



July 5, 2023

California Fish and Game Commission
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Re. Fish and Game Commission MRC Agenda Item 5: MPA DMR
Petition for Modification of Duxbury Reef and Drakes Estero MPAs

Dear President Sklar and Honorable Commissioners,

The Environmental Action Committee of West Marin (EAC) has been working to protect the unique lands, waters, and biodiversity of coastal Marin County since 1971. We are deeply committed to California's marine protected area (MPA) network and have been actively supporting MPAs through outreach, education, and community science activities since the first regional stakeholder meetings that would eventually establish the network of 124 MPAs.

We submit this letter to request that the letter we previously addressed to the Fish and Game Commission (Commission) in support of the MPA decadal management review (DMR), submitted on April 6, 2023, also be considered a petition to the Commission pursuant to California Fish & Game Code Section 2861(a), for addition to and modification of the MPAs at Duxbury Reef and Drakes Estero. A copy of that letter is enclosed herewith. This request is being made to ensure we are compliant with any additional procedures that are entailed in the presentation to the Commission of a "petition" as contemplated in Fish and Game Code Section 2861(a), which might not have been satisfied by the April 6 DMR comment letter submittal.

Furthermore, this letter also serves as a comment on the MPA DMR (Marine Resources Committee Agenda Item 5) for the July 20th meeting. We commend the Commission for the vision of the draft prioritized recommendations dated June 12, 2023. We thank the Department of Fish and Wildlife (Department) for their hard work on this prioritization, and we generally agree with the prioritization and timelines.

As an overall comment related to the prioritization, we urge the Commission to institutionalize climate-cognizant adaptive management to ensure that management of the MPA network can respond to sea-level rise and other climate changes. We also hope that the Commission will broadly embrace recommendation 4 and support changes to the MPA network and management program. We were pleased to see that recommendation 4 was identified as a near-term priority.

As requested in our prior comments, specifically, we petition for the Commission to recommend the following additions to and modifications of the

Drakes Estero State Marine Conservation Area (SMCA) and the Duxbury Reef SMCA, as currently described in California Code of Regulations Title 14, Section 632(b)(47) and (50), respectively:

1. Change the designation of Drakes Estero SMCA to a “State Marine Reserve” as described in California Code of Regulations (CCR) Title 14 § 632(a)(1)(A).
2. Change the designation of the Duxbury Reef SMCA to a “State Marine Reserve.”
3. Extend the southern boundary of the Duxbury MPA to the most southerly tip of Duxbury Reef exposed at mean lower low water, that is, to a point at approximately 37 deg. 53.1315' N. lat, 122 deg. 41.7549' W. long.
4. Extend the northern boundary of the Duxbury MPA to the Double Point/Stormy Stack Special Closure as described in CCR Title 14 § 632(b)(49).

We also request that: (1) the letter to the Commission dated April 15, 2023, from the Greater Farallones and Cordell Bank National Marine Sanctuaries (copy enclosed) be made a part of the record in support of this petition; and (2) that EAC and others be allowed to submit further written evidence and testimony in support of this petition.

Please advise us if there is any further step(s) that should be taken by EAC and/or others to present a “petition” to the Commission pursuant to California Fish & Game Code Section 2861(a). Finally, please do not hesitate to ask for any further information that the Commission believes will assist it in addressing this petition.

We also request that the Commission clarify the process of public engagement regarding the DMR going forward. A more streamlined and intuitive comment and petition system would allow for easier public engagement and would further the justice, equity, diversity, and inclusivity goals of the Commission. Clarity would be especially helpful regarding what type of regulation changes could be considered in the DMR and what types would require their own petition.

While we understand that this may be forthcoming, it would also be helpful to have clarity related to the focus of future meetings and the Department and Commission’s proposed work plan with some additional specificity related to how the public and stakeholders can participate most effectively.

Thank you for your consideration of our comments and all your work on the DMR process. We look forward to continuing to engage including review of the staff report and participation at the July 20th meeting.

Sincerely,



Ashley Eagle-Gibbs
Legal & Policy Director

cc: Susan Ashcraft, Marine Advisor, Fish and Game Commission
Becky Ota, Marine Habitat Conservation Program Manager, Department of Fish and Wildlife

Attachments: (1) EAC April 6, 2023, comments to Fish and Game Commission
(2) Greater Farallones and Cordell Bank National Marine Sanctuaries April 15, 2023, comments to Fish and Game Commission