

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 632
Title 14, California Code of Regulations (CCR)
Re: Channel Islands Marine Protected Areas

- I. Date of Initial Statement of Reasons: May 25, 2007
- II. Date of Pre-adoption Statement of Reasons: September 18, 2007
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: May 4, 2007
Location: San Diego, California
 - (b) Discussion Hearing: Date: July 13, 2007
Location: Bridgeport, California
 - (c) Discussion Hearing: Date: August 10, 2007
Location: Santa Barbara, California
 - (d) Adoption Hearing Date: October 12, 2007
Location: Concord, California

V. Update:

No modifications were made to the language proposed in the Pre-Adoption Statement of Reasons.

At the October 12, 2007 adoption hearing, the Commission approved the proposed regulatory changes, which will adjust the offshore boundaries of all Channel Islands MPAs with a federal waters component, so that the boundaries match the federal MPA boundary at the state water line. The regulatory change will add one MPA at the "Footprint" area to complete the original joint State/federal proposal from 2001. The regulatory change will also correct offshore coordinates of MPAs not extending into federal waters so that they fall more precisely on the State Lands Act boundary.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

No public comments were provided to the Commission office in writing, and no oral testimony was provided at the October 12, 2007 adoption hearing. Thirty eight public comments made at the Commission's July 13 and August 10, 2007

Discussion Hearings or submitted in writing were submitted with the Pre-Adoption Statement of Reasons.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: None.
- (b) No Change Alternative:

The no change alternative would leave existing MPAs in state waters of the Channel Islands unchanged. This would leave a gap in protection between the existing boundaries inside state waters and the new federal boundaries at the state water line. The gaps would lead to enforcement difficulties and difficulties in understanding for the public. This would not fulfill the Commission's intent in adopting the first phase of this project in 2003.

- (c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action was assessed during the original regulatory process, including potential impacts of this second phase. Almost all impacts foreseen were a result of the initial process or the federal process. The potential impacts from this minor change to fill gaps between existing state MPAs and federal MPAs offshore would be minimal and difficult to quantify. Additionally, predicted negative impacts from the first phase were not realized.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Any additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and depend on not only the impacts of the proposed regulation but also other regulations and processes. Current cooperative efforts with the Channel Islands National Marine Sanctuary provide funding for some existing costs and are expected to increase with the adoption of this regulation. Changes in enforcement, monitoring, and management will increase costs to the Department of Fish and Game as compared to current efforts. These costs, however, will be minimal and likely supported by existing funding.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to Be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

ADDENDUM TO FINAL STATEMENT OF REASONS
AMEND SECTION 632, TITLE 14, CCR
RE: CHANNEL ISLANDS MARINE PROTECTED AREAS

III.(d) Identification of Reports or Documents Supporting Regulation Change:

The Commission notes that the Channel Islands National Marine Sanctuary, Final Environmental Impact Statement for the Establishment of Marine Reserves and Marine Conservation Areas, dated April 2007 is a relied upon document and was available to the public.

Updated Informative Digest/Policy Statement Overview

On October 23, 2002, the California Fish and Game Commission (Commission) adopted regulations to implement the first phase of a joint state/federal proposal for Marine Protected Areas (MPAs) in the National Oceanic and Atmospheric Association's (NOAAs) Channel Islands National Marine Sanctuary (Sanctuary). The proposal envisioned a state waters phase, to be followed by a federal phase extending the MPAs into Sanctuary waters farther than three nautical miles from shore. In order to facilitate enforcement the state waters phase used straight line offshore boundaries, rather than extending MPAs to the irregular three nautical mile state waters line. Additionally, one MPA at the "Footprint" area within the Anacapa Channel was left out of the initial state phase, as the bulk of its area was outside state waters (Figure 1).

The federal phase has now been completed, leaving gaps between the existing state MPAs and the inner edge of the federal MPAs at the state water line and missing area in the "Footprint" MPA. The proposed regulation will adjust the offshore boundaries of all Channel Islands MPAs with a federal waters component, so that the boundaries match the federal MPA boundary at the state water line. The proposed regulation will add one MPA at the "Footprint" area to complete the originally proposed area.

NOAA, in preparing its regulations, reviewed existing latitude longitude coordinates for the state MPAs, using updated data on the location of mean high tide. These updated data show that existing shoreline coordinates can be made more precise, so that the inshore boundaries of state MPAs fall on the official line of mean high tide used for nautical charting. Corrections are proposed for all inshore coordinates of the existing MPAs to make them more precise. This will also allow NOAA Charting to add the MPAs to NOAA nautical charts, making them easier to identify and find for the boating public.

One change to the original informative digest is proposed. Public comment from the National Marine Sanctuary program noted that the most recent description of the Submerged Lands Act (SLA) three nautical mile offshore boundary was different than that used to prepare the originally-noticed regulatory text. State law (Public Resources Code, Section 36108) defines state waters as "...the zone as measured from the mean high tide line to three nautical miles offshore, as set forth by the Submerged Lands Act (43 U.S.C. Sec. 1311)...". At the time of the preparation of the Initial Statement of Reasons, the new SLA boundary description was unknown to the Department.

Because one of the purposes of this regulatory action is to match the federal MPA boundaries at the SLA three-nautical mile line, the change is needed to make the regulatory text consistent with the noticed intent. A

minor adjustment of this boundary northward by 0.3 minutes of latitude will make the Footprint State Marine Reserve northern boundary fall within State waters as originally intended (see Figure 2). The change results in moving the boundary approximately 0.5 km (33° 59.000' N. latitude to 33° 59.300' N. latitude).

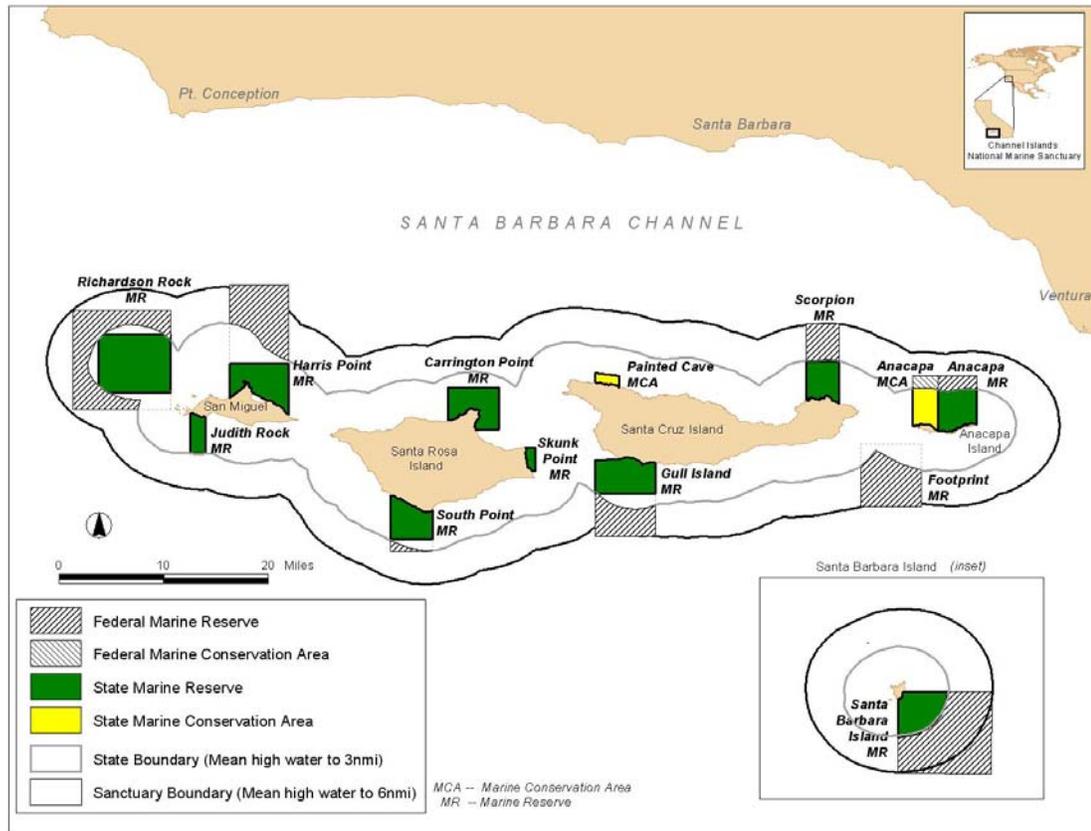


Figure 1. Existing state MPAs, new federal MPAs, and the gaps to be filled by the proposed regulations.

At the October 12, 2007 adoption hearing, the Commission approved the proposed regulatory changes, which will adjust the offshore boundaries of all Channel Islands MPAs with a federal waters component, so that the boundaries match the federal MPA boundary at the state water line. The regulatory change will add one MPA at the “Footprint” area to complete the original joint State/federal proposal from 2001. The regulatory change will also correct offshore coordinates of MPAs not extending into federal waters so that they fall more precisely on the State Lands Act boundary.

Regulatory Language

Subsections 632(a); 632(b)(1) through 632(b)(57) remain unchanged.

Subsections 632(b)(58) through 632(b)(100), Title 14, CCR are amended to read:

...

(58) Richardson Rock (San Miguel Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line of Richardson Rock and straight lines connecting the following points in the order listed except where noted:

~~34° 08.40' N. lat. 120° 34.20' W. long.;~~

~~34° 08.40' N. lat. 120° 28.20' W. long.;~~

~~34° 03.60' N. lat. 120° 28.20' W. long.;~~

~~34° 03.60' N. lat. 120° 34.20' W. long.;~~ and

~~34° 08.40' N. lat. 120° 34.20' W. long.~~

34° 07.905' N. lat. 120° 28.200' W. long.;

34° 02.211' N. lat. 120° 28.200' W. long.;

34° 02.211' N. lat. 120° 31.467' W. long.; thence northward along the three nautical mile offshore boundary to

34° 07.905' N. lat. 120° 28.200' W. long.

(B) Take of all living marine resources is prohibited.

(59) San Miguel Island Special Closure. Special restrictions on boating and access apply to San Miguel Island as follows.

(A) Boating is allowed at San Miguel Island except west of a line drawn between Judith Rock (34° 01.50' N. lat. 120° 23.30' W. long.) and Castle Rock (34° 03.30' N. lat. 120° 26.30' W. long.) where boats are prohibited closer than 300 yards from shore.

1. Notwithstanding the 300-yard boating closure between Judith Rock and Castle Rock, the following shall apply:

a. Boats may approach San Miguel Island no nearer than 100 yards from shore during the period(s) from March 15 through April 30, and October 1 through December 15; and

b. Boats operated by commercial sea urchin divers may enter waters of the 300- yard area between the western boundary of the Judith Rock State Marine Reserve at 120° 26.60' W. long. and Castle Rock for the purpose of fishing sea urchins during the period(s) from March 15 through April 30, and October 1 through December 15.

2. The department may rescind permission for boats to enter waters within 300 yards between Judith Rock and Castle Rock upon finding that impairment to the island marine mammal resource is imminent. Immediately following such closure, the department will request the commission to hear, at its regularly scheduled meeting, presentation of documentation supporting the need for such closure.

(B) Other Requirements:

1. Boats traveling within 300 yards of the shoreline or anchorages shall operate with a minimum amount of noise and shall not exceed speeds of five miles per hour.

2. Except as permitted by federal law or emergency caused by hazardous weather, boats may be anchored overnight only at Tyler Bight and Cuyler Harbor.

3. Landing is allowed on San Miguel Island only at the designated landing beach in Cuyler Harbor.

4. No person shall have access to all other offshore rocks and islands at San Miguel Island.

(60) Harris Point (San Miguel Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

~~34° 03.10' N. lat. 120° 23.30' W. long.;~~

~~34° 06.00' N. lat. 120° 23.30' W. long.;~~

~~34° 06.00' N. lat. 120° 18.40' W. long.; and~~

~~34° 01.80' N. lat. 120° 18.40' W. long.~~

34° 03.160' N. lat. 120° 23.300' W. long.;

34° 09.285' N. lat. 120° 23.300' W. long.; thence southeastward along the three nautical mile offshore boundary to

34° 06.322' N. lat. 120° 18.400' W. long.; and

34° 01.755' N. lat. 120° 18.400' W. long.

(B) Take of all living marine resources is prohibited.

(C) An exemption to the reserve, where commercial and recreational take of living marine resources is allowed, exists between the mean high tide line in Cuyler Harbor and a straight line between the following points:

~~34° 03.50' N. lat. 120° 21.30' W. long.; and~~

~~34° 02.90' N. lat. 120° 20.20' W. long.~~

34° 03.554' N. lat. 120° 21.311' W. long.; and

34° 02.908' N. lat. 120° 20.161' W. long.

(61) Judith Rock (San Miguel Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

~~34° 01.80' N. lat. 120° 26.60' W. long.;~~

~~33° 58.50' N. lat. 120° 26.60' W. long.;~~

~~33° 58.50' N. lat. 120° 25.30' W. long.; and~~

~~34° 01.50' N. lat. 120° 25.30' W. long.~~

34° 01.802' N. lat. 120° 26.600' W. long.;

33° 58.508' N. lat. 120° 26.600' W. long.; thence eastward along the three nautical mile offshore boundary to

33° 58.510' N. lat. 120° 25.300' W. long.; and

34° 01.618' N. lat. 120° 25.300' W. long.;

(B) Take of all living marine resources is prohibited.

(62) Carrington Point (Santa Rosa Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

~~34° 01.30' N. lat. 120° 05.20' W. long.~~

~~34° 04.00' N. lat. 120° 05.20' W. long.;~~

~~34° 04.00' N. lat. 120° 01.00' W. long.;~~

~~34° 00.50' N. lat. 120° 01.00' W. long.; and~~

~~34° 00.50' N. lat. 120° 02.80' W. long.~~

34° 01.296' N. lat. 120° 05.200' W. long.
34° 04.000' N. lat. 120° 05.200' W. long.;
34° 04.000' N. lat. 120° 01.000' W. long.;
34° 00.500' N. lat. 120° 01.000' W. long.; and
34° 00.500' N. lat. 120° 02.930' W. long.

(B) Take of all living marine resources is prohibited.

(63) Skunk Point (Santa Rosa Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 59.00' N. lat. 119° 58.80' W. long.;
33° 59.00' N. lat. 119° 58.00' W. long.;
33° 57.10' N. lat. 119° 58.00' W. long.; and
33° 57.10' N. lat. 119° 58.20' W. long.
33° 59.000' N. lat. 119° 58.808' W. long.;
33° 59.000' N. lat. 119° 58.000' W. long.;
33° 57.100' N. lat. 119° 58.000' W. long.; and
33° 57.100' N. lat. 119° 58.257' W. long.

(B) Take of all living marine resources is prohibited.

(64) South Point (Santa Rosa Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 53.80' N. lat. 120° 06.50' W. long.;
33° 51.40' N. lat. 120° 06.50' W. long.;
33° 51.40' N. lat. 120° 10.00' W. long.; and
33° 55.00' N. lat. 120° 10.00' W. long.
33° 55.014' N. lat. 120° 10.000' W. long.
33° 51.506' N. lat. 120° 10.000' W. long.; thence eastward along the three nautical mile offshore boundary to
33° 50.657' N. lat. 120° 06.500' W. long.;
33° 53.800' N. lat. 120° 06.500' W. long.; and
33° 53.800' N. lat. 120° 06.544' W. long.

(B) Take of all living marine resources is prohibited.

(65) Painted Cave (Santa Cruz Island) State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, ~~the one nautical mile offshore boundary, and the following points~~ and straight lines connecting the following points in the order listed except where noted:

34° 04.50' N. lat. 119° 53.00' W. long.;
34° 05.20' N. lat. 119° 53.00' W. long.;
34° 05.00' N. lat. 119° 51.00' W. long.; and
34° 04.00' N. lat. 119° 51.00' W. long.
34° 04.492' N. lat. 119° 53.000' W. long.;
34° 05.200' N. lat. 119° 53.000' W. long.; thence eastward along a line one nautical mile offshore to
34° 05.000' N. lat. 119° 51.000' W. long.; and
34° 04.034' N. lat. 119° 51.000' W. long.

(B) Take of all living marine resources is prohibited except for the recreational take of lobster and pelagic finfish [subsection 632(a)(3)].

(66) Gull Island (Santa Cruz Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

~~33° 58.00' N. lat. 119° 51.00' W. long.;~~

~~33° 58.00' N. lat. 119° 53.00' W. long.;~~

~~33° 55.20' N. lat. 119° 53.00' W. long.;~~

~~33° 55.20' N. lat. 119° 48.00' W. long.; and~~

~~33° 57.70' N. lat. 119° 48.00' W. long.~~

33° 58.065' N. lat. 119° 50.967' W. long.;

33° 58.000' N. lat. 119° 51.000' W. long.;

33° 58.000' N. lat. 119° 53.000' W. long.;

33° 55.449' N. lat. 119° 53.000' W. long.; thence eastward along the three nautical mile offshore boundary to

33° 54.257' N. lat. 119° 48.000' W. long.; and

33° 57.756' N. lat. 119° 48.000' W. long.

(B) Take of all living marine resources is prohibited.

(67) Scorpion (Santa Cruz Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

~~34° 02.94' N. lat. 119° 35.50' W. long.;~~

~~34° 06.20' N. lat. 119° 35.50' W. long.;~~

~~34° 06.20' N. lat. 119° 32.80' W. long.; and~~

~~34° 02.80' N. lat. 119° 32.80' W. long.~~

34° 02.958' N. lat. 119° 35.500' W. long.;

34° 06.202' N. lat. 119° 35.500' W. long.; thence eastward along the three nautical mile offshore boundary to

34° 06.245' N. lat. 119° 32.800' W. long.; and

34° 02.700' N. lat. 119° 32.800' W. long.

(B) Take of all living marine resources is prohibited.

(68) Anacapa Island Special Closure.

(A) No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands commonly referred to as Anacapa Island.

(B) A brown pelican fledgling area is designated from the mean high tide mark seaward to a water depth of 20 fathoms (120 feet) on the north side of West Anacapa Island between a line extending 000° True off Portuguese Rock (34° 00.910' N. lat. 119° 25.260' W. long.) to a line extending 000° True off the western edge of Frenchy's Cove (34° 00.417' N. lat. 119° 24.600' W. long.), a distance of approximately 4,000 feet. No person except department employees or employees of the National Park Service in the performance of their official duties shall enter this area during the period January 1 to October 31.

(69) Anacapa Island State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

~~34° 00.80' N. lat. 119° 26.70' W. long.;~~
~~34° 04.00' N. lat. 119° 26.70' W. long.;~~
~~34° 04.00' N. lat. 119° 24.60' W. long.;~~ and
~~34° 00.40' N. lat. 119° 24.60' W. long.~~
34° 00.828' N. lat. 119° 26.623' W. long.;
34° 00.800' N. lat. 119° 26.700' W. long.;
34° 03.940' N. lat. 119° 26.700' W. long.; thence eastward along the three nautical mile offshore boundary to
34° 04.002' N. lat. 119° 24.600' W. long.; and
34° 00.417' N. lat. 119° 24.600' W. long.

(B) Take of all living marine resources is prohibited except for the recreational take of lobster and pelagic finfish [subsection 632(a)(3)] and the commercial take of spiny lobster.

(70) Anacapa Island State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

~~34° 00.40' N. lat. 119° 24.60' W. long.;~~
~~34° 04.00' N. lat. 119° 24.60' W. long.;~~
~~34° 04.00' N. lat. 119° 21.40' W. long.;~~ and
~~34° 01.00' N. lat. 119° 21.40' W. long.~~
34° 00.417' N. lat. 119° 24.600' W. long.;
34° 04.002' N. lat. 119° 24.600' W. long.; thence eastward along the three nautical mile offshore boundary to
34° 04.033' N. lat. 119° 21.400' W. long.;
34° 01.000' N. lat. 119° 21.400' W. long.; and
34° 00.960' N. lat. 119° 21.449' W. long.

(B) Take of all living marine resources is prohibited.

(71) Footprint (Anacapa Channel) State Marine Reserve

(A) This area is bounded by the straight lines connecting the following points in the order listed except where noted:

~~33° 59.000' N. lat.~~33° 59.300' N. lat. 119° 30.965' W. long.;
33° 57.510' N. lat. 119° 30.965' W. long.; thence eastward along the three nautical mile offshore boundary to
33° 57.264' N. lat. 119° 25.987' W. long.;
33° 59.300' N. lat. 119° 25.987' W. long.; and
33° 59.300' N. lat. 119° 30.965' W. long.

(B) Take of all living marine resources is prohibited.

~~(71)~~(72) Big Sycamore Canyon State Marine Reserve.

(A) This area is bounded by the 5- fathom depth contour, the 20-fathom depth contour, and the following points:

34° 04.79' N. lat. 119° 02.03' W. long.;

34° 03.92' N. lat. 119° 02.70' W. long.;

34° 02.97' N. lat. 119° 00.00' W. long.;

 and

34° 03.86' N. lat. 119° 00.00' W. long.

(B) Take of all living marine resources is prohibited.

(C) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Big Sycamore Canyon State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(D) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Big Sycamore Canyon State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.

(E) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Big Sycamore Canyon State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(F) Public Entry. Public entry into the Big Sycamore Canyon State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.

(G) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Big Sycamore Canyon State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.

(H) Litter. No person shall deposit, drop, or scatter any debris on the Big Sycamore Canyon State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.

(I) Aircraft. No person shall operate any aircraft or hovercraft within the Big Sycamore Canyon State Marine Reserve, except as authorized pursuant to scientific research approved by the department.

(J) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Big Sycamore Canyon State Marine Reserve unless authorized by the department.

(K) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations to conduct marine-related research within the Big Sycamore Canyon State Marine Reserve.

(L) The department shall notify the California Department of Parks and Recreation of scientific research approved within the Big Sycamore Canyon State Marine Reserve.

~~(72)~~(73) Santa Barbara Island State Marine Reserve.

(A) This area is bounded by the mean high tide line, ~~the three nautical mile offshore boundary and the following points and straight lines connecting the following points in the order listed except where noted:~~

~~33° 28.50' N. lat. 119° 01.70' W. long.;~~

~~33° 28.50' N. lat. 118° 58.20' W. long.;~~

~~33° 24.90' N. lat. 119° 02.20' W. long.;~~ and

~~33° 27.90' N. lat. 119° 02.20' W. long.~~

33° 28.500' N. lat. 119° 01.847' W. long.;

33° 28.500' N. lat. 118° 58.051' W. long.; thence along the three nautical mile offshore boundary to

33° 24.842' N. lat. 119° 02.200' W. long.; and

33° 27.973' N. lat. 119° 02.200' W. long.

(B) Take of all living marine resources is prohibited.

~~(73)~~(74) Abalone Cove State Marine Park.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 44.53' N. lat. 118° 22.83' W. long.;

33° 44.47' N. lat. 118° 22.83' W. long.;

33° 44.14' N. lat. 118° 22.47' W. long.;

33° 44.14' N. lat. 118° 22.12' W. long.; and

33° 44.19' N. lat. 118° 22.12' W. long.

(B) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line or spear.

~~(74)~~(75) Point Fermin State Marine Park.

(A) This area is bounded by the mean high tide line, a distance of 600 feet seaward of mean lower low water, and the following points:

33° 42.31' N. lat. 118° 17.57' W. long.;

33° 42.21' N. lat. 118° 17.57' W. long.;

33° 42.47' N. lat. 118° 17.00' W. long.; and

33° 42.47' N. lat. 118° 17.13' W. long.

(B) Take of all living marine resources is prohibited except the recreational take of: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

~~(75)~~(76) Bolsa Chica State Marine Park.

(A) This area consists of waters below the mean high tide line within the Bolsa Chica Ecological Reserve.

(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants from designated areas around outer Bolsa Bay.

(C) Boating, swimming, wading, and diving are prohibited within the park.

(D) No person, except State and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department or employees of Signal Corporation and its invitees for the purpose of carrying out oil and gas operations, shall enter this park and remain therein except on established trails, paths, or other designated areas.

(E) No person shall enter this park between the hours of 8:00 p.m. and 6:00 a.m.

(F) The County of Orange, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

~~(76)~~(77) Special Closure: Arrow Point to Lion Head Point (Catalina Island) Invertebrate Area.

(A) This area is bounded by the mean high tide line, a distance of 1000 feet seaward of mean lower low water, and the following points:

33° 28.64' N. lat. 118° 32.33' W. long.;

33° 28.82' N. lat. 118° 32.33' W. long.;

33° 27.25' N. lat. 118° 29.90' W. long.; and

33° 27.18' N. lat. 118° 30.07' W. long.

(B) Recreational take of invertebrates is prohibited. Take of other living marine resources is allowed.

~~(77)~~(78) Catalina Marine Science Center State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 26.65' N. lat. 118° 29.33' W. long.;

33° 26.83' N. lat. 118° 29.13' W. long.;

33° 26.96' N. lat. 118° 28.56' W. long.;

33° 26.92' N. lat. 118° 28.53' W. long.; and

33° 26.87' N. lat. 118° 28.62' W. long.

(B) Take of all living marine resources is prohibited.

(C) Except as pursuant to Federal law, emergency caused by hazardous weather, or as provided in this section, it is unlawful to anchor or moor a vessel in the Catalina Marine Science Center State Marine Reserve.

(D) The director of the Catalina Marine Science Center Marine State Marine Reserve, or any person that the director of the reserve has authorized may anchor or moor a vessel or take, for scientific purposes, any fish or specimen of marine life under the conditions prescribed by the department or the reserve director.

~~(78)~~(79) Farnsworth Bank State Marine Conservation Area.

(A) This area consists of waters shallower than 250 feet within the area bounded by straight lines connecting the following points in the order listed:

33° 21.00' N. lat. 118° 32.00' W. long.;

33° 21.00' N. lat. 118° 30.50' W. long.;

33° 20.00' N. lat. 118° 30.50' W. long.;

33° 20.00' N. lat. 118° 32.00' W. long.; and

33° 21.00' N. lat. 118° 32.00' W. long.

(B) Take of purple coral (*Stylaster californicus*) is prohibited. Take of other living marine resources is allowed.

~~(79)~~(80) Lover's Cove State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 100 yards seaward of mean lower low water, and the following points:

33° 20.64' N. lat. 118° 19.25' W. long.;

33° 20.67' N. lat. 118° 19.20' W. long.;
33° 20.59' N. lat. 118° 18.94' W. long.; and
33° 20.56' N. lat. 118° 18.98' W. long.

(B) Take of all living marine resources is prohibited except the commercial take of finfish and kelp.

~~(80)~~(81) Upper Newport Bay State Marine Park.

(A) This area consists of waters below the mean high tide line within the Upper Newport Bay Ecological Reserve bounded by; the southern end of Shellmaker Island (33° 37.20' N. lat. 117° 53.51' W. long.) in the south, Back Bay Drive, East Bluff Drive, and Jamboree road in the east, the 10-foot elevation in the north and west, and a line connecting North Star Beach (33° 37.38' N. lat. 117° 53.60' W. long.) to the southern end of Shellmaker Island.

(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than kelp.

(C) Swimming is allowed only in the area between North Star Beach and mid-channel.

(D) Boats are limited to speeds less than five miles per hour.

(E) Shoreline access is limited to established trails, paths, or other designated areas.

(F) A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Upper Newport Bay Ecological Reserve except: users that possess a valid California sport fishing license, hunting license or trapping license; users that are under 16 years of age; or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to subsections 550(b)(4) and (5), Title 14, CCR, for regulations for fee requirements for wildlife areas.

~~(81)~~(82) Robert E. Badham State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 200 feet seaward of mean lower low water, and the following points:

33° 35.42' N. lat. 117° 52.22' W. long.;
33° 35.40' N. lat. 117° 52.24' W. long.;
33° 35.03' N. lat. 117° 51.78' W. long.; and
33° 35.05' N. lat. 117° 51.74' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

~~(82)~~(83) Crystal Cove State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 20-fathom depth contour, and the following points:

33° 35.05' N. lat. 117° 51.74' W. long.;
33° 34.76' N. lat. 117° 52.32' W. long.;
33° 33.27' N. lat. 117° 49.62' W. long.; and

33° 33.40' N. lat. 117° 49.18' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.
2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

~~(83)~~(84) Irvine Coast State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 600 feet seaward of mean lower low water, and the following points:

- 33° 35.05' N. lat. 117° 51.74' W. long.;
- 33° 35.00' N. lat. 117° 51.84' W. long.;
- 33° 33.37' N. lat. 117° 49.28' W. long.; and
- 33° 33.40' N. lat. 117° 49.18' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.
2. Only spiny lobster may be taken commercially.

~~(84)~~(85) Laguna Beach State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 600 feet seaward of mean lower low water, and the following points:

- 33° 32.86' N. lat. 117° 48.35' W. long.;
- 33° 32.78' N. lat. 117° 48.45' W. long.;
- 33° 30.37' N. lat. 117° 45.17' W. long.; and
- 33° 30.43' N. lat. 117° 45.06' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.
2. Only spiny lobster may be taken commercially.

~~(85)~~(86) Heisler Park State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 32.66' N. lat. 117° 47.61' W. long.;

33° 32.53' N. lat. 117° 47.66' W. long.;

33° 32.43' N. lat. 117° 47.26' W. long.; and

33° 32.56' N. lat. 117° 47.30' W. long.

(B) Take of all living marine resources is prohibited.

(C) Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.

~~(86)~~(87) South Laguna Beach State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 20-foot depth contour, and the following points:

33° 30.43' N. lat. 117° 45.06' W. long.;

33° 30.37' N. lat. 117° 45.17' W. long.;

33° 30.04' N. lat. 117° 44.91' W. long.; and

33° 30.15' N. lat. 117° 44.81' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

~~(87)~~(88) Niguel State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 1200 feet seaward of mean lower low water, and the following points:

33° 29.15' N. lat. 117° 44.05' W. long.;

33° 29.15' N. lat. 117° 44.30' W. long.;

33° 27.74' N. lat. 117° 43.18' W. long.; and

33° 27.74' N. lat. 117° 42.95' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

~~(88)~~(89) Dana Point State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 1200 feet seaward of mean lower low water, and the following points:

33° 27.74' N. lat. 117° 42.95' W. long.;

33° 27.74' N. lat. 117° 43.18' W. long.;
33° 27.47' N. lat. 117° 42.28' W. long.; and
33° 27.63' N. lat. 117° 42.45' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally below the mean lower low-water mark: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

(C) Except as expressly provided in this section, it is unlawful to enter the intertidal zone in the Dana Point State Marine Park for the purpose of taking or possessing, or to take or possess, any species of fish, plant, or invertebrate, or part thereof; to use or have in possession any contrivance designed to be used for catching fish; to disturb any native plant, fish, wildlife, aquatic organism; or to take or disturb any natural geological feature.

This subdivision does not prohibit persons from entering the intertidal zone for the purpose of entertainment, recreation, and education while having a minimum impact on the intertidal environment and the living organisms therein. For this purpose, minimum impact includes foot traffic; general observation of organisms in their environment with immediate replacement of any unattached organisms to their natural location after temporary lifting for examination; and photography. Minimum impact does not include removal of attached organisms from their environment; gathering of fishing bait; littering, collecting rocks and shells; or turning rocks or other acts destructive to the environment.

(D) The department director may appoint a director of the Dana Point State Marine Park.

(E) The director of the Dana Point State Marine Park may issue a special collecting permit authorizing any person to enter the park for the purposes of scientific collecting under the conditions of a scientific collector's permit issued by the department.

(F) Notwithstanding subsections 632(b)(88)(B) or 632(b)(88)(C), the director of the Dana Point State Marine Park, or any person who has a scientific collector's permit from the department and to whom the director of the Dana Point State Marine Park has issued a special collecting permit may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department.

(G) This section does not prohibit the entry of state and local law enforcement officers, fire suppression agencies, and employees of the department in the performance of their official duties. This section does not prohibit or restrict navigation in the Dana Point State Marine Park pursuant to federal law.

~~(89)~~(90) Doheny Beach State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 600 feet seaward of mean lower low water, and the following points:

33° 27.70' N. lat. 117° 41.38' W. long.;
33° 27.60' N. lat. 117° 41.38' W. long.;
33° 27.27' N. lat. 117° 40.28' W. long.; and

33° 27.35' N. lat. 117° 40.21' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

~~(90)~~(91) Doheny State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 1,500 feet seaward of mean lower low water, and the following points:

33° 27.70' N. lat. 117° 41.38' W. long.;

33° 27.45' N. lat. 117° 41.39' W. long.;

33° 27.15' N. lat. 117° 40.38' W. long.; and

33° 27.35' N. lat. 117° 40.21' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Commercial take is allowed.

~~(91)~~(92) Buena Vista Lagoon State Marine Park.

(A) This area consists of waters below the mean high tide line within the Buena Vista Lagoon Ecological Reserve.

(B) Take of all living marine resources is prohibited except the recreational take of species other than kelp by hook and line in designated areas and at designated times only.

(C) Boating, swimming, wading, and diving are prohibited within the park.

(D) The County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

~~(92)~~(93) Agua Hedionda Lagoon State Marine Reserve.

(A) This area consists of waters below the mean high tide line within the Agua Hedionda Lagoon Ecological Reserve.

(B) Take of all living marine resources is prohibited.

(C) The department, and the County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

~~(93)~~(94) Batiqitos Lagoon State Marine Park.

(A) This area consists of waters below the mean high tide line within the Batiquitos Lagoon Ecological Reserve.

(B) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line from shore.

(C) Boating, swimming, wading, and diving are prohibited within the park.

(D) San Diego County, after consultation with the department, may carry out management activities necessary for fish and wildlife management, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

~~(94)~~(95) Encinitas State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, as distance of 600 feet seaward of mean lower low water, and the following points:

33° 02.74' N. lat. 117° 17.88' W. long.;

33° 02.70' N. lat. 117° 18.00' W. long.;

33° 01.98' N. lat. 117° 17.64' W. long.; and

33° 02.04' N. lat. 117° 17.54' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of finfish.

~~(95)~~(96) Cardiff-San Elijo State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 3000 feet seaward of mean lower low water, and the following points:

33° 02.04' N. lat. 117° 17.54' W. long.;

33° 01.75' N. lat. 117° 18.03' W. long.;

33° 00.06' N. lat. 117° 17.27' W. long.; and

33° 00.29' N. lat. 117° 16.73' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Commercial take is allowed.

~~(96)~~(97) San Elijo Lagoon State Marine Park.

(A) This area consists of waters below the mean high tide line within the San Elijo Lagoon Ecological Reserve.

(B) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line from shore.

(C) Boating, swimming, wading, and diving are prohibited within the park.

(D) San Diego County, after consultation with the department, may carry out management activities for fish and wildlife management, flood control, vector control and regional park recreational activities. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, minor ditching and use of associated equipment.

(E) Collections may be made by the department for purposes of fish and wildlife management or by San Diego County for the purpose of water quality testing and vector control.

~~(97)~~(98) San Dieguito Lagoon State Marine Park.

(A) This area consists of waters below the mean high tide line within the San Dieguito Lagoon Ecological Reserve.

(B) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line from shore and the Grand Avenue bridge.

(C) Boating, swimming, wading, and diving are prohibited within the park.

(D) No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, shall be permitted on the California least tern nesting island.

(E) No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, shall enter this park between 8:00 p.m. and 5:00 a.m.

(F) The County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(G) Collections of fish, wildlife, water and soil may be made by the department for the purposes of fish and wildlife management or by San Diego County for the purposes of water quality testing and vector control.

~~(98)~~(99) San Diego-Scripps State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 1000 feet seaward of mean lower low water, and the following points:

32° 52.28' N. lat. 117° 15.16' W. long.;

32° 52.32' N. lat. 117° 15.34' W. long.;

32° 51.86' N. lat. 117° 15.48' W. long.; and

32° 51.86' N. lat. 117° 15.28' W. long.;

(B) Take of all living marine resources is prohibited except the commercial and recreational take of finfish.

(C) Licensees of the Regents of the University of California and all officers, employees, and students of such university may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the department.

~~(99)~~(100) La Jolla State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

32° 51.86' N. lat. 117° 15.28' W. long.;

32° 51.86' N. lat. 117° 16.25' W. long.;

32° 51.22' N. lat. 117° 16.17' W. long.; and

32° 51.07' N. lat. 117° 16.40' W. long.

(B) Take of all living marine resources is prohibited except the commercial take of squid for bait by use of hand-held scoop net west of a line drawn due north from Goldfish Point (34° 51.00' N. lat. 119° 16.17' W. long.).

(C) Boats may be launched and retrieved only in designated areas and may be anchored within the conservation area only during daylight hours.

~~(400)~~(101) Mia J. Tegner State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 150 feet seaward of mean lower low water, and the following points:

32° 40.27' N. lat. 117° 14.73' W. long.;

32° 40.27' N. lat. 117° 14.76' W. long.;

32° 39.91' N. lat. 117° 14.42' W. long.; and

32° 39.94' N. lat. 117° 14.44' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish is allowed.
2. The commercial take of finfish and marine aquatic plants is allowed.

Note: Authority cited: Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861, and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code. Reference: Sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6653, 8420(e) and 8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code.