# STAFF REPORT
# CITY OF SOLANA BEACH

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| **TO:** | Honorable Mayor and City Councilmembers |
| **FROM:** | Alyssa Muto, City Manager |
| **MEETING DATE:** | September 25, 2024 |
| **ORIGINATING DEPT:** | Community Development Department – Joseph Lim, Community Development Director |
| **SUBJECT:** | **Wildcoast Petition to Change Swami's Marine Protected Area (MPA) Boundaries** |

**BACKGROUND:**

Wildcoast submitted a petition to the California Department of Fish and Wildlife (CDFW) to modify the existing boundaries of the Swami's State Marine Conservation Area (SMCA) (Attachment 1) as part of a decadal review process for Marine Protected Areas (MPAs) in California. The initial Wildcoast proposal would keep the Swami's MPA the same size but would generally shift of the entire MPA boundaries 300 to 600 feet to the south that would encompass all of the tidepools up to the mean high tide line at Tabletops, or Tide Park, near the City's northern boundary with Encinitas. Based on an initial Staff review of the Wildcoast proposal, there does not appear to be a scientific rationale or justification for a boundary change as outlined in the City's comment letter included as Attachment 2. This proposal is similarly opposed by the City of Encinitas as outlined in their letter included as Attachment 3. State Parks also submitted a letter raising concerns about a boundary shift as noted in their comment letter which is included as Attachment 4.

Wildcoast notes in their petition an enforcement and compliance concern regarding tide pooling at the reef and indicates enforcement for taking of lobster is difficult at the southern boundary. Since Wildcoast is neither responsible for MPA compliance nor enforcement, the basis of these statements is unclear. Currently the southern boundary of the MPA is readily visually identifiable as it is co-terminus with the south end of a seawall located at 637 West Circle Drive, which is technically in the City of Encinitas' jurisdiction. Wildcoast requests that the southern boundary be shifted approximately 300 - 600 feet further south and into the City of Solana Beach near Tide Park.

This is an informational item intended to educate the Council and public regarding this proposal. Staff is seeking direction from the City Council to consider facilitating additional public outreach meetings on this topic with CDFW, State Parks and the City of Encinitas,

COUNCIL ACTION:

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as well as other interested stakeholders to address any concerns regarding the Wildcoast proposal.

## DISCUSSION:

The protection of valued coastal resources, coastal access and protection of the public beach are paramount priorities in the City of Solana Beach. City Staff learned of the proposed boundary change for the Swami's MPA only a few weeks before the item was scheduled for consideration by the California Fish and Game (CFG) Commission, Marine Resources Subcommittee, as part of their prioritization or "binning" process.

City Staff has raised concerns that the Wildcoast petition fails to site any specific compliance and/or management problems within the MPA as currently configured or how it would be remedied by a boundary change. In follow-up meetings and discussions with Wildcoast and staff from CDFW, no scientific rationale for a boundary change has been provided to date. Rather, there has been general reference to enforcement issues but those have similarly also not been substantiated to date.

City Staff notes that there is a single sign at the south end of the parking lot of Cardiff State Beach informing and educating the public regarding the existence of the Swami's MPA and the importance of responsible tide pooling. At a minimum, additional signage, education and outreach will be a valuable tool for helping beach visitors to understand the existing rules and boundary of the MPA. City Staff has offered to place additional signage at the Tide Park beach access stairway to ensure beach visitors are aware of the presence of the existing MPA.

Based on Staff's current understanding of the petition process for changing existing rules, regulations and boundaries, petitioners were invited to submit proposals to CDFW for consideration. However, there has been no formal vetting of the proposals on their merits or substance to date by CDFW. Instead, CDFW, through the Marine Resources Subcommittee of the CFG Commission, grouped the various petitions into "bins." There are three bins for the MPA petitions with Bin 1 being the first group of petitions to be reviewed.

Petitions targeted to be included in Bin 1 were identified as having essentially no controversy; however, due to the lack of general community, or City Staff, outreach on the proposed MPA boundary changes, the binning process did not have the benefit of stakeholder input, so the true level of controversy was not measured nor accurately portrayed.

Both the City of Solana Beach and the City of Encinitas as well as California State Parks raised formal concerns regarding the proposed boundary shift of the Swami's MPA. These concerns were raised in a public forum (at the CDFW Marine Resources Subcommittee meeting of July 17th) and in writing (see Attachments 2, 3 and 4) and indicate lack of concurrence on the Wildcoast proposal to change the boundaries of the Swami's MPA.

There is a lack of alignment/consensus because the Wildcoast petition is not supported by the public agencies most likely to be affected and responsible for education, outreach and potential future enforcement efforts and actions. In addition, it is likely that the general beach going public is wholly unaware of the proposal to change the boundaries which would essentially make the entire rocky reef and tidepools off limits to beach visitors including children on educational field trips. Thus, the Wildcoast petition should not have been included in "Bin 1" due to the existence of controversy as noted by the City (see Attachment 2).

Regardless, the City has continued to coordinate with all parties and met in the field on August 1st to walk the MPA boundaries and discuss the Wildcoast proposal. Today's meeting and presentation by Wildcoast is an outgrowth of our efforts to raise awareness of the potential changes to the existing Swami's MPA. Wildcoast will also be presenting to the Encinitas City Council on October 23, 2024, to solicit community input and feedback.

Due to the lack of transparency on the process to date and the lack of scientific rationale for the boundary change being requested by Wildcoast, the City believes the petition is without merit and should be rejected by the CFG Commission. However, City Staff proposes that an educational outreach effort be initiated, and additional signs be posted to inform beach goers of the existing rules, regulations, and boundaries of the Swami's MPA established in 2014, and that the issue of approving a boundary adjustment is without merit and should be revisited after the conclusion of the educational outreach campaign.

**CEQA COMPLIANCE STATEMENT:**

A boundary change to an existing MPA would be subject to review under the California Environmental Quality Act (CEQA). The California Department of Fish and Game would be the CEQA Lead Agency for the preparation of the CEQA documentation pursuant to the 2024 State CEQA Guidelines.

**FISCAL IMPACT:** N/A

**CITY STAFF RECOMMENDATION:**

This is an informational item. Staff is requesting direction from the City Council on next steps, if any, for community outreach and involvement.

Alyssa Muto, City Manager

Attachments:

1. Wildcoast Petition to Change Swami's MPA Boundaries
2. City of Solana Beach Letter to the California Fish and Game Commission
3. City of Encinitas Letter to the California Fish and Game Commission
4. California State Parks Letter to the California Fish and Game Commission

Tracking Number: (2023-26MPA )

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

**SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages*

1. **Person or organization requesting the change (Required)**
   Name of primary contact person: Lisa Gilfillan
   Address: 2120 Jimmy Durante Blvd #106, Del Mar, CA 92014
   Telephone number:
   Email address: lisa@wildcoast.org

2. **Rulemaking Authority (Required) -** Reference to the statutory or constitutional authority of the Commission to take the action requested: Authority cited: Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code.

3. **Overview (Required) -** WILDCOAST is an international non-profit that conserves coastal and marine ecosystems and addresses climate change through natural solutions. We often work in partnership with the MPA Collaborative Network and serve as co-chairs for the San Diego MPA Collaborative group. We will reference the Collaborative Network's Vetted Regulation Recommendations for this petition. Given the complete consensus received within the San Diego MPA Collaborative, we are proposing four changes (one boundary change, and three other changes) across four MPAs. The proposed changes are as follows:
   - Line/Row #162- affecting Swami's SMCA: Our Reg recommendation= Shifting the entire shape South (from the lifeguard tower to State/Solana Beach line to cover tidepool on South side)
   - Line/Row #160, #164, & #170- affecting Batiquitos Lagoon No-Take SMCA, San Elijo Lagoon No-Take SMCA, & Famosa Slough No-Take SMCA: Our Reg recommendation= changing the purple to red for outreach purposes only, if boundaries remain the same

4. **Rationale (Required) -**

**ATTACHMENT 1**

The above proposed recommendations are based on WILDCOAST's extensive MPA work in San Diego County and also through our collaboration with the MPA Collaborative Network (as a long-standing co-chair for San Diego County). These proposed recommendations came about after a robust discussion with local San Diego stakeholders on June 26, 2023, at the last San Diego MPA Collaborative meeting.

Line/Row #162- Swami's SMCA: There is a compliance concern here regarding harmful tidepooling, especially at Seaside reef. Enforcement for take of lobster is difficult at the southern boundary since it splits two jurisdictions and the reef (hard to know where they are actually taking from and who is responsible for enforcing what). This proposed change keeps the same size MPA but covers the impacted tidepool area on the Southern boundary. Additionally, the Lifeguard tower would serve as a clear boundary at the North end.

Line/Row #160, #164, & #170- affecting Batiquitos Lagoon No-Take SMCA, San Elijo Lagoon No-Take SMCA, & Famosa Slough No-Take SMCA: The compliance concerns in these locations are all the same- there is confusion amongst the general public around the purple No-Take SMCA designation versus a red SMR. It is therefore easier for the public to understand the regulations when there are fewer designations. It would simplify the rules if all No-Take areas were red for education and outreach purposes. It is anticipated that other MPA Collaborative members will be submitting similar petitions across the South Coast region. Additionally, this change supports Decadal Review Prioritized Recommendation #15.

**SECTION II: Optional Information**

**5. Date of Petition:** November 28, 2023

**6. Category of Proposed Change**
- ☐ Sport Fishing
- ☐ Commercial Fishing
- ☐ Hunting
- ☒ Other, please specify: MPAs, Section 632.

**7. The proposal is to:** (*To determine section number(s), see current year regulation booklet or https://govt.westlaw.com/calregs*)
- ☒ Amend Title 14 Section(s):Westlaw regulations.
- ☐ Add New Title 14 Section(s): Click here to enter text.
- ☐ Repeal Title 14 Section(s): Click here to enter text.

**8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.
Or ☒ Not applicable.

9. **Effective date**: If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: N/A

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents:
    - MPA Collaborative Network Vetted Regulation Recommendations

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: N/A

12. **Forms:** If applicable, list any forms to be created, amended or repealed:

    N/A

**SECTION 3: FGC Staff Only**

Date received: 11/30/2023

FGC staff action:
- ☐ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:
- ☐ Denied by FGC
- ☐ Denied - same as petition _____
  Tracking Number
- ☐ Granted for consideration of regulation change

CITY OF SOLANA BEACH
www.cityofsolanabeach.org
635 SOUTH HIGHWAY 101 • SOLANA BEACH, CA 92075 • (858) 720-2400 • Fax (858) 720-2455

June 25, 2024

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

**Re: Petition Number 2023-26MPA; Lisa Gilfillan, WILDCOAST and San Diego MPA Collaborative; July 17, 2024, Marine Resources Committee Meeting**

Dear Commissioners:

The purpose of this letter is to request that you move this Item into "Bin 2" to allow for further review and study by affected jurisdictions including the City of Solana Beach. The City learned of this request to shift the boundary of the Swami's Marine Protected Area (MPA) less than one month before it was scheduled to be considered. Learning about this proposal at this late date deprives the City of a meaningful opportunity to review and provide comment on this proposal.

We suggest that the Commission convene a stakeholder outreach meeting and request the Petitioner, WILDCOAST, meet with representatives of the City of Solana Beach (City) and Encinitas, California State Parks, and other interested stakeholders to discuss the rationale, justification and impacts for the proposed "shift" or boundary adjustments and rule changes. As coastal stewards and managers, it is important the City have a full and complete understanding of how this proposal could affect our day-to-day operations as it relates to the management of the beach in the area of the proposed boundary change.

Further, this area has been a source for sand nourishment – both as an offshore sand resource site and on-shore receipt location. As a resiliency measure, sand nourishment is a critical tool that cities have up and down the coast to directly mitigate global effects of climate change. While we have climate action plans to reduce, or avoid, the emissions of greenhouse gases, nourishment is an essential adaptation measure to combat the already occurring effects of sea level rise (SLR) as a result of climate change.

This area is also used for fishing by community members, some who have fished in this area for generations. The proposal should include analysis of any potential impact on historical fishing uses, including Indigenous native American populations. This rulemaking could have the unintended consequence of denying Indigenous or multi-generational community members access to sustainable fishing resources.

**ATTACHMENT 2**

The City also requests a complete mete and bounds survey showing the limits of the boundary adjustment or proposed "shift" of the Swami's MPA so that the City, along with other stakeholders, can evaluate the potential effects of this proposed change on the ground including locating the proposed boundary as it relates to the City's municipal limits, Encinitas municipal limits, State Lands, State Parks and CDFW jurisdiction.

This area of coastline is very popular for school groups and visitors to the region due in part to its proximity to a large public parking lot that provides important coastal access for visitors to the City and region. It is an important coastal resource that serves a vital educational role, including historically underserved populations, in the City and region and is well known for tide pooling, fishing, including spearfishing. In reaching out to our community members, it appears that no one in the community is aware of this pending proposal by WILDCOAST. Due to the limited engagement with the City of Solana Beach to this point, we would like to request that prior to any further consideration of this stakeholder proposal, additional coordination with the City should be conducted, along with community outreach and education. This includes coordination on the specific area delineated, restrictions on use, signage, and on-going monitoring and enforcement.

Additional considerations with regard to education and enforcement are required from City resource managers and our Marine Safety staff to ensure compliance with any adopted changes. The City is requesting more considerations and input on the time period for implementation; warning system (prior to fines); and defining the responsible entity for enforcement (e.g., State Parks and/or California Department of Fish and Wildlife (CDFW)). Given the popularity of this beach and reef, there would likely be an increase in the need for patrolling and enforcement if the SMCA is expanded further south.

The City requests that a recent marine biological survey be completed for the areas south of the current limits (proposing to be expanded) that we and other stakeholders may review. If a recent survey has already been completed, please forward it to the City for review.

We reiterate our concern that any changes would have an adverse effect on coastal public use and access, and due to lack of stakeholder outreach and the potential effects on existing City operations, and the long-term SLR resiliency mitigation needs, that such a boundary change could have on local jurisdictions, this item is more appropriately moved into "Bin 2" to allow for further review and study by all interested parties.

We appreciate the opportunity to learn more about the stakeholder proposal and provide our comments. We are committed to collaborating to ensure the protection of coastal resources and the resilience of our shorelines in the face of climate change. We are available to meet

with you either in person at the site or virtually. Please contact me via email at amuto@cosb.org or by phone at (858) 720-2431 to arrange a meeting time..

Sincerely,

Alyssa Muto
City Manager

City of Encinitas
Development Services Department
505 S. Vulcan Avenue, Encinitas, California 92024-3633

June 20, 2024

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

**Re: Petition Number 2023-26MPA; Lisa Gilfillan, WILDCOAST and San Diego MPA Collaborative; July 17, 2024, Marine Resources Committee meeting**

Dear Fish and Game Commissioners,

My name is Todd Mierau. I am the Coastal Zone Program Administrator for the City of Encinitas. I am responsible for managing six miles of coastline that front our jurisdiction within our city limits. This includes portions of the Batiquitos Lagoon State Marine Conservation Area (SMCA) and Ecological Reserve at the northern boundary, the San Elijo Lagoon SMCA and Ecological Reserve at our southern boundary, and the Swami's SMCA that spans 3.5 miles of our coastline, reaching from Moonlight State Beach, south to South Cardiff State Beach.

Attached is the petition information (Attachment A) and the general map (Attachment B) outlining the request to be heard at the Marine Resources Committee meeting on July 17, 2024. I would like to recommend a modification of the proposed "shift" to the Swami's SMCA boundary south towards the City of Solana Beach for the following reasons:

- The City of Encinitas manages the northern portion of the Swami's SMCA from the Cottonwood Creek outfall, south to the Swami's Marine Lifeguard Tower at the public stair accessway. Our lifeguards and other related city staff would have to help enforce the Marine Protected Area (MPA) rules that change with the northerly boundary adjustment. Just south of Cottonwood Creek, there are some sensitive cultural resources that are currently protected under the sand and cobble. It is important that the **"No Collecting"** and **"No Take"** provisions that apply to geologic or culturally sensitive resources found within the Swami's SMCA remain in place at this location.

- Cottonwood Creek, a riparian waterway that outfalls at the northern most portion of Moonlight State Beach, is a clear delineation marker as the current northern boundary for the Swami's SMCA for those wishing to fish within the MPA's shore limits. It is easy for the public to understand the limits as the creek separates the MPA limits from the non-MPA limits.

- The city requests that a complete mete and bounds survey showing the complete limits of the boundary adjustment or "shift" so that we (along with other stakeholders) can evaluate how this could change the existing MPA limits. Additionally, the city requests that a recent marine biological survey be completed in the areas south of the current limits (proposing to be expanded) that we and other stakeholders may review. Finally, the city requests that

Tel: (760) 633-2710; Fax: (760) 633-2818

**ATTACHMENT 3**

a current cultural resources study be completed in the MPA area overall prior to requesting this change.

Based on the incomplete information noted above, I request that the Commissioners move this Item into **"Bin 2"** to allow for further review and study. Additionally, I suggest that the Commission have the Petitioner, WILDCOAST, meet with the City of Encinitas, City of Solana Beach, California State Parks, Nature Collective, manager of the San Elijo Lagoon SMCA, and California Department of Fish and Wildlife to see how these proposed "shifts" or boundary adjustments and rule changes would impact all jurisdictions that manage these facilities and maintain this sensitive geographic marine area.

Thank you all for your time and consideration.

Sincerely,

**TODD MIERAU**,
Coastal Zone Program Administrator

**ATTACHMENT A**
**PETITION NO. 2023-26MPA**

State of California – Fish and Game Commission
**PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE**
FGC 1 (Rev 06/19) Page 1 of 3

Tracking Number: (2023-26MPA
)

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   Address: 2120 Jimmy Durante Blvd #106, Del Mar, CA 92014
   Telephone number:
   Email address: lisa@wildcoast.org

2. **Rulemaking Authority (Required) -** Reference to the statutory or constitutional authority of the Commission to take the action requested: Authority cited: Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code.

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4. **Rationale (Required) -**

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Line/Row #162- Swami's SMCA: There is a compliance concern here regarding harmful tidepooling, especially at Seaside reef. Enforcement for take of lobster is difficult at the southern boundary since it splits two jurisdictions and the reef (hard to know where they are actually taking from and who is responsible for enforcing what). This proposed change keeps the same size MPA but covers the impacted tidepool area on the Southern boundary. Additionally, the Lifeguard tower would serve as a clear boundary at the North end.

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**SECTION II: Optional Information**

5. **Date of Petition:** November 28, 2023

6. **Category of Proposed Change**
   - ☐ Sport Fishing
   - ☐ Commercial Fishing
   - ☐ Hunting
   - ☒ Other, please specify: MPAs, Section 632.

7. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or https://govt.westlaw.com/calregs*)
   - ☒ Amend Title 14 Section(s):Westlaw regulations.
   - ☐ Add New Title 14 Section(s): Click here to enter text.
   - ☐ Repeal Title 14 Section(s): Click here to enter text.

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.
   Or ☒ Not applicable.

9. **Effective date**: If applicable, identify the desired effective date of the regulation.
   If the proposed change requires immediate implementation, explain the nature of the emergency: N/A

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents:
    - MPA Collaborative Network Vetted Regulation Recommendations

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: N/A

12. **Forms:** If applicable, list any forms to be created, amended or repealed:
    N/A

**SECTION 3: FGC Staff Only**

Date received: 11/30/2023

FGC staff action:
- ☐ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number

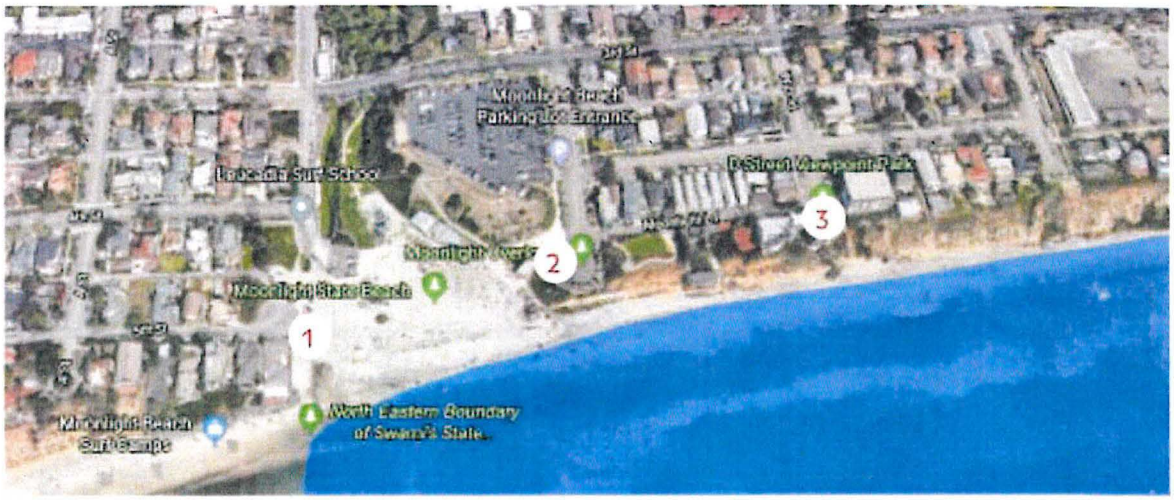
Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

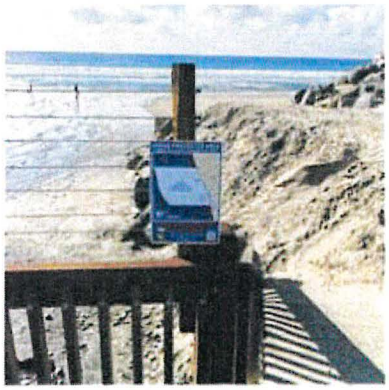
FGC action:
- ☐ Denied by FGC
- ☐ Denied - same as petition _____
  Tracking Number
- ☐ Granted for consideration of regulation change

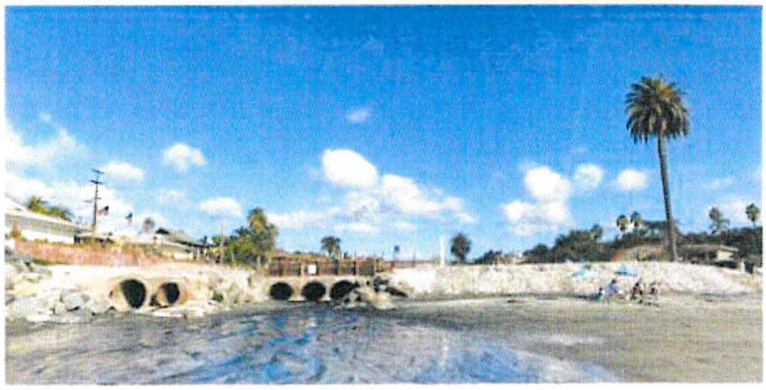
**ATTACHMENT B**
**EXISTING NORTHERLY BOUNDARY AND SIGNAGE AT COTTONWOOD CREEK OUTFALL**

## MOONLIGHT BEACH ACCESS




**Northern Boundary**





(Left), sign indicating northern boundary at outfall; (right), looking back toward outfall (pt. 1)

**EXISTING SOUTHERN BOUNDARY OF CITY OF ENCINITAS IN GREEN.**



**PROPOSED SHIFT IN SWAMI'S SMCA SOUTHERN BOUNDARY**



State of California • Natural Resources Agency
Gavin Newsom, *Governor*
DEPARTMENT OF PARKS AND RECREATION
Armando Quintero, *Director*
**San Diego Coast District**
4477 Pacific Highway
San Diego, CA 92110
(619) 688-3260 FAX (619) 688-3229

July 5, 2024

California Fish and Game Commission
Marine Resources Committee
P.O. Box 944209
Sacramento, CA 94244-2090
FGC@fgc.ca.gov

**RE: PETITION NO. 2023-26MPA ON JULY 17-18 FISH AND GAME COMMISSION MARINE RESOURCES COMMITTEE AGENDA**

Dear Marine Resources Committee,

Thank you for the opportunity to comment on the proposed binning of petition number 2023-26MPA to amend the boundary of Swami's State Marine Conservation Area (SMCA). The mission of the California Department of Parks and Recreation (State Parks) is to preserve the state's extraordinary biological diversity, protect its most valued natural and cultural resources, and create opportunities for high-quality outdoor recreation. This mission aligns well with the goals of California's Marine Protected Area system and is particularly reflected in State Parks' management of lands adjacent to and within Swami's SMCA.

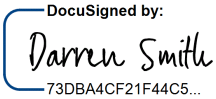
Swami's SMCA currently extends three nautical miles from the mean high tide line beginning in the north at Moonlight State Beach (managed by the City of Encinitas), extending south through City beaches and San Elijo State Beach, and terminating in the south adjacent to Cardiff State Beach. San Elijo and Cardiff State Beaches are very popular and offer a variety of high-quality recreational activities, including surfing, swimming, tide pooling, spearfishing, and surf fishing. Due to this high visitation by a variety of beachgoers, State Parks staff interact daily with the public. This often includes communicating about the SMCA's purpose and boundaries and enforcing SMCA regulations both on the beach and in the water.

It is our understanding that part of the proposed petition would shift the boundaries of Swami's SMCA to the south so that the southern boundary would align with the southern boundary of Cardiff State Beach, which borders the City of Solana Beach. State Parks supports the petition's overall goal of enhancing protection at the southern end of Cardiff State Beach and clarifying the southern boundary of Swami's for enforcement purposes. However, more review and discussion are needed to develop an effective alternative boundary; as proposed, the new boundary would still bisect the reef and not necessarily eliminate confusion over where the SMCA ends. Therefore, the review should include extensive stakeholder outreach to affected land managers (State Parks, City of Encinitas, and City of Solana Beach) as well as the public (including inland residents who visit the beach to fish) and tribes. The review should also include biological surveys and recreational fishing surveys to help inform these discussions.

We appreciate the opportunity to comment on this item and look forward to engaging on this as it moves through the review process.

**ATTACHMENT 4**

Sincerely,




Darren Smith, Senior Environmental Scientist

CC’d

Sean Homer, Sector Superintendent
Erik Burgan, Peace Officer Lifeguard Supervisor
Timothy Gunther, Lifeguard / Peace Officer
Carrie Benner, Environmental Scientist