



ESTABLISHED 1971

Board of Directors

July 30, 2020

Bridger Mitchell, Ph.D.
President

California Department of Fish and Wildlife
Lieutenant James Jones

Ken Drexler, Esq.
Vice-President

Submitted electronically: james.jones@wildlife.ca.gov

Terence Carroll
Treasurer

RE: Duxbury Reef State Marine Conservation Area, Increased Consumptive Activities

Cynthia Lloyd, Ph.D.
Secretary

Dear Lieutenant Jones,

Sarah Killingsworth, Esq.
Director

The Environmental Action Committee of West Marin (EAC) is an environmental organization based on Point Reyes Station, California, working to protect and sustain the unique lands, waters, and biodiversity found in western Marin County.

Jerry Meral, Ph.D.
Director

Since 2014, EAC has administered a Marine Protected Area Watch (MPA Watch) community science program at Agate Beach / Duxbury Reef State Marine Conservation Area (SMCA). MPA Watch is a statewide program that trains volunteers to observe and collect data on human uses of coastal and marine resources both inside and outside MPAs. Our program is focused on MPAs in or near Marin County.

Mairi Pileggi, Ph.D.
Director

Claire Seda
Director

David Weinsoff, Esq.
Director

David Wimpfheimer
Director

I am writing today to alert our resource management agencies of the increased potential poaching activities occurring within the Duxbury SMCA and the need for enforcement response.

Staff and Consultants

Morgan Patton
Executive Director

EAC received reports from our volunteers this week concerned by the alarming increase in consumptive activities at Duxbury Reef SMCA beginning in May, June, and July 2020. A review of our data indicates a sharp increase in visitation and potential poaching Duxbury Reef SMCA in July 2020.

Ashley Eagle-Gibbs, Esq.
Conservation Director

Jessica Reynolds Taylor
Development Director

William Hubert
Education Coordinator

Our MPA Watch rate of on-shore consumptive activity (taking or collecting) from January 1 – July 29, 2020 compared to 2014-2019 has increased by 100% from a rate of 3.2 activities per survey mile to a rate of 6.4 activities per survey mile.

Patricia Wimpfheimer
Bookkeeper

Catherine Caufield
Tomales Dunes Consultant

Our volunteers are observing dozens of people on the Reef outside of prior years' statistical high-visitation dates, and observing people in increased numbers with collecting materials. Some are collecting for personal consumption, while others are unintentionally collecting (placing organisms into buckets for observation or play), and totally unaware they are in an MPA.

We are requesting immediate attention from resource protection agencies with jurisdiction to protect the areas of Agate Beach and Duxbury Reef to increase enforcement patrols to ensure MPA compliance. Duxbury Reef is a State Marine Conservation Area where it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for recreational and/or commercial purposes, with the following specified exceptions: The recreational take of finfish from shore and abalone is allowed.¹

Examples of likely poaching activities observed by MPA Watch volunteers in July 2020:

July 11, 2020: 3-foot tide, 2:00pm

On-Shore Consumption.

One group of 5 individuals was collecting *Tegula funebris*. They were told that activity was not permitted. They returned to the intertidal the *Tegula* that they had collected.

July 19, 2020: 3-foot tide, 9:50am

Offshore Violation (reported to CDFW)

Violation was reported on DFW's website and by a separate email to DFW officer's email address (with photos attached).

July 24, 2020: 0.1-foot tide, 8:55am

On-Shore Consumption.

Elementary school class (grades 1-4) from Novato School District. Collecting done by class; spoke to them and it largely stopped their collecting. Spear fisherman is a "local", collected and took some invertebrates.

July 25, 2020: 0.1-foot tide, 9:30am

On-Shore Consumption.

4 people collecting for consumption: 1 bucket of *Strongylocentrotus purpuratus* (#36) and 1 bucket of *Tegula funebris* (#100+). Male was carrying a metal pry bar. I observed 5 *S. purpuratus* freshly crushed in pools along base of berm and fresh broken *S. purpuratus* habitat

¹ California Department of Fish and Wildlife, Duxbury State Marine Conservation Area, Accessed at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=91616&inline>

(i.e. destroyed urchin holes in rocky reef). Collectors stated that he learned of the site on iNaturalist. I returned both buckets into water, however, much mortality. Joe Mueller, College of Marin Professor, and his student research assistants witnessed this.

On July 17, 2020, the Los Angeles Times published an article that highlighted the excessive crowds removing sea creatures from San Pedro tide pools and quoted state game warden Doug Wall, “*I’ve never seen so many people combing these tide pools for food...over the past month, I’ve issued about 30 citations for infractions in Southern California’s tide pools.*”²

We are concerned Duxbury Reef SMCA may be on the same path as some of our Southern California intertidal areas and would like to prevent this before it is too late. Poaching at Duxbury Reef SMCA could severely harm this fragile ecosystem. Taking of any species (except for hook and line fishing for finfish) is prohibited and increased patrols are in need to ensure compliance as public visitation to the beach and reef are steadily increasing.

To resolve this issue, we would like to see coordinated patrols between shared enforcement agencies including Point Reyes National Seashore, Marin County Open Space, and California Department of Fish and Wildlife. In addition, we would like to call a meeting with these resource managers to discuss resource patrols and enforcement at Duxbury to better understand what efforts may be implemented to protect the resources at Duxbury Reef SMCA now and into the future.

EAC, in partnership with Marin County Open Space, is currently designing a docent program that would train volunteers in the fall of 2020 launch at Duxbury Reef SMCA in the spring of 2021. Unfortunately, due to the pandemic, we are now witnessing the increases of human visitation at Duxbury Reef SMCA without adequate visitor support and resources to provide public education on the MPA and appropriate tide pool etiquette.

In order to provide public education and outreach, EAC is planning to ask our MPA Watch volunteers to assist with an ad-hoc docent team to provide California Department of Fish and Wildlife information and materials at the trailhead at the Agate Beach parking lot in the short-term. Our volunteers are not enforcement, but they can assist with interpretation and public education to assist with compliance with proper face coverings and social distancing.

² Los Angeles Times, Excessive Crowds Removing Sea Creatures from San Pedro Tide Pools Put Delicate Ecosystems at Risk, accessed at: <https://www.latimes.com/environment/story/2020-07-17/unprecedented-crowds-are-harvesting-sea-creatures-from-san-pedros-famous-tide-pools?fbclid=IwAR2LacqMiHUHEdz-zsUvWXSsen7Go3r8iXoVRYc5cDCsGUYcM3GBdUA1Yt8>

In order to ensure compliance, it is imperative that patrols take place to begin to issue citations to poachers at Duxbury Reef SMCA as soon as possible.

If needed, EAC is willing to provide a general list of dates when we can anticipate the potential for increased visitation and potential for poaching based on the tide conditions and time of day. In general, we are witnessing crowds at any low or medium tide before 2pm on any day of the week. This is a dramatic shift in human visitation and potential poaching activities from what our program has observed at Duxbury Reef SMCA since 2014. For reference, we have included an attachment to this letter copies of the charts and graphs of the MPA Watch data for reference and review.

We look forward to discussing this issue in the near future to ensure the protection of our coastal and marine resources. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'MP', with a long horizontal flourish extending to the right.

Morgan Patton
Executive Director

CC: Max Korten, Marin County Parks and Open Space; Krista Hanoff, Marin County Parks Open Space; Julie Byerly, Point Reyes National Seashore; Carey Feierabend, Point Reyes National Seashore; Ben Becker, Point Reyes National Seashore; Maria Brown, Greater Farallones National Marine Sanctuary; Jeremy Munkelt, Special Agent, NOAA Fisheries; Sam Smith, Special Agent, NOAA Fisheries; Calla Allison, MPA Collaborative Network; Dennis Rodoni, District Four Marin County Supervisor

Attachment 1: Marin MPA Watch Data

Duxbury Reef State Marine Conservation Area

Activity Incidence: January 1 – July 29, 2020 / Compared to January 1 – July 29, 2014-2019
Number of activities recorded divided by total survey-miles to obtain incidence rate per mile.

On-Shore			
Non-Consumptive		Consumptive	
Jan 1		Jan 1	Jan 1, 2020
Jul 29	Jan 1, 2020	Jul 29	Jul 29, 2020
All Years	Jul 29, 2020	All Years	Jul 29, 2020
68.65	47.46	3.20	6.37
Off-Shore			
Non-Consumptive		Consumptive	
Jan 1		Jan 1	
Jul 29	Jan 1, 2020	Jul 29	Jan 1, 2020
All Years	Jul 29, 2020	All Years	Jul 29, 2020
0.03	0.00	0.05	0.14

Total Consumptive Activities (collecting or taking): 2014-2020

Total number of consumptive activities recorded over time.

