

Marin Islands National Wildlife Refuge Sport Fishing Plan

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U.S. Fish and Wildlife Service
Pacific Southwest Region
San Francisco Bay National Wildlife Refuge Complex
Marin Islands National Wildlife Refuge
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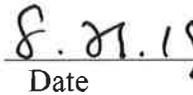
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Approved:

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Date

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MARIN ISLANDS NATIONAL WILDLIFE REFUGE

SPORT FISHING PLAN

1. Introduction

National Wildlife Refuges are guided by the mission and goals of the National Wildlife Refuge System (NWRS), the purposes of an individual refuge, Service policy, and laws and international treaties. Relevant guidance includes the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, Refuge Recreation Act of 1962, and selected portions of the Code of Federal Regulations and Fish and Wildlife Service Manual.

The Marin Islands National Wildlife Refuge was established in 1992 under the authority of the Fish and Wildlife Act of 1956 and the Migratory Bird Conservation Act.

The primary purposes of the refuge are:

“...for the development, advancement, management, conservation, and protection of fish and wildlife resources...” 16 USC 742f (a)(4) and “...for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude...” 16 USC 742f (b)(1) (Fish and Wildlife Act of 1956).

Marin Islands National Wildlife Refuge (Refuge) consists of 326 acres of open bay waters and 13 acres of upland (2 islands) in San Rafael Bay; north of San Francisco Bay. Lands purchased for the Refuge were permanently transferred to the California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (Service) and the California State Lands Commission (SLC). The Service took ownership of the eastern portion of East Marin Island and approximately 80 acres of tidelands (see Figure 1). The SLC took ownership of the remaining tidelands within the approved refuge boundary and the CDFW took ownership of West Marin Island and the western portion of East Marin Island. Regardless of specific ownership, the entire area of islands and tidelands is designated as the Marin Islands NWR and as a State Ecological Reserve with day-to-day management provided by the Service under a memorandum of understanding with the CDFW. The National Wildlife Refuge System Improvement Act of 1997, encourages consideration of fishing as “priority public uses” when found compatible with the purposes for which that Refuge was established. Sport fishing is proposed because the tidelands surrounding the islands are navigable waters that are already used by anglers, but was never formally established as a use by the Service.

The Refuge is also within the North American Bird Conservation Initiative’s Coastal California Region. The area surrounding the Refuge is heavily urbanized and the nearby waters attract recreational and commercial boating. The islands of the Refuge are officially closed to the public in order to protect sensitive resources such as nesting heron and egret rookeries, though

occasional illegal trespassing occurs by some recreational boaters.

The mission of the NWRS, as outlined by the National Wildlife Refuge System Administration Act (NWRSA), as amended by the National Wildlife Refuge System Improvement Act (16 U.S.C. 668dd et seq.), is to:

“... to administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

The NWRSA mandates the Secretary of the Interior in administering the System to (16 U.S.C. 668dd(a)(4):

- Provide for the conservation of fish, wildlife, and plants, and their habitats within the NWRS;
- Ensure that the biological integrity, diversity, and environmental health of the NWRS are maintained for the benefit of present and future generations of Americans;
- Ensure that the mission of the NWRS described at 16 U.S.C. 668dd(a)(2) and the purposes of each refuge are carried out;
- Ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the NWRS are located;
- Assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the NWRS and the purposes of each refuge;
- Recognize compatible wildlife-dependent recreational uses as the priority general public uses of the NWRS through which the American public can develop an appreciation for fish and wildlife;
- Ensure that opportunities are provided within the NWRS for compatible wildlife-dependent recreational uses; and
- Monitor the status and trends of fish, wildlife, and plants in each refuge.

Therefore, it is a priority of the Service to provide for wildlife-dependent recreation opportunities, including hunting and fishing, when those opportunities are compatible with the purposes for which the refuge was established and the mission of the National Wildlife Refuge System.

2. Statement of Objectives

In 2006, the Service completed a Comprehensive Conservation Plan (USFWS 2006) to guide wildlife and other natural resource management with consideration for compatible public use on the Refuge over the 15-year lifetime of the CCP. The 2006 Final CCP included a step-down management plan for recreational sport fishing but the Service did not complete the formal opening process. The Service now proposes to complete the formal opening process for sport fishing on Service-owned tidelands. The step-down plan for sport fishing has been reviewed and revised as appropriate, but is still consistent with the 2006 Final CCP.

The objectives of the fishing program on Marin Islands NWR are to provide:

- An understanding and appreciation of fish and wildlife ecology and human's role in their environment and to provide refuge visitors with high quality, safe, wholesome and enjoyable recreational experiences oriented toward wildlife to the extent these activities are compatible with the purposes for which the refuge was established. Fishing has been identified as a priority public use for the National Wildlife Refuge System and will be encouraged on the Refuge.
- Sport fishing is consistent with Goal 2 of the Comprehensive Conservation Plan for Marin Islands NWR, as well as Objective 2.1. Goal 2 focuses on providing visitors with compatible wildlife-dependent recreational and educational opportunities to foster an understanding and appreciation of San Francisco Bay native wildlife and plant communities. Objective 2.1 is a commitment by the Service to establish environmental education, interpretation and recreation opportunities for visitors and the local community.

3. Description of the Fishing Program

A. Area to be Opened to Fishing

Sport fishing would be permitted from a boat on designated areas of the Refuge, specifically on the 80 acres of tidelands owned by the Service (see Figure 1).

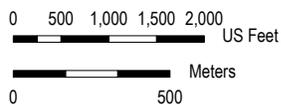
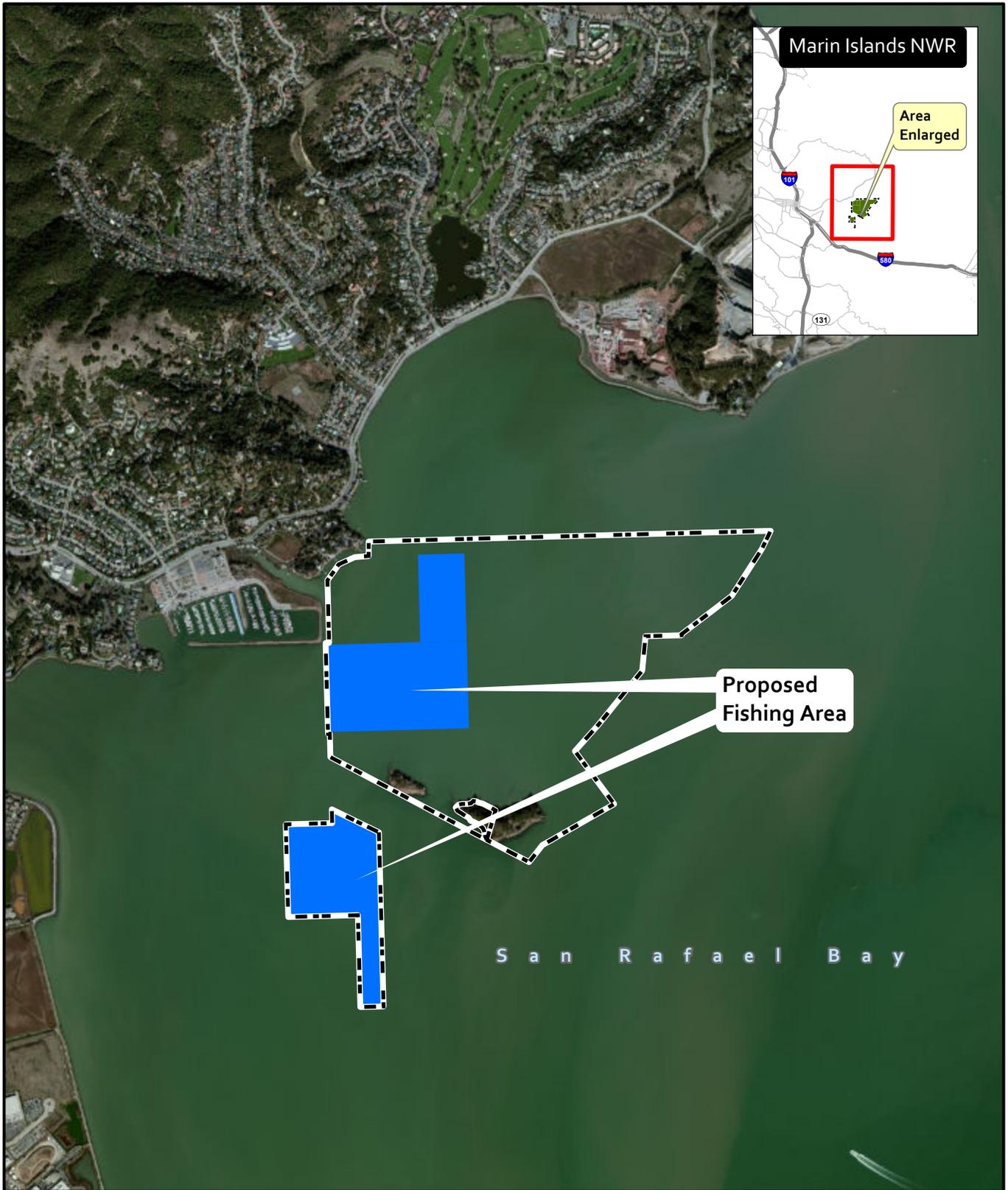
B. Species to be Taken, Fishing periods, Fishing Access

The San Francisco and San Rafael Bays have the potential to provide habitat for harvestable fish allowed for legal take include species listed in the California Ocean Sport Fishing Regulations for San Francisco Bay such as white sturgeon, striped bass, and starry flounder. Other legally harvestable species may be available depending on the season and tides, per State of California Regulations.

Several sensitive fish species occur within the general area of the San Rafael Bay including the Sacramento splittail minnow (*Pogonichthys macrolepidotus*), the delta smelt (*Hypomesus transpacificus*), green sturgeon (*Acipenser medirostris*), and Chinook salmon (*Oncorhynchus tshawytscha*), and steelhead (*Oncorhynchus mykiss irideus*).



Figure 1. Proposed Sport Fishing Area



The Marin Islands NWR is located within the migratory corridor for anadromous fish such as green sturgeon, Chinook salmon, and steelhead. All of these species migrate through the Central and San Pablo Bays on their way up to freshwater spawning habitat in the Sacramento River. Juveniles migrating to the ocean may rear in the vicinity of the Marin Islands NWR. The Marin Islands NWR is located west of the main migratory pathway, therefore it is unlikely that listed anadromous fish would be present in large numbers although some may migrate through the submerged tidelands of the Refuge (USFWS/CDFW 2012).

Sport fishing will be permitted on open waters from boats only, during daylight hours. The proposed use would be year round in accordance with State and Federal regulations.

Anglers use the Loch Lomond Marina or other facilities located throughout the San Pablo Bay to launch their boats or kayaks into the bay waters. There are no fishing facilities or boat launching facilities on the Refuge and none are planned. East and West Marin Islands would remain closed to the public.

C. Fishing Permit Requirements

Anglers must comply with all applicable State and Federal regulations while fishing. Anglers are required to fish only from a boat on the open waters surrounding the Marin Islands. Within California, any person who is 16 years of age or older must have a sport fishing license to take any kind of fish, mollusk, invertebrate, amphibian or crustacean, except when taken from a public pier in ocean or bay waters.

D. Consultation and Coordination with the State

Fishing will be permitted within the framework of applicable State and Federal regulations. A joint meeting of the CDFW and refuge staff will occur annually to review these regulations. The CDFW will be consulted if any changes are planned in the Refuge's fishing program.

E. Law Enforcement

The Refuge will maintain an active law enforcement presence by the San Francisco Bay NWR Complex Federal Wildlife Officers and through an agreement with CDFW to ensure public compliance with fishing regulations. In addition, the San Rafael Police Department also patrols the area around the Refuge and reports violations to the Refuge. The Refuge will increase law enforcement patrols using its own staff or partner agencies during known migrations and movements of harvestable fish species and egret breeding seasons.

The following methods are used to control and enforce fishing regulations:

- The Refuge will provide a brochure that shows fishing areas. Regulatory information will be available at the Loch Lomond Marina in San Rafael for the public. Fishing

information and applicable regulations will be provided to the public as a simple one-page fishing flyer.

- Refuge Complex Federal Wildlife Officers will randomly check anglers for compliance with Federal and State Laws.

F. Funding and Staffing Requirements

The fishing program will be implemented through the Refuge law enforcement program with patrols during the entire year. Patrols are already conducted on the San Pablo Bay NWR and conducting patrols on Marin Islands NWR will not increase the law enforcement program significantly. The total cost of the fishing program is expected to be approximately \$5,000 per year.

4. Conduct of the Fishing Program

A. Permit Application, Selection, and/or Registration Procedures (if applicable)

The Refuge will not regulate fishing quotas and defers to quotas set by the California Department of Fish and Wildlife. Anglers are required to have a State fishing license, but would not need to obtain a refuge fishing permit or pay a user fee for fishing in the bay waters surrounding Marin Islands NWR.

B. Refuge-Specific Fishing Regulations

Listed below are refuge-specific regulations that pertain to fishing in the Service owned tidelands within the Marin Islands NWR as of the date of this plan. These regulations may be modified as necessary.

50 CFR 32.24 California (Refuge-specific regulations; Sport Fishing). Marin Islands National Wildlife Refuge and State Ecological Reserve

Sport Fishing. We allow fishing from boats on designated areas of the Refuge.

C. Relevant State Regulations

Please see the State of California Sport Fishing Regulations at:

<https://www.wildlife.ca.gov/Fishing/Ocean/Regulations/Sport-Fishing/General-Ocean-Fishing-Regs>

D. Other Refuge Rules and Regulations for Sport Fishing

- None.

5. Public Engagement

A. Outreach for Announcing and Publicizing the Fishing Program

The Refuge maintains a mailing list, for news release purposes, to local newspapers, radio, and websites. Special announcements and articles may be released in conjunction with opening the Refuge to fishing. In addition, information about fishing will be available at the San Pablo Bay NWR headquarters or on the Marin Islands NWR website.

B. Anticipated Public Reaction to the Fishing Program

Very little reaction by the angling public may be expected regarding the prohibition of landing on or fishing from the shore of either island. The islands are currently closed to entry and the public is aware of the restriction. In addition, Refuge and State law enforcement officers, refuge personnel, the news media, and other public information systems will be used to convey the reasons for these restrictions related to the opening of fishing on the surrounding waters.

C. How Anglers Will Be Informed of Relevant Rules and Regulations

General information regarding fishing and other wildlife-dependent public uses can be obtained at San Pablo Bay NWR headquarters at 7718 Lakeville Highway, Petaluma, CA 94954; by calling (707)-769-4200; or by accessing the Refuge website at https://www.fws.gov/refuge/marin_islands/.

6. Compatibility Determination

Fishing and all associated program activities proposed in this plan are compatible with the purposes of the refuge. See attached Marin Islands NWR Compatibility Determination for Sport Fishing.

7. Literature Cited

National Oceanic and Atmospheric Administration (NOAA). 1993. Designated Critical Habitat; Sacramento River Winter-Run Chinook Salmon; Final Rule. Federal Register, 58, p. 33212-33219.

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