

**Options Regarding Marine Protected Areas for the  
MLPA North Coast Study Region:  
California Fish and Game Commission June 2011 Meeting  
*June 9, 2011***

On April 7, 2011, the California Fish and Game Commission (Commission) directed staff to work with California Department of Fish and Game (DFG) and Marine Life Protection Act (MLPA) Initiative staff to develop options regarding marine protected areas (MPAs) in the MLPA North Coast Study Region for consideration at its June 29-30, 2011 meeting. A work group was formed with staff from the Commission, DFG and MLPA Initiative to develop this document; California State Parks staff has also contributed. ***Options identified in this document do not constitute formal recommendations from DFG, Commission or MLPA Initiative staff, but rather represent alternatives for public review/comment and consideration by the Commission.***

This document provides information about options currently under consideration by the Commission, potential changes to incorporate into a preferred alternative, and a list of potential sub-options to consider within a preferred alternative. This information is intended to inform the Commission's selection of a preferred alternative, allowing initiation of the regulatory and environmental review processes for north coast MPAs at the June 2011 meeting.

## **Background**

The MLPA Blue Ribbon Task Force (BRTF) submitted to the Commission seven recommendations for the north coast study region, which included two MPA and special closure proposals, plus five recommendations to be considered for any proposals adopted by the Commission (Attachment 1). The two MPA proposals are the Revised Round 3 MLPA North Coast Regional Stakeholder Group "Unified" MPA Proposal (RNCP) and the Enhanced Compliance Alternative MPA Proposal (ECA), both of which have the same separate but related special closures recommendation. The RNCP and the ECA use the same overall boundaries at each of 17 proposed geographies for MPAs

Although the RNCP and ECA use the same overall boundaries at each of the 17 proposed geographies for MPAs, they differ in the proposed allowed uses, primarily to accommodate different levels of tribal gathering; these differences in proposed allowed uses also determine how closely each MPA proposal meets the science guidelines from the *California Marine Life Protection Act Master Plan for Marine Protected Areas* (Master Plan). By allowing the least amount of proposed take and at higher levels of protection, an MPA proposal will come closer to meeting the Master Plan science guidelines; allowing the greatest amount of proposed take with lower levels of protection leads further away from meeting the science guidelines. The key reason the BRTF developed the ECA was to apply a different strategy for accommodating tribal gathering that is expected to better meet the science guidelines.

Both the MLPA North Coast Regional Stakeholder Group (NCRSG) and BRTF recommended allowing traditional tribal gathering to continue within MPAs on the north coast. The NCRSG recommendation focused on allowing tribal gathering throughout all MPAs. The BRTF recommendation, separate from any specific MPA proposal, focused on allowing traditional

tribal gathering throughout all MPAs except Vizcaino State Marine Conservation Area (SMCA) and four state marine reserves (SMRs) adjacent to shore, which would be divided into two components where only the nearshore components would allow traditional tribal gathering.

Staff determined during the planning process was that one way in which traditional, non-commercial, tribal gathering activities can be allowed to continue uninterrupted within MPAs (other than state marine reserves) is by incorporating such activities as proposed recreational uses for all non-commercial users; accordingly, such uses were incorporated into both the RNCP and the ECA and are listed separately from other proposed recreational uses as “recreational uses intended to accommodate tribes.” However, the MLPA Master Plan Science Advisory Team advised that this solution does not meet the science guidelines in the Master Plan and, hence, could reduce the likelihood that proposed MPAs will meet the goals of the MLPA.

In February 2011, Secretary for Natural Resources John Laird and his staff began working with representatives from several north coast tribes as well as the relevant state agencies to explore administrative solutions that could be used to accommodate traditional, non-commercial, tribal gathering within MPAs, separately from other allowed uses. Sub-options in this document identify how traditional, non-commercial, tribal gathering may be allowed to continue uninterrupted within MPAs.

### **Staff Approach**

As requested by the Commission, the RNCP is being used as the foundation for developing a potential preferred alternative. Further, the commissioners requested that, BRTF recommendations, DFG feasibility analyses, California State Park’s concerns, stakeholder concerns, and other issues identified through public comment be considered in developing a preferred alternative. To account for these other items, three categories of potential changes to the RNCP are identified and discussed: (1) Options for traditional tribal gathering, (2) proposed changes to integrate into a preferred alternative, and (3) potential changes that could be included in a preferred alternative or as regulatory sub-options .

### **Options for Traditional Tribal Gathering in a Preferred Alternative**

Three options for traditional tribal gathering have been identified for Commission consideration:

1. Allow tribal gathering to continue in SMCAs (not SMRs), by specific tribal users, where a factual record can be established that shows ancestral take or tribal gathering practices by a federally-recognized tribe in that specific MPA, and by allowing only those tribes to take specified species with specified gear types. The record would need to address the specific practices at issue, whether the areas could not be opened to all consistent with the goals of the MLPA, and whether tribal uses would be consistent with those goals. Establishing a factual record can be complex and time-consuming; the Commission could choose to adopt options 2 or 3 (protecting ongoing tribal gathering by

giving access to all recreational users) until a phased approach of more specific and detailed tribal use areas could be completed for adoption under Option 1.

2. Allow tribal gathering to continue throughout all open coast MPAs (except SMRs) by allowing all recreational users to take specified species using specified gear types at all levels of protection (LOPs). This includes all MPAs, except SMRs (RNCP concept).
3. Allow tribal gathering in the nearshore component of open coast MPAs (except SMRs) by allowing recreational users to take specified species using specified gear types at all LOPs; would also apply to estuarine areas where recreational uses are identified to accommodate tribes (ECA concept). The offshore component of open coast MPAs would allow all recreational users to take specified species using specified gear types for only those uses assigned a high or moderate-high LOP.

### Proposed Changes to Integrate into a Preferred Alternative

Two changes to the RNCP and special closures recommendation are proposed in developing the Commission's preferred alternative. Because these changes are consistent with Commission policies and DFG's feasibility analysis, they are recommended here, rather than included as potential regulatory sub-options.

1. **MPA names at Skip Wollenberg/Ten Mile:** The regional stakeholders' gesture to recognize one of their most active group members who passed away during the north coast MPA planning process is acknowledged. However, Commission policy and DFG feasibility guidelines advise that MPAs be named after geographic locations to provide more clarity to the general public. This issue was identified in the DFG feasibility analyses<sup>1</sup>.

*Action: The name "Skip Wollenberg" would be removed from three MPA names and only the geographical references would be retained (Ten Mile SMR, Ten Mile Beach SMCA and Ten Mile Estuary State Marine Recreational Management Area).*

2. **Special closure names:** In other MLPA study regions, special closures with seasonal restrictions do not include the word "seasonal" in their name. However, four proposed north coast special closures use the term "seasonal" within the proposed name. Using the word "seasonal" in the naming convention for special closures on the north coast may cause confusion for the public and lead to enforcement issues. This issue was identified in the DFG feasibility analysis.

*Action: To be consistent with other study regions, the term "seasonal" would be removed from four proposed special closure names (False Klamath Rock, Steamboat Rock, Rockport Rocks, and Vizcaino). The special closure regulations would remain as proposed.*

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<sup>1</sup> See California Department of Fish and Game Feasibility Evaluation of the Final Blue Ribbon Task Force Marine Protected Area Proposals for the North Coast Study Region (dated January 24, 2011) and Unresolved Feasibility Issues for North Coast Regional Stakeholder Group Revised Marine Protected Area Proposal in the Marine Life Protection Act North Coast Study Region: Supplemental Report to the California Fish and Game Commission (dated 03/22/2011).

## **Potential Changes that Could be Included in a Preferred Alternative or as Regulatory Sub-Options**

A number of issues have been highlighted in BRTF recommendations, the DFG feasibility analysis, California State Park's concerns, and stakeholder comments, that the Commission may wish to consider. Potential sub-options for how to address these issues fall into three categories:

1. Changes to proposed boundaries,
2. Changes to proposed take regulations, and
3. Changes to proposed MPA name.

Issues and corresponding sub-options within these three categories are described in more detail in this section and summarized in Table 1. Beginning on the next page there are 16 issues, each with potential sub-options. The type and source of each sub-option is identified, along with a brief description of the issue(s) leading to the potential sub-options.

The issues that follow are intended to provide potential sub-options for the Commission to consider including within a preferred alternative and within the environmental review process. In some cases, the Commission may want to direct staff to included specific sub-options in a preferred alternative. Staff also requests direction if the Commission desires that sub-options be removed or added.



Note that several sub-options described in this section would no longer need to be considered if the Commission pursues option 3 for traditional tribal gathering; those potentially unnecessary sub-options are identified at the end of the applicable descriptions.

**Issue 1: Pyramid Point SMCA Southern Boundary**

*Category:* Proposed Boundary Change (Source: DFG feasibility)

*Description:* The southern boundary is placed on a half minute of latitude, consistent with DFG guidelines; however, the boundary splits a beach with no significant landmark, the area is utilized primarily by shore-based anglers, and a permanent landmark is available in the area. Prince Island is nearby and easily recognizable from shore. There is also a smaller cluster of rocks just offshore along the southern boundary (just northeast of Hunter Rock) that DFG Law Enforcement is reviewing to determine if it is a sufficient landmark, including at high tide.

*Potential sub-options for the southern boundary of Pyramid Point SMCA:*

Sub-Options	Boundary Description	Map
<input type="checkbox"/> Sub-option A: Maintain the southern boundary as proposed	North Boundary: 42° 00.00' lat South Boundary: 41° 57.50' lat East Boundary: Mean high tide line West Boundary: The state waters boundary	
<input type="checkbox"/> Sub-option B: Move the southern boundary approximately 1/3 miles south to the northernmost tip of Prince Island	North Boundary: 42° 00.00' lat South Boundary: 41° 57.13' East Boundary: Mean high tide line West Boundary: The state waters boundary	
<input type="checkbox"/> Sub-option C: Maintain the southern boundary as proposed if the Smith River Rancheria enters into an MOU with DFG to install and maintain signage at the southeastern corner of the MPA	See sub-option A	See sub-option A

**Issue 2: Reading Rock SMCA Proposed Take Regulations**

*Category:* Changes to Proposed Take Regulations (Source: BRTF recommendation)

*Description:* For this SMCA the BRTF recommended that only species/gear types that have a moderate high or high level of protection be retained for all proposed uses, including those intended to accommodate tribes. This backbone MPA with the adjacent Reading Rock SMR is the only MPA cluster to meet preferred-size science guidelines. With the BRTF recommendation, it is also the only MPA in the northern bioregion to replicate any nearshore habitats at moderate-high or high LOP. Siting MPAs in this geography was part of a stakeholder compromise that agreed to place an MPA or MPA cluster at Reading Rock to avoid closures at Trinidad Head and Patrick’s Point. The Redwood National and State Park has land adjacent to this MPA.

*Potential Sub-options for proposed take at Reading Rock SMCA:*

<b>Options</b>	<b>Proposed Regulatory Language</b>
<input type="checkbox"/> Sub-option A: Retain all proposed uses	No change
<input type="checkbox"/> Sub-option B: Retain only those proposed uses at moderate-high or high LOP	<p>The take of all living marine resources is prohibited EXCEPT:</p> <ol style="list-style-type: none"> <li>1. The commercial take of salmon (TROLL); Dungeness crab (TRAP); and surf and night smelt (DIP NET OR CAST NET).</li> <li>2. The recreational take of pelagic finfish except salmon (SPEARFISHING); salmon (TROLL); Dungeness crab (TRAP, HOOP NET OR DIVING); and surf and night smelt (DIP NET OR CAST NET).</li> <li>3. The recreational take, intended to accommodate tribal uses, of: <ul style="list-style-type: none"> <li>• Pacific lamprey (HOOK AND LINE OR BOW AND ARROW);</li> <li>• trout (except steelhead rainbow trout) (HOOK AND LINE);</li> <li>• pelagic finfish (including anchovy), sardine, mackerel, salmon, and billfishes (6 species) (TROLL);</li> <li>• California halibut, other flatfish (7 species), billfishes (6 species) and Pacific lamprey (SPEARFISHING);</li> <li>• anchovy, sardine, mackerel (2 species) and Pacific lamprey (HAND);</li> <li>• sharks (7 species), ray and skates (2 species) (SPEAR, HARPOON OR BOW AND ARROW);</li> <li>• surf smelt, herring and anchovy (DIP NET OR CAST NET);</li> <li>• eulachon (DIP NET);</li> <li>• Dungeness crab (TRAP OR HOOP NET); and</li> <li>• market squid (HOOK AND LINE, DIP NET OR CAST NET).</li> </ul> </li> </ol>
<input type="checkbox"/> Sub-option C: Same as sub-option B, but with take regulations simplified	Example(s) for simplified regulations to be provided by DFG

**Issue 3: South Humboldt Bay State Marine Recreational Management Area (SMRMA) Boundaries**



*Category:* Proposed Boundary Change (Source: DFG feasibility)

*Description:* Boundaries in bays, estuaries and rivers are feasible only if they have easily recognizable, permanent landmarks to improve enforceability and to enhance compliance by users not equipped with a global positioning system (GPS). “Floating corners” (boundary corners not anchored on land) are particularly problematic inside contained bodies of water. This MPA does not meet DFG’s feasibility guidelines for boundaries within estuaries and reduces enforceability and public understanding.

The NCRSG avoided important Wiyot tribal gathering areas in the southern part of the bay, consistent with BRTF guidance to avoid areas of greatest importance to tribes. The Wiyot Tribe has indicated that if tribal gathering is allowed within MPAs, the state engages in government-to-government consultation with the tribe, and tribal co-management is defined, the Wiyot Tribe would be open to expansion of the South Humboldt Bay SMRMA into a larger, co-managed area.

The Humboldt Bay Harbor, Recreation and Conservation District has long-term transects in Humboldt Bay and will potentially add another in this MPA. The district has committed to installing and maintaining buoys or signage at the MPA boundaries to enhance compliance by users and enforceability. Signage may be most appropriate for demarcating the MPA boundaries since this portion of the bay is primarily mudflats.

*Potential sub-options for the proposed boundaries of South Humboldt Bay SMRMA:*

Sub-Options	Boundary Description	Map
<input type="checkbox"/> Sub-option A: Maintain the boundaries as proposed	North Boundary: north latitude 40 43.0 West Boundary: Mean high high tide South Boundary: north latitude 40 42.0 East Boundary: west longitude 124 15.00	
<input type="checkbox"/> Sub-option B: Move the northern boundary south to a prominent point, extend the eastern boundary to the east across the bay, and enclose the entire southern portion of the bay.	Utilize a landmark on a prominent point on the SW edge of Humboldt Bay (north boundary: 40° 42.416’), run due east across the bay at the College of the Redwoods exit ramp off Hwy 101, and extend the boundaries to enclose the entire southern portion of the bay	

<input type="checkbox"/> Sub-option C: Maintain the boundaries as proposed if the Humboldt Bay Harbor Recreation and Conservation District enters into an MOU with DFG to install and maintain buoys or signage	See sub-option A	See sub-option A
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**Issue 4: Sea Lion Gulch SMR Northern and Southern Boundaries**



*Category:* Proposed Boundary Change (Source: DFG feasibility)

*Description:* The northern and southern boundaries of this MPA are placed on tenths of a minute, which is consistent with DFG guidelines; however, when an area is utilized by shore-based users and landmarks are available in the area, DFG’s preferred guidance is the use of easily recognizable landmarks. Primarily designed by local community members, South Cape Mendocino SMR and Mattole Canyon SMR to the north, and Big Flat SMCA to the south, figure prominently in the design of these four MPAs in a largely remote area; moving the Sea Lion Gulch SMR a mile northward potentially compromises the design of the MPAs in this area.

The current proposed northern boundary is intended to align with Sea Lion Rocks, a cluster of rocks standing several stories high, a visually prominent, well-known geographic location. Punta Gorda Lighthouse was originally considered for the northern boundary of this MPA, but negotiations with commercial halibut and local recreational fisherman (primarily shore-based from Petrolia, Mattole Valley, Ferndale, Rio Dell, Fortuna, etc.) highlighted the importance of the area south of Punta Gorda Lighthouse to Sea Lion Rocks, so the boundary was shifted south.

The southern boundary of the proposed MPA is halfway between Cooskie (N) and Randall (S) creeks. The original boundary as proposed by the local community was shifted north from Randall Creek to accommodate recreational fishermen from Shelter Cove. There is no shore fishing along this stretch of coastline due to sheer cliffs without beaches; any fishing will be offshore where GPS is critical for safety reasons.

*Potential Sub-Options for the northern and southern boundaries of Sea Lion Gulch SMR:*

Options	Boundary Description	Map
<input type="checkbox"/> Sub-option A: Maintain the southern and northern boundaries as proposed	North Boundary: 40 14.4 N West Boundary: The state waters boundary South Boundary: 40 12.8 N East Boundary: Mean high tide line	
<input type="checkbox"/> Sub-option B: Move the northern boundary north about one mile to Punta Gorda Lighthouse (aligns with an offshore buoy) and move the southern boundary north about one-half mile to Cooskie Creek	North Boundary: : 40° 14.965 West Boundary: The state waters boundary South Boundary: 40° 13.15' East Boundary: Mean high tide line	

**Issue 5: Name for Vizcaino SMCA**

*Category:* Proposed Name Change (Source: Public comment)

*Description:* Commission policy and DFG feasibility guidelines advise that MPAs be named after geographic locations to provide more clarity to the general public. The name of this MPA is a remnant from when it was first proposed and included Cape Vizcaino within its boundaries; last-minute stakeholder adjustments to the boundaries moved the MPA north of Cape Vizcaino. A more appropriate name would be one that references a recognizable landmark within the MPA, such as Double Cone Rock (a double-coned rock island about midway along the shore of the proposed MPA).

*Potential Sub-Options for the name of Vizcaino SMCA:*

<b>Sub-Options</b>	<b>Proposed Regulatory Language</b>
<input type="checkbox"/> Sub-option A: Retain the existing proposed name	No change
<input type="checkbox"/> Sub-option B: Change the proposed MPA name to Double Cone Rock SMCA	Remove from the proposed regulations the name Vizcaino SMCA and replace with Double Cone Rock SMCA

**Issue 6: Recreational Take at Vizcaino SMCA**

Category: Proposed Take Regulations (Source: Public comment)

*Description:* The boundaries of this MPA largely coincide with DeVilbiss Ranch, private property (Soper Company) managed primarily for timber without any public access; however, the land is also leased for hunting and fishing by a private outdoor recreation company (Wilderness Unlimited). The primary target species for Wilderness Unlimited members are cabezon and rockfish by hook and line from shore, abalone (hand), surfperch (hook and line, dip net or cast net) and surf smelt (dip net or cast net).

Currently both the RNCP and ECA propose recreational uses intended to accommodate tribes that would be open to all recreational users in either the entire SMCA or in a nearshore SMCA. If the Commission chooses to not allow any of the recreational take proposed to accommodate tribes, reduces the list of species and gear types to only those uses at moderate-high or high LOP, or restricts take to tribes only, the private landowner is concerned that current fishing practices will be prohibited.

This MPA serves as the center point for the stakeholder agreement between the northern and southern bioregions and is the only preferred size MPA in the southern bioregion; it was designed to maintain a moderate-high LOP and serve as a backbone MPA. Socioeconomic impacts were considered when designing this remote and rarely-visited area as an MPA to (1) allow commercial crabbing and salmon trolling and (2) avoid public access points so as to avoid conflicts with public uses (the southern boundary is above Rockport Beach and the northern boundary is below Usal Beach. This MPA is intended to function with the Ten Mile cluster to the south.

*Potential Sub-Options for the proposed recreational take regulations in Vizcaino SMCA:*

<b>Sub-Options</b>	<b>Proposed Regulatory Language</b>
<input type="checkbox"/> Sub-option A: Retain the existing proposed regulations throughout the entire MPA (including recreational uses intended to accommodate tribes)	No change
<input type="checkbox"/> Sub-option B: Divide into two SMCA's: (1) a nearshore SMCA (to approximately 1000 feet seaward) and (2) an offshore SMCA. In the nearshore SMCA all proposed recreational take would be allowed; in the offshore SMCA, only those recreational uses intended to accommodate tribal gathering at moderate-high or high LOP would be allowed.	Nearshore SMCA: No change to species and gear types; add "shore-based" to any recreational take.  Offshore SMCA: Remove from proposed recreational take intended to accommodate tribes any species and gear types at moderate, moderate-low or low LOP.
<input type="checkbox"/> Sub-option C: Limit recreational take regulations to only current, shore-based uses	Replace proposed regulations with: Recreational take of Cabezon and rockfish (SHORE-BASED HOOK AND LINE), abalone (SHORE-BASED HAND), surfperch (SHORE-BASED HOOK AND LINE, SHORE-BASED DIP NET, or SHORE-BASED CAST NET) and surf smelt (SHORE-BASED DIP NET, or SHORE-BASED CAST NET).



Note: Depending on how the Commission addresses traditional tribal gathering, these sub-options may not need to be considered.

**Issue 7: Ten Mile Beach SMCA Southern Boundary**

Category: Proposed Boundary Change (Source: DFG feasibility)

Description: The proposed southern boundary of this MPA splits a beach where a permanent landmark is available in the area. Shifting the boundary south almost doubles the size of the SMCA without gaining any additional habitat replication and placing the MPA about ¼ mile closer to Noyo Harbor, which is currently about 8 miles from the proposed SMCA. The currently proposed southern boundary leaves open a majority of the beach for traditional tribal gathering activities; maintaining that boundary is important to offshore fishermen since all fishing is either banned or severely restricted for four miles to the north.

Potential Sub-Options for the southern boundary of Ten Mile Beach SMCA:

Options	Boundary Description	Map
<input type="checkbox"/> Sub-option A: Maintain the southern boundary as proposed	North Boundary: 39 33.3 South Boundary: 39 32.5 East Boundary: Mean high tide line West Boundary: State waters boundary	
<input type="checkbox"/> Sub-option B: Move the southern boundary approximately ¼ mile south to the mouth of Inglenook Creek	North Boundary: 39 33.3 South Boundary: 39 31.80' East Boundary: Mean high tide line West Boundary: State waters boundary	

**Issue 8: Surf Perch by Hook and Line at Big River Estuary**

*Category:* Changes to Proposed Take Regulations (Source: DFG feasibility)

*Description:* Permissive take allowances lead to reduced ecological protection and, hence, reduce the prospects of contributing to the ecological goals of the MLPA. The MLPA Master Plan Science Advisory Team for the north coast evaluated this MPA and assigned a low level of protection (LOP); if recreational take intended to accommodate tribal gathering is not included, the LOP would be moderate. In both cases the LOP is below the DFG and BRTF standard of moderate-high and above; if recreational uses intended to accommodate tribes are not considered, removing surf perch by hook and line from the proposed take regulations will increase the assigned LOP to moderate-high.

The only proposed state marine park (SMP) in the north coast study region, this is primarily intended to be a Goal 3 MPA for recreational and educational opportunities. Including recreational surf perch was critical for obtaining local support for this MPA and key in the NCRSG negotiations. This MPA does not contribute to the ecological “backbone” of MPAs.

*Potential Sub-Options for proposed recreational take of surf perch by hook and line at Big River Estuary SMP:*

<b>Sub-Options</b>	<b>Proposed Regulatory Language</b>
<input type="checkbox"/> Sub-option A: Retain the existing proposed regulations for surf perch	No change
<input type="checkbox"/> Sub-option B: Remove surf perch by hook and line from the proposed take regulations	Remove from the proposed regulations: The recreational take of surfperch (HOOK AND LINE FROM SHORE).
<input type="checkbox"/> Sub-option C: Retain the existing proposed regulations and adjust the MPA goals and objectives accordingly	No change

**Issue 9: Eastern Boundary at Big River Estuary**

*Category:* Changes to Proposed Boundary (Source: DFG feasibility)

*Description:* Boundaries in bays, estuaries, and rivers are most feasible when they have easily recognizable, permanent landmarks. The eastern boundary of the proposed Big River Estuary SMP does not align with a visible landmark, but does align with an existing California State Park unit boundary so that the two boundaries do not overlap. This issue was identified in the DFG feasibility analysis. However, subsequent discussions between California State Parks and DFG has resulted in a solution that addresses this concern; as the managing agency for both areas, California State Parks has committed to installing and maintaining signage to identify for the public the eastern boundary of Big River Estuary SMP.

*Potential Sub-Options for proposed eastern boundary at Big River Estuary SMP:*

<b>Sub-Options</b>	<b>Proposed Regulatory Language</b>
<input type="checkbox"/> Sub-option A: Retain the proposed boundary, with the California State Parks commitment to install and maintain signage	No change
<input type="checkbox"/> Sub-option B: Move the proposed eastern boundary eastward to the nearest whole minute to simplify the coordinates	Seaward boundary is the east side of the Highway 1 bridge and the eastern boundary extends inland to 123° 46.00" west.

**Issue 10: Salmonids by Hook and Line at Navarro River Estuary SMRMA**

*Category:* Changes to Proposed Take Regulations (Source: DFG feasibility)

*Description:* Permissive take allowances lead to reduced ecological protection and, hence, reduce the prospects of contributing to the ecological goals of the MLPA. The MLPA Master Plan Science Advisory Team for the north coast evaluated this MPA and assigned a low level of protection (LOP); if recreational take intended to accommodate tribal gathering is not included, the LOP would be moderate. In both cases the LOP is below the DFG and BRTF standard of moderate-high and above; if recreational uses intended to accommodate tribes are not considered, removing salmonids by hook and line from the proposed take regulations will increase the assigned LOP to very high.

In order to meet estuarine habitat guidelines, the NCRSG requested that the eastern boundary be moved further east to 123.44.6 W (first major 90 degree elbow east of the Highway 1 bridge). Thus this MPA would expand on long-term protections for complex estuarine habitats, including eelgrass beds, marshlands and mudflat ecosystems; it would also support current DFG coho and steelhead salmon habitat conservation projects while protecting essential nursery for federal and state listed threatened anadromous fish.

*Potential Sub-Options for proposed recreational take of salmon by hook and line at Navarro River Estuary SMRMA:*

<b>Options</b>	<b>Proposed Regulatory Language</b>
<input type="checkbox"/> Sub-option A: Retain the existing proposed regulations	No change
<input type="checkbox"/> Sub-option B: Remove recreational take of salmon by hook and line from the proposed regulations	Remove from the proposed regulations: The recreational take of salmonids (HOOK AND LINE).
<input type="checkbox"/> Sub-option C: Retain the existing proposed regulations with clarifying language and adjust the MPA goals and objectives accordingly	Add to the proposed regulations: The recreational take of salmon (HOOK AND LINE) is allowed consistent with salmon regulations in section 7.50.

**Issue 11: Waterfowl Hunting in Estuaries**

*Category:* Changes to Proposed Classifications (Source: BRTF recommendation and public comment)

*Description:* Four estuarine MPAs have been proposed in the north coast where waterfowl hunting is currently permissible (South Humboldt Bay, Ten Mile Estuary, Big River Estuary, and Navarro River Estuary). The Commission has previously provided guidance that in estuarine areas where waterfowl hunting is currently allowed, proposed MPA regulations should not restrict or interfere with that activity and the state marine recreational management area (SMRMA) classification should be applied. This issue was identified in the DFG feasibility analysis. California State Parks raised the concern that for those areas adjacent to or within its management authority, the SMRMA classification would not be appropriate since it gives primary preference to waterfowl hunting. Working with stakeholders, California State Parks and DFG Law Enforcement Division, staff has identified that an SMCA classification and specific regulatory language can be used in these four areas to ensure that waterfowl hunting may continue, without giving primary preference to waterfowl hunting. The specific language would state, "Recreational hunting of waterfowl is allowed unless otherwise restricted by hunting regulations (sections 502, 550, 551, and 552)."

*Potential Sub-Options for waterfowl hunting:*

<b>Options</b>	<b>Proposed Regulatory Language</b>
<input type="checkbox"/> Sub-option A: Retain the existing classifications as proposed in the RNCP, except Big River Estuary SMP	No change, with the exception of Big River Estuary SMP, which would be changed to an SMRMA.
<input type="checkbox"/> Sub-option B: Change four estuarine MPAs to SMCAs that do not prohibit waterfowl hunting	Change the classifications of South Humboldt Bay, Ten Mile Estuary, Big River and Navarro River to SMCAs with additional proposed regulatory language: Waterfowl may be taken in accordance with general waterfowl regulations (sections 502, 550, 551, and 552).



**Issue 12: Pelagic Finfish by Spearfishing**

*Category:* Changes to Proposed Take Regulations (Source: BRTF recommendation)

*Description:* The BRTF included spearfishing for pelagic finfish in all open coast SMCAs in the ECA; it has since been determined that spearfishing for pelagic finfish<sup>2</sup> does not currently occur in state waters of the north coast study region. Since this addition was made on recommendation of stakeholders in anticipation that spearfishing for pelagic finfish might occur in the future, it is pre-emptive and not consistent with Commission regulatory practice.

*Potential Sub-Options* for recreational take of pelagic finfish by spearfishing:

Options	Proposed Regulatory Language
<input type="checkbox"/> Sub-option A: Retain the proposed regulations	No change
<input type="checkbox"/> Sub-option B: Add recreational take of pelagic finfish (SPEARFISHING) to all open coast SMCAs	Add to the proposed regulations: The recreational take of pelagic finfish (SPEARFISHING).

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<sup>2</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*).

**Issue 13: Proposed Uses Intended to Accommodate Tribes – Higher LOP Uses**

*Category:* Changes to Proposed Take Regulations (Source: DFG feasibility)

*Description:* The RNCP contains many MPAs with extensive take allowances and/or highly complex take regulations that would accommodate traditional tribal gathering to varying degrees by allowing all non-commercial users to engage in the take. The permissive take by all non-commercial users in many of the proposed MPAs results in an LOP below the DFG and BRTF standard of moderate-high and above. Permissive take allowances lead to reduced ecological protection and, hence, reduce the prospects of contributing to the ecological goals of the MLPA. In addition, complex take allowances, such as long lists of allowed species and gear types in the general regulations, reduce public understanding and enforceability of the regulations.

MPAs with this LOP concern are Pyramid Point SMCA, Reading Rock SMCA, Samoa SMCA, South Humboldt Bay SMRMA, Big Flat SMCA, Vizcaino SMCA, Skip Wollenberg/Ten Mile Beach SMCA, Big River Estuary SMP, and Navarro River Estuary SMRMA.

*Potential sub-options* for proposed recreational uses intended to accommodate tribes at nine MPAs (Pyramid Point SMCA, Reading Rock SMCA, Samoa SMCA, South Humboldt Bay SMRMA, Big Flat SMCA, Vizcaino SMCA, Ten Mile Beach SMCA, Big River Estuary SMP, and Navarro River Estuary SMRMA):

<b>Sub-Options</b>	<b>Proposed Regulatory Language</b>
<input type="checkbox"/> Sub-option A: Retain all proposed uses intended to accommodate tribes	No change
<input type="checkbox"/> Sub-option B: Retain only those legal proposed uses intended to accommodate tribes with moderate-high or high LOPs and simplify regulations to the extent possible	Example(s) for simplified regulations to be provided by DFG

Note: This set of sub-options will not be necessary if the Commission pursues an exemption to MPA regulations for traditional tribal gathering.

**Issue 14: Proposed Uses Intended to Accommodate Tribes – Nearshore Areas**

*Category:* Changes to Proposed Take Regulations (Source: BRTF recommendation)

*Description:* The BRTF used the RNCP as the foundation to create a modified version of the proposal (the ECA) in order to strike a balance between meeting the Master Plan science guidelines and accommodating traditional tribal gathering by allowing all recreational users to engage in proposed take. In order to better meet the science guidelines, the BRTF acknowledged that most (though not all) traditional tribal gathering along the north coast occurs in the nearshore environment and divided four open coast SMCAs into two components; the nearshore components would allow all proposed uses intended to accommodate tribes and the offshore components would allow only those uses intended to accommodate tribes with a moderate-high or high LOP. By raising the assigned LOP to the offshore components, the MPA proposal gains additional habitat replication. While better meeting the science guidelines, these complex MPA designs and take regulations lead to multiple zoning in a relatively small area, making them more difficult to understand and enforce, thus not meeting DFG feasibility guidelines.

The BRTF also made a recommendation that, when the legal authority to do so was clarified, the Commission identify a separate “tribal uses” category of take, applicable to all MPAs, and that nearshore SMCAs be created within SMRs that extend from the shoreline (South Cape Mendocino SMR, Sea Lion Gulch SMR, Skip Wollenberg/Ten Mile SMR and Point Cabrillo SMR) for traditional, non-commercial tribal take only. The four proposed SMRs adjacent to shore were largely placed in those locations to avoid areas of importance to the tribes, so creating SMCAs that accommodate tribal take does not provide significant benefit to the tribes. This action would also lead to the north coast component of the statewide system of MPAs having no nearshore areas set aside as truly “no take” for research and monitoring purposes, which would be inconsistent with Commission practice in the three previous study regions and would leave the Commission with insufficient information and data for reviewing the regional component or statewide system for their contributions to meeting the goals of the MLPA. For these reasons, staff has not provided a sub-option related to creating SMCAs within the four proposed SMRs adjacent to shore.

*Potential sub-options* for take and number of MPAs at Pyramid Point, Samoa, Big Flat and Vizcaino SMCAs:

<b>Sub-Options</b>	<b>Proposed Regulatory Language</b>
<input type="checkbox"/> Sub-option A: Maintain four proposed SMCAs as a single MPA	No change
<input type="checkbox"/> Sub-option B: Divide four SMCAs into two MPAs: (1) a nearshore SMCA (to approximately 1000 feet seaward) and (2) an offshore SMCA. In the nearshore SMCA all proposed recreational take would be allowed (as is currently in the RNCP); in the offshore SMCA, only those recreational uses intended to accommodate tribal gathering at moderate-high or high LOP would be allowed.	Nearshore SMCAs: No change  Offshore SMCAs: Remove from proposed recreational take intended to accommodate tribes any species and gear types at moderate, moderate-low or low LOP.

<input type="checkbox"/> Sub-option C: Same as sub-option B, but proposed uses in the nearshore SMCAs are allowed from shore only.	Nearshore SMCAs: No change to species and gear types; add “shore-based” or “from shore only” to any proposed recreational take.  Offshore SMCAs: Remove from proposed recreational take intended to accommodate tribes any species and gear types at moderate, moderate-low or low LOP.
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Note: This set of sub-options will not be necessary if the Commission pursues an exemption to MPA regulations for traditional tribal gathering or if Sub-option 13B is adopted.

**Issue 15: Recreational Take of Pacific Lamprey and Eulachon**

*Category:* Changes to Proposed Take Regulations (Source: BRTF recommendation)

*Description:* The BRTF recommended adding the recreational take of Pacific lamprey and eulachon (candlefish) to three estuarine MPAs (South Humboldt Bay, Big River Estuary, and Navarro River Estuary) to accommodate future non-commercial, traditional tribal gathering. The take of both species is currently legal under existing fishing regulations. However, eulachon is listed as threatened under the federal Endangered Species Act and currently is not found in these proposed MPAs. Pacific lamprey stocks are depressed throughout much of the west coast range and the Commission recently took action to reduce the bag limit from unlimited to five. This BRTF recommendation was made in anticipation that fishing for eulachon and Pacific lamprey might occur in the future; it is therefore pre-emptive and not consistent with Commission regulatory practice.

*Potential sub-options* for recreational take of Pacific lamprey and Eulachon:

<b>Sub-Options</b>	<b>Proposed Regulatory Language</b>
<input type="checkbox"/> Sub-option A: Do not add recreational take of Pacific lamprey and eulachon to three estuarine MPAs	No change; however, the administrative record for these three estuarine MPAs should reflect the desire to add Pacific lamprey and eulachon in the future.
<input type="checkbox"/> Sub-option B: Add recreational take of Pacific lamprey and eulachon to three estuarine MPAs	Add to the proposed regulations for South Humboldt Bay, Big River Estuary and Navarro River Estuary: The recreational take, intended to accommodate tribes, of Pacific lamprey (HOOK AND LINE, HAND, and BOW AND ARROW) and eulachon (DIP NET)

Note: This set of sub-options will not be necessary if the Commission pursues an exemption to MPA regulations for traditional, non-commercial, tribal gathering.

**Issue 16: Three Existing SMCAs Adjacent to State Park System Units (MacKerricher, Russian Gulch and Van Damme SMCAs)**

*Category:* Changes to Proposed Boundaries AND Changes to Proposed Take Regulations (Source: BRTF recommendation)

*Description:* At the request of California State Parks, the BRTF recommended retaining three of the existing north coast MPAs (MacKerricher, Russian Gulch and Van Damme SMCAs) with modifications to the boundaries as recommended by California State Parks and DFG to increase enforceability and with recreational take allowances added to accommodate gathering by tribes and tribal communities. California State Parks indicated that these three SMCAs are important Goal 3 areas with existing public education facilities, including visitor centers at MacKerricher and Van Damme, and are part of a well-established underwater parks program.

If retained, the three MPAs would include modifications to their boundaries as recommended by California State Parks and DFG, and addition of marine plants to the list of recreational take allowances to accommodate gathering by tribes and tribal communities. However, simplified regulations would also greatly improve public understanding and enforceability, and would be consistent with previous revisions to existing MPAs retained in other regions. ....

*Potential Sub-Options for considering retaining three existing MPAs at MacKerricher, Russian Gulch, and Van Damme SMCAs:*

<b>Sub-Options</b>	<b>Proposed Regulatory Language</b>
<input type="checkbox"/> Sub-option A: Do not retain existing MPAs at MacKerricher, Russian Gulch and Van Damme	N/A – The existing regulatory language for these three MPAs would be removed.
<input type="checkbox"/> Sub-option B: Retain existing MPAs with boundaries modified per California State Parks and DFG; add recreational take of marine plants to accommodate tribal gathering.	See Attachment 2 for proposed boundaries and regulations.
<input type="checkbox"/> Sub-option C: Retain existing MPAs per sub-option 2; and simplify take regulations.	See Attachment 2 for proposed boundaries. Commercial take of giant kelp and bull kelp is prohibited; all other take is allowed.

Note: The modifications to recreational take allowances to accommodate tribes will not be necessary if the Commission pursues an exemption to MPA regulations for traditional tribal gathering.

**Table 1: Summary of Sub-options for the California Fish and Game Commission Related to Developing an Alternative MPA Proposal for the MLPA North Coast Study Region**

	Question to Be Answered (source of question)	If Yes, Sub-options to Potentially Include with the Commission's Preferred Alternative		
		RNCP, as Proposed (Sub-option A)	DFG or BRTF Recommendation (Sub-option B)	New Sub-option (Sub-option C)
	Do you want sub-options for traditional tribal gathering?	Allow tribal gathering to continue throughout all open coast MPAs (except SMRs) by allowing all recreational users	Allow tribal gathering to continue in the nearshore component of open coast MPAs (except SMRs) by allowing all recreational users for all proposed uses; the offshore component would allow only those uses at moderate-high or high LOP for all recreational users	Allow tribal gathering to continue in SMCAs (not SMRs), by specifying tribal users and uses only
1.	Do you want sub-options for moving the proposed southern boundary of Pyramid Point SMCA ? (DFG feasibility)	Maintain the southern boundary as proposed	Move the southern boundary approximately 1/3 mile south to the northernmost tip of Prince Island	Maintain the boundary as proposed if the Smith River Rancheria enters into an MOU with DFG to install and maintain signage at the southeastern corner of the MPA
2.	Do you want sub-options for proposed allowed uses at Reading Rock SMCA? (BRTF recommendation)	Retain all proposed uses	Retain only those proposed uses with moderate-high or high LOP	Same as sub-option B, but with take regulations simplified
3.	Do you want sub-options for the proposed northern, eastern and southern boundaries of the South Humboldt Bay SMRMA? (DFG feasibility)	Maintain the boundaries as proposed	Move the northern boundary south to a prominent point, extend the eastern boundary across the bay to the east, and enclose the entire southern portion of the bay	Maintain the boundaries as proposed if the Humboldt Bay Harbor Recreation and Conservation District enters into an MOU with DFG to install and maintain buoys or signage
4.	Do you want sub-options for the proposed northern and southern boundaries of Sea Lion Gulch SMR? (DFG feasibility)	Maintain the boundaries as proposed	Move the northern boundary north one mile to Punta Gorda Lighthouse (aligns with an offshore buoy) and move the southern boundary north about 1/2 mile to Cooskie Creek	

	<b>Question to Be Answered (source of question)</b>	<b>If Yes, Sub-options to Potentially Include with the Commission's Preferred Alternative</b>		
		<b>RNCP, as Proposed (Sub-option A)</b>	<b>DFG or BRTF Recommendation (Sub-option B)</b>	<b>New Sub-option (Sub-option C)</b>
5.	Do you want sub-options for the name of Vizcaino SMCA? (Public comment)	Retain the existing proposed name	Change the proposed MPA name to Double Cone Rock SMCA	
6.	Do you want sub-options for the proposed recreational take regulations in Vizcaino SMCA? (Public comment)	Retain the existing proposed regulations throughout the entire MPA (including recreational uses intended to accommodate tribes)	Divide into two SMCAs: (1) a nearshore SMCA (to approximately 1000 feet seaward) and (2) an offshore SMCA. In the nearshore SMCA all proposed recreational take would be allowed; in the offshore SMCA, only those recreational uses intended to accommodate tribal gathering at moderate-high or high LOP would be allowed.	Limit recreational take regulations to only current, shore-based uses
7.	Do you want sub-options for the proposed southern boundary of the Ten Mile Beach SMCA? (DFG feasibility)	Maintain the boundaries as proposed	Move the southern boundary approximately 3/4 mile south to the mouth of Inglenook Creek	
8.	Do you want sub-options for the proposed recreational take of surf perch by hook and line for Big River Estuary SMP? (DFG feasibility)	Retain the existing proposed regulations	Remove surf perch by hook and line from the proposed take regulations	Retain the existing proposed regulations and adjust the MPA goals and objectives accordingly
9.	Do you want sub-options for the eastern boundary at Big River Estuary SMP? (DFG feasibility)	Retain the proposed boundary, with the California State Parks commitment to install and maintain signage	Move the proposed eastern boundary eastward to the nearest whole minute to simplify the coordinates	
10.	Do you want sub-options for the proposed recreational take of salmon by hook and line at Navarro River Estuary SMRMA? (DFG feasibility)	Retain the existing proposed regulations	Remove recreational take of salmon by hook and line from the proposed regulations	Retain the existing proposed regulations with clarifying language and adjust the MPA goals and objectives accordingly [The recreational take of salmon (HOOK AND LINE) is allowed in



	<b>Question to Be Answered (source of question)</b>	<b>If Yes, Sub-options to Potentially Include with the Commission's Preferred Alternative</b>		
		<b>RNCP, as Proposed (Sub-option A)</b>	<b>DFG or BRTF Recommendation (Sub-option B)</b>	<b>New Sub-option (Sub-option C)</b>
				accordance with section 7.50."]
11.	Do you want sub-options for waterfowl hunting in estuaries? (BRTF recommendation and public comment)	Retain the existing classifications as proposed in the RNCP, except Big River Estuary SMP	Change four estuarine MPAs to SMCAs that do not prohibit waterfowl hunting	
12.	Do you want sub-options for the recreational take of pelagic finfish by spearfishing? (BRTF recommendation)	Retain the existing regulations as proposed in the RNCP	Add recreational take of pelagic finfish (SPEARFISHING) to all open coast SMCAs	
13.	Do you want sub-options for proposed recreational uses intended to accommodate tribes at Pyramid Point SMCA, Reading Rock SMCA, Samoa SMCA, South Humboldt Bay SMRMA, Big Flat SMCA, Vizcaino SMCA, Ten Mile Beach SMCA, Big River Estuary SMP, and Navarro River Estuary SMRMA? (DFG feasibility)	Retain all proposed recreational uses intended to accommodate tribes	Retain only those proposed recreational uses intended to accommodate tribes with moderate-high or high LOPs and simplify regulations to the extent possible	
14.	Do you want sub-options for dividing Pyramid Point, Samoa, Big Flat and Vizcaino SMCAs into two components? (BRTF recommendation)	Maintain four proposed SMCAs as a single MPA	Divide four SMCAs into two MPAs: (1) a nearshore SMCA (to approximately 1000 feet seaward) and (2) an offshore SMCA. In the nearshore SMCA all proposed recreational take would be allowed (as is currently in the RNCP); in the offshore SMCA, only those recreational uses intended to accommodate tribal gathering at moderate-high or high LOP would be allowed.	Same as sub-option B, but proposed uses in the nearshore SMCAs are allowed from shore only.

	<b>Question to Be Answered (source of question)</b>	<b>If Yes, Sub-options to Potentially Include with the Commission's Preferred Alternative</b>		
		<b>RNCP, as Proposed (Sub-option A)</b>	<b>DFG or BRTF Recommendation (Sub-option B)</b>	<b>New Sub-option (Sub-option C)</b>
15.	Do you want sub-options for the recreational take of Pacific lamprey and eulachon? (BRTF recommendation)	Do not add recreational take of Pacific lamprey and eulachon to three estuarine MPAs	Add recreational take of Pacific lamprey and eulachon to three estuarine MPAs	
16.	Do you want sub-options for retaining the three existing MPAs at MacKerricher, Russian Gulch and Van Damme SMCAs)? (BRTF recommendation)	Do not retain existing MPAs at MacKerricher, Russian Gulch and Van Damme	Retain existing MPAs with boundaries modified per California State Parks and DFG; add recreational take of marine plants to accommodate tribal gathering.	Retain existing MPAs per sub-option 2; and simplify take regulations

# ATTACHMENT 1

## California Marine Life Protection Act Initiative

### Motions Adopted by the MLPA Blue Ribbon Task Force on October 26, 2010 Regarding Recommendations for the MLPA North Coast Study Region

*November 16, 2010*

At its meeting on October 25-26, 2010, the Marine Life Protection Act (MLPA) Blue Ribbon Task Force (BRTF) adopted seven motions with recommendations related to marine protected areas (MPAs) and special closures in the MLPA North Coast Study Region. The BRTF recommendations are specific to the work of the California Fish and Game Commission, California Department of Fish and Game, and California Department of Parks and Recreation, or more generally to the State of California. This document contains the adopted motions as approved by the BRTF. An attachment to this document summarizes the actions resulting from the motions adopted by the BRTF, including which proposed MPAs or special closures are affected, the source of their design, and any modifications to the design (see Attachment A).

**1. Motion to Forward the Revised MLPA North Coast Regional Stakeholder Group (NCRSG) MPA Proposal and Special Closures Recommendation for the MLPA North Coast Study Region to the California Fish and Game Commission (motion made by Cathy Reheis-Boyd, seconded by Greg Schem, passed unanimously)**

The MLPA Blue Ribbon Task Force recommends that the Revised Round 3 NCRSG MPA Proposal be forwarded to the California Fish and Game Commission in its entirety, in recognition of all of the fine work that the NCRSG has done. The motion includes the NCRSG's Skip Wollenberg recommendation (to re-name the proposed Ten Mile MPAs), Round 3 NCRSG Special Closures Recommendation (with seven special closures recommended), alternative recommendations for Green Rock and Flatiron Rock, and the NCRSG motion regarding tribal uses.

**2. Motion to Recommend Incorporation of Tribal Uses in Marine Protected Areas of the MLPA North Coast Study Region (motion made by Roberta Cordero, seconded by Meg Caldwell, passed unanimously)**

The BRTF appreciates the extraordinary efforts of the NCRSG to develop feasible methods for ensuring inclusion of tribal traditional, non-commercial uses in the design and location of MPAs. The NCRSG worked diligently to carry out the guidance of the BRTF. Further work is needed to accomplish the goal of ensuring continuation of tribal uses. Accordingly, the BRTF adopts the following recommendations:

1. When the legal authority to do so is clarified and settled by the State of California and California tribes and tribal communities, the BRTF recommends that the California Fish and Game Commission identify "tribal uses" as a separate category of use in the regulations applicable to each MPA. And, for each state marine conservation area (SMCA), state marine park (SMP) and state marine recreational management area (SMRMA) for which the NCRSG has proposed to allow tribal uses, the California Fish and Game Commission should include the following descriptive language in the regulations: "Members of California Indian tribes and tribal communities shall be allowed to fish, gather and harvest marine resources for

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traditional, non-commercial subsistence, ceremonial, religious or stewardship purposes.”

2. In recognition of the status quo, there is a mutual reservation of rights by the State of California and California tribes and tribal communities.
3. When the legal authority to do so is clarified and settled by the State of California and California tribes and tribal communities, an approximately 1,000-foot wide nearshore ribbon SMCA for tribal uses should be created adjacent to all proposed state marine reserves that extend from the shoreline in the north coast study region (South Cape Mendocino SMR, Sea Lion Gulch SMR, Skip Wollenberg/Ten Mile SMR and Point Cabrillo SMR) and to the Vizcaino SMCA. Shore-based, extractive uses within these nearshore ribbon SMCAs should be limited to traditional, non-commercial tribal uses.
4. The California Department of Fish and Game should consult and work with the tribes and tribal communities to resolve any outstanding issues with regard to the continuation of tribal traditional, non-commercial uses, including exploration of opportunities for co-management agreements under MLPA.

### **3. Motion to Recommend Co-Management of MPAs with Sister Agencies (motion made by Meg Caldwell, seconded by Greg Schem, passed unanimously)**

The BRTF recommends that the California Fish and Game Commission work with tribes and tribal communities and encourage sister agencies to work with the commission and tribes and tribal communities to develop co-management of MPAs where appropriate. “Sister” agencies are broadly construed to include agencies at different levels of jurisdiction, including local agencies, tribes and tribal communities.

### **4. Motion Regarding an Enhanced Compliance Alternative MPA Proposal (motion made by Greg Schem, seconded by Bill Anderson, passed with six in favor and two abstentions)**

The BRTF recommends that the North Coast Enhanced Compliance Alternative MPA Proposal be forward to the California Fish and Game Commission that consists of the Revised Round 3 NCRSG MPA Proposal, modified to include:

- with the exception of the Reading Rock and Ten Mile clusters, creating “nearshore ribbon” SMCAs with a shoreward boundary from the mean high tide line to approximately 1000 feet offshore only in SMCAs with proposed uses at all levels of protection intended to accommodate tribes and tribal communities (Pyramid Point, Samoa, Big Flat, and Vizcaino SMCAs); and
- for the remaining offshore SMCAs at Pyramid Point, Samoa, Big Flat, and Vizcaino, retaining only species/gear types that have a moderate-high or high level of protection and removing any shore-based activity; and

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- for Reading Rock SMCA, retaining only species/gear types that have a moderate-high or high level of protection; and
- for Ten Mile SMCA, retaining all proposed uses at all levels of protection, including those intended to accommodate tribes and tribal communities, and
- for estuarine MPAs and SMRMAs with proposed uses intended to accommodate tribes (South Humboldt Bay SMRMA, Big River Estuary SMP, and Navarro River Estuary SMRMA), retaining only species/gear types that have a moderate-high or high level of protection for those uses intended to accommodate tribes and tribal communities; and
- an accompanying statement that proposed recreational uses intended to accommodate traditional tribal uses be restricted to only tribes and tribal communities when administrative or legislative action is taken that allows only tribes and tribal communities to engage in traditional tribal uses within MPAs and SMRMAs, and
- adding pelagic finfish (recreational spearfishing) to all SMCAs.

**5. Motion to Recommend Adding Eulachon and Pacific Lamprey to Estuaries (motion made by Roberta Cordero, seconded by Cathy Reheis-Boyd, passed unanimously)**

The BRTF recommends that eulachon (DIP NET) and Pacific lamprey (SPEARFISHING, HOOK AND LINE, BOW AND ARROW, and HAND) be added to all estuaries with proposed uses intended to accommodate tribes and tribal communities (South Humboldt Bay SMRMA, Big River Estuary SMP, and Navarro River Estuary SMRMA),.

**6. Motion to Recommend Retaining Three Existing MPAs: MacKerricher, Russian Gulch and Van Damme SMCAs (motion made by Virginia Strom-Martin, seconded by Bill Anderson, passed unanimously)**

The BRTF recommends that three existing MPAs that are offshore lands managed by the California Department of Parks and Recreation (MacKerricher SMCA, Russian Gulch SMCA and Van Damme SMCA) be retained with existing take regulations (both commercial and recreational) and with the addition of proposed allowed uses intended to accommodate tribes and tribal communities. Furthermore, the BRTF recommends that the California Department of Parks and Recreation and the California Department of Fish and Game work together to address feasibility concerns with the boundaries of each site.

**7. Motion to Recommend Changing Classifications for Ten Mile Estuary and Navarro River Estuary State Marine Recreational Management Areas (motion made by Meg Caldwell, seconded by Greg Schem, passed unanimously)**

The BRTF recommends that, if designated, the classification of Ten Mile Estuary State Marine Recreational Management Area be changed to a state marine reserve and the

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Navarro River Estuary State Marine Recreational Management Area be changed to a state marine conservation area, as intended by the NCRSG.

**MacKerricher SMCA (modified)**

**Existing Allowed Uses (Take Regulations)**

The take of all living marine resources is prohibited except:

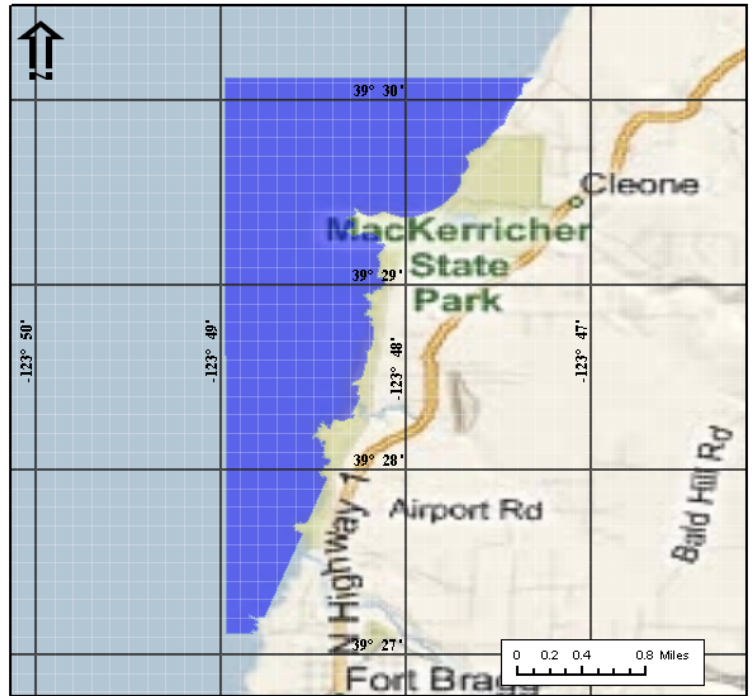
1. The recreational take of finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.
2. The commercial take of finfish, crabs, ghost shrimp, jackknife clams, sea urchins, squid, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.


**Proposed Additional Allowed Uses (Take Regulations)**

3. The recreational take, intended to accommodate tribal uses, of:
  - rockfish, cabezon, sculpin, lingcod, greenling (2 species), stickleback, California halibut, Pacific halibut, Pacific lamprey and salmon (HOOK AND LINE);
  - Pacific lamprey (SPEARFISHING, HOOP NET OR BOW AND ARROW);
  - redbtail surfperch and other surfperch (HOOK AND LINE FROM SHORE);
  - shiner surfperch, surf smelt\*, and herring (DIP NET OR CAST NET\*);
  - eulachon and anchovy (DIP NET);
  - anchovy, sardine and mackerel (2 species) (HAND);
  - red abalone, black and brown turban snails, limpets (3 species), clams (10 species) and cockles (2 species), mussel, oyster, scallop, purple shore crab, octopus (3 species), bay and ghost shrimp and urchin (2 species) (HAND);
  - Dungeness crab and other crabs (yellow, rock, red, slender and purple shore) (TRAP OR HOOP NET);
  - market squid (DIP NET OR CAST NET);
  - coonstripe shrimp and spot prawn (TRAP); and
  - giant kelp, bull kelp, canopy-forming algae, and turf-forming and foliose algae (except for sea palm) (HAND).

\* Also received input requesting that the take of surf smelt by cast net not be allowed in MacKerricher SMCA.

**MacKerricher SMCA Modified**



 Proposed State Marine Conservation Area (SMCA)

**MPA Boundaries (These may be approximate)**

This area is bounded by the mean high tide line and a straight line connecting the following points:

- 39° 30.100' N. lat. 123° 47.390' W. long.;
- 39° 30.100' N. lat. 123° 49.000' W. long.;
- 39° 27.120' N. lat. 123° 49.000' W. long.; and
- 39° 27.120' N. lat. 123° 48.830' W. long.;

**Russian Gulch SMCA (modified)****Existing Allowed Uses (Take Regulations)**


The take of all living marine resources is prohibited except:

1. The recreational take of finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.
2. The commercial take of finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

**Proposed Additional Allowed Uses (Take Regulations)**

3. The recreational take, intended to accommodate tribal uses, of:
  - rockfish, cabezon, sculpin, lingcod, greenling (2 species), stickleback, California halibut, Pacific halibut and salmon (HOOK AND LINE);
  - Pacific lamprey (SPEARFISHING OR BOW AND ARROW);
  - redbtail surfperch and other surfperch (HOOK AND LINE FROM SHORE);
  - shiner surfperch (CAST NET);
  - surf smelt and herring (DIP NET OR CAST NET);
  - eulachon and anchovy (DIP NET);
  - anchovy, sardine and mackerel (2 species) (HAND);
  - red abalone, black and brown turban snails, limpets (4 species), clams (10 species) and cockles (2 species), mussel, oyster, scallop, purple shore crab, octopus (3 species), bay and ghost shrimp and urchin (2 species) (HAND);
  - Dungeness crab and other crabs (yellow, rock, red, slender and purple shore) (TRAP OR HOOP NET);
  - market squid (DIP NET OR CAST NET);
  - coonstripe shrimp and spot prawn (TRAP); and
  - giant kelp, bull kelp, canopy-forming algae, and turf-forming and foliose algae (except for sea palm) (HAND).

**Russian Gulch SMCA Modified**

 Proposed State Marine Conservation Area (SMCA)

**MPA Boundaries (These may be approximate)**

This area is bounded by the mean high tide line and a straight line connecting the following points:

39° 19.860' N. lat. 123° 48.840' W. long.;  
 39° 19.860' N. lat. 123° 49.000' W. long.;  
 39° 19.470' N. lat. 123° 49.000' W. long.; and  
 39° 19.470' N. lat. 123° 48.500' W. long.;



**Van Damme SMCA (modified)****Existing Allowed Uses (Take Regulations)**

The take of all living marine resources is prohibited except:

1. The recreational take of finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.
2. The commercial take of finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

**Proposed Additional Allowed Uses (Take Regulations)**

3. The recreational take, intended to accommodate tribal uses, of:
  - rockfish, cabezon, sculpin, lingcod, greenling (2 species), stickleback, California halibut, Pacific halibut and salmon (HOOK AND LINE);
  - Pacific lamprey (SPEARFISHING OR BOW AND ARROW);
  - redbtail surfperch and other surfperch (HOOK AND LINE FROM SHORE);
  - shiner surfperch (CAST NET);
  - surf smelt and herring (DIP NET OR CAST NET);
  - eulachon and anchovy (DIP NET);
  - anchovy, sardine and mackerel (2 species) (HAND);
  - red abalone, black and brown turban snails, limpets (4 species), clams (10 species) and cockles (2 species), mussel, oyster, scallop, purple shore crab, octopus (3 species), bay and ghost shrimp and urchin (2 species) (HAND);
  - Dungeness crab and other crabs (yellow, rock, red, slender and purple shore) (TRAP OR HOOP NET);
  - market squid (DIP NET OR CAST NET);
  - coonstripe shrimp and spot prawn (TRAP); and
  - giant kelp, bull kelp, canopy-forming algae, and turf-forming and foliose algae (except for sea palm) (HAND).

**Van Damme SMCA Modified**

Proposed State Marine Conservation Area (SMCA)

**MPA Boundaries (These may be approximate)**

This area is bounded by the mean high tide line and a straight line connecting the following points:

39° 16.335' N. lat. 123° 47.712' W. long.; and  
39° 16.147' N. lat. 123° 47.429' W. long.