

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0114-09	REGULATORY ACTION NUMBER 2014-0703-035	EMERGENCY NUMBER
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ENDORSED FILED
IN THE OFFICE OF

2014 AUG 12 PM 2:06

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

For use by Office of Administrative Law (OAL) only

2014 JUL -3 PM 4:42

OFFICE OF ADMINISTRATIVE LAW

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
Fish and Game Commission

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2014, 42	PUBLICATION DATE 1/24/2014

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Marine Protected Areas	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 632
	REPEAL
TITLE(S) 14	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Sherrie Fonbuena	TELEPHONE NUMBER (916) 654-9866	FAX NUMBER (Optional) (916)-653-5040	E-MAIL ADDRESS (Optional) Sherrie.Fonbuena@fgc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Sonke Mastrup</i>	DATE 7/3/14
TYPED NAME AND TITLE OF SIGNATORY Sonke Mastrup, Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 12 2014

Office of Administrative Law

Regulatory Language

Section 632, Title 14, CCR, is amended to read:

632. Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures.

(a) General Rules and Regulations:

The areas specified in this section have been declared by the commission to be marine protected areas, marine managed areas, or special closures. Public use of marine protected areas, marine managed areas, or special closures shall be compatible with the primary purposes of such areas. MPAs, MMAs, and special closures are subject to the following general rules and regulations in addition to existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b), areas and special regulations for use. Nothing in this section expressly or implicitly precludes, restricts or requires modification of current or future uses of the waters identified as marine protected areas, special closures, or the lands or waters adjacent to these designated areas by the Department of Defense, its allies or agents.

~~(a) General Rules and Regulations:~~

(1) Protection of Resources.

(A) State Marine Reserves: In a state marine reserve, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except under a scientific collecting permit issued by the department pursuant to Section 650 or specific authorization from the commission for research, restoration, or monitoring purposes.

(B) State Marine Parks: In a state marine park, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the commission as specified in subsection 632(b), areas and special regulations for use. ~~The commission~~ department may issue scientific collecting permits pursuant to Section 650, ~~or specifically~~ The commission may authorize research, monitoring, and educational activities and certain recreational harvest in a manner consistent with protecting resource values.

(C) State Marine Conservation Areas: In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes except as specified in subsection 632(b), areas and special regulations for use. ~~The commission~~ department may issue scientific collecting permits pursuant to Section 650, ~~or specifically~~ The commission may authorize research, education, and recreational activities, and certain commercial and recreational harvest of marine resources, provided that these uses do not compromise protection of the species of interest, natural community, habitat, or geological features.

(D) State Marine Recreational Management Areas: In a state marine recreational management area, it is unlawful to perform any activity that would compromise the

recreational values for which the area may be designated. Recreational opportunities may be protected, enhanced, or restricted, while preserving basic resource values of the area. No other use is restricted unless specified in subsection 632(b), areas and special regulations for use.

[No changes to current regulatory text in subsection (a)(2)]

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

[No changes to current regulatory text in subsections (a)(4) through (7)]

~~(8) Transit or Drifting. Vessels shall be allowed to transit through marine protected areas and marine managed areas with catch onboard. Fishing gear shall not be deployed in the water while transiting through a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the water while transiting through a state marine recreational management area, state marine park or state marine conservation area.~~

(8) Transit or Drifting.

(A) Vessels shall be allowed to transit through MPAs and MMAs with catch onboard. Fishing gear shall not be deployed in the water while transiting through a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the water while transiting through a state marine recreational management area, state marine park or state marine conservation area.

(B) Spearfishermen with or without catch shall be allowed to transit through MPAs and MMAs. While transiting MPAs and MMAs that prohibit spearfishing or while in possession of species not identified as allowed for take in the MPA or MMA being transited, spearfishing gear shall be in an unloaded condition, not carried in hand, and the diver shall remain at the surface.

[No changes to current regulatory text in subsections (a)(9) through (11)]

(b) Areas and Special Regulations for Use. Pursuant to the commission's authority in Fish and Game Code Section 2860 to regulate commercial and recreational fishing and any other taking of marine species in MPAs, Fish and Game Code Sections 10500(f), 10500(g), 10502.5, 10502.6, 10502.7, 10502.8, 10655, 10655.5, 10656, 10657,

10657.5, 10658, 10660, 10661, 10664, 10666, 10667, 10711, 10801, 10900, 10901, 10902, 10903, 10904, 10905, 10906, 10907, 10908, 10909, 10910, 10911, 10912, 10913, and 10932 are made inoperative superseded as they apply to designations in Subsection 632(b). All geographic coordinates listed use the North American Datum 1983 (NAD83) reference datum:

~~[No changes to current regulatory text subsections (b)(1) through (29)]~~

(30) Sea Lion Cove State Marine Conservation Area.

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

38° 56.40' N. lat. 123° 43.82' W. long.;

38° 56.40' N. lat. 123° 44.00' W. long.;

38° 55.79' N. lat. 123° 44.00' W. long.; and

38° 55.79' N. lat. 123° 43.74' W. long.

~~(B) Recreational and commercial take of marine invertebrates and marine aquatic plants is prohibited. Take of all other species is allowed. Take of all living marine resources is prohibited except the recreational and commercial take of finfish [subsection 632(a)(2)].~~

~~[No changes to current regulatory text subsections (b)(31) through (38)]~~

(39) Bodega Head State Marine Reserve.

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

38° 20.10' N. lat. 123° 04.04' W. long.;

38° 20.10' N. lat. 123° 08.38' W. long.; thence southward along the three nautical mile offshore boundary to

38° 18.00' N. lat. 123° 08.08' W. long.; and

38° 18.00' N. lat. 123° 03.64' W. long.

~~(B) Take of all living marine resources is prohibited except for take pursuant to Fish and Game Code Section 10661 and the director of the Bodega Marine Life Refuge may authorize certain activities in the formerly designated Bodega Marine Life Refuge (Section 10903, Fish and Game Code) pursuant to subsections (b) and (c) of Section 10502.7 and Section 10656 of the Fish and Game Code.~~

~~(C) Except as permitted by federal law or emergency caused by hazardous weather, it is unlawful to anchor or moor a vessel in the Bodega Head State Marine Reserve without authorization from the director of the Bodega Marine Laboratory.~~

~~(D) The director of the Bodega Marine Laboratory may authorize any person who holds a scientific collector's permit from the department, under the conditions prescribed by the department, to enter the Bodega Head State Marine Reserve to take any finfish [subsection 632(a)(2)], invertebrate, or marine plant or algae for scientific purposes.~~

~~(E) The director of the Bodega Marine Laboratory may authorize students enrolled in educational programs conducted by the Bodega Marine Laboratory, under general conditions outlined in a memorandum of understanding with the department, to enter~~

~~the Bodega Head State Marine Reserve to take any finfish [subsection 632(a)(2)], invertebrate, or marine plant or algae for educational and study purposes.~~

(40) Bodega Head State Marine Conservation Area.

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

38° 18.00' N. lat. 123° 03.64' W. long.;

38° 18.00' N. lat. 123° 08.08' W. long.; thence southward along the three nautical mile offshore boundary to

38° 13.34' N. lat. 123° 03.51' W. long.; and

38° 17.93' N. lat. 123° 03.51' W. long.

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

1. The recreational take of pelagic finfish [subsection 632(a)(3)] by trolling [subsection 27.80(a)(3)], Dungeness crab by trap, and market squid by hand-held dip net, are is allowed.

2. The commercial take of pelagic finfish [subsection 632(a)(3)] by troll fishing gear [subsection 182.1(f)] or round haul net [Section 8750, Fish and Game Code], Dungeness crab by trap, and market squid by round haul net [Section 8750, Fish and Game Code], are allowed. is allowed. Not more than five percent by weight of any commercial pelagic finfish or market squid catch landed or possessed shall be other incidentally taken species.

[No changes to current regulatory text subsections (b)(41) through (65)]

(66) Pillar Point State Marine Conservation Area.

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

37° 30.00' N. lat. 122° 29.93' W. long.;

37° 30.00' N. lat. 122° 34.61' W. long.; thence southward along the three nautical mile offshore boundary to

37° 28.33' N. lat. 122° 33.47' W. long.;

37° 28.33' N. lat. 122° 30.83' W. long.;

37° 29.18' N. lat. 122° 30.36' W. long.; and

37° 29.74' N. lat. 122° 29.97' W. long.

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

1. The recreational take of pelagic finfish [subsection 632(a)(3)] by trolling [subsection 27.80(a)(3)], Dungeness crab by trap, and market squid by hand-held dip net are is allowed.

2. The commercial take of pelagic finfish [subsection 632(a)(3)] by troll or round haul net [Section 8750, Fish and Game Code], Dungeness crab by trap, and market squid by round haul net [Section 8750, Fish and Game Code] is allowed. Not more than five percent by weight of any commercial pelagic finfish or market squid catch landed or possessed shall be other incidentally taken species.

[No changes to current regulatory text in subsection (b)(67)]

(68) Greyhound Rock State Marine Conservation Area.

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

37° 04.70' N. lat. 122° 16.20' W. long.;

37° 04.70' N. lat. 122° 21.00' W. long.;

37° 03.55' N. lat. 122° 21.00' W. long.; thence southward along the three nautical mile offshore boundary to

37° 02.57' N. lat. 122° 19.10' W. long.; and

37° 02.57' N. lat. 122° 14.00' W. long.

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

1. Only the following species may be taken recreationally: giant kelp (*Macrocystis pyrifera*) by hand harvest only, market squid, salmon, and, by hook-and-line from shore only, other finfish.

~~2. Only the following species may be taken commercially: giant kelp (*Macrocystis pyrifera*) by hand harvest only, salmon, and squid except that not more than five percent (5%) by landed weight of any commercial squid catch may be other species taken incidentally to squid.~~

2. Only the following species may be taken commercially: giant kelp (*Macrocystis pyrifera*) by hand harvest only, salmon, and market squid. Not more than five percent by weight of any commercial market squid catch landed or possessed shall be other incidentally taken species.

[No changes to current regulatory text in subsection (b)(69) through (72)]

(73) Soquel Canyon State Marine Conservation Area.

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

36° 51.00' N. lat. 121° 56.00' W. long.;

36° 51.00' N. lat. 122° 03.80' W. long.;

36° 48.00' N. lat. 122° 02.88' W. long.;

36° 48.00' N. lat. 121° 56.00' W. long.; and

36° 51.00' N. lat. 121° 56.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish [subsection 632(a)(3) is allowed. Not more than five percent by weight of any commercial pelagic finfish catch landed or possessed shall be other incidentally taken species.]

(74) Portuguese Ledge State Marine Conservation Area.

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

36° 43.00' N. lat. 121° 56.00' W. long.;

36° 43.00' N. lat. 122° 01.30' W. long.;

36° 41.00' N. lat. 122° 00.80' W. long.;

36° 41.00' N. lat. 121° 56.00' W. long.; and
36° 43.00' N. lat. 121° 56.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish [subsection 632(a)(3)] is allowed. Not more than five percent by weight of any commercial pelagic finfish catch landed or possessed shall be other incidentally taken species.

[No changes to current regulatory text in subsection (b)(75)]

(76) Lovers Point-Julia Platt State Marine Reserve.

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

36° 37.10' N. lat. 121° 54.09' W. long.;
36° 37.25' N. lat. 121° 53.78' W. long.;
36° 37.38' N. lat. 121° 53.85' W. long.;
36° 37.60' N. lat. 121° 54.75' W. long.; and
36° 37.60' N. lat. 121° 54.91' W. long.

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

[No changes to current regulatory text subsections (b)(77) through (97)]

(98) Naples State Marine Conservation Area.

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

34° 26.51' N. lat. 119° 58.00' W. long.;
34° 25.00' N. lat. 119° 58.00' W. long.;
34° 25.00' N. lat. 119° 56.00' W. long.; and
34° 26.13' N. lat. 119° 56.00' W. long.

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

~~1. The recreational take of pelagic finfish [subsection 632(a)(3)], including Pacific bonito, and white seabass by spearfishing [Section 1.76] is allowed.~~

1. The recreational take by spearfishing [Section 1.76] of white seabass and pelagic finfish [subsection 632(a)(3)] is allowed.

~~2. The commercial take of giant kelp (*Macrocystis pyrifera*) by hand harvest is allowed, or by mechanical harvest is allowed only under the following condition:~~

~~a. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.~~

2. The commercial take of giant kelp (*Macrocystis pyrifera*) by hand harvest or by mechanical harvest is allowed.

3. Take pursuant to activities authorized under subsection 632(b)(98)(C) is allowed.

(C) Operation and maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

[No Changes in regulatory text subsections (b)(99) through (107)]

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

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

34° 04.492' N. lat. 119° 53.000' W. long.;

34° 05.200' N. lat. 119° 53.000' W. long.; thence eastward along a line one nautical mile offshore to

34° 05.000' N. lat. 119° 51.000' W. long.; and

34° 04.034' N. lat. 119° 51.000' W. long.

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

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

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

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

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

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

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

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

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

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

[No changes to current regulatory text in subsections (b)(110) and (111)]

(112) Anacapa Island State Marine Conservation Area.

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

34° 00.828' N. lat. 119° 26.623' W. long.;

34° 00.800' N. lat. 119° 26.700' W. long.;

34° 03.940' N. lat. 119° 26.700' W. long.; thence eastward along the three nautical mile offshore boundary to

34° 04.002' N. lat. 119° 24.600' W. long.; and

34° 00.417' N. lat. 119° 24.600' W. long.

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

[No Changes in regulatory text subsections (b)(113) through (116)]

(117) Point Dume State Marine Conservation Area.

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

34° 02.28' N. lat. 118° 53.00' W. long.;;
33° 59.14' N. lat. 118° 53.00' W. long.;; thence southeastward along the three nautical
mile offshore boundary to
33° 56.96' N. lat. 118° 49.20' W. long.;; and
34° 00.76' N. lat. 118° 49.20' W. long.

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

~~1. The recreational take of pelagic finfish [subsection 632(a)(3)], including Pacific bonito,
and white seabass by spearfishing [Section 1.76] is allowed.~~

~~2. The commercial take of coastal pelagic species [Section 1.39] by round haul net
[Section 8750, Fish and Game Code] and swordfish by harpoon [subsection 107(f)(1)] is
allowed.~~

1. The recreational take by spearfishing [Section 1.76] of white seabass and pelagic
finfish [subsection 632(a)(3)] is allowed.

2. The commercial take of swordfish by harpoon [subsection 107(f)(1)]; and coastal
pelagic species [Section 1.39] by round haul net [Section 8750, Fish and Game Code],
brail gear [Section 53.01(a)], and light boat [Section 53.01(k)] is allowed. Not more than
five percent by weight of any commercial coastal pelagic species catch landed or
possessed shall be other incidentally taken species.

3. Take pursuant to activities authorized under subsection 632(b)(117)(C) is allowed.

(C) 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.

[No changes to current regulatory text in subsections (b)(118) and (119)]

(120) Abalone Cove State Marine Conservation Area.

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

33° 44.19' N. lat. 118° 23.80' W. long.;;

33° 41.16' N. lat. 118° 23.80' W. long.;; thence southeastward along the three nautical
mile offshore boundary to

33° 40.85' N. lat. 118° 22.50' W. long.;; and

33° 44.24' N. lat. 118° 22.50' W. long.

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

~~1. The recreational take of pelagic finfish [subsection 632(a)(3)], including Pacific bonito,
and white seabass by spearfishing [Section 1.76], and market squid by hand-held dip
net [Section 1.42] is allowed.~~

~~2. The commercial take of coastal pelagic species [Section 1.39] and Pacific bonito by
round haul net [Section 8750, Fish and Game Code], and swordfish by harpoon
[subsection 107(f)(1)] is allowed.~~

1. The recreational take by spearfishing [Section 1.76] of white seabass and pelagic
finfish [subsection 632(a)(3)]; and market squid by hand-held dip net [Section 1.42] is
allowed.

2. The commercial take of swordfish by harpoon [subsection 107(f)(1)]; and coastal pelagic species [Section 1.39] and Pacific bonito by round haul net [Section 8750, Fish and Game Code], brail gear [Section 53.01(a)], and light boat [Section 53.01(k)] is allowed. Not more than five percent by weight of any commercial coastal pelagic species or Pacific bonito catch landed or possessed shall be other incidentally taken species.

3. Take pursuant to activities authorized under subsection 632(b)(120)(C) is allowed. (C) Remediation activities associated with the Palos Verdes Shelf Operable Unit of the Montrose Chemical Superfund Site are allowed inside the conservation area pursuant to the Interim Record of Decision issued by the United States Environmental Protection Agency and any subsequent Records of Decision.

[No changes to current regulatory text in subsections (b)(121) through (123)]

(124) Blue Cavern (Catalina Island) Onshore State Marine Conservation Area.

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

33° 25.96' N. lat. 118° 27.00' W. long.; and

33° 27.50' N. lat. 118° 27.00' W. long;

33° 27.50' N. lat. 118° 29.30' W. long.; and

33° 26.64' N. lat. 118° 29.30' W. long.

(B) Take of all living marine resources is prohibited except for take pursuant to activities authorized under subsections 632(b)(124)(D) and 632(b)(124)(E).

(C) Except as pursuant to Federal law, emergency caused by hazardous weather, or as provided in subsection 632(b)(124)(D), it is unlawful to anchor or moor a vessel in the formerly designated Catalina Marine Science Center Marine Life Refuge (Section 10932, Fish and Game Code).

(D) The director of the Catalina Marine Science Center Marine Life Refuge, or any person that the director of the refuge has authorized may anchor or moor a vessel or take, for scientific purposes, any fish or specimen of marine plant life in the formerly designated Catalina Marine Science Center Marine Life Refuge under the conditions prescribed in a scientific collecting permit issued by the department (Section 10655, Fish and Game Code).

(E) Maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

(125) ~~Bird Rock~~ Blue Cavern (Catalina Island) Offshore State Marine Conservation Area.

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

33° 27.50' N. lat. 118° 27.00' W. long.;

33° 29.97' N. lat. 118° 27.00' W. long.; thence northwestward along the three nautical mile offshore boundary to

33° 30.81' N. lat. 118° 29.30' W. long.;

33° 27.50' N. lat. 118° 29.30' W. long.; and

33° 27.50' N. lat. 118° 27.00' W. long.

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

1. The recreational take of pelagic finfish [subsection 632(a)(3)], including Pacific bonito, by hook and line or by spearfishing [Section 1.76], white seabass by spearfishing [Section 1.76] and market squid by hand-held dip net [Section 1.42] is allowed.
2. The commercial take of pelagic finfish [subsection 632(a)(3)] by hook and line and swordfish by harpoon [subsection 107(f)(1)] is allowed.

~~[No changes to current regulatory text in subsections (b)(126) and (127)]~~

(128) Lover's Cove (Catalina Island) State Marine Conservation Area.

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

~~33° 20.46' N. lat. 118° 18.90' W. long.;~~

~~33° 20.70' N. lat. 118° 18.90' W. long.; and~~

~~33° 20.70' N. lat. 118° 19.31' W. long.~~

33° 20.460' N. lat. 118° 18.900' W. long.;

33° 20.711' N. lat. 118° 18.900' W. long.; and

33° 20.711' N. lat. 118° 19.321' W. long.

(B) Take of all living marine resources is prohibited, except for recreational take by hook and line from the Cabrillo Mole or take pursuant to activities authorized under subsection 632(b)(128)(C).

(C) Maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

(D) Feeding of fish for marine life viewing is allowed.

(129) Farnsworth (Catalina Island) Onshore State Marine Conservation Area.

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

33° 21.00' N. lat. 118° 29.08' W. long.;

33° 21.00' N. lat. 118° 30.00' W. long.;

33° 19.00' N. lat. 118° 29.00' W. long.;

33° 19.00' N. lat. 118° 27.90' W. long.; and

33° 19.56' N. lat. 118° 27.90' W. long.

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

1. ~~The recreational take of pelagic finfish [subsection 632(a)(3)], including Pacific bonito, and white seabass by spearfishing [Section 1.76], market squid by hand-held dip net [Section 1.42], and marlin, tunas, and dorado (dolphinfish) (*Coryphaena hippurus*) by trolling [subsection 27.80(a)(3)] is allowed.~~

2. ~~The commercial take of coastal pelagic species [Section 1.39] by round haul net [Section 8750, Fish and Game Code] and swordfish by harpoon [subsection 107(f)(1)] is allowed.~~

1. The recreational take by spearfishing [Section 1.76] of white seabass and pelagic finfish [subsection 632(a)(3)]; marlin, tunas, and dorado (dolphinfish) (*Coryphaena*

hippurus) by trolling [subsection 27.80(a)(3)]; and market squid by hand-held dip net [Section 1.42] is allowed.

2. The commercial take of swordfish by harpoon [subsection 107(f)(1)]; and coastal pelagic species [Section 1.39] by round haul net [Section 8750, Fish and Game Code], brail gear [Section 53.01(a)], and light boat [Section 53.01(k)] is allowed. Not more than five percent by weight of any commercial coastal pelagic species catch landed or possessed shall be other incidentally taken species.

(130) Farnsworth (Catalina Island) Offshore State Marine Conservation Area.

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

33° 21.00' N. lat. 118° 30.00' W. long.;

33° 21.00' N. lat. 118° 32.88' W. long.; thence southward along the three nautical mile offshore boundary to

33° 19.00' N. lat. 118° 31.98' W. long.;

33° 19.00' N. lat. 118° 29.00' W. long.; and

33° 21.00' N. lat. 118° 30.00' W. long.

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

1. The recreational take of pelagic finfish [subsection 632(a)(3)], ~~including Pacific bonito, by hook and line or by spearfishing [Section 1.76]; white seabass by spearfishing [Section 1.76]; market squid by hand-held dip net [Section 1.42], and marlin, tunas and dorado (dolphinfish) (*Coryphaena hippurus*) by trolling [subsection 27.80(a)(3)]; and market squid by hand-held dip net [Section 1.42] is allowed.~~

~~2. The commercial take of coastal pelagic species [Section 1.39] by round haul net [Section 8750, Fish and Game Code], and swordfish by harpoon [subsection 107(f)(1)] only is allowed.~~

2. The commercial take of swordfish by harpoon [subsection 107(f)(1)]; and coastal pelagic species [Section 1.39] by round haul net [Section 8750, Fish and Game Code], brail gear [Section 53.01(a)], and light boat [Section 53.01(k)] is allowed. Not more than five percent by weight of any commercial coastal pelagic species catch landed or possessed shall be other incidentally taken species.

(131) Cat Harbor (Catalina Island) State Marine Conservation Area.

(A) This area includes the waters below the mean high tide line on the west side of Catalina Island northward of a straight line connecting Pin Rock (33° 25.50' N. lat. 118° 30.28' W. long.) and Cat Head Point (33° 25.32' N. lat. 118° 30.76' W. long.).

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

1. The recreational take of finfish [subsection 632(a)(2)] by hook and line or by spearfishing [Section 1.76], market squid by hook and line, and spiny lobster and sea urchin is allowed.

2. The commercial take of sea cucumbers by diving only, and spiny lobster and sea urchin is allowed.

3. Aquaculture of finfish [subsection 632(a)(2)] pursuant to any required state permits is allowed.

4. Take pursuant to activities authorized under subsection 632(b)(131)(C) is allowed.

(C) Maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

[No changes to current regulatory text in subsection (b)(132)]

(133) Crystal Cove State Marine Conservation Area.

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

33° 35.373' N. lat. 117° 52.648' W. long.;
33° 35.065' N. lat. 117° 52.692' W. long.;
33° 32.400' N. lat. 117° 49.200' W. long.; and
33° 33.233' N. lat. 117° 49.200' W. long.

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

1. The recreational take of finfish [subsection 632(a)(2)] by hook and line or by spearfishing [Section 1.76], and spiny lobster and sea urchin is allowed.

~~2. The commercial take of coastal pelagic species [Section 1.39] by round haul net [Section 8750, Fish and Game Code], spiny lobster by trap, and sea urchin is allowed.~~

2. The commercial take of sea urchin; spiny lobster by trap; and coastal pelagic species [Section 1.39] by round haul net [Section 8750, Fish and Game Code], brail gear [Section 53.01(a)], and light boat [Section 53.01(k)] is allowed. Not more than five percent by weight of any commercial coastal pelagic species catch landed or possessed shall be other incidentally taken species.

3. Take pursuant to activities authorized under subsection 632(b)(133)(C) is allowed.

(C) Beach nourishment and other sediment management activities, and operation and maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

(D) Take of all living marine resources from inside tidepools is prohibited. For purposes of this section, 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.

[No changes to current regulatory text in subsection (b)(134) and (135)]

(136) Dana Point State Marine Conservation Area.

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

33° 30.050' N. lat. 117° 44.771' W. long.;
33° 30.050' N. lat. 117° 46.000' W. long.;
33° 30.000' N. lat. 117° 46.000' W. long.;
33° 27.300' N. lat. 117° 43.300' W. long.;
33° 27.478' N. lat. 117° 42.276' W. long.; and
33° 27.622' N. lat. 117° 42.425' W. long.

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

1. Only the following species may be taken recreationally below the mean lower low tide line only: finfish [subsection 632(a)(2)] by hook and line or by spearfishing [Section 1.76], and lobster and sea urchin.

2. The commercial take of coastal pelagic species [subsection 1.39] by round haul net [Section 8750, Fish and Game Code], and spiny lobster and sea urchin only is allowed.

1. The recreational take of finfish [subsection 632(a)(2)] by hook and line or by spearfishing [Section 1.76], and spiny lobster and sea urchin is allowed.

2. The commercial take of sea urchin, spiny lobster by trap, and coastal pelagic species [Section 1.39] by round haul net [Section 8750, Fish and Game Code], brail gear [Section 53.01(a)], and light boat [Section 53.01(k)] is allowed. Not more than five percent by weight of any commercial coastal pelagic species catch landed or possessed shall be other incidentally taken species.

3. Take pursuant to activities authorized under subsection 632(b)(136)(C) is allowed.

(C) Operation and maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

(D) Take of all living marine resources from inside tidepools is prohibited. For purposes of this section, 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.

[No changes to current regulatory text in subsection (b)(137)]

(138) Swami's State Marine Conservation Area.

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

33° 02.900' N. lat. 117° 17.927' W. long.;

33° 02.900' N. lat. 117° 21.743' W. long.; thence southward along the three nautical mile offshore boundary to

33° 00.000' N. lat. 117° 20.398' W. long.; and

33° 00.000' N. lat. 117° 16.698' W. long.; thence northward along the mean high tide line onshore boundary to

33° 00.962' N. lat. 117° 16.850' W. long.; and

33° 00.980' N. lat. 117° 16.857' W. long.

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

1. Recreational take by hook and line from shore is allowed.

~~2. The recreational take of pelagic finfish [subsection 632(a)(3)], including Pacific bonito, and white seabass by spearfishing [Section 1.76] is allowed.~~

2. The recreational take by spearfishing [Section 1.76] of white seabass and pelagic finfish [subsection 632(a)(3)] is allowed.

3. Take pursuant to activities authorized under subsection 632(b)(138)(C) is allowed.

(C) Beach nourishment and other sediment management activities and operation and maintenance of artificial structures inside the conservation area is allowed pursuant to

any required federal, state and local permits, or as otherwise authorized by the department.

[No changes to current regulatory text in subsection (b)(139)]

(140) San Dieguito Lagoon State Marine Conservation Area.

(A) This area consists of waters below the mean high tide line within the San Dieguito Lagoon Ecological Reserve southeastward of a straight line between the following two points:-

32° 58.066' N. lat. 117° 15.579' W. long.; and

32° 58.072' N. lat. 117° 15.548' W. long.

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

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

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

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

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

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

[No changes to current regulatory text in subsections (b)(141) through (143)]

(144) South La Jolla State Marine Conservation Area.

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

32° 49.573' N. lat. 117° 19.000' W. long.;

32° 49.573' N. lat. 117° 20.528' W. long.; thence southward along the three nautical mile offshore boundary to

32° 47.945' N. lat. 117° 20.068' W. long.;

32° 47.945' N. lat. 117° 19.000' W. long.; and

32° 49.573' N. lat. 117° 19.000' W. long.

(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.

[No changes to current regulatory text in subsections (b)(145) and (146)]

(147) Tijuana River Mouth State Marine Conservation Area.

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

32° 34.00' N. lat. 117° 07.98' W. long.;

32° 34.00' N. lat. 117° 09.00' W. long.;

32° 31.97' N. lat. 117° 09.00' W. long.; thence eastward along the U.S./Mexico Border to 32° 32.06' N. lat. 117° 07.48' W. long.

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

1. The recreational take of coastal pelagic species [Section 1.39], except market squid, by hand-held dip net [Section 1.42] only is allowed.

2. The commercial take of coastal pelagic species [Section 1.39], except market squid, by round haul net [Section 8750, Fish and Game Code] ~~only~~ is allowed. Not more than five percent by weight of any commercial coastal pelagic species catch landed or possessed shall be other incidentally taken species, including market squid.

3. Take pursuant to activities authorized under subsection 632(b)(147)(C) is allowed.

(C) Beach nourishment and other sediment management activities and operation and maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

Note: Authority cited: Sections 200, 202, ~~203.1~~, 205(c), ~~219~~, 220, 240, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code. Reference: Sections 200, 202, ~~203.1~~, 205(c), ~~219~~, 220, 240, ~~1580~~, ~~1583~~, 2861, 5521, 6653, 8420(e) and 8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code.

