

Regulatory Language

Section 632, Title 14, CCR, is amended to read:

§632. Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures.

The areas specified in this section have been declared by the commission to be marine protected areas, marine managed areas, or special closures. Public use of marine protected areas, marine managed areas, or special closures shall be compatible with the primary purposes of such areas. MPAs, MMAs, and special closures are subject to the following general rules and regulations in addition to existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b), areas and special regulations for use. Nothing in this section expressly or implicitly precludes, restricts or requires modification of current or future uses of the waters identified as marine protected areas, special closures, or the lands or waters adjacent to these designated areas by the Department of Defense, its allies or agents.

(a) General Rules and Regulations:

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Subsections 632(a)(1) through 632(a)(10), Title 14, CCR remain unchanged.

Subsections 632(a)(11) through 632(a)(12), Title 14, CCR are added:

(11) Tribal Take. For purposes of this regulation, “federally recognized tribe” means any tribe on the *List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs*, published annually in the Federal Register. Any member of a federally recognized tribe authorized to take living marine resources from an area with area-specific take restrictions in subsection 632(b), when engaging in take within an authorized area shall possess on his person, in his immediate possession, or where otherwise specifically required by law to be kept, any valid license, report card, tag, stamp, validation, permit, or any other entitlement that is required in the Fish and Game Code, or required by other state, federal, or local entities, in order to take living marine resources. Members shall possess a valid photo identification card issued by a federally recognized tribe that contains expiration date, tribal name, tribal member number, name, signature, date of birth, height, color of eyes, color of hair, weight, and sex; and display any of the items listed above upon demand to any peace officer. Members taking living marine resources under this provision are subject to current seasonal, bag, possession, gear and size limits in existing Fish and Game Code statutes and regulations of the Commission, except as otherwise provided for in subsection 632(b). No member, while taking living marine resources pursuant to this section, may be assisted by any person who does not possess a valid tribal identification card and is not properly licensed to take living marine resources. Nothing

in the regulation is intended to conflict with, or supersede, any state or federal law regarding the take of protected, threatened or endangered species.

(12) Shore Fishing. Take from shore, or shore fishing, for purposes of this section, means take of living marine resources from shore, including beaches, banks, piers, jetties, breakwaters, docks, and other man-made structures connected to the shore. Unless specifically authorized in subsection 632(b), no vessel, watercraft (motorized or non-motorized), or floating device may be used to assist in the take, transport or possession of species taken while shore fishing, except that a float tube or similar flotation device may be used when taking abalone only.

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Subsections 632(b)(1) through 632(b)(5), Title 14, CCR are amended to read:

Pyramid Point State Marine Conservation Area Boundary Option 1 – Proposed Regulation boundaries. Decision will add or remove the text below:

(1) Pyramid Point State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

42° 00.000' N. lat. 124° 12.735' W. long.;

42° 00.000' N. lat. 124° 19.814' W. long.; thence southward along the three nautical mile offshore boundary to

41° 57.500' N. lat. 124° 17.101' W. long.; and

41° 57.500' N. lat. 124° 12.423' W. long.

Pyramid Point State Marine Conservation Area Boundary Option 2 – South boundary only is moved southward to the northernmost tip of Prince Island. Decision will add or remove the text below:

(1) Pyramid Point State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

42° 00.000' N. lat. 124° 12.735' W. long.;

42° 00.000' N. lat. 124° 19.814' W. long.; thence southward along the three nautical mile offshore boundary to

41° 57.130' N. lat. 124° 17.163' W. long.; and

41° 57.130' N. lat. 124° 12.556' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of surf smelt [Section 28.45] by dip net or Hawaiian type throw net [Section 28.80] is allowed.

2. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(1) of these regulations and shall comply with all other existing regulations and statutes:

Cher-Ae Heights Indian Community of the Trinidad Rancheria,

Elk Valley Rancheria,

Resighini Rancheria,

Smith River Rancheria, and

Yurok Tribe of the Yurok Reservation.

(2) Point St. George Reef Offshore State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

41° 52.000' N. lat. 124° 23.189' W. long.;

41° 52.000' N. lat. 124° 25.805' W. long.; thence southward along the three nautical mile offshore boundary to

41° 49.000' N. lat. 124° 26.252' W. long.;

41° 49.000' N. lat. 124° 23.189' W. long.; and

41° 52.000' N. lat. 124° 23.189' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of salmon by trolling [subsection 27.80(a)(3)]; and Dungeness crab by trap is allowed.

2. The commercial take of salmon with troll fishing gear [subsection 182.1(l)]; and Dungeness crab by trap is allowed.

3. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(2) of these regulations and shall comply with all other existing regulations and statutes:

Cher-Ae Heights Indian Community of the Trinidad Rancheria,

Elk Valley Rancheria,

Resighini Rancheria,

Smith River Rancheria, and

Yurok Tribe of the Yurok Reservation.

(3) Southwest Seal Rock Special Closure. Special restrictions on boating and access apply to Southwest Seal Rock as follows.

(A) A special closure is designated from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of Southwest Seal Rock, located in the vicinity of 41° 48.810' N. lat. 124° 21.099' W. long.

(B) Except as permitted by federal law or emergency caused by hazardous weather, or as authorized by subsection 632(b)(3)(C), no vessel shall be operated or anchored at any time from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of Southwest Seal Rock.

(C) No person except department employees or employees of the United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration, or United States Coast Guard, in performing their official duties, or unless permission is granted by the department, shall enter the area defined in subsection 632(b)(3)(B).

(4) Castle Rock Special Closure. Special restrictions on boating and access apply to Castle Rock as follows.

(A) A special closure is designated from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of Castle Rock, located in the vicinity of 41° 45.706' N. lat. 124° 14.949' W. long.

(B) Except as permitted by federal law or emergency caused by hazardous weather, or as authorized by subsection 632(b)(4)(C), no vessel shall be operated or anchored at any time from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of Castle Rock.

(C) No person except department employees or employees of the United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration, or United States Coast Guard, in performing their official duties, or unless permission is granted by the department, shall enter the area defined in subsection 632(b)(4)(B).

(5) False Klamath Rock Special Closure. Special restrictions on boating and access apply to False Klamath Rock as follows.

(A) A special closure is designated from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of False Klamath Rock, located in the vicinity of 41° 35.633' N. lat. 124° 06.699' W. long. during the period of March 1 to August 31.

(B) Except as permitted by federal law or emergency caused by hazardous weather, or as authorized by subsection 632(b)(5)(C), no vessel shall be operated or anchored from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of False Klamath Rock during the period of March 1 to August 31.

(C) No person except department employees or employees of the United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration, or United States Coast Guard, in performing their official duties, or unless permission is granted by the department, shall enter the area defined in subsection 632(b)(5)(B) during the period of March 1 to August 31.

Reading Rock State Marine Conservation Area Name Option A - This option is contingent on selection of Reading Rock State Marine Reserve Option A in subsection 632(b)(7) (below). Name maintained as reflected in the Proposed Regulation. Decision will add or remove the text below:

(6) Reading Rock State Marine Conservation Area.

Reading Rock State Marine Conservation Area Name Option B - This option is contingent on selection of Reading Rock State Marine Reserve Option B in subsection 632(b)(7) (below). Name is modified to reflect the proximity of this MPA to adjoining offshore MPA (subsection 632(b)(7) below). Decision will add or remove the text below:

(6) Reading Rock Onshore State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

41° 20.100' N. lat. 124° 04.911' W. long.;

41° 20.100' N. lat. 124° 10.000' W. long.;

41° 17.600' N. lat. 124° 10.000' W. long.; and

41° 17.600' N. lat. 124° 05.497' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of salmon by trolling [subsection 27.80(a)(3)]; surf smelt [Section 28.45] by dip net or Hawaiian type throw net [Section 28.80]; and Dungeness crab by trap, hoop net or hand is allowed.

2. The commercial take of salmon with troll fishing gear [subsection 182.1(l)]; surf smelt by dip net; and Dungeness crab by trap is allowed.

3. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(6) of these regulations and shall comply with all other existing regulations and statutes:

Cher-Ae Heights Indian Community of the Trinidad Rancheria,
Resighini Rancheria, and
Yurok Tribe of the Yurok Reservation.

Reading Rock State Marine Reserve Take Option A – Designation as reflected in the Proposed Regulation. Decision will add or remove the text below:

(7) Reading Rock State Marine Reserve.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

41° 20.100' N. lat. 124° 10.000' W. long.;

41° 20.100' N. lat. 124° 14.655' W. long.; thence southward along the three nautical mile offshore boundary to

41° 17.600' N. lat. 124° 11.963' W. long.;

41° 17.600' N. lat. 124° 10.000' W. long.; and

41° 20.100' N. lat. 124° 10.000' W. long.

(B) Take of all living marine resources is prohibited.

Reading Rock State Marine Reserve Take Option B – Designation change revised to accommodate tribal take. A designation changed from a state marine reserve to a state marine conservation area will require a naming modified to reflect the proximity of this MPA to the adjoining inshore MPA (as seen in subsection 632(b)(6) above). Decision will add or remove the text below:

(7) Reading Rock Offshore State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

41° 20.100' N. lat. 124° 10.000' W. long.;

41° 20.100' N. lat. 124° 14.655' W. long.; thence southward along the three nautical mile offshore boundary to

41° 17.600' N. lat. 124° 11.963' W. long.;

41° 17.600' N. lat. 124° 10.000' W. long.; and

41° 20.100' N. lat. 124° 10.000' W. long.

(B) Take of all living marine resources is prohibited except:

(1) The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(7) of these regulations and shall comply with all other existing regulations and statutes:

Cher-Ae Heights Indian Community of the Trinidad Rancheria,
Resighini Rancheria, and

Yurok Tribe of the Yurok Reservation.

(8) Samoa State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

40° 55.000' N. lat. 124° 08.432' W. long.;

40° 55.000' N. lat. 124° 12.677' W. long.; thence southward along the three nautical mile offshore boundary to

40° 52.000' N. lat. 124° 14.225' W. long.; and

40° 52.000' N. lat. 124° 09.803' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of salmon by trolling [subsection 27.80(a)(3)]; surf smelt [Section 28.45] by dip net or Hawaiian type throw net [Section 28.80]; and Dungeness crab by trap, hoop net or hand is allowed.
2. The commercial take of salmon with troll fishing gear [subsection 182.1(l)]; surf smelt by dip net; and Dungeness crab by trap is allowed.
3. The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(8) of these regulations and shall comply with all other existing regulations and statutes:

Wiyot Tribe.

South Humboldt Bay State Marine Recreational Management Area Boundary Option 1 – Proposed Regulation boundaries. Decision will add or remove the text below:

(9) South Humboldt Bay State Marine Recreational Management Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

40° 43.000' N. lat. 124° 15.527' W. long.;

40° 43.000' N. lat. 124° 15.000' W. long.;

40° 42.000' N. lat. 124° 15.000' W. long.; and

40° 42.000' N. lat. 124° 16.141' W. long.

(B) Take of all living marine resources is prohibited except:

1. The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(9) of these regulations and shall comply with all other existing regulations and statutes:

Wiyot Tribe.

(C) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).

South Humboldt Bay State Marine Recreational Management Area Boundary Option 2 – Move northern boundary south to a prominent point and extend it east across the bay, extend the southern boundary from the Proposed Regulation east across the bay. Decision will add or remove the text below:

(9) South Humboldt Bay State Marine Recreational Management Area.

(A) This area consists of waters west of Highway 101 below the mean high tide line within Humboldt Bay, southward of a line connecting the following two points:

40° 42.416' N. lat. 124° 12.667' W. long.; and

40° 42.416' N. lat. 124° 15.884' W. long.;

and northward of a line connecting the following two points:

40° 42.000' N. lat. 124° 16.141' W. long.; and

40° 42.000' N. lat. 124° 13.360' W. long.

(B) Take of all living marine resources is prohibited except:

1. The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(9) of these regulations and shall comply with all other existing regulations and statutes:

Wiyot Tribe.

2. Take pursuant to activities authorized in subsection 632(b)(9)(D) is allowed.

(C) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).

(D) Habitat restoration, maintenance dredging, and operation and maintenance of artificial structures inside the state marine recreational management area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

(10) Sugarloaf Island Special Closure. Special restrictions on boating and access apply to Sugarloaf Island as follows.

(A) A special closure is designated from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of Sugarloaf Island, located in the vicinity of 40° 26.326' N. lat. 124° 24.827' W. long.

(B) Except as permitted by federal law or emergency caused by hazardous weather, or as authorized by subsection 632(b)(10)(C), no vessel shall be operated or anchored at any time from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of Sugarloaf Island.

(C) No person except department employees or employees of the United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration, or United States Coast Guard, in performing their official duties, or unless permission is granted by the department, shall enter the area defined in subsection 632(b)(10)(B).

(11) South Cape Mendocino State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

40° 26.100' N. lat. 124° 24.353' W. long.;

40° 26.100' N. lat. 124° 31.958' W. long.; thence southward along the three nautical mile offshore boundary to

40° 24.900' N. lat. 124° 31.084' W. long.; and

40° 24.900' N. lat. 124° 23.813' W. long.

(B) Take of all living marine resources is prohibited.

(12) Steamboat Rock Special Closure. Special restrictions on boating and access apply to Steamboat Rock as follows.

(A) A special closure is designated from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of Steamboat Rock, located in the vicinity of 40° 24.919' N. lat. 124° 24.241' W. long. during the period of March 1 to August 31.

(B) Except as permitted by federal law or emergency caused by hazardous weather, or as authorized by subsection 632(b)(12)(C), no vessel shall be operated or anchored from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of Steamboat Rock during the period of March 1 to August 31.

(C) No person except department employees or employees of the United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration, or United States Coast Guard, in performing their official duties, or unless permission is granted by the department, shall enter the area defined in subsection 632(b)(12)(B) during the period of March 1 to August 31.

(13) Mattole Canyon State Marine Reserve.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

40° 20.000' N. lat. 124° 22.500' W. long.;

40° 20.000' N. lat. 124° 25.902' W. long.; thence southward along the three nautical mile offshore boundary to

40° 17.000' N. lat. 124° 25.869' W. long.;

40° 17.000' N. lat. 124° 22.500' W. long.; and

40° 20.000' N. lat. 124° 22.500' W. long.

(B) Take of all living marine resources is prohibited.

Sea Lion Gulch State Marine Reserve Boundary Option 1: Proposed Regulation boundaries – Decision will add or remove the text below:

(14) Sea Lion Gulch State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

40° 14.400' N. lat. 124° 19.983' W. long.;

40° 14.400' N. lat. 124° 25.943' W. long.; thence southward along the three nautical mile offshore boundary to

40° 12.800' N. lat. 124° 24.809' W. long.; and

40° 12.800' N. lat. 124° 18.155' W. long.

(B) Take of all living marine resources is prohibited.

Sea Lion Gulch State Marine Reserve Boundary Option 2 – Move northern boundary approximately one mile north to Punta Gorda Lighthouse and move southern boundary approximately ½ mile north to Cooskie Creek. Decision will add or remove the text below:

(14) Sea Lion Gulch State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

40° 14.965' N. lat. 124° 21.110' W. long.;

40° 14.965' N. lat. 124° 26.014' W. long.; thence southward along the three nautical mile offshore boundary to

40° 13.150' N. lat. 124° 25.214' W. long.; and

40° 13.150' N. lat. 124° 18.592' W. long.

(B) Take of all living marine resources is prohibited.

(15) Big Flat State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

40° 09.400' N. lat. 124° 12.671' W. long.;

40° 09.400' N. lat. 124° 19.366' W. long.; thence southward along the three nautical mile offshore boundary to

40° 07.500' N. lat. 124° 16.203' W. long.; and

40° 07.500' N. lat. 124° 10.313' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of salmon by trolling [subsection 27.80(a)(3)]; and Dungeness crab by trap, hoop net or hand is allowed.

2. The commercial take of salmon with troll fishing gear [subsection 182.1(l)]; and Dungeness crab by trap is allowed.

3. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(15) of these regulations and shall comply with all other existing regulations and statutes:

Bear River Band of the Rohnerville Rancheria,

Big Valley Band of Pomo Indians of the Big Valley Rancheria,

Cahto Indian Tribe of the Laytonville Rancheria,

Coyote Valley Band of Pomo Indians,

Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,

Guidiville Rancheria,

Habematolel Pomo of Upper Lake,

Hopland Band of Pomo Indians of the Hopland Rancheria,

Lower Lake Rancheria,

Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria,

Middletown Rancheria of Pomo Indians,

Pinoleville Pomo Nation,

Potter Valley Tribe,

Redwood Valley Rancheria of Pomo Indians,

Robinson Rancheria of Pomo Indians,

Round Valley Indian Tribes of the Round Valley Reservation,

Scotts Valley Band of Pomo Indians, and

Sherwood Valley Rancheria of Pomo Indians.

Double Cone Rock State Marine Conservation Area Take Option A – Proposed Regulation. Decision will add or remove the text below:

(16) Double Cone Rock State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

39° 48.500' N. lat. 123° 50.713' W. long.;

39° 48.500' N. lat. 123° 55.875' W. long.; thence southward along the three nautical mile offshore boundary to

39° 44.300' N. lat. 123° 54.178' W. long.; and

39° 44.300' N. lat. 123° 50.055' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of salmon by trolling [subsection 27.80(a)(3)]; and Dungeness crab by trap, hoop net or hand is allowed.

2. The commercial take of salmon with troll fishing gear [subsection 182.1(l)]; and Dungeness crab by trap is allowed.

3. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(16) of these regulations and shall comply with all other existing regulations and statutes:

Big Valley Band of Pomo Indians of the Big Valley Rancheria,

Cahto Indian Tribe of the Laytonville Rancheria,

Coyote Valley Band of Pomo Indians,

Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,

Guidiville Rancheria,
Habematolel Pomo of Upper Lake,
Hopland Band of Pomo Indians of the Hopland Rancheria,
Lower Lake Rancheria,
Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria,
Middletown Rancheria of Pomo Indians,
Pinoleville Pomo Nation,
Potter Valley Tribe,
Redwood Valley Rancheria of Pomo Indians,
Robinson Rancheria of Pomo Indians,
Round Valley Indian Tribes of the Round Valley Reservation,
Scotts Valley Band of Pomo Indians, and
Sherwood Valley Rancheria of Pomo Indians.

Double Cone Rock State Marine Conservation Area Take Option B – Take regulations include take “originating from shore” and changes species allowed. Decision will add or remove the text below:

(16) Double Cone Rock State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

39° 48.500' N. lat. 123° 50.713' W. long.;

39° 48.500' N. lat. 123° 55.875' W. long.; thence southward along the three nautical mile offshore boundary to

39° 44.300' N. lat. 123° 54.178' W. long.; and

39° 44.300' N. lat. 123° 50.055' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of salmon by trolling [subsection 27.80(a)(3)]; Dungeness crab by trap, hoop net or hand; and the following may be taken from shore only: cabezon and rockfish (family Scorpaenidae) by hook and line; surfperch (family Embiotocidae) by hook and line; surf smelt [Section 28.45] by hand-held dip net or Hawaiian type throw net [Section 28.80]; and abalone [subsection 29.15] is allowed.

2. The commercial take of salmon with troll fishing gear [subsection 182.1(l)]; and Dungeness crab by trap is allowed.

3. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(16) of these regulations and shall comply with all other existing regulations and statutes:

Big Valley Band of Pomo Indians of the Big Valley Rancheria,

Cahto Indian Tribe of the Laytonville Rancheria,

Coyote Valley Band of Pomo Indians,

Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,

Guidiville Rancheria,

Habematolel Pomo of Upper Lake,

Hopland Band of Pomo Indians of the Hopland Rancheria,

Lower Lake Rancheria,

Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria,

Middletown Rancheria of Pomo Indians,

Pinoleville Pomo Nation,
Potter Valley Tribe,
Redwood Valley Rancheria of Pomo Indians,
Robinson Rancheria of Pomo Indians,
Round Valley Indian Tribes of the Round Valley Reservation,
Scotts Valley Band of Pomo Indians, and
Sherwood Valley Rancheria of Pomo Indians.

(17) Rockport Rocks Special Closure. Special restrictions on boating and access apply to Rockport Rocks as follows.

(A) A special closure is designated from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of Rockport Rocks, located in the vicinity of 39° 44.184' N. lat. 123° 50.020' W. long. during the period of March 1 to August 31.

(B) Except as permitted by federal law or emergency caused by hazardous weather, or as authorized by subsection 632(b)(17)(C), no vessel shall be operated or anchored from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of Rockport Rocks during the period of March 1 to August 31.

(C) No person except department employees or employees of the United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration, or United States Coast Guard, in performing their official duties, or unless permission is granted by the department, shall enter the area defined in subsection 632(b)(17)(B) during the period of March 1 to August 31.

(18) Vizcaino Rock Special Closure. Special restrictions on boating and access apply to Vizcaino Rock located in the vicinity of 39° 43.618' N. lat. 123° 49.950' W. long. as follows.

(A) A special closure is designated from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide of any shoreline of Vizcaino Rock west of 123° 49.887' W. longitude, during the period of March 1 to August 31.

(B) Except as permitted by federal law or emergency caused by hazardous weather, or as authorized by subsection 632(b)(18)(C), no vessel shall be operated or anchored from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of Vizcaino Rock west of 123° 49.887' W. longitude during the period of March 1 to August 31.

(C) No person except department employees or employees of the United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration, or United States Coast Guard, in performing their official duties, or unless permission is granted by the department, shall enter the area defined in subsection 632(b)(18)(B) during the period of March 1 to August 31.

(19) Ten Mile State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

39° 35.900' N. lat. 123° 47.243' W. long.;

39° 35.900' N. lat. 123° 51.479' W. long.; thence southward along the three nautical mile offshore boundary to

39° 33.300' N. lat. 123° 50.559' W. long.; and

39° 33.300' N. lat. 123° 46.015' W. long.

(B) Take of all living marine resources is prohibited.

Ten Mile Beach State Marine Conservation Area Boundary Option 1 – Proposed Regulation boundaries. Decision will add or remove the text below:

(20) Ten Mile Beach State Marine Conservation Area.

(A) This area is bounded by the mean high tide and straight lines connecting the following points in the order listed except where noted:

39° 33.300' N. lat. 123° 46.015' W. long.;

39° 33.300' N. lat. 123° 50.559' W. long.; thence southward along the three nautical mile offshore boundary to

39° 32.500' N. lat. 123° 50.418' W. long.;

39° 32.500' N. lat. 123° 46.227' W. long.; thence northward along the mean high tide line onshore boundary to

39° 33.098' N. lat. 123° 46.003' W. long.;

39° 33.199' N. lat. 123° 45.966' W. long.

Ten Mile Beach State Marine Conservation Area Boundary Option 2 – Move southern boundary approximately ¾ mile south to the mouth of Inglebrook Creek. Decision will add or remove the text below:

(20) Ten Mile Beach State Marine Conservation Area.

(A) This area is bounded by the mean high tide and straight lines connecting the following points in the order listed except where noted:

39° 33.300' N. lat. 123° 46.015' W. long.;

39° 33.300' N. lat. 123° 50.559' W. long.; thence southward along the three nautical mile offshore boundary to

39° 31.800' N. lat. 123° 50.894' W. long.;

39° 31.800' N. lat. 123° 46.400' W. long.; thence northward along the mean high tide line onshore boundary to

39° 33.098' N. lat. 123° 46.003' W. long.; and

39° 33.199' N. lat. 123° 45.966' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of Dungeness crab by trap, hoop net or hand is allowed.

2. The commercial take of Dungeness crab by trap is allowed.

3. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(20) of these regulations and shall comply with all other existing regulations and statutes:

Big Valley Band of Pomo Indians of the Big Valley Rancheria,

Cahto Indian Tribe of the Laytonville Rancheria,

Coyote Valley Band of Pomo Indians,

Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,

Guidiville Rancheria,

Habematolel Pomo of Upper Lake,

Hopland Band of Pomo Indians of the Hopland Rancheria,

Lower Lake Rancheria,

Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria,

Middletown Rancheria of Pomo Indians,

Pinoleville Pomo Nation,
Potter Valley Tribe,
Redwood Valley Rancheria of Pomo Indians,
Robinson Rancheria of Pomo Indians,
Round Valley Indian Tribes of the Round Valley Reservation,
Scotts Valley Band of Pomo Indians, and
Sherwood Valley Rancheria of Pomo Indians.

(21) Ten Mile Estuary State Marine Conservation Area.

(A) This area consists of waters below the mean high tide line within the Ten Mile Estuary, eastward of a line connecting the following two points:

39° 33.199' N. lat. 123° 45.966' W. long.; and

39° 33.098' N. lat. 123° 46.003' W. long.

And westward of a line connecting the following two points:

39° 32.400' N. lat. 123° 44.785' W. long.; and

39° 32.382' N. lat. 123° 44.769' W. long.

(B) Take of all living marine resources is prohibited except:

1. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(21) of these regulations and shall comply with all other existing regulations and statutes:

Big Valley Band of Pomo Indians of the Big Valley Rancheria,

Cahto Indian Tribe of the Laytonville Rancheria,

Coyote Valley Band of Pomo Indians,

Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,

Guidiville Rancheria,

Habematolel Pomo of Upper Lake,

Hopland Band of Pomo Indians of the Hopland Rancheria,

Lower Lake Rancheria,

Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria,

Middletown Rancheria of Pomo Indians,

Pinoleville Pomo Nation,

Potter Valley Tribe,

Redwood Valley Rancheria of Pomo Indians,

Robinson Rancheria of Pomo Indians,

Round Valley Indian Tribes of the Round Valley Reservation,

Scotts Valley Band of Pomo Indians, and

Sherwood Valley Rancheria of Pomo Indians.

2. Take pursuant to activities authorized in subsection 632(b)(21)(D) is allowed.

(C) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).

(D) Operation and maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

(1) Punta Gorda State Marine Reserve.

(A) This area is bounded by the three-fathom inshore depth contour, the 30-fathom depth contour and the following points:

~~40° 16.43'N. lat. 124° 22.00'W. long.;~~
~~40° 16.43'N. lat. 124° 23.50'W. long.;~~
~~40° 14.83'N. lat. 124° 23.18'W. long.;~~ and
~~40° 15.23'N. lat. 124° 21.62'W. long.~~

~~(B) Take of all living marine resources is prohibited.~~

~~(C) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Punta Gorda State Marine Reserve except as authorized pursuant to scientific research approved by the department.~~

~~(D) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Punta Gorda State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.~~

~~(E) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Punta Gorda State Marine Reserve except as authorized pursuant to scientific research approved by the department.~~

~~(F) Public Entry. Public entry into the Punta Gorda State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.~~

~~(G) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Punta Gorda State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.~~

~~(H) Litter. No person shall deposit, drop, or scatter any debris on the Punta Gorda State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.~~

~~(I) Aircraft. No person shall operate any aircraft or hovercraft within the Punta Gorda State Marine Reserve, except as authorized pursuant to scientific research approved by the department.~~

~~(J) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Punta Gorda State Marine Reserve unless authorized by the department.~~

~~(K) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations to conduct marine-related research within the Punta Gorda State Marine Reserve.~~

~~(L) Scientific research conducted within the Punta Gorda State Marine Reserve shall not interfere with access by land to coastal trails along the shoreline adjacent to the reserve.~~

(2)(22) MacKerricher State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 3-fathom depth contour and the following points:

~~39° 29.81'N. lat. 123° 47.50'W. long.;~~
~~39° 29.95'N. lat. 123° 47.80'W. long.;~~
~~39° 27.62'N. lat. 123° 48.80'W. long.;~~ and
~~39° 27.55'N. lat. 123° 48.52'W. long.~~

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: 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. Only the following species may be taken commercially: 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.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

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.

(B) Commercial take of bull kelp (*Nereocystis luetkeana*) and giant kelp (*Macrocystis pyrifera*) is prohibited. All other commercial and recreational take is allowed in accordance with current regulations.

(3)(23) Point Cabrillo State Marine Reserve. Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 1000 feet seaward of mean lower low water, and straight lines connecting the following points in the order listed:

39° 21.24'N. lat. 123° 49.25'W. long.;
39° 21.33'N. lat. 123° 49.64'W. long.;
39° 20.66'N. lat. 123° 49.68'W. long.; and
39° 20.57'N. lat. 123° 49.27'W. long.
39° 21.400' N. lat. 123° 49.418' W. long.;
39° 21.400' N. lat. 123° 50.000' W. long.;
39° 20.600' N. lat. 123° 50.000' W. long.; and
39° 20.600' N. lat. 123° 49.266' W. long.

(B) Take of all living marine resources is prohibited, except the commercial take of finfish and marine aquatic plants.

(4)(24) Russian Gulch State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 3-fathom depth contour and the following points:

~~39° 49.86'N. lat. 123° 48.84'W. long.;~~
~~39° 49.85'N. lat. 123° 48.89'W. long.;~~

~~39° 19.52'N. lat. 123° 48.46'W. long.;~~ and

~~39° 19.52'N. lat. 123° 48.23'W. long.~~

~~(B) Take of all living marine resources is prohibited except:~~

~~1. Only the following species may be taken recreationally: 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. Only the following species may be taken commercially: 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.~~

~~(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:~~

~~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.~~

~~(B) Commercial take of bull kelp (*Nereocystis luetkeana*) and giant kelp (*Macrocystis pyrifera*) is prohibited. All other commercial and recreational take is allowed in accordance with current regulations.~~

Big River Estuary State Marine Conservation Area Take Option A – Proposed Regulation take restrictions. Decision will add or remove the text below:

(25) Big River Estuary State Marine Conservation Area.

(A) This area consists of waters below the mean high tide line within the Big River Estuary, eastward of a line connecting the following two points:

39° 18.134' N. lat. 123° 47.517' W. long.; and

39° 18.079' N. lat. 123° 47.540' W. long.

And westward of a line connecting the following two points:

39° 18.222' N. lat. 123° 46.242' W. long.; and

39° 18.150' N. lat. 123° 46.240' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of Dungeness crab by hoop net or hand is allowed.

2. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(25) of these regulations and shall comply with all other existing regulations and statutes:

Big Valley Band of Pomo Indians of the Big Valley Rancheria,

Cahto Indian Tribe of the Laytonville Rancheria,

Coyote Valley Band of Pomo Indians,

Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,

Guidiville Rancheria,

Habematolel Pomo of Upper Lake,

Hopland Band of Pomo Indians of the Hopland Rancheria,

Lower Lake Rancheria,

Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria,

Middletown Rancheria of Pomo Indians,
Pinoleville Pomo Nation,
Potter Valley Tribe,
Redwood Valley Rancheria of Pomo Indians,
Robinson Rancheria of Pomo Indians,
Round Valley Indian Tribes of the Round Valley Reservation,
Scotts Valley Band of Pomo Indians, and
Sherwood Valley Rancheria of Pomo Indians.

3. Take pursuant to activities authorized in subsection 632(b)(25)(D) is allowed.
(C) Waterfowl may be taken in accordance with the general waterfowl regulations
(Sections 502, 550, 551, and 552).

(D) Operation and maintenance of artificial structures inside the conservation area is
allowed pursuant to any required federal, state and local permits, or as otherwise
authorized by the department.

Big River Estuary State Marine Conservation Area Take Option B – Take regulations include the take of surfperch. Decision will add or remove the text below:

(25) Big River Estuary State Marine Conservation Area.

(A) This area consists of waters below the mean high tide line within the Big River
Estuary, eastward of a line connecting the following two points:

39° 18.134' N. lat. 123° 47.517' W. long.; and

39° 18.079' N. lat. 123° 47.540' W. long.

And westward of a line connecting the following two points:

39° 18.222' N. lat. 123° 46.242' W. long.; and

39° 18.150' N. lat. 123° 46.240' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of surfperch (family Embiotocidae) by hook and line from shore
only; and Dungeness crab by hoop net or hand is allowed.

2. The following federally recognized tribes (listed alphabetically) are exempt from the
area and take regulations found in subsection 632(b)(25) of these regulations and shall
comply with all other existing regulations and statutes:

Big Valley Band of Pomo Indians of the Big Valley Rancheria,

Cahto Indian Tribe of the Laytonville Rancheria,

Coyote Valley Band of Pomo Indians,

Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,

Guidiville Rancheria,

Habematolel Pomo of Upper Lake,

Hopland Band of Pomo Indians of the Hopland Rancheria,

Lower Lake Rancheria,

Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria,

Middletown Rancheria of Pomo Indians,

Pinoleville Pomo Nation,

Potter Valley Tribe,

Redwood Valley Rancheria of Pomo Indians,

Robinson Rancheria of Pomo Indians,

Round Valley Indian Tribes of the Round Valley Reservation,
Scotts Valley Band of Pomo Indians, and
Sherwood Valley Rancheria of Pomo Indians.

3. Take pursuant to activities authorized in subsection 632(b)(25)(D) is allowed.
(C) Waterfowl may be taken in accordance with the general waterfowl regulations
(Sections 502, 550, 551, and 552).

(D) Operation and maintenance of artificial structures inside the conservation area is
allowed pursuant to any required federal, state and local permits, or as otherwise
authorized by the department.

(5)(26) Van Damme State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 3-fathom depth contour and
straight lines connecting the following points:

39° 16.45' N. lat. 123° 47.60' W. long.;

39° 16.355' N. lat. 123° 47.60' W. long.;

39° 16.27' N. lat. 123° 47.545' W. long.; and

39° 16.27' N. lat. 123° 47.43' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: 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. Only the following species may be taken commercially: 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.

(A) 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.

(B) Commercial take of bull kelp (*Nereocystis luetkeana*) and giant kelp (*Macrocystis
pyrifera*) is prohibited. All other commercial and recreational take is allowed in
accordance with current regulations.

**Navarro River Estuary State Marine Conservation Area Take Option A – Proposed
Regulation take regulations. Decision will add or remove the text below:**

(27) Navarro River Estuary State Marine Conservation Area.

(A) This area consists of waters below the mean high tide line within the Navarro River
Estuary, eastward of a line connecting the following two points:

39° 11.575' N. lat. 123° 45.653' W. long.; and

39° 11.415' N. lat. 123° 45.487' W. long.

And westward of a line connecting the following two points

39° 11.849' N. lat. 123° 44.808' W. long.; and

39° 11.807' N. lat. 123° 44.842' W. long.

(B) Take of all living marine resources is prohibited except:

1. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(27) of these regulations and shall comply with all other existing regulations and statutes:

Big Valley Band of Pomo Indians of the Big Valley Rancheria,

Cahto Indian Tribe of the Laytonville Rancheria,

Coyote Valley Band of Pomo Indians,

Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,

Guidiville Rancheria,

Habematolel Pomo of Upper Lake,

Hopland Band of Pomo Indians of the Hopland Rancheria,

Lower Lake Rancheria,

Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria,

Middletown Rancheria of Pomo Indians,

Pinoleville Pomo Nation,

Potter Valley Tribe,

Redwood Valley Rancheria of Pomo Indians,

Robinson Rancheria of Pomo Indians,

Round Valley Indian Tribes of the Round Valley Reservation,

Scotts Valley Band of Pomo Indians, and

Sherwood Valley Rancheria of Pomo Indians.

(C) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).

Navarro River Estuary State Marine Conservation Area Take Option B – Allow the take of salmonids by hook and line consistent with regulations found in Section 7.50. Decision will add or remove the text below:

(27) Navarro River Estuary State Marine Conservation Area.

(A) This area consists of waters below the mean high tide line within the Navarro River Estuary, eastward of a line connecting the following two points:

39° 11.575' N. lat. 123° 45.653' W. long.; and

39° 11.415' N. lat. 123° 45.487' W. long.

And westward of a line connecting the following two points

39° 11.849' N. lat. 123° 44.808' W. long.; and

39° 11.807' N. lat. 123° 44.842' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of salmonids by hook and line is allowed consistent with salmonid regulations in Section 7.50.

2. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(27) of these regulations and shall comply with all other existing regulations and statutes:

Big Valley Band of Pomo Indians of the Big Valley Rancheria,

Cahto Indian Tribe of the Laytonville Rancheria,

Coyote Valley Band of Pomo Indians,

Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,

Guidiville Rancheria,

Habematolel Pomo of Upper Lake,

Hopland Band of Pomo Indians of the Hopland Rancheria,
Lower Lake Rancheria,
Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria,
Middletown Rancheria of Pomo Indians,
Pinoleville Pomo Nation,
Potter Valley Tribe,
Redwood Valley Rancheria of Pomo Indians,
Robinson Rancheria of Pomo Indians,
Round Valley Indian Tribes of the Round Valley Reservation,
Scotts Valley Band of Pomo Indians, and
Sherwood Valley Rancheria of Pomo Indians.
(C) Waterfowl may be taken in accordance with the general waterfowl regulations
(Sections 502, 550, 551, and 552).

Subsequent subsections will be renumbered beginning with (28).

Note: Authority cited: Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code. Reference: Sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6653, 8420(e) and 8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code.