1) the tideland area extending 1/4 mile offshore; (2) Drakes Estero; (3) certain portions of the Seashore's former "pastoral zone"; and (4) the Muddy Hollow Corridor.

Although we did not recommend that these areas be included in potential wilderness because it is anticipated that the outstanding private rights which exist in these areas may not be acquired in the very near future, we have no objection to the Congress including these areas in potential wilderness with the understanding that many of the outstanding private rights in these areas may be very difficult if not impossible to acquire.

Sincerely yours,

Acting Secretary of the Interior

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C.

where appropriate, any reference to the Secretary of Agriculture, shall be deemed to be a reference to the Secretary of the Interior.

SEC. 4. (a) Amend the Act of September 13, 1962 (76 Stat. 538), as amended (16 U.S.C. 459c–6a), as follows:

In section 6(a) insert immediately after the words "shall be administered by the Secretary" the words "without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration and preservation of the natural environment within the area,".

(b) Add the following new section 7 and redesignate the existing section 7 as section 8:

SEC. 7. The Secretary shall designate the principal environmental education center within the Seashore as "The Clem Miller Environmental Education Center," in commemoration of the vision and leadership which the late Representative Clem Miller gave to the creation and protection of Point Reyes National Seashore.

Amend the title so as to read:

To designate certain lands in the Point Reyes National Seashore, California, as wilderness, amending the Act of September 13, 1962 (76 Stat. 538), as amended (16 U.S.C. 459c-6a), and for other purposes.

PURPOSE

H.R. 8802,[1] as amended by the Committee on Interior and Insular Affairs, provides for the designation of certain lands as wilderness at Point Reyes National Seashore, Calif., clarifies the basic management objectives for the area, and directs the specific naming of an environmental education center at the Seashore.

BACKGROUND AND NEED FOR LEGISLATION

Point Reyes National Seashore was authorized by Act of Congress in 1962 to preserve a portion of the rapidly diminishing undeveloped coastal shoreline of the United States. Located along the Pacific Ocean coast north of San Francisco, Point Reyes National Seashore extends some distance up the coastline and inland, embracing fine beaches, estuarine areas, coastal grasslands, brush covered headlands and steep forested slopes. The area's pastoral appearance constitutes a major contrast to the developed landscape of the San Francisco bay region.

In conformance with the Wilderness Act of 1964, Point Reyes National Seashore, among other areas, was studied by the National Park Service to determine the suitability of designating any of its lands as wilderness. In late 1973 the report of this study was transmitted to the Congress with recommendations for wilderness designation for parts of the Seashore. Action by the Congress to statutorily

[1] H.R. 8002 was introduced by Representative John Burton and cosponsored by Representatives Miller of California, Risenhoover, Leggett, Edwards of California, Van Deerlin, Rees, McCloskey, Anderson of California, and Stark. Similar bills before the Committee related to the same subject matter were: H.R. 8003 by Representative John Burton and cosponsored by Representatives Haley, Taylor of North Carolina, Johnson of California, Udall, Phillip Burton, Kastenmeier, Mrs. Mink, Meeds, Kazen, Vigorito, Melcher, Roncalio, Bingham, Selberling, Runnels, Won Pat, de Lugo, Eckhardt, Byron, Benitez, Howe, Weaver, Carr, and Don H. Clausen; H.R. 7198 by Representative Sebelius; and H.R. 5822 by Representative Selberling.

designate some of these lands as wilderness will have the effect of ensuring a higher level of protection and preservation for these lands by reserving them for all time from development or the direct influence of man's technology and civilization.

LEGISLATIVE HISTORY

In September 1976, the Subcommittee on National Parks and Recreation conducted hearings on several bills whose principal purpose was to provide for the designation of certain lands as wilderness within the Point Reyes National Seashore. Later that month further action was taken by the Subcommittee and the Full Committee, and the bill was reported for the consideration of the House.

SECTION-BY-SECTION ANAYLSIS

Section 1 provides for the designation of 25,370 acres of the Seashore as wilderness, and 8,003 acres as potential wilderness addition, all of which are depicted on a specifically referenced map. The lands so designated are to be known as the Point Reyes Wilderness and are to be administered under the applicable provisions of the Wilderness Act.

The committee concurred with the proposal to include several isolated and rather narrow lengths of beachfront along the coastline within wilderness in order to assure the continued preservation and use of those areas in their current primitive condition. It is thereby understood that administrative access and travel within those areas is to be under such conditions as to be in conformance with the full retention of wilderness values, and that any variance with that would be strictly for emergency purposes only. In like manner, vehicle use could be made as required of previously existing fire trails in time of emergency only, such as for suppression of fire to prevent its spread beyond the boundaries of the seashore.

As is well established, it is the intention that those lands and waters designated as potential wilderness additions will be essentially managed as wilderness, to the extent possible, with efforts to steadily continue to remove all obstacles to the eventual conversion of these lands and waters to wilderness status. The committee specifically noted that the utility lines, easements and rights-of-way through the Muddy Hollow Corridor should be eliminated as promptly as possible.

Section 2 is standard language providing for the filing of a final map and boundary description with the Committees on Interior and Insular Affairs of the Congress.

Section 3 is standard language which provides that this wilderness is to be administered in accordance with the appropriate and applicable provisions of the Wilderness Act.

Section 4 amends the enabling act authorizing the Point Reyes National Seashore as follows:

Subsection (a) inserts additional phrasing in section 6(a) which underscores the intention that the Seashore is to be managed for the protection of its natural environment and values. The bill was amended to delete language which would have required by law that

the area be managed under the policies for the "natural" area management category, as administratively defined by the National Park Service, and thereby remove the area from the "recreational" area management category under which it is currently placed by the Service. The committee's action thus has the effect of intending this administrative recategorization, without going so far as to recognize or sanction by statute, the existence or propriety of this administrative policy categorization system.

Subsection (b) adds a new section 7 which requires the Secretary to designate the principal environmental education center within the Seashore as the "Clem Miller Environmental Education Center", to commemorate the vision and leadership of the late congressman in the establishment of the Point Reyes National Seashore. The committee felt this would be a most suitable approach for recognizing the contributions of this individual, and would be consistent with both the committee's and the National Park Service's policies with regard to the application of names of persons to and within units of the National Park System.

Cost

There is no cost entailed with this legislation.

Budget Act Compliance

There are no budgetary implications associated with this legislation.

Inflationary Impact

There is no inflationary impact associated with this legislation.

Oversight Statement

There were no activities or discussions relating to oversight matters relating to this legislation. No recommendations were submitted to the committee pursuant to rule X, clause 2(b)(2).

Committee Amendments

The committee adopted amendments relating to (1) the acreage to be designated as wilderness and potential wilderness addition, (2) the general direction of management for the Seashore, and (3) the dedication of an environmental education center within the Seashore.

Committee Recommendations

On September 16, 1976, the Committee on Interior and Insular Affairs, meeting in open session, reported H.R. 8002, by voice vote, and recommends that the bill as amended be enacted.

Departmental Report

The report of the Department of the Interior is here printed in full as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., September 8, 1976.

Hon. James A. Haley,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

Dear Mr. Chairman: This responds to the request of your committee for the views of this Department on H.R. 7198, a bill "To designate certain lands in the Point Reyes National Seashore, California, as wilderness; to designate Point Reyes National Seashore as a natural area of the National Park System, and for other purposes," and similar bills H.R. 8002 and H.R. 8003.

We recommend the enactment of H.R. 7198, if amended as described herein.

H.R. 7198 would designate approximately 10,600 acres of the Point Reyes National Seashore as wilderness and 20 acres of the Seashore as a potential wilderness addition. H.R. 7198 is consistent with the President's earlier wilderness proposal in the 93rd Congress on Point Reyes.

On March 2, 1976, this Department testified before the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs recommending that the Administration's proposal be expanded to designate 25,480 acres as wilderness and 20 acres as a potential wilderness addition. At the March hearings, this Department concurred in the view that the Limantour Estero of about 550 acres and Abotts Lagoon of about 200 acres should be designated as potential wilderness additions instead of wilderness, because both are subject to mineral and fishing rights owned by the State of California. With this modification, the Administration proposal consists of 24,730 acres for immediate wilderness designation and potential wilderness additions of 770 acres (Limantour Estero, Abotts Lagoon and the 20 acre private parcel). We recommend that H.R. 7198 be amended to effect this modification and that it be enacted.

H.R. 8002 and the companion bill, H.R. 8003, would (1) designate approximately 38,700 acres as wilderness within Point Reyes National Seashore, (2) designate that wilderness, consisting of three units, as the Point Reyes Miwok Wilderness, the Point Reyes Esteros Wilderness, and the Point Reyes Clem Miller Wilderness, and (3) amend subsection 6(a) of the Point Reyes Act of September 13, 1962 (76 Stat. 541; 16 U.S.C. 459–c6(a)), as amended, to provide for administration of the national seashore "as a natural area of the National Park System. . . ." The reference to subsection 6(a) appears to be a technical error; we believe it should be 7(a).

H.R. 8002 and H.R. 8003 would designate as wilderness approximately 38,700 acres, or approximately 13,200 acres more than the Administration's proposal. We do not recommend the inclusion of this additional acreage (which includes the following major components) for wilderness designation for the following reasons:

(1) Tidelands extending ¼ mile offshore. The State of California retains mineral and fishing rights over the submerged lands. The reservation of such rights is inconsistent with wilderness.

Federal Register Notice (Nov. 18, 1999): Designation of Muddy Hollow, Abotts Lagoon Potential Wilderness as Wilderness at Point Reyes National Seashore

In 1999, the National Park Service published notice that 1,752 acres of potential wilderness additions in the Muddy Hollow, Abbotts Lagoon, and Limantour areas had become designated wilderness after all uses prohibited by the Wilderness Act had ceased. The action increased the Phillip Burton Wilderness at Point Reyes National Seashore to 27,122 acres, with approximately 6,251 acres remaining as potential wilderness additions.

Dated: November 9, 1999.
John J. Reynolds,
Regional Director, Pacific West Region.
[FR Doc. 99–30112 Filed 11–17–99; 8:45 am]
BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Designation of Potential Wilderness as Wilderness, Point Reyes National Seashore

AGENCY: National Park Service, Interior
ACTION: Notice.

Public Law 94–567, approved October 20, 1976, designated 25,370 acres in Point Reyes National Seashore as Wilderness, and further identified 8,003 acres as potential wilderness additions in maps entitled ''Wilderness Plan, Point Reyes National Seashore'', numbered 612–90,000–B and dated September 1976. These maps showing the wilderness area and potential wilderness additions are on file at the headquarters of Point Reyes National Seashore, Point Reyes Station, California, 94956.

Section 3 of Public Law 94–567 provided a process whereby potential wilderness additions within the Point Reyes National Seashore would convert to designated wilderness upon publication in the Federal Register of a notice that all uses of the land, prohibited by the Wilderness Act (Pub. L. 88–577), have ceased.

The National Park Service has determined that all Wilderness Act prohibited activities on the following described designated potential wilderness additions have ceased. The lands are located in the Muddy Hollow, Abbotts Lagoon, and Limantour Area and are described on map 612–60, 189. Such lands are entirely in Federal ownership. Because such lands now fully comply with congressional direction in Section 3 of Public Law 94–567, this notice hereby effects the change in status of the lands in these areas to designated wilderness, totaling 1,752 acres, more or less. The map showing this change is on file at the headquarters of Point Reyes National Seashore, Point Reyes Station, California, 94956.

This notice hereby changes the total wilderness acreage within Point Reyes National Seashore to 27,122 acres. The potential wilderness additions remaining consist of 6,251 more or less. The remaining potential wilderness areas will remain as such until all uses conflicting with the provisions of the Wilderness Act have ceased.

Note that Congress in Public Law 99–68, approved on July, 1985, designated that the wilderness area of Point Reyes National Seashore, to be known as the ''Phillip Burton Wilderness.''

Dated: October 29, 1999.
Robert Stanton,
Director, National Park Service.
[FR Doc. 99–29779 Filed 11–17–99; 8:45 am]
BILLING CODE 4310–70–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

November 9, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ETA, PWBA, and OASAM contact Karin Kurz ({202} 219–5096 ext. 159 or by E-mail to Kurz-Karin@dol. gov). To obtain documentation for ESA, MSHA, OHSA, and VETS contact Darrin King ({202} 219–5096 ext. 151 or by E-Mail to King-Darrin@dol. gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395–7316), within 30 days from the date of this publication in the Federal Register.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Occupational Safety and Health Administration (OSHA).

Title: Shipyard Certification Records (29 CFR 1915.113(b)(1) and 1915.172(d)).

OMB Number: 1281–0220.

Frequency: On occasion; Quarterly; Annually.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal Government; State, Local or Tribal Government.

Number of Respondents: 900.

Estimated Time Per Respondent: 3 to 20 minutes.

Total Burden Hours: 4461.

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: The Standard for shackles and hooks (29 CFR 1915.113(b)(1)) requires that all hooks for which no applicable manufacturer's recommendations are available shall be tested to twice their intended safe work load before they are initially put into use, and that the employer shall maintain a certification record. The standard for portable air receivers (29 CFR 1915.172(d)) requires that portable, unfired pressure vessels, not built to the code requirements of 1915.172(a), shall be examined quarterly by a competent person and that they be subjected yearly to a hydrostatic pressure test of one and one-half times the working pressure of the vessels. A certification record of these examinations and tests shall be maintained.

The information collection requirements contained in 29 CFR 1915.113(b)(1) and 29 CFR 1915.172(d) (shipyard certification records) ensures that employees properly inform employees about the condition of shackles and hooks, and portable air receivers and other unfired pressure vessels, in shipyards. The information collection requirements also verify that employers are in compliance with the standard. OSHA compliance officers may require employers to disclose the required certification records at the time of an inspection.

Ira L. Mills,
Departmental Clearance Officer.
[FR Doc. 99–30120 Filed 11–17–99; 8:45 am]
BILLING CODE 4510–26–M

Federal Register Notice (Dec. 4, 2012): Designation of Drakes Estero Potential Wilderness as Wilderness, Point Reyes National Seashore

In 2012, the National Park Service converted 1,363 acres of Drakes Estero from potential wilderness to designated wilderness after the commercial shellfish operation's authorizations expired and Wilderness Act–prohibited uses had ceased. The action added Drakes Estero to the Phillip Burton Wilderness, bringing designated wilderness at Point Reyes National Seashore to 27,315 acres; approximately 5,415 acres remained potential wilderness.

[Federal Register Volume 77, Number 233 (Tuesday, December 4, 2012)]
[Notices]
[Pages 71826-71827]
From the Federal Register Online via the Government Publishing Office [www.gpo.gov]
[FR Doc No: 2012-29381]

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-PWR-PWRO-11822; PPWODIRED0]

Designation of Potential Wilderness as Wilderness, Point Reyes National Seashore

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: This notice informs the public that all uses in Point Reyes National Seashore that are prohibited by the Wilderness Act (Pub. L. 88-577) have ceased and certain Federal lands that were previously designated as potential wilderness are, upon publication of this notice, designated as wilderness.

DATES: The designation is effective December 4, 2012.

SUPPLEMENTARY INFORMATION: Public Law 94-567, approved October 20, 1976, designated 25,370 acres in Point Reyes National Seashore as wilderness and further identified 8,003 acres as potential wilderness additions in maps entitled ``Wilderness Plan, Point Reyes National Seashore'', numbered 612-90,000-B and dated September 1976. The maps showing the wilderness area and potential wilderness additions are on file at the headquarters of Point Reyes National Seashore, Point Reyes Station, CA 94956. Although Section 1 of Public Law 94-567 identified the number of acres of wilderness and potential wilderness, the maps filed with the committee as required under Section 2 of the legislation confirms that the actual acreage of the lands and waters was 24,200 acres of wilderness and 8,530 acres of potential wilderness.

Section 3 of Public Law 94-567 provided a process whereby potential wilderness additions within the Point Reyes National Seashore would convert to designated wilderness upon publication in the Federal Register of a notice that all uses of the land prohibited by the Wilderness Act (Pub. L. 88-577) have ceased. On November 18, 1999, a notice was published in the Federal Register that 1,752 acres of potential wilderness had converted to designated wilderness as a result of the cessation of prohibited uses. 64 FR 63057.

Public Law 94-567 identified much of Drakes Estero as potential wilderness, and not as designated wilderness, due to the presence of a commercial shellfish operation in the estero. The authorizations for the commercial shellfish business operating in Drakes Estero expire on November 30, 2012.

[[Page 71827]]

Accordingly, all uses prohibited under the Wilderness Act within Drakes Estero have ceased as of 11:59 p.m. on November 30, 2012. Drakes Estero is entirely in federal ownership. Pursuant to Section 3 of Public Law

94-567, publication of this notice hereby effects the change in status of 1,363 acres of Drakes Estero, more or less, from potential wilderness to designated wilderness. A map showing this change is on file at the headquarters of Point Reyes National Seashore, Point Reyes Station, CA 94956.

With publication of this notice, the total designated wilderness within Point Reyes National Seashore encompasses 27,315 acres, more or less. The potential wilderness remaining within the national seashore consists of 5,415 acres, more or less. The remaining potential wilderness will remain as such until publication of a notice that uses conflicting with the provisions of the Wilderness Act have ceased.

Note that the total wilderness acreage cited in the November 18, 1999, notice was based on the acreage reported in Section 1 of Public Law 94-567. The total wilderness acreage cited in this notice is based on the maps filed with the committee under Section 2 of Public Law 94-567 and the May 1978 survey of the Point Reyes Wilderness. The National Park Service believes that the acreage calculation based on the maps and survey is more accurate than the acreage reported in Section 1 of the Act.

Note further that in Public Law 99-68, approved on July 1985, Congress designated that the wilderness area of Point Reyes National Seashore was to be known as the ``Phillip Burton Wilderness.'' Drakes Estero is hereby added to the Phillip Burton Wilderness.

Dated: November 30, 2012.

Jonathan B. Jarvis,

Director, National Park Service.

[FR Doc. 2012-29381 Filed 12-3-12; 8:45 am]

BILLING CODE 4312-FF-P

National Park Service Letter on Marin Marine Protected Areas and 10-Year Review Recommendations, 2022

In this November 14, 2022 letter, Acting Superintendent Anne Altman correctly identifies most of Point Reyes National Seashore's outer coast, extending one-quarter mile offshore, as congressionally designated potential wilderness. However, the letter incorrectly states that this status restricts commercial fishing and motorized boats; if those Wilderness Act–prohibited uses had in fact ceased, Public Law 94-567's conversion mechanism would require the area to be designated wilderness rather than remain potential wilderness.

United States Department of the Interior

NATIONAL PARK SERVICE
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956
Department of the Interior Region 10

IN REPLY REFER TO:

L7617

November 14, 2022

Craig Shuman, Marine Region Manager, CDFW

Samantha Murray, President, California Fish and Game Commission

Dear Mr. Shuman and President Murray:

The National Park Service (NPS) strongly supports the continued science-based and stakeholder driven designation and management of the most significant biodiversity focused Marin Protected Area (MPA) network in the United States. We anticipate the 10-year review will strengthen and reinforce the unparalleled benefits to protecting California's unique ecologically and economically important and irreplaceable marine biodiversity.

The NPS participated in the 2008 – 2009 stakeholder working groups recommending proposed Network of MPAs for the North-Central Coast. Since that time, NPS continues to support and conduct protection, education, monitoring, and research in the four State MPAs that overlap with the boundaries of Point Reyes National Seashore: Estero de Limantour State SMR, Drakes Estero SMCA, the Point Reyes SMR, and Duxbury Reef SMCA. Similarly, we also protect and monitor seabird and marine mammal populations in the three special closures within park boundaries: Point Reyes Headlands, Point Resistance Rock, and Double Point/Stormy Stack. We are proud to help protect and monitor these MPAs that both stakeholder subgroups overwhelmingly concurred on the Commission enacted MPA designations along the Marin County coastline.

The biodiversity protections established by these seven MPAs within the boundaries of Point Reyes National Seashore are key components in the NPS mission to *"…preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations."* Importantly, the majority of Point Reyes National Seashore's outer coast out to ¼ mile from shore is Congressionally designated as Potential Wilderness, which restricts commercial activities (including commercial fishing) and motorized equipment (including motorboats). These federal marine wilderness areas overlap partially or entirely with all seven State MPAs in Marin County.

Our continued support and engagement with the State MPA designations is summarized below where NPS, in collaboration with many partners, conducts ecological restoration, ecological monitoring, human use monitoring, research, protection, and education.

Table 1: Summary of National Park Service programs and projects in the seven State MPAs that overlap with NPS waters at Point Reyes National Seashore.

State MPA	Ecological Restoration	Ecological Monitoring	Human Use Monitoring	Research	Education	Protection
Drakes Estero SMCA	X	X	X	X	X	X
Estero de Limantour SMR				X	X	X
Point Reyes SMR	X	X	X	X	X	X
Duxbury Reef SMCA		X	X	X	X	X
Point Reyes Headlands Special Closure		X	X	X	X	X
Point Resistance Rock Special Closure		X	X		X	X
Double Point/Stormy Stack Special Closure		X	X	X	X	X

Recent and ongoing NPS investments in these State MPAs include:

- $4m restoration of the Drakes Estero SMCA in 2016-2017 removing 3.6m lbs. of aquaculture debris and continued annual monitoring of eelgrass restoration.
- Annual harbor seal and/or elephant seal monitoring in all the MPAs (except Estero de Limantour).
- NPS Visitor and Resource Protection patrol and response at all MPA sites, including vessel response and coordination with Marin County Sheriff and CDFW game wardens.
- NPS rocky intertidal monitoring at the Duxbury Reef SMCA as well as additional reference sites throughout the park
- NPS and Partner Rocky Intertidal habitat mapping for oil spill response and climate change tracking.
- Ashy Storm-Petrel Monitoring at the Double Point/Stormy Stack Special Closure
- Logistical support for USFWS Seabird Monitoring at five of the seven MPAs.
- $250,000 in funding to match OPC funded ROV fish and invertebrate surveys at the Point Reyes Headlands SMR (via UCSD).
- Funding to supplement and support seafloor habitat mapping between Tomales Point and Duxbury Reef to support the MPA stakeholder working groups and science teams (via Moss Landing Marine Lab).
- Funding supporting UC Davis research developing MPA larval dispersal models (Botsford Lab) in the Point Reyes region used by the MPA Science advisory Team.
- Endangered Black Abalone Restoration research (with UCSC) at the Point Reyes SMR and Point Reyes Headlands Special Closure.
- Hosting regular joint law enforcement trainings on MPA law, science, policy, and emerging issues.
- Co-development and support for of an MPA Watch program for Marin County that covers all the MPAs.

- Advising on an MPA-intertidal docent program at Duxbury Reef SMCA.
- MPA science, policy, and protection education at NPS visitor centers, interpretive programs and media.

NPS scientists, interpreters, law enforcement and partners regularly work and perform outreach, research and monitoring in these seven State MPAs. Based on our intimate long-term understanding of these areas and to continue support for the NPS Mission and Federal wilderness policies, we respectfully submit our MPA designation recommendations in Table 2 as CDFW and the Commission undergoes the 10-Year MPA review.

Table 2: National Park Service's State MPA recommendations for MPA 10-year review.

State MPA	NPS Recommendation	Rationale
Drakes Estero SMCA	Convert from SMCA to SMR	2010 designation as SMCA relied on presence of commercial aquaculture operation. DOI authorization of commercial aquaculture ended in 2012, and operations ceased in 2014. Area is now Congressionally Designated Wilderness, $4m estuary restoration completed in 2017. Recreational take of shellfish appears to be very rare, requires long kayak trips in wilderness area with no cell service and limited emergency response. Increased protections for eelgrass, estuarine biodiversity, and marine wilderness. If converted to an SMR, join with Estero de Limantour into a single SMR for naming and outreach purposes.
Estero de Limantour SMR	No Change/or merge with proposed Drakes Estero SMR	Protection of eelgrass and estuarine biodiversity.
Point Reyes SMR	No Change	Continued protection of marine biodiversity, including Seabirds, Marine Mammals, Black Abalone
Duxbury Reef SMCA	Continue as SMCA or Convert to SMR	NPS staff observe periodic illegal take of invertebrates after 12 years despite SMCA status. Full SMR status would clarify regulations and ease enforcement/education needs. Premier site for intertidal and ocean education in Marin County. NPS and UCSC long-term intertidal monitoring sites.
Point Reyes Headlands Special Closure	No Change	Protection of Seabirds, Marine Mammals, Black Abalone
Point Resistance Rock Special Closure	No Change	Protection of Seabirds. NPS has concerns about boating and kayaking disturbances. However, these are generally due to the public not following existing regulations.
Double Point/Stormy Stack Special Closure	No Change	Protection of Seabirds, Marine Mammals. NPS has concerns about boating and kayaking disturbances. However, these are generally due to the public not following existing regulations. NPS continues to monitor harbor seals outside the special closure for disturbance events.

Please contact NPS Cooperative Ecosystems Studies Unit Science Advisor Ben Becker at ben_becker@nps.gov if you would like any additional supporting information on NPS MPA support activities or our MPA recommendations.

Sincerely,

Anne Altman
Acting Superintendent

Outlook

Duxbury Reef comment

From Don Smith
Date Mon 09/21/2026 11:27 AM
To FGC <FGC@fgc.ca.gov>

Dear Commissioners,
I have been carefully following the petitions of EAC to expand and reclassify the Duxbury Reef protected area in Bolinas (Marin County) and have weighed the arguments on both sides of the issue from my perspective of having been a champion of environmental protection for sixty years. I am a long-time resident of Bolinas but do not fish, so my stake in this is simply to see the right thing done for both the marine environment and the local stewards of this precious resource. Here is what I have concluded:
* EAC's claims of reef degradation conflict starkly with documentation going back to the 1960s that show no such trend. Their successive last-minute changes to their petition have sowed confusion, violated protocols, and led people to suspect hidden political motives.
* The best way to enhance reef protection is through increased education and supervision of the public, because people will continue to explore the reef no matter what its official designation.
* Expanding or reclassifying the protected area will not meaningfully further protect the reef, while it will unnecessarily and arbitrarily deprive local fishers of making a living or feeding their families.
* It is now recognized worldwide that protection of an environmental resource is most effectively accomplished by engaging the local community in supporting that effort rather than banning them from the area.
* Folks in our local community, including our commercial and sport and sustenance fishers as well as non-fishers, are well aware of this reef's value and of the importance of treating it with care and fishing it sustainably.
* Ratcheting up the present level of reef protection will shift its control from the State of California to the Federal Government, and I have much more faith in our State administering proper protection than I do in today's Federal agencies.
Sincerely,
Don Smith, Bolinas

Outlook

Clarification from Coast Miwok Tribal Council re: PETITION NO. 2023-32MPA, Duxbury Reef

From Sky Road Webb

Date Mon 09/21/2026 04:06 PM

To FGC <FGC@fgc.ca.gov>; Shuman, Craig [redacted] Eckerle, Jenn@CNRA <Jenn.Eckerle@resources.ca.gov>; Steve Sciallo [redacted] John Simons <john@olamentko.org>

Dear Commissioners and Staff:

The Coast Miwok Tribal Council of Marin wishes to clarify that it has NOT voted to endorse, authorize, or take an official position on Fish and Game Commission Petition No. 2023-32MPA concerning Duxbury Reef.

The Council did NOT authorize the use of its name, logo, website, or identity as an indication of support for the petition. The Council respectfully requests that any public materials, presentations, correspondence, or records stating or suggesting that the Coast Miwok Tribal Council of Marin supports the Duxbury Reef petition be corrected to reflect this clarification. This letter is intended to ensure an accurate public record. The Council will communicate any future position, if any, through its own authorized process.

The Council further affirms the importance of protecting Indigenous peoples' continuing relationships with their ancestral lands and waters, including cultural, subsistence, ceremonial, harvesting, fishing, and gathering practices – all of which are guaranteed under US treaties, federal laws and case laws. The Council does not intend for its silence, nonparticipation, or lack of endorsement in this matter to be interpreted as a waiver, relinquishment, or cession of any rights, interests, or responsibilities.

Sincerely,

Sky Road Webb

Councilman / Coast Miwok Tribal Council of Marin
Vice Chairman / Coast Miwok Tribal Community Agency

Coast Miwok Tribal Council of Marin
Coast Miwok Tribal Community Agency
PO Box 815
Nicasio, CA 94946

September 21, 2026

To: California Fish and Game Commission
California Department of Fish and Wildlife
Ocean Protection Council

fgc@fgc.ca.gov
Craig.Shuman
Jenn.Eckerle@resources.ca.gov

Re: CLARIFICATION REGARDING PETITION NO. 2023-32MPA, DUXBURY REEF

Dear Commissioners and Staff:

The Coast Miwok Tribal Council of Marin wishes to clarify that it has NOT voted to endorse, authorize, or take an official position on Fish and Game Commission Petition No. 2023-32MPA concerning Duxbury Reef.

The Council did NOT authorize the use of its name, logo, website, or identity as an indication of support for the petition. The Council respectfully requests that any public materials, presentations, correspondence, or records stating or suggesting that the Coast Miwok Tribal Council of Marin supports the Duxbury Reef petition be corrected to reflect this clarification. This letter is intended to ensure an accurate public record. The Council will communicate any future position, if any, through its own authorized process.

The Council further affirms the importance of protecting Indigenous peoples' continuing relationships with their ancestral lands and waters, including cultural, subsistence, ceremonial, harvesting, fishing, and gathering practices – all of which are guaranteed under US treaties, federal laws and case laws. The Council does not intend for its silence, nonparticipation, or lack of endorsement in this matter to be interpreted as a waiver, relinquishment, or cession of any rights, interests, or responsibilities.

Sincerely,

Sky Road Webb

Councilman / Coast Miwok Tribal Council of Marin
Vice Chairman / Coast Miwok Tribal Community Agency

Outlook

Comment Letter for the October Fish and Game Commission Meeting Regarding MPA Petition 2023-32 Duxbury Reef

From Terence Carroll [redacted]
Date Wed 09/30/2026 01:20 PM
To FGC <FGC@fgc.ca.gov>

Attached is a comment letter from River Otter Ecology Project regarding our support for MPA Petition 2023-32.

Thank you.

Terence Carroll
Co-Founder and Research Director
River Otter Ecology Project
www.riverotterecology.org
"Even the upper end of the river believes in the ocean." –William Stafford

PO Box 103
Forest Knolls, CA 94933



Web: riverotterecology.org
Facebook.com/BayAreaOtters
Instagram: @riverotterecology

September 30, 2026

California Fish and Game Commission
PO Box 944209
Sacramento, CA 94244-2090

Via email to: fgc@fgc.ca.gov

Re: Support for Petition #2023-32MPA -- Duxbury Reef, to be considered at the October Fish and Game Commission Meeting.

Dear Commissioners:

River Otter Ecology Project, based in Marin County, CA, engages the public in supporting conservation and restoration by linking river otter recovery to the health of our watersheds through research, education, community science, and advocacy. River otters, although not a protected species, are sentinel apex predators whose habitat includes all parts of watersheds, including the coast. Their presence and success are important indicators of ecosystem function and environmental health, including the biological productivity and quality of coastal waters.

We strongly support the Environmental Action Committee of West Marin's (EAC) current, clarified request to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area (SMCA). We also urge your Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Duxbury Reef is a single, contiguous rocky intertidal habitat, but the current SMCA boundaries do not encompass its full expanse. As the Ocean Protection Council (OPC) notes in its recommendation[1] to adopt EAC's clarified petition, expanding the SMCA

[1] https://opc.ca.gov/wp-content/uploads/2026/07/OPC-Recommendations-on-MPA-Petitions-July-2026-508.pdf

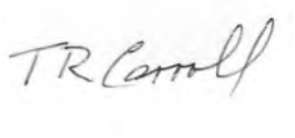
boundaries to the north and south would more than double the protected rocky shoreline area from 3.26 to 6.83 linear miles. OPC notes that such additional protections "…have the potential to increase biomass…in the expansion areas, bolster overall species richness and diversity at Duxbury Reef, and improve ecological connectivity across the full reef ecosystem." Further, the proposed northern expansion area is ecologically connected to the Double Point / Stormy Stack Special Closure Area, which encompasses critical seabird nesting habitat and one of the largest breeding harbor seal colonies in California. The proposed southern expansion area also hosts a harbor seal colony as well as rare reef species. Protecting the entirety of this rare and vulnerable coastal reef habitat is consistent with both the purpose of the MPA network, and California's 30x30 goals.

Finally, we echo EAC's August 7, 2026 comments[2] regarding the petition's potential to advance your Commission's Justice, Equity, Diversity, and Inclusion Policy:

> **"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."

Thank you for considering our comments.

Respectfully,



Terence Carroll
Co-Founder and Research Director
River Otter Ecology Project

[2] https://www.eacmarin.org/s/20260807-EAC-Comments-re-Agenda-Item-7C-Duxbury-Reef-Petition-2023-32MPAdocx-1.pdf

Outlook

RE OCTOBER 16 item number 38. Petition 2023-32MPA

From VENTURA COUNTY COMMERCIAL FISHERMEN'S ASSOCIATION [redacted]
Date Wed 09/30/2026 09:45 AM
To FGC <FGC@fgc.ca.gov>

RE OCTOBER 16 item number 38. Petition 2023-32MPA (Duxbury Reef SMCA) Request to reclassify Duxbury Reef SMCA to an SMR and expand the northern and southern boundaries.

This is a letter VCCFA would like submitted to the record and evaluated prior to the meeting.

Thank you

--
Dave Colker,
Executive Director
Ventura County Commercial Fishermen's Association
[redacted]

Ventura County Commercial Fishermen's Association

Ventura County Commercial Fishermen's Association
1237 S. Victoria Ave #284
Oxnard, CA 93035
[redacted]

September 30, 2026

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

RE: Opposition to Petition 2023-32MPA – Duxbury Reef SMCA

Dear President Sklar and Commissioners:

The Ventura County Commercial Fishermen's Association (VCCFA) previously submitted written opposition to Petition 2023-32MPA, which proposes reclassifying Duxbury Reef State Marine Conservation Area (SMCA) as a State Marine Reserve (SMR) and expanding its northern and southern boundaries.

Following review of the California Department of Fish and Wildlife's technical evaluation, VCCFA continues to oppose reclassification of the existing Duxbury Reef SMCA as a no-take SMR. We also believe any expansion of the northern or southern boundaries should be specifically designed to protect the targeted rocky intertidal habitat **without unnecessarily eliminating existing commercial or recreational fishing access.**

CDFW's evaluation strongly supports this distinction.

Reclassification of Duxbury Reef SMCA to an SMR

CDFW recommends that the Commission **deny** the proposed reclassification of Duxbury Reef SMCA to an SMR.

CDFW found that the petitioner's assertions regarding regulatory confusion and increased noncompliance are not substantiated by CDFW enforcement data. CDFW reports that Marine Enforcement District data show no citations for MPA violations at Duxbury Reef between 2019 and 2025 and concludes that existing SMCA regulations do not present a unique enforcement challenge within the existing boundaries.

CDFW further concludes that converting the SMCA to an SMR would not provide additional regulatory protection for the rocky intertidal habitat that the existing MPA was designed to protect and would unnecessarily eliminate established uses that were specifically considered during the original Marine Life Protection Act planning process.

That finding directly reinforces VCCFA's concern.

The existing Duxbury Reef SMCA was deliberately designed to balance protection of an

ecologically important rocky intertidal habitat with continued public access and fishing opportunity. According to CDFW, those existing take allowances were carefully considered during the original planning process and remain important to the coastal heritage of the Bolinas community.

CDFW also identifies commercial fishing activity directly relevant to this decision. The existing Duxbury Reef area overlaps fishing grounds used by the local commercial hook-and-line California halibut fishery, which contributes to the local food supply of West Marin communities.

VCCFA therefore sees no sufficient basis for eliminating established fishing opportunities simply to convert an existing SMCA into a more restrictive classification.

Northern and Southern Boundary Expansions

CDFW reaches a different conclusion regarding the proposed northern and southern boundary expansions, recommending that both be **granted in concept**, but importantly, not as proposed if doing so unnecessarily eliminates existing fishing opportunities.

CDFW recognizes Duxbury Reef as the largest intertidal shale reef in North America and supports protecting the currently unprotected northern and southern portions of that contiguous rocky intertidal habitat. However, CDFW recommends accomplishing that objective through additional SMCA protections designed specifically to protect intertidal invertebrates and seaweed while maintaining existing commercial and recreational take of other species from shore and by boat.

VCCFA believes this represents a substantially more balanced approach.

If the management objective is protection of rocky intertidal habitat, regulations should be designed around the habitat and activities actually requiring protection rather than unnecessarily closing adjacent fishing grounds.

This is particularly important because CDFW identifies existing fishing activity within both proposed expansion areas.

CDFW reports that the proposed southern expansion remains an important recreational fishing ground. More significantly for VCCFA, the proposed northern expansion supports an important local hook-and-line California halibut fishery operating from Bolinas.

CDFW identifies the affected commercial fishing block as the **most valuable fishing block for the hook-and-line California halibut fishery operating from the port of Bolinas**, and notes that it is also utilized by fishermen from other San Francisco Bay Area ports. Commercial fishermen have reported fishing within 1,000 feet of shore at Duxbury Reef when weather permits, particularly within the northern area proposed for expansion.

That is precisely the type of information that should inform MPA adaptive management.

Protect the Habitat Without Unnecessarily Closing the Fishery

VCCFA's position is straightforward:

Protect the habitat that requires protection, but do not unnecessarily eliminate fishing access

outside the habitat when doing so is not necessary to accomplish the conservation objective.

CDFW reaches essentially this same management conclusion. Because the objective of the northern and southern expansions is protection of intertidal biodiversity, CDFW concludes that extending the existing SMCA regulations or imposing an SMR across those areas would unnecessarily restrict existing commercial and recreational fishing.

This approach also addresses one of VCCFA's principal concerns throughout the current MPA petition process: displacement of fishing effort.

Our March 16, 2026 comment warned that removing additional fishing access without evaluating where that activity would relocate can increase pressure upon adjacent habitats, create operational inefficiencies, increase costs, and redistribute fishing activity into remaining open areas.

Those concerns become particularly important where CDFW has now documented that the proposed expansion area contains an important commercial halibut fishing ground.

Before removing that access, the Commission would need to ask:

Where would the displaced fishing effort go?

What fishing activity already occurs within those receiving areas?

What additional pressure would result from that redistribution?

In this instance, however, CDFW has identified a reasonable alternative that may avoid creating that displacement in the first place: protect the targeted intertidal habitat while preserving existing compatible fishing activities.

VCCFA supports that approach.

VCCFA Position

For these reasons, VCCFA respectfully requests that the Commission:

1. **Deny the proposed reclassification of Duxbury Reef SMCA to a no-take SMR;**
2. If the northern and southern boundary expansions move forward, design those expansions specifically around protection of the rocky intertidal habitat without unnecessarily eliminating existing commercial and recreational fishing opportunities; and
3. Preserve existing compatible fishing access, including the commercial hook-and-line California halibut fishery, wherever that activity does not conflict with the identified habitat-protection objective.

This petition provides an opportunity to demonstrate what meaningful adaptive management can look like: identifying a legitimate conservation objective, examining the actual uses occurring within the affected area, and developing a targeted solution that protects habitat **without imposing broader fishing restrictions than are necessary to accomplish that objective.**

VCCFA incorporates and attaches its September 30, 2026 General Written Comment Regarding 2023 Marine Protected Area Petitions. That comment further explains VCCFA's concerns regarding socioeconomic analysis, spatial displacement of fishing effort, impacts upon remaining open fishing grounds, cumulative spatial pressures, working-waterfront economic consequences, and the need for sufficiently complete information before additional fishing access is removed.

Respectfully submitted,



Dave Colker
Executive Director
Ventura County Commercial Fishermen's Association (VCCFA)

Ventura County Commercial Fishermen's Association
1237 S. Victoria Ave #284
Oxnard, CA 93035
[redacted]

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

September 30, 2026

RE: General Written Comment Regarding 2023 Marine Protected Area Petitions

Dear President Sklar and Commissioners:

The Ventura County Commercial Fishermen's Association (VCCFA) represents California commercial fishermen and fishing-industry stakeholders associated with Ventura County's three commercial fishing ports and landing harbors: Port Hueneme, Channel Islands Harbor, and Ventura Harbor. VCCFA currently has 85 members and works to support the continued viability of commercial fishing, working waterfronts, local seafood production, and the fishing communities that depend upon them.

VCCFA recognizes the substantial undertaking involved in conducting the first major review and potential modification of California's Marine Protected Area (MPA) Network following the Decadal Management Review. We particularly appreciate the regional meetings and workshop-style opportunities that were presented throughout this process.

It is precisely because these decisions are consequential that VCCFA believes deficiencies identified during this process should be addressed before final regulatory decisions are made.

VCCFA's Interest in the Statewide MPA Petitions

VCCFA's interest in this process extends beyond MPA petitions located immediately adjacent to Ventura County. Our members are California commercial fishermen who operate within a statewide system of fisheries and fishing grounds. Changes in fishing access in one part of California can have consequences for fishermen and fishing grounds elsewhere.

When productive fishing territory is removed from access, the fishing effort that previously occurred there does not necessarily disappear. Some portion of that effort may relocate to other open fishing grounds, including grounds already utilized by fishermen operating from Ventura County ports. For this reason, an MPA modification occurring elsewhere in California can have consequences extending beyond the immediate geographic area of the proposed closure.

VCCFA therefore has an interest in the evaluation of all 15 petitions, particularly those that would expand MPAs or otherwise reduce fishing access. Our participation is based not only upon the direct effects of petitions within or near our region, but also upon the potential statewide consequences of displaced fishing effort, reduced fishing territory, cumulative restrictions upon access, and the resulting effects upon California's commercial fishing communities and working waterfronts.

A Threshold Concern Before Final Decisions Are Made

VCCFA believes it is important to clearly identify, before final decisions are made, what we consider to be a significant deficiency in the information available for evaluating certain petitions that would expand MPAs and reduce fishing access.

Our concern is not that socioeconomic information is entirely absent from the record. Petitioners, the California Department of Fish and Wildlife (CDFW), the Ocean Protection Council (OPC), stakeholders, fishermen, and members of the public have provided varying amounts of socioeconomic, fisheries, and landings information.

The more fundamental question is whether the record for a particular petition provides a sufficiently complete analysis of the reasonably foreseeable consequences of removing fishing access.

Identifying that fishermen may lose access to a productive fishing ground answers only the first part of that question.

For purposes of evaluating an MPA expansion, VCCFA believes meaningful socioeconomic and spatial-displacement analysis should examine, to the extent reasonably ascertainable:

- commercial fishing activity occurring within the proposed closure;
- fishing effort and landings associated with that area;
- the amount of fishing effort reasonably expected to be displaced;
- where that displaced effort is reasonably expected to relocate;
- fishing effort and landings already occurring within likely receiving areas;
- the additional fishing pressure those receiving areas may experience; and
- the potential ecological, economic, productivity, and sustainability consequences of concentrating additional fishing effort within the remaining open grounds.

The absence of adequate analysis of these questions does not mean those consequences do not exist. It means those consequences have not yet been adequately evaluated.

VCCFA therefore strongly urges the Commission not to approve a petition expanding an MPA or otherwise reducing fishing access where the complete record does not provide sufficiently meaningful socioeconomic and spatial-displacement analysis. Such petitions should be denied or deferred until the reasonably foreseeable consequences have been adequately evaluated and incorporated into the record.

California's Own Adaptive-Management Framework Recognizes These Concerns

VCCFA's concern regarding displacement of fishing effort is not a new concept being introduced at the end of this process.

California's MPA management framework has long recognized the importance of ecological and socioeconomic information, human-use patterns, and fishing activity. The Decadal Management Review incorporated both ecological and socioeconomic information and identified continuing knowledge gaps relevant to adaptive management.

Importantly, California's regional MPA planning history also recognized the consequences of shifting fishing effort. Regional design considerations included the objective of preventing fishing-effort shifts that could result in serial depletion. Similar consideration of fishing-effort shifts appears across California's regional MPA planning history.

The current 2023 MPA petitions arose from the adaptive-management process following the first Decadal Management Review. VCCFA therefore believes it is appropriate to evaluate proposed MPA modifications using the broader perspective contemplated by that adaptive-management framework: not simply what may happen within a newly protected area, but what reasonably foreseeable consequences may occur outside its boundaries.

The Petition Process Did Not Require a Complete Displacement Analysis

The application process itself helps explain why important information may now be missing.

The 2023 MPA petitioners used the Commission's FGC-1 Petition for Regulation Change. The required portion of that form did not expressly require the detailed socioeconomic and spatial-displacement analysis described above. Economic or fiscal impacts appeared within the form's optional-information section.

Additional MPA-specific considerations were made available to prospective petitioners, but petitioners were encouraged rather than required to address that supplemental information.

Consequently, the petition process did not expressly require an applicant seeking to remove fishing access to answer fundamental questions such as: How much fishing activity currently occurs within the proposed closure? How much is reasonably expected to be displaced? Where is that effort likely to go? How much fishing activity already occurs there? What additional pressure could those receiving grounds experience? What are the reasonably foreseeable economic and ecological consequences?

CDFW subsequently conducted substantially more detailed technical evaluations of the petitions, and OPC separately provided analysis and recommendations. VCCFA recognizes the additional information those efforts have contributed to the record.

However, the existence of socioeconomic information does not by itself establish that the complete spatial-displacement question has been answered.

The Commission, as the ultimate regulatory decision-maker, should determine whether the

complete record for each petition provides sufficient information to answer those questions before approving additional restrictions.

The Evidentiary Burden Should Begin With the Petitioner

VCCFA does not believe the principal burden of filling these information gaps should fall upon affected fishermen, fishing organizations, CDFW, OPC, Commission staff, or taxpayers after a petition has already advanced toward regulatory action.

The party requesting a regulatory change that would remove fishing access should bear the principal burden of providing sufficient information to evaluate the reasonably foreseeable consequences of that change.

CDFW and OPC have important analytical and advisory roles, and the Commission remains responsible for evaluating the complete record and making the ultimate regulatory determination. But a petitioner requesting additional restrictions should provide sufficient information for the Commission and affected public to understand the likely consequences of the proposal.

If the petition requirements did not require information necessary for that evaluation, the resulting information gap should not be interpreted as evidence that the consequences are insignificant or nonexistent. It is a limitation of the information-development process that should be corrected before final regulatory action is taken.

Once a significant deficiency in the information necessary to evaluate a proposed regulatory change has been identified, completing the process should not take precedence over correcting that deficiency.

Where material information remains incomplete, the appropriate response is to obtain the missing information. The time reasonably necessary to develop an adequate record should take precedence over completing the present adaptive-management cycle according to a predetermined timetable.

Displacement Can Affect Remaining Open Fishing Grounds

MPA boundaries do not operate in isolation.

When fishing access is removed from productive fishing grounds, the fishing activity that previously occurred there does not necessarily disappear. Some portion of that effort may instead be displaced into other open fishing grounds, including areas already supporting existing commercial and recreational fishing activity. This redistribution can occur wherever affected fishermen are reasonably able to continue operating, and its consequences therefore may extend well beyond the boundaries of the proposed closure.

The ecological footprint of an MPA decision therefore cannot always be measured solely by the boundaries drawn on the map.

The point is not to predict with certainty where every fisherman will go. That is precisely why meaningful displacement analysis is necessary.

The central questions are:

Where will the displaced fishing effort go, how much additional pressure will receiving areas experience, and what are the ecological, economic, and operational consequences of that redistribution?

If productive fishing grounds are removed from access while fishing activity continues, some portion of that effort may become concentrated within a smaller amount of available fishing territory. The Commission should have sufficient information to evaluate how fishing activity and landings may shift, the additional pressure likely receiving grounds may experience, and the potential consequences for the productivity and sustainability of those remaining open areas.

Regulatory Displacement Can Create Secondary Management Consequences

The consequences of displacement may extend beyond the immediate effects upon fishermen.

Concentrating fishing effort into remaining areas may increase pressure upon those areas. If conditions subsequently change, future managers examining those fishing grounds should have a record that allows them to understand the regulatory decisions that may have contributed to changes in the geographic distribution of fishing activity.

Without that information, there is a risk of a regulatory cycle in which fishing grounds are closed, fishing effort shifts into remaining grounds, pressure becomes more concentrated within those grounds, and resulting conditions may later contribute to calls for additional restrictions.

VCCFA believes that possibility should be considered before approving additional closures—not years afterward.

Documenting reasonably foreseeable displacement before a regulatory decision is therefore important not only to today's fishermen, but also to future adaptive management. Managers examining conditions 10 or 20 years from now should be able to understand not only what areas were closed, but where displaced fishing activity was reasonably expected to go.

Economic Consequences Extend Throughout Working Waterfronts

The same distinction applies to economic impacts.

Identifying that a proposed closure may affect commercial fishermen does not, by itself, provide a meaningful assessment of the economic consequences to fishing communities.

Commercial fishing operates as an interconnected economic system. Vessel landings support vessel owners and crews, fish receivers and processors, dock and harbor operations, fuel and marine-service businesses, ice and gear suppliers, vessel maintenance and repair, transportation, seafood markets, restaurants, and employees whose livelihoods depend in varying degrees upon continued fishing activity.

A substantial reduction or redistribution of landings can therefore produce consequences extending beyond the vessels directly affected by a proposed closure.

California fisheries-management guidance recognizes the importance of considering direct effects upon fishermen together with broader effects upon employment, businesses, and fishing communities.

This is particularly important to working waterfronts such as Ventura Harbor. According to the Ventura Port District, between 2009 and 2023 Ventura Harbor averaged approximately 23 percent of California market-squid offloading, and nearly $200 million in market squid was offloaded at Ventura Harbor during that period.

That production does not exist in an economic vacuum.

Meaningful economic analysis of a proposed closure affecting commercially productive fishing grounds should examine, where reasonably ascertainable, the production associated with those grounds; the vessels, fisheries, and ports dependent upon that production; potential changes or redistribution in landings and ex-vessel value; effects upon vessel owners and crews; effects upon receivers, processors, and employment; and reasonably foreseeable downstream effects upon supporting businesses and working-waterfront communities.

It should also consider an important question connecting economic consequences directly to spatial displacement:

Can displaced fishing activity reasonably maintain comparable production from the remaining accessible fishing grounds, and what are the economic and ecological consequences if it cannot?

Commercial fishermen produce food. Decisions reducing access to productive fishing grounds therefore implicate more than fishing opportunity. They can affect domestic seafood production, working-waterfront economies, and the availability of locally landed wild-caught seafood.

Cumulative Spatial Pressures Should Also Be Considered

Commercial fishermen operate within an ocean increasingly subject to competing spatial demands and restrictions, including aquaculture development, energy infrastructure and development, MPAs, and other ocean uses and management measures.

Each individual action may occupy only one portion of the ocean. The cumulative consequence to fishermen, however, can be substantially greater than the effect of any single action considered independently.

For that reason, evaluating an individual MPA expansion solely by the percentage of California waters remaining technically open to fishing can provide an incomplete picture. Not every acre of open ocean represents equivalent fishing opportunity, productivity, accessibility, habitat, seasonality, or economic value.

The more meaningful question is what productive fishing capacity may be affected and whether remaining accessible fishing grounds can reasonably accommodate displaced activity while continuing to support the fishermen, fisheries, and working waterfronts dependent upon that production.

Tribal Engagement, Process Design, and MPA Boundary Decisions

VCCFA recognizes the importance of meaningful engagement with California Native American Tribes and Tribal communities. Tribal knowledge, history, stewardship, and contemporary use are legitimate components of ocean management, and VCCFA supports constructive collaboration and appropriate co-management or cooperative-management frameworks.

Our concern is not Tribal participation itself, but rather ensuring that proposed MPA modifications—regardless of the identity of the petitioner—are evaluated using consistent, transparent, and sufficiently rigorous ecological, socioeconomic, and spatial-displacement standards.

The Decadal Management Review recognizes the importance of increased Tribal engagement, Indigenous knowledge, and meaningful opportunities for collaboration. VCCFA supports those objectives.

Regardless of who submits a petition, VCCFA believes the reasonably foreseeable consequences of the proposed regulatory change should be evaluated using a sufficiently complete record.

Learning From the First Major MPA Modification Process

This process provides California with an opportunity not only to decide the petitions presently before the Commission, but also to improve MPA adaptive-management processes going forward.

VCCFA believes **current and future MPA modification procedures should expressly require meaningful evaluation of:**

- existing commercial and recreational fishing activity within proposed closure areas;
- reasonably foreseeable displacement of that activity;
- likely receiving fishing grounds and existing activity within those areas;
- ecological and productivity consequences of concentrating additional effort;
- socioeconomic impacts upon fishermen, ports, processors, working waterfronts, and fishing communities;
- direct and downstream economic effects, including employment and supporting businesses;
- effects upon domestic and local seafood production;
- cumulative impacts from other spatial restrictions and competing ocean uses;
- relevant historical information concerning existing MPA design; and
- ecological effects occurring both inside proposed protected areas and in areas receiving displaced fishing effort.

California has invested considerable resources in building and monitoring its MPA Network. Decisions modifying that Network should therefore be based upon a record sufficiently complete to evaluate both the anticipated benefits and the reasonably foreseeable consequences of those modifications.

VCCFA respectfully asks the Commission to examine the complete record for each petition and not approve an expansion or additional restriction where meaningful socioeconomic, economic, and spatial-displacement analysis remains materially incomplete.

Where significant information gaps remain, the appropriate response is to obtain the missing information before acting.

The absence of adequate analysis does not mean those consequences do not exist. It means those consequences have not yet been adequately evaluated.

Respectfully submitted,



Dave Colker
Executive Director
Ventura County Commercial Fishermen's Association (VCCFA)

Outlook

Comments for Agenda Item 38 - October 16th Fish & Game Commission Meeting

---

From Isabel Dawson [redacted]
Date Wed 09/30/2026 04:53 PM
To FGC <FGC@fgc.ca.gov>; Eric Sklar [redacted] Commissioner Anderson [redacted] Erika Zavaleta [redacted] Samantha Murray [redacted] jhostler [redacted]
Cc Ashcraft, Susan [redacted] Miller-Henson, Melissa [redacted] Specht, Amanda-Contractor [redacted] Shuman, Craig [redacted] Waggoner, Claire [redacted] Worden, Sara [redacted] Eckerle, Jenn [redacted] Esgro, Michae [redacted] Lewis, Stac [redacted] ashley [redacted]

Dear President Sklar, Commissioners, and staff,

Please see attached comments for Agenda Item 38 for Petition 2023-32MPA for Duxbury Reef:

1. **23 individual comment letters of support, compiled.** *These may have been submitted to FGC directly, but we submit them here to ensure they make the record.*
2. **EAC's Comment Letter.**

Thank you for your time and consideration, and please let me know if you have any questions. We look forward to seeing you in October.

Best,

Isabel Dawson
Policy Associate
Environmental Action Committee of West Marin (EAC)
PO Box 609 | 65 Third Street, Suite 12
Point Reyes Station, CA | 94956

Mission: To protect and sustain the unique lands, waters, and biodiversity of West Marin.
Learn More & Donate
Stay Engaged: Event Calendar | Facebook | Instagram | LinkedIn | Youtube

PRIVILEGE AND CONFIDENTIALITY NOTICE
This message may contain information that is confidential, privileged or otherwise protected by work product immunity or other legal rules. If you are not the intended recipient to whom the message is addressed, please notify me immediately at the above number and delete it from your system. Any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited. Thank you.

September 27, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

I am a Sonoma County environmental educator, with a 2-year teaching career in the environmental sciences. As a geologist who has visited Duxbury Reef, led numerous field trips on the Pt Reyes peninsula, and explored the area for its unique geologic history and beauty, I can attest that Duxbury Reef is a marine landscape and ecosystem that must be protected. As global climate change continues to threaten our marine ecosystems, especially those near shore that are most vulnerable to sea level and water temperature changes, protecting habitats now will give the marine populations their best chance to survive after devastating El Ninos, atmospheric river events, and unforeseen pollution events.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The intertidal is a delicate ecosystem that experience daily temperature and tidal transitions that already push the organisms to the brink of survival. We must protect these fragile ecosystems.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

If we do not protect this ecosystem now, the next generations will only hear about the tidal pools of the past. We want them to experience it themselves.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational & recreational value.

Sincerely,
Nicole Myers
[redacted]
[redacted]

September 23, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I strongly support Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting. Duxbury Reef's biodiverse habitat extends beyond the current marine protected area (MPA) and should be protected in a State Marine Conservation Area.

I am in full agreement with the Environmental Action Committee of West Marin's (EAC) position to protect the northern and southern rocky intertidal habitat adjacent to the current MPA within a uniform State Marine Conservation Area. Please adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Both California Department of Fish & Wildlife (Cal-DFW) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal zone.

Cal-DFW's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation agrees and adds that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

Please adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
E. Lynn Perry
[redacted]

September 22, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Christopher Lish
[redacted]

September 22, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

With the continued warming of the ocean, all ocean creatures are at greater risk, and we can help mitigate by expanding our protection wherever possible. There is plentiful evidence of the need to protect our ocean.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position ing urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life

Sincerely,
Penny Barron
[redacted]
[redacted]

September 22, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
LD Rao
[redacted]
[redacted]

September 22, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

The Environmental Action Committee of West Marin's (EAC) current position is the clear way forward. Their position seeks to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries. As a former resident of West Marin, I got to know Duxbury Reef and learned about its incredible biodiversity. In this age of climate crisis and environmental degradation, we need healthy reefs more than ever.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Claire Seda
[redacted]

September 22, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Nicole Heslip
[redacted]
[redacted]

September 23, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Andrew Lincoln
[redacted]
[redacted]

September 23, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Vicki Gross
[redacted]
[redacted]

September 23, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
John Manning
[redacted]

September 24, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
CHARLES FISHER
[redacted]
[redacted]

September 23, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Michael Guenza
[redacted]
[redacted]

September 23, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value.

Thank you.

Sincerely,
Mary Killian
[redacted]

September 23, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you for listening! This is so important for future generations.

Sincerely,
Jeanne Lavin
[redacted]
[redacted]

September 28, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Abigail Cannon
[redacted]
[redacted]

September 29, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

Through prevailing currents, the unprotected area north of Duxbury Reef contributes restoratively to disturbed and stressed areas at the reef and other parts of the coast through the release of larvae and spores, more so than nearly 90 percent of other sites in the state. This area should be protected by the state's marine protected area network.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Bridger Mitchell
[redacted]
[redacted]

September 30, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I am in full support of the protection of the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) with in the State Marine Conservation Area.
The protection of the intertidal life within the boundaries suggested is crucial tidepool life as other serious threats to the life there are increasing with sea level rise, warming of ocean waters and increasing number of visitors to the coast.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that rely on it and the current and future generations of people who enjoy it for educational and recreational value.

Thank you.
Julia Stalker

Sincerely,
Julia Stalker
[redacted]

September 15, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Firuze Gokce
[redacted]
[redacted]

September 25, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Duxbury Reef's biodiverse habitat extends beyond the current MPA and should be protected in a State Marine Conservation Area. The north contains habitat ecologically connected the existing MPA. The Double Point/Stormy Stack Special Closure at the end of the northern expansion contains crucial seabird nesting areas, and Double Point is home to one of the largest breeding harbor seal colonies in California. The southern portion of the reef is entirely unprotected but contains many rare reef species, is a resting place for marine mammals, and hosts a harbor seal colony. Protecting these areas will enhance the health of the whole reef by reducing disturbance to reef creatures.

Through prevailing currents, the unprotected area north of Duxbury Reef contributes restoratively to disturbed and stressed areas at the reef and other parts of the coast through the release of larvae and spores, more so than nearly 90 percent of other sites in the state. This area should be protected by the state's marine protected area network.

Duxbury Reef and the northern unprotected area may become climate refuges for Central and Southern California's intertidal communities as temperature gradients shift north. Studies show that protected rocky intertidal zones are more resilient to disturbances from climate change and human activity than non-protected zones.

Enhancing access for non-consumptive users, like the thousands of people who visit Duxbury Reef each year to tidepool, take walks, kayak, learn, and study, is important. Non-consumptive users make up the majority of users of Duxbury Reef (an average of 95%), and their recreational and educational experiences will be further enhanced with the protection of the full extent of the reef for the benefit of intertidal health.

Sincerely,
Dan Silver
[redacted]

September 25, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Jerry Meral
[redacted]
[redacted]

September 25, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
wesley eagle gibbs
[redacted]
[redacted]

September 26, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Allison Baloglu
[redacted]

September 28, 2026

RE: Comment on Duxbury Reef Petition #2023-32MPA for October Fish & Game Commission Meeting

Dear Eric Sklar,

I am writing in strong support of Duxbury Reef Petition #2023-32MPA, which is under your consideration at the October Fish and Game Commission meeting.

Specifically, I support the Environmental Action Committee of West Marin's (EAC) current position to protect the northern and southern rocky intertidal habitat adjacent to the current marine protected area (MPA) within a uniform State Marine Conservation Area. I also urge the Commission to adopt EAC's suggested language clarifications to better protect tidepool life, along with the suggested narrow boundaries.

Recommendations from both California Department of Fish & Wildlife (Department) and Ocean Protection Council (OPC) staff support expanding State Marine Conservation Area protections to the north and south to protect the intertidal.

The Department's evaluation highlights how adopting these expansions has the potential to enhance biodiversity and ecosystem function by protecting connected habitat, increasing climate resiliency, and improving MPA design. OPC's evaluation echoes these benefits, adding that protections could increase biomass of currently harvested intertidal species, bolster species richness and diversity, and protect ecological connectivity.

The original MPA network was not designed with climate change in mind. With strong evidence of a changing climate, warming oceans, and a cascade of ecosystem impacts, this is the chance of a decade to make MPAs more resilient against climate change. While MPAs alone cannot protect ecosystems from climate impacts, recent science has shown that protected rocky intertidal ecosystems resist and recover from climate-driven disturbances better than unprotected ones.

I urge the Commission to adopt expanded and increased protections for Duxbury Reef for the benefit of the more than 200 species that call it home and the current and future generations of people who enjoy it for educational and recreational value. Thank you.

Sincerely,
Mara Hernandez


west marin environmental action committee

Board of Directors

Sarah Killingsworth, Esq.
President

Ken Drexler, Esq.
Vice-President

Patty Neubacher
Treasurer

Cynthia Lloyd, Ph.D.
Secretary

Terence Carroll
Director

Jerry Meral, Ph.D.
Director

Bridger Mitchell, Ph.D.
Director

Kelli Petersen
Director

Jude Stalker
Director

David Wimpfheimer
Director

Staff

Ashley Eagle-Gibbs, Esq.
Executive Director

Leslie Adler-Ivanbrook
Program Director

Isabel Dawson
Policy Associate

Jessica Taylor
Donor Engagement & Events Director

Natalie Curtis
Finance Manager

Casey O'Brien
Philanthropy Manager

Susan Pierson
Operations Coordinator

September 30, 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 10/16 Agenda Item 38: *Petition 2023-32MPA (Duxbury Reef SMCA)*

Dear President Sklar and Commissioners,

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

We submitted Petition 2023-32MPA after years of observations—documented by longtime visitors, community members, educators, reef docents, Marin MPA Watch volunteers, the National Park Service, and the National Oceanic and Atmospheric Administration—of unpermitted take at the reef, exacerbated by confusion about partial take rules and when visitors see people fishing directly in tidepools. Additionally, **the Marine Protected Area (MPA) Network was not designed with climate impacts in mind, and rocky intertidal habitats, like the one at Duxbury Reef, are incredibly vulnerable** to sea level rise, ocean warming, and more.

We share a summary of the hundreds of pages of previously submitted support and scientific evidence that supports adopting Petition 2023-32MPA as informally amended (see below) to adaptively manage Duxbury Reef State Marine Conservation Area (SMCA). We also reiterate our current position (reflecting significant compromise and community input), which is consistent with Decadal Management Review goals and adaptive management under the Marine Life Protection Act.

Our current position, which has been shared with Fish and Game Commission staff and Commissioners, can be summarized as:

1. Maintain Duxbury Reef as an SMCA.

2. Boundary expansions:
    a. Adopt the California Department of Fish & Wildlife (CDFW)'s recommendation[1] (as supported by the Ocean Protection Council (OPC)[2]) to "grant in concept" the northern and southern boundary expansions as SMCAs, and without changing the existing SMCA's seaward boundaries.
    b. Use the amended northern and southern boundaries proposed by EAC in November 2025[3] to designate the entire area as a single SMCA with uniform regulations. This narrows the seaward boundary in the expansion areas to focus on the intertidal zone.
    c. Updated boundaries should be informed by the CDFW law enforcement department to ensure ease of enforcement and public understanding.

3. Add clarifying language to strengthen protections for tidepool marine life, such as "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.**" (updated language in bold).

I. Two State Agencies Agree on Expanding Protections at Duxbury.

CDFW[4] and OPC's[5] extensive evaluations **both** recommend expanding SMCA protections to cover the entirety of Duxbury Reef's intertidal habitat, extending protections both north and south. Both agencies **agree** that there are clear **biodiversity and climate resilience benefits** to including ecologically contiguous habitats within an MPA.

II. There is Significant General & Tribal Support.

While we are well aware that the petition became a controversial issue in the summer of 2025, the record includes support from scientists, students, individuals, and community members. Environment California submitted a petition **signed by 1,580 Marin County residents supporting expanding our MPAs. We have also conducted extensive outreach[6] and modified our position to take community input into account.**

The petition also has **tribal support from the Coast Miwok Tribal Council of Marin**.[7]

We also understand that the Federated Indians of Graton Rancheria (FIGR) are aware of the petition, although we do not believe they have taken a position. We would welcome their valuable input. **We have reached out to**

---

[1] CDFW Evaluation for Petition 2023-32MPA.
[2] OPC Staff Recommendations - Petitions to Adaptively Manage California's Marine Protected Area Network.
[3] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=239690&inline#page=702; *See also* exemplary mapping in the April 21, 2026 Presentation to the Commission.
[4] CDFW Evaluation for Petition 2023-32MPA.
[5] OPC Staff Recommendations - Petitions to Adaptively Manage California's Marine Protected Area Network.
[6] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=239690&inline#page=717.
[7] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=239690&inline#page=45.

FIGR via phone, in-person, email, and US mail regarding this petition.[8] We have also requested introductions to tribal representatives and the sharing of information from local organizations, the National Park Service, and Fish and Game Commissioners. We believe FIGR has also been contacted formally as part of the public process, and we have advocated for direct government-to-government outreach.

III. Such a Rare & Biodiverse Habitat Deserves Increased Protections.

Duxbury Reef is the largest shale reef in California and one of the largest in North America. Its extensive tidepool network is made possible by its soft shale composition. This supports a rich diversity and abundance of marine species, including invertebrates, algae, fish, and visiting birds. Community scientists have documented **over 200 species at the reef**, and many exist in the southern or northern parts of the reef outside the current SMCA that are not as plentiful within the heavily visited area.[9]

IV. Expansion is Needed to Better Protect Marine Mammals, Larval Connectivity, and Bird Life.

Both northern and southern boundary expansions would cover **significant harbor seal haul-outs and breeding colonies**. Regarding the proposed southern expansion, the Marine Mammal Center states in its letter of support that the lack of protection for invertebrates and algae encourages "foot traffic disruptive to harbor seals." The proposed northern expansion includes the cove adjacent to Double Point, home to one of California's largest harbor seal breeding colonies. Additionally, within the current SMCA, harbor seal flushing is "usually the consequence of shore-based fishermen venturing out to the further areas of the current designation."[10]

Duxbury Reef, along with its northern and southern boundary expansions, **contributes larvae and spores restoratively** to disturbed and stressed areas along the coast. According to Shorecast, the northern expansion contributes more propagules to other sites than **nearly 90 percent** of sites in the state.[11] This area also contains nurseries that help reseed the current SMCA downstream. The southern boundary expansion also helps reseed the current SMCA through an eddy that drifts north.

Though our current position supports boundaries focused narrowly on the intertidal in the expansion areas so as not to significantly impact offshore fishing, the original petition requested larger offshore boundaries that would have added a greater layer of protection for the **important seabird nesting and breeding sites** at Double Point and Stormy Stack. These sites have been observed being disturbed by commercial and recreational fishing boats.[12]

---

[8] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=239690&inline#page=701, see pp. 701-715. In addition to this previously documented outreach, EAC's Executive Director also spoke to Buffy McQuillen of FIGR and Lorelle Ross, Vice-Chair, on September 19, 2026 in the Point Reyes area, briefly mentioning the petition, and followed up with an update via email on September 25, 2026.

[9] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=218218&inline#page=59.

[10] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=218218&inline#page=113

[11] Multi-Agency Rocky Intertidal Network, Shorecast, available at: https://marine.ucsc.edu/explore-the-data/shorecast/.

[12] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=218218&inline#page=49.

V. Strengthening Protections will Enhance Climate Change Resilience for Intertidal Habitats.

Both CDFW and OPC's recommendations agree that expanding Duxbury Reef SMCA would **enhance the climate resiliency of its ecological communities**. Rocky intertidal communities have been shifting north at about 3 - 5 kilometers per year.[13] Docents, scientists, and EAC staff have observed increases in certain species at Duxbury Reef SMCA that had historically been found in more southern coastal areas. Duxbury Reef (and the proposed northern expansion) may become a climate refuge for these southern species. Additionally, larger and fully protected habitats **allow species to shift ranges** within an MPA as ocean conditions change.[14] Finally, protected rocky intertidal ecosystems were shown to **resist and recover** from climate-driven disturbances better than unprotected ones.[15]

VI. Improving MPA Design will Avoid Fragmentation Risks.

Duxbury Reef is currently one of the smallest MPAs in California. Fragmented protection of an ecologically connected habitat puts many species at risk of take and damage. Expanding Duxbury Reef SMCA would improve the design of this MPA for the protection of species, **doubling the amount of rocky shoreline protected** by this MPA and **improving representation** for intertidal habitats in the North Coast bioregion.[16] This would also meet the **scientifically preferred alongshore span guideline**,[17] and increase the area of the MPA.

VII. Our Current Position Balances Ecological Protection and Fishing Uses.

Our current position **represents a significant compromise** from the original request to make Duxbury Reef a no-take State Marine Reserve (see Section VIII for the summarized support for the original proposal). However, having taken additional community perspectives into account, our updated position **balances important ecological protection with beloved fishing uses**. The narrow boundaries alleviate impacts to offshore commercial and recreational fishing. While some onshore recreational fishing would be limited with the proposed language clarifications,[18] fishing could still occur off the reef into the ocean, or from the sand into the ocean within the protected area. **We believe these language clarifications are necessary to advance intertidal protection.**[19] Additionally, abalone harvest, when open, would be unlikely to be majorly impacted, as these are a primarily *subtidal* species, and our boundary amendments request a focus on *intertidal* protection.

---

[13] CDFW, California's Ocean Habitats: The Rocky Intertidal Zone, August 4, 2021, available at: https://cdfwmarine.wordpress.com/2021/08/04/californias-ocean-habitats-the-rocky-intertidal-zone/.
[14] Lester et al., Biological Effects within No-Take Marine Reserves: a Global Synthesis, 2009, available at https://www.int-res.com/abstracts/meps/v384/meps08029.
[15] 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.
[16] OPC Staff Recommendations - Petitions to Adaptively Manage California's Marine Protected Area Network, p. 22.
[17] Seasketch. https://www.seasketch.org/california/app/forums/302/515.
[18] See language in introduction.
[19] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=247229&inline#page=23.

VIII. Many Support a Reserve Designation.

While we are no longer asking for a reserve designation, we note the significant support on the record for our original request for a State Marine Reserve. The National Park Service suggested that full State Marine Reserve status would clarify regulations and ease enforcement and education needs.[20] A State Marine Reserve designation was also supported by the National Oceanic and Atmospheric Administration,[21] a former scientist on the MPA Scientific Advisory Team,[22] several marine science educators, organizations, the Coast Miwok Tribal Council of Marin, and community members. **We hope the Commission takes these perspectives into account while balancing the variety of interests that inform decision-making.**

IX. Conclusion

We request that the Commission **grant our current request**, which reflects a balanced approach and significant compromise, and agendize this regulatory change for the formal rulemaking process.

If you have questions or would like to discuss our petition or current position, please contact me at 415-663-9312. Thank you for your dedication to the conservation of our shared marine resources, while balancing other uses.

Sincerely,



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

cc: Susan Ashcraft, Senior Environmental Scientist and Marine Advisor, California Fish and Game Commission
Melissa A. Miller-Henson, Executive Director, California Fish and Game Commission
Amanda Specht, 2026 California Sea Grant State Fellow, 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
Sara Worden, Environmental Scientist, 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

---

[20] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=218218&inline#page=36.
[21] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=218218&inline#page=38.
[22] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=218218&inline#page=48.

Outlook

Petition review comments 2023-32MPA

From Coastside Fishing Club CFC [redacted]
Date Wed 09/30/2026 02:25 PM
To FGC <FGC@fgc.ca.gov>

Please accept on behalf of Coastside Fishing Club and its Thousands of members these comments regarding the petition review process and particularly petition 2023-32MPA.

Thank you
Kevin Godes

--
Coastside Fishing Club

Coastside Fishing Club
P.O. Box 5501, San Mateo, CA 9402

September 30, 2026

California Fish and Game Commission

Dear President Sklar and Commissioners,

Subject: Letter of Support

Coastside Fishing Club urges the Commission to adopt CDFW's staff recommendations for the Bin 2 MPA petitions, including the Duxbury petition (2023-32MPA). We do not believe that the Ocean Protection Council's late requests, coming outside of a two-year public, stakeholder driven a process, have scientific merit. The OPC's justifications are outside of the scientific and regulatory standards that guide the decadal review process. The Commission clearly stated at the outset that the decadal review process is not a tool serving the State's parallel 30X30 process. OPC's repeated appeals to "biodiversity protections" and "biodiversity benefits" make clear that it seeks to use the Commission's process to meet its own 30X30 goal.

The Process Was Already Complete Before OPC Intervened

The Commission approved CDFW's evaluation framework in 2023, and OPC itself approved that framework. CDFW then conducted a thorough, science-based review of the petitions and released its recommendations in March 2026, finding that the non-tribal Bin 2 petitions brought no new or compelling science to the table and would not improve conservation. The CDFW evaluation was 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."

Only after CDFW's two-year evaluation was complete did OPC submit its own "policy letter" with petition recommendations—a document delivered on July 31, 2026, alongside CDFW's evaluations of the tribally-led petitions. This is not how the process was designed to work. OPC was a partner in establishing the evaluation criteria, and its attempt to place a thumb on the scale after the science was done undermines the integrity of the entire collaborative effort.

While the precautionary principle has its place in environmental policy decisions, its scope must be measured against its costs while taking into account the reasonableness of its application. OPC recommends new and expanded MPAs to protect kelp from ocean warming, but the size and scope of the new areas are not tailored to this purpose. Nor does OPC articulate how the loss of strictly managed recreational fishing access on healthy stocks can meaningfully buttress resilience from climate change. The justification is treated as self-evident without engaging with the costly loss of public access.

The Duxbury Petition Does Not Meet the Threshold for Regulatory Change

CDFW's evaluation of the Duxbury petition is thorough and well-reasoned. The Department found:

No objective evidence that regulatory confusion or illegal take justified redesignation. Between 2019 and 2025, Fish and Game wardens issued zero citations at Duxbury Reef.

- Reclassification to an SMR would not measurably enhance protection beyond what the current SMCA already provides, since harvest of rocky intertidal species is already prohibited.
- The proposed change does not advance adaptive management recommendations from the Decadal Management Review and does not address a current or emerging MPA management challenge.
- Outreach and education are likely to be just as, or more, effective than a regulatory change to an SMR.

These findings are consistent with CDFW's treatment of other Bin 2 petitions, which were denied for lacking site-specific evidence, network benefit, or consistency with original MPA intent. The Duxbury petition should receive the same standard.

The Petition Before the Commission Is Not the Petition CDFW Evaluated

A critical procedural problem compounds the substantive deficiencies. The petition CDFW formally evaluated sought no-take SMR reclassification on a defined boundary set. The proposal now before the Commission includes "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. At the April 2026 San Mateo hearing, the petitioner could not define whether the proposed northern boundary was measured from the high-tide line or the low-tide line, offering "200 feet or 500 feet" and agreeing to "follow up."

Commissioner Zavaleta correctly observed that "those details matter." A proposal that cannot define its core regulatory line at a public hearing has not crystallized into a petition the Commission can lawfully evaluate. CDFW has confirmed it has not had the opportunity to incorporate these post-referral amendments into its evaluation.

The Bolinas Community and Local Stakeholders Oppose the Petition

The Bolinas Community Public Utility District has stated it is "not opposed to the concept of enhanced stewardship or protection at Duxbury Reef," but the petition lacks foundational analyses on visitation trends, enforcement capacity, and the impact of eliminating all fishing access. The petition provides no data showing that existing hook-and-line fishing is causing ecological decline, yet proposes to eliminate it entirely.

The Duxbury Reef area overlaps with the most productive halibut fishery out of Bolinas and draws vessels from around the Bay Area. CDFW's own analysis underscored the economic stakes and concluded that restricting access could have outsized impacts on local fishermen without clear ecological benefit.

What the Commission Should Do

Coastside Fishing Club respectfully urges the Commission to:

- Adopt CDFW's staff recommendations to deny the ten non-tribal Bin 2 MPA petitions, including Duxbury petition 2023-32MPA;
- Reject OPC's last-minute policy recommendations as an improper attempt to override a completed science-based evaluation process;
- Reaffirm that any changes to California's MPA network must meet the high evidentiary standard established at the outset of this process—based on new or compelling science, consistent with original MPA intent, and developed through meaningful stakeholder engagement.

California's MPA network was built through a long, science-based, public process. Anglers participated in good faith. The Commission should ensure that process is respected, not undermined by eleventh-hour political pressure.

Thank you for your consideration.

Coastside Fishing Club

Outlook

Meeting Agenda October 13-16, 2026: Rejection of petition 2023-32

From John Lopez [redacted]
Date Mon 09/28/2026 08:33 PM
To FGC <FGC@fgc.ca.gov>

Dear Fish and Game Commissioners,

I am writing to respectfully request that you reject Petition 2023-32. There are currently insufficient studies and conclusive evidence to support approving this request.

As a lifelong Californian, avid fisherman, and active member of several conservation groups, I do not agree with the reasoning or the level of proof provided by the Environmental Action Committee of West Marin. The necessary justification to proceed with approval has not been met.

Thank you for your time and consideration of this matter.

Sincerely,

John Lopez
Point Reyes Station, CA

SAC SPORTFISHING ASSOCIATION OF CALIFORNIA

5060 N. Harbor Drive, Suite 165
San Diego, CA 92106
(619) 760-4031

President Sklar, Commissioners and Staff. The Sportfishing Association of California offers the following public comment

Petition 2023-32MPA

This petition proposes to reclassify Duxbury Reef SMCA to an SMR and Expand the Southern and Northern Boundaries

Deny all proposed new restrictions to take and seaward boundary expansions beyond intertidal waters in concurrence with the CDFW recommendations.

The CDFW notes the following: "The petitioner asserts that current regulations cause confusion and that there has been an increase in non-compliance relative to other Marin County MPAs. These claims are unsubstantiated by CDFW enforcement data. The proposed change would not result in additional regulatory protection for the rocky intertidal habitat that the current MPA was designed to protect, and it would unnecessarily eliminate established uses previously vetted during the Marine Life Protection Act (MLPA) Initiative planning process."

Member vessel owners and operators with the Golden Gate Fisherman's Association (GGFA) note "Our member vessels provide access to California's public fisheries for thousands of residents and visitors each year, many of whom would otherwise have no opportunity to fish due to economic, physical, or geographic limitations. Any expansion of the Duxbury Reef MPA would further restrict access to these public trust resources and disproportionately impact underprivileged and local community members who rely on affordable and equitable access to the ocean...Further closures in areas like Duxbury Reef remove historically important fishing grounds without sufficient consideration of social, economic, and access-related impacts."

GGFA members provided this broader comment on proposals that expand the area that the public is excluded from fishing. "We are concerned that continued MPA expansion without demonstrable conservation necessity shifts the burden of protection onto working families, small businesses, and underserved communities, while failing to acknowledge the conservation success already achieved through existing regulations. Limiting access does not equate to equity, nor does it automatically result in improved resource outcomes."

The SAC as a whole concurs with these SAC members' perspective.

We respect the CDFW's support for extending the intertidal invertebrate protections within this proposal "Grant in concept." This would allow the public's continued access to fish from shore. Most of our clients participate in surf fishing as well. Many if not most were first introduced to the rewards and the personal gratification that comes from harvesting one's own foods from the wild by it.

Thank You for your thoughtful consideration of our GGFA San Francisco Bay Area members and their clients submitted public comments under this agenda item, their concerns and recommendations.

Outlook

Protect fishing in Marin County—DENY Duxbury Reef Petition 2023-32MPA

From Christine Grumley
Date Wed 09/30/2026 11:06 AM
To gavin.newsom@gov.ca.gov <gavin.newsom@gov.ca.gov>
Cc FGC <FGC@fgc.ca.gov>

Dear Governor Newsom, Members of the Ocean Protection Council, and Fish and Game Commissioners,

I am asking for your leadership in opposing Duxbury Reef Petition 2023-32MPA in full, including its boundary expansions. Protecting this coast should not mean pushing its people out, especially small-boat operators, shorefishers and families who depend on subsistence gathering of shellfish and kelp.

Our community is still grieving the loss of the Point Reyes ranches and the food production, livelihoods and relationships rooted there. The Duxbury reef closure presents a different decision, and an opportunity to choose a different path: one that protects nature without asking people to surrender their place within it. Your leadership could help rebuild trust and show that these losses have been heard.

I learned about this proposal from Hook Fish Co, a restaurant and fish market whose sourcing practice creates a transparent and direct connection between consumers and their local fisheries. Every year, they purchase Halibut and King Salmon caught by commercial fishing boats in this proposed closure area. If the proposal passes, the closure would affect individuals and multi-generational families who use ethical sourcing practices, work hard all year to harvest respectfully, and do not threaten the ecology of the Marin County Coastline. The closure will only serve to shift the fishing impact further up and down the coast; this does not create a healthier ecosystem.

Duxbury reef already has layers of protection. Before taking away more access, the state should show, with site-specific evidence, what harm current lawful use is causing and why additional restrictions are necessary. Calling a closure a climate “precaution” does not demonstrate why it is needed here. Precaution should also protect the people who depend on this coast.

Losing remaining access to shellfish and kelp gathering means losing food, family traditions and belonging. These losses cannot be dismissed as small because the community bearing them is small. Frontline communities must help shape conservation from the beginning. Their knowledge and needs deserve a meaningful role in decisions, not acknowledgment after the course is set.

Governor, OPC, and Commissioners, we invite you to help make Duxbury a turning point. Please deny this petition and champion conservation grounded in evidence, partnership and public trust.

Humans belong in nature, and nature needs stewards. We can protect this coast while protecting the people who call it home.

Sent from my iPhone

Outlook

Fwd: Re: Request for written analysis — reserved public trust rights at Duxbury Reef (FGC Petition 2023-32MPA)

2 attachments (873 KB)

Duxbury Reef Federal Conversion and the Missing Closure Record — Editable PowerPoint (3).pdf; Duxbury Reef Federal Conversion and the Missing Closure Record — Source Packet.pdf;

From: Mollie Lounibos [redacted]
Sent: Wednesday, September 23, 2026 9:57 AM
To: Dumlao, Matthew [redacted]
Cc: Public, ExecutiveOfficer [redacted] Blackmon, Seth [redacted] Public, ChiefCounse [redacted] Public, AssistantExecutiveOfficer@SLC <AssistantExecutiveOfficer.Public@slc.ca.gov>; Miller-Henson, Melissa [redacted] Yaun, Michae [redacted] Eckerle, Jenn [redacted]
Subject: Re: Request for written analysis — reserved public trust rights at Duxbury Reef (FGC Petition 2023-32MPA)

Dr. Dumlao and team,

Thank you for looking into these issues. I'm sharing a new briefing and source packet focused on a critical question: **Could additional state restrictions help create the conditions for federal wilderness conversion at Duxbury?**

The materials bring together Drakes Estero's conversion history, California's reserved rights, and unresolved questions about the authority and adoption process behind the vessel closure stated in NPS's Compendium for Sculpture Beach–Duxbury Reef. Please review these records together, particularly what even a narrower, intertidal-only expansion could mean for remaining uses and state rights.

We are asking the state to establish the consequences before restricting more uses, rather than assume a narrower proposal resolves the federal risk.

We urge full denial of Petition 2023-32MPA, including its boundary expansions. Independently, a written State Lands analysis would help ensure commissioners understand the rights, jurisdiction and public access at stake before their vote.

These questions have real consequences for fishing, gathering and families who depend on this coast. Could your team prioritize this review and let us know when written findings may be available?

Thank you for taking these concerns seriously.

Warm regards,
Mollie Lounibos

Federal conversion is real.
The closure record must be clear.

What Drakes Estero teaches us.
What the state needs to establish at Duxbury.

Our position: deny Petition 2023-32MPA in full.
Seek written agency answers independently of that decision.

Source: Public Law 94-567, §3 | Drakes conversion notice, 2012

Drakes shows how federal conversion can happen.

THE STATE DECISION

California would decide the MPA restrictions.

THE FEDERAL DECISION

Interior would decide whether the federal conversion requirements have been met.

The state vote does not itself designate wilderness; the statute provides a separate federal conversion process.

Drakes Estero: 1,363 acres converted on December 4, 2012.

Before restricting more uses, the state should establish what those restrictions could mean for federal conversion. Deny the petition in full.

Source: Public Law 94-567, §3 | Drakes conversion notice, 2012

Since 1976: what changed?

1976: INTERIOR'S JOHN KYL

Reserved state rights were a barrier to full wilderness in Interior's view.

BY JANUARY 2005: INTERIOR LAWYERS

Interior's Solicitor no longer viewed retained rights as a bar to designation.

NOV. 29, 2012: SECRETARY SALAZAR

Salazar directed oyster-permit expiration and a federal conversion notice.

DUXBURY TODAY: WHAT HAS CHANGED?

Which rights and uses remain at Duxbury? What would justify federal conversion?

Drakes' conversion was contested. The court's procedural limits are explained in packet p. 20.

Rights still matter. They are not a guaranteed shield against conversion.

Source: Interior's Kyl letter, 1976 | Ninth Circuit opinion, 2014 | Salazar decision, Nov. 29, 2012

A later description is not the adoption record.

2007 NPS ACCOUNT

Public powerboats excluded; oyster-company and limited NPS boats excepted.

2009 RETROSPECTIVE ACCOUNT

The National Research Council traces exclusion to the 1976 Act. It does not supply the original order.

While Drakes Estero remained potential wilderness, what specific statute, regulation, signed order, or other decision prohibited public motorboats, who authorized it, and what procedures made it effective?

Source: NPS clarification, September 2007 | National Research Council, 2009 | NPS: history of the Compendium

When did the Duxbury vessel closure become effective?

JULY 8, 2019 **SIGNED COMPENDIUM**	Headlands: 100-yard “any vessel” restriction. Approved by Superintendent Cicely Muldoon.
AUGUST 2, 2023 **ARCHIVE CAPTURE**	Older Headlands text present. Sculpture Beach–Duxbury line absent.
NOVEMBER 4, 2023 **ARCHIVE CAPTURE**	The webpage now includes the Sculpture Beach–Duxbury line.
NOVEMBER 30, 2023 **PETITION RECEIVED**	The Fish and Game Commission receives the Duxbury Reef MPA petition, 26 days after the November 4 archive capture.

The page’s May 30, 2023 update label does not verify this restriction’s adoption date.

An archived webpage is not enough to establish who approved the closure, when it took effect, or what procedures were followed.

Source: Signed NPS Compendium, July 2019 | Archived NPS page, August 2, 2023 | Archived NPS page, November 4, 2023 | Commission petition log

A different coastline needs its own explanation.

The 2023 entry prohibits “any vessel” and includes the shoreline “from Sculpture Beach to Duxbury Reef.”

> **“This closure is necessary to protect marine mammals and seabirds in this area consistent with the State of California Point Reyes Special Marine Closures.”**

State special closures cover the Headlands and Stormy Stack / Double Point.
Duxbury Reef is an SMCA, not a state Special Closure.

The reference does not, by itself, explain the wider federal geography.

Source: Archived NPS page, November 4, 2023 | CDFW: Point Reyes Special Closure | CDFW: Double Point / Stormy Stack | CDFW: Duxbury Reef SMCA

Show the authority and the process.

Please provide the signed decision authorizing the Sculpture Beach–Duxbury Reef "any vessel" closure, its approving official and effective date, and its supporting justification, notice, rulemaking assessment and environmental-compliance records. Please explain how the cited state special closures justify this different geographic area and why narrower measures would not suffice.

Federal rulemaking is mandatory for qualifying non-emergency closures. NPS should identify the rulemaking that authorized this vessel restriction, or explain why §1.5(b) did not require it.

This asks about federal closure procedures, not state MPA rulemaking.

Source: 36 CFR §1.5 | 36 CFR §1.7 | Archived NPS page, November 4, 2023

Federal wilderness policy entered the MPA process.

DOCUMENTED PARTNERSHIP

NPS and EAC worked on MPA Watch. NPS cited “Federal wilderness policies” in its MPA recommendations. EAC relied on that letter.

THE QUESTION FOR THE STATE

The letter went to CDFW and FGC. What federal conversion effects were disclosed, discussed and evaluated?

The record shows collaboration and policy alignment, but does not establish a joint conversion plan.

The state needs the communications behind these recommendations.

Source: NPS and EAC correspondence, 2022–23

A narrower proposal still leaves federal conversion risk unresolved.

THE STATE SIDE

CDFW's narrower proposal keeps other fishing while adding intertidal restrictions.
It identifies habitat benefits.

THE FEDERAL SIDE

Even if California allows fishing, a valid NPS vessel closure could still prevent boat access.
Authority and boundaries need review.

Gathering limits alone do not establish conversion. Any continuing commercial fishing must be assessed against the requirement that all wilderness-prohibited uses have ceased.

Deny the petition in full. State permission cannot cancel a valid federal closure.

Source: CDFW petition evaluation, March 2026 | Public Law 94-567, §3 | Wilderness Act, §4 | Archived NPS page, November 4, 2023

Deny the petition in full.

FISH AND GAME COMMISSION	Deny Petition 2023-32MPA in full, including its proposed boundary expansions.
STATE LANDS + STATE COUNSEL	Explain retained rights, navigation and jurisdiction; map the overlap and assess federal consequences.
NATIONAL PARK SERVICE	Produce the original closure decisions and procedures; explain the geography, exceptions and remaining uses.

Drakes shows conversion can happen. Deny the petition in full.

Source: Drakes conversion notice, 2012 | Ninth Circuit opinion, 2014 | 36 CFR §1.5

Federal conversion is real. The closure record must be clear.

Purpose

Support a focused state inquiry into the authority, geography and adoption procedures behind the Drakes Estero and Sculpture Beach–Duxbury Reef vessel restrictions. Drakes demonstrates an actual conversion mechanism; it does not establish that Duxbury has met the same test.[1,2]

Our requested disposition

Deny Petition 2023-32MPA in full, including boundary expansions. Seek the agency records and legal analysis independently of that decision. This is an advocacy recommendation, not a finding that denial is legally mandatory.

Read first

Pages 2–3: Conversion law, Drakes history and retained-rights reasoning.
Pages 4–7: Motorboat history, Duxbury text, geographic rationale and procedure.
Pages 8–10: Collaboration, records questions and state analysis.
Pages 11–19: Highlighted original-page exhibits.
Page 20: Laura Watt's amicus brief and the limits of the court's ruling.

Evidence standard

"Not located" means not located in the materials reviewed. It does not mean records do not exist. A closure can restrict use without extinguishing an underlying right. A late online appearance does not prove an adoption date or a coordinated purpose.

Scope and pagination

This is a separate packet with its own page numbers. It does not change or replace the existing Part Three source packet. Reader pages contain attributed excerpts and analysis; the appendix reproduces selected original documents, not the complete administrative record.

1. Public Law 94-567, §3
https://www.nps.gov/pore/learn/management/upload/lawsandpolicies_publiclaw94_567.pdf

2. Drakes conversion notice, 2012
https://www.govinfo.gov/content/pkg/FR-2012-12-04/html/2012-29381.htm

What happened at Drakes

"All lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness."[1]

What the notice did

The December 4, 2012 notice changed **1,363 acres** of Drakes Estero from potential to designated wilderness. It relied on expiration of commercial shellfish authorizations on November 30, 2012. The notice reported 27,315 acres of designated wilderness and 5,415 acres of remaining potential wilderness.[2]

Two distinct decisions

California would decide the MPA restrictions. Interior would decide whether the federal conversion requirements have been met. The state vote does not itself designate wilderness; the statute provides a separate federal conversion process.[1]

What this means for the state

A restriction could contribute by ending a legally relevant use, even potentially the last such use. The statute requires Interior's notice that all wilderness-prohibited uses have ceased.[1] **Before restricting more uses, the state should establish what those restrictions could mean for federal conversion. Deny the petition in full.**

Important limitation

The notice's assertion that prohibited uses had ceased should not be confused with the physical end of all oyster operations. The Ninth Circuit discussed temporary non-wilderness conditions. Its opinion must be read alongside the notice.[3]

---

1. Public Law 94-567, §3
https://www.nps.gov/pore/learn/management/upload/lawsandpolicies_publiclaw94_567.pdf

2. Drakes conversion notice, 2012
https://www.govinfo.gov/content/pkg/FR-2012-12-04/html/2012-29381.htm

3. Ninth Circuit opinion, 2014
https://cdn.ca9.uscourts.gov/datastore/opinions/2014/01/14/13-15227.pdf

The legal history cuts both ways

"The State of California retains mineral and fishing rights over the submerged lands. The reservation of such rights is inconsistent with wilderness."[5]

What Kyl agreed to, and what Congress did

Kyl's letter records Interior's agreement to potential status for Limantour Estero and Abbotts Lagoon because of retained rights, while opposing other proposed wilderness acreage, including Drakes and coastal tidelands. Congress adopted the broader potential-wilderness designation. Do not attribute the whole final compromise to Kyl alone.[5,3]

2005 legal position; 2012 Salazar decision

By January 2005, NPS was sharing an Interior Solicitor memorandum rejecting the earlier rights-based objection. This predates **Secretary Ken Salazar's November 29, 2012 decision** directing permit expiration and a conversion notice. The court also reported California's position that retained fishing rights did not cover aquaculture, unlike wild fisheries. These events do not establish surrender of state rights.[3,20]

"The notice was not false because, as we explained above, Drakes Estero could be designated "wilderness" despite California's reserved rights."[3]

Court limits and the Duxbury question

The majority separately found no standing to challenge the notice. Its rights analysis was contested, and it did not decide the original motorboat closure's legality. See p. 20 for the amicus brief and procedural distinction. **Which rights and uses remain at Duxbury, and what would justify conversion?**[3,1]

---

5. Interior's Kyl letter, 1976
https://www.fordlibrarymuseum.gov/sites/default/files/pdf_documents/library/document/0055/1669683.pdf

3. Ninth Circuit opinion, 2014
https://cdn.ca9.uscourts.gov/datastore/opinions/2014/01/14/13-15227.pdf

20. Salazar decision, Nov. 29, 2012
https://www.nps.gov/pore/getinvolved/upload/planning-dboc-memo-doi-secretary-to-nps-director_121129.pdf

1. Public Law 94-567, §3
https://www.nps.gov/pore/learn/management/upload/lawsandpolicies_publiclaw94_567.pdf

A restriction is documented. Its original adoption is not established here.

"Service does not allow power boats within Drakes Estero, except for the boats associated with the DBOC's Reservation of Use and Occupancy and rare NPS operations determined to be necessary under the "minimum requirement concept" for wilderness management"[6]

Excerpt from a longer sentence in NPS's September 18, 2007 clarification, printed p. 4. DBOC means Drakes Bay Oyster Company. The full source page is reproduced at packet p. 15.

"In addition, all other motorboats were excluded from Drakes Estero upon passage of the Point Reyes Wilderness Act of 1976."[7]

What remains unresolved

The National Research Council's 2009 statement is retrospective. Neither excerpt supplies the original signed order, a verified effective date, the authorizing official, the original legal analysis or the public-process record. They should not be substituted for those records.

Keep three issues separate

Public motorboats: the year-round restriction described above.
Seasonal access: restrictions on all boats during harbor-seal pupping.
Oyster operations: separate permit and operating conditions. The 2007 account expressly distinguishes public boats from oyster-company boats.[6]

Apply the law in force at the time

NPS's regulatory history places closure authority in former §2.6 before the 1983 adoption of §§1.5–1.7. A claimed 1970s restriction cannot simply be tested retroactively against today's wording.[16]

---

6. NPS clarification, September 2007
https://npca.s3.amazonaws.com/documents/3257/a5097577-8d73-4938-ae62-827b1c7409d6.pdf

7. National Research Council, 2009
https://peer.org/wp-content/uploads/attachments/09_07_05_natl_academies_rpt_pt_reyes.pdf

16. NPS: history of the Compendium
https://www.nps.gov/subjects/policy/upload/Compendium_History.pdf

When did the Duxbury vessel closure become effective?

July 8, 2019: signed Compendium

Approved by Superintendent Cicely Muldoon. The boating provision covers a 100-yard Headlands zone between the Lighthouse and Chimney Rock, not Sculpture Beach–Duxbury.[8]

August 2, 2023: archived webpage

This capture shows the older Headlands text and does not contain the Sculpture Beach–Duxbury line.[9]

November 4, 2023: archived webpage

The webpage now includes the broader "any vessel" closure below. Its May 30, 2023 update label does not verify this restriction's adoption date. A signed copy is offered for inspection or by email.[10]

> **"Within a quarter mile of the shoreline from Avalis Beach south to the Lighthouse, from Chimney Rock to Limantour Beach, and from Sculpture Beach to Duxbury Reef."[10]**

November 30, 2023: petition received

The Commission received Petition 2023-32MPA **26 days after** the November 4 capture. This is not a verified adoption-to-filing interval or evidence of motive.[22]

The adoption record is still needed

An archived webpage is not enough to establish who approved the closure, when it took effect, or what procedures were followed. The signed Compendium could itself be the operative decision; a separate order is not necessarily required.

---

8. Signed NPS Compendium, July 2019
https://www.nps.gov/pore/learn/management/upload/lawsandpolicies_compendium.pdf

9. Archived NPS page, August 2, 2023
https://web.archive.org/web/20230802115832/https://www.nps.gov/pore/learn/management/lawsandpolicies_superintendents_compendium.htm

10. Archived NPS page, November 4, 2023
https://web.archive.org/web/20231104060542/https://www.nps.gov/pore/learn/management/lawsandpolicies_superintendents_compendium.htm

22. Commission petition log
https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=239726

NPS'S STATED RATIONALE

The vessel closure, including Sculpture Beach–Duxbury Reef

"This closure is necessary to protect marine mammals and seabirds in this area consistent with the State of California Point Reyes Special Marine Closures."[10]

Read with the whole provision

The rationale follows both geographic bullets, including Sculpture Beach–Duxbury. The restriction says **"any vessel,"** not only motorboats.[10]

The state geography is different

CDFW describes a 1,000-foot Headlands Special Closure and a 300-foot Stormy Stack buffer at Double Point. Duxbury Reef is an SMCA, not a Special Closure. These descriptions do not establish a continuous quarter-mile Sculpture–Duxbury closure.[11,12,13]

Why ask for more?

Similar language appeared in the older Headlands-only provision. NPS should explain the broader geography and why less restrictive measures would not suffice.[8,10,14]

Do not assume illegality

"Consistent with" may mean a shared protective purpose, not identical boundaries. This is a justification question, not proof of an unlawful decision or a personal mistake.

---

10. Archived NPS page, November 4, 2023
https://web.archive.org/web/20231104060542/https://www.nps.gov/pore/learn/management/lawsandpolicies_superintendents_compendium.htm

11. CDFW: Point Reyes Special Closure
https://wildlife.ca.gov/Conservation/Marine/MPAs/Point-Reyes

12. CDFW: Double Point / Stormy Stack
https://wildlife.ca.gov/Conservation/Marine/MPAs/Double-Point

13. CDFW: Duxbury Reef SMCA
https://wildlife.ca.gov/Conservation/Marine/MPAs/Duxbury-Reef

8. Signed NPS Compendium, July 2019
https://www.nps.gov/pore/learn/management/upload/lawsandpolicies_compendium.pdf

14. 36 CFR §1.5
https://www.law.cornell.edu/cfr/text/36/1.5

Closure authority comes with conditions

"Except in emergency situations, prior to implementing or terminating a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the action."[14]

Written reasons and narrower alternatives

Section 1.5(c) also requires an explanation of why less restrictive measures will not suffice, and makes the determination available on request. The Compendium says its italicized text supplies written determinations; the question is the applicable decision's sufficiency and supporting record, not whether there are any words of justification.[14,10]

Mandatory rulemaking: identify the process or explain the exception

Federal rulemaking is mandatory for qualifying non-emergency closures. NPS should identify the rulemaking that authorized this vessel restriction, or explain why §1.5(b) did not require it. The criteria include significant public-use changes, adverse effects on park values, long-term or significant resource-management changes, or a highly controversial action.[14]

Notice is not always a comment period

Sections 1.5(e) and 1.7 govern public notice through appropriate methods such as signs, maps and other notices. The annual compilation requirement is distinct from those notice methods. Do not equate all notice with a hearing or formal comment period.[14,15]

Environmental-compliance inquiry

Request the applicable environmental determination and supporting records: any categorical exclusion and extraordinary-circumstances review, EA/FONSI or EIS/ROD relied upon, and other applicable compliance records. This is a request to identify the actual pathway, not a claim that a full EIS was mandatory.

---

14. 36 CFR §1.5
https://www.law.cornell.edu/cfr/text/36/1.5

15. 36 CFR §1.7
https://www.law.cornell.edu/cfr/text/36/1.7

10. Archived NPS page, November 4, 2023
https://web.archive.org/web/20231104060542/https://www.nps.gov/pore/learn/management/lawsandpolicies_superintendents_compendium.htm

NPS AND EAC

Federal wilderness policy entered the state MPA process

"Based on our intimate long-term understanding of these areas and to continue support for the NPS Mission and Federal wilderness policies, we respectfully submit our MPA designation recommendations in Table 2 as CDFW and the Commission undergoes the 10-Year MPA review."[17]

Duxbury recommendation

The Duxbury row reads **"Continue as SMCA or Convert to SMR."** The letter is dated November 14, 2022 and addressed to CDFW's Craig Shuman and Fish and Game Commissioner Samantha Murray. Its complete four pages appear at packet pp. 16–19.[17]

Documented collaboration

The attached EAC correspondence describes its Marin MPA Watch work with Point Reyes National Seashore and relies on NPS's written comments. NPS describes co-development of MPA Watch and advice on an intertidal docent program. This supports collaboration and policy alignment.[17]

The question for the state

The letter went to CDFW and the Commission. What federal conversion effects were disclosed, discussed and evaluated? The materials document program collaboration and policy alignment, but do not establish a joint conversion plan or a coordinated vessel closure.[17]

Records needed

Dated correspondence, meeting records, drafts and attachments addressing federal conversion, retained rights, vessel restrictions and proposed MPA changes would help distinguish routine program cooperation from decision-specific coordination.

17. NPS and EAC correspondence, 2022–23 https://static1.squarespace.com/static/587d5638bebafb893ba15a0b/t/64e128726fee636cd48886f3/1692477557229/2023.07.05.+Attachment+1+-+2023.04.06.+EAC+Comments+to+FGC+re.+Agenda+Item+25+with+attachments+FINAL+(1).pdf

Two decisions. Two traceable records.

Drakes Estero: original public motorboat restriction

While Drakes Estero remained potential wilderness, what specific statute, regulation, signed order, or other decision prohibited public motorboats, who authorized it, and what procedures made it effective?

Records that would answer it

The original instrument and amendments; approving official and delegated authority; effective date; geographic scope and exceptions; contemporaneous reasons; public notice and any rulemaking or environmental records; and legal analysis addressing state fishing, mineral, navigation and public-trust rights.

Sculpture Beach–Duxbury Reef: “any vessel” closure

Please provide the signed decision authorizing the Sculpture Beach–Duxbury Reef “any vessel” closure, its approving official and effective date, and its supporting justification, notice, rulemaking assessment and environmental-compliance records. Please explain how the cited state special closures justify this different geographic area and why narrower measures would not suffice.

Records that would answer it

The signed 2023 Compendium and amendments or separate decision; determination under §1.5(c); maps and boundary coordinates; evidence of notice; any §1.5(b) assessment; environmental pathway; supporting resource data; exception/enforcement guidance; and relevant state-agency consultations.[14,15]

Use the right channel

For FOIA, ask for **existing records** documenting these matters, including records supporting any conclusion that a procedure was unnecessary. Ask explanatory questions in a parallel agency inquiry; do not rely on a records request to produce a new legal opinion. Request identifiable date ranges and clarify the search scope.

14. 36 CFR §1.5
https://www.law.cornell.edu/cfr/text/36/1.5

15. 36 CFR §1.7
https://www.law.cornell.edu/cfr/text/36/1.7

Deny in full. Get written answers.

A narrower proposal still leaves federal conversion risk unresolved

CDFW favors modified expansions, not an SMR, and identifies ongoing fishing. Gathering limits alone do not establish conversion. Continuing commercial fishing must be evaluated against the test that all wilderness-prohibited uses have ceased. Recreational fishing is not automatically prohibited.[18,1,19]

Ask State Lands and state counsel

Identify retained rights and jurisdiction. The grant expressly reserves fishing and mineral rights and a public-purpose reverter, not a navigation reservation in §§1–4. Analyze navigation/public-trust law separately. Address the court's later reasoning; Kyl alone is not dispositive.[4,3,5]

Ask NPS and CDFW together

Overlay controlling maps and proposed boundaries. Identify actual uses, the authority to restrict them and how a federal vessel restriction would interact with state-authorized fishing and a §3 determination.[1,18]

What changes after designation

Commercial enterprise and motorboats are generally barred, subject to exceptions and rights. Nonmotorized boating and subsistence gathering are not categorically banned. Changing state MPA rules would not undo federal status.[19,1]

Our position

Drakes shows conversion can happen. Deny the petition in full. Obtain the records and interagency analysis independently of that decision, not as a request to advance state rulemaking.

---

18. CDFW petition evaluation, March 2026
https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=242627

1. Public Law 94-567, §3
https://www.nps.gov/pore/learn/management/upload/lawsandpolicies_publiclaw94_567.pdf

4. California grant in NPS 1980 plan
https://www.nps.gov/pore/getinvolved/upload/planning_gmp_1980.pdf

3. Ninth Circuit opinion, 2014
https://cdn.ca9.uscourts.gov/datastore/opinions/2014/01/14/13-15227.pdf

5. Interior's Kyl letter, 1976
https://www.fordlibrarymuseum.gov/sites/default/files/pdf_documents/library/document/0055/1669683.pdf

19. Wilderness Act, §4
https://www.law.cornell.edu/uscode/text/16/1133

EXHIBIT A | The conversion statute

Public Law 94-567, original PDF p. 2; §3. Highlights added; original wording unchanged.

"Wilderness Plan, Joshua Tree National Monument, California", numbered 156-20,003-D and dated May 1976, to be known as the Joshua Tree Wilderness.

Mesa Verde National Park, Colo.

(h) Mesa Verde National Park, Colorado, wilderness comprising eight thousand one hundred acres, depicted on a map entitled "Wilderness Plan, Mesa Verde National Park, Colorado", numbered 307-20,007-A and dated September 1972. to be known as the Mesa Verde Wilderness.

Pinnacles National Monument. Calif.

(i) Pinnacles National Monument, California, wilderness comprising twelve thousand nine hundred and fifty-two acres, and potential wilderness additions comprising nine hundred and ninety acres, depicted on a map entitled "Wilderness Plan, Pinnacles National Monument, California", numbered 114-20,010-D and dated September 1975, to be known as the Pinnacles Wilderness.

Saguaro National Monument. Ariz.

(j) Saguaro National Monument, Arizona, wilderness comprising seventy-one thousand four hundred acres, depicted on a map entitled "Wilderness Plan, Saguaro National Monument, Arizona", numbered 151-20,005-D and dated May1976, to be known as the Saguaro Wilderness.

Point Reyes National Seashore, Calif.

(k) Point Reyes National Seashore, California, wilderness comprising twenty-five thousand three hundred and seventy acres, and potential wilderness additions comprising eight thousand and three acres, depicted on a map entitled "Wilderness Plan, Point Reyes National Seashore", numbered 612-90,000-B and dated September 1976, to be known as the Point Reyes Wilderness.

Badlands National Monument, S. Dak.

(l) Badlands National Monument, South Dakota, wilderness comprising sixty-four thousand two hundred and fifty acres, depicted on a map entitled "Wilderness Plan, Badlands National Monument, South Dakota", numbered 137-29,010-B and dated May 1976, to be known as the Badlands Wilderness.

Shenandoah National Park, Va.

(m) Shenandoah National Park, Virginia, wilderness comprising seventy-nine thousand and nineteen acres, and potential wilderness additions comprising five hundred and sixty acres, depicted on a map entitled "Wilderness Plan, Shenandoah National Park, Virginia", numbered 134-90,001 and dated June 1975, to be known as the Shenandoah Wilderness.

Map and description, public inspection.

SEC. 2. A map and description of the boundaries of the areas designated in this Act shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, and in the office of the Superintendent of each area designated in the Act. As soon as practicable after this Act takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such maps and descriptions may be made.

Publication in Federal Register. 16 USC 1131 note.

SEC. 3. All lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness.

Boundary revision.

SEC. 4. The boundaries of the following areas are hereby revised, and those lands depicted on the respective maps as wilderness or as potential wilderness addition are hereby so designated at such time and in such manner as provided for by this Act:

1. Public Law 94-567, §3
https://www.nps.gov/pore/learn/management/upload/lawsandpolicies_publiclaw94_567.pdf

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 8, 1976.

Hon. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to the request of your committee for the views of this Department on H.R. 7198, a bill "To designate certain lands in the Point Reyes National Seashore, California, as wilderness; to designate Point Reyes National Seashore as a natural area of the National Park System, and for other purposes," and similar bills H.R. 8002 and H.R. 8003.

We recommend the enactment of H.R. 7198, if amended as described herein.

H.R. 7198 would designate approximately 10,600 acres of the Point Reyes National Seashore as wilderness and 20 acres of the Seashore as a potential wilderness addition. H.R. 7198 is consistent with the President's earlier wilderness proposal in the 93rd Congress on Point Reyes.

On March 2, 1976, this Department testified before the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs recommending that the Administration's proposal be expanded to designate 25,480 acres as wilderness and 20 acres as a potential wilderness addition. At the March hearings, this Department concurred in the view that the Limantour Estero of about 550 acres and Abotts Lagoon of about 200 acres should be designated as potential wilderness additions instead of wilderness, because both are subject to mineral and fishing rights owned by the State of California. With this modification, the Administration proposal consists of 24,730 acres for immediate wilderness designation and potential wilderness additions of 770 acres (Limantour Estero, Abotts Lagoon and the 20 acre private parcel). We recommend that H.R. 7198 be amended to effect this modification and that it be enacted.

H.R. 8002 and the companion bill, H.R. 8003, would (1) designate approximately 38,700 acres as wilderness within Point Reyes National Seashore, (2) designate that wilderness, consisting of three units, as the Point Reyes Miwok Wilderness, the Point Reyes Esteros Wilderness, and the Point Reyes Clem Miller Wilderness, and (3) amend subsection 6(a) of the Point Reyes Act of September 13, 1962 (76 Stat. 541; 16 U.S.C. 459–c6(a)), as amended, to provide for administration of the national seashore "as a natural area of the National Park System. . . ." The reference to subsection 6(a) appears to be a technical error; we believe it should be 7(a).

H.R. 8002 and H.R. 8003 would designate as wilderness approximately 38,700 acres, or approximately 13,200 acres more than the Administration's proposal. We do not recommend the inclusion of this additional acreage (which includes the following major components) for wilderness designation for the following reasons:

(1) Tidelands extending ¼ mile offshore. The State of California retains mineral and fishing rights over the submerged lands. The reservation of such rights is inconsistent with wilderness.

5. Interior's Kyl letter, 1976
https://www.fordlibrarymuseum.gov/sites/default/files/pdf_documents/library/document/0055/1669683.pdf

House Report 94-1680, printed p. 6. Drakes Estero passage. Highlights added; original wording unchanged.

(2) Drakes Estero. Commercial oyster farming operations take place in this estuary and the reserved rights by the State on tidelands in this area make this acreage inconsistent with wilderness.

(3) Certain portions of the seashore's former "pastoral zone." The "pastoral zone" was established pursuant to section 4 of the 1962 Act (76 Stat. 540; 16 U.S.C. 459c–3), which was repealed by subsection 2(b) of the Act of April 3, 1970 (84 Stat. 90)). The portions of the former "pastoral zone" included as wilderness in S. 2472 are now in Federal ownership, but are subject to a special use permit which permits the use of roads, mechanical equipment, fences, water impoundments, and corrals, as well as the use of pesticides and herbicides. These uses would continue in wilderness under S. 2472. While it is expected that these uses will terminate in about 30 years, the land has been managed for grazing for at lease three generations and does not appear to be in a wilderness condition.

(4) Muddy Hollow Road corridor. A portion of the area included as wilderness in H.R. 8002 and H.R. 8003 consists of a road and overhead electric power and telephone lines. While the National Park Service plans to remove and relocate the power and telephone lines eventually, there are no plans to do so in the near future. Designation of this corridor as wilderness now would be inconsistent with the definition of wilderness in the Wilderness Act, inasmuch as the facilities are works of man which are quite noticeable. We recommend that the corridor not be designated wilderness, but if the Committee wishes to designate it as potential wilderness we would have no objection.

H.R. 8002 and H.R. 8003 would designate, as a wilderness, three units which would be given separate wilderness names. We believe that it is unnecessary and confusing to have separate names for various wilderness units within National Park System areas, and we recommend that the entire wilderness area carry only the name of the park and be called the Point Reyes Wilderness. Use of the park name would be consistent with all National Park System wilderness names previously designated by the Congress as well as others pending before the Congress.

The effect of section 4 of H.R. 8002 and H.R. 8003 would be to change an administratively established management classification for the Point Reyes National Seashore from a "recreational area" to a "natural area." Lands within units of the National Park System are not arbitrarily managed according to such classifications as "recreational area," "historical area" or "natural area," but are managed according to a single system of *land classification* under which lands are classified as: natural zone; historic zone; development zone; or special use zone. Regardless of administrative designation of natural, historical, or recreational areas, land management is based on the inherent nature of the park resources and the suitability of the land for the proposed uses. We believe that under this classification system the natural values as well as other features are appropriately recognized and managed.

5. Interior's Kyl letter, 1976
https://www.fordlibrarymuseum.gov/sites/default/files/pdf_documents/library/document/0055/1669683.pdf

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the Bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF SEPTEMBER 13, 1962 (76 STAT. 538), AS AMENDED

(16 U.S.C. 459c–6A)

* * * * * * *

SEC. 6. (a) Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, *without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration and preservation of the natural environment within the area*, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with other laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496), except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

(b) The Secretary may permit hunting and fishing on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, State, and Federal law. The Secretary shall consult with officials of the State of California and any political subdivision thereof who have jurisdiction of hunting and fishing prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative agreements with such officials regarding such hunting and fishing as he may deem desirable.

SEC. 7. The Secretary shall designate the principal environmental education center within the Seashore as "The Clem Miller Environmental Education Center," in commemoration of the vision and leadership which the late Representative Clem Miller gave to the creation and protection of Point Reyes National Seashore.

5. Interior's Kyl letter, 1976
https://www.fordlibrarymuseum.gov/sites/default/files/pdf_documents/library/document/0055/1669683.pdf

> ecosystems. Just as all components of a natural system will be recognized as important, natural change will also be recognized as an integral part of the functioning of natural systems... .In managing parks to preserve naturally evolving ecosystems, and in accordance with the requirements of the National Parks Omnibus Management Act of 1998, the Service will use the findings of science and the analyses of scientifically trained resource specialists in decision-making.

Management Policies ¶ 4.1 ("General Management Concepts [for Natural Resource Management]").

Based on the laws and policies that govern park management, therefore, any changes from natural conditions are of concern and must be scrutinized carefully. This principle guides the National Park Service's scientific study and review of the impacts of DBOC's operations on Drakes Estero. "In cases of uncertainty as to the impacts of activities on park natural resources, the protection of natural resources will predominate." *Id.*

Of course, the National Park Service regulates activities to assure resource protection. For example, for the protection of the resources and values of Drakes Estero, the National Park Service does not allow power boats within Drakes Estero, except for the boats associated with the DBOC's Reservation of Use and Occupancy and rare NPS operations determined to be necessary under the "minimum requirement concept" for wilderness management *(see Management Policies* ¶ 6.3.5). All boats, except for the DBOC boats, are restricted within Drakes Estero during the harbor seal pupping season, March-June (Point Reyes National Seashore, Superintendent's Compendium).

Although the National Park Service is the primary agency responsible for the management of Drakes Estero, the NPS consults with appropriate state and federal agencies regarding park management issues. These consultations generally include the California Coastal Commission, the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. As a unit of the National Park System, Point Reyes National Seashore is required to comply with the National Environmental Policy Act, the Clean Water Act, the Endangered Species Act, the Migratory Bird Treaty Act, the Marine Mammal Protection Act, the Coastal Zone Management Act, and other applicable law.

DBOC's Operations

As already described, DBOC is operating under a forty year Reservation of Use and Occupancy that expires in 2012. In 1972, Johnson Oyster Company sold its approximately 5 acres of onshore property to the United States and retained a right to use and occupy approximately 1.5 acres for 40 years. In 2005 Johnson Oyster Company assigned its right in the remaining years of the RUO to DBOC. According to its terms, the RUO is "for the purpose of processing and selling wholesale and retail oysters, seafood and complimentary food items, the interpretation of oyster cultivation to the visiting public, and residential purposes reasonably incidental thereto..." The RUO

6. NPS clarification, September 2007
https://npca.s3.amazonaws.com/documents/3257/a5097577-8d73-4938-ae62-827b1c7409d6.pdf

EXHIBIT D | Complete NPS letter (1 of 4)

Anne Altman, November 14, 2022; EAC-hosted attachment PDF p. 14. Highlights added; original wording unchanged.

United States Department of the Interior

NATIONAL PARK SERVICE
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956
Department of the Interior Region 10

IN REPLY REFER TO:

L7617

November 14, 2022

Craig Shuman, Marine Region Manager, CDFW
craig.shuman@wildlife.ca.org
Samantha Murray, President, California Fish and Game Commission
samanthamurrayfgc@gmail.com

Dear Mr. Shuman and President Murray:

The National Park Service (NPS) strongly supports the continued science-based and stakeholder driven designation and management of the most significant biodiversity focused Marin Protected Area (MPA) network in the United States. We anticipate the 10-year review will strengthen and reinforce the unparalleled benefits to protecting California's unique ecologically and economically important and irreplaceable marine biodiversity.

The NPS participated in the 2008 – 2009 stakeholder working groups recommending proposed Network of MPAs for the North-Central Coast. Since that time, NPS continues to support and conduct protection, education, monitoring, and research in the four State MPAs that overlap with the boundaries of Point Reyes National Seashore: Estero de Limantour State SMR, Drakes Estero SMCA, the Point Reyes SMR, and Duxbury Reef SMCA. Similarly, we also protect and monitor seabird and marine mammal populations in the three special closures within park boundaries: Point Reyes Headlands, Point Resistance Rock, and Double Point/Stormy Stack. We are proud to help protect and monitor these MPAs that both stakeholder subgroups overwhelmingly concurred on the Commission enacted MPA designations along the Marin County coastline.

The biodiversity protections established by these seven MPAs within the boundaries of Point Reyes National Seashore are key components in the NPS mission to *"…preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations."* Importantly, the majority of Point Reyes National Seashore's outer coast out to ¼ mile from shore is Congressionally designated as Potential Wilderness, which restricts commercial activities (including commercial fishing) and motorized equipment (including motorboats). These federal marine wilderness areas overlap partially or entirely with all seven State MPAs in Marin County.

Our continued support and engagement with the State MPA designations is summarized below where NPS, in collaboration with many partners, conducts ecological restoration, ecological monitoring, human use monitoring, research, protection, and education.

17. NPS and EAC correspondence, 2022–23
https://static1.squarespace.com/static/587d5638bebafb893ba15a0b/t/64e128726fee636cd48886f3/1692477557229/2023.07.05.+Attachment+1+-+2023.04.06.+EAC+Comments+to+FGC+re.+Agenda+Item+25+with+attachments+FINAL+(1).pdf

Table 1: Summary of National Park Service programs and projects in the seven State MPAs that overlap with NPS waters at Point Reyes National Seashore.

State MPA	Ecological Restoration	Ecological Monitoring	Human Use Monitoring	Research	Education	Protection
Drakes Estero SMCA	X	X	X	X	X	X
Estero de Limantour SMR				X	X	X
Point Reyes SMR	X	X	X	X	X	X
Duxbury Reef SMCA		X	X	X	X	X
Point Reyes Headlands Special Closure		X	X	X	X	X
Point Resistance Rock Special Closure		X	X		X	X
Double Point/Stormy Stack Special Closure		X	X	X	X	X

Recent and ongoing NPS investments in these State MPAs include:

- $4m restoration of the Drakes Estero SMCA in 2016-2017 removing 3.6m lbs. of aquaculture debris and continued annual monitoring of eelgrass restoration.
- Annual harbor seal and/or elephant seal monitoring in all the MPAs (except Estero de Limantour).
- NPS Visitor and Resource Protection patrol and response at all MPA sites, including vessel response and coordination with Marin County Sheriff and CDFW game wardens.
- NPS rocky intertidal monitoring at the Duxbury Reef SMCA as well as additional reference sites throughout the park
- NPS and Partner Rocky Intertidal habitat mapping for oil spill response and climate change tracking.
- Ashy Storm-Petrel Monitoring at the Double Point/Stormy Stack Special Closure
- Logistical support for USFWS Seabird Monitoring at five of the seven MPAs.
- $250,000 in funding to match OPC funded ROV fish and invertebrate surveys at the Point Reyes Headlands SMR (via UCSD).
- Funding to supplement and support seafloor habitat mapping between Tomales Point and Duxbury Reef to support the MPA stakeholder working groups and science teams (via Moss Landing Marine Lab).
- Funding supporting UC Davis research developing MPA larval dispersal models (Botsford Lab) in the Point Reyes region used by the MPA Science advisory Team.
- Endangered Black Abalone Restoration research (with UCSC) at the Point Reyes SMR and Point Reyes Headlands Special Closure.
- Hosting regular joint law enforcement trainings on MPA law, science, policy, and emerging issues.
- Co-development and support for of an MPA Watch program for Marin County that covers all the MPAs.

17. NPS and EAC correspondence, 2022–23
https://static1.squarespace.com/static/587d5638bebafb893ba15a0b/t/64e128726fee636cd48886f3/1692477557229/2023.07.05.+Attachment+1+-+2023.04.06.+EAC+Comments+to+FGC+re.+Agenda+Item+25+with+attachments+FINAL+(1).pdf

- Advising on an MPA-intertidal docent program at Duxbury Reef SMCA.
- MPA science, policy, and protection education at NPS visitor centers, interpretive programs and media.

NPS scientists, interpreters, law enforcement and partners regularly work and perform outreach, research and monitoring in these seven State MPAs. Based on our intimate long-term understanding of these areas and to continue support for the NPS Mission and Federal wilderness policies, we respectfully submit our MPA designation recommendations in Table 2 as CDFW and the Commission undergoes the 10-Year MPA review.

Table 2: National Park Service's State MPA recommendations for MPA 10-year review.

State MPA	NPS Recommendation	Rationale
Drakes Estero SMCA	Convert from SMCA to SMR	2010 designation as SMCA relied on presence of commercial aquaculture operation. DOI authorization of commercial aquaculture ended in 2012, and operations ceased in 2014. Area is now Congressionally Designated Wilderness, $4m estuary restoration completed in 2017. Recreational take of shellfish appears to be very rare, requires long kayak trips in wilderness area with no cell service and limited emergency response. Increased protections for eelgrass, estuarine biodiversity, and marine wilderness. If converted to an SMR, join with Estero de Limantour into a single SMR for naming and outreach purposes.
Estero de Limantour SMR	No Change/or merge with proposed Drakes Estero SMR	Protection of eelgrass and estuarine biodiversity.
Point Reyes SMR	No Change	Continued protection of marine biodiversity, including Seabirds, Marine Mammals, Black Abalone
Duxbury Reef SMCA	Continue as SMCA or Convert to SMR	NPS staff observe periodic illegal take of invertebrates after 12 years despite SMCA status. Full SMR status would clarify regulations and ease enforcement/education needs. Premier site for intertidal and ocean education in Marin County. NPS and UCSC long-term intertidal monitoring sites.
Point Reyes Headlands Special Closure	No Change	Protection of Seabirds, Marine Mammals, Black Abalone
Point Resistance Rock Special Closure	No Change	Protection of Seabirds. NPS has concerns about boating and kayaking disturbances. However, these are generally due to the public not following existing regulations.
Double Point/Stormy Stack Special Closure	No Change	Protection of Seabirds, Marine Mammals. NPS has concerns about boating and kayaking disturbances. However, these are generally due to the public not following existing regulations. NPS continues to monitor harbor seals outside the special closure for disturbance events.

17. NPS and EAC correspondence, 2022–23
https://static1.squarespace.com/static/587d5638bebafb893ba15a0b/t/64e128726fee636cd48886f3/1692477557229/2023.07.05.+Attachment+1+-+2023.04.06.+EAC+Comments+to+FGC+re.+Agenda+Item+25+with+attachments+FINAL+(1).pdf

EXHIBIT D | Complete NPS letter (4 of 4)

Anne Altman, November 14, 2022; EAC-hosted attachment PDF p. 17. Highlights added; original wording unchanged.

Please contact NPS Cooperative Ecosystems Studies Unit Science Advisor Ben Becker at ben_becker@nps.gov if you would like any additional supporting information on NPS MPA support activities or our MPA recommendations.

Sincerely,

Anne Altman
Acting Superintendent

17. NPS and EAC correspondence, 2022–23
https://static1.squarespace.com/static/587d5638bebafb893ba15a0b/t/64e128726fee636cd48886f3/1692477557229/2023.07.05.+Attachment+1+-+2023.04.06.+EAC+Comments+to+FGC+re.+Agenda+Item+25+with+attachments+FINAL+(1).pdf

What the court addressed, and what it did not resolve

Laura Watt's amicus brief: October 25, 2013

Dr. Laura A. Watt urged rehearing en banc. She argued that reserved California rights, rather than an intent to remove the oyster farm, explained potential-wilderness status. Her legislative-history argument supported continued oyster operations and disputed the federal interpretation. This is an advocate's legal argument, not a court holding.[21]

> **"Drakes Bay lacks standing to challenge the publication of the notice."[3]**

The direct notice challenge had a procedural barrier

The majority said the company's injury came from permit expiration, not the wilderness notice. It therefore could not directly challenge the notice's alleged falsity or compliance with rulemaking procedures. That is not a comprehensive merits adjudication of every California navigation or public-trust issue.[3]

But the majority did discuss retained rights

At pp. 28–29 and in footnote 13, the majority said retained fishing and mineral rights did not necessarily bar designation. Judge Watford dissented on the historical interpretation. The January 14, 2014 order denied rehearing; it does not discuss Watt's brief by name. That absence does not establish that her submission was ignored.[3]

Accurate use in this briefing

Drakes documents an actual conversion through §3. It does not decide Duxbury's mapped boundaries, remaining uses, vessel-closure legality or all retained-rights questions. Neither "the court settled everything" nor "the court never addressed retained rights" accurately describes the opinion.[3]

---

21. Laura Watt amicus brief, Oct. 25, 2013
https://cdn.ca9.uscourts.gov/datastore/general/2013/10/25/13-15227_Amicus_brief_by_Dr_Laura_Watt.pdf

3. Ninth Circuit opinion, 2014
https://cdn.ca9.uscourts.gov/datastore/opinions/2014/01/14/13-15227.pdf

Outlook

Subject: Duxbury Petition 2023-32MPA: Correct the endorsement record; deny in full

From Mollie Lounibos
Date Mon 09/28/2026 03:24 PM
To FGC <FGC@fgc.ca.gov>; Miller-Henson, Melissa [redacted] Yaun, Michae [redacted]
Cc Shuman, Craig [redacted] Eckerle, Jenn@CNRA <Jenn.Eckerle@resources.ca.gov>; Megan Matson <matson@tablerockpartners.com>; Peter Luchetti <peter@tablerockpartners.com>; Gmail [redacted] Save Duxbury Access <saveduxburyaccess@gmail.com>

Dear Commissioners and Staff,

Please include the attached briefing in the record for Petition 2023-32MPA and distribute it to all commissioners before the decision.

The Coast Miwok Tribal Council of Marin's September 21 letter, submitted directly to the Commission, states that the Council has not endorsed or taken an official position on the petition and did not authorize use of its name or identity as an indication of support. It requests correction of materials suggesting otherwise. This is not a withdrawal of support, but clarification that the Council's endorsement was never authorized.

Together with the withdrawals and endorsement concerns outlined in the briefing, this raises serious questions about the reliability of support represented to decision-makers. **We urge denial of the petition in full, including both boundary expansions.** That is our request, not a position we attribute to the Coast Miwok Tribal Council.

Regardless of the outcome, please correct the endorsement record. If the Commission continues considering approval, we ask staff first to verify the endorsements being relied upon, including who authorized them and which version of the proposal they concern.

An accurate record is essential to public trust. Thank you for your attention to these concerns.

Respectfully,
Mollie Lounibos on behalf of Save Duxbury Access

Duxbury: Now that the Coast Miwok Tribal Council of Marin – represented as a supporter for over 26 months - has revealed they never supported EAC's petition, *who actually supports this petition?*

After an unprecedented number of retractions including by U.S. Representative Jared Huffman, Marin County Supervisor Dennis Rodoni, Marin Parks, the Bolinas fishing community and many others, now we learn that the Coast Miwok Tribal Council of Marin has requested:

> ***"that any public materials, presentations, correspondence, or records stating or suggesting that the Coast Miwok Tribal Council of Marin supports the Duxbury Reef petition be corrected."***
>
> ***"The Council did NOT authorize the use of its name, logo, website, or identity as an indication of support for the petition." –Letter to Commission from Coast Miwok Tribal Council of Marin, September 21, 2026***

This fact pattern of disavowal and retraction calls for an audit of support claimed by the petitioner. Proposing to remove a public right(s) while misrepresenting public sentiment to decision-makers should be disqualifying, and/or trigger deferral until record of support can be verified.

Withdrawn support and disputed endorsements

Distinguishing withdrawn support, unauthorized endorsement and stated opposition

Supporter cited by EAC	Who	What happened	Status
Coast Miwok Tribal Council of Marin	Tribal government	Never given. "NOT voted to endorse… did NOT authorize the use of its name." Cited by EAC in writing and orally, February 1, 2024 through April 21, 2026.	Disavowed
Congressman Jared Huffman	Member of Congress	Retracted. Listed by EAC as Document 20 in its July 2025 index of supporting documents. Withdrawn because community support for the petition was misrepresented.	Retracted
Supervisor Dennis Rodoni	Marin County Board of Supervisors	Retracted. Cited by EAC in its February 2024 filing as an individual letter of support. Withdrawn because community support for the petition was misrepresented.	Retracted
Marin County Parks	Local public agency	Retracted. Withdrawn because community support for the petition was misrepresented.	Retracted
Bolinas Community Public Utility District	Local public agency	Strongly opposes the petition, same reason.	Opposed
Bolinas fishing community	Local users	Retracted. Withdrawn because the petition was misrepresented.	Retracted

The common thread is not a change of mind about Duxbury Reef. It is that supporters, once they saw the record for themselves, concluded that what EAC had told them was not true. The Commission is being asked to rely on the same representations.

Sources: Coast Miwok Tribal Council of Marin letter, Sept. 21, 2026; retraction/opposition letters of Huffman, Rodoni, Marin County Parks, BCPUD and Bolinas fishing community (provided separately); EAC Attachment 21.1

What EAC told the Commission about Tribal support

The petitioner's slide, its presentation, and its answer to a Commissioner's direct question



Community Outreach & Support

Before petition was submitted

Outreach:
- Presentation at Golden Gate MPA Collaborative public meeting
- Direct outreach to community by local resident
- Agencies and other partner organizations

Support from:
- National Parks Service
- Greater Farallones and Cordell Bank National Marine Sanctuaries
- Marine Science Professors, Marine Scientists
- NGOs (including Cal Academy, Marine Mammal Center)
- Community members, including Bolinas residents

Since petition was submitted

Outreach:
- Federated Indians of Graton Rancheria
- Rod & Boat Club leadership
- Presentation & attendance at Bolinas Civic Group meetings
- Additional community outreach and resources including newsletters, social media, direct conversations
- Local press
- Presentation at Golden Gate MPA Collaborative public meeting

Support from:
- Coast Miwok Tribal Council of Marin
- Additional NGOs
- Fitzgerald State Marine Reserve
- College Professors and Marine Scientists
- Additional community members from West Marin and Greater Bay Area

EAC presentation, April 21, 2026, slide 9 of 23 — "Support from: Coast Miwok Tribal Council of Marin" (highlighting added)

FROM THE TRANSCRIPT — April 21, 2026

EAC, Ashley Eagle-Gibbs (presentation)

"We've met with tribal representatives…we've gotten the support of… the Coast Miwok Tribal Council of Marin."

Commissioner Jacqueline Hostler-Carmesin

"Question for the petitioner — outreach to tribes or tribal communities, just elaborate on that?"

EAC, Ashley Eagle-Gibbs (answer)

"There is on the record support from the Coast Miwok Tribal Council."

Three times in one meeting — on a slide, in the presentation, and in answer to a Commissioner — EAC represented that the Coast Miwok Tribal Council of Marin supports the petition and that the support is "on the record." That statement is wholly refuted in the Tribal Council's letter of September 21, 2026 and the record.

Sources: EAC presentation to the Commission, Apr. 21, 2026, slide 9 of 23; transcript of the Apr. 21, 2026 Commission meeting (Cal-Span), petitioner presentation and Commissioner Q&A

What the Coast Miwok Tribal Council of Marin actually says

Letter to the Commission, CDFW and the Ocean Protection Council — September 21, 2026



Coast Miwok Tribal Council of Marin
Coast Miwok Tribal Community Agency
PO Box 815
Nicasio, CA 94946

September 21, 2026

To: California Fish and Game Commission
California Department of Fish and Wildlife
Ocean Protection Council

fgc@fgc.ca.gov
Craig.Shuman@wildlife.ca.gov
Jenn.Eckerle@resources.ca.gov

Re: CLARIFICATION REGARDING PETITION NO. 2023-32MPA, DUXBURY REEF

Dear Commissioners and Staff:

The Coast Miwok Tribal Council of Marin wishes to clarify that it has NOT voted to endorse, authorize, or take an official position on Fish and Game Commission Petition No. 2023-32MPA concerning Duxbury Reef.

The Council did NOT authorize the use of its name, logo, website, or identity as an indication of support for the petition. The Council respectfully requests that any public materials, presentations, correspondence, or records stating or suggesting that the Coast Miwok Tribal Council of Marin supports the Duxbury Reef petition be corrected to reflect this clarification. This letter is intended to ensure an accurate public record. The Council will communicate any future position, if any, through its own authorized process.

The Council further affirms the importance of protecting Indigenous peoples' continuing relationships with their ancestral lands and waters, including cultural, subsistence, ceremonial, harvesting, fishing, and gathering practices – all of which are guaranteed under US treaties, federal laws and case laws. The Council does not intend for its silence, nonparticipation, or lack of endorsement in this matter to be interpreted as a waiver, relinquishment, or cession of any rights, interests, or responsibilities.

Sincerely,

Sky Road Webb

Councilman / Coast Miwok Tribal Council of Marin
Vice Chairman / Coast Miwok Tribal Community Agency

> *"The Coast Miwok Tribal Council of Marin wishes to clarify that it has **NOT voted to endorse, authorize, or take an official position** on Fish and Game Commission Petition No. 2023-32MPA concerning Duxbury Reef."*

> *"The Council **did NOT authorize the use of its name, logo, website, or identity** as an indication of support for the petition."*

> *"…requests that any public materials, presentations, correspondence, or records stating or suggesting that the Coast Miwok Tribal Council of Marin supports the Duxbury Reef petition **be corrected**."*

THE COUNCIL ALSO AFFIRMS ITS CONTINUING RIGHTS: *"The Council further affirms the importance of protecting Indigenous peoples' continuing relationships with their ancestral lands and waters, including cultural, subsistence, ceremonial, **harvesting, fishing, and gathering practices**… The Council does not intend for its silence, nonparticipation, or lack of endorsement in this matter to be interpreted as a **waiver, relinquishment, or cession of any rights**."*

Source: Sky Road Webb, Councilman, Coast Miwok Tribal Council of Marin / Vice Chairman, Coast Miwok Tribal Community Agency, to FGC, CDFW and OPC, Sept. 21, 2026 (copy provided)

What we ask: Audit & correct the record before acting on it

A petitioner asking the State to extinguish a public right owes this Commission an accurate account of who stands behind the request.

1 Audit every claimed supporter

Direct Commission staff, with CDFW, to verify each organization, government and individual EAC has cited — in the FGC-1, its attachments, Attachment 21.1 and the April 2026 presentation — against a written authorization, dated, and against the version of the petition it endorsed.

2 Correct the record, on the record

Strike every statement that the Coast Miwok Tribal Council of Marin supports the petition. File the Council's September 21, 2026 letter and each retraction and opposition letter as part of the petition record. Strike any support that cannot be verified.

3 Require a clean, re-filed FGC-1

If EAC wishes to proceed, it should re-file a single amended FGC-1 that states the petition as it now stands— and re-solicit support on that document. Endorsements of the 2023 version should carry no weight for the 2026 petition.

4 Defer the vote; consult the Council

Defer any vote on 2023-32MPA_1, _2 or _3 until staff report back. Before any designation change, consult the Coast Miwok Tribal Council of Marin through its own authorized process on the harvesting, fishing and gathering rights it has expressly reserved.

The Commission's now carries a tribal endorsement the Tribe says was never given, five withdrawals citing misrepresentation, and endorsements of a petition that no longer exists in the form endorsed. **A petitioner whose supporters leave when they see the facts is a petitioner whose record the Commission should verify before it trusts, and trust before it votes.**

Outlook

Petition 2023-32MPA: Save Duxbury Access Filings

From Mollie Lounibos [redacted]
Date Wed 09/30/2026 02:28 PM
To FGC <FGC@fgc.ca.gov>; Miller-Henson, Melissa [redacted] Yaun, Michae [redacted]
Cc Shuman, Craig [redacted] Eckerle, Jenn [redacted] Dumlao, Matthew [redacted] martinellichris [redacted] Megan Matson [redacted] Peter Luchetti [redacted]

Dear Commissioners and Commission Staff,

Please include the attached letter and exhibits, together with the companion summary, in the public record for Petition 2023-32MPA and distribute them to Commissioners. Save Duxbury Access requests rejection of the petition in full, correction of the Commission record regarding federal wilderness status, and verification of the legal basis and geographic scope of the asserted federal vessel restriction.

Thank you for your consideration. Please confirm receipt of both attachments.

Sincerely,
Mollie Lounibos
On behalf of Save Duxbury Access

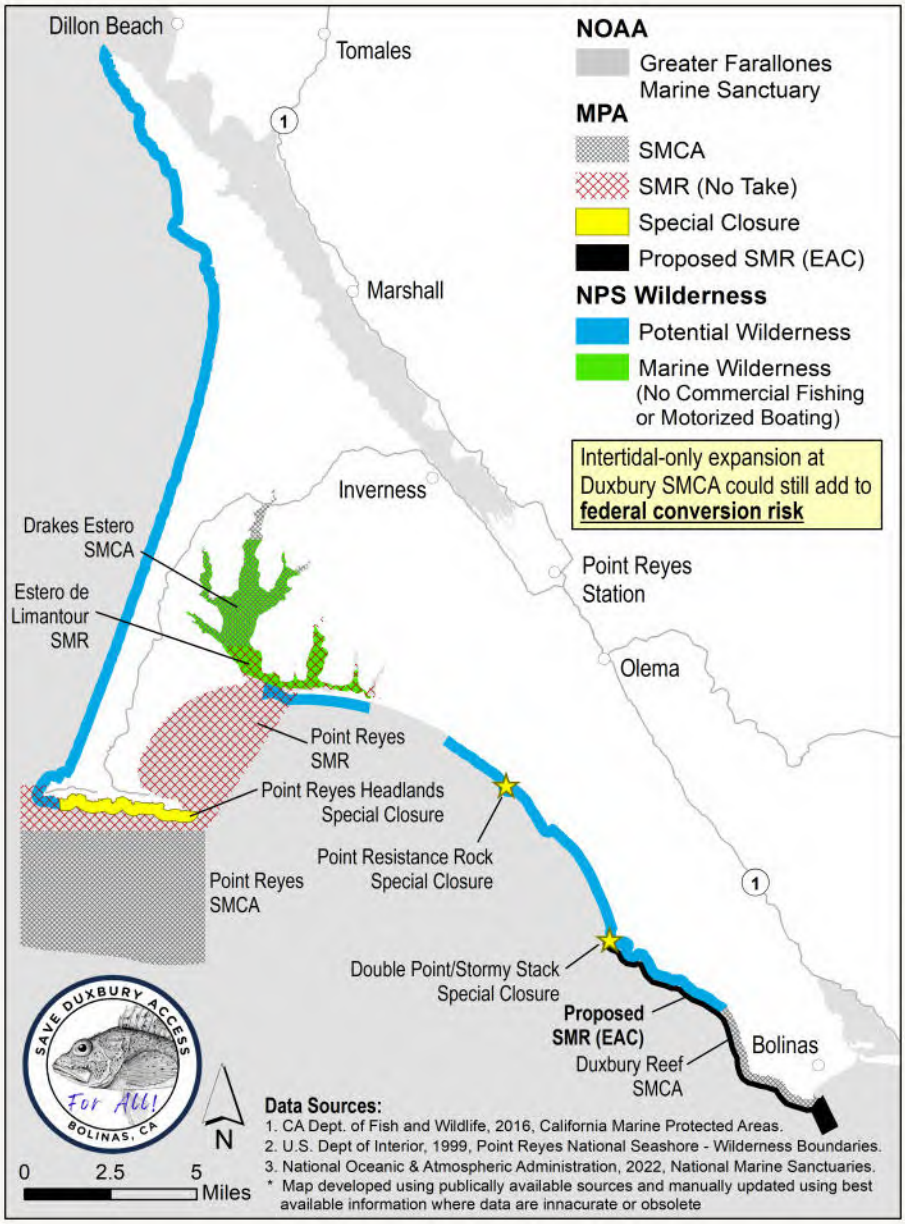
SAVE DUXBURY ACCESS

Duxbury Reef

Federal Premises & Public Access

Letter and Exhibits A–J | Petition 2023-32MPA

FOCUSED FILING VERSION | SELECTED RECORD EXCERPTS



Request to reject Petition 2023-32MPA in full and correct the federal record

Mollie Lounibos | On behalf of Save Duxbury Access | September 30, 2026

Cover map is regional context, not an authoritative boundary determination. See Exhibit J.

Packet guide and exhibit index

Use the PDF bookmarks to jump to an exhibit. “Original page” means the source document’s own pagination; “packet page” means the added running number.

Letter and requested action

Letter: packet pages 4–9. The request is rejection of Petition 2023-32MPA in full, together with correction and clarification of the federal baseline in the Commission record. The records request is not an alternative to rejection.

Exhibits A–E

Exhibit A · EAC public statements · pages 10

Selected quotations on the current proposal, federal restriction, and state MPA access; webpage headings, dates, and links provided.

Exhibit B · Altman letter · pages 11

Selected outer-coast designation/restriction passage from original letter page 1; complete letter linked.

Exhibit C · CDFW highlights · pages 12

Selected quoted passages on federal overlap, NPS coordination, and existing uses; original pages identified and full report linked.

Exhibit D · OPC highlights · pages 13

Closing Duxbury recommendation paragraph, original page 22; full report linked.

Exhibit E · NPS materials · pages 14

Selected official-webpage passages on the published restriction, signed instrument, and designation terminology.

Exhibit index, continued

Exhibit F · Duxbury FOIA · pages 15–19

Complete five-page acknowledgment; substantive request reproduced by NPS.

Exhibit G · Drakes Estero FOIA · pages 20–23

Complete four-page acknowledgment; substantive request reproduced by NPS.

Exhibit H · Expedited denials · pages 24

Locator sheet referring to the denials already reproduced in F and G.

Exhibit I · Processing estimates · pages 25

Locator sheet separating the 18–36 month and 3–5 year estimates.

Exhibit J · Regional context map · pages 26

Supplied map, with explicit limits; not a complete legal boundary overlay.

Supplemental authorities · pages 27

Short, sourced court and FOIA-regulation excerpts supporting the letter's legal references.

Completeness and interpretation

Excerpt-first filing: Exhibits A–E contain selected passages with source locators and links, not full documents. Both new FOIA acknowledgments are retained in full as F and G. H and I locate the denials and estimates within those letters, without duplicating them.

The map's black "Proposed SMR (EAC)" area is not a final agency or adopted boundary. The community map does not establish all legal boundaries, navigation routes, landings, or the operative vessel-ban area. It is regional context only.

The standalone FOIA portal submissions were not supplied; NPS's acknowledgments reproduce the substantive requests. The signed Compendium and complete adoption/compliance record remain requested records, not included exhibits. The supplied map does not resolve all official boundaries or public-use routes.

Quotations retain source wording and are set apart for navigation, not as agency endorsement. Full-source links allow review of the surrounding context. Both FOIA PDFs retain their original wording. The letter contains approved accuracy and tone edits; it is not a verbatim reproduction of the initial draft.

September 30, 2026

Re: Request to reject Petition 2023-32MPA in full and correct the record concerning asserted federal vessel restrictions and federal-area status

President Sklar and Commissioners:

We respectfully request that the Commission reject Petition 2023-32MPA in full. This filing addresses federal-record concerns that support, but do not exhaust, our opposition. We separately request correction and clarification of the federal baseline in the Commission record; resolving those issues would not resolve our broader objections to the petition. The federal-record concerns are distinct: accurately reflecting the documented potential-wilderness status of the affected northern offshore area, rather than treating it as full designated wilderness; and verifying the authority, scope, and applicability of the vessel and commercial-activity restrictions described in Superintendent Altman's November 14, 2022 letter and the subsequently published NPS Compendium. [1] [2]

We appreciate the work of CDFW, OPC, and Commission staff in evaluating this petition. CDFW's recognition of shared jurisdiction and the recommendations to preserve existing fishing opportunities provide important context for this request. This filing focuses on a distinct federal-record question within our broader opposition to the petition. It is not a criticism of staff's diligence or motives, and we do not suggest that staff have endorsed an unlawful restriction. [4] [5]

The published assertions are identifiable. What has not been established in the materials reviewed is the complete legal and administrative basis for treating them as operative conditions governing the proposed expansion. Advancing the petition despite that gap would risk administrative ratification by implication: an untested assertion of federal authority could become embedded in the state's maps, findings, boundary rationale, feasibility analysis, and enforcement assumptions. The state record could later be cited as though it validated the federal restriction, even if the Commission never determined whether that restriction was lawfully adopted, applies in the stated area, or has the scope attributed to it.

This is not a request that the Commission resolve every federal land-management issue. Our request is rejection of the petition in full. The risk of basing a state regulatory action on an unverified and material claim of federal restriction is an additional reason for that request.

Material premises remain unresolved

The Environmental Action Committee of West Marin's current petition webpage describes the northern area as part of the "Phillip Burton Marine Wilderness" and states that recreational and commercial motorboats and "ALL commercial enterprises" are prohibited within one-quarter mile of shore from Sculpture Beach to Duxbury Reef because of that designation. The webpage also describes EAC's updated position supporting an SMCA-based intertidal expansion, rather than continuing to seek a no-take SMR for the existing unit. These revised state proposals do not resolve the separate federal-status and restriction questions. [1]

1. EAC, current Duxbury petition webpage: https://www.eacmarin.org/duxburypetition

2. Altman letter, November 14, 2022; attachment PDF pages 14–17: https://static1.squarespace.com/static/587d5638bebafb893ba15a0b/t/64e128726fee636cd48886f3/1692477557229/2023.07.05.+Attachment+1+-+2023.04.06.+EAC+Comments+to+FGC+re.+Agenda+Item+25+with+attachments+FINAL+(1).pdf

4. CDFW, March 2026 evaluation, especially pages 7, 15 and 22: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=242627

5. OPC, July 2026 recommendations, Duxbury discussion pages 21–22: https://opc.ca.gov/wp-content/uploads/2026/07/OPC-Recommendations-on-MPA-Petitions-July-2026-508.pdf

Superintendent Altman's November 14, 2022 letter describes most of the outer coast to one-quarter mile offshore as "Potential Wilderness," while stating that this status restricts commercial activities, including commercial fishing, and motorized equipment, including motorboats. EAC reproduced that letter in its supporting materials. The archived November 4, 2023 Compendium separately publishes an "any vessel" prohibition that includes the Sculpture Beach–Duxbury Reef segment, under its section addressing 36 C.F.R. § 1.5. [2] [3]

The concern is therefore not that no Compendium provision or published rationale can be identified. The concern is that the signed instrument, adoption and effective-date history, precise geographic application, supporting determination, and applicable notice and compliance record have not been produced and evaluated in the materials reviewed. The archived page says that a signed Compendium was available from the park. A signed Compendium could itself be a relevant closure instrument; the absence of a separate order would not, by itself, establish invalidity. [3]

CDFW's evaluation acknowledges overlap with Point Reyes National Seashore and shared jurisdiction. That acknowledgment provides a useful starting point for bringing the potential-wilderness documentation into the Commission's maps, findings, and analysis. The issue is not to reopen that documented status, but to ensure that the Commission record accurately reflects it and distinguishes it from full designated wilderness. The separate question of the legal basis and application of the published vessel restriction remains unresolved in the CDFW evaluation and OPC recommendation reviewed here. [2] [4] [5]

These are not semantic differences. They concern the operative legal and factual baseline for the Commission's decision.

Separately from our request to reject the petition in full, we ask that the Commission record accurately document the following matters affecting public use, boundaries, and enforcement:

• The affected offshore area's documented potential-wilderness status, expressly distinguished from full designated wilderness;

• The precise mapped extent and acreage of that status within the proposed expansion;

• Whether the asserted restriction applies to waters, shoreline, submerged lands, landings, launching sites, transit corridors, anchoring, or only a narrower area or activity;

• Whether the claimed restriction concerns all vessels, only motorized vessels, launching, landing, transit, anchoring, commercial operations, or some other defined conduct;

• The federal authority relied upon for the restriction;

• Whether that authority was exercised through the notice, publication, consultation, environmental review, and public-participation procedures applicable to that particular action;

• The restriction's effective date, duration, enforcement status, and any applicable exceptions.

2. Altman letter, November 14, 2022; attachment PDF pages 14–17: https://static1.squarespace.com/static/587d5638bebafb893ba15a0b/t/64e128726fee636cd48886f3/1692477557229/2023.07.05.+Attachment+1+-+2023.04.06.+EAC+Comments+to+FGC+re.+Agenda+Item+25+with+attachments+FINAL+(1).pdf

3. NPS Compendium, archived November 4, 2023: https://web.archive.org/web/20231104060542/https://www.nps.gov/pore/learn/management/lawsandpolicies_superintendents_compendium.htm

4. CDFW, March 2026 evaluation, especially pages 7, 15 and 22: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=242627

5. OPC, July 2026 recommendations, Duxbury discussion pages 21–22: https://opc.ca.gov/wp-content/uploads/2026/07/OPC-Recommendations-on-MPA-Petitions-July-2026-508.pdf

The absence of a verified baseline is especially consequential because the asserted vessel ban is not peripheral to the petition discussion. It could be used to characterize the northern expansion as compatible with wilderness, low-conflict, readily enforceable, or effectively free of motorized boating already.

The risk of administrative ratification

The Commission should reject Petition 2023-32MPA in full. The unresolved legal basis, geographic application, administrative record, and procedural validity of the asserted boating restriction provide an additional reason not to advance it. Clarifying those matters would not resolve our broader objections.

Where a petition relies on a federal restriction, we ask that the Commission obtain confirmation from the responsible federal agency of the controlling legal instrument; issuing authority; effective date; geographic boundary; exact prohibited conduct; notice and publication record; duration; enforcement status; and the process by which affected public uses were considered. Providing those materials would allow staff, commissioners, and the public to work from the same verified baseline.

The concern is a possible sequence, not a claim that staff have already relied on the federal restriction:

1. A federal official or published management document asserts that vessels or motorized vessels are barred from relevant waters or shoreline.

2. The published assertion is available, but its signed adoption record, precise application, and applicable procedural compliance remain unverified.

3. Petition materials characterize motorized boating as already prohibited, incompatible, noncompliant, or absent from the existing management baseline.

4. A later feasibility or boundary analysis could treat that characterization as an established condition and assume that a key existing use is already excluded.

5. The Commission advances the petition into rulemaking, or adopts a regulation whose boundaries, findings, maps, analysis, or rationale presuppose the asserted ban.

6. Later decision-makers cite the completed state process as evidence that motorized boating was lawfully prohibited, unnecessary, incompatible, or affirmatively removed from the area.

That possible result is not a formal adjudication of the Superintendent's authority. It illustrates how an unexamined premise could harden into an institutional fact. A later response may be that the Commission had notice of the condition, relied on it, regulated around it, and encountered no successful challenge. The original question, whether the vessel restriction was lawfully adopted and actually applies as claimed, then becomes harder to raise.

A state rulemaking process may not resolve this separate federal question. Rulemaking would principally address the proposed state MPA regulation. It may never adjudicate whether the asserted

federal vessel ban was authorized or lawfully established through the required federal process, and it may carry forward an inaccurate description of potential wilderness as full wilderness. Yet the state's completed record could still be used to imply that those issues had been settled.

Clarifying the federal baseline across the record

The materials address different aspects of the proposal. EAC describes the northern area as wilderness with motorboat and commercial-enterprise restrictions; CDFW identifies the Point Reyes overlap and the need for NPS coordination; and OPC recommends a state MPA pathway that preserves existing shore- and boat-based fishing. Read together, these materials raise a practical question: how should the proposed state protections and continued fishing opportunities be understood alongside the separately published federal vessel restriction? [1] [4] [5]

We ask that the Commission seek a documented answer from NPS to correct and clarify the public record. That request is separate from, and does not qualify, our request to reject the petition in full. The purpose is to support a shared understanding of applicable boundaries, existing public uses, and enforcement responsibilities, rather than to assign fault to any agency or staff member.

OPC's published recommendation proposes new SMCAs north and south of the existing Duxbury Reef SMCA, contemplates continued shore- and boat-based fishing, and defers to CDFW on final boundary questions relating to feasibility and enforceability. These recommendations underscore the need to distinguish proposed state regulations from any separate federal restriction. Our request for clarification does not endorse the recommended expansions or a revised boundary. Exhibits C and D reproduce only the relevant agency passages, with original page references and links to the complete reports. [5]

EAC has also publicly stated that redesignating the existing Duxbury SMCA would not itself restrict boating or other nonconsumptive access, while quoting a regulatory exception for specified areas and special regulations. Its current webpage likewise states that nonconsumptive uses would continue. This makes it still more necessary to identify the precise legal source, location, and terms of any distinct federal vessel restriction rather than treating it as self-evident. [1] [6]

Why the Drakes Estero history matters

Drakes Estero does not decide the Duxbury issue, and this comment does not suggest that the Commission possesses authority to determine federal wilderness status. Its relevance is institutional and procedural.

The Ninth Circuit's Drakes Bay Oyster Company decision focused on the Secretary's discretion not to extend a special-use permit. The majority stated that, once it determined that the Secretary had not violated a statutory mandate, it was not the court's province to intervene in that discretionary decision. We draw a procedural warning from that framing, not a holding that California's retained rights were extinguished or that the case governs Duxbury. [7]

1. EAC, current Duxbury petition webpage: https://www.eacmarin.org/duxburypetition

4. CDFW, March 2026 evaluation, especially pages 7, 15 and 22: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=242627

5. OPC, July 2026 recommendations, Duxbury discussion pages 21–22: https://opc.ca.gov/wp-content/uploads/2026/07/OPC-Recommendations-on-MPA-Petitions-July-2026-508.pdf

6. EAC, July 31, 2025 nonconsumptive-access statement: https://www.eacmarin.org/coastalprotection/duxbury-petition-conservation

7. Drakes Bay Oyster Co. v. Jewell, Ninth Circuit opinion: https://caselaw.findlaw.com/court/us-9th-circuit/1654744.html

The analogous concern at Duxbury is that verification of the vessel restriction and correction of the Commission record to reflect potential-wilderness status could be displaced by the narrower question whether an MPA petition should be advanced.

The Commission need not decide federal property law to address this concern. It can ask that the relevant federal conditions be documented before they are treated as established facts in the state proceeding.

If the petition is advanced on the premise that motorized boating is already prohibited and that the area is already full wilderness, the resulting state record could help create conditions favorable to a future wilderness-conversion argument. It could be used to portray the area as functionally cleared of an allegedly nonconforming use, even though the legality and scope of the vessel restriction were never established. A state vote would not itself complete a federal wilderness conversion. The risk of later reliance is why the question should be addressed before, not after, the Commission decides whether to advance the petition.

FOIA documents the present verification problem

We submitted two related but distinct FOIA requests to NPS on September 20, 2026. NPS acknowledged receiving both on September 21, 2026:

• **DOI-2026-009998:** Records concerning the Sculpture Beach–Duxbury Reef vessel restriction, including signed instruments, adoption history, authority, boundaries, notice, procedural compliance, and related communications. NPS placed it in the Complex track, denied expedited processing, and estimated **18–36 months** to complete processing. Its acknowledgment reproduces the request's substantive text. (Exhibit F, original pages 1–4.)

• **DOI-2026-009999:** Historical EAC–NPS communications from 2005–2015 concerning Drakes Estero's potential-wilderness conversion and any express Duxbury connection. NPS placed it in the Extraordinary track, denied expedited processing, and estimated **3–5 years** to complete processing. This is not a second request limited to present-day Duxbury designation records. (Exhibit G, original pages 1–3.)

The denial of expedited processing does not establish wrongdoing or answer the merits of the requests. The estimates do, however, show why the Commission should not assume that completion of these FOIA searches will provide the necessary records within the current petition timeframe. The letters allow discussion of narrowing or other processing options; the estimates are not proof that no responsive document could be obtained sooner.

DOI rules permit an appeal from denial of expedited processing and state that such an appeal should be filed "as soon as possible." The separate 90-workday rules apply to other specified appeal categories. If expedited processing of an appeal is granted, DOI gives that appeal priority and processes it as soon as practicable. Regardless of any appeal's outcome, a future records release should not substitute for clarification needed for the present decision. [8] [9]

8. 43 C.F.R. § 2.58, appeal timing: https://www.law.cornell.edu/cfr/text/43/2.58

9. 43 C.F.R. § 2.63, expedited appeals: https://www.law.cornell.edu/cfr/text/43/2.63

For that reason, we ask the Commission to obtain the authoritative federal materials for an accurate public record, independently of our request to reject the petition in full. A direct request to NPS would help staff and the public evaluate the same information without waiting for completion of the broader FOIA searches.

Requested action

For these reasons, we respectfully request that the Commission **reject Petition 2023-32MPA in full** and decline to advance it into rulemaking.

Separately, we request that the Commission obtain authoritative federal documentation and correct or clarify the record concerning the asserted vessel restriction in the proposed expansion area, including its application to motorized vessels. This records request is not an alternative to rejection or a condition under which we would support advancement. The requested documentation should identify:

• The exact legal authority for the restriction;

• The issuing official or agency;

• The effective date and duration;

• The official boundary, map, or coordinates;

• The precise conduct prohibited and applicable exceptions;

• The required notice and procedural record;

• The relationship between the restriction and the proposed MPA boundary;

• The documented potential-wilderness status of the affected offshore area, accurately reflected in the Commission record and distinguished from full designated wilderness.

We request rejection of Petition 2023-32MPA in full, not a temporary hold pending federal clarification. The federal-record concerns addressed here supplement, rather than replace, our broader objections. Correcting or completing that record would not resolve those objections or constitute our support for advancement, an intertidal-only expansion, or a revised version of this petition.

Respectfully submitted,

Mollie Lounibos
On behalf of Save Duxbury Access

Attachments: Exhibits A–J, as identified in the accompanying exhibit index. Exhibits H and I cross-reference the complete NPS acknowledgments in F and G. Exhibit J is a regional context map, not an authoritative survey of all boundaries or public-use routes.

EXHIBIT A

EAC: proposal and access statements

Selected verbatim excerpts, retrieved September 30, 2026. These are EAC's statements, not legal findings adopted by this packet. Website headings identify each passage; line breaks are reformatted. "They" in the first quotation refers to CDFW and OPC. [1] [6]

Current proposal | "Our Updated Position," September 2026

> "They recommend creating new protections for intertidal invertebrates and seaweed (except abalone) while continuing to allow for existing commercial and recreational shore- and boat-based fishing. This is not a no-take State Marine Reserve. Non-consumptive uses (tidepooling, dog walking, education, surfing, boating, research) would also continue." [1]

Federal restriction | "What are the Current Regulations, and what could Change?"

> "In the proposed northern boundary expansion, rules prohibit boating within 1,000 ft of the Double Pt/Stormy Stack Special Closure. Recreational and commercial motorboats and ALL commercial enterprises are prohibited within ¼ mi from shore from Sculpture Beach to Duxbury Reef due to its designation as a Phillip Burton Marine Wilderness." [1]

State MPA access | July 31, 2025 statement

> "Duxbury Reef becoming an SMR would NOT restrict visitation, beach, tidepooling, educational, surfing, boating, or research access (any 'non-consumptive' uses)." [6]

The same page quotes this regulatory qualification: [6]

> "Access into marine protected areas or marine managed areas for non-consumptive uses including but not limited to swimming, surfing, diving, boating, hiking and walking is allowed unless otherwise specified in subsection 632(b), areas and special regulations for use." [6]

Reading note: the 2025 statement addresses an earlier SMR proposal; the current webpage describes an SMCA approach. These excerpts distinguish state MPA access from the separate federal restriction requiring clarification.

1. EAC, current Duxbury petition webpage: https://www.eacmarin.org/duxburypetition

6. EAC, July 31, 2025 nonconsumptive-access statement: https://www.eacmarin.org/coastalprotection/duxbury-petition-conservation

EXHIBIT B

Altman: outer-coast designation

Selected verbatim passage from Acting Superintendent Anne Altman's November 14, 2022 letter. Original letter page 1; page 14 of EAC's 17-page hosting document. Line breaks are reformatted. The complete four-page letter is available at the linked source. [2]

Potential wilderness and asserted restrictions

> "Importantly, the majority of Point Reyes National Seashore's outer coast out to ¼ mile from shore is Congressionally designated as Potential Wilderness, which restricts commercial activities (including commercial fishing) and motorized equipment (including motorboats). These federal marine wilderness areas overlap partially or entirely with all seven State MPAs in Marin County." [2]

Context and scope

The letter supports the state MPA network and describes NPS protection, monitoring, research, and education programs. This excerpt isolates the federal designation and restriction statements relevant to the accompanying request. It does not reproduce the program tables or the complete letter. [2]

The separate records request is for NPS to document the legal basis and precise application of these statements; it does not qualify our request to reject the petition in full. The quotation is not, by itself, proof that a restriction is invalid or that every affected offshore area has the same designation.

2. Altman letter, November 14, 2022; attachment PDF pages 14–17: https://static1.squarespace.com/static/587d5638bebafb893ba15a0b/t/64e128726fee636cd48886f3/1692477557229/2023.07.05.+Attachment+1+-+2023.04.06.+EAC+Comments+to+FGC+re.+Agenda+Item+25+with+attachments+FINAL+(1).pdf

EXHIBIT C

CDFW: overlap and existing uses

Selected verbatim passages from the March 2026 evaluation of Petition 2023-32MPA. These quote sheets direct the reader to the existing agency record; they do not reproduce the complete report. Line breaks are reformatted. [4]

Federal overlap | original page 7

> "It overlaps with portions of Point Reyes National Seashore, Duxbury Reef Area of Special Biological Significance (ASBS), and the Greater Farallones National Marine Sanctuary (GFNMS)." [4]

NPS coordination | original pages 15 and 22

> "National Park Service: CDFW shares jurisdiction of Duxbury Reef SMCA with Point Reyes National Seashore and would need to coordinate enforcement, updates to signage, and outreach efforts." [4]

Existing uses | original pages 3 and 5

> "CDFW recommends expanding protections of the rocky intertidal habitat in a manner that does not change the existing Duxbury Reef SMCA and does not restrict existing commercial or recreational take allowances beyond new intertidal protections in the expansion area." [4]

Context retained

CDFW separately states: "CDFW has sufficient information to evaluate and make a recommendation on this proposal." (Original page 15.) The accompanying letter appreciates that analysis and requests clarification from NPS of a distinct federal question. These passages do not suggest a lack of staff diligence. [4]

4. CDFW, March 2026 evaluation, especially pages 7, 15 and 22: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=242627

EXHIBIT D

OPC: boat access and final boundaries

Selected verbatim passage from the July 2026 recommendations report, original page 22. This is the complete closing recommendation paragraph for Duxbury, not the complete two-page discussion or statewide report. Line breaks and typographic ligatures are normalized. [5]

Existing fishing and boundary feasibility | original page 22

"OPC recommends adding new protections for the intertidal in a way that does not change the existing Duxbury Reef SMCA and does not restrict existing commercial or recreational take, beyond new protections for intertidal seaweed and invertebrates, in the expansion areas. To accomplish this, OPC recommends that CFGC designate two new SMCAs to protect the northern and southern portions of the contiguous rocky intertidal habitat of Duxbury Reef, with take regulations that protect intertidal seaweed and invertebrates (except abalone when allowed) while allowing for existing shore- and boat-based fishing. We defer to CDFW to recommend final boundaries for these two new SMCAs based on feasibility and enforceability." [5]

How this passage is used

The letter asks NPS to clarify how its published vessel restriction relates to the continued boat-based fishing contemplated here. That is the commenter's question, not an OPC finding. This excerpt identifies an unresolved relationship between the recommended state protections and the published federal vessel restriction. Its inclusion does not endorse OPC's recommended expansions, and federal clarification would not resolve our broader objections to the petition.

Full discussion available

The Duxbury discussion appears on original pages 21–22. The report's ecological rationale and other recommendations are not repeated here; consult the complete report linked below. [5]

5. OPC, July 2026 recommendations, Duxbury discussion pages 21–22: https://opc.ca.gov/wp-content/uploads/2026/07/OPC-Recommendations-on-MPA-Petitions-July-2026-508.pdf

EXHIBIT E

NPS: publication and designation

Selected official-webpage excerpts. Current pages retrieved September 30, 2026; the Compendium passage is from the November 4, 2023 archive. Layout and line breaks are reformatted. These are not a signed instrument or an official boundary overlay. [3] [10] [11]

Published vessel restriction | Park Regulations, "Boats"

> "Per the Marine Life Protection Act (MPLA) and the Superintendent's Compendium, boating or the use of any vessel (as defined by 36 CFR 1.4) is prohibited in the following areas:" [11]
>
> One listed area is: "Within a quarter mile of the shoreline from Sculpture Beach to Duxbury Reef." [11]

Signed instrument | archived Compendium introduction

> "A PDF copy of the signed compendium may be requested by emailing the park." [3]

Designation terminology | Phillip Burton Wilderness page

> "As of 2024, the Philip Burton Wilderness encompassed 27,315 acres of designated wilderness and 5,415 acres of potential wilderness." [10]

These are park-wide figures, not a designation finding for the proposed expansion. The page explains that the acreage reflects current GIS mapping and may differ from older sources. [10]

The published restriction is identifiable. The request concerns the signed instrument, its legal basis and geographic application, and the applicable adoption record. The absence of those materials from this packet does not establish invalidity.

3. NPS Compendium, archived November 4, 2023: https://web.archive.org/web/20231104060542/https://www.nps.gov/pore/learn/management/lawsandpolicies_superintendents_compendium.htm

10. NPS, Phillip Burton Wilderness: https://www.nps.gov/pore/learn/wilderness.htm

11. NPS, Park Regulations, Boats section: https://home.nps.gov/pore/planyourvisit/parkregulations.htm

United States Department of the Interior

NATIONAL PARK SERVICE
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956
Department of the Interior Region 10

IN REPLY REFER TO:
DOI-2026-009998
9.C. (PORE)

Mollie Lounibos
Via email: [redacted]

Dear Ms. Lounibos:

We are writing to acknowledge your Freedom of Information Act (FOIA) request submitted on September 20, 2026 and received by the National Park Service (NPS) on September 21, 2026. The Department of the Interior (DOI) tracking number assigned to your request is DOI-2026-009998. Please cite this tracking number in all communications regarding your request.

You requested:

> *"This request concerns the provision in the archived November 4, 2023 Point Reyes Superintendent's Compendium stating:*
>
> > *"Boating or the use of any vessel (as defined by 36 CFR 1.4) is prohibited in the following areas:"*
> >
> > *"Within a quarter mile of the shoreline from Avalis Beach south to the Lighthouse, from Chimney Rock to Limantour Beach, and from Sculpture Beach to Duxbury Reef."*
>
> *It also concerns the accompanying explanation:*
>
> > *"This closure is necessary to protect marine mammals and seabirds in this area consistent with the State of California Point Reyes Special Marine Closures."*
>
> *The quotations identify the requested records and do not assert when the restriction was legally adopted or whether it is valid. The geographic focus is the Sculpture Beach–Duxbury Reef segment; include a broader coastal decision or supporting record where the same document governs that segment (archived NPS Compendium, November 4, 2023).*
>
> *Date scope*
>
> > *For categories 1–5, search records created, received, or maintained as part of the relevant decision file from January 1, 2020 through December 31, 2023. Also include any earlier signed restriction, determination, or approval expressly incorporated into or relied on by the 2023 decision, regardless of its original date. This request is not limited to records created in 2023.*
> >
> > *For category 6, the communications period is January 1, 2020 through November 30, 2023, inclusive. Category 7 has its own limited post-2023 scope.*

Records requested

1. *Signed instruments, versions, and adoption history. The complete signed 2023 Compendium and all signed amendments, closure orders, determinations, approval pages, maps, or attachments establishing or modifying the identified restriction; the immediately preceding signed version; and drafts, redlines, routing records, approvals, and existing revision histories showing how the Sculpture Beach–Duxbury Reef language entered the document. Include records identifying the author, proposer, approving official, signature date, adoption date, effective date, and first public posting date. Please provide the actual signed 2023 instrument, not only the current webpage.*
2. *Written determination and factual basis. The determination under 36 CFR §1.5(c), including any record incorporated into it; records supporting necessity, the selected quarter-mile boundary, the activities and vessel types covered, and why less restrictive measures would not suffice; and scientific, wildlife disturbance, incident, enforcement, or other factual materials cited or relied on. Include records explaining the reference to California's Point Reyes Special Marine Closures and identifying which state provisions and geographic boundaries were used in that comparison. If the published italicized explanation is the only written determination located, please identify that in the response.*
3. *Authority, jurisdiction, and rulemaking assessment. Existing determinations, analyses, memoranda, instructions, or approvals addressing NPS authority over this offshore segment; relevant boundaries and California's reserved rights; and application of 36 CFR §1.5(b)'s rulemaking criteria. Include records assessing significant changes in public-use patterns, resource-management objectives, or controversy; any emergency finding; and records documenting a conclusion that Federal Register rulemaking was required or was not required. If rulemaking occurred, include the proposed and final rules, docket identifiers, notices, comments, comment summaries, responses, and approval records associated with this restriction. This request seeks existing records, not a new legal opinion (36 CFR §1.5).*
4. *Public notice and participation. Notices, signs and sign-location records, maps, press releases, newspaper publications, public handouts, web-publication records, and records of any meetings, comment opportunities, comments received, or responses concerning adoption or expansion of this restriction.*
   Include existing website content-management histories, archived page versions, change requests, and publishing approvals sufficient to identify when the Duxbury language was added or changed. Please distinguish records of public notice from records of an opportunity for public comment; this request does not assume that the latter occurred or was required in every instance (36 CFR §1.7).
5. *Environmental-compliance record. Existing environmental screenings, project or PEPC identifiers, environmental assessments or impact statements, findings of no significant impact, records of decision, categorical-exclusion documentation and extraordinary-circumstances reviews, and records documenting a conclusion that no additional NEPA review was required. Include any tiering, incorporation-by reference, prior decision, or other compliance document expressly relied on for this restriction, together with related approvals or consultations actually undertaken. This category does not presume that any particular form of environmental review was required.*
6. *Pre-filing communications and meeting records. All communications between NPS personnel and the Environmental Action Committee of West Marin ("EAC"), including its employees, officers, board members, counsel, consultants, or others identified in responsive records as acting on its behalf, concerning one or more of these subjects:*
   a. *Adding, proposing, drafting, revising, justifying, interpreting, publicizing, or enforcing the Sculpture Beach–Duxbury Reef vessel restriction.*

b. *Duxbury Reef SMCA boundary changes, reclassification as an SMR, or proposals later identified as Petition 2023-32MPA, including proposals not yet assigned that number.*
c. *NPS's November 14, 2022 MPA recommendation letter signed by Acting Superintendent Anne Altman, insofar as it concerns Duxbury Reef, offshore use restrictions, or federal wilderness policy.*
d. *Potential-wilderness status, cessation of uses, Public Law 94-567 §3, commercial or recreational fishing, motorized or non-motorized vessels, or state reserved rights, where the communication relates to Duxbury or the Sculpture Beach–Duxbury Reef segment.*
e. *Use of Drakes Estero's conversion, oyster-authorization history, or vessel restrictions as a precedent or comparison for a Duxbury proposal.*

7. *Include attachments, shared drafts, transmittal messages, substantive email chains, texts or chat messages, calendar invitations, agendas, meeting notes, and memoranda of telephone or in-person conversations, to the extent these are agency records. Also include NPS internal communications recording, forwarding, evaluating, accepting, rejecting, or implementing EAC proposals on these subjects.*
   Within this same subject and date scope, include NPS communications with CDFW, the California Fish and Game Commission, the California State Lands Commission, and other state representatives concerning the restriction, proposed Duxbury changes, or potential-wilderness implications. This category seeks evidence of state participation as well as any decisions made without it. Exclude unrelated EAC correspondence, routine event logistics, and routine monitoring or docent data unless they concern one of the listed subjects.
8. *Later final interpretations of the same restriction. For January 1, 2024 through September 19, 2026, provide final, approved, or issued NPS memoranda, determinations, enforcement instructions, boundary maps, and substantive outgoing correspondence to EAC or California agencies that specifically interpret the identified vessel restriction's adoption date, geographic scope, legal authority, exceptions, application to fishing, or relationship to potential-wilderness conversion. This is not a request for all post-2023 correspondence or later drafts."*

Multitrack Processing Placement & Denial of Expedited Processing

We use Multitrack Processing to process FOIA requests. The Simple track is for requests that would generally take one to five workdays to process. The Normal track is for requests that would generally take six to twenty workdays to process. The Complex track is for requests that would generally take twenty-one to sixty workdays to process. The Extraordinary track is for requests that would generally take more than sixty workdays to process. The Expedited track is for requests that have been granted expedited processing, which are processed as soon as practicable. Within each track, requests are usually processed on a first-in, first-out basis.

In your request you asked for expedited processing of your FOIA request and stated:

"I am a "person primarily engaged in disseminating information," by demonstrating that there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Seeking information to inform California Fish and Game commission ahead of a decision that could lead to permanent access closure for small rural coastal community."

The Department's FOIA regulations state that a bureau will provide expedited processing when a requester demonstrates a compelling need for the records by explaining in detail how the request meets one or both of the criteria below and certifying the explanation is true and correct to the best of the requester's knowledge and belief. The two criteria are as follows:

1. Failure to expedite the request could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

2. There is an urgency to inform the public about an actual or alleged government activity and the request is made by a person primarily engaged in disseminating information. (The requested information must be the type of information that has particular value that will be lost if not disseminated quickly; this ordinarily refers to a breaking news story that concerns a matter of public exigency. Information of historical interest only or information sought for litigation or commercial activities would not qualify, nor would a news media deadline unrelated to breaking news.)

See 43 C.F.R § 2.20. Your request does not contain enough evidence to support criteria 2 because while you claim to be a person primarily engaged in disseminating information, you provided no evidence or explanation to support it and identified yourself as an other-use requester. Additionally, you did not explain how the specifically requested records will lose their value if not disseminated quickly. Therefore, your request for expedited processing has been denied.

Your request falls into the Complex processing track. There are 57 requests in the Normal processing track and 55 requests in the Complex processing track pending ahead of your request. Presuming that our current FOIA capacity and burden remain constant, we expect it will take 18-36 months to complete our processing of your request.

Fee Category Classification

We have classified you as an "other-use" requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. *See 43 C.F.R. § 2.39*. If, after taking into consideration your fee category entitlements, our processing costs are less than $50.00, we will not bill you because the cost of collection would be greater than the fee collected. *See 43 C.F.R. § 2.37(g).*

Appeal Rights

You may appeal this denial of expedited processing to the Department's FOIA/Privacy Act Appeals Officer. *See 43 C.F.R. Subpart H*. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal as soon as possible after this communication. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and the NPS concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and the NPS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office

Telephone: 202-208-5339
Fax: 202-208-6677
Email: FOIA.Appeals@sol.doi.gov

If you have any questions about the processing of your request, you may contact us by email at porefoia@nps.gov.

Sincerely,

for Anne Altman
Superintendent

cc: Regional FOIA Office, National Park Service Interior Regions 8, 9, 10, 12

United States Department of the Interior

NATIONAL PARK SERVICE
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956
Department of the Interior Region 10

IN REPLY REFER TO:
DOI-2026-009999
9.C. (PORE)

Mollie Lounibos
Via email: [redacted]com

Dear Ms. Lounibos:

We are writing to acknowledge your Freedom of Information Act (FOIA) request submitted on September 20, 2026 and received by the National Park Service (NPS) on September 21, 2026. The Department of the Interior (DOI) tracking number assigned to your request is DOI-2026-009999. Please cite this tracking number in all communications regarding your request.

You requested:

> *"Under the Freedom of Information Act, 5 U.S.C. §552, I request the following existing NPS agency records for January 1, 2005 through December 31, 2015, inclusive.*
>
> *This request concerns communications involving the Environmental Action Committee of West Marin ("EAC") and NPS about Drakes Estero's potential-wilderness status, conversion to designated wilderness, and the authorizations or uses considered in that conversion. It does not assume that EAC directed federal action or that any coordination was improper.*
>
> *Records requested*
> 1. *EAC–NPS correspondence and shared materials. All communications between NPS personnel and EAC employees, officers, board members, counsel, consultants, or others identified in responsive records as acting on its behalf, concerning:*
>   - *a. Drakes Estero potential wilderness and conversion to designated wilderness under Public Law 94-567 §3.*
>   - *b. The relationship between conversion and the oyster operation's reservation of use and occupancy, permits, continuation, expiration, termination, removal, or wind-down.*
>   - *c. Whether or when uses prohibited by the Wilderness Act had ceased, including commercial operations and vessel use.*
>   - *d. Preparation, timing, language, factual basis, or public explanation of a Secretarial determination or Federal Register conversion notice.*
>   - *e. Compendium vessel restrictions, exemptions for the oyster operation, or the use of those restrictions to describe the conversion baseline.*
>   - *f. California's reserved rights, state participation, or any state action discussed as relevant to conversion.*
> 2. *Meetings, proposals, and internal handling. Attachments, shared drafts, comments, calendar invitations, agendas, meeting notes, and records of calls or in-person meetings between NPS and EAC on the listed subjects; and NPS internal records transmitting or evaluating EAC proposals, including records of disagreement, rejection, correction, or qualification.*

3. *Interagency circulation of EAC positions. NPS-held communications with the Office of the Secretary, Office of the Solicitor, or California agencies that forward, quote, summarize, discuss, accept, or reject EAC communications or proposals on these subjects. This category is limited to EAC-related communications, not the entire Drakes Estero administrative or litigation record.*
4. *Any express Duxbury connection. Within the same date range, responsive EAC–NPS communications that expressly discuss Duxbury Reef or Sculpture Beach in connection with lessons, precedents, offshore restrictions, or future potential-wilderness conversion following the Drakes Estero decision."*

Multitrack Processing Placement & Denial of Expedited Processing

We use Multitrack Processing to process FOIA requests. The Simple track is for requests that would generally take one to five workdays to process. The Normal track is for requests that would generally take six to twenty workdays to process. The Complex track is for requests that would generally take twenty-one to sixty workdays to process. The Extraordinary track is for requests that would generally take more than sixty workdays to process. The Expedited track is for requests that have been granted expedited processing, which are processed as soon as practicable. Within each track, requests are usually processed on a first-in, first-out basis.

In your request you asked for expedited processing of your FOIA request and stated:

"I am a "person primarily engaged in disseminating information," by demonstrating that there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." Seeking information to inform California Fish and Game commission ahead of a decision that could lead to permanent access closure for small rural coastal community."

The Department's FOIA regulations state that a bureau will provide expedited processing when a requester demonstrates a compelling need for the records by explaining in detail how the request meets one or both of the criteria below and certifying the explanation is true and correct to the best of the requester's knowledge and belief. The two criteria are as follows:

1. Failure to expedite the request could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

2. There is an urgency to inform the public about an actual or alleged government activity and the request is made by a person primarily engaged in disseminating information. (The requested information must be the type of information that has particular value that will be lost if not disseminated quickly; this ordinarily refers to a breaking news story that concerns a matter of public exigency. Information of historical interest only or information sought for litigation or commercial activities would not qualify, nor would a news media deadline unrelated to breaking news.)

See 43 C.F.R § 2.20. Your request does not contain enough evidence to support criteria 2 because while you claim to be a person primarily engaged in disseminating information, you provided no evidence or explanation to support it and identified yourself as an other-use requester. Additionally, you are requesting records that are 10 to 20 years old, therefore there cannot lose their value if not disseminated quickly. Therefore, your request for expedited processing has been denied.

Your request falls into the Extraordinary processing track. There are 57 requests in the Normal processing track, 56 requests in the Complex processing track, and eight requests in the Extraordinary processing

track pending ahead of your request. Presuming that our current FOIA capacity and burden remain constant, we expect it will take 3 to 5 years to complete our processing of your request.

Because we will need to search for and collect a voluminous amount of records from field facilities or other units that are separate from the office processing the request, we are taking a 30-workday extension under *43 C.F.R. § 2.19(b)*.

We apologize for this delay in finalizing our decision. You may narrow the scope of your request to obtain quicker processing in your currently-assigned track or move the request into a different track (which may have the effect of reducing the cost of processing your request and having it processed more quickly). You also may agree to an alternative time period for processing by communicating with us, our FOIA Requester Center, or the FOIA Public Liaison. Contact information for the Department's FOIA Requester Centers and FOIA Public Liaison is available at *https://www.doi.gov/foia/foiacenters.* You may also seek dispute resolution services from the Office of Government Information Services (OGIS). If you choose to contact OGIS, you may do so in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Web: https://ogis.archives.gov
Telephone: 202-741-5770
Toll-free: 1-877-684-6448

Fee Category Classification

We have classified you as an "other-use" requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. *See 43 C.F.R. § 2.39*. If, after taking into consideration your fee category entitlements, our processing costs are less than $50.00, we will not bill you because the cost of collection would be greater than the fee collected. *See 43 C.F.R. § 2.37(g).*

Appeal Rights

You may appeal this denial of expedited processing to the Department's FOIA/Privacy Act Appeals Officer. *See 43 C.F.R. Subpart H*. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal as soon as possible after this communication. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and the NPS concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and the NPS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office

Telephone: 202-208-5339
Fax: 202-208-6677
Email: FOIA.Appeals@sol.doi.gov

If you have any questions about the processing of your request, you may contact us by email at porefoia@nps.gov.

Sincerely,

for Anne Altman
Superintendent

cc: Regional FOIA Office, National Park Service Interior Regions 8, 9, 10, 12

EXHIBIT H

Expedited-processing denials

Locator sheet: the underlying NPS letters are reproduced once, in full, in Exhibits F and G.

Duxbury request: DOI-2026-009998

Exhibit F, original page 4; packet page 18. The denial follows NPS's explanation of the expedited-processing criteria.

Drakes Estero request: DOI-2026-009999

Exhibit G, original page 2; packet page 21. NPS gives its stated reasons for denying expedited processing of this historical-communications request.

Interpretation

A denial of expedited processing is not a decision that the requested records do not exist, a ruling on the validity of a vessel restriction, or proof of agency wrongdoing.

EXHIBIT I

NPS processing-time estimates

Locator sheet: both estimates appear in the original acknowledgments, not separate additional correspondence.

DOI-2026-009998: 18–36 months

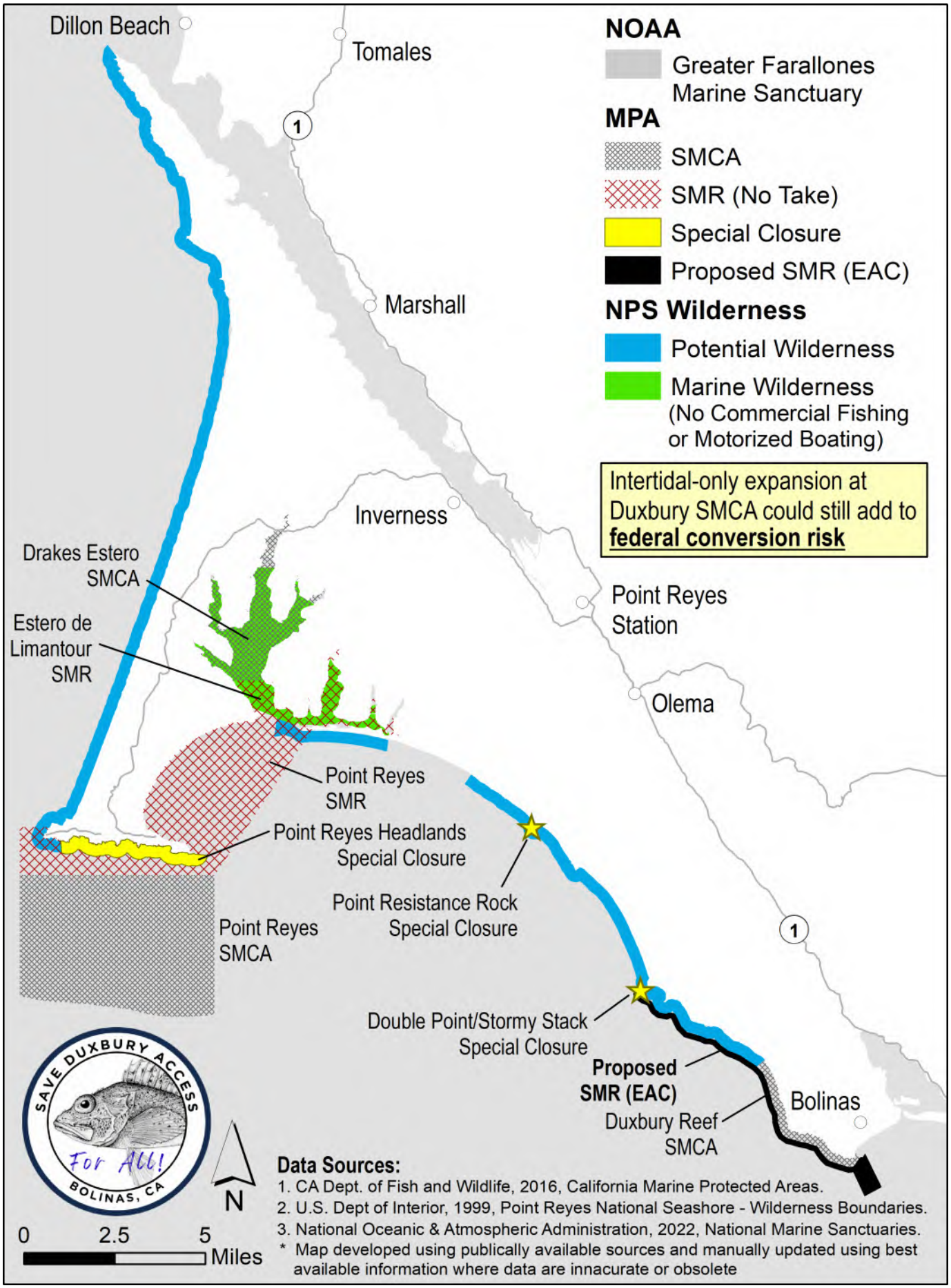
Exhibit F, original page 4; packet page 18. Complex track. The estimate assumes current FOIA capacity and burden remain constant.

DOI-2026-009999: 3–5 years

Exhibit G, original pages 2–3; packet pages 21–22. Extraordinary track. The estimate is stated on original page 3 and carries the same capacity/burden qualification.

Do not conflate the requests

The longer estimate concerns historical Drakes Estero/EAC communications. These are estimated completion times, not proof that no individual responsive record could be provided earlier.



Community context map, not an official boundary overlay. See packet guide for limitations.

Selected legal references

Brief excerpts supporting the letter's procedural discussion. These are not complete opinions or regulations; full texts are linked below.

Drakes Bay Oyster Co. v. Jewell

> "Once we determine, as we have, that the Secretary did not violate any statutory mandate, it is not our province to intercede in his discretionary decision. We, therefore, affirm the district court's order denying a preliminary injunction." [7]

The letter draws a procedural analogy only. This opinion does not decide the Duxbury vessel restriction or establish that California's retained rights were extinguished.

Expedited FOIA appeals | 43 C.F.R. § 2.58(d)

> "Appeals covered by § 2.57(a)(8) of this subpart should be filed as soon as possible." [8]

Priority if granted | 43 C.F.R. § 2.63(c)

> "If the appropriate deciding official for FOIA appeals decides to grant expedited processing, he or she will give the appeal priority over other pending appeals and process it as soon as practicable." [9]

7. Drakes Bay Oyster Co. v. Jewell, Ninth Circuit opinion: https://caselaw.findlaw.com/court/us-9th-circuit/1654744.html

8. 43 C.F.R. § 2.58, appeal timing: https://www.law.cornell.edu/cfr/text/43/2.58

9. 43 C.F.R. § 2.63, expedited appeals: https://www.law.cornell.edu/cfr/text/43/2.63

Supplemental authorities

DUXBURY REEF

Deny advancement of Petition 2023-32MPA.

Correct the Commission record.
Verify the asserted federal vessel restriction.

The Commission record needs clarification.

RECORD CORRECTION

Potential wilderness, not full wilderness.

Carry the documented offshore status into Commission maps, findings, and analysis. Identify its precise extent in the expansion.

RESTRICTION VERIFICATION

What legal basis supports the ban?

Identify the instrument, authority, location, prohibited conduct, effective date, applicable process, and exceptions.

The status is documented. The Commission record must reflect it.

Source: Altman letter, p. 1; NPS Park Regulations. Companion packet, Exhibits B and E.

BUILDING ON STAFF'S WORK

A useful starting point for clarification.

CDFW'S EVALUATION

Shared jurisdiction

Identifies the Point Reyes overlap and the need for coordination with NPS.

Existing uses

Seeks intertidal protection while preserving existing fishing outside those new protections.

A clear federal baseline supports sound state decisions.

Source: CDFW evaluation, pp. 3, 5, 7, 15 and 22; selected passages in Exhibit C.

A PRACTICAL QUESTION FOR NPS

How does the federal restriction fit with continued boat-based fishing?

OPC'S PUBLISHED RECOMMENDATION

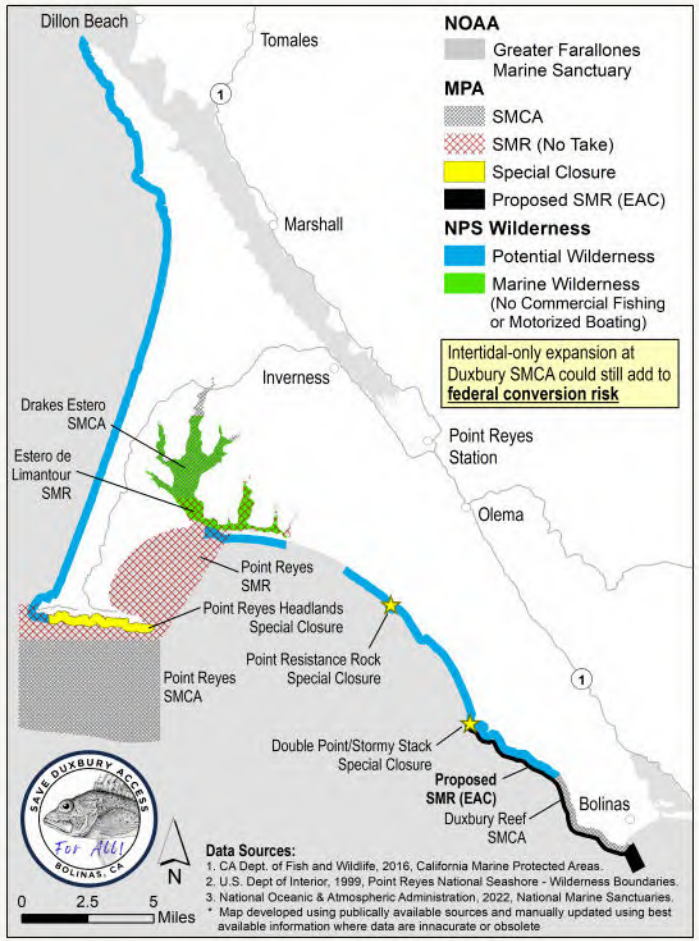
"while allowing for existing shore- and boat-based fishing"

OPC leaves final boundaries to CDFW for feasibility and enforceability.

Federal clarification would support boundary and feasibility work.

Source: OPC, July 2026 recommendations, p. 22; selected passage in Exhibit D.

The implications extend beyond Bolinas.



POINT REYES COAST / DUXBURY-BOLINAS

A local decision can create a record with wider influence.

The Duxbury record could be cited in later access or wilderness decisions elsewhere along Point Reyes.

Not an automatic coastwide closure or wilderness conversion.

Context map: Save Duxbury Access. Black area = EAC SMR proposal, not final agency boundaries. Precise overlap and vessel-ban scope require documentation.

Document the premise before it becomes a point of reference.

FEDERAL PREMISE

A restriction's basis remains unverified.

→

POSSIBLE RELIANCE

Later analysis may assume validity.

→

LATER REFERENCE

Others could cite it as confirmation.

An unresolved federal claim should not become an assumed state baseline.

A state MPA decision does not itself validate a federal restriction or convert wilderness status.

TWO REQUESTS WITH DIFFERENT SCOPES

Seek focused clarification from NPS now.

DOI-2026-009998

18–36 months

Duxbury vessel-restriction records

Complex track

DOI-2026-009999

3–5 years

Historical Drakes Estero / EAC records and express Duxbury connections

Extraordinary track

Estimated completion times, not proof that no records can arrive sooner.

NPS acknowledgments, September 29, 2026: Exhibit F, p. 4; Exhibit G, pp. 2–3.

Ask NPS to document the federal baseline.

AUTHORITY

Controlling legal instrument;
issuing official or agency;
effective date and duration.

CONDUCT + EXCEPTIONS

Which vessels and activities;
waters, shoreline, transit, or landings;
enforcement status and exceptions.

GEOGRAPHY + RECORD CORRECTION

Official map or coordinates;
potential-wilderness boundary and acreage;
accurate status in the Commission record.

PROCESS + STATE RELIANCE

Required notice and procedural record;
relationship to the proposed boundary;
effect on public-use and feasibility analysis.

Companion letter: requested threshold finding; supporting materials and limitations in Exhibits A–J.

Deny advancement in its present form.

The Commission record should accurately reflect potential-wilderness status and establish the basis of any federal restriction relied upon.

This would not prejudge a future proposal supported by a complete record.

Save Duxbury Access