

Watermen's Alliance
2126 Porter Ct.
Fairfield, CA 94533



December 3rd, 2012

Jim Kellogg, President
California Fish and Game Commission
1416 Ninth Street
Sacramento CA 95814-2090

Esteemed President Kellogg and members of the Commission:

CLARIFICATION ON PERMITTED ACTIVITIES IN STATE MARINE RESERVES

The Watermen's Alliance would like to formally request clarification on permitted activities in the Cabrillo State Marine Reserve, Matlahuayl State Marine Reserve, South La Jolla State Marine Reserve, Laguna Beach State Marine Reserve, Point Dume State Marine Reserve, and Point Conception State Marine Reserve areas.

Current DFG regulations state:

(Title 14, Section 632(a)(1)(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 pursuant to Section 650 or specific authorization from the commission for research, restoration, or monitoring purposes (emphasis added).

We request clarification on the meaning of "any" found within the regulation. For example, are the following specific activities permitted in the SMR's without a "collecting permit" issued by California Department of Fish and Game?

- Removal or disturbance of culturally sensitive geologic structures
- Removal or disturbance of intertidal organisms such as starfish, limpets, or sea weed (including actions by local agencies such as the City of San Diego)
- Removal of sea shells from intertidal areas
- Removal or disturbance of geologic structures such as rocks, cobbles, or sand
- Disruption of grunion eggs by digging in the sand below the mean high tide mark
- Disruption of shore birds or marine mammals' natural behavior by chasing or disturbing them
- Injury of aquatic life such as sting rays, sand dollars or other organisms

The Watermen's Alliance believes divers to be among the ocean's foremost protectors and conservationists. We pride ourselves on our conservation ethics and our desire to share those ethics with all ocean users. We are committed to the efficient and effective administration of our State Marine Reserve. As these Reserves are intended to provide a refuge for marine life and resources, we must ensure that all consumptive activities which have the potential to impact

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or destroy marine resources are carefully managed. Activities such as excavation which has the potential for unnatural land form alteration, seaweed collection and disposal, collection of shells and disturbance of marine life could constitute violations of the section of regulation quoted above. We feel that clarification as to the permissibility of these activities is important to ensure adequate protection of our critical marine resources.

Sincerely,

A handwritten signature in black ink that reads "Josh Russo". The signature is written in a cursive style with a large initial "J" and "R".

Joshua Russo
President
Watermen's Alliance
(707) 333-9575

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