

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

Amend Section 632
Title 14, California Code of Regulations
Re: Marine Protected Areas

- I. Date of Initial Statement of Reasons: September 18, 2008
- II. Date of Amended Initial Statement of Reasons: April 17, 2009
- III. Date of Second Amended Initial Statement of Reasons: June 8, 2009
- IV. Date of Final Statement of Reasons: November 3, 2009
- V. Date of Amended Final Statement of Reasons: April 8, 2010
- VI. Dates and Locations of Scheduled Hearings
 - (a) Notice Hearing: Date: October 2, 2008
Location: Santa Rosa, California
 - (b) Discussion Hearing: Date: May 14, 2009
Location: Sacramento, California
 - (c) Adoption Hearing: Date: August 5, 2009
Location: Woodland, California
 - (d) Confirmation Hearing: Date: April 8, 2010
Location
- VII. Update:

The Second Amended Initial Statement of Reasons (ISOR), and June 19, 2009 continuation notice contained regulatory sub-options for Sea Lion Cove State Marine Conservation Area (SMCA) and Montara State Marine Reserve (SMR). On August 5, 2009, the Commission adopted the Integrated Preferred Alternative (IPA), choosing Option 1 for Sea Lion Cove SMCA and Option 1 for Montara SMR. The Commission adopted the other Marine Protected Areas (MPA) in the IPA as originally proposed.

After adoption of the regulations on August 5, 2009, the Department of Fish and Game (Department) identified coordinate errors for some of the MPAs in the regulatory language. The coordinate changes and other changes to the

regulatory text, listed below, were made available to the public for a 15-day written comment period, March 15 to April 1, 2010. The Commission confirmed its August 5, 2009 action with these revisions at its April 8, 2010 meeting.

Specific MPAs with revised regulatory text:

Sea Lion Cove SMCA [subsection 632(b)(8)]

The second amended ISOR and June 19, 2009 continuation notice contained regulatory sub-options within the IPA for this MPA:

Option 1: Include Sea Lion Cove State Marine Conservation Area with take of all invertebrates and marine aquatic plants prohibited. Take of all other species is allowed.

Option 2: Remove Sea Lion Cove from the proposed MPA network.

The Commission adopted the IPA on August 5, 2009 and selected Option 1 for this MPA: Include Sea Lion Cove State Marine Conservation Area with take of all invertebrates and marine aquatic plants prohibited. Take of all other species is allowed.

Therefore, non-regulatory text describing Option 2 has been removed and the regulatory text for Option 1 remains unchanged.

Salt Point SMCA [subsection 632(b)(12)]

In the second amended ISOR, the southern latitudinal boundary of this SMCA was adjusted to align with State Park boundaries, which resulted in a misalignment of the longitudinal boundary with the mean high tide line. The southern boundary was correctly placed where the latitude line intersects the coastline. However, the longitude error put the end point of the shoreward coordinate 841 meters inland. Therefore, in subsection 632(b)(12)(A), the longitude is corrected from 123° 18.33' W. long. to 123° 18.91' W. long. in order to match the mean high tide line as described in the maps.

In addition, subsequent to the adoption of the preferred alternative, a review of the Salt Point SMCA identified that the boundaries overlap Gerstle Cove State Marine Reserve as defined in subsection 632(b)(13)(A), rather than sharing a boundary as described in the maps and regulation. To improve public understanding, this subsection was reworded to clarify that Gerstle Cove SMR is excluded from Salt Point SMCA.

Punctuation corrections were also made to this subsection.

Gerstle Cove SMR [subsection 632(b)(13)]

Changes to coordinates at Gerstle Cove SMR were implemented to more accurately mark the position of the cove. In the originally proposed regulatory language, the preferred alternative for Gerstle Cove retained the boundaries from

the existing MPA. However, after coordinates were plotted and reviewed using more precise current GPS technology, it was determined that the existing coordinates did not correctly reflect the maps, and did not align with the mean high tide line. Therefore, in subsection 632(b)(13)(A), the boundary 38° 33.93' N. lat. 123° 19.85' W. long. is corrected to 38° 33.95' N. lat. 123° 19.92' W. long.; and the boundary 38° 33.93' N. lat. 123° 19.65' W. long. is corrected 38° 33.95' N. lat. 123° 19.76' W. long., in order to match the boundaries and mean high tide line as described in the maps.

Russian River SMRMA [subsection 632(b)(14)]

The originally proposed regulatory text erroneously identified the boundary as the US 101 Bridge, which is several miles inland. Therefore, in subsection 632(b)(14)(A), the boundary was corrected from the US 101 Bridge to the Highway 1 Bridge in order to match the boundaries described in the maps.

Bodega Head SMR [subsection 632(b)(16)]

In subsection 632(b)(16)(A), a correction to punctuation was made, and underline format was removed from existing regulatory text at the beginning of the subsection which was inadvertently underlined as “new” text in the originally proposed regulation. Subsections 632(b)(16)(D) and (E) were reworded for the purpose of clarifying the intent of the regulation regarding conditions of access to the SMR.

Bodega Head SMCA [subsection 632(b)(17)]

In subsection 632(b)(17)(B)2., the acronym “FGC” was replaced with “Fish and Game Code”.

Estero de San Antonio SMRMA [subsection 632(b)(19)]

The eastern and western boundaries of this MPA were originally generated by GIS staff. It was later decided that for regulatory purposes the eastern (inland) boundary was the only coordinate necessary. However, the western boundary was placed in the originally proposed regulatory language by mistake. Therefore, in subsection 632(b)(19)(A), the boundary 122° 58.75' W. long. is corrected to 122° 57.40' W. long. in order to match the boundaries described in the maps.

Point Reyes SMR [subsection 632(b)(20)]

In the originally proposed regulatory language, coordinates were transposed during editing, and some coordinates were inadvertently and erroneously identified as the “unsnapped” values. The confusion was compounded by the fact that these replaced values did not complete the entire boundary but effectively duplicated another set of coordinates in the same MPA while inadvertently removing the final coordinate. However, accompanying maps accurately reflected the intended boundaries. Therefore, in subsection 632(b)(20)(A), 37°58.98' N. lat. 123° 02.00' W. long. is removed; and 37° 58.98'

N. lat. 122° 57.34' W. long. is corrected to 37° 59.00' N. lat. 122°57.34' W. long.; and 38° 01.75' N. lat. 122° 55.00' W. long. is added, in order to match the boundaries described in the maps.

The boundary that divides Point Reyes SMR and Estero de Limantour SMR was inadvertently omitted from the originally proposed regulatory text of subsections 632(b)(20)(A) and 632(b)(23)(A). Therefore, two latitudinal and longitudinal coordinates (38° 01.783' N. lat. 122° 55.286' W. long.; and 38° 01.954' N. lat. 122° 56.451' W. long.) were added in order to match the boundaries as reflected in the maps.

Point Reyes SMCA [subsection 632(b)(21)]

The northeastern boundary of Point Reyes SMCA is shared with Point Reyes SMR. However, in the originally proposed regulatory language, the coordinates at the boundary with Point Reyes SMR did not coincide because “unsnapped” values were used for the SMR. This created a difference of 37 meters at the widest point. The coordinates have been aligned to close the gap. Therefore, in subsection 632(b)(21)(A), 37° 58.98' N. lat. 122° 57.34' W. long. is corrected to 37° 59.00' N. lat. 122° 57.34' W. long.; and 37° 58.98' N. lat. 123° 02.00' W. long. is corrected to 37° 59.00' N. lat. 123° 02.00' W. long., in order to match the boundaries described in the maps.

Point Reyes Headlands Special Closure [subsection 632(b)(22)]

In the originally proposed regulatory language of subsection 632(b)(22)(A), coordinates for the east and west boundaries of the Point Reyes Headlands Special Closure were described as single points of latitude and longitude. To improve public understanding, subsection 632(b)(22)(A) was modified to reflect that the boundaries extend due south from each of the coordinates, as reflected clearly in the maps.

An inadvertent omission was identified for Point Reyes Headlands Special Closure. All special closures included in the proposed regulation provide an exception to allow for department employees and employees of specified government agencies to enter the area. The special closures also include an allowance for the department to grant permission to access the area at its discretion; however, this provision was inadvertently omitted from the Point Reyes Headlands Special Closure. Therefore, to be consistent with other special closures in the proposed regulation, and as intended, subsection 632(b)(22)(B) is corrected to state that “No person except department employees or employees of the United States Fish and Wildlife Service, National Park Service, or United States Coast Guard, in performing their official duties, **or unless permission is granted by the department**, shall enter this area at any time.”

Estero de Limantour State Marine Reserve [subsection 632(b)(23)]

In subsection 632(b)(23)(A), several changes were made to sentence structure, grammar, punctuation, and strikeout/underline format.

The boundary that divides Point Reyes SMR and Estero de Limantour SMR was inadvertently omitted from the originally proposed regulatory text of subsections 632(b)(20)(A) and 632(b)(23)(A). Therefore, two latitudinal and longitudinal coordinates (38° 01.954' N. lat. 122° 56.451' W. long.; and 38° 01.783' N. lat. 122° 55.286' W. long.) were added in order to match the boundaries as reflected in the maps.

Point Resistance Rock Special Closure [subsection 632(b)(25)]

In several subsections of Section 632, references to special closures within a defined distance from the shoreline are included. Most subsections use the commonly-used reference of “from the mean high tide line to a distance of [specified distance] seaward of the mean lower low tide line...” For purposes of consistency, subsection 632(b)(25)(A), was modified to incorporate the reference to “from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline” to replace the phrase “in all areas closer than 300 feet from the mean lower low tide line of any shoreline...” The meaning of these two phrases is virtually the same.

Double Point/Stormy Stack Rock [subsection 632(b)(26)]

In several subsections of Section 632, references to special closures within a defined distance from the shoreline are included. Most subsections use the commonly-used reference of “from the mean high tide line to a distance of [specified distance] seaward of the mean lower low tide line...” For purposes of consistency, subsection 632(b)(26)(A), was modified to incorporate the reference to “from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline” to replace the phrase “in all areas closer than 300 feet from the mean lower low tide line of any shoreline...” The meaning of these two phrases is virtually the same.

North Farallon Islands Special Closure [subsection 632(b)(29)]

In subsection 632(b)(29)(B) the phrase “or as authorized by subsection 632(b)(29)(C),” was added to avoid conflicting regulations between subsections (B) and (C) in subsection 632(b)(29).

In subsection 632(b)(29)(B), a space was added between “St. James,” and “in”. In addition, for clarity and consistency, coordinates were specified to two decimal places: “46’ ” was changed to “46.00’ ” and “06’ ” was changed to “06.00’ ”.

A reference in subsection 632(b)(29)(D) to “three southern islets” was corrected to refer to all “islets” of the North Farallon Islands as originally intended.

In several subsections of Section 632, references to special closures within a defined distance from the shoreline are included. Most subsections use the commonly-used reference of "seaward of mean lower low tide line." For purposes of consistency, subsections 632(b)(29)(D) and (E), were modified to incorporate the reference to "1,000 feet seaward of the mean lower low tide line of any shoreline" to replace "1,000 feet of any shoreline" and "seaward of the mean lower low tide line" to replace the term "offshore". Due to the geography of the islands, the line that represents "offshore" and "seaward of mean lower low tide line," or "shoreline" and "mean lower low tide line" are virtually the same.

In subsection 632(b)(29)(E)1., the regulatory text "shall terminate their vessel engine exhaust system..." was changed to "shall have their vessel engine exhaust system terminate..." for the purpose of clarifying the intent of the regulation.

In subsections 632(b)(29)(E)2., the phrase "the air compressor's" was changed to "their air compressor's".

Southeast Farallon Special Closure [subsection 632(b)(32)]

In subsection 632(b)(32)(B), the phrase "or as authorized by subsection 632(b)(32)(C)," was added to avoid conflicting regulations between subsections (B) and (C) in subsection 632(b)(32).

The northern boundary coordinate at Fisherman's Bay was found to be in error. Department GIS staff accurately depicted the shape of this special closure for all documents. However, an error was made when the coordinate was transferred to the originally proposed regulatory text. This error put the coordinate one (1) minute west of its actual position. In addition, the description of boundaries around Fisherman's Bay was complex and potentially confusing. To avoid confusion regarding the exact boundaries as described in regulation, the language has been reworded in subsection 632(b)(32)(B) to simplify the regulation and the incorrect coordinate (37° 42.26' N. lat. 123° 01.16' W. long.) has been removed.

In several subsections of Section 632, references to special closures within a defined distance from the shoreline are included. Most subsections use the commonly-used reference of "seaward of mean lower low tide line." For purposes of consistency, subsections 632(b)(32)(D) and (E), were modified to incorporate the reference to "1,000 feet seaward of the mean lower low tide line of any shoreline" to replace "1,000 feet of any shoreline" and "seaward of the mean lower low tide line" to replace the term "offshore". Due to the geography of the islands, the line that represents "offshore" and "seaward of mean lower low tide line," or "shoreline" and "mean lower low tide line" are virtually the same.

In subsection 632(b)(32)(E)1., the regulatory text “shall terminate their vessel engine exhaust system...” was changed to “shall have their vessel engine exhaust systems terminate...” for the purpose of clarifying the intent of the regulation.

In subsections 632(b)(32)(E)2., the phrase “the air compressor’s” was changed to “their air compressor’s”.

Redwood Shores State Marine Park [subsection 632(b)(39)]

In subsection 632(b)(39)(C) the extra word “in” was removed.

Montara SMR [subsection 632(b)(42)]

The second amended ISOR and June 19, 2009 continuation notice contained regulatory sub-options within the IPA for this MPA:

Option 1: Use the geographic reference name Montara State Marine Reserve with no take allowed.

Option 2: Retain the historic name Fitzgerald State Marine Reserve with no take allowed.

The Commission adopted the IPA on August 5, 2009 and selected Option 1 for this MPA: Use the geographic reference name Montara State Marine Reserve with no take allowed. Therefore, the regulatory text for Option 1 remains unchanged; and the non-regulatory text and regulatory text for Option 2 have been removed.

Pillar Point SMCA [subsection 632(b)(43)]

In subsection 632(b)(43)(B)2., the acronym “FGC” was replaced with “Fish and Game Code”.

In the note following the regulatory text, a punctuation correction was made to the statement “Subsequent subsections will be renumbered beginning with (44).”

The Commission adopted the other MPAs in the IPA as originally proposed.

Figure 1 displays the MPAs adopted by the Commission and Table 1 describes the allowed uses in each MPA.

Figure 1. Marine protected areas included in the regulation.

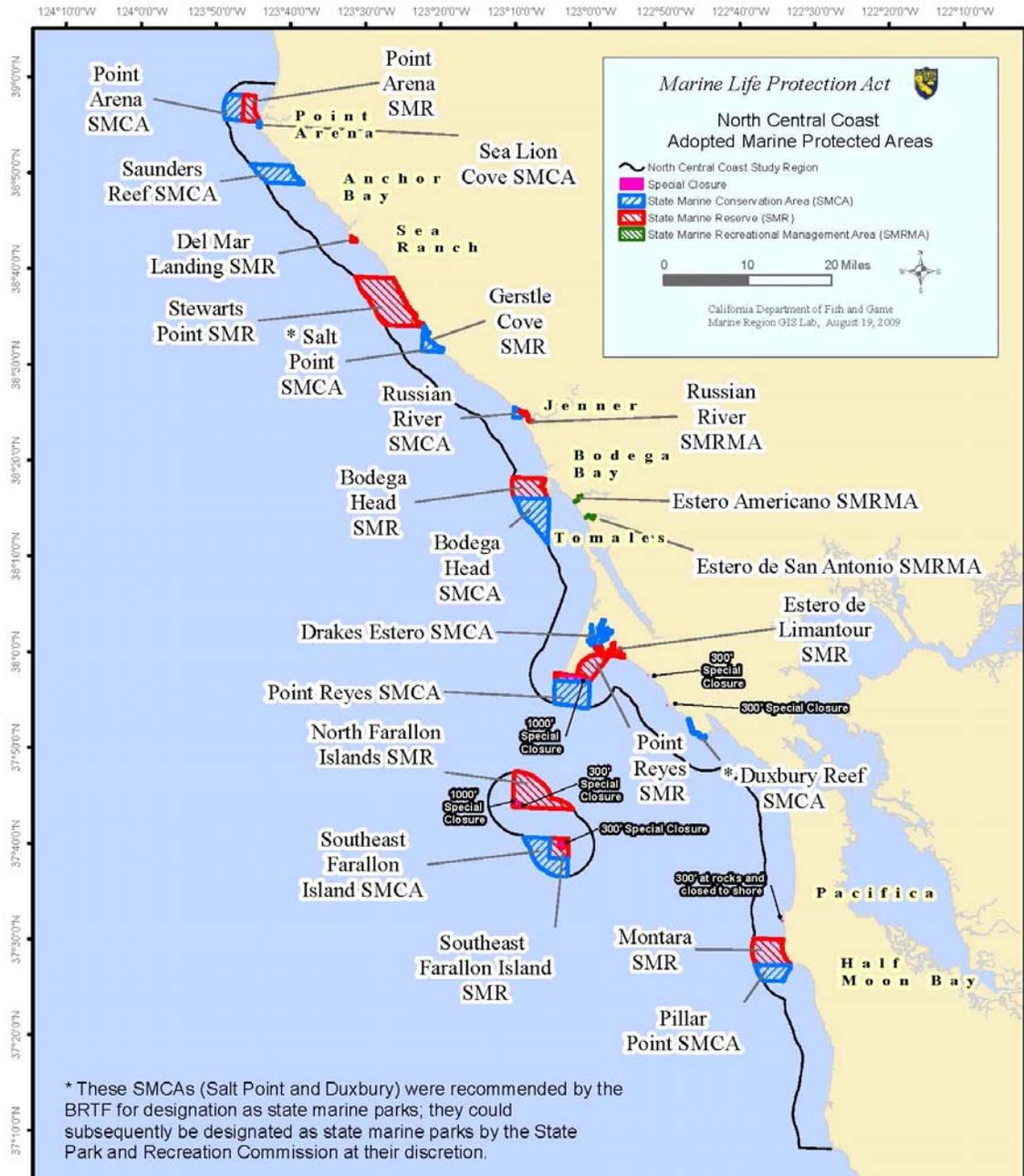


Table 1. Marine protected areas and summary of allowed uses.

MPA Name	Allowed Take
*Point Arena State Marine Reserve	Take of all living marine resources is prohibited
*Point Arena State Marine Conservation Area	Take of all living marine resources is prohibited EXCEPT the recreational take of salmon by trolling and the commercial take of salmon with troll fishing gear
*Sea Lion Cove State Marine Conservation Area	The recreational and commercial take of all marine invertebrates and marine aquatic plants is prohibited. Take of all other species is allowed
Saunders Reef State Marine Conservation Area	Take of all living marine resources is prohibited EXCEPT: 1. The recreational take of salmon by trolling 2. The commercial take of salmon with troll fishing gear, and urchin
Del Mar Landing State Marine Reserve	Take of all living marine resources is prohibited
*Stewarts Point State Marine Reserve	Take of all living marine resources is prohibited
Salt Point State Marine Conservation Area ¹	Take of all living marine resources is prohibited EXCEPT: the recreational take of abalone and finfish ³
Gerstle Cove State Marine Reserve	Take of all living marine resources is prohibited
*Russian River State Marine Recreational Management Area	Take of all living marine resources is prohibited EXCEPT recreational hunting of waterfowl is allowed unless otherwise restricted by hunting regulations (sections 502, 550, 551, and 552)
*Russian River State Marine Conservation Area	Take of all living marine resources is prohibited EXCEPT : 1. The recreational take of Dungeness crab by trap, and surf smelt by hand-held dip net or beach net 2. The commercial take of Dungeness crab by trap
Bodega Head State Marine Reserve	Take of all living marine resources is prohibited
Bodega Head State Marine Conservation Area	Take of all living marine resources is prohibited EXCEPT: 1. The recreational take of pelagic finfish ² by trolling, Dungeness crab by trap and market squid by hand-held dip net 2. The commercial take of pelagic finfish ² with troll fishing gear or round haul net, Dungeness crab by trap, and market squid by round haul net
*Estero Americano State Marine Recreational Management Area	Take of all living marine resources is prohibited EXCEPT: the recreational hunting of waterfowl is allowed unless otherwise restricted by hunting regulations (sections 502, 550, 551, and 552)

*Estero de San Antonio State Marine Recreational Management Area	Take of all living marine resources is prohibited EXCEPT: the recreational hunting of waterfowl is allowed unless otherwise restricted by hunting regulations (sections 502, 550, 551, and 552)
Point Reyes State Marine Reserve	Take of all living marine resources is prohibited
Point Reyes State Marine Conservation Area	Take of all living marine resources is prohibited, EXCEPT: 1. The recreational take of salmon by trolling, and Dungeness crab by trap 2. The commercial take of salmon with troll fishing gear, and Dungeness crab by trap
*Estero de Limantour State Marine Reserve	Take of all living marine resources is prohibited
Drakes Estero State Marine Conservation Area	Take of all living marine resources is prohibited EXCEPT: 1. The recreational take of clams 2. The commercial aquaculture of shellfish pursuant to a valid State Water Bottom Lease and stocking permit
Duxbury Reef State Marine Conservation Area ¹	Take of all living marine resources is prohibited EXCEPT: the recreational take of finfish ³ from shore only, and the recreational take of abalone
Montara State Marine Reserve	Take of all living marine resources is prohibited
Pillar Point State Marine Conservation Area	Take of all living marine resources is prohibited EXCEPT: 1. The recreational take of pelagic finfish ² by trolling, Dungeness crab by trap and market squid by hand-held dip net 2. The commercial take of pelagic finfish ² with troll fishing gear or round haul net, Dungeness crab by trap and market squid by round haul net
North Farallon Islands State Marine Reserve	Take of all living marine resources is prohibited
Southeast Farallon Island State Marine Reserve	Take of all living marine resources is prohibited
Southeast Farallon Island State Marine Conservation Area	Take of all living marine resources is prohibited EXCEPT: the recreational take of salmon by trolling and the commercial take of salmon with troll fishing gear
Special Closures	
Point Reyes Headlands Special Closure	1000 ft closure; year round
Point Resistance Rock Special Closure	300 ft closure; year round
Double Point/ Stormy Stack Rock Special Closure	300 ft closure; year round

North Farallon Islands Special Closure	1000 ft closure at North Farallon Island and 300 ft closure at the southern islets including the Isle of St. James; year round Boating restrictions and fishing activity modifications to reduce noise within 1 mile of all islands: 5 mph speed limit within 1000 feet of all islands; year round
Southeast Farallon Island Special Closure	300 ft closure at Southeast Farallon Island, except Fisherman's Bay and East Landing; year round except for a seasonal closure on the southeast side of Saddle (Seal) Rock, from Dec 1 to Sep 14 Boating restrictions within 1 mile of all islands; 5 mph speed limit within 1000 feet of Southeast Farallon Island, fishing activity modifications to reduce noise; year round
Egg (Devil's Slide) Rock to Devil's Slide Special Closure	300 ft closure around island rocks and no transit in area between Egg (Devil's Slide) Rock and mainland; year round

* New MPAs that are not direct expansion of an existing area.

¹ These areas, recommended by stakeholders to become state marine parks, will be designated as state marine conservation areas, and could subsequently be designated also as state marine parks at the discretion of the State Park and Recreation Commission.

² Pelagic Finfish are defined in subsection 632(a)(3) as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena* spp.), billfishes* (family *Istiophoridae*), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family *Scombridae*), and yellowtail (*Seriola lalandi*). *Marlin is not allowed for commercial take.

³ Finfish are defined in subsection 632(a)(2) as: any species of bony fish or cartilaginous fish (sharks, skates and rays). Finfish do not include amphibians, invertebrates, plants or algae. The definition of finfish provided in Section 159 does not apply to this Section.

VIII. Summary of Primary Considerations Raised in Opposition and in Support:

A total of 23,260 comments were received regarding the proposed regulations during the comment period (May 1, 2009 through August 5, 2009), including 427 unique comments and 13 form letters (Table 2). Comments in support of the Commission’s preferred alternative totaled 17,263 [of which 15,055 were form letters and 2,092 were in general support of the IPA (“Form Letter M”), three letters that were accompanied by a total of 1,423 signatures, and 113 unique comments). Comments in support of alternative 1 totaled 558 (of which 555 were form letters and three were unique comments). Comments in support of alternative 2 totaled 1,816 (of which 1,678 were form letters, one comment that was accompanied by 75 signatures, and 137 unique comments). Comments in support of MPAs in general totaled 3,515 (of which 1,453 were form letters, 2,000 were post cards, and 62 were unique comments). The remaining comments were individual comments, including 18 comments that expressed concern that there were insufficient funds to manage, monitor, and enforce new MPAs.

Table 2. Number of comments received and included in the Final Statement of Reasons

Type	Count
Non-form letter comments	427
Form letter A	7,977
Form letter B	1,678
Form letter C	1,453
Form letter D	3,412
Form letter E	9
Form letter F	2,025
Form letter G	966
Form letter H	494
Form letter I	555
Form letter J	163
Form letter K	9
Form letter L	2,000
Form letter M	2,092
Total	23,260

Table 3 provides a list of the name(s), date, and the type of comment (written or oral) for each comment received that was not a form letter. The comments listed in Table 3 are summarized in Table 5, and responses, including individual portions of comments requiring multiple responses, are included. In cases where comments were substantively the same, multiple commenter names are listed for a single comment. Tables 6 through 15 list the numbers of form letter comments received by date. Following Tables 6 through 15 are examples of each form letter and responses to comments.

Table 3. List of commenter names and assigned numbers (assigned numbers begin with "100")

Commenter	Date	Type	Name First	Name Last
100	6/23/2009	Written	Jean	Howard
101	6/23/2009	Written	Tracie	Kinser
102	6/23/2009	Written	Judy	Therrell
103	6/23/2009	Written	Catherine	Morency
104	6/24/2009	Written	Marci	Scileppi
105	6/27/2009	Written	Ken	Hayes
106	6/29/2009	Written	Tabea	Mastel
107	5/14/2009	Oral	Samantha	Murray
107	7/16/2009	Written	Samantha Murray and Kaitlin Gaffney, Ocean Conservancy, and Karen Garrison, NRDC	
107	7/31/2009	Written	Samantha Murray and Kaitlin Gaffney, Ocean Conservancy, and Karen Garrison, NRDC	
107	8/5/2009	Oral	Samantha	Murray
108	5/14/2009	Oral	Karen	Garrison
108	7/22/2009	Written (2 items)	Karen Garrison, NRDC, and Kaitlin Gaffney, Ocean Conservancy	
108	8/5/2009	Oral	Karen	Garrison
109	8/2/2009	Written	Michelle	Newman
110	8/3/2009	Written	Jim	Vandegrift
111	5/7/2009	Written	James	Volberding
111	5/8/2009	Written	James	Volberding
111	5/10/2009	Written	James	Volberding
111	5/13/2009	Written	James	Volberding
111	5/17/2009	Written	James	Volberding
111	6/19/2009	Written	James	Volberding
111	6/21/2009	Written	James	Volberding
111	7/9/2009	Written	James	Volberding
111	7/15/2009	Written	James	Volberding
111	7/23/2009	Written	James	Volberding
111	7/31/2009	Written	James	Volberding
111	8/2/2009	Written	James	Volberding
112	6/20/2009	Written	Michael	Caporale
113	6/21/2009	Written	Dennis	DeLuca
114	6/21/2009	Written	Chris	Knepp
115	5/14/2009	Oral	Andrew	Bland
115	5/15/2009	Written	Andrew	Bland
115	6/21/2009	Written	Andrew	Bland
115	6/24/2009	Written	Andrew	Bland
115	6/29/2009	Written	Andrew	Bland
115	7/7/2009	Written	Andrew	Bland
115	8/1/2009	Written	Andrew	Bland
115	8/3/2009	Written	Andrew	Bland
115	8/4/2009	Written	Andrew	Bland
115	8/5/2009	Oral	Andrew	Bland
116	6/23/2009	Written	Kevin	Kwak
117	6/23/2009	Written	Partnership for Sustainable Oceans (PSO)	
118	6/23/2009	Written	Michael Paul	Starr
118	08/05/2009	Oral	Michael Paul	Starr

Commenter	Date	Type	Name First	Name Last
119	6/23/2009	Written	Stephen	Dampier
120	5/1/2009	Written	Tracy	Buell
121	5/4/2009	Written	Curt	Billings
122	5/4/2009	Written	Chris	Grossman
123	5/5/2009	Written	David	Smith
124	5/6/2009	Written	Arch	Richardson
124	5/14/2009	Oral	Arch	Richardson
125	5/6/2009	Written	Greg	Pourroy
126	5/8/2009	Written	Peter	Brigham
127	5/8/2009	Written	Sean	Walker
127	8/3/2009	Written	Sean	Walker
128	5/8/2009	Written	Buck	Everingham
129	5/8/2009	Written	Michael	Starr
130	5/11/2009	Written	Leroy	Carlenzoli
131	5/11/09	Written	Robin	King
131	8/5/2009	Oral	Robin	King
132	5/12/2009	Written	Rich	Holland
132	7/8/2009	Written	Rich	Holland
133	5/12/2009	Written	Lowell	Ellis
134	5/13/2009	Written	Alex	Reynaud
135	5/13/2009	Written	Gene	Kramer
135	5/14/2009	Oral	Gene	Kramer
137	5/17/2009	Written	Maxine	Barton-Bauman
138	5/14/2009	Oral/Written	Allan Jacobs (includes 2 petitions and various letters in support of the testimony)	
138	5/25/2009	Written	Allan	Jacobs
138	7/1/2009	Written	Allan	Jacobs
138	7/27/2009	Written	Allan	Jacobs
138	8/5/2009	Oral/Written	Allan	Jacobs
139	5/14/2009	Oral/Written	Ed	Tavasieff
139	7/29/2009	Written	Ed	Tavasieff
139	8/5/2009	Oral/Written	Ed	Tavasieff
140	8/3/2009	Written	Sonny	Nguyen
141	8/2/209	Written	Aaron	Van Arsdale
141	8/3/2009	Written	Aaron	Van Arsdale
141	8/5/2009	Oral	Aaron	Van Arsdale
142	7/28/2009	Written	C. Dosh	McClendon
143	7/29/2009	Written	Pete	Gray
144	7/29/2009	Written	Dave	Pheiffer
145	5/5/2009	Written	Emilie	Strauss
146	5/6/2009	Written	Lee	Olson
147	5/6/2009	Written	Tamara Lynn	Scott
148	5/6/2009	Written	Katie	Pofahl
149	5/6/2009	Written	Marianne	Matteo
150	5/6/2009	Written	Deborah	Brayton
151	5/6/2009	Written	Rita	Escalante
152	5/6/2009	Written	Ann	Protter
153	5/6/2009	Written	Terry	Barnes

Commenter	Date	Type	Name First	Name Last
154	5/6/2009	Written	Eugene	Timpe
155	5/6/2009	Written	Duncan	Wilmot
156	5/6/2009	Written	Brett	Keenan
157	5/6/2009	Written	Rick	Goodwin
158	5/6/2009	Written	Winnie	Eddington
159	5/6/2009	Written	Pat	Sinclair
160	5/6/2009	Written	Ann	Henderson
161	5/6/2009	Written	Janice	Gritz
162	5/7/2009	Written	Ian	Bock
163	5/7/2009	Written	Ashley	Manning.
164	5/7/2009	Written	Mary	Hubl
165	5/7/2009	Written	Jane	DeRosa
166	5/7/2009	Written	Scott	Eanes
167	5/8/2009	Written	Akin	Erbay
168	5/8/2009	Written	Jennifer	Wettlaufer
169	5/8/2009	Written	Kevin	Gnipp
170	5/9/2009	Written	Margaret	Brandt,PhD.
171	5/9/2009	Written	Ava	Ferguson
172	5/11/2009	Written	Noemi	MacDonald
173	5/11/2009	Written	Karla	Johnson
174	5/11/2009	Written	Julie	Busch
175	5/12/2009	Written	Tania	Verduzco
176	5/13/2009	Written	Greg	Pepping
177	5/17/2009	Written	Jennifer	Kichinka
178	8/3/2009	Written	Stephen	Palumbi
179	8/4/2009	Written	Diane	Bolman
181	5/3/2009	Written	J	Didge
182	5/4/2009	Written	Environmental Entrepreneurs (E2) (with 160 signatures in support)	
183	5/5/2009	Written	Brent	Rusert
184	5/4/2009	Written	Chris	Cervellone
185	5/5/2009	Written	Nick	Exline
185	5/6/2009	Written	Nick	Exline
186	5/5/2009	Written	Brenda	Bailey
187	5/5/2009	Written	Robert	Hall
188	5/5/2009	Written	Elizabeth	Braswell
189	5/5/2009	Written	John	Marflitt
190	5/5/2009	Written	Jane	Maxwell
191	5/5/2009	Written	Carol	Smith
192	5/5/2009	Written	Loring	Dales
193	5/5/2009	Written	Wendy	Weikel
194	5/5/2009	Written	Michael	Banks
195	5/6/2009	Written	Phila	Rogers
196	5/6/2009	Written	Samantha	Thompson
197	5/6/2009	Written	Silveen	Wahidi
198	5/6/2009	Written	Christian	Naventi
199	5/6/2009	Written	Barb	Kantor
200	5/6/2009	Written	Emma	Rodman

Commenter	Date	Type	Name First	Name Last
201	5/6/2009	Written	Rick	Kitts
202	5/6/2009	Written	Nick	Littlejohn
203	5/6/2009	Written	Donna	Jahn
204	5/6/2009	Written	Arne	Brock-Utne
205	5/6/2009	Written	Leslie	Morelli
206	5/6/2009	Written	Mike	Davis
206	8/5/2009	Oral	Mike	Davis
207	5/7/2009	Written	Paige	Prager
208	5/7/2009	Written	Gina	Sanfilippo
209	5/7/2009	Written	Sally	Eagle
210	5/7/2009	Written	Elyse	Fairweather
211	5/7/2009	Written	Leanna	Yoshimura
212	5/7/2009	Written	Paul	Baumann
213	5/8/2009	Written	Mauro	Tambella
214	5/8/2009	Written	Bruce	Crist
215	5/8/2009	Written	Annette	Baker
216	5/8/2009	Written	Mirna	Campos
217	5/8/2009	Written	April	Wakeman
218	5/8/2009	Written	Ben	Knelman
219	5/7/2009	Written	Andrew	Gunther
220	5/11/2009	Written	Emily	Nahas
221	5/11/2009	Written	Leslie	Mosteller
222	5/11/2009	Written	Catherine	Johnston
223	5/11/2009	Written	Brook	Battles
224	5/11/2009	Written	June	Hiatt
225	5/11/2009	Written	Nancy	Jaicks Alexander
226	5/11/2009	Written	Della	Dash
227	5/11/2009	Written	Walter	Ratcliff
228	5/11/2009	Written	Peter	Martin
229	5/11/2009	Written	Eric	Bernhard
230	5/11/2009	Written	Karin	Cornils
231	5/12/2009	Written	Mark	Thomas
232	5/12/2009	Written	Debra	Connolly
233	5/12/2009	Written	Elizabeth	Russo
233	5/14/2009	Oral	Elizabeth	Russo
234	5/12/2009	Written	Michael	Linvil
235	5/13/2009	Written	Nina	Wouk
236	5/13/2009	Written	Brock	Workman
237	5/13/2009	Written	Peter	Wolf
237	5/14/2009	Oral	Peter	Wolf
238	5/14/2009	Written	Cyndi Dawson, Reef Check	
238	6/1/2009	Written	Cyndi Dawson, Reef Check	
239	5/18/2009	Written	Carole	Ehrhardt
240	5/18/2009	Written	Emily	Chen
241	6/2/2009	Written	Ace	Carter
242	6/24/2009	Written	Michael	Vandeman
243	6/26/2009	Written	Jeannine	Duck
244	6/27/2009	Written	Marian	Fricano

Commenter	Date	Type	Name First	Name Last
245	7/1/2009	Written	Chris	Furness
246	7/7/2009	Written	Jack	Likins
247	7/16/2009	Written	Cat	Campbell
248	5/14/2009	Oral	Laura Kasa, Save Our Shores	
248	7/21/2009	Written	Laura Kasa, Save Our Shores	
249	5/14/2009	Oral	Angela Haren, California Coastkeeper Alliance	
249	7/21/2009	Written	Angela Haren, California Coastkeeper Alliance	
249	8/5/2009	Oral	Angela Haren, California Coastkeeper Alliance	
250	7/21/2009	Written	Tom Ford, Santa Monica Baykeeper	
250	8/5/2009	Oral	Tom Ford, Santa Monica Baykeeper	
251	7/21/2009	Written	Lance Morgan, Marine Conservation Biology Institute	
252	7/21/2009	Written	Kate	Hanley
253	7/10/2009	Written	Kip	Evans
254	7/21/2009	Written	Jennifer Kovecses, San Francisco Baykeeper	
254	8/5/2009	Oral	Jennifer Kovecses, San Francisco Baykeeper	
255	7/22/2009	Written	Jenn	Feinberg
256	7/22/2009	Written	Steve Shimek, The Otter Project and Allison Ford, Monterey Bay Keeper	
256	8/5/2009	Oral	Steve Shimek, The Otter Project	
257	5/4/2009	Written	Don McEnhill, Russian Riverkeeper	
257	5/14/2009	Oral	Don McEnhill, Russian Riverkeeper	
257	7/22/2009	Written	Don McEnhill, Russian Riverkeeper	
257	8/5/2009	Oral	Don McEnhill, Russian Riverkeeper	
258	7/22/2009	Written	Surfrider Foundation, Edmundo Larenas, Mike Frey, Walter Dooley	
259	5/14/2009	Oral	Fred Smith, Environmental Action Committee	
259	7/22/2009	Written	Fred Smith, Environmental Action Committee	
260	7/21/2009	Written	Sarah Sikich, Heal the Bay	
261	7/20/2009	Written	Wesley	Chesbro
262	7/27/2009	Written	David	Cresson
263	7/29/2009	Written	Autumn	DeWoody
264	7/31/2009	Written	Alma	Roger
265	7/31/2009	Written	Stephen	Schaller
266	7/31/2009	Written	Christopher	Oak Reinier
267	7/31/2009	Written	Dennis	Long
268	8/3/2009	Written	Lena	Chyle
269	8/4/2009	Written	Christine	Luong
270	8/4/2009	Written	Matt	Brookhart
270	8/5/2009	Oral	Matt	Brookhart
271	7/15/2009	Written	Patricia	Wiggins
272	5/14/2009	Oral	Rick Rayburn, DPR	
273	5/14/2009	Oral	Maria Brown, GFNMS	
273	8/5/2009	Oral	Maria Brown, GFNMS	
274	5/14/2009	Oral	Jessica	Luo
275	5/14/2009	Oral/Written	Peter	Bogdahn
276	5/14/2009	Oral	Steven J.	Durkin
277	5/14/2009	Oral/Written	Phil	Sanders
278	5/14/2009	Oral	Claudia	Rodriguez-Ibañez

Commenter	Date	Type	Name First	Name Last
279	5/14/2009	Oral	Jennifer	Lucien
280	5/14/2009	Oral	Chris	Patterson
281	5/14/2009	Oral/Written	Jeff	Richards
282	5/14/2009	Oral/Written	Gordon Robertson, American Sportfishing Association	
282	8/5/2009	Oral/Written	Gordon Robertson, American Sportfishing Association	
283	5/14/2009	Oral	Carol	Rose
284	5/14/2009	Oral/Written	Kenneth	Gwin
285	5/13/2009	Written	George Osborn, PSO (with 5 signatures in support)	
285	5/14/2009	Oral	George	Osborn
285	8/4/2009	Written	George Osborn PSO (with 5 signatures in support)	
286	5/14/2009	Oral/Written	Matthew	Plut
286	6/25/2009	Written	Matthew	Plut
286	8/5/2009	Oral	Matthew	Plut
287	5/14/2009	Oral	Bill	Bernard
288	5/14/2009	Oral/Written	Dan	Wolford
288	8/5/2009	Oral	Dan	Wolford
289	5/14/2009	Oral	Sean	White
290	5/14/2009	Oral	Paul	Weakland
290	8/5/2009	Oral	Paul	Weakland
291	5/14/2009	Oral/Written	Jim Martin, Recreational Fishing Alliance	
291	6/10/2009	Written	Jim Martin, Recreational Fishing Alliance	
291	8/5/2009	Oral	Jim Martin, Recreational Fishing Alliance	
292	5/14/2009	Oral/Written	Milo	Vukovich
293	5/14/2009	Oral	Dee	Dunseith
294	5/14/2009	Oral/Written	Rick	Johnson
294	8/5/2009	Oral/Written	Rick	Johnson
295	5/14/2009	Oral	Ray	Hiemstra
295	8/5/2009	Oral	Ray	Hiemstra
296	5/14/2009	Oral	Josh	Churchman
297	5/14/2009	Oral	Sara	Aminzadeh
298	5/14/2009	Oral	Greg	Peterson
299	5/14/2009	Oral	Anna	Weinstein
299	8/5/2009	Oral	Anna	Weinstein
300	5/14/2009	Oral	Stacy	Sauce
301	5/14/2009	Oral	Dan	Bacher
301	8/5/2009	Oral	Dan	Bacher
303	5/14/2009	Oral	Mike	Giuste
304	5/14/2009	Oral	Roger	Thomas
304	8/5/2009	Oral	Roger	Thomas
305	5/14/2009	Oral	Mary	DeLong
305	8/5/2009	Oral	Mary	DeLong
306	5/14/2009	Oral	Jay	Yokomizo
307	5/14/2009	Oral	Michael	Endicott
308	5/14/2009	Oral	Fred	Keeley
309	5/14/2009	Oral	Emily	Glanville

Commenter	Date	Type	Name First	Name Last
310	5/14/2009	Oral	Michelle Hohensee, Save Our Shores	
311	5/14/2009	Oral	Lauren	Gilligan
312	5/14/2009	Oral	Bill	McLaughlin
313	5/14/2009	Oral	Krikor	Didonian
314	5/14/2009	Oral	Robert	Juntz
315	5/14/2009	Oral	Keary	Sorenson
315	8/5/2009	Oral/Written	Keary	Sorenson
316	5/14/2009	Oral	John	Bowling
317	5/14/2009	Oral	Laura	Pagano
317	8/5/2009	Oral	Laura	Pagano
318	5/14/2009	Oral	Marc	Shargel
319	5/14/2009	Oral	Edmundo Larenas, Mike Frey, Walter Dooley, for Surfrider	
320	5/14/2009	Oral	Chris	Corunitt
321	5/14/2009	Oral	Christopher	Chin
321	8/5/2009	Oral	Christopher	Chin
322	5/14/2009	Oral	Les	Stinad
323	5/14/2009	Oral	Bob	Breen
323	8/5/2009	Oral	Bob	Breen
324	5/14/2009	Oral	Robert	McClellan
325	5/14/2009	Oral	Jerry	Norton
325	8/5/2009	Oral	Jerry	Norton
326	5/14/2009	Oral	Steven	Fukuto
326	8/5/2009	Oral	Steven	Fukuto
327	5/14/2009	Oral	Richard	Van Dusen
328	5/14/2009	Oral/Written	Michael	Flynn
329	5/14/2009	Oral	Paul Hobi for Bob Wilson	
330	5/14/2009	Oral/Written	Pamela	Flick
331	5/14/2009	Oral	Sarah	Corbin
332	5/1/2009	Written	Erik	Owen
332	5/14/2009	Oral	Erik	Owen
333	5/14/2009	Oral	Mary	Larenas
334	5/14/2009	Oral	Kaitilin	Gaffney
334	5/14/2009	Written	Kaitilin Gaffney (with 763 signatures in support)	
334	8/5/2009	Oral	Kaitilin	Gaffney
335	5/14/2009	Oral	Linda	Judd
336	5/14/2009	Oral	Francesca	Koe
336	5/14/2009	Written	Francesca Koe (with 50 signatures in support)	
336	8/5/2009	Oral	Francesca	Koe
337	8/5/2009	Oral	Mendel	Stewart
338	8/5/2009	Oral/Written	Craig	Bell
339	8/5/2009	Oral	Dave	Schaub
340	8/5/2009	Oral	Ben	Becker
341	8/5/2009	Oral	Craig	Davis
342	8/5/2009	Oral/Written	Richard	Charter
343	8/5/2009	Oral	Kate	Purcell
345	8/5/2009	Oral	John Russell	Yeo
346	8/5/2009	Oral	Charlotte	Stevenson

Commenter	Date	Type	Name First	Name Last
347	8/5/2009	Oral	Fred	Euphrat
348	8/5/2009	Oral	Bryan	Rosen
349	8/5/2009	Oral	Joe	Russell
350	5/4/2009	Written	Josh	Berry
350	5/14/2009	Written	Josh	Berry
350	8/5/2009	Oral	Josh	Berry
351	8/5/2009	Oral	Bob	Davis
352	7/9/2009	Written	Todd Tognazzini, California Fish and Game Wardens' Association	
352	8/5/2009	Oral/Written	Todd Tognazzini, California Fish and Game Wardens' Association	
353	8/5/2009	Oral	Jim	Bulger
354	8/5/2009	Oral	Dale	Della Rosa
355	8/5/2009	Oral	Claudia	Tippett
356	8/5/2009	Oral	Ben	Petersen
357	8/5/2009	Oral	Walter	Stolar
358	8/5/2009	Oral	John	Lewallen
359	8/5/2009	Oral	Terry	Nieves
360	8/5/2009	Oral	Thomas	DiFiore
361	8/5/2009	Oral	Jeff	Russell
362	8/5/2009	Oral/Written	Lester	Pinola
363	8/5/2009	Oral	Charlotte	Alvord
364	8/5/2009	Oral	Tim	Machado
365	8/5/2009	Oral	Ben	Doane
366	8/5/2009	Oral	Craig	Harris
367	8/5/2009	Oral	Marcela	Ewtiewez
368	8/5/2009	Oral	Jonathan	Zaidman
369	8/5/2009	Oral	Dale	Myer
370	8/5/2009	Oral	Sal	Dimercunio
371	8/5/2009	Oral	Barbara	Stephens-Lewallen
372	8/5/2009	Oral	William	Smith
373	8/5/2009	Oral	Pierre	Granier
374	8/5/2009	Oral	Gregg	Berman
375	8/5/2009	Oral	Steve	Durkin
376	8/5/2009	Oral	Ed	Homer
377	8/5/2009	Oral/Written	Allison	Ford
378	8/5/2009	Oral	Jackie	Dragon
379	8/5/2009	Oral	Tom	Lyons
380	8/5/2009	Oral	Jared	Thompson
381	8/5/2009	Oral	Al	Gerhardt
382	5/14/2009	Oral	Leila	Monroe
382	8/5/2009	Oral	Leila	Monroe
383	8/5/2009	Oral	Larry	Collins
384	8/5/2009	Oral	Duane	Winter
385	8/5/2009	Oral	Mike	Totaro
386	8/5/2009	Oral	Barbara	Emley
387	8/5/2009	Oral	Jacky	Douglas
388	8/5/2009	Oral	Ralph	Kanz
389	8/5/2009	Oral	Dave	Witte

Commenter	Date	Type	Name First	Name Last
390	8/5/2009	Oral	Paul	Wierenca
392	8/5/2009	Oral	James	Dillard
393	8/5/2009	Oral	Frank	Lee
394	8/5/2009	Oral	Paul	Hobi
395	8/5/2009	Oral	James	Townsend
396	5/12/2009	Written	Vern	Goehring
396	8/5/2009	Oral	Vern	Goehring
397	8/5/2009	Oral/Written	Jerry Karnow, California Fish and Game Wardens' Association	
398	8/5/2009	Oral	Greg	Mariano
399	8/5/2009	Oral	Brian	Gardner
400	8/5/2009	Oral	James	Jackson
401	8/5/2009	Oral	Billyrene	Pinola
407	7/21/2009	Written	Astrid	Scholtz
408	6/5/2009	Written	Gerry Hemmingsen, Chair, Board of Supervisors, County of Del Norte	
409	4/28/2009	Written	Wes	Campbell
410	7/28/2009	Written	Terry Pederson, Daiwa	
411	6/25/2009	Written	Kenneth	Boetcher
412	6/10/2009	Written	ICF Jones & Stokes	
413	6/1/2009	Written	Mike	Chrisman
414	5/19/2009	Written	Steve Knight, Assemblyman	
415	5/11/2009	Written	Daniel	Burke
416	5/7/2009	Written	David	Fry
417	5/9/2009	Written	Kenneth	Takata
418	6/5/2009	Written	Byrnes	Vogel
419	5/5/2009	Written	J.	Capozzelli
420	5/12/2009	Written	Mary	Quinn-Dollar
421	5/12/2009	Written	Robert	Dollar
422	5/14/2009	Written	Dave	Zaches
423	5/11/2009	Written	Jack	Vo
424	5/14/2009	Written	Kaitlyn	Lucchesi
425	5/11/2009	Written	Marilel	Figueroa
426	5/5/2009	Written	Isaac	Beristan
427	5/14/2009	Written	Robert	Bautista
428	5/12/2009	Written	Mary	Zahm
429	5/14/2009	Written	Monica	Richardson
430	5/11/2009	Written	Van	Vo
431	5/14/2009	Written	Josh	Hamilton
432	5/12/2009	Written	Sarah	Welsh
433	5/14/2009	Written	Skye	Gray
434	5/14/2009	Written	Taylor	Chun
435	5/14/2009	Written	Sear	Hegarty
436	5/14/2009	Written	Kelsea	Campion
437	5/12/2009	Written	Tevyn	Gangloff
438	5/12/2009	Written	Melissa	Watkins
439	6/9/2009	Written	California Fisheries Coalition (with 75 signatures in support)	
440	8/4/2009	Written	William	Duoros

Commenter	Date	Type	Name First	Name Last
441	7/23/2009	Written	Jeremy	Volberding
442	7/23/2009	Written	Kandis	Gilmore
443	7/21/2009	Written	Garry	Brown
444	7/22/2009	Written	Marian	McIntyre
445	7/23/2009	Written	Robin V.	Robinson
446	8/4/2009	Written	Karen	Dittman
447	7/31/2009	Written	Robert A.	Prinz
448	7/31/2009	Written	Ronald	Fudala
449	7/28/2009	Written	Vernon	Francis

Common abbreviations used in responses to comments: Blue Ribbon Task Force (BRTF); Environmental Impact Report (EIR); Marine Life Protection Act (MLPA); Marine Life Management Act (MLMA); Marine Protected Area (MPA); Memorandum of Understanding (MOU); Regional Stakeholder Group (RSG); Science Advisory Team (SAT); State Marine Conservation Area (SMCA); State Marine Reserve (SMR); Statewide Interest Group (SIG).

Master Responses to General Comment Themes:

The following master responses present detailed responses to several major recurring themes that have been noted in comments received throughout this process. Unless otherwise noted, all code sections cited reference the California Fish and Game Code.

1. Improper Implementation of the Marine Life Protection Act

An overarching theme of some comments is that the MLPA (Statutes of 1999, chapter 1015), process in general, and the North Central Coast study region planning process in particular, either exceeds the scope of the statute, or otherwise impermissibly deviates from its requirements, particularly with its use of the SMR designation. Although these comments constitute unsubstantiated narrative or opinion, a discussion here is useful to understand the context within which the other themes are addressed.

At the outset, the MLPA is an environmental statute and remedial in nature; remedial statutes are liberally construed so as to effectuate their object and purpose, and the remedial effect of provisions should not be impaired by construction [3 Sutherland Statutory Construction (6th ed.), Section 60:2, p. 199]. This construction of Fish and Game laws has been supported in published cases; conversely, statutory interpretations of Fish and Game statutes will be rejected when they lead to absurd results in light of the clear policy statement of legislative purpose [In re Makings (1927) 200 Cal. 474, 478-479; Pennisi v. Department of Fish & Game (1979) 97 Cal.App.3d 268, 272-273; Young v. Department of Fish & Game (1981) 124 Cal.App.3d 257, 271; Department of Fish & Game v. Anderson-Cottonwood Irrigation Dist. (1992) 8 Cal.App.4th 1554, 1563].

In enacting the MLPA, the Legislature stated why it was necessary to modify the existing array of MPAs to ensure that they are designed and managed “to take full advantage of the multiple benefits that can be derived from the establishment of marine life reserves [now classified as state marine reserves]” [subsection 2851(h)]. The MLPA also directs the MLPA Program to have an “improved” SMR component, and contemplates that the process for the establishment, modification, or abolishment of existing MPAs includes the creation of new MPAs [subsections 2853(b)(6), 2853(c)(5), 2855(a), 2857(c)]. The agenda driving this process is the one expressed by the Legislature in its detailed articulation of MLPA through its findings and declarations, definitions, goals and elements, Master Plan components, and objectives and guidelines [sections 2851-2853, 2856, 2867]. Since the Legislature does not engage in idle acts, the fact that it expressly authorized the Commission in Section 2860 to regulate commercial and recreational fishing and any other taking of marine species in MPAs, and not just SMRs, presumes such authority can be exercised.

Of course, how the Commission exercises that authority is a matter solely within its purview. Regardless, the authorization of new SMRs cannot be reasonably construed as reflecting a bias against fishing, when the MLPA expressly states that such reserves “may help rebuild depleted fisheries” [subsection 2851(f)]. Further, the Marine Life Management Act (MLMA, Stats. 1998, ch. 1052) links the maintenance, restoration, and enhancement of marine habitat to the primary fishery management goal of sustainability. In that respect, the Legislature also emphasizes that even fishery management decisions – which include the prevention of overfishing, the rebuilding of depressed stocks, the facilitation of conservation and long-term protection, and the restoration of marine fishery habitats – must not sacrifice long-term goals for short-term benefits [subsections 7055(a), 7055(b), 7056(a), 7056(i)].

Some comments additionally complain that the proposed project does not adequately address such issues as funding, enforcement and monitoring. These subjects are expressly identified as Master Plan components (Sections 2856(a)(2)). Consistent with the MLPA’s emphasis of timeliness over completeness, the MLPA only requires that these components be addressed in the Master Plan in the form of *recommendations*. There is no authority for the proposition that the MLPA requires funding, enforcement and monitoring issues to be comprehensively and finally addressed prior to, or contemporaneous with, the MPA designation process.

2. Inadequacy of Science Standard

Another recurring theme questions the adequacy of the science driving the MLPA process, asserting that the science being used is not the “Best Available Scientific Information” (BASI) and recommending that the process not continue until more research and study is conducted. However, state law emphasizes timeliness over

quality. In 2004 the National Academy of Sciences sponsored a major discussion of BASI in the context of the Magnuson-Stevens Fishery Management Act, and noted that “best” explicitly suggests that there is no better scientific information available and implicitly suggests the use of the most relevant and contemporary data and methods. However, the MLPA process is expressly based “on sound scientific guidelines” and “the best readily available science” [subsections 2853(b)(5), 2855(a)]. The MLPA use of best *readily available* science is an important qualification that emphasizes timeliness over quality. Similarly, the MLMA, which predates the MLPA, qualifies its application of BASI with the language: “...on other relevant information that the department possesses, or on the scientific information or other relevant information that can be obtained *without substantially delaying the preparation of the plan*” [Emphasis added, subsection 7072(b)].

The MLPA emphasis of timeliness over quality of information is further underscored by the concept of adaptive management, which recognizes that this process proceeds in the face of “scientific uncertainty” and prospectively contemplates that “monitoring and evaluation shall be emphasized so that the interaction of different elements within marine systems may be better understood” [Section 2852]. The objective of adaptive management under the MLPA is not to reduce uncertainty through increased scientific rigor, but rather to produce practical information that guides management decisions. To date, the California experience with adaptive management of marine resources is exemplified through the MLMA [sections 90.1, 7056(g)] and the Nearshore Fishery Management Plan, which address the critical concepts of the precautionary principle, and the variability of adaptive management strategies in data poor, data moderate, and data rich circumstances.

That the Legislature, as a matter of public policy, has favored timeliness over quality of information does not mean that inadequate science should be used. In that respect, external peer review is a strong guarantor of the adequacy of the science. The MLPA mandates that an external peer review process be established, and allows use of the process identified in Section 7062 of the MLMA “to the extent practicable” [Section 2858]. Subsection 7062(a) allows for submission to peer review of documents “that include, but are not limited to [marine living resources management documents].” However, such submissions are discretionary.

Also, it is important to understand that the charge of the peer review entity is not to authenticate the data presented to them, but to evaluate the scientific methodology employed and the facial plausibility of the conclusions that can be drawn therefrom. More importantly, the peer review entity is not expected to approve, disapprove, or comment on the wisdom of those conclusions. This must be so, because reasonable people can in good faith arrive at different conclusions using the same data and methodology.

In that regard, the Department undertook such a peer review of the scientific basis for the Master Plan. Consistent with the statutory direction of Section 7062, the

scientific design guidelines used in preparing alternative MPA recommendations were reviewed by a panel convened by Oregon Sea Grant. The reviewers were selected by Sea Grant independent of the Department, and asked to review: (1) the MLPA Master Plan Science Advisory Team (SAT) guidance on MPA network design; and (2) the consideration of habitats in the design of MPAs provided by the SAT. The reviewers were also asked: (1) in general, is the document logically organized and factual?; (2) are the recommendations clearly and unambiguously stated?; (3) are there specific statements that you feel are incorrect or misleading?; and (4) is there anything of importance that was not stated or covered? The three reviewers found the document and advice appropriate and not lacking in any way.

Additionally, the scientific review and analysis of alternative MPA recommendations were similarly reviewed. An independent panel convened by California Sea Grant reviewed the documents prepared by the SAT in analysis of various alternatives. Again, the reviewers found the documents, recommendations, and methodologies scientifically sound and concurrent with available information.

3. Inadequacy of Socioeconomic Analyses

A variant of the theme in Master Response 2 is that the socioeconomic information is fatally deficient. However, nothing in the MLPA imposes an affirmative duty to generate socioeconomic data beyond that which is required by other applicable laws, such as the Administrative Procedure Act or -- to the extent a socioeconomic change induces significant adverse environmental impacts -- the California Environmental Quality Act. The MLPA authorizes the establishment of a Master Plan team of scientists, one of which "may" have expertise in socioeconomics [subsection 2855(b)(3)(A)].

The preferred siting alternative must incorporate information and views provided by people who live in the area and other interested parties, including economic information [subsection 2857(a)]. Here, the term "economic information" relates back to "information" so we reasonably interpret this to mean that it is the "people who live in the area and other interested parties" that provide the economic information. Conversely, neither the five MLPA Program elements in subsection 2853(c), nor the eleven Master Plan components in subsection 2856(a)(2), address socioeconomics. Socioeconomics, then, is only one factor to consider in the development of a siting alternative [subsections 2855(c)(2), 2857(a)], which still must be consistent with the ecosystem-based goals and elements (Section 2853) and sound scientific guidelines [subsection 2857(c)] of the MLPA. Consistent with CEQA Guidelines [14 C.C.R. subsection 15131(a)], there is no duty to mitigate for adverse socioeconomic impacts under the MLPA. The MLPA expressly addresses mitigation of adverse impacts "on marine life and habitat in MPAs," and if the Legislature had intended that socioeconomic impacts also be mitigated, it plainly would have said so (Section 2862). However, detailed socioeconomic information generated during the

siting process may be relevant in the subsequent implementation of regulations under the Administrative Procedure Act (Government Code Section 11346.3).

4. Failure to Consider Existing Marine Protected Areas

There is no authority for the proposition that the MLPA requires holistic understanding of the resource contributions of existing MPAs before new ones may be considered. Indeed, such a conclusion is precluded by a plain reading of the statute. The MLPA only contemplates “an analysis of the state's current MPAs, based on the preferred siting alternative, and recommendations as to whether any specific MPAs should be consolidated, expanded, abolished, reclassified, or managed differently so that, taken as a group, the MPAs best achieve the goals of Section 2853 and conform to the guidelines in subdivision (c) of Section 2857” [subsection 2856(a)(2)(F)]. This indicates that the assessment of existing MPAs is driven by the configuration of the preferred siting alternative, not the reverse. That assessment of existing MPAs is intended as part of the ongoing process, as opposed to being a necessary precondition to future MPAs, is further indicated in the Master Plan component requiring “recommendations for monitoring, research, and evaluation in selected areas of the preferred alternative, including existing and long established MPAs, to assist in adaptive management of the MPA network” [subsection 2856(a)(2)(H)]. Also, the MLPA requires that the Fish and Game Commission “promptly act” on petitions to “add MPAs” and states that “nothing in this chapter” restricts any existing authority to designate new MPAs prior to the completion of the Master Plan [subsections 2861(a), (c)]. If a comprehensive assessment of the resource contributions of existing MPAs was required before new MPAs could be created, then these provisions would be rendered a nullity.

5. Failure to Consider Existing Fishing Management Measures

Several commenters asserted that MPAs were unnecessary because existing fishery conservation and management were capable of performing the same function, with less impact to commercial and recreational fishing interests. A variant of this theme asked why MPAs were necessary when particular fish stocks were either healthy, or rebuilding on their own.

The MLPA expressly states that MPAs and fisheries management are complementary [subsection 2851(d)]. Similarly, the MLMA declares that conservation and management programs prevent overfishing, rebuild depressed stocks, ensure conservation, facilitate long term protection and, where feasible, restore marine fishery habitats [subsection 7055(b); see also subsections 7056(b), (c)]. Although MPAs and fisheries management are complementary, they are not equivalent. The purpose of habitat protection in the MLMA is to advance the “primary fishery management goal” of sustainability (Section 7056). Moreover, that which is being managed is a specific fishery -- which may be based on geographical,

scientific, technical, recreational and economic characteristics (Section 94) -- and so may only provide limited protection of a particular habitat.

Conversely, although the MLPA considers managing fishery habitat [subsections 2851(c), (d)], it also encompasses broader, ecosystem-based objectives that are not limited to *only* managing fisheries. If only existing fishery conservation and management measures were considered in designing the MLPA networks, then arguably only some of the ecosystem goals and objectives might be met. Other goals and elements would be undervalued (e.g. improving “recreational, educational and study opportunities provided by marine ecosystems” and protecting “marine natural heritage...for their intrinsic value” [subsection 2853(b)]. The MLPA also states that one of the purposes of the marine reserve component is to generate baseline data that allows the quantification of the efficacy of fishery management practices outside the reserve [subsections 2851(e), (f)]. This would be difficult to implement if the MPA design itself must consider those very same existing conservation and management measures.

Moreover, it is important to remember that the MLMA is the most comprehensive revision of state marine fishery management procedures in history. The subsequent enactment of the MLPA the following year strongly suggests the Legislature recognized that fishery conservation and management measures alone were inadequate to the task of broad ecosystem protection. Finally, had the Legislature intended existing fishery conservation and management measures to be considered in designing MPAs, then it plainly would have said so, as it did in the MLMA (Section 7083). As it is, the fact that the MLPA allows the Commission to “regulate commercial and recreational fishing and any other taking of marine species in MPAs” [subsection 2860(a)] strongly suggests that fishery measures are not intended to be considered in the design of MPAs but may in fact be subject to limitations beyond those already existing under fishery management regimes. In particular, the Nearshore Fisheries Management Plan (NFMP) developed pursuant to MLMA is specifically designed to adapt management in the presence of MPAs. Similarly, other fishery management changes, if necessary, would occur after the implementation of MPAs through the MLMA process. Thus, while the design of fishery management measures should properly consider the existence of MPAs, the reverse is not true.

The conclusion that existing fishery management measures are not properly considered in designing MPAs is further bolstered by three “real world” considerations. First, the direction from the Legislature is to use “the best readily available information” and studying the interaction of existing fishery management practices would add another dimension of complexity that retards, not facilitates, the process (See Master Response 1). Second, the subject of interaction with existing fishery management processes reflects exactly the kind of “scientific uncertainty” acknowledged by the Legislature when it authorized the application of adaptive management to the MLPA process (See Master Response 2). Third, the unfortunate

reality is that existing fishery management processes do not always work. Indeed, as evidenced by the disastrous collapse of the west coast groundfish and the red abalone fisheries, they can fail entirely. Fishery conservation and management measures alone do not necessarily guarantee either fishery sustainability or ecosystem health.

6. Improper funding of MLPA process.

It is well-settled that, generally, public funds cannot be used for private purposes (see California Constitution article 16, section 6). However, several commenters have argued that the reverse is also true, and that the use of private funds for public purposes is equally repugnant to the constitution and other laws. Related arguments assert that the Legislature did not approve of the public/private partnership that created the MLPA Initiative, and that public agency decision-makers have been unduly influenced by such private funding.

Assembly Bill 993 (1999) enacted the MLPA to mandate the adoption by the Fish and Game Commission of a Master Plan guiding implementation of the Marine Life Protection Program^a, concerning the creation of MPA networks off the California coast. The MLPA specifies the Master Plan components, including recommendations for funding sources to ensure all MPA management activities are carried out and the Marine Life Protection Program is implemented^b.

In signing AB 993 into law, Governor Davis stated he was encouraging the proponents and the Department of Fish and Game “to seek assistance from private resources to help implement the provisions of the bill.” The following year, AB 2800 (Stats.2000, Chapter 385) enacted the Marine Managed Areas Improvement Act (MMAIA), to require a standardized classification system for marine managed areas. The MMAIA expressly recognizes the need to coordinate efforts to identify opportunities for public/private partnerships^c, and is intended to work in coordination with the MLPA^d. The MLPA, in turn, requires that the Master Plan be prepared with the advice, assistance, and involvement of [fisheries] participants, marine conservationists, marine scientists, and other interested persons, and allows the Department to engage other experts to contribute to the Master Plan^e.

In January 2004, the Department announced that budget shortfalls necessitated postponing its efforts under the MLPA. The current MLPA effort began with a 2004 public/private partnership created between the California Natural Resources Agency (Agency), the Department, and the Resources Legacy Fund Foundation

^aFish & Game Code §§ 2853(b) 2855(a).

^bFish & Game Code § 2856(a)(2)(K).

^cPublic Resources Code § 36601(a).

^d Fish & Game Code §§1591, 2854; Public Resources Code §§ 36750(a), 36900(b), 36900(e); See also Assembly Committee on Water, Parks, and Wildlife, Analysis of AB 2800 (1999-2000 Regular Session) April. 25, 2000; Senate Rules Committee, 3d reading analysis of AB 2800.

^eFish & Game Code § 2855(b)(4), (b)(5).

(Foundation), through a Memorandum of Understanding (MOU). The MOU recognized the prudence of preparing the Master Plan in phases. Consistent with its role in the MMAIA and the California Ocean Protection Act, the Agency agreed to establish the BRTF to oversee and coordinate the preparation of a Master Plan Framework. The Department agreed to expand the Master Plan Team to include more scientists, and to charge it with advising and assisting the BRTF and its staff in the preparation of the draft Master Plan Framework, and alternative networks along the central California coast. The Foundation agreed to fund staff and consultants for the BRTF, the expenses of the BRTF and the SAT, and costs for five Department positions which would be redirected to the MLPA effort^f.

The effort has had the full knowledge and support of the Legislature. The anticipated use of private matching funds for MLPA implementation was acknowledged in the agendas of both the Assembly Budget Subcommittee No. 3 (April 21, 2004) and the Senate Budget and Fiscal Review Subcommittee No. 2 (May 19, 2004). In appropriating \$500,000 (Item 3600-001-0647), the Budget Bill (SB 1113; Stats.2004, Chapter 208) provided that the funds shall be available to match private funds for expenditure for MLPA-related activities. The Budget Bill was signed by the Governor on July 31, 2004. On August 27, 2004, the three entities executed a MOU that laid the groundwork for the MLPA Initiative's public/private partnership.

In November 2005, the Coastside Fishing Club, whose members are recreational anglers, sued, claiming that the Agency and Department were not authorized to seek private funding, that the MOU violated Article 16, section 7 of the California Constitution (relating to State Controller's warrants) and the separation of powers doctrine, and that the MOU amounts to a gift in violation of Government Code § 11005. In September 2006, the trial court found that the MOU was authorized by the MLPA, did not violate either Article 16, section 7 or the separation of powers doctrine, that, further, the Legislature specifically authorized that the appropriate funds would be used to match private funds, and the resources provided under the MOU did not amount to a gift but rather that the MOU was a bilateral contract with consideration on both sides^g.

In anticipation of the expiration of the initial MOU, the parties entered into another MOU regarding the second phase of the MLPA Initiative on January 1, 2007. The Foundation expressly agreed that its funding and services were not contingent on

^f This agreement was effectuated through a separate reimbursement contract that was reviewed and approved by the Department of General Services. The employees themselves continue to be paid out of the Fish and Game Preservation Fund, through monies appropriated by the Legislature through the annual budget process.

^gCoastside Fishing Club v. California Resources Agency, California Department of Fish and Game, and the Resources Legacy Fund Foundation (Super. Ct. San Francisco, 2006, No. CGC-06-453400), order granting motion for judgment on the pleadings and sustaining demurrer without leave to amend (filed September 06, 2006).

the content of the Task Force's recommendations or on the MPA alternatives ultimately selected by the Commission.

7. Inadequate opportunity for public participation.

Several commenters have complained that they did not have adequate opportunities to review and comment on the proposed project. Such comments are speculative, and offer no supporting facts as to what alleged violations may have occurred, or when.

The MLPA itself encourages public participation and involvement^h. The MOU (August 2004, amended and extended January 2007) establishing the MLPA Initiative commits to such public transparency, and the BRTF created pursuant to the MOU values this commitment so highly it adopted its own policy on the subject (October 2004). The SAT Charter (October 2004, updated June 2007) expressly commits to regular open meetings. To further facilitate public participation in this process, the BRTF created a north coast "Statewide Interest Group" (SIG) in November 2007. Both the SIG and the RSG provided additional forum for public participation and comment as products were developed and forwarded to the BRTF. The MLPA Initiative maintains a dedicated website where meeting notices, agendas, and meeting materials are posted. Indeed, by design, the MLPA Initiative scheduled the meetings of the SAT, BRTF, SIG, and RSG to maximize opportunities for review and comment on the products and processes as they developed and, after the SAT completed their work, the Commission held multiple public hearings during the regulatory process between October 2008 and August 2009 (Table 4):

Table 4. List of public meetings held during preparation and consideration of the proposed regulations.

	SAT	BRTF	RSG	SIG	FGC	Other
AUG 09					8/05	
JUL 09						
JUN 09					6/24	
MAY 09					5/14	
APR 09					4/8	
MAR 09					3/5	
FEB 09					2/5	
JAN 09						
DEC 08					12/12	
NOV 08					11/14	
OCT 08					10/02	
SEP 08	9/15					
AUG 08						
JUL 08				7/07		
JUN 08		6/11				6/17-6/19*
MAY 08	5/30			5/01		
APR 08	4/03	4/22-4/23	4/22			

^hFish & Game Code § 2853(c)(5).

MAR 08			3/18-3/19			
FEB 08		2/13-2/14	2/21	2/25		2/4-2/6*
JAN 08	1/08, 1/23			1/17		
DEC 07			12/11-12/12	12/07		
NOV 07	11/13	11/19-11/20	11/28			11/8^
OCT 07	10/01		10/16-10/17			
SEP 07	9/17	9/12, 9/18	9/07		09/18	
AUG 07	8/16	8/28	8/22-8/23			
JUL 07			7/10-7/11			
JUN 07	6/26	6/19				
MAY 07			5/22-5/23			5/7*
APR 07						4/18*
MAR 07		3/29				3/19-3/21; 3/26*, 3/27*
FEB 07						

* Listed dates are for public open houses and workshops where members of the public were provided updates on the MLPA planning and/or MPA design process. Presentations were given and public comment taken verbally and/or in writing.

^ Listed dates are for tribal workshop held to discuss tribal participation in the MLPA process and to help identify areas of tribal importance to inform the MPA design process.

As a result, there is no question that multiple opportunities existed for stakeholders and other interested persons to subsequently provide substantive comments on any subject considered by the SAT at any particular meeting.

Responses to Individual Comments:

The following table provides a summary of the comments received and provides responses. The Commenter number corresponds to the names and dates in Table 3.

Table 5. Comment summaries and responses.

Commenter	Comment Number	Comment	Response
100, 107, 108, 109, 110, 182, 183, 185, 186, 188, 189, 190, 192, 193, 194, 195, 196, 197, 198, 202, 205, 206, 208, 215, 216, 219, 222, 223, 226, 228, 229, 230, 231, 234, 235, 236, 239, 244, 246, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 260, 263, 264, 265, 266, 268, 269, 272, 276, 279, 284, 293, 294, 295, 297, 298, 299, 300, 305, 307, 308, 309, 310, 311, 312, 315, 316, 317, 318, 321, 322, 323, 325, 329, 330, 333, 334, 335, 336, 337, 339, 340, 342, 346, 348, 350, 355, 361, 363, 366, 367, 368, 374, 375, 377, 378, 379, 380, 382, 394, 418, 419, 420, 421, 422, 442, 443	1	Support Preferred Alternative (IPA).	Comment noted.

Commenter	Comment Number	Comment	Response
100	2	Marine mammals need more protection.	Comment noted. Marine mammals are protected under MMPA.
101, 102, 106, 108, 109, 110	3	Protect Sea Lion Cove.	Comment noted.
103	4	Do not loosen current regulations.	Comment noted.
104	5	This doesn't look promising. (Referencing the continuation notice).	Comment noted.
105	6	Proposed changes will weaken marine regulatory action. Proposed changes to marine protected areas are a terrible idea. (Referencing the continuation notice).	Comment noted.
126	7	Abalone divers will concentrate in open areas and impact populations.	<p>The EIR concluded that a concentration of fishing effort would have a less than significant impact on marine species and habitats.</p> <p>The potential for increased impact on abalone populations from displaced fisherman is speculative, and the commenter does not provide any evidence to substantiate this claim. The Department does not anticipate negative impacts to abalone populations from creating MPAs and protecting abalone from harvest. The Abalone Recovery Management Plan (ARMP) (Section 7.1.1.3) recommends the use of MPAs as additional protection to assist with the recovery of abalone populations and help support populations in fished areas...In the case of this regulation, any expected effort shift appears to be within the range of normally occurring effort variation and would not be expected to negatively impact abalone management...Based on the most recent abalone report card data from 2007, the estimated catch shift from the IPA affected sites would be approximately 22,000 abalone. The Point Arena Lighthouse area catch, comprised primarily of Sea Lion Cove, dropped precipitously from 2006 to 2007, by almost 60% to an estimated 7,558 abalone from a high of 18,511 abalone. This catch and associated effort have already dispersed to other areas in Sonoma and Mendocino Counties. In addition, other shifts of large magnitude have occurred due to annual variations in effort</p>

Commenter	Comment Number	Comment	Response
			and catch patterns. For example, between 2005 and 2007, the estimated abalone catch in the north central coast study region increased by over 40,000 abalone, or 32%. Some individual site catch estimates, like those for the Fort Ross area, have varied by as much as 90% between 2002 and 2007. So even without the establishment of any MPAs, catch and effort shift of a large magnitude regularly occur.
111	8	Process is not transparent.	See Master Response 7
111, 112, 116 117, 128	9	Inadequate science.	See Master Response 2
112, 114	10	Improper funding of MLPA process.	See Master Response 6
112, 117, 132	11	The socioeconomic impacts have not been fully considered and economic damage will occur.	The economic analysis did not show, nor did the commenter provide, evidence of significant long-term socioeconomic impacts to the north central coast region with the implementation of the project. See Master Response 3.
111, 113, 114, 115, 116, 117, 118, 119, 124, 126, 128, 134, 138, 237, 285, 398	12	Insufficient funding to implement MPAs.	See Master Response 1
111, 113, 114, 115	13	Postpone or delay the process.	See Master Response 1
116, 126, 237, 306	14	Insufficient enforcement.	See Master Response 1
111, 115, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134 135, 137, 138, 139, 140, 141, 142, 143, 144, 184, 237, 275, 277, 280, 281, 282, 283, 285, 286, 287, 288, 289, 291, 292, 301, 303, 304, 314, 320, 326, 327, 328, 332, 341, 345, 351, 353, 356, 357, 364, 365, 369, 370, 372, 373, 376,	15	Supports Alternative 2 (Proposal 2-XA).	After taking public testimony on all the alternatives, the Commission selected the IPA as the network of MPAs in the north central coast region.

Commenter	Comment Number	Comment	Response
381, 383, 384, 385, 386, 387, 389, 390, 393, 395, 396, 399, 400, 401 409, 410, 415, 416, 417, 441, 446, 447, 448, 449			
121, 122, 191	16	Reject Alternative 3 (Proposal 4).	Comment noted.
126	17	Closing part of Salt Point State Park makes no sense.	Comment noted. Recreational take of abalone and finfish is allowed in Salt Point State Marine Conservation Area.
131	18	Maintain recreational fishing.	Recreational fishing is maintained wherever it is consistent with the MPA designation.
131	19	Solve the problem of commercial overfishing by requiring sound practices that end dragging, wasteful bycatch and killing of sea mammals.	See Master Response 1 and 5.
145, 148, 154, 155, 156, 159, 160, 161, 162, 165, 166, 169, 171, 177, 199, 220, 222, 223, 224, 225, 240, 270, 273, 313, 315, 334, 339, 343, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438	20	Supports MPAs in general.	Comment noted.
147, 149, 150, 151, 152, 153, 157, 158, 163, 164, 168, 170, 173, 174, 175, 176, 179, 187, 240	21/22	Protect the coast/protect the ocean.	Comment noted.
167, 172, 444	23	Protect marine life.	Comment noted. See Master Response 1.
181, 211, 212	24	Oppose MPAs.	Comment noted. See Master Response 1.
185, 200, 201, 203, 204, 207, 209, 210, 213, 214, 218, 220, 221, 233, 242, 243,	25	Supports the strongest possible network of MPAs.	Comment noted.

Commenter	Comment Number	Comment	Response
245, 445			
146	26	Protect habitat.	Comment noted.
109, 232, 234, 251, 252, 255, 256, 259, 274, 331	27	Recommend MPAs at alternate locations in addition to the Proposed Project.	See Response to comment 15. The MLPA is an adaptive process. Additional MPAs may be added in a future rulemaking.
111	28	Current fishery management efforts are effective according to new study.	See Master Response 5.
178	29	MPAs work (Combination of effective fisheries management and MPA's is needed. The Science paper which he co-authored does not refute the need for MPA's).	Comment noted. See Master Response 2 and 5.
181, 212	30	Use current fishery management measures.	See Master Response 5.
227	31	Closing areas to abalone harvest must have reductions in take or the abalone population will crash.	The Abalone Recovery and Management Plan (Section 7.1.2.2) states that "In the event of a site closure, the total allowable catch (TAC) will be reduced to address the potential shift in effort to other areas". It is important to note, however, that this is in reference to closing a specific site to abalone fishing as part of managing the fishery. In the case of the regulation, any expected effort shift due to establishment of the MPA network appears to be within the range of normally occurring effort variation, and would not be expected to negatively impact abalone management. Furthermore, closing the Sea Lion Cove area to abalone harvest will simply return the area to its <i>de facto</i> closure status prior to August 2004, when it was privately owned. Thus, the Department does not expect any necessary adjustments to the TAC if MPAs in the NCCR IPA are established.
111, 137, 139, 286	32	Proposal 2XA meets or exceeds all the guidelines set out by the Blue Ribbon Task Force and the Science Advisory Team.	Comment noted. All proposals met the guidelines to varying degrees.
111, 137, 139, 275, 349, 441	33	Alternative 2 (2-XA) has the least socio-economic impact.	Comment noted. See Response to comment 15.
111, 139, 288, 441	34	Alternative 2 (2-XA) is the only alternative that meets SAT guidelines at	Comment noted. See response to comment 32.

Commenter	Comment Number	Comment	Response
		the moderate-high level of protection.	
111, 139, 288	35	Alternative 2 (2-XA) is the only alternative supported by user groups and local communities.	Comment noted. See response to comment 15.
215	36	MPAs work.	Comment noted.
217	37	Requests Director review DFG's feasibility guidelines for compliance with MLPA.	Under the MLPA Initiative MOU, the Department will provide advice to the Commission on the feasibility of aspects of the MPA proposals and on the prospects of the MPA proposals to achieve the goals of the MLPA. Department feasibility guidelines [see Department Statement of Feasibility Criteria dated June 11, 2007 (ISOR Attachment 12)] are taken from the MLPA Draft Master Plan for Marine Protected Areas, which has already undergone review, public comment, and approval, by the Commission.
217	38	Wants DFG/Director support in allowing new fishery management measures within MPA proposals because of specific reasons (enumerated in comments 39-40).	The Department does not support fishery management measures such as unique size and bag limits within MPAs due to lack of feasibility in enforcing such regulations. Also, see Master Response 5.
217	39	1) The Commission is the proper entity to establish and implement MPA's and fishery regulations;	The Fish and Game Commission has authority under FGC Section 2860 to regulate commercial and recreational fishing and any other taking of marine species in MPAs. Consideration of fishery management measures as part of MPA proposals is under the purview of the Commission, and requests may be directed to them for consideration.
217	40	2) fishery management is recognized/ referenced as a complementary element within MLPA in sections 2851 (d), 2852(c), 2853(b), 2856(2), and 2857(b); and 3) compliance with spatial management tools will rest on stakeholder buy in.	Comment noted. See Master Response 5.
228	41	No coastal development.	Comment noted. This comment is outside the scope of the rulemaking package.

Commenter	Comment Number	Comment	Response
228	42	Create a marine mammal preserve along the entire CA coast.	Comment noted. Marine mammals are protected under the Marine Mammal Protection Act.
237	43	Insufficient information.	Comment noted. See Master Response 2.
238	44	We have data that may help the Commission make its decision regarding Sea Lion Cove.	Comment noted. The Department appreciates this reference to additional information regarding monitoring sites within the north central coast study region.
241	45	MLPA's WILL NOT improve fish stocks or protect the ocean.	Comment noted. See Master Response 1 and 5.
258	46	Supports Alternative 1 (1-3).	Comment noted. See Response to comment 15.
247	47	Choose a less extreme version of an MPA.	Comment noted. This comment is outside the scope of the rulemaking.
251, 252, 255, 259	48	Adjust Bodega Bay SMR northern boundary to that of proposal 1-3.	Comment noted. See Response to comment 15.
115, 261, 292	49	Exclude Sea Lion Cove from the network.	Comment noted. See Response to comment 15.
261	50	How was the boundary at Sea Lion Cove established and why did the boundary exclude half the area the Lewallens harvest?	The MPA boundaries were the result of extensive work of the Regional Stakeholders Group. The resulting options developed by the three stakeholder workgroups (1-3, 2XA, 4), were available for public review (ISOR attachments 4, 5, 6, 7). The BRTF subsequently created the Integrated Preferred Alternative, which the Commission accepted as its preferred alternative on June 11, 2008 and adopted as regulation on August 5, 2009.
261	51	I hope stakeholders and residents can work together to make decisions about final regulations and that these decisions are based on sound scientific research.	See Master Response 7.
262	52	Support Montara name.	Comment noted.
267	53	Support for the continued implementation of MPAs.	Comment noted.
271	54	Consider a de minimus or subsistence level permit for coastal residents to harvest historically collected ocean resources.	There is no authority in the Fish and Game Code to limit the take of ocean resources to residents of coastal communities. Such an action could be legally challenged as discriminatory and unconstitutional.
271	55	It is essential that the Plan carefully take into account fishing areas located near active, historic ports.	See Master Response 7.

Commenter	Comment Number	Comment	Response
271	56	[T]here is real concern in the community and statewide that new regulations and the research attending their implementation will rapidly become an unfunded mandate.	Mandates can only be imposed by the Legislature. See Master Response 1.
108	57	The ASA Economic Impact Reports on Marine Protected Areas produced by Southwick and Associates have been evaluated by economist Justin Adams. The analysis shows that the studies have methodological flaws that result in significant overstated socioeconomic impacts for the northern Channel Islands and the North Central Coast proposals.	Comment noted. See Master Response 3.
439	58	The MLPA is too expensive.	Comment noted. See Master Response 1.
278	59	Supports high protection of marine resources.	Comment noted.
283	60	Closing Salt Point will have huge socio-economic impacts.	Comment noted. Siting alternatives were based on considerations addressed by the BRTF with input from the NCCRSG, the SAT, and local communities. See Master Response 3.
283	61	Closing Salt Point will cause anglers to shift to Fort Ross and the abalone population will be unsustainable.	See response to comment 7.
135, 287	62	Concerned about shift of effort in abalone fishery.	See response to comment 7
124	63	The IPA closes land that we have allowed the Pomo tribe to use for over 150 years, while 2-XA keeps it open.	The regulation provides ample alternative public access points as it does not close the entire coast. Opportunities for public involvement and comment on areas of interest were provided to members of the public throughout the MLPA planning and MPA design process. Tribal input on areas of geographic importance was specifically solicited by MLPA staff for the purpose of MPA design in a tribal workshop of which Pomo tribal members attended [November 8, 2007]. Results of this workshop and all public comments were provided directly to members of the North Central Coast Regional Stakeholder Group who took those into

Commenter	Comment Number	Comment	Response
			account when designing MPAs and their associated regulations. (Also see Master Response 7)
115	64	Concerned about closures at Salt Point. Much of the surrounding land is private or inaccessible.	Siting alternatives were based on considerations addressed by the BRTF with input from the NCCRS, the SAT, and local communities. The regulation provides ample public access points.
289	65	MLPA is not ecosystem based management; it is currently used as space-based management.	See Master Response 1. The MLPA recognizes that MPAs are one tool, but not the only tool for ecosystem based management. Fish and Game Code Section 2851 (d) states, "MPAs and sound fishery management are complementary components of a comprehensive effort to sustain marine habitats and fisheries."
290	66	No evidence that MPAs work, you are punishing fisherman.	Comment noted. See Master Response 1 and 5.
291	67	The IPA will cause a collapse of abalone fishery in Mendocino.	See response to comment 7.
107	68	Look and you'll find that 2XA protects least amount. It's the only proposal that doesn't have a reserve that goes out to 3 miles. For nearly every habitat type the proposed project (IPA) protects more than 2XA.	Comment noted.
107	69	IPA is only 1.5% difference from 2XA for socio economic impacts.	Comment noted.
107	70	Major abalone points are kept open by IPA.	Comment noted.
292	71	Worried about removal of 7 of 15 access points for abalone if IPA passes.	See response to comment 64.
292	72	Saunders Reef should be removed from the IPA. It's inclusion is an attempt to manage species under the MLPA.	See Response to comment 15
108	73	The NCC design process was robust, provided sound protection and is supported by public. That is represented by the IPA. The public	Comment noted. (Said letters were received prior to the public comment period for this rulemaking.)

Commenter	Comment Number	Comment	Response
		was involved, we learned from each other. Over 50 public meetings provided opportunities for comments. The IPA is a compromise; no group got 100% of what they wanted. IPA integrates all proposals and has broader support than any proposals. Commission received 11K support letters in the past month.	
294	74	The NCC process was collaborative, it follows the master plan and the SAT metrics support it.	Comment noted.
259	75	The process was collaborative and cross interest. The IPA is a trade off. There are stronger proposals, I would like to see something strong, but I also believe there is overwhelming support for the IPA. A lot of people would like to see little changes.	Comment noted.
138	76	Believes the BRTF failed to consider local input when they created the IPA.	See Master Response 7.
296	77	Any port north of SF is different. I am the only one landing fish in Bodega Bay. The threat the fishermen will take all the big fish out of the reserve is unfounded.	Comment noted.
299	78	IPA will help seabirds by bolstering rockfish populations, special closures will protect from foot and sea disturbance.	Comment noted.
301	79	2XA provides high level of protection while minimizing socio economic impacts and it still allows seaweed harvest, commercial and recreational fishing.	Comment noted. See Response to comment 15.
301	80	I officially oppose Arnold's fast track time line as corporate green-washing.	Comment noted.

Commenter	Comment Number	Comment	Response
304	81	Secure funding for monitoring, research and enforcement.	Comment noted. See Master Response 1.
305	82	Support the name Fitzgerald at Montara.	Comment noted. See Response to comment 15.
306	83	What guarantee do we have that NOAA is going to be there to help enforcement?	Comment noted. NOAA's participation is outside the scope of the proposed regulation. Also, see Master Response 1.
308	84	As a principal author of the MLPA, the IPA fits exactly where we were going with legislative intent.	Comment noted.
313	85	Adopt Alternative 3 (Proposal 4) or IPA with further safeguards.	Comment noted. See Response to comment 15.
354	86	Support 2XA. IPA call for closures of a lot of public access for fishing, this will drive that pressure into smaller public areas and damage that population.	Comment noted. The EIR concluded that a concentration of fishing effort would have a less than significant impact on marine species and habitats. The potential for increased impact on fish populations from displaced fisherman is speculative, and the commenter does not provide any evidence to substantiate this claim. Also see response to comments 7 and 64.
314	87	Urchins are not over-fished. This is a significant business and is one of the only ones hanging on in Noyo Harbor.	See Master Responses 3 and 5.
318	88	Stornetta is a place where there used to have large abalone. Then the state opened the area now they are gone. I think the BRTF got these areas right (Arena Rock and Stornetta). I can tell you from experience it is possible to dive for abalone at spots other than Fisk Mill Cove, and these areas are open under the IPA.	Comment noted.
319, 331	89	Support Alternative 1 (1-3) or Preferred Alternative (IPA).	Comment noted. See Response to comment 15.
321	90	Prefer Alternative 3 (proposal 4), but support the IPA.	Comment noted. See Response to comment 15.

Commenter	Comment Number	Comment	Response
324	91	When fishermen are forced into smaller areas what is going to happen to the abalone? When monitoring finds them gone will these areas also be closed?	See responses to comments 7 and 31.
325	92	If you do not allow some beach access for residents at Anchor Bay they'll become poachers but if you allow some shore access they will help with enforcement.	Comment noted. The regulation provides ample alternative public access.
327	93	I spend a lot of money for abalone diving, to close any portion of our shore for consumptive diving will stop people from coming to areas and spending money.	Comment noted. See responses to comments 7 and 31.
336	94	In the IPA, 90% of Salt Point is open and provides open access with the support of the park. The IPA leaves the most popular, safest and economically important spots for diving open. The largest SMR in the IPA (Stewarts Point) accounts for abalone take of 12K vs. the largest SMR in the 2XA, which accounts for abalone take of 12,600.	Comment noted.
290, 301, 383, 388, 398	95	Disagree with MLPA process.	Comment noted.
386	96	Opposed to no-take zone at Stewart's Point because it is needed for salmon fishing in Spring.	Comment noted. See Response to comment 15.
392	97	Disagrees with regulations and closures.	Comment noted.
393	98	Conservation efforts started by permits, restriction, and seasons; this is what MPA will continue to accomplish.	Comment noted. See Master Response 5.
338	99	Point Arena's city has been boxed in by a series of closures. Further closures supported by MLPA resulted in a vote	See Master Responses 1 and 2.

Commenter	Comment Number	Comment	Response
		[by the City of Point Arena] to delay in the MLPA process. The local environmentalists are aligning with these communities, because we know that adaptive management will not work; there won't be funding for it in future years. And in the future, this same science used to close areas will not be sufficient to open up adaptively a closed area.	
290	100	Insufficient science, no proof MPAs work.	See Master Response 2.
347	101	Senator Wiggins letter states some amendments and restatements: First an amendment to support IPA and its implementations, but taking into consideration the expertise of fishermen. Second, we believe historic ports are important and should remain viable. Finally, we request for the committee an annual accounting of expenditures and revenues of the implementation of the MLPA so that we can review it at the legislative level.	See responses to comments 54, 55, and 56.
358	102	As founder of the Mendocino Sea Vegetable Company, I recommend that you send this back to the legislature, the Marine Life Protection Act. The proposals have many flaws, the main one being that private-money influence is so huge and ignores so much. I'd advise the environmentalists to take another look at it because I don't think it really has an environmental motive anymore.	Comment noted. See Master Response 6.
359	103	Stop MLPA process. As a member of Mendocino Seaweed Stewardship	Comment noted. See Response to comment 15.

Commenter	Comment Number	Comment	Response
		Alliance I feel the MLPA will make a definite impact on where I can harvest and the income I get from these harvests. You've set up a no-win situation for seaweed harvesters and fisheries.	
360	104	General disagreement with MLPA management. Feels MLPA will bankrupt EEZ and coastal waters. The process is influenced by private interests and private funding.	Comment noted. See Master Response 1 and 6.
362	105	General disagreement with MPA process. Against closing the coastline to fishing because indigenous peoples have relied on the coastal ocean for food for 300 years. Requests Stewart's Point Park remain open to harvest.	The regulation provides ample alternative public access points as it does not close the entire coast. Opportunities for public involvement and comment on areas of interest were provided to members of the public throughout the MLPA planning and MPA design process. Tribal input on areas of geographic importance was specifically solicited by MLPA staff for the purpose of MPA design in a tribal workshop [November 8, 2007]. Results of this workshop and all public comments were provided directly to members of the North Central Coast Regional Stakeholder Group who took those into account when designing MPAs and their associated regulations.
371	106	General disagreement with MLPA process. Addressed topics as: process sponsored by private interest money, seaweed harvesters have not been studied, process is un-American.	Comment noted. See Master Response 1 and 2.
397	107	Warden's Association requested to delay or suspend any new mandates until there is relief from furloughs and more officers to enforce new provisions. In addition, discussed topics as: legislators' letter addressing scarcity of wardens, poaching from ocean fisheries, wardens having less law enforcement backup, and current Governor administration's actions	Comment noted. See Master Response 1.

Commenter	Comment Number	Comment	Response
		towards wardens.	
352	108	Implementation of MPA should be stalled; recognize that there is no scientific validity to any marine reserves unless enforcement is in place before the reserve is created. The current MPAs are not afforded adequate protection, we need to do a far better job in protecting the areas already established under the Marine Life Protection Act. The game wardens are the ones that to try and keep people out of MPA areas. Presently there is not enough staffing to monitor MPA, furlough has made situation nearly impossible.	Comment noted. See Master Responses 1 and 2.
381	109	MLPA process should be delayed due to financial situation. Closing recreational fishing will concentrate number of people fishing into smaller areas, and have fewer people buying licenses and abalone tags, lowering funding for game wardens.	Comment noted. See Master Response 1 and responses to comments 7 and 64.
257, 350	110	DEIR comments	A summary and response to comments on the DEIR are provided in the Final EIR
396	111	Support 2-XA. Put the process on hold due to lack of funding for implementation. Insufficient enforcement.	Comment noted. See Master Responses 1.
407	112	Notifying the Commission of possible disproportionate impacts on individuals and/or particular fisheries.	Comment noted. See Master Response 3.
408	113	1. Insufficient data are available for science-based North Coast MPA design. 2. Implementation of MPAs without secure funds for monitoring, adaptive management and	Comment noted. See Master Responses 1, 2, 3, and 5 and response to comment 54.

Commenter	Comment Number	Comment	Response
		enforcement is inconsistent with the law. 3. The BRTF should be composed of people from the study region who understand and represent local interests. 4. MPA planning needs to consider existing fishery management and proposed ocean uses. 5. The MLPA Initiative must minimize economic impacts to the fishing community. 6. Restriction of traditional fish and shellfish harvest by Native Americans.	
291	114	Stop implementation of MLPA. Law requires that master plan be submitted to joint committee on fisheries and aquaculture, something that has never been done.	Comment noted. Fish and Game Code Section 2859, Subdivision (d) requires that the Commission submit the master plan to the Joint Committee on Fisheries and Aquaculture <u>upon its adoption of the Marine Life Protection Program</u> . The adoption has not yet occurred, because the Master Plan is being completed in phases.
412	115	Correction of DEIR drafting error.	Comment noted.
291	116	Asks for the ability to request motions to include changes to the IPA.	In June 2008, the Commission selected the IPA and authorized that an EIR be prepared for that as the proposed project. The Department subsequently informed the Commission that any additional changes could be made only if those impacts had been analyzed in the EIR. Otherwise, additional environmental analysis would be necessary. On August 5, 2009, the Commission adopted the rulemaking implementing the IPA.
413	117	Clarifying letter to the Commission regarding the Schwarzenegger Administration's position on implementation of the MLPA and funding issues.	Comment noted. See Master Response 6.
414	118	Expresses concerns about available funding, adequate science and impact on communities.	Comment noted. See Master Responses 1, 2 and 5.
372	119	MLPA closures reduce public access, undermining the ability to make living out of ocean.	Comment noted. See response to comment 64.

Commenter	Comment Number	Comment	Response
439	120	The MLPA is being implemented in an overly narrow and biased manner. Implementation threatens small business.	Comment noted. See Master Responses 2 and 3.
439	121	The MLPA is redundant of other marine conservation programs.	Comment noted. See Master Responses 4 and 5.
411	122	MLPA is flawed	Comment noted.
440	123	The Commission will very soon be designating the network for the north central coast MPAs. The Gulf of the Farallones National Marine Sanctuary (GFNMS) has been very involved in the planning of that network and is committed to assisting in its implementation. If special closures are adopted, GFNMS has already secured commitments of outside funds to aid implementation. The State will need, and has, many partners to implement MPA networks.	Comment noted.

Form Letters:

Several form letters were received in general support of a particular point of view. In many cases, commenters added personal text to a form letter or submitted a truncated version of the letter. Substantially equivalent variations of the same form letter were considered the same form letter.

Table 6 lists Form Letter A which was in general support of the preferred alternative; a total of 7,977 letters were received. The dates and number of form letters that were received on those dates are presented in Table 6.

Table 6. Summaries of form letter A received in support of the Commission's preferred alternative for MPAs in the north central coast.

Date Received	Form Letter A
	Number of Comments Received
5/5/2009	4,955
5/6/2009	1,682
5/7/2009	487
5/8/2009	235
5/9/2009	158
5/10/2009	141
5/11/2009	142
5/12/2009	82
5/13/2009	62
5/14/2009	33
Total	7,977

Table 7 lists Form Letter B which was in general support of Alternative 2 (Proposal 2-XA); a total of 1,678 letters were received. The dates and number of form letters that were received on those dates are presented in Table 7.

Table 7. Summaries of form letter B received in support of Alternative 2 (Package 2-XA from the north central coast regional working group process).

Date Received	Form Letter B
	Number of Comments Received
5/1/2009	26
5/2/2009	11
5/3/2009	29
5/4/2009	29
5/5/2009	58
5/6/2009	42
5/7/2009	102
5/8/2009	55
5/9/2009	18

Date Received	Form Letter B
	Number of Comments Received
5/10/2009	31
5/11/2009	44
5/12/2009	50
5/13/2009	61
5/14/2009	26
5/15/2009	4
5/16/2009	7
5/18/2009	13
5/19/2009	16
5/20/2009	12
5/21/2009	4
5/22/2009	1
5/23/2009	1
5/24/2009	1
5/25/2009	2
5/26/2009	2
5/27/2009	1
5/29/2009	2
5/30/2009	1
6/1/2009	5
6/2/2009	15
6/3/2009	9
6/4/2009	4
6/5/2009	7
6/7/2009	3
6/9/2009	1
6/10/2009	2
6/11/2009	2
6/12/2009	3
6/14/2009	1
6/15/2009	2
6/16/2009	2
6/20/2009	1
6/22/2009	8
6/23/2009	21
6/24/2009	23
6/25/2009	16
6/26/2009	9
6/27/2009	10
6/28/2009	1
6/29/2009	5
6/30/2009	4
7/2/2009	6
7/4/2009	1
7/5/2009	1

Date Received	Form Letter B
	Number of Comments Received
7/6/2009	1
7/7/2009	1
7/10/2009	3
7/11/2009	2
7/19/2009	1
7/20/2009	1
7/23/2009	1
7/27/2009	1
7/28/2009	330
7/29/2009	170
7/30/2009	85
7/31/2009	54
8/1/2009	38
8/2/2009	33
8/3/2009	61
8/4/2009	56
8/5/2009	29
Total	1,678

Table 8 lists Form Letter C which supports the strongest network of MPAs; a total of 1,453 letters were received. The dates and number of form letters that were received on those dates are presented in Table 8.

Table 8. Summaries of form letter C received in support of the strongest possible network of MPAs.

Date Received	Form Letter C
	Number of Comments Received
5/6/2009	471
5/7/2009	118
5/8/2009	55
5/9/2009	19
5/10/2009	17
5/11/2009	18
5/12/2009	15
5/13/2009	11
5/14/2009	2
5/16/2009	1
5/18/2009	1
5/24/2009	1
5/26/2009	1
5/29/2009	1
6/1/2009	1
6/12/2009	1

Date Received	Form Letter C
	Number of Comments Received
6/16/2009	1
6/23/2009	4
6/24/2009	2
6/25/2009	1
6/29/2009	3
6/30/2009	2
7/1/2009	1
7/2/2009	12
7/3/2009	25
7/4/2009	8
7/5/2009	3
7/6/2009	9
7/7/2009	4
7/8/2009	4
7/9/2009	2
7/10/2009	2
7/11/2009	1
7/12/2009	2
7/13/2009	1
7/14/2009	5
7/15/2009	4
7/16/2009	292
7/17/2009	111
7/18/2009	34
7/19/2009	22
7/20/2009	32
7/21/2009	18
7/22/2009	11
7/23/2009	6
7/24/2009	5
7/25/2009	6
7/26/2009	8
7/27/2009	8
7/28/2009	12
7/29/2009	8
7/30/2009	8
7/31/2009	7
8/1/2009	9
8/2/2009	15
8/3/2009	7
8/4/2009	5
Total	1,453

Table 9 lists Form Letter D which was in general support of the preferred alternative; a total of 3,412 letters were received. The dates and number of form letters that were received on those dates are presented in Table 9.

Table 9. Summaries of form letter D received in support of the Commission's preferred alternative of August 5, 2006 for MPAs in the north central coast.

Date Received	Form Letter D
	Number of Comments Received
5/6/2009	1
5/11/2009	2,384
5/12/2009	518
5/13/2009	169
5/14/2009	88
5/15/2009	52
5/16/2009	33
5/17/2009	30
5/18/2009	18
5/19/2009	17
5/20/2009	9
5/21/2009	5
5/22/2009	6
5/23/2009	8
5/24/2009	3
5/25/2009	5
5/26/2009	8
5/27/2009	5
5/28/2009	4
5/29/2009	3
5/30/2009	1
5/31/2009	3
6/1/2009	1
6/2/2009	5
6/4/2009	2
6/5/2009	4
6/6/2009	1
6/7/2009	2
6/8/2009	1
6/9/2009	3
6/10/2009	3
6/13/2009	2
6/14/2009	2
6/16/2009	2
6/17/2009	1
6/18/2009	1
6/22/2009	1
6/23/2009	2

Date Received	Form Letter D
	Number of Comments Received
6/24/2009	2
6/25/2009	1
6/29/2009	1
7/1/2009	1
7/7/2009	1
7/8/2009	1
7/16/2009	1
7/19/2009	1
Total	3,412

Table 10 lists Form Letter E which was in general support of the preferred alternative; a total of 9 letters were received. The dates and number of form letters that were received on those dates are presented in Table 10.

Table 10. Summaries of form letter E received in support of the preferred alternative.

Date Received	Form Letter E
	Number of Comments Received
5/6/2009	1
5/17/2009	1
6/1/2009	1
6/12/2009	1
7/22/2009	1
7/26/2009	1
7/27/2009	1
8/2/2009	1
8/4/2009	1
Total	9

Table 11 lists Form Letter F which was in general support of the preferred alternative; a total of 2,025 letters were received. The dates and number of form letters that were received on those dates are presented in Table 11.

Table 11. Summaries of form letter F received in support of the Commission's preferred alternative for MPAs in the north central coast.

Date Received	Form Letter F
	Number of Comments Received
5/1/2009	3
5/2/2009	1
5/3/2009	1
5/4/2009	5
5/5/2009	1363
5/6/2009	285
5/7/2009	94

Date Received	Form Letter F
	Number of Comments Received
5/8/2009	39
5/9/2009	32
5/10/2009	41
5/11/2009	41
5/12/2009	16
5/13/2009	18
5/14/2009	14
5/15/2009	7
5/16/2009	8
5/17/2009	3
5/18/2009	7
5/19/2009	5
5/20/2009	5
5/21/2009	3
5/22/2009	2
5/23/2009	3
5/24/2009	3
5/25/2009	1
5/26/2009	3
5/28/2009	1
5/29/2009	2
5/30/2009	1
5/31/2009	2
6/1/2009	2
6/3/2009	1
6/11/2009	1
6/15/2009	2
6/16/2009	1
6/17/2009	2
6/18/2009	1
6/21/2009	3
6/24/2009	2
6/26/2009	1
Total	2,025

Table 12 lists Form Letter G which was in general support of the preferred alternative; a total of 966 letters were received. The dates and number of form letters that were received on those dates are presented in Table 12.

Table 12. Summaries of form letter G received in support of the Commission's preferred alternative for MPAs in the north central coast.

Date Received	Form Letter G
	Number of Comments Received
7/2/2009	2

Date Received	Form Letter G
	Number of Comments Received
7/6/2009	558
7/7/2009	121
7/8/2009	73
7/9/2009	24
7/10/2009	16
7/11/2009	17
7/12/2009	7
7/13/2009	14
7/14/2009	6
7/15/2009	35
7/16/2009	16
7/17/2009	16
7/18/2009	8
7/19/2009	8
7/20/2009	25
7/21/2009	11
7/22/2009	4
7/23/2009	3
7/24/2009	1
7/25/2009	1
Total	966

Table 13 lists Form Letter H which was in general support of the preferred alternative; a total of 494 letters were received. The dates and number of form letters that were received on those dates are presented in Table 13.

Table 13. Summaries of form letter H received in support of the Commission's preferred alternative for MPAs in the north central coast and general support for MPAs.

Date Received	Form Letter H
	Number of Comments Received
6/3/2009	3
7/11/2009	1
7/14/2009	1
7/16/2009	213
7/17/2009	121
7/18/2009	33
7/19/2009	23
7/20/2009	23
7/21/2009	11
7/22/2009	11
7/23/2009	22
7/24/2009	8
7/25/2009	2
7/26/2009	5

Date Received	Form Letter H
	Number of Comments Received
7/27/2009	3
7/28/2009	2
7/29/2009	6
7/30/2009	2
7/31/2009	1
8/2/2009	1
8/4/2009	2
Total	494

Table 14 lists Form Letter I which was in general support of Alternative 1 (proposal 1-3); a total of 555 letters were received. The dates and number of form letters that were received on those dates are presented in Table 14.

Table 14. Summaries of form letter I received in support of Alternative 1 (proposal 1-3).

Date Received	Form Letter I
	Number of Comments Received
5/12/2009	252
5/13/2009	10
5/14/2009	7
5/15/2009	1
5/16/2009	2
5/17/2009	2
5/18/2009	2
5/20/2009	2
5/22/2009	2
5/23/2009	1
5/26/2009	1
5/27/2009	1
5/28/2009	1
5/29/2009	8
5/30/2009	5
5/31/2009	4
6/1/2009	6
6/2/2009	4
6/3/2009	3
6/4/2009	3
6/5/2009	2
6/6/2009	2
6/8/2009	1
6/9/2009	2
6/11/2009	2
6/16/2009	31
6/17/2009	31
6/19/2009	3

Date Received	Form Letter I
	Number of Comments Received
6/21/2009	2
6/22/2009	1
6/25/2009	1
7/1/2009	1
7/2/2009	9
7/4/2009	2
7/6/2009	1
7/7/2009	1
7/8/2009	6
7/9/2009	4
7/10/2009	1
7/16/2009	13
7/17/2009	1
7/18/2009	1
7/19/2009	1
7/20/2009	6
7/21/2009	2
7/22/2009	1
7/30/2009	69
7/31/2009	22
8/1/2009	2
8/2/2009	5
8/3/2009	10
8/4/2009	2
Total	555

Table 15 lists Form Letter J which was in general support of the preferred alternative; a total of 163 letters were received. The dates and number of form letters that were received on those dates are presented in Table 15.

Table 15. Summaries of form letter J received in support of the Commission's preferred alternative of August 5, 2006 for MPAs in the north central coast.

Date Received	Form Letter J
	Number of Comments Received
5/6/2009	73
5/7/2009	24
5/8/2009	9
5/9/2009	3
5/10/2009	3
5/11/2009	2
5/12/2009	33
5/13/2009	16
Total	163

Table 16 lists Form Letter K which was in general support of a preferred alternative; a total of 9 letters were received. The dates and number of form letters that were received on those dates are presented in Table 16.

Table 16. Summaries of form letter K received in support of the Commission's preferred alternative for MPAs in the north central coast.

Date Received	Form Letter K
	Number of Comments Received
5/7/2009	1
5/30/2009	1
6/1/2009	1
6/12/2009	2
7/2/2009	2
7/4/2009	1
7/27/2009	1
Total	9

Form Letter A example

May 5, 2009

Dear President Gustafson and Members of the Fish and Game Commission,

California is leading the nation with its efforts to develop a statewide network of marine protected areas (MPAs).

Over the past two years, divers, fishermen, conservationists and others have worked together to develop a strong, science-based system of underwater parks. This compromise MPA plan would protect California's coastal habitats and help ensure sustainable fishing for the future.

Marine protected areas can help restore California's ocean biodiversity and abundance. An investment in protection today will yield dividends far into the future. Threats to our marine environment are growing. We cannot afford to shortchange ocean protection any longer.

I urge you to take action on behalf of current and future generations and adopt the Integrated Preferred Alternative MPA plan and implement the new marine protected areas in a timely manner.

Thank you.

Sincerely,

Response to comments in form letter A

Comment noted.

Form Letter B example

May 1, 2009

California Fish and Game Commission
1416 Ninth Street P.O. Box 944209
Sacramento, CA 94244-2090

Dear California Fish and Game Commission:

Because the California Fish and Game Commission is nearing an August vote on the proposal that will establish marine protected areas in the North Central Coast, I am writing to express my support for Proposal 2XA.

Proposal 2XA is the best proposal to come before the Commission. It places marine protected areas in locations with a high level of conservation, minimizes unwarranted closures to recreational fishing and also places them in locations that will minimize the economic impacts on the local communities.

Proposal 2XA meets or exceeds all the guidelines set out by the Blue Ribbon Task Force and the Science Advisory Team, including having a strong backbone of marine reserves while meeting the size and spacing guidelines. In addition, Proposal 2XA has broad support from a wide range of fishing and boating user groups and local communities.

I urge the Fish and Game Commission to adopt Proposal 2XA.

Thank you for your consideration.

Sincerely,

Response to comments in form letter B

Comment noted. The Commission considered all alternatives, however, adopted the preferred alternative.

Form Letter C example

May 6, 2009

Cindy Gustafson
CA

Dear Cindy Gustafson:

Dear President Gustafson,

I support the strongest possible protection for California's North Central Coast region.

Marine Protected Areas (MPAs), especially fully-protected marine reserves, are an investment in the future health of our coastal waters.

Scientific studies show that marine reserves harbor more and bigger fish and support a greater diversity of life than areas outside the reserve.

Diverse and healthy oceans support our coastal communities and our coastal economy.

Please continue California's legacy of ocean protection with the strongest possible network of Marine Protected Areas in the North Central Coast.

Sincerely,

Response to comments in form letter C

Comment noted.

Form Letter D example

Jul 16, 2009

Cindy Gustafson
CA

Dear Gustafson,

Since the passage of the landmark Marine Life Protection Act ten years ago, California has been leading the way in recognizing the value of our oceans and taking action to create a network of safe havens for the fish and wildlife that need them to survive.

As someone who is deeply concerned about protecting our ocean resources for future

generations, I am writing to urge you to support the "Integrated Preferred Alternative" (IPA) plan without making changes that will weaken it or delay its implementation.

The IPA is based on extensive input from a broad stakeholder group and represents a thoughtful compromise that provides strong ecological protection with minimal economic impacts.

By investing in Marine Protected Areas (MPA), we will be investing in the future of our coastal waters and the communities and industries they support. Our multi-billion dollar coastal tourism industry alone should warrant this investment.

MPA opponents are exploiting the fiscal challenges we're facing at the state and national levels in their attempts to derail the incredible progress that has been made to implement the Marine Life Protection Act that was passed into law a decade ago.

I urge you to see through these attempts to derail or delay the adoption of California's Marine Protected Areas and continue to support this historic conservation initiative.

California's oceans are at a tipping point -- and protecting them is not an issue that can be tabled until the economy recovers. The threats to our ocean ecosystems continue to grow. Coastal development, pollution and overfishing -- coupled with the escalating effects of climate change -- are putting unprecedented pressure on our marine wildlife and habitats.

Our fish populations are in alarming decline, our sensitive coastal habitats are being degraded and the fish and wildlife that depend on them are being put at unacceptable risk.

That's why I'm contacting you now to urge you to take decisive, swift steps now to reverse the damage that's been done before it's too late. Marine Protected Areas are a critical tool in confronting the challenges that we now face and will help us improve the resiliency of our most sensitive ocean areas and the wildlife and human communities that depend on them.

I urge you to adopt the "Integrated Preferred Alternative" Marine Protected Area plan to provide the best possible protections for our most treasured coastal areas.

Thank you for considering my views on this important matter. I look forward to your reply.

cc: Governor Schwarzenegger

Sincerely,

Response to comments in form letter D

Comment noted.

Form Letter E example

Dear Fish and Game Commissioners,

Thank you for supporting the MLPA process to protect our coast for future generations. I urge you to approve the Integrated Preferred Alternative with no further cuts. Years ago we took steps to safeguard places like Yosemite and Mt. Shasta so they would remain part of our natural legacy. Now is the time to do the same for California's North Central Coast. Our state needs a network of marine protected areas based on scientifically sound evidence. Without long-term security for critical habitats, we are gambling with our fish, ocean wildlife, and coastal communities. That is not a risk we should take. Please approve the IPA with no further cuts to protect California's North Central Coast and ensure that our ocean resources will survive for future generations to enjoy.

Sincerely,

Response to comments in form letter E

Comment noted.

Form Letter F example

California Fish and Game Commission
1416 Ninth Street
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Members of the Fish and Game Commission,

I appreciate your past support for effective protected areas in California's marine waters, and urge you to adopt and quickly implement the "Integrated Preferred Alternative" in the north-central coast study region. The IPA is a sensible compromise that would provide ecological protection with very low potential economic impacts. It was developed with input from stakeholders, including scientists and members of the public. Please adopt it without delay, and strengthen it if you make any changes.

A robust network of marine protected areas is critically important to protect and restore California's coast and ocean ecosystems and the valuable services they provide. The IPA, with its core of fully protected marine reserves, was designed to meet scientific standards and balance a broad diversity of public views. It would help restore the rich web of marine life off the north-central coast healthy, while leaving most state waters open to fishing and other uses. Dozens of scientific studies confirm that fully protected areas support more species diversity and bigger fish than similar fished areas.

You have heard from a vocal minority that the Marine Life Protection Act is too costly to

be carried out. In fact, the cost of marine protected areas to the state is small compared with the cost of doing nothing. Along the north-central coast, for example, commercial fishermen have lost millions of dollars over the years from depleted fish populations.

Marine protected areas are an investment in more productive ocean ecosystems and a more prosperous California. I urge you to leave the state a legacy of healthier ocean systems by adopting the Integrated Preferred Alternative for the north-central coast, without delay.

Sincerely,

Response to comments in form letter F

Comment noted.

Form Letter G example

Dear Fish and Game Commission members,

I urge you to adopt the "Integrated Preferred Alternative" (IPA) for the north-central coast. This plan is a carefully crafted compromise that will achieve both effective ecological protection and very low potential economic impacts. It was developed with extensive input from stakeholders. Please adopt it at your upcoming August 5th meeting and strengthen it if you make any changes.

A robust network of marine protected areas is critically needed to protect and restore California's coast and ocean ecosystems and the valuable services they provide. The Integrated Preferred Alternative, with its core of fully protected marine reserves, was designed to meet scientific standards and balance a broad diversity of public views. The plan will help restore the rich web of marine life off the north-central coast, while leaving more than 88 percent of state waters in that region open to fishing and other uses.

California faces hard budget times, but the cost to the state of marine protected areas is small compared with the cost of doing nothing. Along the north-central coast, for example, commercial fishermen have lost millions of dollars over the years from depleted fish populations. Dozens of studies confirm that fully protected areas boost fish size and numbers, increasing the ocean's productivity.

Marine protected areas are an investment in more resilient oceans and a more prosperous California. On August 5th, please seize this rare opportunity to create a legacy of healthier oceans by adopting the IPA for the north-central coast.

Sincerely,

Response to comments in form letter G

Comment noted.

Form Letter H example

Dear President Gustafson and Colleagues,

I appreciate your past support for marine protection all along the California coast. I am writing to request that you continue your history of good environmental stewardship by adopting a strong network of Marine Protected Areas off of the North Central Coast.

As a member of The Otter Project, I care about the quality of habitat all along the California coast—in otter habitat past AND present. MPAs have shown to improve habitat for the benefit of all marine species and marine dependant species like ourselves.

After a vigorous process of stakeholder involvement, the majority of participants have come up with the "Integrated Preferred Alternative". This plan represents a broad cross-section of interests, ranging from industry to environmental, and it shows the value of compromise and the stakeholder process. The IPA was developed to meet scientific standards while balancing the many public uses of ocean resources—it is a reasonable solution to the complex demands on the state's oceans.

Some special interests continue to push for a weakened plan on the basis of cost, but their arguments don't hold much water. In fact, studies show that protecting ocean resources through MPAs is a sound economic decision—if you consider the many Californians whose livelihoods depend on the state of the ocean, this is hard to deny. I urge you to chose the scientifically, economically sound plan that has broad public support.

California's oceans are intrinsically and instrumentally valuable—generating billions in revenue across various industries, and providing the basis for many of the state's unique cultures and lifestyles. Such a vital resource deserves strong protection of all its uses, and adopting the IPA is a step towards providing that in the North Central Coast.

Thank you for considering my comments.

Sincerely

Response to comments in form letter H

Comment noted.

Form Letter I example

Dear Commissioners,

Thank you for the opportunity to comment.

As a member of Surfrider Foundation, I support the network of marine protected areas in Proposal 1-3 and encourage the Fish and Game Commission to consider this proposal in its deliberation over which network to adopt for the North Central Coast Study Region. As the only stakeholder-generated alternative that incorporated input from and earned the support of diverse stakeholder groups, Proposal 1-3 succeeds in both providing strong protection for our coast AND providing protection in the right places. In particular, I appreciate the marine protected areas and the level of protection given to places like Saunders Reef, the Russian River, Duxbury Reef, and the Fitzgerald Marine Reserve/Montara as proposed in Proposal 1-3. I would encourage you to give these protected areas consideration for incorporation in the final network that is adopted.

Stakeholders familiar with the region worked long and hard to identify the most important areas to protect, and to negotiate a fair and balanced proposal that would provide strong protection for our marine resources. Given the significance and the success of their action to deliver a balanced proposal, I feel the Fish and Game Commission should strongly consider Proposal 1-3.

Sincerely

Response to comments in form letter I

Comment noted. The Commission considered all alternatives, however, adopted the preferred alternative.

Form Letter J example

Dear Commissioners,

I am writing to ask you to support the North Central Coast Integrated Preferred Alternative when it comes before the Fish & Game Commission on May 14.

As you know, the Marine Life Protection Act was passed in order to safeguard our precious marine resources for the future. The need for action is greater now than ever before along the North Central Coast, as food resources have been depleted for a number of birds such as Common Murre, Tufted Puffin, and Brandt's Cormorant. Colony nesting seabirds need protection from disturbance.

The North Central Coast Integrated Preferred Alternative is the product of extensive

discussions among conservationists, commercial fishing interests, and recreational users, among others. It is a sensible compromise that provides assurances for commercial and recreational use while at the same time protecting important foraging and breeding habitat for birds and wildlife.

Again, I urge you to support the North Central Coast Integrated Preferred Alternative.

Sincerely,

Response to comments in form letter J

Comment noted.

Form Letter K example

Dear Commissioners,

Keeping the ocean healthy is important to me -- and to the planet. I appreciate the leadership California is providing by creating marine protected areas throughout the state, and doing it through an open, science-based process. That process has produced an "integrated preferred alternative" (IPA) for the north central coast that strikes a fragile balance and represents broad input from diverse interests, even though it misses key restoration opportunities. I urge you to increase the IPA's protections if you make any changes to it.

Monitoring studies show that the marine reserves at the Channel Islands are already producing more and bigger fish after five years, without the adverse economic impacts some predicted. Well-designed protected areas in the north central coast can create safe havens and nurseries for wildlife and safeguard iconic places like the Farallon Islands. Please adopt a solid protected area network like Proposal 4 or a strengthened IPA that will help us create a legacy of thriving ocean ecosystems along California's coast.

Public support for a strong network for the north central region is strong. Please consider that support when you make your decision. Again, I urge you to strengthen the IPA if you open it for changes.

Sincerely,

Response to comments in form letter K

Comment noted.

Form Letter L example: Postcards from display at Monterey Bay Aquarium in general support of marine protected areas: 2,000 postcards submitted at May 14, 2009 Fish and Game Commission meeting in Sacramento.



RECEIVED MAY 14 2009 FTG
ONLY COPY # 18

MONTEREY BAY AQUARIUM

President Cindy Gustafson
California Fish and Game
Commission
1416 Ninth Street
P.O. Box 944209
Sacramento, CA 94244-2090

May 11, 2009

Dear President Gustafson,

Please find enclosed 2,000 postcards from visitors to the Monterey Bay Aquarium who took time from their visit to express their support for a strong network of Marine Protected Areas for the North Central Coast.

Marine Protected Areas (MPAs), especially fully-protected marine reserves, are an investment in the future health of our coastal waters.

Scientific studies show that marine reserves harbor more and bigger fish and support a greater diversity of life than areas outside the reserve. Diverse and healthy oceans support our coastal communities and our coastal economy.

Please continue California's legacy of ocean protection with the strongest possible network of Marine Protected Areas in the North Central Coast.

Kind regards,

A handwritten signature in cursive script that reads "Alison Barratt".

Alison Barratt

Communications Associate Manager
Monterey Bay Aquarium's
Center for the Future of the Oceans
www.montereybayaquarium.org

T: (831) 647 6856
C: (831) 521 9135

Support Ocean-Friendly Seafood www.seafoodwatch.org
Take Action for the Oceans www.oceanaction.org

Dear Gov Arnold Schwarzenegger

I support the marine protected areas initiative.
Please help protect our oceans, beaches, bays,
wildlife, and fish ASAP. Keep CA beautiful.

Sincerely,

Name Natalie Hunter

Address : _____

53

Printed on recycled paper

Response to comments in form letter L

Comment noted.

Form Letter M example: Letter in general support of the IPA (proposed project):
Example letter taken at random from 2,092 letters submitted to the Fish and Game
Commission.

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

2009 JUL 29 PH 3: 05

21 July, 2009

California Fish & Game Commission
1416 Ninth St.
PO Box 944209
Sacramento, Ca, 94244-2090

Dear Commissioners,

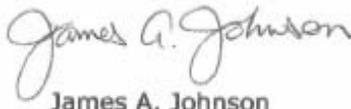
I care deeply about the health of our coastal ecosystem and know that it needs protection. I also strongly support local food systems.

A truly effective marine protection plan has to consider people and wildlife, industry and ecology.

Local people helped develop the IPA marine protection plan for the benefit of all Californians -- it's a win win program.

Scientists, conservationists, birders, divers, business owners, and fishermen have all expressed their support for the IPA. I hope you will put this plan into action.

Sincerely,



James A. Johnson

Response to comments in form letter M

Comment noted.

IX. Summary of Primary Considerations Raised in Opposition and in Support of the Proposed Changes Provided in the March 15, 2010 Continuation Notice:

Commenter	Date	Comment	Response
Gerry McChesney	3/31/2010	In subsection 632(b)(29)(B), in the description of the closure around the three southern islets, the language needs to be changed for	The "from the mean high tide line" language can be inferred in the second clause, because it is expressed in the first clause.

		consistency with other Special Closures.	
		In subsections 632(b)(30) – (32), change “Southeast Farallon Island” to “Southeast Farallon Islands”	The name “Southeast Farallon Island” is the official name of the island, and refers to the island and surrounding islets.
Ed Tavasieff	3/31/2010	In subsection 632(b)(20), change the boundary line between the Chimney Rock Buoy and a point on the eastern shore of the Limantour Split to a line between the Chimney Rock Buoy and the tip of the western Limantour Split.	This comment is outside the scope of the 15-day notice and would be considered a substantive change. GPS coordinates are provided within the regulation to provide the public with the ability to identify the MPA boundaries.

X. 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

XI. Location of Department files:

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

XII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

An alternative developed within North Central Coast Regional Stakeholder Group (NCCRSG) workgroups by constituents representing a variety of consumptive, non-consumptive, and environmental interests was included (NCCRSG Proposal 1-3). It consisted of 23 MPAs, with the sub-option three MPAs become state marine recreational management areas (SMRMA) covering an area of approximately 164.6 square miles, representing approximately 21.6 percent of state waters within the north central coast region and seven special closures. Of this, over one half of the area was within no-take state marine reserves covering approximately 87.2 square miles or approximately 11.4 percent of state waters within the north central coast region.

An alternative developed both in NCCRSG workgroups and groups external to the NCCRSG process, by constituents representing commercial and recreational fishing interests along the north central coast, was included (NCCRSG Proposal 2-XA). It consisted of 18 MPAs and three SMRMAs covering an area of approximately 137.2 square miles, representing approximately 18.0 percent of state waters within the north central coast region and five special closures. Of this, approximately half of the area was within no-take state marine reserves covering approximately 68.1 square miles or approximately 8.9 percent of state waters within the north central coast region.

An alternative developed within NCCRSG workgroups by constituents primarily representing non-consumptive and environmental interests along the north central coast was included (NCCRSG Proposal 4). It consisted of 28 MPAs with the sub-option that three MPAs become SMRMAs covering an area of approximately 204.9 square miles, representing approximately 26.9 percent of state waters within the north central coast region and seven special closures. Of this, more than half of the area was within no-take state marine reserves covering approximately 105.0 square miles or approximately 13.8 percent of state waters within the north central coast region.

(b) No Change Alternative:

The no change alternative would leave existing MPAs in state waters of the north central coast unchanged. This would provide no additional protection to resources or ecosystem-based protection. The no-change alternative would not address the goals or requirements of the Marine Life Protection Act and potentially lead to continued declines in certain populations of marine life, habitats, and the marine environment.

(c) Consideration of Alternatives:

In view of 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 the affected private persons than the proposed regulation.

XIII. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. A full discussion of the proposed regulation and alternatives is included in the Department of Fish and Game's Draft Environmental Impact Report for Marine Protected Areas in the North Central California Coast, released in July 2009.

XIV. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

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

The proposed regulation 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. The regulation may have negative short-term impacts on commercial and recreational fishing businesses. The impacts presented here do not represent a complete socioeconomic impact analysis, but rather what is generally referred to as a Step 1 analysis or “maximum potential loss.” This analysis simply sums up the activity that currently takes place within a given alternative and translates these activities into corresponding economic values. Maximum potential loss does not take into account other management strategies/regulations and human behavioral changes, such as moving to other areas or changing fishing gear, that may mitigate, offset, or make matters better or worse. In addition, maximum potential loss does not consider possible future benefits.

The estimates of maximum potential impact shown here rely on the survey work and subsequent geographic information system (GIS) data analysis conducted by Ecotrust and reported in various documents to the SAT, RSG, and BRTF. Ecotrust interviewed fishermen to determine both location of fishing activities and the relative importance of each location. Ecotrust’s importance indices were combined with cost share information from secondary sources to measure the maximum potential impacts of prospective closures on expected net economic values from commercial fishing. The estimate of the maximum potential annual losses for the regulation (in real 2006 dollars) is approximately \$525,865 (Table 17). This is relative to average annual real 2000-2006 baseline gross revenues of approximately \$15,889,359 and net economic values of about \$8,336,602. It represents maximum potential percentage reductions in net pre-MPA economic values of 6.3 percent (Table 18).

It should be noted, however, that due to the methodology and need to maintain confidentiality of individual fishermen’s financial data, the average impacts across fisheries may not be representative of the true

maximum potential impact to an individual and may underestimate the maximum potential impact to individuals.

That said, Ecotrust, as part of their assessment, was asked to provide summary information on any disproportionate impacts on individuals and/or particular fisheries. This was based on lessons learned in the central coast study region, where significant disproportionate impacts were only discovered in the implementation phase, leaving limited options to lessen these impacts.

In the North Central Coast Study region proposed regulations, there are potential disproportionate impacts to fishing areas of stated importance for one fishery and three individual fishermen.

In Bodega Bay, the regulation may result a disproportionate impact on the local sea urchin fishery's closest and most valuable fishing grounds. The regulation has a projected annual net economic impact there of \$64,000, or a 43 percent reduction in profits. By contrast, the overall estimated net economic impact for the entire study region was only 6.3 percent. However, it should be noted that sea urchin landings in Bodega Bay have dropped dramatically due to market conditions, though they appear to be improving. Average landings over the last five years (2004-2008) have dropped to just 2.7 percent of the average landings from the 5 preceding years. Projected impacts from the Ecotrust evaluation assume a fully recovered market and landings at past levels.

Regarding potential individual impacts, Ecotrust evaluation results also show that there are three commercial fishermen who may be substantially and disproportionately impacted.

Three fishermen may be disproportionately impacted by the regulation.

Individual 1 (100% of income comes from fishing): The estimated annual impact is between 20–40% loss of ex-vessel revenue and > \$20K loss

Individual 2 (100% of income from fishing): The estimated annual impact is between 20–40% loss of ex-vessel revenue and > \$20K loss

Individual 3 (75% of income from fishing): The estimated annual impact is between 20–40% loss of ex-vessel revenue and \$15–20K loss

For the commercial deeper nearshore and nearshore rockfish fisheries, Ecotrust also evaluated the additional impacts that potentially occur when considering the existing persistent fishery management area closures and/or fishery exclusion zones known as Rockfish Conservation Areas

(RCA). Specifically, this included the 2007 and 2008 Non-Trawl RCA closure (30 fm – 150 fm) and the closure between the shoreline and 10 fm around the Farallon Islands (Southeast Farallon Island, Middle Farallon Island, North Farallon Island, and Noon Day Rock). Ecotrust also considered the proposed 2009 Non-Trawl RCA closure (20 fm – 150 fm).

Of particular note is the estimated impact on Bolinas deeper nearshore rockfish fishing grounds. Based on the 2008 RCA, 72.3 percent of the existing value (fishing grounds) was not available to the Bolinas rockfish fishermen and 81.8 percent is not available in 2009. Due to RCAs, just 20 percent of the original fishery value is available. Of the remaining 18.2 percent of their original deeper nearshore rockfish fishing grounds area, the regulation will have an estimated 24 percent impact.

Table 17. Estimated annual maximum potential net economic value losses¹ relative to base scenario.

Fishery	Maximum Potential Value Loss (in dollars)
California Halibut	\$5,749
Coastal Pelagics	\$59
Squid	\$653
Deep Nearshore Rockfish	\$12,200
Nearshore Rockfish	\$22,514
Urchin	\$118,307
Dungeness Crab	\$232,494
Salmon	\$133,888
Total	\$525,865

¹Losses are calculated in 2006 dollars.

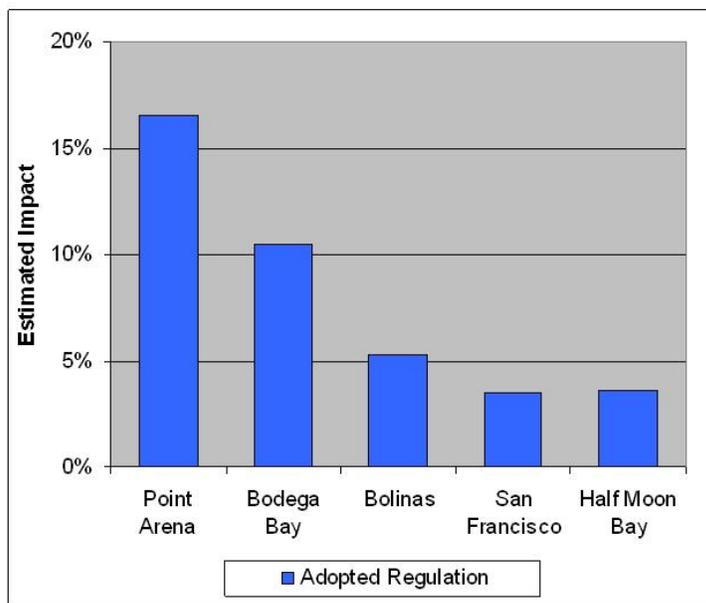
Table 18. Estimated annual maximum potential net value losses in percentage terms.

Fishery	Maximum Potential Percent Value Loss
California Halibut	3.8%
Coastal Pelagics	0.5%
Squid	0.5%

Deep Nearshore Rockfish	23.0%
Nearshore Rockfish	30.1%
Urchin	22.6%
Dungeness Crab	5.4%
Salmon	4.4%
Total	6.3%

It should also be noted, that, on average, the estimated percentage impact is greatest in Point Arena, the northernmost port and decreases as one moves north to south through the study region (see Figure 2).

Figure 2. Estimated annual maximum potential net value losses by port area in percentage terms.



Ecotrust also analyzed the maximum potential loss to recreational fishing area in terms of percentage of the fishing grounds within the study region, and percentage of stated importance values of the fishing grounds within the study region. Estimates represent areas of stated importance and not level of effort. Similar to the commercial estimates of maximum potential loss, these estimates assume all fishing activity that previously occurred in a closed area is “lost” and not replaced by movement to another location. Little or no data was collected from recreational fishermen north of Bodega Bay. Subregions surveyed include Region 1 (Ocean Beach in San Francisco County), Region 2 (San Francisco Bay access points to Point Reyes), and Region 3 (Point Reyes north to Alter Creek).

Among the three sub-regions surveyed for recreational fishing grounds within the study region, none of the sub-regions had greater than a 20.4 percent impact for rockfish, 10.6 percent impact for salmon, 1.6 percent impact for Dungeness crab, or greater than a 12.5 percent impact for California halibut for the fishing modes surveyed (CPFV, private vessels, kayak anglers and pier/shore). None of the estimated impacts to areas of value to recreational fisheries grounds within the study region exceeded 35 percent among all modes and sub-regions surveyed. While not economic losses, if realized, the loss in recreational fishing activity could lead to decreases in revenues to recreational fishing dependent businesses.

In the long term, the potential negative impacts are expected to be balanced by the positive impacts of sustainable fisheries, non-consumptive benefits, and ecosystem function in the reserve areas. In addition, potential benefits may be realized through adult fish spillover to areas adjacent to marine reserves and state marine conservation areas which prohibit bottom fishing for finfish, as well as through transport to distant sites.

- (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:

The regulation has potential impacts on the creation and elimination of jobs related to commercial and recreational fishing and non-consumptive activities. Estimates of the numbers of jobs eliminated as a direct result of the proposed action are difficult to determine. Commercial fishing operations are generally small businesses employing few individuals and, like all small businesses are subject to failure for a variety of causes. Additionally, the long-term intent of the regulation is to increase sustainability in fishable stocks and subsequently the long-term viability of these same small businesses. Jobs related to the non-consumptive tourism and recreational industries would be expected to increase over time by some unknown factor based on expected improvements in site quality and increased visitation to certain locations.

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

The Department 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:

Additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and are dependent on not only the impacts of the regulation, but also other regulations and processes. Funding for the Department of Fish and Game (Department) has already been impacted due to a state budget crisis and prospects for additional impacts are unknown. However, partnerships with state and federal agencies, academic institutions and non-profit organizations are likely to continue to play an important role in assisting with MLPA implementation in coming years.

Current cooperative efforts with the Monterey Bay National Marine Sanctuary and Gulf of the Farallones National Marine Sanctuary have provided funding for some existing State costs, and contributions are expected to increase with the adoption of this regulation. In addition to agency partnerships, during planning and implementation of the first MLPA study region (i.e., central coast study region), substantial funding (in the millions) was contributed by private fund sources including MLPA Initiative partners, and through bond money distributed through the Ocean Protection Council (OPC). These contributions supported costs for baseline science and socioeconomic data collection, signage, and outreach and education, among other things, and allowed for a greater outcome than may have been possible with Department funding alone. While it is difficult to quantify the level of support that will be provided by partnerships in future years, the Department will continue to actively pursue and maximize such assistance.

While the actual costs to the Department to implement the regulations in the north central coast are unknown, experience in implementing MPAs in the northern Channel Islands and the MLPA central coast region can inform prospective near-term expenditures using existing Department funds, and contributions from partners:

- For the Northern Channel Islands, which was the first portion of the MLPA South Coast Study Region to adopt MPAs, the Department spent approximately \$3.6 million on post-design one-time costs, and an additional \$0.9 million per year since 2004 for implementation, management, and enforcement of the northern Channel Islands MPAs. Partners contributed approximately \$2.2 million in one-time costs, and \$2.7 annually since the design phase was completed.
- In the MLPA central coast study region, the Department spent approximately \$4.5 million on post-design one-time costs, and an additional \$0.4 million per year since 2007 for implementation,

management, and enforcement of the central coast MPAs. Partners have contributed approximately \$2.4 million since the design phase was completed.

The Department costs referenced above utilized available funds to the Department at that time. Certainly, changes requiring additional enforcement, monitoring or management will increase the recurring costs to the Department as compared to the current efforts, and total state costs would increase as new study regions are designated and become operational. For the north central coast, the near-term cost to implement the proposed MPAs will include both one-time startup and baseline data collection costs, and recurring annual costs. A baseline data collection program methodology is currently being developed through the MPA Monitoring Enterprise. The costs associated with baseline data collection and future monitoring will be determined through that process and therefore cannot be estimated at this time. In light of uncertainty regarding the cost for monitoring, and the level of future funding from external partners, the estimated new funding requirements by the state for MLPA in the north central coast are unknown at this time.

(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

Updated Informative Digest / Policy Statement Overview

The Marine Life Management Act (MLMA, Stats. 1998, ch. 1052) created a broad programmatic framework for managing fisheries through a variety of conservation measures, including Marine Protected Areas (MPAs). The Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015) established a programmatic framework for designating such MPAs in the form of a statewide network. AB 2800 (Stats. 2000, ch. 385) enacted the Marine Managed Areas Improvement Act (MMAIA), among other things, to standardize the designation of Marine Managed Areas (MMAs), which include MPAs. The overriding goal of these acts is to ensure the conservation, sustainable use, and restoration of California's marine resources. Unlike previous laws, which focused on individual species, the acts focus on maintaining the health of marine ecosystems and biodiversity in order to sustain resources.

The proposed regulation change is intended to meet the goals described in the Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015) within a portion of California's State waters. The area covered in this proposal is the north central coast region, defined as State waters between Alder Creek, near Point Arena (Mendocino County) and Pigeon Point (San Mateo County). The MLPA goals address an overall concept of ecosystem-based management and the intent to improve upon California's existing array of marine protected areas (MPAs). The MLPA specifically requires that the Department of Fish and Game (Department) prepare a master plan and that the Fish and Game Commission (Commission) adopt regulations based on the plan to achieve the MLPA goals. These goals are:

- To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.
- To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.
- To 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.
- To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.
- To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.
- To ensure that the State's MPAs are designed and managed, to the extent possible, as a network.

The Network Concept:

Important in developing the proposed regulation was the consideration for the north central coast MPAs to form a component of a statewide network. By definition in the MLPA, a network is applied to a biogeographical region. The revised draft Master Plan for MPAs adopted by the Commission recognizes two biogeographical regions in

California, with a boundary at Point Conception. The biological network concept calls for connectivity between MPAs through adult movements and larval transport of the species most likely to benefit from establishing MPAs. This includes marine plants, sedentary fishes and invertebrates, and species which are not highly mobile or migratory. This approach is consistent with the guidance provided in the MLPA [Fish and Game Code subsection 2853(b)(6)]. Networks may also be connected through consistency in the method of establishment, goals, objectives, and management and enforcement measures.

Implementation of the Marine Life Protection Act in the North Central Coast Region: Existing regulations (the no-project alternative) provide for 13 MPAs covering an area of approximately 26.8 square miles, representing approximately 3.5 percent of state waters within the north central coast region. Of this, less than one percent of the area is within no-take state marine reserves covering approximately 0.3 square miles or approximately 0.1 percent of state waters within the north central coast region.

The proposed regulation establishes a network component of MPAs designed to include all representative north central coast habitats and major oceanic conditions. Unique and critical habitats were considered separately to guarantee both representation and protection. From an ecological perspective, the proposed regulation creates a network component of MPAs consistent with the goals of the MLPA. From an economic and social perspective, the proposed regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible. The proposed regulation, also known as the Integrated Preferred Alternative (IPA) includes a total of 21 MPAs, three marine managed areas (SMRMAs) for the north central coast region and six special closures (four along mainland; two at Farallon Islands). Ten existing MPAs are included and/or have been expanded. Although the proposed regulation contains 21 new MPAs, 15 are directly adjacent to, or include portions of, existing MPAs and can be considered expansions of the area. In these 15 cases, the incorporation and/or additional expansion are within a marine protected area with some allowed take. Thus, the proposed regulation includes 9 MPAs that are in geographical areas previously not designated as MPAs.

The proposed regulation includes one or more areas recommended by stakeholders as new state marine parks. However, because the Commission does not have statutory authority to establish state marine parks, the proposed regulation designates these areas as state marine conservation areas. These areas can later be designated as marine parks at the discretion of the Parks and Recreation Commission. The proposed regulations also remove or retain, re-designate and redesign certain MPAs previously classified as state marine parks to an appropriate MPA designation consistent with the MMAIA. These retained areas can later be designated as marine parks at the discretion of the Parks and Recreation Commission.

The proposed regulation includes a state marine recreational management area (SMRMA) in Russian River, Estero Americano, and Estero de San Antonio, to allow for

continued waterfowl hunting where it traditionally occurred, while providing SMR-like protection subtidally. SMRMAs were recommended by the Department, to the NCCRS and BRTF in its feasibility guidance and evaluations of MPA proposals, as the appropriate designation for proposed SMRs in estuarine areas where waterfowl hunting is currently allowed. This recommendation was to allow for continued waterfowl hunting while providing SMR-like protection subtidally. The BRTF, in its development of the Integrated Preferred Alternative (IPA), applied the Department's designation recommendation and used a SMRMA designation for Estero Americano and Estero de San Antonio, two estuaries where waterfowl hunting was known to occur. The BRTF did not use this designation for the proposed Russian River SMR due to Department understanding that development had precluded waterfowl hunting along the estuary. Subsequent to BRTF submission of the IPA to the Commission, the Department became aware that waterfowl hunting did occur in a portion of the proposed Russian River SMR. Therefore, for the proposed regulation contained herein, and consistent with BRTF intention to follow Department guidance, the designation was changed to a SMRMA for Russian River.

Special closures were used in areas of significant importance to seabirds and marine mammals as part of the marine ecosystem. This special closure category works in conjunction with the MPA designation process and was used to provide further protections that would not otherwise be afforded by MPA designation within the same geographical location. This includes minimizing disturbance of seabirds and marine mammals at nesting, roosting, and haul-out sites, through special restrictions on boating and access in areas generally smaller than MPAs, either within an MPA or outside. Six special closures are proposed in the Commission's preferred proposal.

The Second Amended Initial Statement of Reasons (ISOR), and June 19, 2009 continuation notice contained regulatory sub-options for Sea Lion Cove State Marine Conservation Area (SMCA) and Montara State Marine Reserve (SMR). On August 5, 2009, the Commission adopted the Integrated Preferred Alternative (IPA), choosing Option 1 for Sea Lion Cove SMCA and Option 1 for Montara SMR. The Commission adopted the other Marine Protected Areas (MPA) in the IPA as originally proposed.

After adoption of the regulations on August 5, 2009, the Department of Fish and Game (Department) identified coordinate errors for some of the MPAs in the regulatory language. The coordinate changes and other changes to the regulatory text, listed below, were made available to the public for a 15-day written comment period, March 15 to April 1, 2010. The Commission confirmed its August 5, 2009 action with these revisions at its April 8, 2010 meeting.

Specific MPAs with revised regulatory text:

Sea Lion Cove SMCA [subsection 632(b)(8)]

The second amended ISOR and June 19, 2009 continuation notice contained regulatory sub-options within the IPA for this MPA:

Option 1: Include Sea Lion Cove State Marine Conservation Area with take of all invertebrates and marine aquatic plants prohibited. Take of all other species is allowed.

Option 2: Remove Sea Lion Cove from the proposed MPA network.

The Commission adopted the IPA on August 5, 2009 and selected Option 1 for this MPA: Include Sea Lion Cove State Marine Conservation Area with take of all invertebrates and marine aquatic plants prohibited. Take of all other species is allowed.

Therefore, non-regulatory text describing Option 2 has been removed and the regulatory text for Option 1 remains unchanged.

Salt Point SMCA [subsection 632(b)(12)]

In the second amended ISOR, the southern latitudinal boundary of this SMCA was adjusted to align with State Park boundaries, which resulted in a misalignment of the longitudinal boundary with the mean high tide line. The southern boundary was correctly placed where the latitude line intersects the coastline. However, the longitude error put the end point of the shoreward coordinate 841 meters inland. Therefore, in subsection 632(b)(12)(A), the longitude is corrected from 123° 18.33' W. long. to 123° 18.91' W. long. in order to match the mean high tide line as described in the maps.

In addition, subsequent to the adoption of the preferred alternative, a review of the Salt Point SMCA identified that the boundaries overlap Gerstle Cove State Marine Reserve as defined in subsection 632(b)(13)(A), rather than sharing a boundary as described in the maps and regulation. To improve public understanding, this subsection was reworded to clarify that Gerstle Cove SMR is excluded from Salt Point SMCA.

Punctuation corrections were also made to this subsection.

Gerstle Cove SMR [subsection 632(b)(13)]

Changes to coordinates at Gerstle Cove SMR were implemented to more accurately mark the position of the cove. In the originally proposed regulatory language, the preferred alternative for Gerstle Cove retained the boundaries from the existing MPA. However, after coordinates were plotted and reviewed using more precise current GPS technology, it was determined that the existing coordinates did not correctly reflect the maps, and did not align with the mean high tide line. Therefore, in subsection 632(b)(13)(A), the boundary 38° 33.93' N. lat. 123° 19.85' W. long. is corrected to 38° 33.95' N. lat. 123° 19.92' W. long.; and the boundary 38° 33.93' N. lat. 123° 19.65' W. long. is corrected 38° 33.95' N. lat. 123° 19.76' W. long., in order to match the boundaries and mean high tide line as described in the maps.

Russian River SMRMA [subsection 632(b)(14)]

The originally proposed regulatory text erroneously identified the boundary as the US 101 Bridge, which is several miles inland. Therefore, in subsection 632(b)(14)(A), the boundary was corrected from the US 101 Bridge to the Highway 1 Bridge in order to match the boundaries described in the maps.

Bodega Head SMR [subsection 632(b)(16)]

In subsection 632(b)(16)(A), a correction to punctuation was made, and underline format was removed from existing regulatory text at the beginning of the subsection which was inadvertently underlined as “new” text in the originally proposed regulation. Subsections 632(b)(16)(D) and (E) were reworded for the purpose of clarifying the intent of the regulation regarding conditions of access to the SMR.

Bodega Head SMCA [subsection 632(b)(17)]

In subsection 632(b)(17)(B)2., the acronym “FGC” was replaced with “Fish and Game Code”.

Estero de San Antonio SMRMA [subsection 632(b)(19)]

The eastern and western boundaries of this MPA were originally generated by GIS staff. It was later decided that for regulatory purposes the eastern (inland) boundary was the only coordinate necessary. However, the western boundary was placed in the originally proposed regulatory language by mistake. Therefore, in subsection 632(b)(19)(A), the boundary 122° 58.75' W. long. is corrected to 122° 57.40' W. long. in order to match the boundaries described in the maps.

Point Reyes SMR [subsection 632(b)(20)]

In the originally proposed regulatory language, coordinates were transposed during editing, and some coordinates were inadvertently and erroneously identified as the “unsnapped” values. The confusion was compounded by the fact that these replaced values did not complete the entire boundary but effectively duplicated another set of coordinates in the same MPA while inadvertently removing the final coordinate. However, accompanying maps accurately reflected the intended boundaries. Therefore, in subsection 632(b)(20)(A), 37°58.98' N. lat. 123° 02.00' W. long. is removed; and 37° 58.98' N. lat. 122° 57.34' W. long. is corrected to 37° 59.00' N. lat. 122°57.34' W. long.; and 38° 01.75' N. lat. 122° 55.00' W. long. is added, in order to match the boundaries described in the maps.

The boundary that divides Point Reyes SMR and Estero de Limantour SMR was inadvertently omitted from the originally proposed regulatory text of subsections 632(b)(20)(A) and 632(b)(23)(A). Therefore, two latitudinal and longitudinal coordinates (38° 01.783' N. lat. 122° 55.286' W. long.; and 38° 01.954' N. lat. 122° 56.451' W. long.) were added in order to match the boundaries as reflected in the maps.

Point Reyes SMCA [subsection 632(b)(21)]

The northeastern boundary of Point Reyes SMCA is shared with Point Reyes SMR. However, in the originally proposed regulatory language, the coordinates at the boundary with Point Reyes SMR did not coincide because “unsnapped” values were used for the SMR. This created a difference of 37 meters at the widest point. The coordinates have been aligned to close the gap. Therefore, in subsection 632(b)(21)(A), 37° 58.98’ N. lat. 122° 57.34’ W. long. is corrected to 37° 59.00’ N. lat. 122° 57.34’ W. long.; and 37° 58.98’ N. lat. 123° 02.00’ W. long. is corrected to 37° 59.00’ N. lat. 123° 02.00’ W. long., in order to match the boundaries described in the maps.

Point Reyes Headlands Special Closure [subsection 632(b)(22)]

In the originally proposed regulatory language of subsection 632(b)(22)(A), coordinates for the east and west boundaries of the Point Reyes Headlands Special Closure were described as single points of latitude and longitude. To improve public understanding, subsection 632(b)(22)(A) was modified to reflect that the boundaries extend due south from each of the coordinates, as reflected clearly in the maps.

An inadvertent omission was identified for Point Reyes Headlands Special Closure. All special closures included in the proposed regulation provide an exception to allow for department employees and employees of specified government agencies to enter the area. The special closures also include an allowance for the department to grant permission to access the area at its discretion; however, this provision was inadvertently omitted from the Point Reyes Headlands Special Closure. Therefore, to be consistent with other special closures in the proposed regulation, and as intended, subsection 632(b)(22)(B) is corrected to state that “No person except department employees or employees of the United States Fish and Wildlife Service, National Park Service, or United States Coast Guard, in performing their official duties, *or unless permission is granted by the department*, shall enter this area at any time.”

Estero de Limantour State Marine Reserve [subsection 632(b)(23)]

In subsection 632(b)(23)(A), several changes were made to sentence structure, grammar, punctuation, and strikeout/underline format.

The boundary that divides Point Reyes SMR and Estero de Limantour SMR was inadvertently omitted from the originally proposed regulatory text of subsections 632(b)(20)(A) and 632(b)(23)(A). Therefore, two latitudinal and longitudinal coordinates (38° 01.954’ N. lat. 122° 56.451’ W. long.; and 38° 01.783’ N. lat. 122° 55.286’ W. long.) were added in order to match the boundaries as reflected in the maps.

Point Resistance Rock Special Closure [subsection 632(b)(25)]

In several subsections of Section 632, references to special closures within a defined distance from the shoreline are included. Most subsections use the

commonly-used reference of “from the mean high tide line to a distance of [specified distance] seaward of the mean lower low tide line...” For purposes of consistency, subsection 632(b)(25)(A), was modified to incorporate the reference to “from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline” to replace the phrase “in all areas closer than 300 feet from the mean lower low tide line of any shoreline...” The meaning of these two phrases is virtually the same.

Double Point/Stormy Stack Rock [subsection 632(b)(26)]

In several subsections of Section 632, references to special closures within a defined distance from the shoreline are included. Most subsections use the commonly-used reference of “from the mean high tide line to a distance of [specified distance] seaward of the mean lower low tide line...” For purposes of consistency, subsection 632(b)(26)(A), was modified to incorporate the reference to “from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline” to replace the phrase “in all areas closer than 300 feet from the mean lower low tide line of any shoreline...” The meaning of these two phrases is virtually the same.

North Farallon Islands Special Closure [subsection 632(b)(29)]

In subsection 632(b)(29)(B) the phrase “or as authorized by subsection 632(b)(29)(C),” was added to avoid conflicting regulations between subsections (B) and (C) in subsection 632(b)(29).

In subsection 632(b)(29)(B), a space was added between “St. James,” and “in”. In addition, for clarity and consistency, coordinates were specified to two decimal places: “46’ ” was changed to “46.00’ ” and “06’ ” was changed to “06.00’ ”.

A reference in subsection 632(b)(29)(D) to “three southern islets” was corrected to refer to all “islets” of the North Farallon Islands as originally intended.

In several subsections of Section 632, references to special closures within a defined distance from the shoreline are included. Most subsections use the commonly-used reference of “seaward of mean lower low tide line.” For purposes of consistency, subsections 632(b)(29)(D) and (E), were modified to incorporate the reference to “1,000 feet seaward of the mean lower low tide line of any shoreline” to replace “1,000 feet of any shoreline” and “seaward of the mean lower low tide line” to replace the term “offshore”. Due to the geography of the islands, the line that represents “offshore” and “seaward of mean lower low tide line,” or “shoreline” and “mean lower low tide line” are virtually the same.

In subsection 632(b)(29)(E)1., the regulatory text “shall terminate their vessel engine exhaust system...” was changed to “shall have their vessel engine exhaust system terminate...” for the purpose of clarifying the intent of the regulation.

In subsections 632(b)(29)(E)2., the phrase “the air compressor’s” was changed to “their air compressor’s”.

Southeast Farallon Special Closure [subsection 632(b)(32)]

In subsection 632(b)(32)(B), the phrase “or as authorized by subsection 632(b)(32)(C),” was added to avoid conflicting regulations between subsections (B) and (C) in subsection 632(b)(32).

The northern boundary coordinate at Fisherman’s Bay was found to be in error. Department GIS staff accurately depicted the shape of this special closure for all documents. However, an error was made when the coordinate was transferred to the originally proposed regulatory text. This error put the coordinate one (1) minute west of its actual position. In addition, the description of boundaries around Fisherman’s Bay was complex and potentially confusing. To avoid confusion regarding the exact boundaries as described in regulation, the language has been reworded in subsection 632(b)(32)(B) to simplify the regulation and the incorrect coordinate (37° 42.26’ N. lat. 123° 01.16’ W. long.) has been removed.

In several subsections of Section 632, references to special closures within a defined distance from the shoreline are included. Most subsections use the commonly-used reference of “seaward of mean lower low tide line.” For purposes of consistency, subsections 632(b)(32)(D) and (E), were modified to incorporate the reference to “1,000 feet seaward of the mean lower low tide line of any shoreline” to replace “1,000 feet of any shoreline” and “seaward of the mean lower low tide line” to replace the term “offshore”. Due to the geography of the islands, the line that represents “offshore” and “seaward of mean lower low tide line,” or “shoreline” and “mean lower low tide line” are virtually the same.

In subsection 632(b)(32)(E)1., the regulatory the text “shall terminate their vessel engine exhaust system...” was changed to “shall have their vessel engine exhaust systems terminate...” for the purpose of clarifying the intent of the regulation.

In subsections 632(b)(32)(E)2., the phrase “the air compressor’s” was changed to “their air compressor’s”.

Redwood Shores State Marine Park [subsection 632(b)(39)]

In subsection 632(b)(39)(C) the extra word “in” was removed.

Montara SMR [subsection 632(b)(42)]

The second amended ISOR and June 19, 2009 continuation notice contained regulatory sub-options within the IPA for this MPA:

Option 1: Use the geographic reference name Montara State Marine Reserve with no take allowed.

Option 2: Retain the historic name Fitzgerald State Marine Reserve with no take

allowed.

The Commission adopted the IPA on August 5, 2009 and selected Option 1 for this MPA: Use the geographic reference name Montara State Marine Reserve with no take allowed. Therefore, the regulatory text for Option 1 remains unchanged; and the non-regulatory text and regulatory text for Option 2 have been removed.

Pillar Point SMCA [subsection 632(b)(43)]

In subsection 632(b)(43)(B)2., the acronym “FGC” was replaced with “Fish and Game Code”.

In the note following the regulatory text, a punctuation correction was made to the statement “Subsequent subsections will be renumbered beginning with (44).”

The Commission adopted the other MPAs in the IPA as originally proposed.