



**Campus Point** – *Option 2*: Change designation to State Marine Conservation Area (SMCA) and add provision for take associated with permitted operation and maintenance of artificial structures inside the SMCA.

**Point Dume** – *Option 2<sup>a</sup>*: Add provision for take associated with permitted beach nourishment and other sediment management activities inside the SMCA.

**Arrow Point to Lion Head Point (Catalina Island)** – *Option 1*: Retain existing seaward boundaries (defined by distance from shore) as proposed in the IPA.

**Casino Point (Catalina Island)** – *Option 2*: Allow feeding of fish for the purpose of marine life viewing.

**Lover’s Cove (Catalina Island)** – *Option 2*: Allow feeding of fish for the purpose of marine life viewing.

**Upper Newport Bay** – *Option 2*: Apply restrictions on swimming, boat speed and shoreline access to the portion of waters that overlap with the Ecological Reserve only.

**Robert E. Badham** – *Option 1*: Remove existing MPA name and subsume area into Crystal Cove SMCA.

**Crystal Cove** – *Boundary Option 1*: Retain coordinates as proposed in the IPA. *Take Option A-R*: Allow commercial and recreational take as proposed in the IPA, and add language to clarify that take within tidepools is prohibited.

**Laguna Beach** – *Boundary Option 2-R*: Divide IPA geography into two MPAs, with a State Marine Reserve (SMR) north of the wastewater outfall pipe and a non-fishing SMCA at the southern portion of the geography; add beach grooming, maintenance dredging, and habitat restoration to the list of other permitted activities for which associated take is allowed inside the SMCA; remove restrictions on boat launching, retrieval, and anchoring inside the SMR and SMCA.

**Dana Point** – *Boundary Option 1*: Retain coordinates as proposed in the IPA. *Take Option B*: Take as proposed in the IPA, but add language to clarify that take within tidepools is prohibited (Note that the other portion of Take Option B, pertaining to other allowed uses, was not necessary due to the boundary option selected, which excluded the area of operation). *Access Option A*: Remove existing restrictions on access for purposes of take, and scientific collecting oversight by the director of the Dana Point SMCA.

**Doheny Beach** – *Option 1*: Remove existing MPA at Doheny Beach.

**Swami’s SMCA** – *Boundary Option 4*: Move northern boundary north to Cottonwood Creek, and move southern boundary south to align with California State Parks beach boundary. *Take Option B*: Take as proposed in IPA, but add recreational shore-based fishing with hook and line gear to allowed take.

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<sup>a</sup> Also referred to as “Take Option B” in the Revised Regulatory Language of the Amended ISOR.

**San Diego-Scripps Coastal** – *Option 2*: Move southern boundary south to below the base of Scripps Pier.

**Matlahuayl** – *Option 2*: Move northern boundary south to below the base of Scripps Pier and designate as SMR.

**South La Jolla** – *Option 4*: Move northern boundary of SMR and SMCA north of the intertidal reef to align with Palomar Avenue, and move southern boundary of SMR and SMCA south to align with Missouri Street.

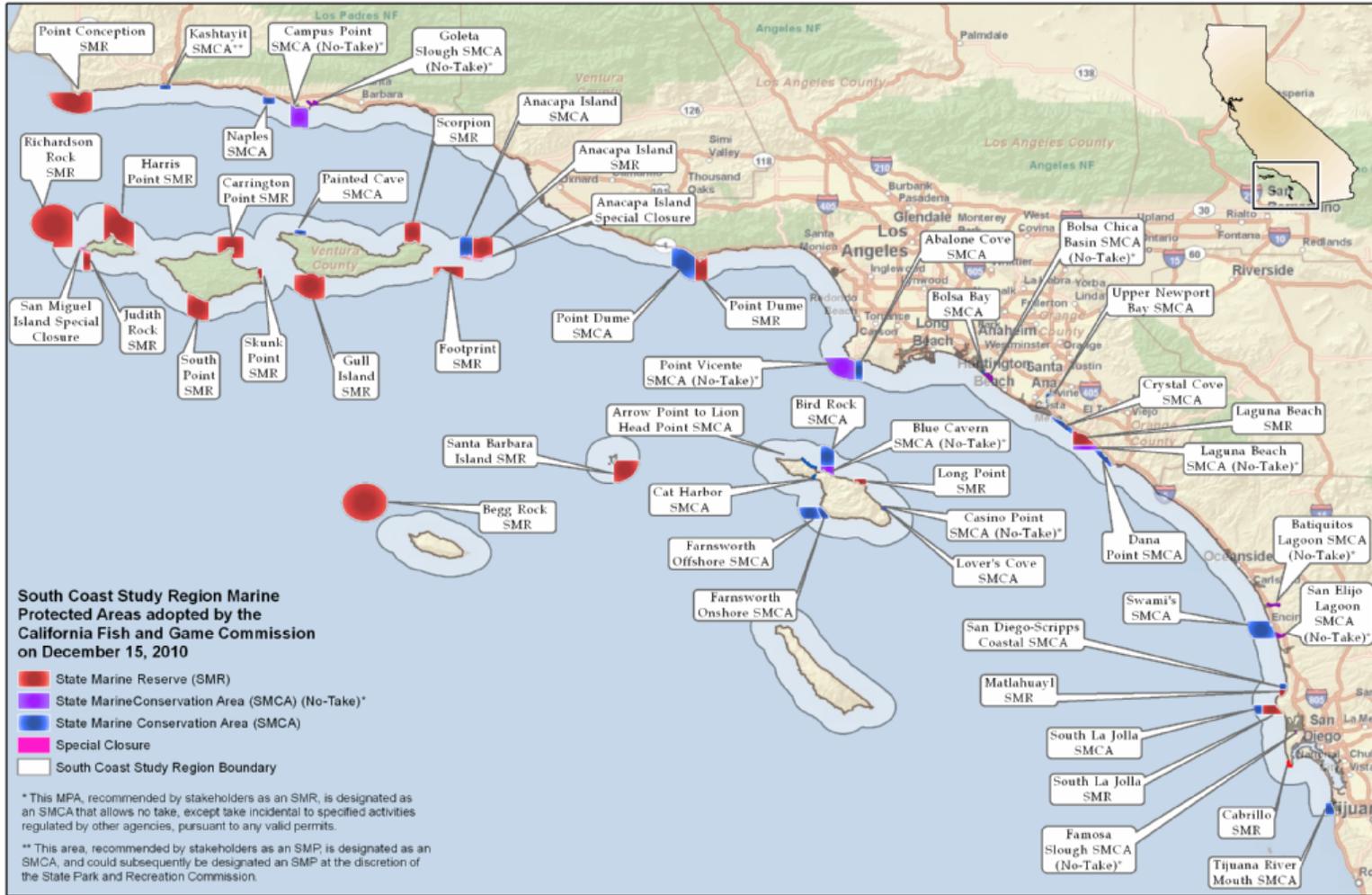
Various nonsubstantive errors in the Amended ISOR were corrected:

- In subsection 632(b), unnecessary underline formatting was removed from preamble text to reflect it as existing text.
- In subsection 632(b)(78)(A), the word “the” was added between “within” and “Goleta Slough” in ~~strikeout~~ to accurately reflect existing regulatory text.
- In subsection 632(b)(101)(A), the word “the” is inserted between “of” and “mean” for purposes of clarity and consistency.
- In subsection 632(b)(103)(A), the phrase “the mean high tide line and” was removed from this offshore MPA for consistency with other offshore MPAs that do not contact the shoreline.
- In subsections 632(b)(103)(A), 632(b)(108)(A), and 632(b)(121)(A), the first coordinate was restated as the final coordinate for consistency with other offshore MPA boundary descriptions.
- In subsection 632(b)(104)(A), the term “the mean high tide line and” was added and the phrase “except where noted” was removed to improve clarity and consistency with other onshore MPAs that contact the shoreline.
- In subsection 632(b)(110), a missing period was added after the existing text of “Shellmaker Island” and shown in ~~strikeout~~ to accurately reflect existing regulatory text.
- In subsection 632(b)(116)(B), the word “for” was removed before the colon for consistency.

No additional modifications were made to the originally proposed language of the Amended ISOR. The Commission adopted the other regulatory changes as originally proposed in the IPA. Figure 1 displays the MPAs adopted by the Commission in the IPA. Table 1 lists the adopted MPAs and describes their allowed uses.

Figure 1. Marine protected areas adopted by the Commission in the preferred alternative.

California Marine Life Protection Act (MLPA) Initiative South Coast Study Region (SCSR)



**Projection Information:**  
 Geographic Coordinate System  
 North American Datum 1983



**December 15, 2010**  
 For complete MPA information including boundaries and regulations, please go to <http://www.dfg.ca.gov/mlpa>

Table 1. MPAs adopted as the preferred alternative, also known as the Integrated Preferred Alternative (IPA), in the south coast region<sup>1</sup>, including sub-options selected, a summary of allowed take, and a summary of other regulated activities. MPAs with only one option within the IPA are reflected as “IPA” in the “Option Selected by Commission” column.

| MPA Name and Designation                                  | Option Selected by Commission on 12/15/10 | Allowed Take  | Other Regulated Activities   |
|---|---|---|--|
| Point Conception State Marine Reserve                     | IPA                                       | Take of all living marine resources is prohibited   | ---  |
| Kashtayit State Marine Conservation Area <sup>2</sup>     | IPA                                       | Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of finfish<sup>3</sup> and invertebrates, except rock scallops and mussels, and giant kelp by hand harvest</li> </ul>  | Allows maintenance of artificial structures and operation and maintenance of existing facilities pursuant to any required federal, state and local permits, or as otherwise authorized by the Department <sup>4</sup>  |
| Naples State Marine Conservation Area                     | IPA                                       | Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish<sup>5</sup>, including Pacific bonito, and white seabass by spearfishing</li> <li>▪ The commercial take of giant kelp by hand harvest, or by mechanical harvest under the condition that duplicate landing records be kept on board the harvest vessel</li> </ul> | Allows operation and maintenance of artificial structures pursuant to any required federal, state and local permits, or as otherwise authorized by the Department <sup>4</sup>   |
| Campus Point State Marine Conservation Area <sup>6</sup>  | Option 2                                  | Take of all living marine resources is prohibited   | Allows operation and maintenance of artificial structures pursuant to any required federal, state and local permits, or as otherwise authorized by the Department <sup>4</sup>   |
| Goleta Slough State Marine Conservation Area <sup>6</sup> | IPA                                       | Take of all living marine resources is prohibited   | Allows routine maintenance, dredging, habitat restoration, research and education, maintenance of artificial structures, and operation and maintenance of existing facilities pursuant to any required federal, state and local permits, activities pursuant to Section 630, Title 14, CCR, or as otherwise authorized by the Department <sup>4</sup><br><br>Boating, swimming, wading, and diving are prohibited in waters below the mean high tide |

| MPA Name and Designation                                  | Option Selected by Commission on 12/15/10 | Allowed Take   | Other Regulated Activities   |
|---|---|--|--|
|   |   |  | <p>line in the Goleta Slough Ecological Reserve as defined within Section 630, Title 14, CCR</p> <p>Access restrictions within the Goleta Slough Ecological Reserve also exist as defined within Section 630, Title 14, CCR</p>  |
| Begg Rock (San Nicolas Island Quad) State Marine Reserve  | IPA                                       | Take of all living marine resources is prohibited  | ---  |
| Point Dume State Marine Conservation Area                 | Option 2                                  | <p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish<sup>5</sup>, including Pacific bonito, and white seabass by spearfishing</li> <li>▪ The commercial take of coastal pelagic species<sup>7</sup> by round haul net and swordfish by harpoon</li> </ul>  | Beach nourishment and other sediment management activities are allowed inside the conservation area pursuant to any required federal, state and local permits, or as otherwise authorized by the Department <sup>4</sup>   |
| Point Dume State Marine Reserve                           | IPA                                       | Take of all living marine resources is prohibited  | ---  |
| Point Vicente State Marine Conservation Area <sup>6</sup> | IPA                                       | Take of all living marine resources is prohibited  | Allows remediation activities associated with the Palos Verdes Shelf Operable Unit of the Montrose Chemical Superfund Site within the conservation area pursuant to the Interim Record of Decision issued by the United States Environmental Protection Agency and any subsequent Records of Decision <sup>4</sup> |
| Abalone Cove State Marine Conservation Area               | IPA                                       | <p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish<sup>5</sup>, including Pacific bonito, and white seabass by spearfishing, and market squid by hand-held dip net</li> <li>▪ The commercial take of coastal pelagic species<sup>7</sup> and Pacific bonito by round haul net, and swordfish by harpoon</li> </ul> | Allows remediation activities associated with the Palos Verdes Shelf Operable Unit of the Montrose Chemical Superfund Site within the conservation area pursuant to the Interim Record of Decision issued by the United States Environmental Protection Agency and any subsequent Records of Decision <sup>4</sup> |

| MPA Name and Designation  | Option Selected by Commission on 12/15/10 | Allowed Take  | Other Regulated Activities   |
|---|---|---|--|
| Bolsa Bay State Marine Conservation Area  | IPA                                       | Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of finfish<sup>3</sup> by hook and line from shore in designated areas only</li> </ul> | Allows routine operation and maintenance, habitat restoration, maintenance dredging, research and education, and maintenance of artificial structures pursuant to any required federal, state and local permits. Allows activities pursuant to Section 630, Title 14, CCR, or as otherwise authorized by the Department <sup>4</sup><br><br>Boating, swimming, wading, and diving are prohibited; access restrictions also exist, and access is prohibited between 8:00 p.m. and 6:00 a.m. |
| Bolsa Chica Basin State Marine Conservation Area <sup>6</sup>                   | IPA                                       | Take of all living marine resources is prohibited   | Allows routine operation and maintenance, habitat restoration, maintenance dredging, research and education, and maintenance of artificial structures pursuant to any required federal, state and local permits, activities pursuant to Section 630, Title 14, CCR, or as otherwise authorized by the Department <sup>4</sup><br><br>Boating, swimming, wading, and diving prohibited; access restrictions also exist, and access is prohibited between 8:00 p.m. and 6:00 a.m.            |
| Arrow Point to Lion Head Point (Catalina Island) State Marine Conservation Area | Option 1                                  | Recreational take of invertebrates is prohibited; take of all other living marine resources is allowed  | ---  |
| Blue Cavern (Catalina Island) State Marine Conservation Area <sup>6</sup>       | IPA                                       | Take of all living marine resources is prohibited   | Allows maintenance of artificial structures pursuant to any required federal, state and local permits, or as otherwise authorized by the Department <sup>4</sup>   |

| MPA Name and Designation   | Option Selected by Commission on 12/15/10 | Allowed Take  | Other Regulated Activities  |
|--|---|---|---|
|  |   |   | <p>Allows scientific collecting under a scientific collection permit issued by the Department.</p> <p>Restrictions on anchoring or mooring a vessel also apply.</p>   |
| Bird Rock (Catalina Island) State Marine Conservation Area                 | IPA                                       | <p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish<sup>5</sup>, including Pacific bonito, by hook and line or by spearfishing, white seabass by spearfishing and market squid by hand-held dip net</li> <li>▪ The commercial take of pelagic finfish<sup>5</sup> by hook and line and swordfish by harpoon</li> </ul> | ---   |
| Long Point (Catalina Island) State Marine Reserve                          | IPA                                       | Take of all living marine resources is prohibited   | ---   |
| Casino Point (Catalina Island) State Marine Conservation Area <sup>6</sup> | Option 2                                  | Take of all living marine resources is prohibited   | <p>Allows maintenance of artificial structures pursuant to any required federal, state and local permits or as otherwise authorized by the Department<sup>4</sup></p> <p>Feeding of fish for marine life viewing is allowed</p> |
| Lover's Cove (Catalina Island) State Marine Conservation Area              | Option 2                                  | Take of all living marine resources is prohibited EXCEPT: recreational fishing by hook and line from public pier  | <p>Allows maintenance of artificial structures pursuant to any required federal, state and local permits or as otherwise authorized by the Department<sup>4</sup></p> <p>Feeding of fish for marine life viewing is allowed</p> |

| MPA Name and Designation   | Option Selected by Commission on 12/15/10 | Allowed Take   | Other Regulated Activities  |
|--|---|--|---|
| Farnsworth (Catalina Island) Onshore State Marine Conservation Area  | IPA                                       | Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish<sup>5</sup>, including Pacific bonito, and white seabass by spearfishing, market squid by hand-held dip net, and marlin, tunas and dorado by trolling</li> <li>▪ The commercial take of coastal pelagic species<sup>7</sup> by round haul net and swordfish by harpoon</li> </ul>                                    | ---   |
| Farnsworth (Catalina Island) Offshore State Marine Conservation Area | IPA                                       | Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish<sup>5</sup>, including Pacific bonito, by hook and line or spearfishing, white seabass by spearfishing, market squid by hand-held dip net, and marlin, tunas and dorado by trolling</li> <li>▪ The commercial take of coastal pelagic species<sup>7</sup> by round haul net and swordfish by harpoon only</li> </ul> | ---   |
| Cat Harbor (Catalina Island) State Marine Conservation Area          | IPA                                       | Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of finfish<sup>3</sup> by hook and line or by spearfishing, squid by hook and line, and lobster and sea urchin</li> <li>▪ The commercial take of sea cucumbers by diving only, and spiny lobster and sea urchin</li> </ul>  | Allows maintenance of artificial structures pursuant to any required federal, state and local permits or as otherwise authorized by the Department <sup>4</sup><br><br>Aquaculture of finfish <sup>3</sup> is allowed pursuant to any required State permits  |
| Upper Newport Bay State Marine Conservation Area                     | Option 2                                  | Take of all living marine resources is prohibited EXCEPT: the recreational take of finfish <sup>3</sup> by hook and line from shore only   | Allows maintenance dredging, habitat restoration, research and education programs, maintenance of artificial structures, and operation and maintenance of existing facilities pursuant to any required federal, state and local permits, activities pursuant to Section 630, Title 14, CCR, or as authorized by the Department <sup>4</sup><br><br>The following restrictions apply only to waters below the mean high tide line inside the Upper Newport Bay Ecological Reserve: |

| MPA Name and Designation                                 | Option Selected by Commission on 12/15/10                             | Allowed Take  | Other Regulated Activities  |
|--|---|---|---|
|  |   |   | <ul style="list-style-type: none"> <li>• Swimming is allowed only in the area between North Star Beach and mid-channel;</li> <li>• Boats are limited to speeds of less than 5 mph;</li> <li>• Shoreline access is limited</li> </ul>              |
| Crystal Cove State Marine Conservation Area              | Boundary Option 1 <i>and</i> Take Option A-R                          | <p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>▪ The recreational take of finfish<sup>3</sup> by hook and line or by spearfishing, and lobster and sea urchin</li> <li>▪ The commercial take of coastal pelagic species<sup>7</sup> by round haul net, spiny lobster by trap, and sea urchin</li> </ul> <p>Take of all living marine resources from inside tidepools is prohibited. Tidepools are defined as the area encompassing the rocky pools that are filled with seawater due to retracting tides between the mean higher high tide line and the mean lower low tide line</p> | Allows beach nourishment and other sediment management activities and operation and maintenance of artificial structures pursuant to any required federal, state and local permits or as authorized by the Department <sup>4</sup>                |
| Laguna Beach State Marine Reserve                        | Option 2-R  | Take of all living marine resources is prohibited   | ---   |
| Laguna Beach State Marine Conservation Area <sup>6</sup> | Option 2-R  | Take of all living marine resources is prohibited   | Allows operation and maintenance of artificial structures and facilities, beach grooming, maintenance dredging, and habitat restoration pursuant to any required federal, state and local permits or as authorized by the Department <sup>4</sup> |
| Dana Point State Marine Conservation Area                | Boundary Option 1 <i>and</i> Take Option B <i>and</i> Access Option A | <p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>▪ The recreational take of finfish<sup>3</sup> by hook and line or by spearfishing, and lobster and sea urchin is allowed below the mean lower low tide line only</li> <li>▪ The commercial take of coastal pelagic species<sup>7</sup> by round haul net, and spiny lobster and sea urchin only</li> </ul>   | Allows operation and maintenance of artificial structures pursuant to any required federal, state and local permits or as authorized by the Department <sup>4</sup>   |

| MPA Name and Designation                                      | Option Selected by Commission on 12/15/10        | Allowed Take  | Other Regulated Activities  |
|---|--|---|---|
|   |  | Take of all living marine resources from inside tidepools is prohibited. Tidepools are defined as the area encompassing the rocky pools that are filled with seawater due to retracting tides between the mean higher high tide line and the mean lower low tide line                     |   |
| Batiquitos Lagoon State Marine Conservation Area <sup>6</sup> | IPA  | Take of all living marine resources is prohibited   | Allows operation and maintenance, habitat restoration, research and education, maintenance dredging and maintenance of artificial structures pursuant to any required federal, state and local permits, or pursuant to Section 630, Title 14, CCR, or as authorized by the Department <sup>4</sup><br><br>Boating, swimming, wading, and diving are prohibited  |
| Swami's State Marine Conservation Area                        | Boundary Option 4<br><i>and</i><br>Take Option B | Take of all living marine resources is prohibited<br>EXCEPT:<br><ul style="list-style-type: none"> <li>▪ Recreational take by hook and line from shore only, and recreational take of pelagic finfish<sup>5</sup>, including Pacific bonito, and white seabass by spearfishing</li> </ul> | Allows beach nourishment and other sediment management activities and operation and maintenance of artificial structures pursuant to any required federal, state and local permits, or as authorized by the Department <sup>4</sup>   |
| San Elijo Lagoon State Marine Conservation Area <sup>6</sup>  | IPA  | Take of all living marine resources is prohibited   | Allows operations and maintenance, maintenance dredging, habitat restoration including sediment deposition, research and education, and maintenance of artificial structures pursuant to any required federal, state and local permits, or as authorized under Section 630, Title 14, CCR, or as authorized by the Department <sup>4</sup><br><br>Boating, swimming, wading and diving are prohibited |
| San Diego-Scripps Coastal                                     | Option 2   | Take of all living marine resources is prohibited<br>EXCEPT:  | Allows scientific collecting under a scientific collection permit issued by the Department  |

| <b>MPA Name and Designation</b>                           | <b>Option Selected by Commission on 12/15/10</b> | <b>Allowed Take</b>  | <b>Other Regulated Activities</b>   |
|---|--|--|---|
| State Marine Conservation Area                            |  | <ul style="list-style-type: none"> <li>▪ The recreational take of coastal pelagic species<sup>7</sup>, except market squid, by hook and line only</li> </ul>   | Allows operation and maintenance of artificial structures pursuant to any required federal, state and local permits, or as authorized by the Department <sup>4</sup>  |
| Matlahuayl State Marine Reserve                           | Option 2   | Take of all living marine resources is prohibited  | Boats may be launched and retrieved only in designated areas; anchoring restricted to daylight hours  |
| South La Jolla State Marine Reserve                       | Option 4   | Take of all living marine resources is prohibited  | ---   |
| South La Jolla State Marine Conservation Area             | Option 4   | Take of all living marine resources is prohibited<br>EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish<sup>5</sup>, including Pacific bonito, by hook and line only</li> </ul>   | ---   |
| Famosa Slough State Marine Conservation Area <sup>6</sup> | IPA  | Take of all living marine resources is prohibited  | Allows habitat restoration, maintenance dredging and operation and maintenance of artificial structures pursuant to any required federal, state and local permits or as authorized by the Department <sup>4</sup>                 |
| Cabrillo State Marine Reserve                             | IPA  | Take of all living marine resources is prohibited  | ---   |
| Tijuana River Mouth State Marine Conservation Area        | IPA  | Take of all living marine resources is prohibited<br>EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of coastal pelagic species<sup>7</sup>, except market squid, by hand-held dip net only</li> <li>▪ The commercial take of coastal pelagic species<sup>7</sup>, except market squid, by round haul net only</li> </ul> | Allows beach nourishment or other sediment management activities and operation and maintenance of artificial structures pursuant to any required federal, state and local permits or as authorized by the Department <sup>4</sup> |

<sup>1</sup> This table does not include the 13 existing MPAs surrounding the northern Channel Islands. The northern Channel Islands MPAs were retained without modification, at the direction of the Commission, and are not part of this rulemaking. However, they are displayed in the maps and summaries in the Amended ISOR and in the map contained in this document.

<sup>2</sup> This area, recommended by stakeholders as a State Marine Park (SMP), is designated as an SMCA, and could subsequently be designated as an SMP at the discretion of the State Park and Recreation Commission.

<sup>3</sup> 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.
- <sup>4</sup> Existing activities and operations permitted by other federal, state, or local entities, such as dredging, wastewater outfall operations, maintenance of artificial structures and sand replenishment and other sediment management activities have been identified as occurring within this MPA, which may result in take of marine resources incidental to the activity. Operations or activities identified at the time of designation are included within the regulation to make explicit that MPA designation is not intended to interfere with these permitted activities.
  - <sup>5</sup> Pelagic finfish are defined in subsection 632(a)(3) as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena spp.*), billfishes (family Istiophoridae) (except that marlin is not allowed for commercial take), dolphinfish/dorado (*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*).
  - <sup>6</sup> This MPA, recommended by stakeholders as an SMR, is designated as an SMCA that allows no take, except take incidental to specified activities regulated by other agencies, pursuant to any valid permits.
  - <sup>7</sup> Coastal pelagic species are defined in Section 1.39 as: northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*).

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

The Commission received 17,721 pieces of correspondence and oral testimony during the comment period (September 16, 2010 through December 15, 2010). This included oral comments, individual letters, petitions with multiple signatures, and form letters (Table 2). These pieces of correspondence and oral testimony contained over 30,000 separate comments. Of those, comments in support of the Commission’s preferred alternative totaled 5,701 (of which 5,621 were from seven form letters, plus 73 written or oral comments, and seven petitions with 2,996 signatures). Comments in support of Alternative 3 totaled 7,025 (of which 6,689 were from seven form letters, plus 135 written or oral comments, and one petition with 19 signatures). Comments in support of science-based MPAs, the Marine Life Protection Act (MLPA) or MPAs in general totaled 10,437 (of which 10,292 were from nine form letters, plus 134 written or oral comments, and 11 petitions with 1,642 signatures). Comments in opposition to MPAs or the MLPA in general totaled 993 (of which 918 were from two form letters, plus 75 written or oral comments). The remaining comments expressed support or opposition to specific MPAs or specific activities in MPAs, and nine comments requested that the South Coast MPA implementation be suspended. Duplicate letters, CEQA comments and comments not directed at the proposed regulation are omitted.

Table 2. Number of oral commenters and pieces of correspondence (individual letters, petitions and form letters) received during the comment period and included in the Final Statement of Reasons.

| <b>Type of Correspondence</b> | <b>Count</b>                         |
|-------------------------------|--------------------------------------|
| Oral Commenters               | 272                                  |
| Individual Letters            | 340                                  |
| Petitions                     | 20 petitions (with 6,130 signatures) |
| Form Letter 01                | 169                                  |
| Form Letter 02                | 1,188                                |
| Form Letter 03                | 32                                   |
| Form Letter 04                | 221                                  |
| Form Letter 05                | 1,891                                |
| Form Letter 06                | 13                                   |
| Form Letter 07                | 11                                   |
| Form Letter 08                | 31                                   |
| Form Letter 09                | 21                                   |
| Form Letter 10                | 6,548                                |
| Form Letter 11                | 11                                   |
| Form Letter 12                | 119                                  |
| Form Letter 13                | 54                                   |
| Form Letter 14                | 887                                  |
| Form Letter 15                | 18                                   |
| Form Letter 16                | 127                                  |
| Form Letter 17                | 638                                  |
| Form Letter 18                | 1,036                                |
| Form Letter 19                | 802                                  |

|                |               |
|----------------|---------------|
| Form Letter 20 | 385           |
| Form Letter 21 | 13            |
| Form Letter 22 | 1,061         |
| Form Letter 23 | 11            |
| Form Letter 24 | 1,640         |
| Form Letter 25 | 103           |
| Form Letter 26 | 59            |
| <b>Total*</b>  | <b>17,720</b> |

\* Total includes number of oral commenters (272), individual letters (339), number of petitions (20), and form letters (17,089).

## **INDIVIDUAL COMMENTS**

Table 3 provides a list of commenter name(s), assigned commenter identification number (ID), the date received, and the comment type (written or oral) for each comment provided that was not a form letter (form letters are addressed in the subsequent section). Petitions (defined as comment letters with  $\geq 10$  signatures) are included in Table 3 and are delineated by a “(P)” following the Commenter ID. Table 4 provides a summary of comments, including individual portions of comments requiring multiple responses, and provides responses to comments. In cases where comments were substantively the same, multiple commenter names are listed for a single comment.

Table 3. List of assigned commenter ID (beginning with “A01”), date received, type of comment (written or oral) for comments regarding proposed MPAs in the south coast region, and commenter name(s). Petitions with multiple signatures are indicated by a “(P)” following the Commenter ID.

| <b>Commenter ID</b> | <b>Date Received</b> | <b>Comment Type</b> | <b>Name Last</b> | <b>Name First</b> |
|---------------------|----------------------|---------------------|------------------|-------------------|
| A01                 | 10/3/2010            | Written             | Sekich-Quinn     | Stefanie          |
| A01                 | 10/7/2010            | Written             | Sekich-Quinn     | Stefanie          |
| A01                 | 10/20/2010           | Oral                | Sekich-Quinn     | Stefanie          |
| A01                 | 12/15/2010           | Oral                | Sekich-Quinn     | Stefanie          |
| A02                 | 10/5/2010            | Written             | Daraphonhdeth    | Sharon            |
| A03                 | 10/13/2010           | Written             | Ripley           | Bonnie            |
| A04                 | 10/6/2010            | Written             | Fredell          | Chris             |
| A05                 | 9/16/2010            | Written             | Crooks           | Jeffrey           |
| A06                 | 9/16/2010            | Written             | Kraai            | Dale              |
| A07                 | 9/17/2010            | Written             | Uecker           | Joshua            |
| A08                 | 10/6/2010            | Written             | Robinson         | Rita              |
| A09                 | 10/6/2010            | Written             | Shani            | Asa               |
| A10                 | 10/7/2010            | Written             | Wallace          | Jinger            |
| A10                 | 10/7/2010            | Written             | Wallace          | Jinger            |
| A10                 | 10/20/2010           | Oral                | Wallace          | Jinger            |
| A10                 | 12/9/2010            | Written             | Wallace          | Jinger            |
| A10                 | 12/15/2010           | Oral                | Wallace          | Jinger            |

| <b>Commenter ID</b> | <b>Date Received</b> | <b>Comment Type</b> | <b>Name Last</b> | <b>Name First</b>  |
|---------------------|----------------------|---------------------|------------------|--------------------|
| A11                 | 10/7/2010            | Written             | Beanan           | Michael            |
| A11                 | 10/20/2010           | Oral                | Beanan           | Michael            |
| A11                 | 12/9/2010            | Written             | Beanan           | Michael            |
| A11                 | 12/15/2010           | Oral                | Beanan           | Michael            |
| A12                 | 10/7/2010            | Written             | Felder           | Johanna            |
| A13                 | 10/7/2010            | Written             | Dildine          | Sandra             |
| A13                 | 10/7/2010            | Written             | Dildine          | Sandra             |
| A13                 | 10/20/2010           | Oral                | Dildine          | Sandra             |
| A13                 | 10/20/2010           | Written             | Dildine          | Sandra             |
| A13                 | 12/9/2010            | Written             | Dildine          | Sandra             |
| A13                 | 12/9/2010            | Written             | Dildine          | Sandra             |
| A13                 | 12/15/2010           | Oral                | Dildine          | Sandra             |
| A14                 | 10/7/2010            | Written             | Hiemstra         | Raymond            |
| A14                 | 10/20/2010           | Oral                | Hiemstra         | Raymond            |
| A14                 | 12/8/2010            | Written             | Hiemstra         | Raymond            |
| A14                 | 12/15/2010           | Oral                | Hiemstra         | Raymond            |
| A15                 | 10/14/2010           | Written             | Williams         | Yvetta and Richard |
| A16                 | 10/14/2010           | Written             | Engman           | Erin               |
| A17                 | 10/16/2010           | Written             | Jackson          | Mary Jo            |
| A18                 | 10/18/2010           | Written             | Cowles           | Robin              |
| A19                 | 10/19/2010           | Written             | Meux             | Brian              |
| A19                 | 10/20/2010           | Oral                | Meux             | Brian              |
| A19                 | 12/8/2010            | Written             | Meux             | Brian              |
| A19                 | 12/15/2010           | Oral                | Meux             | Brian              |
| A20                 | 10/7/2010            | Written             | Ford             | Breanna            |
| A21                 | 10/7/2010            | Written             | Ruttenberg       | Benjamin           |
| A22                 | 10/7/2010            | Written             | Squires          | Sandra             |
| A23                 | 10/7/2010            | Written             | Kimbal           | Kim                |
| A24                 | 10/7/2010            | Written             | Johnson-VanAtta  | Brianne            |
| A25                 | 10/7/2010            | Written             | Matrisciano      | Annette            |
| A26                 | 10/7/2010            | Written             | Brody            | Marc               |
| A27                 | 10/7/2010            | Written             | Sheehy           | Michael            |
| A27                 | 12/15/2010           | Oral                | Sheehy           | Michael            |
| A28                 | 10/13/2010           | Written             | White            | Phillip            |
| A29                 | 10/27/2010           | Written             | Henderson        | David              |
| A30                 | 10/13/2010           | Written             | Handforth        | Michael            |
| A31                 | 9/22/2010            | Written             | Connell          | Dave               |
| A32                 | 10/4/2010            | Written             | Carter           | Ace                |
| A32                 | 10/5/2010            | Written             | Carter           | Ace                |
| A32                 | 12/7/2010            | Written             | Carter           | Ace                |
| A33                 | 10/14/2010           | Written             | Karstens         | Daniel             |
| A34                 | 9/17/2010            | Written             | Zambrano         | Joe                |
| A35                 | 9/21/2010            | Written             | Hernandez        | Nick               |
| A36                 | 12/3/2010            | Written             | Stathos          | C.L.               |

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|---------------------|----------------------|---------------------|--|-------------------|
| A37                 | 10/27/2010           | Written             | Chase  | Carolyn           |
| A38                 | 10/15/2010           | Written             | Miller   | Duana             |
| A38                 | Unknown              | Written             | Miller   | Duana             |
| A39                 | 10/5/2010            | Written             | Salud Carbajal, Supervisor, County of Santa Barbara Board of Supervisors |                   |
| A39                 | 12/15/2010           | Oral                | Salud Carbajal, Supervisor, County of Santa Barbara Board of Supervisors |                   |
| A40                 | 10/21/2010           | Written             | Forster  | Ron               |
| A41                 | 11/10/2010           | Written             | Howell   | Tara              |
| A42                 | 10/21/2010           | Written             | Zoggas   | Nikos             |
| A43                 | 10/13/2010           | Written             | Capretz  | Nicole            |
| A44                 | 9/29/2010            | Written             | No on Map 3 (Name unknown)   |                   |
| A45                 | 12/6/2010            | Written             | Burroughs  | Candice           |
| A46                 | 10/6/2010            | Written             | BeVier   | Ross              |
| A47                 | 10/7/2010            | Written             | Allison  | Calla             |
| A47                 | 10/20/2010           | Oral                | Allison  | Calla             |
| A47                 | 12/15/2010           | Oral                | Allison  | Calla             |
| A48                 | 10/7/2010            | Written             | Murray   | Bryan             |
| A48                 | 10/20/2010           | Oral                | Murray   | Bryan             |
| A48                 | 12/15/2010           | Oral                | Murray   | Bryan             |
| A49                 | 10/18/2010           | Written             | Moore  | Charles           |
| A49                 | 10/20/2010           | Written             | Moore  | Charles           |
| A49                 | 9/21/2010            | Written             | Moore  | Charles           |
| A50                 | 10/20/2010           | Oral                | Harmala  | Randy             |
| A51                 | 10/21/2010           | Written             | Sunderland   | David             |
| A52                 | 10/21/2010           | Written             | Balsters   | Beau              |
| A53                 | 10/22/2010           | Written             | Rotsheck   | Ryan              |
| A54                 | 10/20/2010           | Oral                | Webb   | Tyler             |
| A55                 | 10/20/2010           | Oral                | White  | Les               |
| A56                 | 9/19/2010            | Written             | Scruggs  | Tena              |
| A57                 | 11/23/2010           | Written             | Honadle  | Sara              |
| A58                 | 10/2/2010            | Written             | Wilkin   | Ben               |
| A59                 | 11/24/2010           | Written             | Kelman   | Keith             |
| A60                 | 10/20/2010           | Written             | Motheral   | Sara              |
| A61                 | 10/13/2010           | Written             | Collins  | David             |
| A62                 | 10/17/2010           | Written             | Frowiss  | Albert            |
| A63                 | 10/18/2010           | Written             | Coleman  | Ruth              |
| A63                 | 10/20/2010           | Oral                | Coleman  | Ruth              |
| A64                 | 10/18/2010           | Written             | Brown  | Randy             |
| A65                 | 10/18/2010           | Written             | Helms  | Greg              |
| A65                 | 10/20/2010           | Oral                | Helms  | Greg              |
| A65                 | 10/20/2010           | Written             | Helms  | Greg              |
| A65                 | 12/15/2010           | Oral                | Helms  | Greg              |
| A66                 | 10/18/2010           | Written             | City of Culver City  |                   |

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|---------------------|----------------------|---------------------|---|-------------------|
| A67                 | 10/7/2010            | Written             | City of Santa Monica                              |                   |
| A67                 | 10/19/2010           | Written             | City of Santa Monica (City Council Resolution)    |                   |
| A68                 | 9/29/2010            | Oral                | Bell  | Richard           |
| A68                 | 10/19/2010           | Written             | Bell  | Richard           |
| A68                 | 10/20/2010           | Oral                | Bell  | Richard           |
| A68                 | 10/20/2010           | Written             | Bell  | Richard           |
| A69                 | 10/20/2010           | Written             | Destremps   | Bob               |
| A70                 | 10/20/2010           | Oral                | Taylor  | Elizabeth         |
| A70                 | 10/27/2010           | Written             | Taylor  | Elizabeth         |
| A71                 | 11/29/2010           | Written             | Sakacs  | John              |
| A72                 | 10/07/2010           | Written             | Maguin  | Stephen           |
| A72                 | 11/16/2010           | Written             | Maguin  | Stephen           |
| A72                 | 12/10/2010           | Written             | Maguin  | Stephen           |
| A73                 | 9/29/2010            | Oral                | Protopapadakis                                    | Lia               |
| A73                 | 12/15/2010           | Oral                | Protopapadakis                                    | Lia               |
| A74                 | 10/20/2010           | Oral                | Mayor Crystal Crawford, City of Del Mar           |                   |
| A75                 | 10/20/2010           | Oral                | Mayor Maggie Houlihan, City of Encinitas          |                   |
| A76                 | 10/7/2010            | Written             | Laguna Beach City Council                         |                   |
| A76                 | 10/20/2010           | Written             | Laguna Beach City Council                         |                   |
| A77                 | 10/7/2010            | Written             | City of Malibu                                    |                   |
| A77                 | 10/18/2010           | Written             | City of Malibu                                    |                   |
| A78                 | 10/7/2010            | Written             | City of Newport Beach                             |                   |
| A79                 | 12/15/2010           | Written             | Hannah  | Connie            |
| A80                 | 10/7/2010            | Written             | Pérez   | John              |
| A81                 | 10/7/2010            | Written             | California State Senator Christine Kehoe          |                   |
| A81                 | 10/20/2010           | Written             | California State Senator Christine Kehoe          |                   |
| A82                 | 10/7/2010            | Written             | California State Senator Gilbert Cedillo          |                   |
| A83                 | 10/7/2010            | Written             | California State Senator Carol Liu                |                   |
| A84                 | 10/7/2010            | Written             | California State Senator Alex Padilla             |                   |
| A85                 | 10/7/2010            | Written             | California State Senator Fran Pavley              |                   |
| A86                 | 10/7/2010            | Written             | California State Senator Jenny Oropeza            |                   |
| A87                 | 10/7/2010            | Written             | California State Senator Alan Lowenthal           |                   |
| A88                 | 10/7/2010            | Written             | California State Senator Bob Huff                 |                   |
| A89                 | 10/7/2010            | Written             | California State Assembly Member Julie Brownley   |                   |
| A90                 | 10/7/2010            | Written             | California State Assembly Member Bob Blumenfield  |                   |
| A91                 | 10/7/2010            | Written             | California State Assembly Member Pedro Nava       |                   |
| A92                 | 10/7/2010            | Written             | California State Assembly Member Marty Block      |                   |
| A93                 | 10/7/2010            | Written             | California State Assembly Member Mike Eng         |                   |
| A93                 | 10/7/2010            | Written             | California State Assembly Member Mike Eng         |                   |
| A94                 | 10/7/2010            | Written             | California State Assembly Member Felipe Fuentes   |                   |
| A95                 | 10/7/2010            | Written             | California State Assembly Member Bonnie Lowenthal |                   |
| A96                 | 10/7/2010            | Written             | Suja Lowenthal, Council Member, City of Long      |                   |

| Commenter ID | Date Received | Comment Type | Name Last   | Name First |
|--------------|---------------|--------------|---|------------|
|              |               |              | Beach   |            |
| A97          | 10/7/2010     | Written      | California State Assembly Member Ted Lieu   |            |
| A98          | 10/7/2010     | Written      | California State Assembly Member Mary Salas   |            |
| A99          | 10/7/2010     | Written      | California State Assembly Member Jim Silva  |            |
| B01          | 10/7/2010     | Written      | California State Assembly Member Mike Davis   |            |
| B02          | 10/7/2010     | Written      | California State Assembly Member Lori Saldaña   |            |
| B03          | 10/7/2010     | Written      | California State Assembly Member Diane Harkey   |            |
| B04          | 10/7/2010     | Written      | Atkins  | Tony       |
| B05          | 10/7/2010     | Written      | Steve Bennett, Supervisor, County of Ventura Board of Supervisors   |            |
| B05          | 12/15/2010    | Oral         | Steve Bennett, Supervisor, County of Ventura Board of Supervisors   |            |
| B06          | 10/7/2010     | Written      | U.S. Congresswoman Susan Davis  |            |
| B07          | 10/7/2010     | Written      | Doreen Farr, Supervisor, County of Santa Barbara Board of Supervisors   |            |
| B08          | 10/7/2010     | Written      | U.S. Congressman Bob Filner   |            |
| B09          | 10/7/2010     | Written      | Todd Gloria, Council Member, City of San Diego  |            |
| B10          | 11/25/2010    | Written      | Graupensperger  | Dan        |
| B11          | 10/7/2010     | Written      | Paul Koretz, Council Member, City of Los Angeles  |            |
| B12          | 10/7/2010     | Written      | Tom Labonge, Council Member, City of Los Angeles  |            |
| B13          | 10/20/2010    | Oral         | Vitale  | Bill       |
| B14          | 10/7/2010     | Written      | Patricia McCoy, Council Member, City of Imperial Beach  |            |
| B15          | 10/7/2010     | Written      | U.S. Congressman Bob Filner, California State Senator Christine Kehoe, California State Assemblyman Marty Block, San Diego County Board of Supervisors Vice-Chair Pam Slater-Price, City of Del Mar Mayor Crystal Crawford, San Diego City Council Member Todd Gloria |            |
| B16          | 10/7/2010     | Written      | Ed Reyes, Council Member, City of Los Angeles   |            |
| B17          | 10/7/2010     | Written      | Bill Rosendahl, Council Member, City of Los Angeles   |            |
| B18          | 10/7/2010     | Written      | U.S. Congresswoman Loretta Sanchez  |            |
| B19          | 11/28/2010    | Written      | Shargel   | Marc       |
| B20          | 10/7/2010     | Written      | City of Encinitas   |            |
| B20          | 12/8/2010     | Written      | City of Encinitas   |            |
| B21          | 11/24/2010    | Written      | Sweeney   | Ryan       |
| B22          | 10/7/2010     | Written      | Mayor Antonio Villaraigosa, City of Los Angeles   |            |
| B22          | 10/19/2010    | Written      | Mayor Antonio Villaraigosa, City of Los Angeles   |            |
| B23          | 10/20/2010    | Oral         | Parker  | Kyle       |
| B23          | 11/29/2010    | Written      | Parker  | Kyle       |
| B24          | 11/30/2010    | Written      | Davies  | John       |
| B25          | 10/7/2010     | Written      | Bode  | Mike       |
| B26(P)       | 10/7/2010     | Written      | Petition with 51 signatures   |            |
| B27          | 10/5/2010     | Written      | Jackson   | Jacklyn    |

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|---------------------|----------------------|---------------------|------------------|-------------------|
| B28                 | 10/5/2010            | Written             | Charvat          | Jan               |
| B29                 | 10/5/2010            | Written             | Mauger           | John              |
| B30                 | 10/6/2010            | Written             | Potter           | Dave              |
| B31                 | 10/15/2010           | Written             | Zimm             | Louie             |
| B31                 | 10/20/2010           | Written             | Zimm             | Louie             |
| B32                 | 10/18/2010           | Written             | Hunsaker         | Danny             |
| B33                 | 10/20/2010           | Written             | O'Loughlin       | Greg              |
| B34                 | 10/22/2010           | Written             | Frisbie          | David and Lisa    |
| B35                 | 11/23/2010           | Written             | Potter           | James and Cathy   |
| B36                 | 12/7/2010            | Written             | Bonus            | Jake              |
| B37                 | 10/20/2010           | Oral                | Alban            | Charles           |
| B37                 | 12/15/2010           | Oral                | Alban            | Charles           |
| B38                 | 12/15/2010           | Oral                | Allen            | David             |
| B39                 | 12/15/2010           | Oral                | Aminzadeh        | Fred              |
| B40                 | 12/15/2010           | Oral                | Aminzadeh        | Holly             |
| B41                 | 10/20/2010           | Oral                | Aminzadeh        | Sara              |
| B41                 | 12/15/2010           | Oral                | Aminzadeh        | Sara              |
| B42                 | 12/15/2010           | Oral                | Arredondo        | Frank             |
| B43                 | 12/15/2010           | Oral                | Beguhl           | Phillip           |
| B44                 | 12/15/2010           | Oral                | Bordofsky        | Jeremy            |
| B44                 | 12/15/2010           | Written             | Bordofsky        | Jeremy            |
| B45                 | 10/20/2010           | Oral                | Brickenstein     | Eric              |
| B45                 | 10/20/2010           | Written             | Brickenstein     | Eric              |
| B45                 | 12/15/2010           | Oral                | Brickenstein     | Eric              |
| B46                 | 12/15/2010           | Oral                | Burke            | Gary              |
| B47                 | 12/15/2010           | Oral                | Birney           | Kristi            |
| B48                 | 12/15/2010           | Oral                | Caselle          | Jenn              |
| B49                 | 10/20/2010           | Oral                | Castañeda        | Diane             |
| B49                 | 12/15/2010           | Oral                | Castañeda        | Diane             |
| B50                 | 12/15/2010           | Oral                | Chamberlin       | Jay               |
| B51                 | 12/15/2010           | Oral                | Chan             | Grace             |
| B52                 | 12/15/2010           | Oral                | Checa            | Miguel            |
| B53                 | 12/15/2010           | Oral                | Clark            | Steve             |
| B54                 | 12/15/2010           | Oral                | Koed             | Janet             |
| B55                 | 12/15/2010           | Oral                | Cooke            | David             |
| B55                 | 12/15/2010           | Written             | Cooke            | David             |
| B56                 | 12/15/2010           | Oral                | Cordero          | Roberta           |
| B57                 | 12/15/2010           | Oral                | Cousteau         | Jean-Michel       |
| B58                 | 10/20/2010           | Oral                | Davidson         | Mia               |
| B58                 | 12/5/2010            | Written             | Davidson         | Mia               |
| B58                 | 12/15/2010           | Oral                | Davidson         | Mia               |
| B59                 | 12/15/2010           | Oral                | de la Motte      | Melvin            |
| B60                 | 12/15/2010           | Oral                | Dunn             | Scott             |

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|---------------------|----------------------|---------------------|--|-------------------|
| B61                 | 12/15/2010           | Oral                | Eckerle                                | Tyson             |
| B62                 | 10/20/2010           | Oral                | Velazquez                              | Zoilo             |
| B63                 | 10/20/2010           | Oral                | Exline                                 | Joe               |
| B63                 | 12/15/2010           | Oral                | Exline                                 | Joe               |
| B64                 | 12/15/2010           | Oral                | Bard                                   | Geof              |
| B65                 | 12/15/2010           | Oral                | Farlo                                  | Joe               |
| B65                 | 12/15/2010           | Written             | Farlo                                  | Joe               |
| B66                 | 10/20/2010           | Oral                | Flahive                                | Brennon           |
| B66                 | 12/15/2010           | Oral                | Flahive                                | Brennon           |
| B67                 | 10/20/2010           | Oral                | Gaffney                                | Kaitilin          |
| B67                 | 12/15/2010           | Oral                | Gaffney                                | Kaitilin          |
| B68                 | 12/15/2010           | Oral                | Galipeau                               | Russell           |
| B69                 | 10/20/2010           | Oral                | Start                                  | Fiona             |
| B70                 | 9/15/2010            | Oral                | Garrison                               | Karen             |
| B70                 | 10/20/2010           | Oral                | Garrison                               | Karen             |
| B70                 | 12/8/2010            | Written             | Karen Garrison and 3 other signatories |                   |
| B70                 | 12/15/2010           | Oral                | Garrison                               | Karen             |
| B71                 | 10/20/2010           | Oral                | Geever                                 | Joe               |
| B71                 | 12/15/2010           | Oral                | Geever                                 | Joe               |
| B72                 | 10/20/2010           | Oral                | Gibbs                                  | Linda             |
| B72                 | 12/15/2010           | Oral                | Gibbs                                  | Linda             |
| B73                 | 12/15/2010           | Oral                | Gold                                   | Zack              |
| B74                 | 12/15/2010           | Oral                | Gold                                   | Mark              |
| B75                 | 10/20/2010           | Written             | Goldblatt                              | Chris             |
| B75                 | 12/15/2010           | Oral                | Goldblatt                              | Chris             |
| B75                 | 12/15/2010           | Written             | Goldblatt                              | Chris             |
| B76                 | 10/20/2010           | Oral                | Graves                                 | Whitney           |
| B76                 | 12/15/2010           | Oral                | Graves                                 | Whitney           |
| B77                 | 12/15/2010           | Oral                | Griesbach                              | Amanda            |
| B78                 | 12/15/2010           | Oral                | Grifman                                | Phyllis           |
| B79                 | 12/15/2010           | Oral                | Guthrie                                | Sean              |
| B80                 | 10/20/2010           | Oral                | Gutierrez                              | Marcela           |
| B80                 | 12/15/2010           | Oral                | Gutierrez                              | Marcela           |
| B81                 | 12/15/2010           | Oral                | Harding                                | Martin            |
| B82                 | 11/05/2010           | Written             | Harrington                             | Lee               |
| B82                 | 12/15/2010           | Oral                | Harrington                             | Lee               |
| B83                 | 12/15/2010           | Oral                | Harvey                                 | Rachel            |
| B84                 | 12/15/2010           | Oral                | Heller                                 | Lee               |
| B85                 | 12/15/2010           | Oral                | Hobi                                   | Paul              |
| B86                 | 12/15/2010           | Oral                | Hornback                               | David             |
| B87                 | 12/15/2010           | Oral                | Iranpour                               | Reza              |
| B88                 | 10/20/2010           | Oral                | Students of Vista Charter School       |                   |
| B89                 | 12/15/2010           | Oral                | Jamgochyan                             | Jilber            |

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|---------------------|----------------------|---------------------|---|-------------------|
| B90                 | 10/20/2010           | Oral                | Karimoto                                | Debbie            |
| B90                 | 12/9/2010            | Written             | Karimoto                                | Debbie            |
| B90                 | 12/15/2010           | Oral                | Karimoto                                | Debbie            |
| B91                 | 12/15/2010           | Oral                | Kelly                                   | Lisa Ann          |
| B92                 | 12/15/2010           | Oral                | Kelt                                    | Eric              |
| B93                 | 12/6/2010            | Written             | Linda Krop and 1 other signatory        |                   |
| B93                 | 12/15/2010           | Oral                | Krop                                    | Linda             |
| B94                 | 12/9/2010            | Written             | Mati Waiya and 2 other signatories      |                   |
| B94                 | 12/15/2010           | Oral                | Waiya                                   | Mati              |
| B95                 | 10/20/2010           | Oral                | Lebowitz                                | Paul              |
| B95                 | 12/15/2010           | Oral                | Lebowitz                                | Paul              |
| B96                 | 12/15/2010           | Oral                | Livingston                              | Adam              |
| B97                 | 12/15/2010           | Oral                | Lunsford                                | Mike              |
| B98                 | 12/15/2010           | Oral                | Manson                                  | Lawrence          |
| B99                 | 10/20/2010           | Oral                | Masarik                                 | Charlotte         |
| B99                 | 12/4/2010            | Written             | Charlotte Masarik and 1 other signatory |                   |
| B99                 | 12/15/2010           | Oral                | Masarik                                 | Charlotte         |
| C01                 | 12/15/2010           | Oral                | Masumoto                                | Alex              |
| C02                 | 12/15/2010           | Oral                | McCorkle                                | Mike              |
| C03                 | 12/15/2010           | Oral                | McCue                                   | Ben               |
| C04                 | 9/29/2010            | Oral                | Stevenson                               | Atta              |
| C05                 | 12/15/2010           | Oral                | Maruska                                 | Don               |
| C06                 | 12/15/2010           | Oral                | Miller-Forte                            | Vennise           |
| C07                 | 12/15/2010           | Oral                | Moffat                                  | Lorna             |
| C08                 | 10/20/2010           | Oral                | Murray                                  | Dana              |
| C08                 | 12/15/2010           | Oral                | Murray                                  | Dana              |
| C09                 | 10/20/2010           | Oral                | Murray                                  | Samantha          |
| C09                 | 12/15/2010           | Oral                | Murray                                  | Samantha          |
| C10                 | 12/15/2010           | Oral                | Neal                                    | Andrea            |
| C11                 | 12/15/2010           | Oral                | Oki                                     | Peggy             |
| C12                 | 10/20/2010           | Oral                | Osborn                                  | George            |
| C12                 | 12/15/2010           | Oral                | Osborn                                  | George            |
| C12                 | 12/15/2010           | Written             | Osborn                                  | George            |
| C13                 | 10/20/2010           | Oral                | Osborne                                 | Ginger            |
| C13                 | 12/7/2010            | Written             | Osborne                                 | Ginger            |
| C13                 | 12/15/2010           | Oral                | Osborne                                 | Ginger            |
| C14                 | 12/15/2010           | Oral                | Owens                                   | Penny             |
| C15                 | 12/15/2010           | Oral                | Parent                                  | Randi             |
| C16                 | 10/20/2010           | Oral                | Picheny                                 | Richard           |
| C16                 | 12/15/2010           | Oral                | Picheny                                 | Richard           |
| C17                 | 12/15/2010           | Oral                | Petrich                                 | Paul              |
| C18                 | 12/15/2010           | Oral                | Pitterle                                | Ben               |
| C19                 | 12/15/2010           | Oral                | Plaister                                | Deane             |

| <b>Commenter ID</b> | <b>Date Received</b> | <b>Comment Type</b> | <b>Name Last</b>                                      | <b>Name First</b> |
|---------------------|----------------------|---------------------|---|-------------------|
| C20                 | 10/20/2010           | Oral                | Ploessel  | David             |
| C20                 | 12/15/2010           | Oral                | Ploessel  | David             |
| C21                 | 12/15/2010           | Oral                | Racano  | Joey              |
| C22                 | 10/20/2010           | Oral                | Quill   | Michael           |
| C22                 | 12/15/2010           | Oral                | Quill   | Michael           |
| C23                 | 12/15/2010           | Oral                | Redmond   | Kira              |
| C24                 | 12/15/2010           | Oral                | Robertson   | Gordon            |
| C25                 | 10/20/2010           | Oral                | Verna Rollinger, Council Member, City of Laguna Beach |                   |
| C25                 | 12/15/2010           | Oral                | Verna Rollinger, Council Member, City of Laguna Beach |                   |
| C26                 | 12/15/2010           | Oral                | Romero  | Freddie           |
| C27                 | 12/15/2010           | Oral                | Rork  | Kalia             |
| C28                 | 12/15/2010           | Oral                | Rosen   | Bryan             |
| C29                 | 12/15/2010           | Oral                | Santilena   | Susie             |
| C30                 | 12/15/2010           | Oral                | Siegel  | Emily             |
| C31                 | 10/20/2010           | Oral                | Sikich  | Sarah             |
| C31                 | 12/15/2010           | Oral                | Sikich  | Sarah             |
| C32                 | 12/15/2010           | Oral                | Slater  | Brandon           |
| C33                 | 10/20/2010           | Oral                | Sporcich  | Jeff              |
| C33                 | 12/15/2010           | Oral                | Sporcich  | Jeff              |
| C34                 | 12/15/2010           | Oral                | Steele  | Bruce             |
| C35                 | 10/20/2010           | Oral                | Thornton  | Louise            |
| C35                 | 12/15/2010           | Oral                | Thornton  | Louise            |
| C36                 | 12/15/2010           | Oral                | Villarreal  | Marisa            |
| C37                 | 12/15/2010           | Oral                | Warner  | Robert            |
| C38                 | 12/15/2010           | Oral                | Wawerchak   | Vicki             |
| C39                 | 9/29/2010            | Oral                | Weakland  | Paul              |
| C39                 | 12/15/2010           | Oral                | Weakland  | Paul              |
| C40                 | 12/15/2010           | Oral                | Weiner  | Jason             |
| C41                 | 12/15/2010           | Oral                | Weissglass  | Keith             |
| C42                 | 12/15/2010           | Oral                | Weissglass  | Theresa           |
| C43                 | 10/20/2010           | Oral                | Wylie   | Meagan            |
| C43                 | 12/15/2010           | Oral                | Wylie   | Meagan            |
| C44                 | 12/15/2010           | Oral                | Weiss   | Nancy             |
| C45                 | 12/15/2010           | Oral                | Wolford   | Dan               |
| C46                 | 12/15/2010           | Oral                | Zandona   | Keith             |
| C47                 | 12/01/2010           | Written             | Cinciarelli   | Kasey             |
| C48                 | 12/1/2010            | Written             | Beyries   | Mike              |
| C49                 | 12/1/2010            | Written             | Gundersheim   | Jack              |
| C50                 | 12/1/2010            | Written             | Bigelow   | Michele           |
| C51                 | 12/1/2010            | Written             | Hill  | Valerie           |
| C52                 | 12/2/2010            | Written             | Takacs  | Richard           |
| C53                 | 12/2/2010            | Written             | Burke   | Daniel Ray        |

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|---------------------|----------------------|---------------------|--|-------------------|
| C54                 | 12/5/2010            | Written             | Davidson   | Mary              |
| C55                 | 12/5/2010            | Written             | Brown  | Michael           |
| C56                 | 10/20/2010           | Oral                | Mike Soto on behalf of Mayor Toni Iseman, Laguna Beach |                   |
| C56                 | 12/15/2010           | Oral                | Mike Soto on behalf of Mayor Toni Iseman, Laguna Beach |                   |
| C57                 | 12/6/2010            | Written             | Stanton  | Melinda           |
| C58                 | 12/6/2010            | Written             | Moody  | Raleigh           |
| C59                 | 12/6/2010            | Written             | Hano   | Bonnie and Arnold |
| C60                 | 12/6/2010            | Written             | Sebastian  | Scott             |
| C61                 | 12/6/2010            | Written             | Dawson   | Wes               |
| C62                 | 12/6/2010            | Written             | Stanton  | Alyson            |
| C63                 | 12/6/2010            | Written             | Okamoto  | Chris             |
| C64                 | 12/6/2010            | Written             | Teverbaugh   | Judy              |
| C65                 | 12/6/2010            | Written             | Elliott  | Jim               |
| C66                 | 12/7/2010            | Written             | Maywhort   | Phyllis           |
| C67                 | 12/7/2010            | Written             | Farris   | Mike              |
| C68                 | 12/7/2010            | Written             | Martinez   | Vera              |
| C69                 | 12/7/2010            | Written             | Reed   | Walker            |
| C70                 | 12/7/2010            | Written             | Horowitz   | Pamela            |
| C71                 | 12/8/2010            | Written             | Girvin   | Darrylin          |
| C72                 | 12/8/2010            | Written             | Cardenas   | Eric              |
| C73                 | 12/8/2010            | Written             | Kramer   | Lucy              |
| C74                 | 12/8/2010            | Written             | Garcia   | Sandy             |
| C75                 | 12/8/2010            | Written             | Gookin   | Donna             |
| C76                 | 12/8/2010            | Written             | Saitta   | Michael           |
| C77                 | 12/8/2010            | Written             | Dougherty  | Shannon           |
| C78                 | 10/19/2010           | Written             | Evans  | John Lee          |
| C79                 | 11/20/2010           | Written             | Lisa Duguay and 1 other signatory                      |                   |
| C80                 | 10/20/2010           | Written             | Petru  | Carolynn          |
| C80                 | 12/3/2010            | Written             | Petru  | Carolynn          |
| C81                 | 12/9/2010            | Written             | Lamm   | Jim               |
| C82                 | 12/9/2010            | Written             | Crosson  | Liz               |
| C83                 | 12/9/2010            | Written             | Janson Smith   | Toby              |
| C84                 | 12/9/2010            | Written             | Hirohama   | Janis             |
| C85                 | 12/9/2010            | Written             | Nichols  | Pete              |
| C86                 | 12/9/2010            | Written             | Bender   | Steve             |
| C87                 | 10/20/2010           | Oral                | Murphy   | Garth             |
| C87                 | 12/9/2010            | Written             | Murphy   | Garth             |
| C88                 | 12/9/2010            | Written             | McGarry  | Joanne            |
| C89                 | 12/10/2010           | Written             | State Water Resources Control Board                    |                   |
| C90                 | 12/11/2010           | Written             | Sakai  | Yosh              |
| C91                 | 12/11/2010           | Written             | George Handler and 1 other signatory                   |                   |
| C92                 | 12/13/2010           | Written             | Herskowitz   | Joan              |

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|---------------------|----------------------|---------------------|---|-------------------|
| C93                 | 12/13/2010           | Written             | Charter   | Richard           |
| C94                 | 12/20/2010           | Written             | Pleschner-Steele  | Diane             |
| C95                 | 10/20/2010           | Oral                | Raines  | Kym               |
| C96                 | 10/20/2010           | Oral                | Reznik  | Bruce             |
| C97                 | 10/20/2010           | Oral                | Roeber  | Deborah           |
| C98                 | 10/20/2010           | Oral                | Roeber  | Steve             |
| C99                 | 10/20/2010           | Oral                | Rodriguez   | Paula             |
| D01                 | 10/20/2010           | Oral                | Romanowski  | Paul              |
| D02                 | 10/20/2010           | Oral                | Rowane  | Jasper            |
| D03                 | 10/20/2010           | Oral                | Russell   | Dave              |
| D04                 | 9/29/2010            | Oral                | Russell   | Jeff              |
| D05                 | 11/24/2010           | Written             | George  | Garry             |
| D06                 | 10/20/2010           | Oral /<br>Written   | Adam Kaye reading letter on behalf of author Pam Slater-Price |                   |
| D07                 | 10/20/2010           | Oral                | Solis   | Celia             |
| D08                 | 10/20/2010           | Oral                | McCarthy  | Meredith          |
| D09                 | 10/20/2010           | Oral                | McCoy   | Mike              |
| D09                 | 10/20/2010           | Written             | McCoy   | Mike              |
| D10                 | 10/20/2010           | Oral                | Mugalian  | Gab               |
| D11                 | 10/20/2010           | Written             | Orange County Marine Protected Area Council (OCMPAC)          |                   |
| D12                 | 10/20/2010           | Oral                | Ortiz   | Jamie             |
| D13                 | 10/20/2010           | Oral                | Osterman  | Wanda             |
| D14                 | 10/20/2010           | Oral                | Picheny   | Barbara           |
| D15                 | 10/20/2010           | Oral                | Peterson  | Liam              |
| D16                 | 10/20/2010           | Written             | Petit   | Jeffery           |
| D17                 | 10/20/2010           | Oral                | Peogh   | Jim               |
| D18                 | 10/20/2010           | Oral                | Riordan   | John              |
| D19                 | 10/20/2010           | Written             | Reeves  | John              |
| D19                 | 10/20/2010           | Oral                | Reeves  | John              |
| D20                 | 10/20/2010           | Oral                | Fletcher  | Bob               |
| D20                 | 10/20/2010           | Written             | Fletcher  | Bob               |
| D21                 | 10/20/2010           | Oral                | Foley   | Mary Jane         |
| D22                 | 9/29/2010            | Oral                | Friess  | Phil              |
| D23                 | 10/20/2010           | Oral                | Fukuto  | Steven            |
| D24                 | 12/15/2010           | Oral                | Garret  | Marvin            |
| D25                 | 9/29/2010            | Oral                | Grant   | Sekita            |
| D26                 | 9/29/2010            | Oral                | Grundmeier  | Guy               |
| D27                 | 10/20/2010           | Oral                | Hahn  | Andrea            |
| D28                 | 10/20/2010           | Oral                | Harding   | Clay              |
| D29                 | 10/20/2010           | Oral                | Harrison  | Scott             |
| D30                 | 10/20/2010           | Oral                | Hickman   | Bill              |
| D31                 | 10/20/2010           | Oral                | Hoffman   | Lucas             |
| D32                 | 10/20/2010           | Oral                | Huber   | Michael           |

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|---------------------|----------------------|---------------------|------------------------------------|-------------------|
| D33                 | 10/20/2010           | Oral                | Cary                               | Chris             |
| D34                 | 10/20/2010           | Oral                | Laude                              | Mike              |
| D35                 | 10/20/2010           | Oral                | Lee                                | Paulyne           |
| D36                 | 10/20/2010           | Oral                | Little                             | George            |
| D37                 | 10/20/2010           | Oral                | Madden                             | Briana            |
| D38                 | 10/20/2010           | Oral                | Marks                              | Lisa              |
| D39                 | 10/20/2010           | Oral                | Kay                                | Isabelle          |
| D39                 | 10/20/2010           | Written             | Kay                                | Isabelle          |
| D40                 | 10/20/2010           | Oral                | Bailee                             | Andrew            |
| D41                 | 10/20/2010           | Oral                | Bennett                            | Greg              |
| D42                 | 10/20/2010           | Oral                | Bird                               | Amanda            |
| D43                 | 10/20/2010           | Oral                | Beauchamp                          | Maggie            |
| D44                 | 10/20/2010           | Oral                | Brand                              | Bill              |
| D45                 | 10/20/2010           | Oral                | Burke                              | Daniel            |
| D46                 | 10/20/2010           | Oral                | Christoph                          | Ann               |
| D47                 | 10/20/2010           | Oral                | Clifton                            | Clay              |
| D47                 | 10/20/2010           | Written             | Clifton                            | Clay              |
| D48                 | 10/20/2010           | Oral                | DeSpain                            | Meghan            |
| D49                 | 10/20/2010           | Oral                | Dong                               | Michael           |
| D50                 | 10/20/2010           | Oral                | Edwards                            | Dylan             |
| D51                 | 10/20/2010           | Oral                | Fash                               | Nick              |
| D52                 | 10/20/2010           | Oral                | Flick                              | Pamela            |
| D53                 | 10/20/2010           | Oral                | Friedman                           | Mirit             |
| D54                 | 10/20/2010           | Oral                | Garner                             | OT                |
| D55                 | 10/20/2010           | Oral                | Galland                            | Grant             |
| D56                 | 10/20/2010           | Oral                | Glanz                              | Jessica           |
| D57                 | 10/20/2010           | Oral                | Nguyen                             | Joseph            |
| D58                 | 10/20/2010           | Written             | Acerro                             | Teresa            |
| D59                 | 10/20/2010           | Oral                | Baehrens                           | Megan             |
| D59                 | 10/20/2010           | Written             | Baehrens                           | Megan             |
| D60                 | 10/20/2010           | Oral                | Osborn                             | Bob               |
| D61                 | 10/20/2010           | Oral                | Warren                             | Earl              |
| D62                 | 12/1/2010            | Written             | Richards                           | Jeff              |
| D63                 | 11/22/2010           | Written             | City of Redondo Beach              |                   |
| D64                 | 11/29/2010           | Written             | David Caron and 1 other signatory  |                   |
| D65                 | 12/1/2010            | Written             | Long                               | Dennis            |
| D66                 | 12/2/2010            | Written             | Dwyer                              | David             |
| D67                 | 12/4/2010            | Written             | Gonzalez                           | Jamie             |
| D68                 | 12/4/2010            | Written             | Ploessel                           | Mike              |
| D69                 | 10/20/2010           | Oral                | Luce                               | Shelley           |
| D69                 | 11/16/2010           | Written             | Shelley Luce and 1 other signatory |                   |
| D70                 | 12/6/2010            | Written             | Armstrong                          | Suzie             |
| D71                 | 12/7/2010            | Written             | Lind                               | Carl              |

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|---------------------|----------------------|---------------------|---|--------------------|
| D71                 | 12/15/2010           | Written             | Lind                                    | Carl               |
| D72                 | 12/7/2010            | Written             | Lenny Sczechowicz and 1 other signatory |                    |
| D73                 | 12/7/2010            | Written             | Kelly                                   | Tara               |
| D74                 | 12/06/2010           | Written             | Abrams                                  | Drew               |
| D75                 | 12/8/2010            | Written             | Bobertz                                 | Dick               |
| D76                 | 10/20/2010           | Oral                | Eckerle                                 | Jenn               |
| D76                 | 12/15/2010           | Oral                | Eckerle                                 | Jenn               |
| D77                 | 10/20/2010           | Oral                | Hanley                                  | Kate               |
| D77                 | 12/8/2010            | Written             | Hanley                                  | Kate               |
| D78                 | 10/14/2010           | Written             | Platus                                  | Judy               |
| D79                 | 10/27/10             | Written             | City of Torrance                        |                    |
| D80                 | 12/6/2010            | Written             | Mattison                                | Matt               |
| D81                 | 10/11/2010           | Written             | Willow                                  | Feona              |
| D82                 | 10/11/2010           | Written             | Of the Sea                              | Delliana           |
| D83                 | 10/11/2010           | Written             | Dutch                                   | Naomi              |
| D84                 | 10/11/2010           | Written             | Rantala                                 | Mervi              |
| D85                 | 9/30/2010            | Written             | Powell                                  | Bruce              |
| D86                 | 9/30/2010            | Written             | Felger                                  | Dan                |
| D87                 | 10/20/2010           | Written             | Powers                                  | Pat                |
| D88                 | 10/30/2010           | Written             | Jones                                   | Colt               |
| D89                 | 12/1/2010            | Written             | Albrektsen                              | Kirk               |
| D90                 | 12/1/2010            | Written             | Mulvehill                               | Michael            |
| D91                 | 12/1/2010            | Written             | Babros                                  | David              |
| D92                 | 12/1/2010            | Written             | Deasy                                   | David              |
| D93                 | 12/1/2010            | Written             | Fayram                                  | Tom                |
| D94                 | 12/1/2010            | Written             | Nearing                                 | David              |
| D95                 | 12/2/2010            | Written             | Rolfe                                   | David              |
| D96                 | 12/2/2010            | Written             | Sneddon                                 | Jeff               |
| D97                 | 12/2/2010            | Written             | Smentkowski                             | Robert             |
| D98                 | 12/5/2010            | Written             | Webber                                  | Robert             |
| D99                 | 12/2/2010            | Written             | Daily                                   | Deborah            |
| E01                 | 12/7/2010            | Written             | Kalez                                   | Donna              |
| E02                 | 12/2/2010            | Written             | Hines                                   | Douglas            |
| E03                 | 12/2/2010            | Written             | Medak                                   | Markus             |
| E04                 | 12/6/2010            | Written             | Brown                                   | Jeremiah           |
| E05                 | 12/11/2010           | Written             | Martin                                  | Edwin              |
| E06                 | 10/20/2010           | Oral                | Zemke                                   | Bennett and Joseph |
| E07                 | 10/20/2010           | Oral                | Unknown                                 | Unknown            |
| E08                 | 10/20/2010           | Oral                | Schlessinger                            | Henry              |
| E09                 | 10/20/2010           | Oral                | Saltsmare                               | Sadie and McKensie |
| E10                 | 10/20/2010           | Oral                | Flournoy                                | Peter              |

| Commenter ID | Date Received | Comment Type | Name Last  | Name First  |
|--------------|---------------|--------------|--|-------------|
| E11          | 10/7/2010     | Written      | California State Senator Tom Harman, California State Senator Bob Huff, California State Assembly Member Curt Hagman, California State Assembly Member Van Tran, California State Assembly Member Diane Harkey, Assembly member Chuck DeVore, Assembly member Jeff Miller, Assembly Member Jim Silva |             |
| E12          | 10/6/2010     | Written      | Phaungphakdi   | Suri        |
| E12          | 10/20/2010    | Oral         | Phaungphakdi   | Suri        |
| E13          | 10/7/2010     | Written      | California State Senator Curren D. Price   |             |
| E14          | 10/19/2010    | Written      | City of Los Angeles (City Council Resolution)  |             |
| E15          | 12/15/2010    | Written      | Fossum   | Curtis      |
| E16          | 10/19/2010    | Written      | Oggins   | Cy          |
| E17          | 10/20/2010    | Written      | Sappingfield   | Patty       |
| E18          | 10/20/2010    | Written      | Koch   | Sharon      |
| E19          | 10/20/2010    | Written      | Hernandez  | Heather     |
| E20          | 10/20/2010    | Written      | Matekunas  | Jessica     |
| E21          | 12/07/2010    | Written      | Stabb  | Mark        |
| E22          | 12/07/2010    | Written      | Smith  | Christopher |
| E23          | 12/07/2010    | Written      | Jackson  | Sarah       |
| E24          | 12/01/2010    | Written      | Smith  | Darrel      |
| E25          | Unknown       | Written      | Rudie  | Dave        |
| E26          | 11/27/2010    | Written      | Neff   | Jack        |
| E27          | Unknown       | Written      | Rome   | Kurly       |
| E28          | 11/16/2010    | Written      | Gurdosh  | Austin      |
| E29          | 11/16/2010    | Written      | Cammararo  | Tim         |
| E30          | Unknown       | Written      | Strong   | James       |
| E31          | Unknown       | Written      | Daspit   | Tom         |
| E32          | 12/06/2010    | Written      | Hochings   | Ryan        |
| E33          | 11/05/2010    | Written      | Pagliari   | Bria        |
| E34          | 11/14/2010    | Written      | Margrask   | Susan       |
| E35          | 10/30/2010    | Written      | Kelley   | Lisa Ann    |
| E36          | 12/07/2010    | Written      | Kasa   | Laura       |
| E37(P)       | 12/07/2010    | Written      | Save Our Shores, Petition with 821 signatures  |             |
| E38(P)       | 12/15/2010    | Written      | Waterman's Alliance, Petition with 141 signatures  |             |
| E39(P)       | 10/20/2010    | Written      | CalOceans, Petition with 42 signatures   |             |
| E40(P)       | 10/20/2010    | Written      | Petition with 767 signatures   |             |
| E41(P)       | 10/20/2010    | Written      | Petition with 180 signatures   |             |
| E42(P)       | 10/20/2010    | Written      | Petition with 327 signatures   |             |
| E43(P)       | 10/20/2010    | Written      | High Tech High Sierra Club, Petition with 205 signatures   |             |
| E44(P)       | 10/20/2010    | Written      | Southern California Graduate Students, Petition with 66 signatures   |             |
| E45          | 10/20/2010    | Written      | Morongo Band of Mission Indians: Chairperson Robert Martin, Council Member Mary Ann Andreas,   |             |

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|--------------|---------------|--------------|---|------------|
|              |               |              | Council Member Maurice Lyons, Council Member Elaine Mathews, Council Member Charles Martin, Council Member Dennis Miller, Council Member Damon Sandoval |            |
| E46(P)       | 10/20/2010    | Written      | Petition with 410 signatures  |            |
| E47          | 10/20/2010    | Written      | Ken Franke and 5 other signatories  |            |
| E48(P)       | 10/20/2010    | Written      | Petition from 137 Businesses  |            |
| E49(P)       | 11/11/2010    | Written      | Petition with 14 signatures   |            |
| E50(P)       | 10/20/2010    | Written      | Petition with 141 signatures  |            |
| E51(P)       | 10/20/2010    | Written      | Surfrider Foundation, Petition with 1,888 signatures  |            |
| E52(P)       | 10/20/2010    | Written      | Petition with 63 signatures   |            |
| E53(P)       | 10/20/2010    | Written      | Petition with 39 signatures   |            |
| E54(P)       | 10/20/2010    | Written      | Petition with 613 signatures  |            |
| E55(P)       | 10/20/2010    | Written      | Petition with 120 signatures  |            |
| E56(P)       | 10/20/2010    | Written      | Petition with 19 signatures   |            |
| E57(P)       | 12/15/2010    | Written      | Crane School, Petition with 86 signatures   |            |
| E58          | 12/15/2010    | Written      | Urban Semillas, National Hispanic Environmental Council, Council of Mexican Federations, Anahuak Youth Group  |            |
| E59          | 10/7/2010     | Written      | City of Del Mar   |            |
| E59          | 12/15/2010    | Written      | City of Del Mar   |            |
| E60          | 10/20/2010    | Oral         | Brodeur   | Susan      |
| E61          | 10/20/2010    | Oral         | John Riccio (Representing Congressman Bob Filner)   |            |
| E62          | 10/20/2010    | Oral         | Gomes   | Tommy      |
| E63          | 10/20/2010    | Oral         | Dedina  | Serge      |
| E64          | 10/20/2010    | Oral         | Weigle  | Marcus     |
| E65          | 10/20/2010    | Oral         | Hoehne  | Volker     |
| E66          | 10/20/2010    | Oral         | Prola   | Josef      |
| E67          | 10/20/2010    | Oral         | Mandel  | Rod        |
| E68          | 10/20/2010    | Oral         | Baumann   | Genevieve  |
| E69          | 10/20/2010    | Oral         | Chun  | Julia      |
| E70          | 10/20/2010    | Oral         | Catarius  | Shad       |
| E71          | 10/20/2010    | Oral         | Rude  | Dave       |
| E72          | 10/20/2010    | Oral         | Asakawa   | Larry      |
| E73          | 10/20/2010    | Oral         | Farlo   | Aiden      |
| E74          | 10/20/2010    | Oral         | Allen   | Otto       |
| E75          | 10/20/2010    | Oral         | Outcault  | Brandon    |
| E76          | 10/20/2010    | Oral         | Irey  | Michael    |
| E77          | 10/20/2010    | Oral         | Menard  | Michael    |
| E78          | 10/20/2010    | Oral         | Yee   | Shannan    |
| E79          | 10/20/2010    | Oral         | Haakerison  | Mike       |
| E80          | 10/20/2010    | Oral         | Annett  | Cody       |
| E81          | 10/20/2010    | Oral         | Innis   | Jack       |
| E82          | 10/20/2010    | Oral         | Hyder   | Brian      |

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|---------------------|----------------------|---------------------|---|-------------------|
| E83                 | 11/09/2010           | Written             | Checkai   | Joel              |
| E84                 | 12/06/2010           | Written             | Litten  | Gary              |
| E85                 | 11/10/2010           | Written             | Mack  | Callie            |
| E86                 | 10/28/2010           | Written             | Exline  | Nicholas          |
| E87                 | 11/02/2010           | Written             | Myrick  | Steve             |
| E88                 | 10/19/2010           | Written             | Lee   | John-Michael      |
| E89                 | 10/18/2010           | Written             | Glass   | Edwin             |
| E90                 | 10/07/2010           | Written             | Lopez   | Irene             |
| E91                 | 12/13/2010           | Written             | Stetson   | Daniel            |
| E92                 | 12/13/2010           | Written             | Koeberer  | John              |
| E93                 | 12/09/2010           | Written             | Celentano   | Raymond           |
| E94                 | 12/13/2010           | Written             | Dobberteen  | Matthew & Diyana  |
| E95                 | 12/13/2010           | Written             | (not legible)   | Tom               |
| E96                 | 12/06/2010           | Written             | Warren  | Linda             |
| E97                 | 12/06/2010           | Written             | Hokstad   | Gerald            |
| E98                 | 10/29/2010           | Written             | Dinkle  | Joshua            |
| E99                 | 11/8/2010            | Written             | Ganoster  | Benjamin          |
| F01                 | 10/19/2010           | Written             | Russell Galipeau, Superintendent of Channel Islands National Park |                   |
| F02                 | 12/15/10             | Oral                | Cox   | Vic               |
| F03                 | 10/20/10             | Oral                | Chan  | Grace             |
| F04                 | 10/20/2010           | Oral                | Grantland   | Michael           |
| F05                 | 11/24/2010           | Written             | Hart  | Barbara           |

## **FORM LETTERS:**

Twenty-six different form letters were received during the comment period, which was September 16, 2010 through December 15, 2010. The form letters supported particular MPA proposals or general points of view. In some cases, individual commenters added personal text to a form letter or submitted a truncated version of the letter. If the comment was substantially equivalent to the form letter, it was considered to be the same form letter. Brief summaries and examples of each form letter received are provided below. Responses to form letters are provided in Table 4.

### ***Form Letter 01***

Form Letter 01 supports Proposal 3, especially as it relates to protection in La Jolla and the creation of a nine square mile reserve at south La Jolla. A total of 169 form letters were received from September 17 through November 23, 2010.

### ***Form Letter 01 example***

Subject: South La Jolla Marine Protected Areas

Dear Fish and Game Commissioners,

I'm writing to ask you to support the conservation plan, known as Proposal 3, for the Southern California Study Region of the Marine Life Protection Act, which will provide critical protection for south La Jolla. Over two million visitors are drawn to La Jolla each year, making its health and vitality of top-most concern to local residents and businesses.

The health of our ocean and the health of our economy cannot be separated. In order to maximize the bang for our conservation buck, we should follow the science and create a nine-square-mile reserve at south La Jolla. Please help keep this global attraction healthy and its tourism-based economy strong.

As California's fish populations have declined over the past several decades, tourism and recreation have become increasingly important for coastal communities. Since 1990, revenues from commercial fishing have declined by more than half and the number of fishing boats calling at California ports has declined by nearly three quarters.

By protecting special places like south La Jolla, we can turn around this downward trend while keeping our tourism industry strong.

The Marine Life Protection Act is California's chance to be a leader in ocean stewardship and science-based management. I urge you to seize that opportunity and adopt Proposal 3, and create a nine square-mile reserve at south La Jolla.

Additional Comments:

**Form Letter 02**

Form Letter 02 supports the Commission's preferred alternative and the establishment of MPAs. A total of 1,188 letters were received from October 3 through December 13, 2010.

**Form Letter 02 example**

Subject: Approve the IPA for the South Coast Region

Dear Fish and Game Commissioners:

I'm writing to express my support for the Integrated Preferred Alternative (IPA), in the South Coast MLPA study region. I strongly urge you to adopt the IPA.

I support the IPA because it is a 'balanced' proposal that provides strong protection while incorporating diverse stakeholder perspectives. While the IPA is a compromise proposal, it provides needed protection for areas like Naples, Point Dume and La Jolla. To rebuild ocean ecosystems, we need to create a strong network of marine protected areas that meet the important scientific guidelines.

Please consider adopting the IPA because it includes Marine Protected Areas (MPAs) that weigh both fishing and conservation interests. Based on experience from around the world, and from the Channel Islands, we know MPAs do work and can be implemented by weighing both socioeconomic and environmental concerns. MPAs established five years ago in California's Channel Islands are working to improve biodiversity and ocean health, according to conclusions from a recent study conducted by biologists and economists.

Looking at the Channel Islands, scientists found that fish were larger inside reserves and the ecosystem, as a whole, functioned better. This study also examined the impacts MPAs have on the local economy, including sport & commercial fishing and tourism. Scientists found that initial predictions of significant economic losses did not materialize. Sportfishing was shown to have increased since MPA establishment, and commercial landings for some of the largest fisheries in Islands waters – squid, urchin, lobster and crab – also increased.

I believe that MPAs can be a 'win-win' especially in the future once protected areas rebuild fish populations and create the "spill over effect".

Please approve the IPA. Thank you for working to implement the MLPA in a way that captures diverse stakeholder perspectives.

Sincerely,

**Form Letter 03**

Form Letter 03 supports the Commission's preferred alternative, particularly for waters adjacent to Los Angeles County. A total of 32 letters were received from October 4 through November 6, 2010.

**Form Letter 03 example**

Subject: Support for the Integrated Preferred Alternative for Southern California's Coast

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

Dear President Kellogg and Members of the California Fish and Game Commission:

I am writing to urge your support for the Integrated Preferred Alternative (IPA) network of Marine Protected Areas for Southern California's coast.

Approving the IPA would establish an enduring legacy for Southern California by protecting some of its most biologically important, iconic coastal habitats – places like Point Dume; Palos Verdes; Laguna Beach and La Jolla. Ensuring long-term restoration and protection of these areas is important for conservation but also for southern California's coastal tourism based economy.

Protecting the spectacular kelp forests and rock reefs in southern La Jolla will ensure a healthy marine ecosystem for the more than 2 million annual visitors who come to dive, surf, and snorkel.

In Los Angeles County, you have the opportunity to create important protection at either end of Santa Monica Bay at Point Dume and Palos Verdes. Placing marine protected areas at Point Dume and Palos Verdes will replenish and sustain the wildlife resources of Santa Monica Bay; benefitting the entire region and helping to sustain the long term health of Los Angeles County's coastal waters.

Southern California needs a strong network of marine protected areas to replenish depleted fish stocks; and ensure that future generations can benefit from a thriving coastal ecosystem.

Please support the timely implementation of the Integrated Preferred Alternative for Southern California's ocean.

Sincerely,

**Form Letter 04**

Form Letter 04 provides general support of the Commission's preferred alternative as a balanced plan to benefit the ocean and ocean-dependent industries. A total of 221 letters were received from October 4 through October 20, 2010.

**Form Letter 04 example**

Subject: Adopt the Integrated Preferred Alternative without delay for a balanced marine protected area network in the south coast

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

Dear Fish and Game Commission,

I am grateful that California is creating a legacy of protection for our coasts and oceans by establishing a network of marine protected areas. The southern California economy is closely tied to tourism, recreation and activities that depend on a healthy marine environment, but our oceans are under serious strain.

I urge you to adopt the Integrated Preferred Alternative for the south coast. This is a balanced plan that would provide real benefits for our ocean and the people who depend on healthy ecosystems for jobs, food and recreation, while keeping short-term impacts on fishing to a minimum.

California's ocean faces significant threats and we need to finalize these underwater parks as soon as possible. A science-based network of marine protected areas would help produce more and bigger fish, restore resilience and help preserve ocean ecosystems for current and future generations. A five-year study of the marine reserve network at the Channel Islands shows a nearly 50 percent increase in the number of rockfish and 80 percent increase in their size. Projected declines in recreational fishing never occurred; instead sport fishing has increased in some parts of the islands.

On land, we treasure national parks that protect the beauty and diversity of our land. The ocean deserves the same protection. The Marine Life Protection Act is a rare opportunity to create a legacy of thriving oceans for our kids and grandkids. Now is the time for a sound network of underwater parks for California. Please create these underwater parks without delay.

Sincerely,

**Form Letter 05**

Form Letter 05 supports the Commission's preferred alternative. A total of 1,891 letters were received from September 17 through October 6, 2010.

**Form Letter 05 example**

Subject: Please Protect Southern California's Coast

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

Dear Fish and Game Commissioners,

Thank you for your hard work towards creating a network of science-based marine protected areas on California's coast.

Please approve the Integrated Preferred Alternative for Southern California's coast.

Southern California's ocean faces significant threats. Fishermen are catching half of what they did only 20 years ago and the fish they do land are smaller. A science-based network of marine protected areas will help ensure a healthy ocean for future generations. But MPAs have to be located in biological hotspots to work effectively -- places like Point Dume, South La Jolla, and Laguna Beach.

If we protect productive habitats, as recommended in the Integrated Preferred Alternative, overall ocean health along with recreational and commercial fishing all stand to benefit.

A recent study in the Gulf of California found a three-fold increase in the population density of fished species in the waters around protected areas. In the Channel Islands marine reserve network adopted in 2003, rockfish numbers and size have increased dramatically after less than ten years of protection. Recreational fishing and non-consumptive tourism visits to the Islands have both increased since the new protected areas went into effect.

Please take this historic opportunity to implement landmark protections for Southern California's coast, and approve the Integrated Preferred Alternative to provide for a healthy and productive ocean for future generations.

Sincerely,

**Form Letter 06**

Form Letter 06 supports Proposal 3 as the most protective alternative for critical areas in the south coast region. A total of 13 letters were received from September 20 through November 13, 2010.

**Form Letter 06 example**

Subject: Support Map 3 and Strong Protection of Southern California's Coastal Ecosystems

CA Fish and Game Commission  
1416 Ninth Street  
P.O. Box 944209  
Sacramento, CA 94244-2090  
fgc@fgc.ca.gov

RE: Support Map 3 and Strong Protection of Southern California's Coastal Ecosystems

Dear Fish and Game Commissioners:

I strongly support the Marine Life Protection Act (MLPA) process and the establishment of a network of marine protected areas (MPAs) along the southern California coast. Although the Integrated Preferred Alternative (IPA) map protects some critical spots, I believe that Map 3 does the best job protecting the critical habitats necessary to ensure that fisheries can recover and be healthy for generations to come.

A strong backbone of marine reserves which thoroughly meet all the science guidelines under the Act and provided by the MLPA Science Advisory Team is critical for the success of this network of MPAs and for the protection of our coastal ecosystem. Just as meeting the science guidelines has been important in other MLPA study regions, they should be met completely in southern California, and I do not believe the IPA does so adequately.

The IPA currently provides minimal protection for critical locations listed below and should not be weakened: Naples, Point Dume, Laguna Beach, La Jolla, Farnsworth Bank, and Catalina.

I am extremely disappointed in the lack of protection for Palos Verdes in the IPA and believe that the Map 3 shape which meets the science guidelines should be used at this critical location.

Thank you very much for all your hard work in ensuring the protection of Southern California's marine life, and please consider Map 3 through the CEQA process, as it is the only map which fully meets the science guidelines and will ensure adequate protection for southern California's marine ecosystems and future of fishing. Sincerely,

**Form Letter 07**

Form Letter 07 supports Proposal 3 and the establishment of an SMR in Paradise Cove, near Point Dume, in Malibu. A total of 11 letters were received from September 30 through December 1, 2010.

**Form Letter 07 example**

Subject: Support Science-based MPAs and Strong Protection of Santa Monica Bay's Coastal Ecosystems

Fish and Game Commission  
1416 Ninth Street  
P.O. Box 944209  
Sacramento, CA 94244-2090  
fgc@fgc.ca.gov

RE: Support Science-based MPAs and Strong Protection of Santa Monica Bay's Coastal Ecosystems

Dear Fish and Game Commissioners:

I strongly support the Marine Life Protection Act (MLPA) process and the establishment of a network of marine protected areas (MPAs) along the southern California coast, including Malibu. The ocean belongs to all of us, and we all have the responsibility to protect it.

The Point Dume area is unique in Los Angeles County as one of the few spots with a relatively intact and diverse marine ecosystem, unspoiled beaches, good water quality and recreational opportunities for adults and children. Protecting the nursery area off eastern Point Dume will keep the fishing community thriving and sustainable for generations to come. I support the establishment of a fully-protective marine reserve in the Paradise Cove area on the east side of Point Dume. Map 3 would protect many of our region's most treasured ocean areas, including the most biologically important areas off Point Dume in Malibu. The compromise proposal, or Integrated Preferred Alternative, being considered by the Fish and Game Commission protects some of this critical habitat, and should be viewed as the minimum level of protection to afford this productive area.

By setting aside a small part of our ocean, including the submarine canyon and reef at eastern Point Dume, we can safeguard the future of this critical coastal environment, and future fishing opportunities in Malibu and the greater Los Angeles area. The adoption of Map 3, or at a minimum the Integrated Preferred Alternative [sic], along the Malibu coast will help provide much-needed protection for the Santa Monica Bay.

The establishment of a fully-protective marine reserve east of Point Dume will help preserve the natural resources that make the California coast such a special place to

live, work and play. Thank you very much for all your hard work in ensuring the protection of Southern California's marine life.

Sincerely,

***Form Letter 08***

Form Letter 08 supports a modified boundary for the Laguna Beach MPA proposed in the Commission's preferred alternative, to improve boundary placement and create a smaller MPA. A total of 31 letters were received from October 1 through November 22, 2010.

***Form Letter 08 example***

Subject: Support for a smaller MPA in Laguna Beach

Dear President Kellogg and Members for the California Fish and Game Commission,

President James Kellogg and  
Members of the Fish and Game Commission  
c/o California Fish and Game Commission  
1416 Ninth Street  
P.O. Box 944209  
Sacramento, CA 94244-2090

Support for a smaller MPA in Laguna Beach

I am writing to support a smaller marine reserve in Laguna Beach that will protect the marine habitat in Laguna Beach and also protect the businesses that depend on fishing in that area as well.

The proposed MPA in the current IPA for Laguna Beach is a shape that will be impossible to properly manage and will cause a significant draw on the resources of the Fish and Game enforcement officials in that area. Please adopt a modified proposal to the IPA with a Northern boundary beginning at Abalone point and a Southern boundary at Cress street. This would create a closure area with definitive boundary lines which would allow enforcement officials to know if an individual is within an MPA boundary.

## Form Letter 09

Form Letter 09 supports an SMR at Naples Reef in Santa Barbara County. A cover letter with a sample of 21 postcards were submitted on October 7, 2010.

## Form Letter 09 example

Subject: support for Naples Reef protection



*Protecting and Restoring the Santa Barbara Channel and its Watersheds*

714 Bond Avenue • Santa Barbara, CA 93103 • Tel (805) 563 3377 • Fax (805) 687-5635 • www.sbck.org

October 7, 2010

Delivered by electronic mail to: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

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

Dear President Kellogg and Fellow Commissioners,

Attached please find a sample of 20 postcards that have been signed by members of the community requesting that **Naples Reef in Santa Barbara County be protected in a State Marine Reserve**. The original postcards, of which there are close to 160, will be presented to you at the October 20<sup>th</sup> Fish and Game Commission meeting in San Diego.

Some signers chose to write a personal message on the postcard, a few of which have been highlighted below:

*"Protect and Preserve the Reef!"* – Annette Matrisciano, Santa Barbara, CA

*"We need strong conservation of our resources!"* – Brianne Johnson-VanAtta, Camarillo, CA

*"This is the most significant reef on our County's coast."* – Kim Kimbell, Goleta, CA

*"BP may not care but we can't run the risk. Please save our coastline."* – Marc Brody, Santa Barbara, CA

*"MPAs work!"* – Sandra Squires, Santa Barbara, CA

*"Please save our oceans and its fish populations."* – Brianna Ford, Santa Barbara, CA

*"It is one of the last high relief reefs on the Gaviota Coast, one of the most productive reefs, and one of the well-studied areas. It is critical to protect this unique space."* – Benjamin Ruttenberg, Santa Barbara, CA

Thank you for your service and hard work towards preserving our coastline.

Sincerely,

Michael Sheehy  
Marine Programs Director

Board of Directors • Sherry Madsen, President • Tim Robinson, Vice President • Kalia Rork, Treasurer • Ken Falstrom, Secretary  
David Cowan • Cindy Moore • James Munro • Julie Ringler • Jack Stapelmann • Robert Warner • Paul Junger Witt • Darryl Yin

♻️ printed on 100% recycled paper



**Dear California Fish & Game Commissioner:**

Please make Naples Reef an underwater park by establishing Naples Reef Marine Reserve.

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

Sincerely:

Name: Christy Schlenk

**Form Letter 10**

Form Letter 10 supports Proposal 3 for protecting biodiversity hotspots. A total of 6,548 letters were received from September 30 through October 1, 2010.

**Form Letter 10 example**

Subject: Adopt the Conservation Plan

President Jim Kellogg  
CA

Dear President Kellogg,

I strongly urge you to support the "Conservation Plan" (Proposal 3) for new marine protected areas off the Southern California Coast. The Conservation Plan will best serve the people and wildlife of southern California because it is a science-based approach to protecting some of Southern California's most important and most imperiled- ocean habitats.

California's ocean needs your attention. The value of fisheries in southern CA has declined by 40% in the last two decades and many key species are in trouble. A well designed and science-based system of marine protected areas can help restore California's coast and ensure a better future for fish and fishermen.

The Conservation Plan offers the highest level of protection at biodiversity hotspots like Naples Reef, Point Dume, North Palos Verdes and La Jolla, which provide critical habitat for sea life and are popular with divers, swimmers, kayakers, and birders. "The Conservation Plan" does the best job of protecting these high quality habitats and wildlife hotspots, while leaving 88% of the region's fishing grounds open.

You have an historic opportunity to create a legacy for southern California's oceans and for future generations.

As a supporter of Defenders of Wildlife and someone deeply concerned with the health of our ocean and the California coast, I strongly urge you to adopt Proposal 3, "The Conservation Plan."

Sincerely,

**Form Letter 11**

Form Letter 11 supports the creation of science-based MPAs and Proposal 3. A total of 11 letters were received from November 11 through November 19, 2010.

**Form Letter 11 example**

Subject: Support for MLPA and Group 3 Proposal

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

Dear Fish and Game Commissioners:

Thank you for your hard work creating a network of science based marine protected areas on California's coast.

The Governor's Blue Ribbon Task Force voted unanimously on November 10th to recommend a compromise network of MPAs for Southern California. Designed to balance the needs of ocean users and sea life, the BRTF compromise proposal leaves nearly 90 percent of coastal waters in the region open for fishing under existing regulations, including popular areas like Rocky Point, north La Jolla, and the Point Loma kelp beds.

The BRTF's proposal is the bare minimum required to keep our ocean healthy and productive. Though it includes protections for some of the south coast's offshore treasures, it would place less than 10% of southern California's coast in State Marine Reserves – less than the north central coast network, while the pressures on this region's natural resources are even greater. I realize that the BRTF did the best they could to meet the science, while minimizing socioeconomic impacts in several very tough geographic regions, but the protections are not enough in some areas and we are not meeting the science as outlined by the goals of the Act.

With well over 20 million people - and counting - southern California's ocean faces significant threats that will only grow greater in the years ahead. To ensure this booming population can continue to work, play, and fish in a healthy and productive ocean, we have to protect biological hotspots like Naples Reef, Point Dume, south La Jolla, and Laguna with a network of adequately sized marine reserves such as those proposed in Map 3.

Please approve the Regional Stakeholder Group's Map 3 without compromising the size or strength of the proposed protected areas – southern California cannot afford anything less.

Sincerely,

**Form Letter 12**

Form Letter 12 supports Proposal 3. A total of 119 letters were received from November 24 through December 11, 2010.

**Form Letter 12 Example**

Subject: RE: Please select Map 3 for Southern California's new system of MPAs

Dear Fish and Game Commissioners,

Marine protected areas are needed now in Southern California to help combat the suffering of our marine wildlife and habitats from decades of overfishing, pollution, and habitat destruction.

I am concerned that the protections currently recommended for the south coast are far less than what has been adopted in other regions of the state and may not be sufficient to keep our ocean healthy and productive.

The Blue Ribbon Task Force has recommended to you adoption of an MPA compromise plan that would protect only 10% of the mainland coast from Santa Barbara to the border – and only 5% in fully protective marine reserves. This is less than what was adopted in both the north central and central coasts, yet the pressures on our area's marine ecosystems are much greater.

This compromise plan that leaves more than 90% of the coastline open for fishing is the bare minimum. What we need is a science-based ocean protection plan that offers significant protections to biological hotspots like south La Jolla, Point Dume and Naples Reef. Proposal 3, the conservation plan, will best serve the people and wildlife of Southern California, because it focuses on quality, does the best job of protecting the most special places along the South Coast, and best meets the Science Advisory Team guidelines.

Marine protected areas, especially fully protected marine reserves, are an investment in the future health of our coastal waters and our economy. Please recognize where the Task Force's recommended plan falls short, and adopt Proposal 3 for the south coast.

Southern California deserves greater protection to keep our ocean healthy and productive for generations to come.

Additional Comments:

### **Form Letter 13**

Form Letter 13 requests special exclusions to the proposed regulation for recreational breath-hold spearfishermen targeting pelagic finfish. A total of 54 letters were received from November 13 through December 13, 2010.

### **Form Letter 13 example**

Subject: Pelagic Gamefish Exclusion for breathhold [sic] spearfishing in all SMCA's

Dear Mr. Kellogg ,

We are writting [sic] to request consideration of a Pelagic Gamefish exclusion for breathold [sic] spearfisherman within ALL state marine conservation areas being proposed as part of the Southern California Marine Protection Act implementation.

Consumptive breath hold spearfisherman have been deeply engaged in the implementation of the south coast marine life protection act (MLPA) throughout its history. Modern breath hold spearfishing (also known as freediving) is a unique marine fishing activity that has become increasingly popular in the United States. Within the spearfishing community of Southern California exists an intricate web of communities and clubs that promote stewardship, coastal responsibility and DGF enforcement.

During the south coast MLPA initiative the Science Advisory Team (SAT) included certain finfish species Yellowtail, White Seabass, and members of the tuna family referred in this document as pelagic game fish (PG) , to be protected in all State Marine Reserves (SMR) and no take State Marine Conservation Areas (SMCA).

The South Coast SAT also ruled that Pelagic Gamefish are finfish species that are unlikely to benefit whatsoever from marine protection under the MLPA . Pelagic gamefish (PG) are a resource unique to the south coast MLPA bioregion. PG have a wide foraging range and are only found transiently and with great inconsistency within any specific coastal reach. It is also quite impossible to study the relative biomass or change in biomass of PG inside an MPA because these animals are rarely seen on conventional SCUBA equipment. Based on the fact that PG will not benefit from MPA protection and it is impossible to monitor their numbers inside an MPA, the only rational that prevents extractive activity under the stated purpose of the MLPA is thus to prevent the remote possibility of accidental take (by-catch) of a species likely to benefit from protection.

The technique of PG extraction by means of breath hold spearfishing is associated with a zero percentage of by catch as these finfish species are uniquely set apart in their size, coloration and location in the underwater environment. The spearfishing community that actively peruses PG makes up a very small percentage of the total spearfishing user group because of the very high fishing effort to take ratio. Although it is the aspiration of every entry level spearfisherman to land a PG, the attainment of this

goal takes persistent dedication, a financial investment in proper equipment and mentorship that often comes from dive club affiliation. Along the Southern California bight there are a limited number of locations that allow the spearfisherman the opportunity to take a PG.

Freedivers in pursuit of PG access the marine environment in ways that are different from other diving related activities. Coastal access is a crucial part of the questions that the MLPA brings up. Many locations in southern California have terrain that is difficult to access. There are very few areas along the coast that can offer a shore based diver the opportunity to spearfish a pelagic game fish such as yellow tail. Many of these locations (Pt Dume, Pt Vicente, and La Jolla) will become SMR's or no take SMCA's. This disenfranchises a very small user group which has absolutely no impact on the fishery, the resource, or the success of an MPA. Therefore this qualifies as a severe environmental injustice and loss of cultural resource.

Other reasons to allow a pelagic gamefish exclusion for freedivers include:

- a. In select areas of Southern California, breath hold spear fisherman are among the few that access the rugged coastal terrain and as such are among the few coastal stewards who care for the near shore environment. The individuals that are represented by the Watermen's Alliance and freediving clubs teach responsible ethics and stewardship to the membership. Shore based freedivers pick up coastal trash, haul out underwater marine debris including ghost traps which restores the natural habitat and benefits the environment. Closing these areas will negatively impact these restoration activities
- b. Spearfisherman along the coast actively patrol the areas they dive and offer a service to the state by helping to enforce DFG rules.
- c. Collection of white seabass data- the Ocean Resources Enhancement and Hatchery Program (OREHP) has been releasing juvenile WSB for over a decade and collecting essential scientific data from recreational fisherman sending in scientifically tagged WSB heads. Spearfisherman provide a essential service to the scientific data collection process which will be eliminated by no take marine areas.
- d. Divers access fishing from a limited number of coastal locations many access points will be within the bounds of an SMR which creates a DFG feasibility and enforcement conflict as does the fact that divers swimming through an SMR to access a safe exit route on shore create confusion to F&G when carrying pelagic game fish lawfully taken outside the SMR boundary. The exclusion would resolve this enforcement conflict.

We ask that you carefully consider granting this exclusion during the commissions upcoming South Coast MLPA deliberations

**Form Letter 14**

Form Letter 14 supports suspension of MLPA implementation in the south coast region. A total of 887 letters were received from December 1 through December 13, 2010.

**Form Letter 14 example**

Subject: Suspend South Coast Phase of MLPA

Cc: Members, California Fish and Game Commission  
Governor-elect Jerry Brown

Dear President Kellogg:

I am writing to request that the California Fish and Game Commission suspend the implementation of the South Coast phase of the Marine Life Protection Act (MLPA). As one of California's 760,000 saltwater anglers, I am concerned that the MLPA fails to address the real threats to the ocean ecosystems and will be a burden on California's already strained resources.

Earlier this month, Californians voted down Proposition 21, which proposed to increase vehicle license fees to raise approximately \$500 million for a dedicated fund for the state's parks, as well as to help fund the MLPA. Californians have voiced their opposition to increased state spending, especially when the money will be used to limit their access to recreational fishing opportunities. With a current deficit of \$26 billion, the state cannot afford the necessary enforcement and biological monitoring – currently estimated at \$40 million annually – of proposed MPA regulations. The MLPA will severely reduce recreational fishing opportunity in California and threatens the 20,000 jobs that it supports.

Current implementation of the MLPA fails to address the real issues that are impacting our oceans. A recent report by the State Water Resources Control Board highlights that fish mortality from preexisting activities, such as wastewater outfall, will be allowed to continue under proposed MPA regulations. Other serious threats, including storm water runoff, agricultural chemicals, ocean acidification, ocean side development and once-through cooling, are also overlooked in proposed regulations.

Despite these threats, California's marine fish stocks have improved dramatically over the past twenty years as a result of successful fisheries management. In California's waters, there is not one marine fish stock currently experiencing overfishing and the few stocks still under stress are rebuilding due to strict fisheries management and conservation plans. Fishery management in California is working. Recreational fishing closures are not needed.

Given the numerous concerns surrounding the process, I urge the Commission to suspend the South Coast MLPA implementation. The process fails to address the true

threats to our oceans and will only add to our state's economic burden.

Thank you for your consideration.

Sincerely,

**Form Letter 15**

Form Letter 15 supports Proposal 3. A total of 18 letters were received from November 24 through December 10, 2010.

**Form Letter 15 example**

Subject: Support for South Coast Marine Protected Area Proposal 3

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

Dear Fish and Game Commissioners:

I am writing today to urge you to adopt Proposal 3 as your preferred MPA network for the South Coast region of the Marine Life Protection Act.

Thank you for the time and dedication the Commission has devoted to the South Coast region of the Marine Life Protection Act (MLPA) and your service to the State of California. I acknowledge the time and commitment poured into all of the marine protected area (MPA) proposals before you, but strongly recommend Proposal 3 as the only map that meets the science guidelines and will ensure the desired positive impacts MPAs can provide.

Proposal 3 will best serve the wildlife and communities of southern California, both ecologically and economically, by providing the necessary levels of protection for our state's most sensitive and iconic marine sites. It is the only proposal that meets the Science Advisory Team (SAT) recommendations, thus ensuring the desired effectiveness of individual MPAs as well as the network as a whole. In summary, Proposal 3:

- Does the best job of protecting these high quality habitats and wildlife hotspots, while leaving 88% of the region's fishing grounds open.
- Offers the highest level of protection at biodiversity hotspots like Naples Reef, Point Dume, North Palos Verdes and La Jolla, which provide critical habitat for sea life and are popular with divers, swimmers, kayakers, and birders;
- Does the best job of meeting the Science Advisory Team's guidelines, which are designed to ensure quick and significant ecosystem benefits;

- Would produce the most long-term socio-economic benefits by protecting key ecological sites, rapidly helping restore, protect and sustain the biological productivity on which all ocean users depend; and
- Has the support of a wide range of interests, including local residents, businesses, scientists, conservationists, and recreational users.

While I appreciate the efforts of the Blue Ribbon Task Force (BRTF) in creating the compromise plan known as the Integrated Preferred Alternative (IPA), the IPA simply fails to meet the science guidelines in several critical locations. Under the IPA many iconic locations would receive less than the bare minimum protections recommended by the Science Advisory Team (SAT). I believe that the IPA should be strengthened where necessary, and that above all, that it must not be weakened in any way.

Marine protected areas, especially fully protected marine reserves, are an investment in the future health of our coastal waters. As California Fish and Game Commissioners, you have an historic opportunity to do right by California's oceans and our future generations.

I urge you to make the most of that opportunity by adopting Proposal 3.

Sincerely,

**Form Letter 16**

Form Letter 16 supports reduced consumptive restrictions for spearfishing and shore-based fishing, and provides recommendations for several options. A total of 127 letters were received from December 6 through December 1, 2010.

**Form Letter 16 example**

Subject: South Coast MLPA: notice of amendments to the South Coast MLPA (Section 632, Title 14)

Dear Mr. Kellogg,

I am writing [sic] in support of the consensus position the Watermen's Alliance has taken on amendments to the South Coast MLPA (Section 632, Title 14)

The following Comments are specifically in reference to:

Revised regulatory language document

<http://www.fgc.ca.gov/regulations/new/2010/632sc15dayregs.pdf>

632(b) (9) Water Quality Monitoring should omit allowance for any take within any State Marine Reserve. As it is unlawful to take any living marine resource from a State Marine Reserve.

623 (b) (86) Painted Cave (Santa Cruz Island) State Marine Conservation Area and  
632 (b) (90) Anacapa Island State Marine Conservation Area.

The Watermen's Alliance supports the addition of The recreational take of pelagic finfish [subsection 632(a)(3)], including Pacific bonito, and white seabass by spearfishing [Section 1.76] in all pre-existing SMCAs in which lower level of protection activities are presently allowed (take of spiny lobster)

632(b)(95)Option B. I support addition of subsections 632(b)(95)(B) and 632(b)(95)(C).

632(b) (97) Point Vicente State Marine Conservation Area I support regulatory language which will allow shore based angling, spearfishing for pelagic finfish and white sea bass as well as continued kelp forest restoration and monitoring activities by the Santa Monica Baykeepers.

632 (b) (102).Blue Cavern (Catalina Island) State Marine Conservation Area I support the contention that no anchoring codes should apply only to the existing and enforced present boundaries of the science reserve 33° 26.65' N. lat. 118° 29.33' W. long.; 33° 26.83' N. lat. 118° 29.13' W. long.; 33° 26.96' N. lat. 118° 28.56' W. long.; 33° 26.92' N. lat. 118° 28.53' W. long.; and 33° 26.87' N. lat. 118° 28.62' W. long. Until a time in which the conservancy or the state can establish a series of public mooring buoys at this site.

632 (b) (112) Laguna Beach State Marine Reserve I support Option 4-R for Laguna

632(b)(113) Dana Point State Marine Conservation Area. I support Take Option B and Access Option A

632(b)(119) and (632)(b)(120) I support Option 1 (the IPA boundaries for SMR and SMCA boundaries). also please include spearfishing to section 632 (b) (120) (B) (B) Take of all living marine resources is prohibited except the recreational take of pelagic finfish [subsection 632(a)(3)], including Pacific bonito, by hook and line only is allowed. (add spearfishing)

Thank you for your consideration

**Form Letter 17**

Form Letter 17 supports the Commission's preferred alternative. A total of 638 letters were received from November 23 through December 13, 2010.

**Form Letter 17 example**

Subject: Adopt the Integrated Preferred Alternative now for a balanced marine protected area network in the south coast

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

Dear Commission,

I urge you to adopt the Integrated Preferred Alternative for marine protected areas on the south coast at your December meeting. This balanced plan would provide real benefits for our ocean and the people who depend on healthy ecosystems for jobs, food and recreation, while keeping potential short-term impacts on fishing to a minimum.

I commend the commission for investing in restoration of our coasts and oceans by establishing networks of marine protected areas. The southern California economy is closely tied to tourism, recreation and activities that depend on a healthy marine environment, but our oceans are under serious strain.

To help bolster ocean systems in the face of multiple pressures, we need underwater parks in the water as soon as possible. A science-based network of marine protected areas will help produce more and bigger fish, and help preserve ocean ecosystems for current and future generations. A five-year review of the marine reserve network at the Channel Islands shows a nearly 50 percent increase in the number of rockfish and 80 percent increase in their size. Projected declines in recreational fishing never occurred; instead sport fishing has increased in some parts of the islands.

On land, we treasure parks that protect the beauty and diversity of our land. The ocean deserves the same protection. The Marine Life Protection Act is a rare opportunity to create a legacy of thriving oceans for our kids and grandkids. Now is the time for a sound network of underwater parks for California. Please create these underwater parks without delay.

Sincerely,

***Form Letter 18***

Form Letter 18 supports establishing a strong network of MPAs in Southern California. A total of 1,036 letters were received from December 4 through December 13, 2010.

***Form Letter 18 example***

Subject: I Support Strong Protection for Southern California Marine Life

Dear President Kellogg,

The state of California has many ocean treasures that need our protection in the Marine Life Protection Act process. Healthy oceans are also vital to California's economy and our coastal communities.

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

Scientific studies confirm that marine reserves harbor larger fish, in greater abundance, and also support a greater diversity of marine life than other areas outside the reserve.

Please give California the strongest possible legacy of ocean protection with a strong network of Marine Protected Areas in southern California.

Sincerely,

**Form Letter 19**

Form Letter 19 consists of postcards urging the Commission to save La Jolla. A total of 802 postcards were submitted at the October 20, 2010 Commission meeting in San Diego.

**Form Letter 19 example**

Dear Members of the Fish and Game Commission,

I live near south La Jolla and consider it a local treasure. People visit from all over to dive, swim, and tidepool here, and its beauty and bounty are critical to our region's tourism and recreation industries. In order to keep San Diego's ocean healthy, we have to protect eco hot spots like south La Jolla.

A marine reserve at south La Jolla would protect one of the most significant and biologically productive areas in southern California. In addition, it would leave the entire northern section of the reef, which is popular with kayak fishers, open for fishing.

I urge you to SAVE SOUTH LA JOLLA by enacting the strongest plan for protection of our ocean resources, including the creation of a nine square mile no-take marine reserve in south La Jolla.

Sincerely,

Name: Ja Dodina  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_



**Form Letter 20**

Form Letter 20 consists of postcards urging the Commission to save Laguna. A total of 385 postcards were submitted at the October 20, 2010 Commission meeting in San Diego.

**Form Letter 20 example**

Dear Members of the Fish and Game Commission,

I live near Laguna Beach and consider it one of southern California's greatest natural treasures. Our coastline is home to dolphins, sea lions, garibaldi and kelp bass, which delight divers, surfers, and many other ocean lovers. To keep Orange County's ocean healthy and vibrant, we have to protect ecological hotspots like Laguna.

A marine reserve for the entire Laguna coast would protect one of the most unique and biologically rich areas in southern California. In addition, it would preserve kelp beds that local groups have worked long and hard to restore.

I urge you to **SAVE LAGUNA** by enacting the strongest plan for protection of our ocean resources, including the creation of a citywide marine reserve that protects Laguna.

Sincerely,

Name: Jenn Stratton

Address:

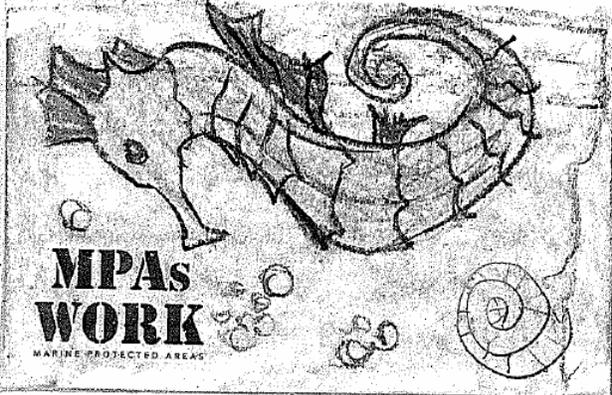
Email:

updated on this effort

**Form Letter 21**

Form Letter 21 consists of postcards supporting MPAs in general. A total of 13 postcards were submitted at the October 20, 2010 Commission meeting in San Diego.

**Form Letter 21 example**

|   |   |   |   |
|---|---|---|---|
|  <p><b>MPAs WORK</b><br/>MARINE PROTECTED AREAS</p>  |  <p><b>MPAs WORK</b><br/>MARINE PROTECTED AREAS</p>   | <p>Dana Proeber Murray<br/>Staff Scientist<br/>1444 9th Street<br/>Santa Monica, CA</p>  |   |
| <p>MPAs work. To me, it is clear that our oceans are valuable resources. In order to make sure that future generations have the same opportunities to enjoy our oceans, we must take steps to protect them. MPAs are a key part of the solution to many</p> |  <p>_____</p> <p>_____</p> <p>Environmental concerns.</p> <p>- Dylan Braun (17)<br/>Santa Monica, CA</p> | <p>Keep the ocean safe and clean. There are many living things up and down.</p>   |  <p><u>Daya B</u><br/>ada</p> <p>_____</p> |

**Form Letter 22**

Form Letter 22 consists of postcards urging the Commission to save Point Dume. A total of 1,061 postcards were submitted at the October 20, 2010 Commission meeting in San Diego.

**Form Letter 22 example**

Dear Members of the Fish and Game Commission:

As a person that lives and recreates in the Los Angeles area, I consider Point Dume a local treasure. People come to the area from all over to enjoy it's peaceful beaches, bountiful tidepools and beautiful waters. To keep the Santa Monica Bay healthy, we must protect important places like Point Dume.

Protecting this productive nursery ground by creating a marine reserve at Point Dume that extends eastward through the rich Paradise Cove kelp forest would benefit marine life and people for generations to come. Placement of a reserve here would also leave popular areas like Leo Carrillo, Deer Creek, Nicholas Canyon, Escondido, the Malibu Pier and Big Rock open to fishing along the Malibu coast.

I urge you to SAVE POINT DUME by establishing a marine reserve at eastern Point Dume.

Sincerely, **BARNABY HITZIG**

Address: \_\_\_\_\_  
Email: \_\_\_\_\_

Please check if you want to receive updates on this effort



**Form Letter 23**

Form Letter 23 consists of postcards supporting the creation of the La Jolla SMR. A total of 11 postcards were submitted at the October 20, 2010 Commission meeting in San Diego.

**Form Letter 23 example**

Dear Members of the Fish and Game Commission,

I live near south La Jolla and consider it a local treasure. People visit from all over to dive, swim, and tidepool here, and its beauty and bounty are critical to our region's tourism and recreation industries. In order to keep San Diego's ocean healthy, we have to protect eco hot spots like south La Jolla.

A marine reserve at south La Jolla would protect one of the most significant and biologically productive areas in southern California. In addition, it would leave the entire northern section of the reef, which is popular with kayak fishers, open for fishing.

I urge you to SAVE SOUTH LA JOLLA by enacting the strongest plan for protection of our ocean resources, including the creation of a nine square mile no-take marine reserve in south La Jolla.

Sincerely,

Name: Gustavo Nuneza

Address: \_\_\_\_\_

Email: \_\_\_\_\_

X



**Form Letter 24**

Form Letter 24 supports the Commission's preferred alternative. A total of 1,640 individual letters were received during the comment period.

**Form Letter 24 Example**

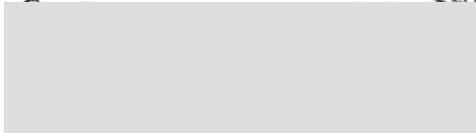
Dear Fish & Game Commissioners,  
The South Coast IPA marine protection plan will help safeguard the health & productivity of our coastal waters so that future generations can dive, surf, swim, fish & recreate in a truly abundant ocean at places like Point Dume, Santa Barbara's Campus Point, Laguna Beach, & La Jolla Shores.

The IPA plan is a true compromise, drafted by both conservationists & fishermen. I hope you will back this approach!

Thank you!

Veronica  
Lanphere

Veronica Lanphere



SOUTH COAST  
CALIFORNIA  
94244



California Fish & Game  
COMMISSION

P.O. Box 944209

Sacramento, CA 94244

**Form Letter 25**

Form Letter 25 supports MPAs in general. A total of 103 individual letters were received during the comment period.

**Form Letter 25 Example**

Please support the  
South Coast, MPA  
our oceans "HEALTH"  
Depends on you!!!

Thank You

~~Revised~~ Lourdes Robles

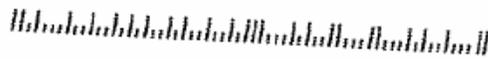


CLARK  
4 9 13 77  
2010 PM



California Fish & Game  
Commission  
PO. Box 944209  
Sacramento, CA 94244-2099

94244+2099



**Form Letter 26**

Form Letter 26 supports the creation of an SMCA at Swami's in Encinitas. A total of 59 individual postcards were received at the October 20, 2010 Commission meeting in San Diego.

**Form Letter 26 Example:**

Dear Members of the Fish and Game Commission,

I live near Swamis and consider it a local treasure. People visit from all over to dive, swim, surf, and tidepool here, and its beauty and bounty are critical to our region's tourism and recreation industries. In order to keep San Diego's ocean healthy, we have to protect eco hot spots like Swamis.

A marine conservation area at Swamis would protect one of the most significant and biologically productive areas in southern California. In addition, it would preserve this iconic surfing destination for future generations.

I urge you to SAVE SWAMIS by enacting the strongest plan for protection of our ocean resources, including the creation of a marine conservation area at Swamis in Encinitas.

Sincerely,

Name: MARK MANGEN

Address:

Email:



## **RESPONSES TO PUBLIC COMMENTS**

### ***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.

### **MASTER RESPONSE 1 – IMPROPER IMPLEMENTATION OF THE MARINE LIFE PROTECTION ACT**

An overarching theme of some comments is that the MLPA process in general, and the MLPA South Coast Study Region (SCSR) 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. *Coastside Fishing Club v. California Resources Agency* (2008) 158 Cal.App.4th 1183-1194. This construction of Fish and Game laws has been supported in other 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 collection 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” (subsection 2851(h)). “Marine life reserves,” which are now called SMRs, are defined in the MLPA as no-take areas (subsection 2852(d)). 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 marine reserves, presumes such authority can be exercised. Of course, how the Commission

exercises that authority is a matter solely within its purview. In any case, 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) 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 (subsection 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.

## **MASTER RESPONSE 2 – INADEQUACY OF SCIENCE STANDARD**

A 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 certainty or perfection. By way of review, 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 certainty or perfection. 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 certainty or perfection 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 (Section 90.1, subsection 7056(g)) and the Nearshore Fishery Management Plan (NFMP), which addresses 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 certainty 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 Commission 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 Commission, 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 its 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.

### **MASTER RESPONSE 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 (Government Code 11346.3) or—to the extent a

socioeconomic change induces significant adverse environmental impacts—the California Environmental Quality Act (CEQA). 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 the Commission reasonably interprets 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) and 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 State CEQA Guidelines (14 CCR 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.

#### **MASTER RESPONSE 4 – 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 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.

Nevertheless, to the extent practicable, information on existing fisheries management measures was considered in the development of siting alternatives. Presentations were made by Department and federal fisheries management experts, data on the locations and types of existing measures were provided, and changes were made to various proposals in response to comments on other ongoing management.

## **MASTER RESPONSE 5 – 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 Commission of a Master Plan guiding implementation of the Marine Life Protection Program<sup>b</sup>, 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<sup>c</sup>.

In signing AB 993 into law, Governor Davis stated he was encouraging the proponents and the Department “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<sup>d</sup>, and is intended to work in coordination with the MLPA<sup>e</sup>. 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<sup>f</sup>.

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

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<sup>b</sup>Fish & Game Code §§ 2853(b) 2855(a).

<sup>c</sup>Fish & Game Code § 2856(a)(2)(K).

<sup>d</sup>Public Resources Code § 36601(a).

<sup>e</sup> 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.

<sup>f</sup>Fish & Game Code § 2855(b)(4), (b)(5).

(Agency), the Department, and the Resources Legacy Fund Foundation (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 Blue Ribbon Task Force (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<sup>g</sup>.

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<sup>h</sup>. The trial court holding was subsequently upheld on appeal. (Coastside Fishing Club v. California Resources Agency (2008) 158 Cal.App.4th 1183.)

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<sup>g</sup> 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.

<sup>h</sup>Coastside 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).

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

## **MASTER RESPONSE 6 – 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<sup>i</sup>. 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, and July 2008) expressly commits to regular open meetings. To further facilitate public participation in this process, the BRTF created a south coast "Statewide Interest Group" (SIG) which held its first meeting on February 13, 2009. Both the SIG and the Regional Stakeholder Group (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 (See Table 2 of the Amended ISOR). 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. In addition, after these groups had completed their work, the Commission held multiple public hearings during the regulatory process between December 2009 and the adoption hearing in December 2010. This included hearings on December 9 in 2009, and March 3, April 7, June 23, September 29, October 20, and December 15 in 2010. These public outreach activities far exceed what is legally required under the MLPA (see subsection 2859(b)).

## **MASTER RESPONSE 7 – ENFORCEMENT**

In and adjacent to the SCSR a number of public agencies provide police and fire services. The Department currently patrols all waters within the SCSR and enforces the provisions of the California Fish and Game Code and implementing regulations including existing MPA regulations (Title 14, Section 632). The Commission amended these regulations in order to implement the provision of the MLPA, which mandates the

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<sup>i</sup>Fish & Game Code §2853(c)(5).

creation of a network of MPAs (See FGC §2850-2863). The MLPA notes that MPAs should include several elements, such as: an “improved marine life reserve component,” and specified objectives and management and enforcement measures (subsection 2853(c)) (Department 2008). The regulations have been drafted to enable the public and law enforcement agencies to easily understand the locations and boundaries of MPAs as well as the types of activities that are allowed within an MPA. In the case of SMRs, the regulations do not allow take of any kind to occur and thus simplify enforcement when compared to the existing regulatory scheme.

The Final Environmental Impact Report (EIR) certified by the Commission on December 15, 2010 correctly concludes that implementation of the proposed Project IPA will not result in significant adverse impacts to enforcement and emergency response public services occurring within the SCSR. In addition, the MLPA does not preclude emergency actions necessary to public health and safety. The proposed Project IPA does not add additional geographic areas over which enforcement is expected to occur, since enforcement already occurs over all areas within the SCSR. Implementation will not require additional worker hours or equipment over what is currently being used to patrol and enforce existing fish and game provisions within the SCSR. Furthermore, the co-location of many of the proposed MPAs with existing onshore protected areas and facilities, alignment of geographic boundaries on the nearest whole minute of latitude and longitude and with discernable landmarks all contribute to the public’s awareness and compliance, and enforcement partners’ abilities to more easily enforce MPAs. Thus, the adopted MPA array actually is likely to increase enforcement efficiencies in deterring and apprehending violators, especially those who intentionally fish within SMRs. Those who fish within SMRs are easily identified by the public and tips provided are more likely to result in successful enforcement actions.

The Commission believes that adequate organizational resources exist to manage and enforce the existing and proposed MPAs and that the Final EIR adequately characterizes the Department’s current law enforcement resources. Department enforcement and surveillance activities utilize a combination of boat, aircraft, and land-based wardens. Furthermore, interagency coordination among local, state, and federal partner enforcement entities is ongoing. This cooperative enforcement approach results in a sharing of resources and assets, resulting in a more efficient use of Department resources, and a greater enforcement presence. Department enforcement staff will develop an enforcement plan in cooperation with these other public agencies where existing memoranda of understanding are in place to coordinate such efforts. In this case, the adopted MPA array is not going to adversely impact enforcement activities that are currently ongoing.

Several comments have asserted that SMRs will preclude law enforcement and other actions necessary to preserve public health, safety, and welfare. However, the “no-take” provision in the MLPA is qualified by the statement that SMRs shall be maintained “to the extent practicable” in an undisturbed and unpolluted state (FGC §2852(d)).

For additional details on how enforcement was appropriately factored into the design of the proposed MPAs, the capacity to effectively enforce MPAs, and the less than significant impact to the enforcement of existing laws and regulations and respective entities, please see Section 2.4.9, Section 3.6.2, Section 8.2.2.1 to Section 8.2.3.3, and specifically Section 8.2.2.1.1 of the Final EIR.

### **Individual Responses to Comments**

The following table provides a summary of comments received and provides responses. The Commenter ID corresponds to the names and dates in Table 3, or to the form letter number listed in Table 2. References to options and sub-options pertain to sub-options within the IPA, and Commission sub-option selections identified in this document.

Table 4. Comment summaries and responses.

| <b>Commenter ID</b>   | <b>Comment Number</b> | <b>Comment</b>  | <b>Response</b>   |
|---|-----------------------|---|---|
| A05, A06, A39, A42, A67, A77, A78, A80, A82, A83, A84, A85, A86, A87, A89, A90, A91, A92, A93, A94, A96, A98, B01, B02, B05, B07, B11, B12, B14, B15, B16, B17, B18, B20, B22, B25, B26(P), B48, B67, B80, C21, C55, C79, C93, C94, D44, D58, D65, D69, D74, E11, E12, E13, E14, E26, E28, E30, E31, E32, E33, E37(P), E43(P), E48(P), E50(P), E58, Form Letter 06  | 1                     | Support MLPA  | Support noted.  |
| A01, A02, A03, A10, A14, A28, A30, A36, A39, A40, A48, A65, A73, A74, A75, A79, A98, B01, B02, B06, B25, B26(P), B27, B30, B35, B38, B45, B57, B61, B67, B69, B70, B71, B72, B78, B83, B85, B90, C09, C14, C19, C27, C29, C31, C51, C66, C68, C77, C79, C84, C87, C92, D01, D05, D07, D08, D09, D17, D29, D30, D32, D34, D35, D38, D42, D44, D56, D64, D76, D77, E13, E36, E37(P), E49(P), E51(P), E52(P), E53(P), E55(P), E69, E86, E87, E94, Form Letter 02, Form Letter 03, Form Letter 04, Form Letter 05, Form Letter 07, Form Letter 17, Form Letter 24 | 2                     | Support or adopt the Integrated Preferred Alternative (IPA) | Support for the IPA noted. After taking public testimony on all regulatory sub-options within the IPA, the Commission selected specific sub-options as identified in this Final Statement of Reasons for inclusion in the IPA, and adopted the IPA. |

| Commenter ID  | Comment Number | Comment                    | Response  |
|---|----------------|----------------------------|---|
| A19, A48, A58, A59, A60, A67, A78, A80, A82, A83, A85, A87, A90, A92, A93, A94, A95, B27, B28, B30, B35, B39, B60, B68, C03, C48, C50, D47, D55, D66, E14, E52(P), E53(P), E78, Form Letter 05, Form Letter 06, Form Letter 10, Form Letter 17  | 3              | Support science-based MPAs | Support noted.  |
| A04, A11, A14, A27, A39, A40, A45, A48, A56, A67, A68, A77, A79, A81, A96, B04, B09, B11, B16, B17, B18, B22, B26(P), B30, B38, B48, B49, B57, B68, B70, B77, B79, B88, B91, B98, C07, C08, C09, C10, C11, C17, C18, C29, C30, C47, C48, C50, C56, C58, C61, C65, C66, C68, C84, C85, C92, D02, D06, D19, D25, D66, D69, E27, E29, E35, E37(P), E44(P), E49(P), E53(P), E56(P), E57(P), E61, E68, E71, E88, E90, E94, E99, Form Letter 03, Form Letter 15, Form Letter 18, Form Letter 21, Form Letter 25 | 4              | Support MPAs               | Support noted.  |
| A10, A11, A13, A37, A38, A39, A41, A42, A43, A48, A50, A57, A58, A59, A60, A67, A70, A81, A82, A83, A84, A85, A86, A87, A89, A90, A91, A92, A93, A94, A96, B04, B05, B08, B11, B12, B14, B16, B17, B18, B19, B22, B37, B38, B39, B40, B41, B45, B47, B49, B52, B53, B54, B57, B58, B60, B61, B72, B74, B80, B84, B87, B90, B93, B97, B99, C10, C11, C15, C16, C22, C25, C27, C28, C29, C38, C40, C41, C42, C44, C47, C48, C50, C56, C58, C61, C64, C65, C72, C73, C74, C75, C78, C82, C83, C85, C93, C95, | 5              | Support Proposal 3         | Comment noted. After taking public testimony on all the alternatives, the Commission adopted the IPA, based on the reasons provided in the Amended Initial Statement of Reasons, and adopted specific sub-options identified in this Final Statement of Reasons for inclusion in the IPA. |

| <b>Commenter ID</b>   | <b>Comment Number</b> | <b>Comment</b>  | <b>Response</b>   |
|---|-----------------------|---|---|
| C96, C97, C98, D10, D12, D14, D15, D19, D27, D36, D39, D40, D46, D48, D50, D51, D52, D53, D59, D66, D67, D70, D72, D73, D81, D82, D83, D84, E06, E07, E12, E17, E18, E21, E22, E23, E56(P), E58, E83, E85, E90, F02, Form Letter 01, Form Letter 06, Form Letter 07, Form Letter 10, Form Letter 11, Form Letter 12, Form Letter 15 |                       |   |   |
| B10   | 6                     | Support Public Safety Option 1.   | Comment noted. The Commission selected this option.   |
| A06, B14  | 7                     | Support MPA immediately north of the U.S.-Mexico border                               | Comment noted. The Commission adopted the IPA, which included an MPA in this area.            |
| A05, A06, D09   | 8                     | Support Tijuana River Mouth Estuary SMCA  | Comment noted. The Commission adopted this SMCA. See response to comment 2.                   |
| A07, A20, A21, A22, A23, A24, A25, A26, A27, B07, B96, B97, C14, C19, C88, E46(P), E52(P), E90, Form Letter 09  | 9                     | Support Naples Reef Marine Reserve  | Comment noted. See response to comment 5.   |
| A08, A09, A10, A11, A12, A13, A16, A45, A47, A76, A81, B18, B33, B36, B37, B58, B76, B99, C13, C16, C25, C35, C37, C54, C55, C57, C59, C60, C62, C69, C70, C76, C86, E40(P), Form Letter 20   | 10                    | Support city-wide marine reserve for Laguna Beach                                     | Comment noted. See response to comment 2.   |
| A17, A19, B12, B18, C51, E08, E09   | 11                    | Protect Palos Verdes coastline  | Comment noted. The Commission adopted two SMCAs in this area.                                 |
| A66, C08, C36, E14, E54(P)  | 12                    | Support SMRs protecting rocky habitats like Point Dume and the Palos Verdes Peninsula | Comment noted. The Commission adopted a SMR at Point Dume, and a no take SMCA at Pt. Vicente. |
| A15, A18, A19, B25, C15, C22, D69, D78, E54(P), E56(P), F05   | 13                    | Protect Rocky Point   | Comment noted. See response to comment 5.   |
| A14, A65, B10   | 14                    | Upper Newport Bay SMCA: support ISOR amendments proposed on                           | Comment noted. See response to comment 2.   |

| Commenter ID   | Comment Number | Comment   | Response   |
|--|----------------|---|--|
|  |                | October 7   |  |
| D39, D69   | 15             | Want to be involved in monitoring efforts   | Comment noted.   |
| A13  | 16             | Oppose IPA Laguna Beach Option 1  | Comment noted. See response to comment 2.  |
| A10, A11, A13, A14, A65, B10, B58, B63, B66, B76, B87, B99, C13, C16, C35  | 17             | Support Laguna Beach SMR Option 2   | Comment noted. See response to comment 2.  |
| A68, E60   | 18             | Comments pertaining to Doheny Beach SMCA, including but not limited to the following: the MLPA and APA require existing and planned desalination projects to be included as a permitted regulatory activity; suggested modifications to regulatory language on take and other allowed uses, particularly in regards to existing facilities. | Comment noted. The Commission selected Option 1 for this area, which did not include the Doheny Beach SMCA in the IPA. |
| B13  | 19             | Do not block shore access in La Jolla   | Comment noted. The MPA designation does not block access, but only restricts activities within that area.              |
| A43, A93, A95, B01, B77, C23, C28, C47, C55, C77, C81, C82, C85, E21, E22, E23, E55(P), E58, E69, Form Letter 06, Form Letter 07, Form Letter 11, Form Letter 12 | 20             | IPA provides minimum level of protection  | Comment noted.   |
| A29, A32, A53, B66, B89, B95, C01, D87, D88  | 21             | Oppose the IPA  | Comment noted. See response to comment 5.  |
| A29, A32, C49, D93, D94, D98   | 22             | Do not ban sport fishing  | Recreational fishing is maintained wherever it is consistent with the MPA designation.                                 |
| A31, A62, C52, D18, D62, D90, E02, E76, E77, E84, E92, E95   | 23             | Insufficient funds to implement the MLPA  | See Master Response 5.   |
| A31, B29, C20, C67, E75, E89, F04  | 24             | Support the use of other fishery management measures  | Comment noted. See Master Response 4.  |
| A32, A33, A44, A51, A52, A62, B34,   | 25             | Oppose the MLPA   | Comment noted. Also see Master Response 1.   |

| Commenter ID  | Comment Number | Comment  | Response   |
|---|----------------|--|--|
| B75, B81, B86, C12, C32, C39, C52, C67, D13, D24, D89, E34, E74, E93, E97, Form Letter 14 |                |  |  |
| A32, C04, C24, C39, D20, D28, D41, D57, E77   | 26             | The MLPA uses flawed science                       | Comment noted. See Master Response 3.  |
| A32, A33, A51, A52, A53, B75, B81, C20, C39   | 27             | MPAs do not work                                   | Comment noted. See Master Response 2.  |
| A32   | 28             | Sport fishing has increased in non-protected areas | <p>Comment noted. The potential for increased impact on fish populations from displaced fishing effort is speculative, and the commenter does not provide any evidence to substantiate this claim. Although state marine reserves (SMRs) and to a lesser extent, state marine conservation areas (SMCAs) would reduce congestion of commercial and recreational fishing within those boundaries, continued commercial and recreational fishing activities would likely shift to areas outside of MPA boundaries. The South Coast Study Region MPA Environmental Impact Report certified by the Commission on December 15, 2010 addressed potential impacts due to shifts in fishing effort in Chapters 5, 6 and 7 and concluded that it would have less than a significant impact on marine species, habitats and air quality. Additionally, it should be noted that implementation of the Marine Protected Areas Monitoring Enterprise, an effort aimed at efficient, cost-effective MPA monitoring that meets MLPA requirements, would further lessen this potential impact. Serial depletion is considered in adaptive management as required by the MLPA. Adaptive management enables the Commission to address issues such as serial depletion when identified by the Department in association with long-term monitoring of the MPA network.</p> |

| <b>Commenter ID</b>                                   | <b>Comment Number</b> | <b>Comment</b>  | <b>Response</b>  |
|---|-----------------------|---|--|
| A32, A34, B32, C73, D71, E24, Form Letter 08          | 29                    | DFG will not be able to enforce or manage MPAs  | See Master Response 7.   |
| A34, B75, C12, C24, D24, D61, D90, D95, E04, E62, E64 | 30                    | Process is unfair   | See Master Responses 1 and 6.  |
| A33, A34, A61, B29, B75, E77, E92, F04                | 31                    | I have a right to fish  | The so-called “right to fish” is neither absolute nor fundamental, but has been characterized by the courts as only a “privilege” or a “qualified right” subject to the Legislature’s regulation of fishing. The California Supreme Court has long declared that the power to regulate fishing has always existed as an aspect of the inherent power of the Legislature to regulate the terms under which a public resource may be taken by private citizens (in re Quinn [1973] 35 Cal.App.3d 473; State of California v. San Luis Obispo Sportsman’s Association [1978] 22 Cal.3d 440; Paladini v. Superior Court [1918] 178 Cal. 369; California Gillnetters Association v. Department of Fish and Game [1995] 39 Cal.App.4th 1145).” Also, see response to comment 22. |
| A34   | 32                    | Point Dume does not need protection   | Comment noted. See Master Responses 1 and 4.   |
| A35   | 33                    | Do not close Devereaux Reef to spearfishing   | The Commission adopted Campus Point SMCA, which includes Devereaux Reef. See response to comment 5.  |
| A01, A40, A43, B06, C77                               | 34                    | MLPA has been a fair, open, and inclusive process   | Comment noted.   |
| D39   | 35                    | UC Natural Reserve System is concerned regarding the proposed requirement for UCSD/Scripps Institution of Oceanography researchers to obtain Scientific Collecting Permits, there is a need for clarification as to whether the proposed regulation also includes | Comment noted. Scientific collecting permits are issued under other regulations (see Title 14, CCR Section 650)  |

| Commenter ID   | Comment Number | Comment  | Response   |
|--|----------------|--|--|
|  |                | classes and short-term collection for laboratory research purposes. We hope to work on an MOU with the Department that will allow the Natural Reserve System to continue this 80-year stewardship. |  |
| A37, A41, A43, A60, A81, A92, B08, B80, C99, D06, D48, D53, D77, E43(P), E63, Form Letter 01, Form Letter 19, Form Letter 23 | 36             | Support 9 square mile SMR at South La Jolla  | Comment noted. See response to comment 5.  |
| A46, E11   | 37             | Questions regarding enforcement of MPAs  | See Master Response 7.   |
| A65  | 38             | Swami's SMCA: Oppose allowing shore fishing to Swami's SMCA because it would result in reduced compliance with the science guidelines  | The Commission considered all alternatives but adopted the IPA with Take Option B at Swami's SMCA (allowing shore fishing). See response to comment 2. |
| A49, A64   | 39             | Curtail or further regulate lobster fishing  | Comment noted. General lobster regulations are outside the scope of this rulemaking.   |
| A49  | 40             | Stop overfishing   | Comment noted. See Master Response 4.  |
| A33, A51, A52, A53, A88, A99, B03, B75, C52, C90, D22, E01, E03, E76, E84, E92, E95, E98, Form Letter 14                     | 41             | MPAs create negative socioeconomic impacts   | See Master Response 3.   |
| A33, A51, A52, A62, B44, B65   | 42             | Fishing is part of our local cultural heritage   | See response to comment 22 and Master Response 3.  |
| A51, A52   | 43             | Closing fishing areas concentrate fishing activity into other areas, disproportionately increasing environmental impacts in certain areas  | See response to comment 28.  |
| A65  | 44             | Supports changes to ISOR on converting Campus Point SMR to an SMCA   | Comment noted. The Commission selected this option (Option 2).   |
| A54, A55, A88, A97, A99, B03, B62, B92, C01, C02, D03, D31, D33, D37,  | 45             | Support Proposal 2   | Comment noted. See response to comment 5.  |

| <b>Commenter ID</b>                                   | <b>Comment Number</b> | <b>Comment</b>   | <b>Response</b>  |
|---|-----------------------|--|--|
| D43, D49, D54, D57, D60, D85, D86, D87, D88, E10, E66 |                       |  |  |
| A77, B05  | 46                    | Support Proposal 1   | Comment noted. See response to comment 5.  |
| A61, A63, B31, C94, E25, E65                          | 47                    | Support IPA Swami's Option B   | Comment noted. The Commission selected this option.  |
| A61   | 48                    | Support continued monitoring efforts   | Comment noted.   |
| A63, B10  | 49                    | Support Crystal Cove SMCA Option B   | Comment noted. See response to comment 2.  |
| A63   | 50                    | Support Swami's SMCA Option 3 or 4 with the addition of the sub-option to add shore-based fishing with hook and line gear                        | Comment noted. The Commission adopted Boundary Option 4 and Take Option B (allowing shore-based fishing with hook and line gear) |
| A63   | 51                    | Support Refugio SMCA Option 2 to retain existing SMCA designation  | Comment noted. The Commission selected Option 1 for this area, which did not include the Refugio SMCA in the IPA.                |
| A63, B10, C94, D21                                    | 52                    | Support Doheny Beach SMCA Option 2 to retain existing SMCA designation   | Comment noted. See response to comment 18.   |
| A69, B45, E05   | 53                    | Impose more strict fishing limits  | Comment noted. See Master Response 4.  |
| A65, A70, B45, C43                                    | 54                    | Oppose shore fishing at proposed Swami's SMCA  | Comment noted. See response to comments 2 and 38.  |
| B65, E42(P), E80, Form Letter 13                      | 55                    | Support a pelagic gamefish exclusion for breath-hold spearfisherman within ALL state marine conservation areas being proposed in the south coast | Comment noted. See response to comment 5.  |
| B23   | 56                    | Redesign boundaries for anchoring boats around Catalina Marine Science Center  | Comment noted. This was not part of the proposed rulemaking, but can be addressed in a future rulemaking.                        |
| B24   | 57                    | Reconsider the "no anchoring" provision in Blue Cavern SMCA  | Comment noted. See response to comments 2 and 56.  |
| A45, B25, C55, D67, E49(P), E52(P), E53(P), E58       | 58                    | Increase protection in the IPA where science guidelines are not met  | Comment noted. See response to comment 2.  |

| <b>Commenter ID</b>           | <b>Comment Number</b> | <b>Comment</b>  | <b>Response</b>  |
|-------------------------------|-----------------------|---|--|
| C43, C87                      | 59                    | Support Swami's SMCA, Boundary Option 4, and Take Option A  | Comment noted. The Commission adopted Boundary Option 4 and Take Option B for this SMCA. See response to comment 2.  |
| D06                           | 60                    | MPAs could impede beach sand replenishment  | Comment noted. See response to comment 61.   |
| A47, A76, E11                 | 61                    | Allow for beach and facility maintenance, as well as public safety activities within Laguna reserve boundaries  | Comment noted. Where ongoing maintenance or restoration activities have been identified as occurring within the MPA boundaries, exemptions have been crafted that would allow these activities to continue. Also, see response to comment 6. |
| B21, E73                      | 62                    | Spearfishing should be allowed in all SMCAs   | Comment noted. See response to comment 5.  |
| A65, C94                      | 63                    | Arrow Point to Lion Head SMCA: Support straight line boundaries as provided in ISOR   | Comment noted. See response to comment 2.  |
| D06, E19, E69, Form Letter 26 | 64                    | Support Swami's SMCA  | The Commission adopted this SMCA.  |
| D26                           | 65                    | MPAs in San Luis Obispo region will impede fishing access   | Comment does not address the regulations under consideration.  |
| D39                           | 66                    | Support expansion of San Diego Scripps SMCA because it helps achieve the goals of the MLPA  | Comment noted. See response to comment 5.  |
| B82                           | 67                    | Oppose establishing an MPA at Point Conception  | Comment noted.   |
| A63, A65, D11                 | 68                    | Crystal Cove & Dana Point SMCA: Supports revision of take language with respect to protection of tidepool resources (protection for tidepools where recreational take is allowed below the mean lower low-tide line only) | Comment noted. The Commission selected these options.  |
| A65                           | 69                    | Doheny Beach SMCA: supports updated language in Option 2 to acknowledge existing structures.  | Comment noted. See response to comment 18.   |
| A13, B58                      | 70                    | Support a no-take SMCA buffer around the Aliso Creek outfall in the   | Comment noted. The Commission selected Option 2-R for Laguna Beach, which creates a no-  |

| <b>Commenter ID</b>   | <b>Comment Number</b> | <b>Comment</b>  | <b>Response</b>   |
|---|-----------------------|---|---|
|   |                       | Laguna Beach SMR  | take SMCA adjacent to Aliso Creek. Also see response to comment 2.  |
| A65, B90  | 71                    | Laguna Beach MPA: Supports revising language to clarify the elimination of existing restrictions on boat launching and anchoring.   | Comment noted. The Commission selected this option.   |
| A10, A65  | 72                    | Support IPA Laguna Beach Option 1   | Comment noted. See response to comment 2.   |
| A48, A65  | 73                    | Lover's Cove SMCA & Casino Point SMR: Do not support fish feeding because the practice is generally inconsistent with the goals of the MLPA, especially for an SMR.               | Comment noted. The Commission selected Option 2, which allows feeding of fish for the purpose of wildlife viewing only. Also see response to comment 2.   |
| B10, E70  | 74                    | Will maps and other boundary markers be provided to identify MPA boundaries?  | Easily identifiable boundaries and/or landmarks are used when possible to aid in public understanding of MPA boundary locations. Informative publications including maps and regulations have been provided in other adopted regions. |
| A11, A27, B19, B26(P), B57, B60, B83, B85, C19, C27, C42, C51, C59, C86, D81, D82, D83, D84, E13, E36, E48(P), E50(P), E56(P), Form Letter 01, Form Letter 03, Form Letter 04, Form Letter 17 | 75                    | MPAs benefit the economy  | Comment noted.  |
| A71, A86, C90   | 76                    | Oppose inclusion of Rocky Point as part of the protection at Palos Verdes Peninsula   | Comment noted. Rocky Point was not included in the MPAs in this area.   |
| A72, F03  | 77                    | Oppose MPA off of Palos Verdes unless the State Water Board provides assurance that additional regulation of LACSD's discharge will not be triggered by designation of these MPAs | Comment noted.  |
| B16   | 78                    | Protect L.A. River estuary  | Comment noted. See response to comment 5.   |

| <b>Commenter ID</b> | <b>Comment Number</b> | <b>Comment</b>  | <b>Response</b>  |
|---------------------|-----------------------|---|--|
| A78                 | 79                    | Protect rocky intertidal habitat  | Comment noted. See response to comment 5.  |
| B07, B64            | 80                    | Protect the Gaviota Coast (Point Conception, Naples reef, Tajiguas, Ellwood, Goleta Slough, and Isla Vista)                                       | Comment noted.   |
| A65, C87, C94, D39  | 81                    | San Diego Scripps Coastal and Matlahuayl SMR: Support Option 2.   | Comment noted. The Commission selected this option.  |
| B05                 | 82                    | SMRs are better than SMCAs from an enforcement standpoint   | Comment noted.   |
| A65, C87            | 83                    | South La Jolla SMR/SMCA: Support Option 4.  | Comment noted. The Commission selected this option.  |
| A73, A78            | 84                    | Support adaptive management and five year monitoring plan   | Comment noted.   |
| A97                 | 85                    | Support compromise of Proposal 1 Point Dume SMR on north side of Santa Monica Bay   | Comment noted. See response to comment 5.  |
| A76, E11            | 86                    | Support continued operation and monitoring of the wastewater outfall pipe at Aliso Creek Beach  | Comment noted. Where ongoing operation, maintenance or restoration activities have been identified as occurring within the MPA boundaries, exemptions have been crafted that would allow these activities to continue. |
| B16                 | 87                    | Support education and open engagement in MLPA process   | Comment noted. See Master Responses 1 and 6.   |
| A66, E14            | 88                    | Protect marine parks/conservation areas and encourage public use and education of the marine environment  | Comment noted.   |
| A66, B42, E14       | 89                    | Protect marine cultural preserves   | The Commission does not have the authority to designate marine cultural preserves.   |
| A66, E14            | 90                    | Support MPAs in Santa Monica Bay so long as they were designed by the goals outlined in the MLPA process (e.g., stakeholder and scientific input) | Comment noted.   |
| B04, B09, B15, E90  | 91                    | Support No-Take MPA at La Jolla   | Comment noted. The Commission adopted  |

| Commenter ID  | Comment Number | Comment  | Response   |
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|   |                |  | Matlahuayl SMR, which is at La Jolla.  |
| B09, B15  | 92             | Support No-Take MPA at North San Diego County  | Comment noted. See response to comment 5.  |
| A77   | 93             | Support Proposal 1 for Subregion 2   | Comment noted. See response to comment 5.  |
| B20   | 94             | Support reductions in Proposal 3 to accommodate beach nourishment and replenishments activities and maintenance activities of the existing San Elijo Powers Authority Wastewater outfall pipe found                          | Comment noted. See response to comments 5 and 86.  |
| A78   | 95             | Support SMCA in Upper Newport Bay, inland of the Coast Highway Bridge and a continuous and consistent SMCA in the ocean from the east jetty of Newport Harbor to the southernmost boundary of the city's incorporated limits | Comment noted. See response to comment 5.  |
| A66   | 96             | Supports MLPA so long as it includes management framework that actively involves the SMBRC and coastal communities in long-term outreach and monitoring  | Comment noted.   |
| D19   | 97             | Support creation of a catch share program  | Comment noted. This comment is outside the scope of the proposed regulation.   |
| A47   | 98             | Add language for tidepool protections  | Comment noted. The Commission adopted regulations to prohibit take from tidepools in Crystal Cove and Dana Point SMCA's. |
| A47, D11  | 99             | Adjust take regulations for Crystal Cove SMCA and Dana Point SMCA – insert “no take of sheephead, sharks and rays” into Crystal Cove and Dana Point SMCA take regulations  | Comment noted. See response to comment 5.  |
| A57, B19, B33, B73, B74, B93, C37, C48, C50, C58, C61, C65, C72, C75, | 100            | IPA does not meet the science guidelines – the ocean needs more  | All proposals met the guidelines to varying degrees. Also, see Master Response 2.  |

| <b>Commenter ID</b>  | <b>Comment Number</b> | <b>Comment</b>  | <b>Response</b>  |
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| C82, C85, D66, D67, D72, D73, E21, E22, E23, E90, Form Letter 06, Form Letter 11, Form Letter 15 |                       | protection  |  |
| C49, D62, D91, D93, D99, E04, E24, E74, E84, E92, E95, E96, E98                                  | 101                   | MLPA fails to address other causes for fisheries decline  | Comment noted. See Master Response 4.                  |
| A32, C12, D95, E24, E67, E72, E81, E82, E84, E92, E95, Form Letter 14                            | 102                   | California has seen rises in fisheries due to successful fisheries management practices. MPA closures are not necessary       | Comment noted. See Master Response 4                   |
| D64  | 103                   | Support expansion of existing MPA in the proposed MPA cluster at Blue Cavern SMR  | The Commission adopted the proposed MPAs in this area. |
| D06, D75, E59  | 104                   | Support San Dieguito Lagoon as an SMR or SMCA   | Comment noted. See response to comment 5.              |
| A66  | 105                   | Provided copy of resolution adopted by the Culver City City Council supporting the MLPA                                       | Comment noted.   |
| B10  | 106                   | Support Robert E. Badham Option 2 with Crystal Cove Options 3 and 4   | Comment noted. See response to comment 2.              |
| D65  | 107                   | Comments providing an update on the progress of MLPA related outreach and education by the Monterey Bay Sanctuary Foundation. | Comments noted.  |
| B65, B92, C20, C32, D68, Form Letter 16  | 108                   | Laguna Beach SMR – Support Option 4 removing boat launching and anchoring restrictions  | Comment noted. The Commission selected this option.    |
| B65, C20, C33, D68, Form Letter 16   | 109                   | Dana Point SMCA - Support Take Option B-R (inclusion of tidepools language) and Access Option A                               | Comment noted. The Commission selected these options.  |
| B63, B65, C94, E25, Form Letter 16   | 110                   | South La Jolla SMR/SMCA – Support Boundary Option 1   | Comment noted. See response to comment 2.              |
| B21, B65, Form Letter 16   | 111                   | South La Jolla SMR/SMCA – suggest addition of language to   | Comment noted. See response to comments 2 and 5.       |

| Commenter ID   | Comment Number | Comment  | Response   |
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|  |                | allow spearfishing   |  |
| A33, C12   | 112            | Fish stocks in this area have been sustainable without protection  | See Master Response 4.   |
| B19, B28, C37  | 113            | The ocean needs more protection  | Comment noted.   |
| B29, D16   | 114            | The MLPA undermines the constitution   | See response to comment 31 and Master Response 4.  |
| B32, Form Letter 08  | 115            | Support smaller Laguna SMR   | Comment noted. See response to comment 2.  |
| B34  | 116            | Oppose any MPA at Swami's  | Comment noted. See response to comment 5.  |
| B46, B82, C12, C49, C52, D20, D62, D97, E24, E47, E77, E84, E92, E93, E95, E96 | 117            | Suspend the South Coast MLPA implementation  | Comment noted. See Master Response 1.  |
| A32, B46, B75, E67, E96, E98   | 118            | Oppose MPAs  | Comment noted. See Master Response 1.  |
| C20  | 119            | Oppose MPA boundaries with diagonal lines that are hard to follow  | Comment noted.   |
| B19  | 120            | Support Begg Rock MPA  | Comment noted. See response to comment 2.  |
| C34, C81   | 121            | Support the IPA as presented (Dec 9) with no further alterations   | Comment noted. See response to comment 2.  |
| A14, C34   | 122            | The IPA options in Laguna Beach will meet the science guidelines   | Comment noted.   |
| C20  | 123            | Oppose no-take SMCAs because they are confusing; they should just be considered SMRs   | Comment noted. Also, see response to comment 159.  |
| C01  | 124            | Oppose Proposal 3  | Comment noted. See response to comment 5.  |
| C01, E79   | 125            | Businesses cannot succeed with the passage of IPA or Proposal 3  | Comment noted. See Master Response 5.  |
| B23, B44   | 126            | Shoredivers and kayak-fishermen are a historic part of the ecosystem, and in banning them, you are not protecting the environment - you are removing an integral part of the food chain. | The South Coast Study Region MPA Environmental Impact Report certified by the Commission on December 15, 2010 addressed potential impacts from removal of human predators in Chapter 7 (see pages 7-72 and 7-73) and concluded that it would have a less than significant impact on marine ecosystems. |
| C02, C39   | 127            | California halibut trawl grounds will lose at least 30% of their fishing   | Comment noted.   |

| Commenter ID                 | Comment Number | Comment   | Response  |
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|                              |                | area due from these MPAs  |   |
| C02                          | 128            | Remove sea otters and harbor seals to protect fish populations  | Comment noted. Marine mammals are protected under the Marine Mammal Protection Act.                 |
| B56, C26, C40, E45           | 129            | Support co-management of MPAs with tribes   | Comment noted.  |
| B94, C40, E45                | 130            | Allow tribal activities to continue   | Comment noted. The State respects all legally confirmed tribal rights.                              |
| C20                          | 131            | Support Laguna Beach Option 5   | Comment noted. See response to comment 2.   |
| C15                          | 132            | Proposal 2 provides inadequate protection at Palos Verdes   | Comment noted. See response to comment 5.   |
| C15, E53(P)                  | 133            | The IPA provides inadequate protection at Palos Verdes  | Comment noted. See response to comment 2.   |
| A10, A13, A14, B66, B76, B99 | 134            | Oppose Laguna Beach Options 3, 4, 5   | Comment noted. See response to comment 2.   |
| B63, C33, C34, C94, E65      | 135            | Support Laguna Beach Option 4   | Comment noted. See response to comment 2.   |
| B53, B93, C36, C46, C91, D76 | 136            | Support protection of Naples Reef   | Comment noted. See response to comment 5.   |
| C38, E50(P)                  | 137            | Support maximum protection of Long Point (SMR)  | Comment noted. The Commission adopted a SMR at Long Point.  |
| B96                          | 138            | Support Campus Point SMR  | Comment noted.  |
| B78                          | 139            | Support Blue Cavern SMR and Bird Rock SMCA  | Comment noted. The Commission adopted MPAs at Blue Cavern and Bird Rock. See response to comment 2. |
| B43, B63, C94                | 140            | Support Refugio Option 1 - Removal  | Comment noted. The Commission selected this option.   |
| C31, C38, E50(P)             | 141            | Protect Farnsworth Bank   | Comment noted. See response to comment 2.   |
| B75                          | 142            | Low-income people around Paradise cove were not well represented. By moving the boundaries a couple hundred meters to the Northwest, you would allow the preservation of the culture of fishing there. Young people will not have access to the marine resource | See Master Response 6.  |
| B89                          | 143            | Move Point Dume boundary line to  | Comment noted. Safety was taken into account  |

| Commenter ID                       | Comment Number | Comment  | Response  |
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|                                    |                | Little Dume for safety reasons   | when designing the boundaries of the MPAs at Point Dume. The eastern boundary of the SMR was sited in the middle of the kelp bed to provide ecological protection while still providing safe access to a portion of the kelp bed outside the SMR, including Paradise Cove.  |
| A32                                | 144            | Anglers will continue to fish in protected areas   | Comment noted.  |
| A32, C49, C67, D96, Form Letter 14 | 145            | Other human impacts have detrimental effects on marine life  | Comment noted. See Master Response 4.   |
| B45, B98, C66, C68, C77, D04, D47  | 146            | MPAs will create sustainable fisheries   | Comment noted.  |
| B44                                | 147            | Closures that ban a selective and sustainable method of fishing exemplified by consumptive diving, take away a healthy, food source for many Californians.   | Comment noted. Closures only pertain to an area where an activity is prohibited, not the activity itself.   |
| B44, B95                           | 148            | Support shore-based fishing  | Comment noted.  |
| B44                                | 149            | Support dive/kayak/spearfishing  | Comment noted.  |
| B44                                | 150            | Support sustainable hunting of pelagic species   | Comment noted.  |
| B73                                | 151            | Increase protection in L.A. County   | Comment noted.  |
| A47                                | 152            | Support DFG staff recommendations for Orange County MPAs   | Support noted. See response to comment 2.   |
| A47                                | 153            | Laguna Beach Option 2R boundary options should be updated as was intended in the amended ISOR so the southern boundary aligns with the division between beaches under city and county jurisdiction | The Amended ISOR included a modified boundary between Laguna Beach SMR and Dana Point SMCA in Laguna Beach Options 3, 4, and 5 to align with the division between beaches under city and county jurisdiction. This was based on public comment received after the ISOR was published. The Commission did not make this modification to boundary between Laguna Beach SMR and Laguna Beach SMCA in Option 2 in the Amended ISOR. |

| <b>Commenter ID</b>          | <b>Comment Number</b> | <b>Comment</b>  | <b>Response</b>  |
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| B63                          | 154                   | Support Laguna Beach Option 3   | Comment noted. See response to comment 2.  |
| B63, C94, E25                | 155                   | Support Crystal Cove Take Option A for commercial take.   | Comment noted. The Commission selected this option (Take Option A-R).  |
| B20, B63, C94, E25           | 156                   | Swami's SMCA - Option 1 Retain coordinates as proposed  | Comment noted. See response to comment 2.  |
| B63                          | 157                   | Retain current SMR boundaries at North La Jolla because they are well-marked and signed   | Comment noted. See response to comment 2.  |
| B63                          | 158                   | South La Jolla SMR should be made into an SMCA  | Comment noted. See response to comment 2.  |
| B65                          | 159                   | Omit allowance for take in an SMR. In Point Vicente SMCA, allow continued kelp monitoring and restoration activities by Santa Monica Bay Keepers.   | MPAs originally proposed as SMRs where ongoing maintenance or restoration activities were identified, have been redesignated as SMCAs under the final IPA adopted by the Commission. Comments noted. |
| B65, Form Letter 16          | 160                   | Blue Cavern (Catalina Island) – the boundary expansion of the Catalina Marine Science Center SMR has expanded the no anchoring restrictions to a greater area. Only enforce anchoring rules in science reserve area until public mooring buoys are established. | Comment noted. See response to comment 2.  |
| C48                          | 161                   | Marine Protected Areas can coexist with open, accessible fishing  | Comment noted.   |
| C49, D62, D90, D93, E24, E25 | 162                   | Fishery management in California is working. Recreational fishing closures are not needed.  | Comment noted. See Master Response 4.  |
| C20, C53, C94, D45           | 163                   | Support Dana Point Access option A  | Comment noted. The Commission selected this option.  |
| C58                          | 164                   | Increase protection for kelp forests  | Comment noted.   |
| C63                          | 165                   | Support continued fishing for fin fish from the Point Vicente Fishing Access area   | Comment noted. See response to comment 5.  |
| C63                          | 166                   | Support further protection of   | Comment noted.   |

| Commenter ID            | Comment Number | Comment  | Response  |
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|                         |                | tidepools at Point Vicente   |   |
| C63, D92, D96, D98      | 167            | Recreational sport fishing does not have a large impact on fisheries   | Comment noted. See Master Response 4.   |
| C67                     | 168            | California fisheries are not declining   | Comment noted. See Master Response 4.   |
| C67                     | 169            | The south coast MPA adoption meeting is not in a central location  | Comment noted. See Master Response 6.   |
| C70, C77, C79, D63, E13 | 170            | The IPA is a fairly balanced representation of the needs expressed by the various stakeholders   | Comment noted.  |
| C13, C71                | 171            | Oppose omission of South Laguna in the IPA Laguna SMR  | Comment noted. See response to comment 2.   |
| C75                     | 172            | The overprotection of harbor seals has led to the decimation of fish in their previous breeding areas  | Comment noted. Marine mammals are protected under the Marine Mammal Protection Act.   |
| B20                     | 173            | Reduce southern boundary expansion of Swami's SMCA San Elijo Lagoon Inlet  | Comment noted. See response to comment 2.   |
| D80                     | 174            | Support pelagic game fish exclusion at Point Vicente SMCA  | Comment noted. See response to comment 5 and comment 178(c).  |
| B20                     | 175            | Hwy 101 is expected to have potential road closures and undermining. They are designing a bridge and jetties that protect the highway. The language in the regulations precludes the city from protecting the highway. | See response to comment 86.   |
| B20                     | 176            | The areas that the City of Encinitas proposes to modify are not areas of critical habitat and are heavily populated beaches and roadways.  | Comment noted.  |
| A36                     | 177            | The Department of Defense supports the draft regulatory package and the recognition of the ecological benefits of the new  | Comment noted. MPA classification may not be inconsistent with US Military activities deemed mission critical (Public Resources Code §36710). |

| Commenter ID | Comment Number | Comment  | Response   |
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|              |                | Federal Safety Zones at San Clemente Island as “contributing to the ecological goals of the MPA network” and with the acknowledgement that “military operations are already exempt within all MPAs under existing law”   |  |
| C80          | 178            | <p>(a) The City of Rancho Palos Verdes (RPV) was not included in BRTF outreach efforts. The City wasn't aware of potential impacts to area in RPV until after the DEIR was published, because the proposals leading up to the IPA didn't show any impact to any of the areas in RPV.</p> <p>(b) RPV also submitted a letter for the DEIR about the City's Point Vicente Fishing Access. The fishing access is part of the City's general plan, and has been established as a recreational fishing area for nearly 40 years. The City invested thousands of dollars recently in improving the area.</p> <p>(c) The City requests that recreational shore-based hook and line fishing, and recreational spear fishing of pelagic finfish be allowed to continue in this area. The City supports the expansion of the Abalone Cove MPA, especially the use of shore-based hook and line fishing here.</p> | <p>(a) See Master Response 6.</p> <p>(b) The Commission is moving forward with the regulation for the reasons described in the Amended Initial Statement of Reasons. The adopted SMCA's still allow access for non-consumptive recreational activities. See response to comment 5.</p> <p>(c) This area includes Point Vicente no-take SMCA and Abalone Cove SMCA. Abalone Cove SMCA allows recreational take of pelagic finfish by spearfishing. Allowing additional uses such as hook and line fishing in Abalone Cove SMCA would reduce the level of protection and ecological benefits of this SMCA. Allowing recreational take in Point Vicente no-take SMCA would be inconsistent with its ecological objectives. Also, see response to comment 5.</p> |

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| A19           | 179            | Request for the Commission to review the 2-year aerial boat survey data from Santa Monica Bay Restoration Commission, Lighthawk, and Santa Monica Baykeeper. These maps show that the vast majority of fishing grounds will remain open to fishing in all proposals, including prime fishing spots in Los Angeles County along the Malibu and Palos Verdes Coasts. | The Commission appreciates this reference to additional information. This dataset was available to the RSG, SAT and BRTF in MarineMap during planning process.                |
| A19           | 180            | The amount of recreational fishing observed in the Proposal 3 MPA was not significantly different from the amount of recreational fishing observed in the IPA for Palos Verdes.  | Comment noted.  |
| A14, B90      | 181            | Support Laguna Beach Option 2R   | Comment noted. The Commission selected this option.   |
| A14           | 182            | Support the amended ISOR revisions to Crystal Cove, Dana Point, and Bolsa Chica wetlands   | Comment noted. The Commission selected these options.   |
| A14, A68      | 183            | Support Doheny Beach Option 1 - Removal  | Comment noted. The Commission selected this option.   |
| A14, C94      | 184            | Robert E Badham Option 1 - remove and subsume into Crystal Cove  | Comment noted. The Commission selected this option.   |
| A14           | 185            | Support Dana Point Option 1A,  | Comment noted. There was no Option 1A, although the Commission selected Boundary Option 1, Take Option B, and Access Option A for this area. Also, see response to comment 2. |
| A14, B10, E91 | 186            | Support Dana Point Access Option B   | Comment noted. See response to comment 2.   |
| A14, B10      | 187            | Support Dana Point Take Option B   | Comment noted. The Commission selected this   |

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|               |                |   | option.  |
| A14           | 188            | IPA options will open up areas in Orange County to benefit commercial lobster and urchin fishing, and shore and kayak diving  | Comment noted.   |
| A11           | 189            | The bioeconomic modeling from the SAT overestimated the detriments of MPAs to fishermen, and underestimated benefits  | Comment noted. See Master Response 3.                                    |
| A11           | 190            | Commercial urchin harvesting is not the only alternative for continued commercial harvesting. There is also rich shellfish harvest in surrounding areas.                  | Comment noted.   |
| C87, D77      | 191            | Support Swami's SMCA, Take Option A   | Comment noted. See response to comment 2.                                |
| A14           | 192            | Support Crystal Cove Take Option AR   | Comment noted. The Commission selected this option.                      |
| A72, B51      | 193            | LACSD will hold in abeyance their opposition to Palos Verdes MPAs if the State Water Board resolution passes according to the present timeline, and without modification. | Comment noted.   |
| C89           | 194            | SWRCB Resolution in response to LACSD   | Comment noted.   |
| C94           | 195            | Casino Point and Lovers Cove SMCAs – Support Option 2 to allow feeding of fish  | Comment noted. The Commission selected this option.                      |
| C94           | 196            | Support Crystal Cove Option 2   | Comment noted. See response to comment 2.                                |
| C94           | 197            | Support Dana Point SMCA Option 2  | Comment noted. See response to comment 2.                                |
| C94           | 198            | If Refugio is added, Naples SMCA should be removed.   | Comment noted. Refugio SMCA was not included in the adopted regulations. |
| B19, C82, C85 | 199            | The IPA provides minimal protection; strengthen the IPA   | Comment noted. See response to comment 5                                 |

| <b>Commenter ID</b> | <b>Comment Number</b> | <b>Comment</b>   | <b>Response</b>   |
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| A86                 | 200                   | Support Proposal 3 with revisions and modifications to exclude Rocky Point   | Comment noted. See response to comments 5 and 76.   |
| D70                 | 201                   | Protecting marine areas provides a strong economic benefit to businesses and cities by having a direct effect on the recreational and educational opportunities available to our employees and their families. | Comment noted.  |
| D71                 | 202                   | Oppose adding Wind-and-Sea Beach's Big Rock reef to the South La Jolla SMR   | Comment noted. The Commission selected Option 4 for this area, which encloses the reef. Also see response to comment 2.   |
| D39                 | 203                   | The UC San Diego Natural Reserve System will need funding for increasing staff or to support the volunteer program, as well as buoys, binoculars, signs, and publications                                      | Comment noted.  |
| C21                 | 204                   | Support SMR protecting Casa Beach in La Jolla  | Comment noted. See response to comment 5.   |
| A65, B50, D77       | 205                   | At Swami's SMCA, support incorporation of State Parks boundary suggestions under ISOR Option 4   | Comment noted. The Commission selected this option.   |
| E11                 | 206                   | Request for equal regulatory (ISOR) analysis among all 4 proposals - not just the IPA  | Comment noted. The APA only requires analysis of the proposed project.  |
| E11, E64            | 207                   | Request for additional MLPA funding information.   | Comment noted. See Master Response 5.   |
| E11                 | 208                   | Establish an MOU with the County of Orange to create management partnership; allow continued dredging and maintenance activities to existing structures and harbors; allow for non-consumptive                 | Comments noted. The adopted south coast regulations will not create any new restrictions for non-consumptive recreational activities. Commercial marine activities in waters bordering the County of Orange are unaffected by the south coast MPAs, unless within the boundaries of a |

| Commenter ID           | Comment Number | Comment  | Response  |
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|                        |                | recreational activities and commercial marine activities to continue within Orange County  | designated MPA, in which case varying degrees of restrictions exist for commercial marine activities depending on the specific MPA. Also, see response to comment 86.   |
| E15                    | 209            | <p>The term "take" is not defined in Section 632 of Title 14, California Code of Regulations, nor in the proposed changes.</p> <p>The term "marine resource" is not defined.</p>   | <p>Take is adequately defined in Fish and Game Code Section 86.</p> <p>"Marine resource" is adequately defined in Fish and Game Code Section 96.</p>  |
| E16                    | 210            | Campus Point SMR overlaps existing oil and gas leases  | The Commission adopted Campus Point as a SMCA which allows for ongoing permitted activities. Also see response to comment 86.   |
| E20, Form Letter 16    | 211            | Allow pelagic gamefish spearfishing and shore-based hook-and-line fishing exclusions to the Point Vicente SMCA   | See response to comment 178(c).   |
| E25                    | 212            | Allow commercial and recreational take of lobster in Swami's MPA   | Comment noted. See response to comment 5.   |
| E42(P), Form Letter 13 | 213            | <p>SCSR MPAs disenfranchise a small user group (spearfisherman) who have no impact on pelagic gamefish resources, especially because MPAs have no direct benefits to pelagic gamefish (e.g., yellowtail, white seabass, and members of tuna family). Additionally, MPAs will negatively impact restoration and scientific data-collecting activities that breathhold fisherman participate in. This is a severe environmental injustice and loss of cultural resource. Shore-based divers have</p> | <p>The assertion that research efforts will be lost as a result of MPAs is speculative, as permitting of research and monitoring will continue under other regulations. Also, see responses to comments 35 and 147.</p> |

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|  |                | limited safe, coastal access points, some of which run through SMR boundaries. This will confuse enforcement when divers traverse through SMRs with catch in hand.  |   |
| Form Letter 16                         | 214            | (a) Oppose ISOR amendments to allow water quality monitoring in SMRs.<br>(b) Support ISOR amendment Point Dume SMCA Option B to allow other permitted activities.<br>(c) For Painted Cave and Anacapa Island SMCAs – suggest addition of the following language: The recreational take of pelagic finfish [subsection 632(a)(3)], including Pacific bonito, and white seabass by spearfishing [Section 1.76] in all pre-existing SMCAs in which lower level of protection activities are presently allowed (take of spiny lobster). | (a) The MLPA states that monitoring and research may be allowed in all MPA designations. Mandated water quality activities required under the federal clean water act and California Water Code are permitted in all MPA designations pursuant to a scientific collecting permit. Also, see response to comment 159.<br>(b) The Commission selected Point Dume Take Option B.<br>(c) Changes to Painted Cave and Anacapa Island SMCAs were not under consideration in the proposed regulation and therefore the comment is outside the scope of the proposed regulation. As adopted by the Commission, all SMCAs that allow recreational take of spiny lobster also allow recreational take of pelagic finfish by spearfishing, except one. Also see response to comment 5. |
| E39(P), Form Letter 07, Form Letter 22 | 215            | Support an SMR at Point Dume  | Comment noted. The Commission adopted this SMR.   |
| C31, E41(P)                            | 216            | Support SMR on eastern side of Point Dume, in Paradise Cove   | Comment noted. Paradise Cove was not included in the Point Dume SMR. See response to comments 5 and 143.  |
| B75                                    | 217            | Support the use of artificial reefs instead of MPAs   | Comment noted. This comment is outside the scope of the proposed regulation.  |
| E38(P)                                 | 218            | Support consensus petition submitted on behalf of the Waterman's Alliance   | Comment noted. See responses to comments 108, 109, 110, 111, 160, 211 and 214.  |
| B65                                    | 219            | Support Point Dume take Option B  | Comment noted. The Commission selected this option.   |
| A93                                    | 220            | Support the State Water Resources   | Comment noted.  |

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|               |                | Control Board Resolution regarding potential regulatory changes near MPAs  |   |
| B65           | 221            | Omit allowance for any take within any State Marine Reserve from Water Quality monitoring subsection added to General Rules and Provisions   | Comment noted. See response to comment 214.   |
| A72, D79      | 222            | Oppose establishing MPAs adjacent to Palos Verdes  | Comment noted. See response to comment 5.   |
| C42           | 223            | Provided map of fishing effort in the La Jolla area. Said map was available to RSG. Commented that IPA only straightens a line at the La Jolla Shores access point. Paddling through the area has gone on for years.     | Comment noted. The Commission appreciates the data provided.  |
| E70           | 224            | Allow commercial take of lobster and sea urchin in moderate to low level of protection SMCAs   | See response to comment 5.  |
| E75           | 225            | Oppose an MPA at La Jolla Cove   | Comment noted. This area is encompassed by the Matlahuayl SMR adopted by the Commission. See response to comment 5. |
| C12, E62, E74 | 226            | The MLPai and SAT violated the APA, CEQA, PRA and MLPA itself.   | This comment is not directly related to the proposed regulation or the Commission's rulemaking procedures.          |
| E89           | 227            | Allow take of migratory and pelagic species in SMRs. Total closures blindly deny fishing and diving access to persons who legitimately should have access to these species and who genuinely want to see them preserved. | Comment noted. See response to comments 19, 22, 31 and 147.   |
| F01           | 228            | (a) Commenter encourages Department to provide maps of   | (a) Comment noted. See response to comment 74.  |

| Commenter ID | Comment Number | Comment   | Response   |
|--------------|----------------|---|--|
|              |                | <p>MPAs with their coordinates in regulations booklets.</p> <p>(b) Commenter does not understand if proposed regulations for accommodating permitted infrastructure also apply to SMRs, and include future repermitting. Expressed concern for implications for Northern Channel Islands MPAs and how this may affect existing SMR designations there, where infrastructure exists.</p> <p>(c) Request reconsideration of designating SMRs as no-take SMCAs when infrastructure is present based on concerns that it will complicate public understanding and exacerbate existing enforcement challenges. Use permitting and CEQA/NEPA documentation instead.</p> | <p>(b) As explained in the Amended Initial Statement of Reasons, MPAs are not intended to prohibit take associated with maintenance of existing structures that is permitted by other state, federal, or local entities. To clarify, the Commission has identified MPAs with existing structures, and designated them as no-take SMCAs with allowances for maintenance activities associated with existing structures and activities. The Northern Channel Islands MPAs established in prior Commission rulemakings are not the subject of the current Commission regulatory action. Potential conflict between existing facilities and the existing MPA designations will need to be addressed by future Commission action as necessary.</p> <p>(c) Commenter-provided examples of future rulemaking actions is speculative. Based on the reasons described in the Amended Initial Statement of Reasons and response (b) to this comment (228), the Commission adopted the proposed regulation.</p> |
| B63          | 229            | <p>Mooring sites in Point Conception SMR need to be addressed. Should this be an SMCA?</p>  | <p>The existence of mooring sites within the Point Conception SMR was not confirmed during the rulemaking process and therefore activities for maintenance of such facilities were not part of the proposed rulemaking. If found necessary, this issue can be addressed in a future rulemaking.</p>  |
| B55          | 230            | <p>The commenter makes eight comments alleging the following: (a) violation of the Government Code section 11346.8(a) [requiring a 45-day notice period]; (b) failure to re-circulate the EIR; (c) failure to comply with MLPA requirements;</p>  | <p>(a): The amended regulation was sufficiently related to the original text that the public was adequately placed on notice that the change could result from the original proposed regulatory action. (Government Code section 11346.8(c); 63 Ops.Atty.Gen. 143 (1980).)</p> <p>(b): The EIR was adequate to to address the</p>  |

| Commenter ID | Comment Number | Comment   | Response   |
|--------------|----------------|---|--|
|              |                | (d) failure to comply with MMAIA requirements; (e) improper delegation of legislative authority; (f) insufficient statutory authority to adopt; (g) failure to obtain a Coastal Development Permit; (h) violations of openness, transparency, and the Public Records Act. | <p>revised proposed regulations</p> <p>(c), (d), (e) and (h): These comments concern the roles and responsibilities of the Department of Fish and Game in preparing, or causing to be prepared, the Master Plan (Fish and Game Code section 2855(b)), and/or the Blue Ribbon Task Force, an advisory entity. As such, they are not specifically directed at the proposed action or to the procedures followed by the <i>Fish and Game Commission</i> in proposing the action.</p> <p>(f): There is sufficient statutory authority to adopt the proposed regulations. The MLPA itself states that it is not intended to restrict any <i>existing</i> authority to change existing MPAs or to designate new ones. (Fish and Game Code section 2861(c). When the MLPA was enacted in 1999, the existing authority lay in Fish and Game Code section 1580. The following year, AB 2000 created new section 1590, amended the MLPA, and enacted the MMAIA. Section 1590, then, is now the existing authority to designate MPAs, in addition to those authorities directly conferred by the MLPA and MMAIA..</p> <p>(g): In 2001, the California Coastal Commission determined that the MLPA implementation does not require a Coastal Development Permit. (See FSOR Attachment A)</p> |
| B55          | 231            | Commenter submitted 20 compact disks at the December 15, 2010 adoption hearing  | The person submitting the disks made no reference to any content that might have been on the disks. Given the last-minute submission of these disks at the adoption hearing, neither the   |

| Commenter ID | Comment Number | Comment | Response   |
|--------------|----------------|---------|--|
|              |                |         | Commission nor its staff had any opportunity to review any of the content of the disks prior to the adoption of the regulations. |

VIII. 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

IX. Location of Department Files:

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

X. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

A range of alternatives to the proposed regulation was provided by the South Coast Regional Stakeholder Group (SCRSG) and Blue Ribbon Task Force (BRTF) to meet the purposes of the proposed regulation but were not selected as the preferred alternative. Each alternative, with the exception of the no-change alternative, meets the goals and guidelines of the MLPA to varying degrees, and attempts to adhere to the MLPA Science Advisory Team (SAT) guidelines in the draft Master Plan for MPAs to the extent possible.

Detailed maps and information regarding specific proposed MPA boundaries and regulations in the alternatives to the proposed regulation are contained within Attachments 6-8 of the Amended ISOR and each alternative is summarized below for informational purposes.

Alternative 1 – This is the SCRSG “Proposal 1R”, developed within SCRSG workgroups by constituents representing a variety of consumptive, non-consumptive, and environmental interests. It consists of 37 proposed MPAs, 13 existing MPAs and two special closures at the Channel Islands, and two federal Safety Zones, covering an area of 397.5 square miles, representing 16.9 percent of state waters within the south coast region (Attachment 6 of the Amended ISOR). Of this, 77.5 percent of the area is within no-take state marine reserves or “very high protection” SMCAs that do not allow fishing, covering 307.8 square miles or 13.1 percent of state waters within the south coast region. Details regarding specific proposed MPA boundaries and regulations are contained in Attachment 6 of the Amended ISOR.

Alternative 2 – This is the “SCRSO Proposal 2R”, developed within SCRSO workgroups by constituents representing primarily commercial and recreational fishing interests along the south coast. It consists of 24 proposed MPAs, 13 existing MPAs and two special closures at the Channel Islands, and two federal Safety Zones covering an area of 378.3 square miles, representing 16.1 percent of state waters within the south coast region (Attachment 7 of the Amended ISOR). Of this, 74.8 percent of the area is within no-take state marine reserves or “very high protection” SMCAs that do not allow fishing, covering 282.8 square miles or approximately 12 percent of state waters within the south coast region. Details regarding specific proposed MPA boundaries and regulations are contained in Attachment 7 of the Amended ISOR.

Alternative 3 – This is the “SCRSO Proposal 3R”, developed within SCRSO workgroups by constituents primarily representing non-consumptive and environmental interests along the south coast. It consists of 27 proposed MPAs, 13 existing MPAs and two special closures at the Channel Islands, and three federal Safety Zones covering an area of 412.7 square miles, representing 17.6 percent of state waters within the south coast region (Attachment 8 of the Amended ISOR). Of this, 71 percent of the area is within no-take state marine reserves or “very high protection” SMCAs and a State Marine Recreational Management Area (SMRMA) that do not allow fishing, covering 293 square miles or 12.4 percent of state waters within the south coast region. Details regarding specific proposed MPA boundaries and regulations are contained in Attachment 8 of the Amended ISOR.

(b) No Change Alternative:

The no change alternative would leave existing MPAs in state waters of the south coast region unchanged (See Attachment 13 of the Amended ISOR for a map and description of existing MPAs). This alternative does not address the goals and requirements of the Marine Life Protection Act.

(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.

XI. 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 Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The 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 impacts on commercial and recreational fishing operations and businesses.

The impacts presented here do not represent a complete socioeconomic impact analysis, but rather what is generally referred to as a first order impact analysis, meaning that it only assesses potential impacts up to the dock (i.e., for commercial, commercial passenger fishing vessel and recreational fisheries). Furthermore, a key assumption of this analysis is that estimates represent maximum potential impacts. An assumption made in the analysis is that the regulation completely eliminates fishing opportunities in areas closed to specific fisheries and that fishermen are unable to adjust or mitigate in any way. In other words, that all fishing in an area affected by a marine protected area (MPA) is lost completely, when in reality it is more likely that fishermen will shift their efforts to areas outside the MPA. The effect of such an assumption is most likely an overestimation of the impact, or a “worst case scenario.”

The estimates of maximum potential impacts 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 locations of fishing activities and the relative importance of each location. Ecotrust’s importance indices were combined with cost share information (gathered during the interviews) to measure the maximum potential impacts of prospective closures on stated economic values for key commercial, commercial passenger fishing vessel and recreational fisheries. The methodology used to determine maximum potential impacts for the proposed regulation (IPA) is described in Attachment 14 of the Amended ISOR.

The maximum potential impact (in real 2007 dollars) to commercial fisheries under the proposed regulation (see Table 5) excluding the impact of the Channel Islands MPAs is estimated to be \$1,566,767 per year. In comparison, the estimated average annual baseline gross revenues for the study region from 2000–07 were estimated to be \$48,001,110 and the

estimated corresponding net economic revenue was \$22,648,455. Using these values, the estimated maximum potential percentage reduction per year under the proposed regulation excluding the impact of the Channel Islands MPAs is estimated to be 6.9 percent.

Table 5. Estimated annual maximum potential net economic impacts to commercial fisheries relative to the base scenario excluding the impact of the Channel Islands MPAs. The SCRSG proposal name is reflected in parentheses.

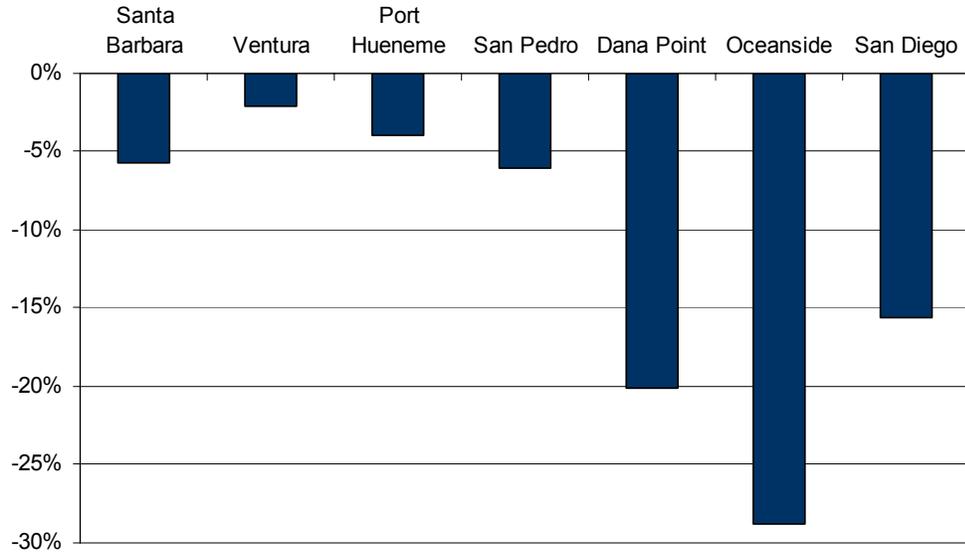
| Fishery                           | Baseline<br>GER     | Baseline<br>NER (Profit) | Proposed Regulation<br>(IPA)     |                                 |
|-----------------------------------|---------------------|--------------------------|----------------------------------|---------------------------------|
|                                   |                     |                          | Estimated<br>Profit<br>Loss (\$) | Estimated<br>Profit<br>Loss (%) |
| Ca. Halibut (Hook & Line)         | \$108,209           | \$51,508                 | \$5,748                          | 11.2%                           |
| Ca. Halibut (Trawl)               | —                   | —                        | —                                | —                               |
| Coastal Pelagics                  | \$5,889,196         | \$2,613,331              | \$128,280                        | 4.9%                            |
| Ca. Spiny Lobster                 | \$6,360,856         | \$3,439,117              | \$399,973                        | 11.6%                           |
| N. Fishery (Hook & Line)          | \$217,200           | \$105,125                | \$12,890                         | 12.3%                           |
| N. Fishery (Trap)                 | \$372,719           | \$182,413                | \$22,990                         | 12.6%                           |
| Rock Crab                         | \$1,469,292         | \$780,474                | \$50,484                         | 6.5%                            |
| Sablefish (Blackcod) <sup>a</sup> | \$286,809           | \$125,479                | \$65,101                         | 51.9%                           |
| Sea Cucumber (Dive)               | \$500,296           | \$252,149                | \$22,441                         | 8.9%                            |
| Sea Cucumber (Trawl)              | —                   | —                        | —                                | —                               |
| Spot Prawn                        | \$1,741,435         | \$892,881                | \$71,973                         | 8.1%                            |
| Market Squid                      | \$22,459,304        | \$9,589,146              | \$299,105                        | 3.1%                            |
| Swordfish                         | \$366,725           | \$123,770                | \$10,589                         | 8.6%                            |
| Thornyhead <sup>a</sup>           | \$648,920           | \$313,645                | \$221,136                        | 70.5%                           |
| Red Sea Urchin                    | \$7,580,148         | \$4,179,418              | \$256,058                        | 6.1%                            |
| <b>All Fisheries<sup>b</sup></b>  | <b>\$48,001,110</b> | <b>\$22,648,455</b>      | <b>\$1,566,767</b>               | <b>6.9%</b>                     |

<sup>a</sup> The sablefish and thornyhead trap fisheries data collected in this study indicated where those fisheries occur only inside state waters. These fisheries actually occur primarily outside of state waters and, because of this, the stated potential impacts may be overestimated throughout the study region.

<sup>b</sup> Santa Barbara California halibut trawl and sea cucumber trawl are not shown in this total due to lack of data for all ports.

The estimated maximum potential impact to commercial fisheries under the proposed regulation excluding the impact of the Channel Islands MPAs is also calculated by port, as seen in Figure 2. In addition, it should be noted that the potential impacts to specific fisheries also vary by port as well.

Figure 2. Estimated annual maximum potential net economic impacts in commercial fisheries of the proposed regulation relative to the base scenario by port excluding the impact of the Channel Islands MPAs.



Due to the aggregation of data necessary to maintain the 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 fisherman and may actually underestimate the maximum potential impact to specific individuals.

That said, Ecotrust, as part of their assessment, was asked to provide summary information on any disproportionate impacts on individual fishermen 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.

Ecotrust evaluated whether there were individual fishermen interviewed who may be disproportionately affected by the proposed regulation. To assess these impacts, Ecotrust overlaid each fisherman’s fishing grounds weighted by ex-vessel revenue (for each fishery in which the individual participates) with those areas being considered for closure under the proposed regulation and then summarized the potential impact on each fisherman’s ex-vessel revenue across all fisheries in which the individual participates. It should be noted that the "worst case scenario" still applies in that individual fishermen are assumed not to adjust to different fishing grounds and the estimates presented here do not include impacts from Channel Island MPAs.

Ecotrust then used a box plot analysis to identify individual outliers. In a box plot analysis, outliers are defined as extreme values that deviate significantly from the rest of the sample. Results of this analysis show that the proposed regulation creates potentially disproportionate impacts to fishing areas for at least 10 fishermen. The maximum potential impacts to these individuals' annual ex-vessel revenues range from 32.2–57.2 percent and the corresponding dollar values range from \$2,460–\$123,204. The median maximum potential impact is \$21,381.

Ecotrust also analyzed the maximum potential impacts to commercial passenger fishing vessel (CPFV) operators and recreational fishermen (i.e., dive, kayak and private vessel) in terms of percentage of the fishing grounds within the study region and percentage of stated importance values of fishing grounds within the study region. Estimated impacts represent impacts to areas of stated importance and not impacts on level of effort. Similar to the commercial estimates of maximum potential impact, these estimates assume all fishing activity that previously occurred in a closed area is “lost” and not replaced by movement to another location.

Ecotrust calculated the maximum potential net economic impact for the CPFV fisheries as the average percentage reduction in net economic revenue (i.e., profit) for all ten species considered (Table 6).

Table 6. Estimated annual maximum potential net economic impacts to CPFV fisheries relative to the base scenario excluding the impact of the Channel Islands MPAs.

| Port                                  | Proposed<br>Regulation (IPA) |
|---------------------------------------|------------------------------|
|                                       | Estimated Profit<br>Loss (%) |
| Santa Barbara                         | 7.4%                         |
| Port Hueneme / Channel Islands Harbor | 12.3%                        |
| Santa Monica                          | 4.4%                         |
| San Pedro / Long Beach                | 6.1%                         |
| Newport Beach                         | 11.3%                        |
| Dana Point                            | 18.8%                        |
| Oceanside                             | 12.0%                        |
| San Diego                             | 25.2%                        |
| <b>Study Region</b>                   | <b>11.2%</b>                 |

Recreational fisheries were broken out by county and by user group (i.e., dive, kayak and private vessel). Please see Table 7 for additional details.

While not economic losses, if realized, a loss in recreational fishing areas could lead to decreases in revenues to recreational fishing dependent businesses.

In the long term, the potential negative impacts may be balanced by potential 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.

Table 7. Estimated percentage of stated value of total recreational fishing grounds affected by county for the proposed regulation excluding the impact of the Channel Islands MPAs.

| County        | User group     | Pacific Barracuda | Pacific Bonito | Ca. Halibut | Kelp Bass (calico bass) | White Croaker | Ca. Spiny Lobster | Jack Mackerel | Rockfish | Rock Crab |
|---------------|----------------|-------------------|----------------|-------------|-------------------------|---------------|-------------------|---------------|----------|-----------|
| Santa Barbara | Dive           |                   |                | 7.3%        | 11.9%                   | 12.1%         | 9.0%              |               | 5.3%     |           |
|               | Kayak          |                   |                | 11.5%       | 12.0%                   |               | 0.0%              |               |          |           |
|               | Private Vessel | 0.4%              |                | 13.8%       | 11.6%                   |               | 0.0%              |               | 2.1%     |           |
| Ventura       | Dive           | 1.8%              |                | 19.9%       | 15.1%                   |               | 15.4%             |               | 10.8%    |           |
|               | Kayak          | 3.5%              |                | 15.9%       | 17.8%                   |               | 13.6%             | 4.3%          | 15.6%    | 0.0%      |
|               | Private Vessel | 0.5%              | 0.0%           | 3.0%        | 2.8%                    | 0.0%          | 12.1%             | 0.0%          | 1.3%     |           |
| Los Angeles   | Dive           | 13.3%             | 45.5%          | 12.1%       | 13.0%                   | 33.4%         | 9.7%              |               | 20.7%    |           |
|               | Kayak          | 2.5%              | 3.6%           | 3.9%        | 9.2%                    |               | 8.0%              | 4.6%          | 12.1%    | 0.0%      |
|               | Private Vessel | 3.3%              | 5.8%           | 1.8%        | 4.8%                    | 0.0%          | 6.2%              | 0.8%          | 7.8%     |           |
| Orange        | Dive           |                   | 13.4%          | 14.6%       | 30.8%                   | 25.4%         | 17.0%             |               | 8.2%     |           |
|               | Kayak          | 0.8%              | 13.2%          | 4.5%        | 6.9%                    |               | 30.7%             | 0.0%          | 11.0%    |           |
|               | Private Vessel | 3.6%              | 2.8%           | 2.3%        | 6.2%                    | 11.0%         | 15.0%             | 3.1%          | 8.9%     |           |
| San Diego     | Dive           | 16.1%             | 28.1%          | 25.6%       | 26.9%                   | 41.3%         | 19.7%             |               | 15.1%    |           |
|               | Kayak          | 23.4%             | 22.4%          | 21.4%       | 25.6%                   |               | 13.6%             | 21.8%         | 25.0%    | 14.8%     |
|               | Private Vessel | 4.2%              | 2.9%           | 7.0%        | 13.0%                   | 5.2%          | 9.6%              | 10.7%         | 7.3%     |           |

Table 7 (continued)

| County               | User group     | Scallops | Ca. Sheephead | Sand Bass | Market Squid | Surfperch | Thresher Shark | White Seabass | Ca. Yellowtail |
|----------------------|----------------|----------|---------------|-----------|--------------|-----------|----------------|---------------|----------------|
| <b>Santa Barbara</b> | Dive           | 4.7%     |               |           |              |           |                | 3.8%          | 0.0%           |
|                      | Kayak          |          |               | 21.6%     |              |           | 1.7%           |               |                |
|                      | Private Vessel |          |               | 0.0%      |              |           | 0.2%           | 5.5%          | 0.0%           |
| <b>Ventura</b>       | Dive           | 10.0%    | 0.0%          | 11.6%     |              |           |                | 2.1%          | 0.6%           |
|                      | Kayak          |          | 25.0%         | 21.8%     | 11.2%        |           | 2.2%           | 13.8%         | 12.2%          |
|                      | Private Vessel |          |               |           |              |           | 8.1%           | 2.5%          | 1.8%           |
| <b>Los Angeles</b>   | Dive           | 21.0%    | 27.5%         | 10.5%     |              |           |                | 5.8%          | 10.4%          |
|                      | Kayak          |          | 5.5%          | 2.2%      | 4.9%         |           | 2.9%           | 9.5%          | 12.4%          |
|                      | Private Vessel |          | 8.4%          | 0.4%      |              | 2.0%      | 6.1%           | 9.6%          | 4.7%           |
| <b>Orange</b>        | Dive           | 12.0%    | 59.8%         | 32.7%     |              |           |                | 11.4%         | 10.0%          |
|                      | Kayak          |          | 37.1%         | 6.6%      | 13.7%        |           | 9.1%           | 7.7%          | 17.7%          |
|                      | Private Vessel |          | 25.0%         | 2.0%      |              | 0.0%      | 4.2%           | 11.1%         | 2.4%           |
| <b>San Diego</b>     | Dive           | 21.9%    | 29.8%         | 18.4%     |              |           |                | 20.6%         | 12.1%          |
|                      | Kayak          |          | 20.3%         | 18.9%     | 26.5%        |           | 23.7%          | 21.9%         | 21.7%          |
|                      | Private Vessel |          | 9.1%          | 6.1%      |              | 9.2%      | 1.3%           | 11.6%         | 2.6%           |

- (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:

Each alternative has potential impacts on the creation and elimination of jobs related to commercial, CPFV and recreational fishing and non-consumptive activities. An estimate of the number of jobs eliminated as a direct result of the proposed action is 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 proposed action 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 agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

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. Costs associated with printing and installing new regulatory signage, and developing and printing public outreach materials will be incurred by the Department's Marine Region and South Coast Region. 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 Channel Islands National Marine Sanctuary, 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 and second MLPA study regions (i.e., central coast and north central coast study regions), 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 regulation in the south coast are unknown, experience in implementing MPAs in the northern Channel Islands and the MLPA central coast and north central coast 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 MLPA north central coast study region regulations became effective in May 2010 and funds have not yet been expended on implementation at the time of this writing with the exception of \$4 million provided by the OPC for a baseline data collection project and development of a monitoring plan.

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 south 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 and being implemented in the north central coast. The costs associated with baseline data collection and future monitoring to apply in the south coast will be determined through a similar process and therefore cannot be estimated at this time. In light of uncertainty regarding the cost for monitoring, funding due to the State's current fiscal crisis, and the level of future funding from external partners, the estimated new funding requirements by the state for MLPA in the south 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, Government Code:

None

(h) Effect on Housing Costs:

None

## Updated Informative Digest / Policy Statement Overview

The April 21, 2010 Initial Statement of Reasons (ISOR) contained regulatory sub-options within the California Fish and Game Commission's (Commission) preferred alternative, also known as the Integrated Preferred Alternative (IPA), for eleven of the proposed marine protected areas (MPAs), and included sub-options to retain two existing MPAs not included in the IPA. The November 3, 2010 Amended ISOR contained additional regulatory sub-options within the IPA for two general rules and provisions, and for several MPAs.

The Commission adopted the IPA on December 15, 2010 with the following sub-option selections:

- Feeding of Fish and Wildlife – *Option 2*: Add general rule and provision to authorize feeding of fish when specified in subsection 632(b) for the purpose of marine life viewing.
- Public Safety – *Option 1*: Add general rule and provision to make explicit that public safety activities and structures are allowed in all MPA designations.
- Refugio – *Option 1*: Remove existing MPA at Refugio.
- Campus Point – *Option 2*: Change designation to State Marine Conservation Area (SMCA) and add provision for take associated with permitted operation and maintenance of artificial structures inside the SMCA.
- Point Dume – *Option 2<sup>j</sup>*: Add provision for take associated with permitted beach nourishment and other sediment management activities inside the SMCA.
- Arrow Point to Lion Head Point (Catalina Island) – *Option 1*: Retain existing seaward boundaries (defined by distance from shore) as proposed in the IPA.
- Casino Point (Catalina Island) – *Option 2*: Allow feeding of fish for the purpose of marine life viewing.
- Lover's Cove (Catalina Island) – *Option 2*: Allow feeding of fish for the purpose of marine life viewing.
- Upper Newport Bay – *Option 2*: Apply restrictions on swimming, boat speed and shoreline access to the portion of waters that overlap with the Ecological Reserve only.
- Robert E. Badham – *Option 1*: Remove existing MPA name and subsume area into Crystal Cove SMCA.
- Crystal Cove – *Boundary Option 1*: Retain coordinates as proposed in the IPA. *Take Option A-R*: Allow commercial and recreational take as proposed in the IPA, and add language to clarify that take within tidepools is prohibited.
- Laguna Beach – *Boundary Option 2-R*: Divide IPA geography into two MPAs, with a State Marine Reserve (SMR) north of the wastewater outfall pipe and a non-fishing SMCA at the southern portion of the geography; add

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<sup>j</sup> Also referred to as "Take Option B" in Revised Regulatory Language of the Amended ISOR.

beach grooming, maintenance dredging, and habitat restoration to the list of other permitted activities for which associated take is allowed inside the SMCA; remove restrictions on boat launching, retrieval, and anchoring inside the SMR and SMCA.

**Dana Point – *Boundary Option 1:*** Retain coordinates as proposed in the IPA. ***Take Option B:*** Take as proposed in the IPA, but add language to clarify that take within tidepools is prohibited (Note that the other portion of Take Option B, pertaining to other allowed uses, was not necessary due to the boundary option selected, which excluded the area of operation). ***Access Option A:*** Remove existing restrictions on access for purposes of take, and scientific collecting oversight by the director of the Dana Point SMCA.

**Doheny Beach – *Option 1:*** Remove existing MPA at Doheny Beach.

**Swami’s SMCA – *Boundary Option 4:*** Move northern boundary north to Cottonwood Creek, and move southern boundary south to align with California State Parks beach boundary. ***Take Option B:*** Take as proposed in IPA, but add recreational shore-based fishing with hook and line gear to allowed take.

**San Diego-Scripps Coastal – *Option 2:*** Move southern boundary south to below the base of Scripps Pier.

**Matlahuayl – *Option 2:*** Move northern boundary south to below the base of Scripps Pier and designate as SMR.

**South La Jolla – *Option 4:*** Move northern boundary of SMR and SMCA north of the intertidal reef to align with Palomar Avenue, and move southern boundary of SMR and SMCA south to align with Missouri Street.

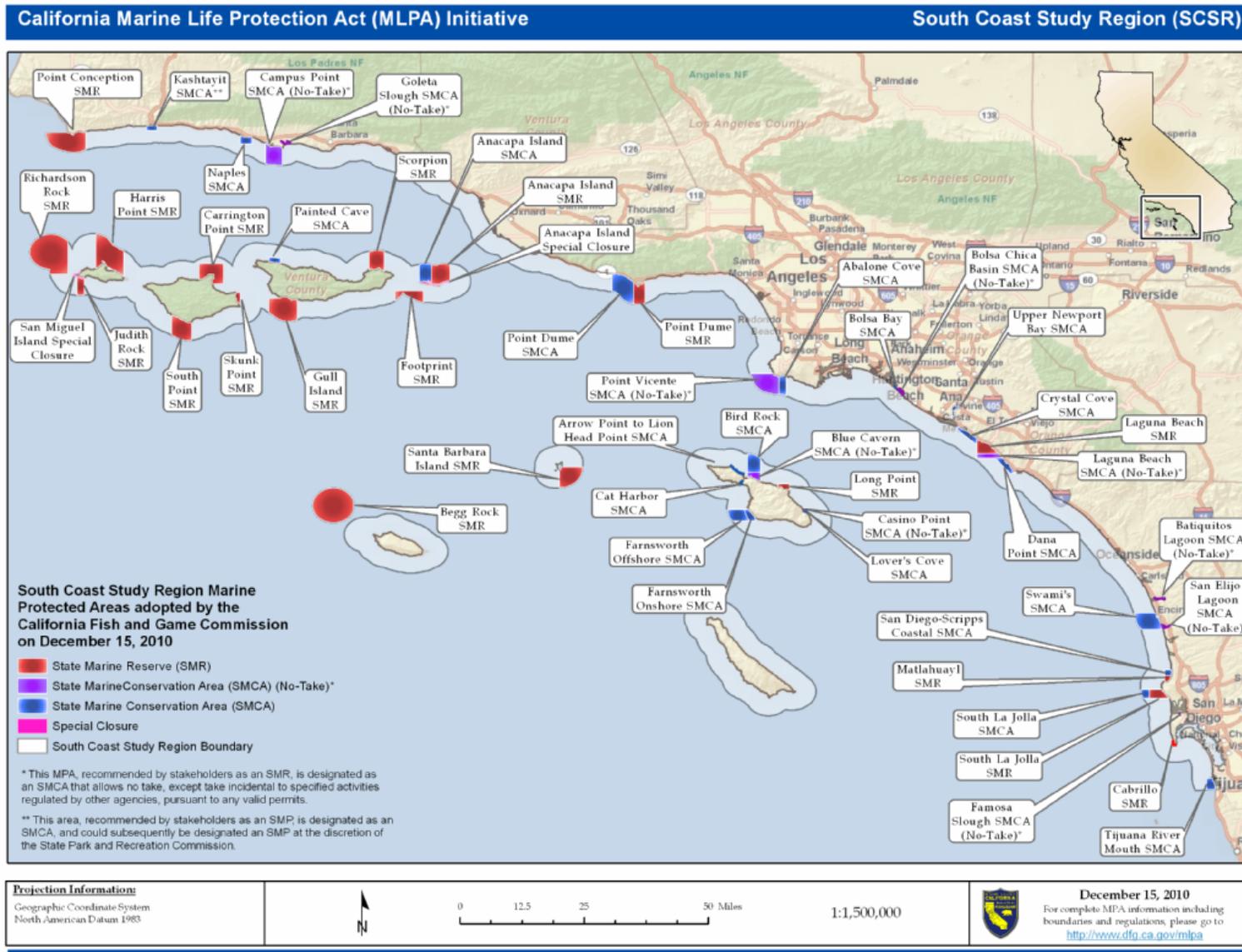
Various nonsubstantive errors in the Amended ISOR were corrected:

- In subsection 632(b), unnecessary underline formatting was removed from preamble text to reflect it as existing text.
- In subsection 632(b)(78)(A), the word “the” was added between “within” and “Goleta Slough” in ~~strikeout~~ to accurately reflect existing regulatory text.
- In subsection 632(b)(101)(A), the word “the” is inserted between “of” and “mean” for purposes of clarity and consistency.
- In subsection 632(b)(103)(A), the phrase “the mean high tide line and” was removed from this offshore MPA for consistency with other offshore MPAs that do not contact the shoreline.
- In subsections 632(b)(103)(A), 632(b)(108)(A), and 632(b)(121)(A), the first coordinate was restated as the final coordinate for consistency with other offshore MPA boundary descriptions.
- In subsection 632(b)(104)(A), the term “the mean high tide line and” was added and the phrase “except where noted” was removed to improve clarity and consistency with other onshore MPAs that contact the shoreline.

- In subsection 632(b)(110), a missing period was added after the existing text of “Shellmaker Island” and shown in ~~strikeout~~ to accurately reflect existing regulatory text.
- In subsection 632(b)(116)(B), the word “for” was removed before the colon for consistency.

The Commission adopted the other regulatory changes as originally proposed in the IPA. There have been no additional modifications to the originally proposed language of the Amended ISOR, or changes in the laws related to the proposed action or to the effect of the proposed regulations from the laws and effects described in the November 22, 2010 Notice of Revised Proposed Regulatory Action. Figure 1 displays the MPAs adopted by the Commission in the IPA.

Figure 1. Marine protected areas adopted by the Commission in the preferred alternative.



CALIFORNIA COASTAL COMMISSION

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August 22, 2001

Ms. Patricia Wolf  
Regional Manager  
Marine Region  
California Department of Fish and Game  
4665 Lampson Avenue  
Los Alamitos, California 90720

**SUBJECT: Coastal Commission Jurisdiction over Designation of Marine Managed Areas**

Dear Ms. Wolf:

I understand you recently had discussions with John Dixon, the Coastal Commission's marine ecologist and representative on the Marine Life Protection Act ("MLPA") team, as to whether the creation under the MLPA of new, expanded, or altered marine managed areas ("MMAs") in state waters will require a coastal development permit from the Coastal Commission.

This letter is to inform you that after discussing this matter internally, we have determined that no coastal development permit is necessary if the MMA only prohibits the capture, removal or disturbance of living biological resources, and does not limit the public's access to state waters. Although we believe that even as so understood the establishment of MMAs could still be considered to result in a "change in the intensity of use of water" for purposes of section 30106 of the Coastal Act, we agree with the California Department of Fish and Game ("CDFG") that the establishment of such MMAs constitutes a "wildlife and fishery management program" within the meaning of Coastal Act § 30411(a). Coastal Act § 30411(a) recognizes that the CDFG and Fish and Game Commission are the principal state agencies responsible for the establishment and control of wildlife and fishery programs and that "the [Coastal] Commission shall not establish or impose any controls with respect thereto that duplicate or exceed regulatory controls established by these agencies...." Therefore, no coastal development permit will be required for the establishment of MMAs whose sole purpose is to limit the extraction of marine resources.

We also want to clarify that the proposed action of the Channel Islands National Marine Sanctuary ("CINMS") to establish similar marine reserves will be subject to the consistency review requirements of section 307(c)(1) of the Coastal Zone Management Act (CZMA; 16 USC §1456(c)(1)) and its implementing regulations (15 CFR Part 930, Subpart C). The Commission's review will have as its purpose ensuring that the proposed marine reserves are consistent with the California Coastal Management Program ("CCMP"). However, we

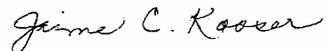
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anticipate that the subject of such a federal consistency review will be a negative determination prepared by the CINMS. See 15 CFR § 930.35.

We look forward to continue working with you on this important MLPA program. If you have any questions, please call me at (415) 904-5265. Thank you.

Sincerely,



Jaime C. Kooser, Ph.D.  
Deputy Director  
Energy, Ocean Resources and Water Quality

cc: Matt Pickett, Manager, Channel Islands National Marine Sanctuary  
Brian Baird, Resources Agency  
Paul Reilly, California Department of Fish and Game  
John Dixon, Coastal Commission