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Michael Sutton, President
Monterey

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STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

August 11, 2014

The Honorable Amy Thomas Howarth
Mayor
Manhattan Beach City Council
1400 Highland Avenue
Manhattan Beach, California 90266

RE: Manhattan Beach Pier Fishing Ban and Gear Restrictions

Dear Mayor Howarth:

It has been brought to the attention of the California Fish and Game Commission (Commission) that the Manhattan Beach City Council (Council) has enacted an emergency ban on fishing from the Manhattan Beach pier and has been engaged in a discussion concerning potential fishing gear restrictions as a consequence of an unfortunate shark bite incident involving a swimmer and anglers from the pier over the July 4th holiday. Upon thorough investigation, the California Department of Fish and Wildlife's (Department) Law Enforcement Division determined that no state fish and wildlife laws or regulations were violated. At this juncture, the justification for banning fishing or implementing gear restrictions remains unclear and the actions taken and being contemplated appear beyond the authority of the Council.

I'm writing to draw your attention to three considerations: First, while the Manhattan Beach Pier is managed by the City it is owned by the California Department of Parks and Recreation and we are unclear to what extent that agency has been involved in these proposed actions. Second, since 1902 the regulation of fishing activity and gear types has been exclusively reserved to the state. The legislature and the courts have long recognized our Commission's sole authority to regulate fishing activity, including from public access piers and beaches. Third, the Commission is concerned that banning or otherwise restricting pier fishing would disproportionately impact the disabled, subsistence fishers, and minorities.

Accordingly, we respectfully request the Council immediately lift the ban on fishing from the pier because the Commission has not been made aware of any credible threat to public safety related to the activity of anglers. We further request the Council postpone any action concerning fishing gear restrictions and/or other legal fishing practices in order to consult with the Commission and the Department to identify and discuss whether a change in regulation is necessary and the appropriate authority under which any changes could be made.

Like the City of Manhattan Beach and the County of Los Angeles, the Commission is committed to public safety and ensuring equal access to our marine resources. I understand the county wisely adopted an ordinance that prohibits swimming within 100 feet of the pier, presumably a measure intended to allow swimmers and anglers to safely coexist. I am confident that by working together we can reach a common-sense approach to protecting the desire to swim near and fish from the Manhattan Beach pier. To discuss or schedule a meeting to explore these issues further, please contact the Commission's Executive Director, Sonke Mastrup at 916-653-4899 or by email to Sonke.Manstrup@fgc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Sutton", with a long horizontal flourish extending to the right.

Michael Sutton
President

cc:

Michael Sutton, President, Fish and Game Commission
Jack Baylis, Vice President, Fish and Game Commission
Richard Rogers, Commissioner, Fish and Game Commission
Jim Kellogg, Commissioner, Fish and Game Commission
Jacque Hostler-Carmesin, Commissioner, Fish and Game Commission
Charles Bonham, Director, Department of Fish and Wildlife
Charles Lester, Executive Director, California Coastal Commission
Jennifer Lucchesi, Executive Officer, California State Lands Commission
Lisa Mangat, Acting Director, California Department of Parks and Recreation
Chris Ames, Deputy Attorney General, Office of the Attorney General, California Department of Justice