



October 29, 2021

David Canepa, President
San Mateo County Board of Supervisors
Mike Callagy, San Mateo County Manager
400 County Center
Redwood City, CA 94063

Re: Jurisdiction over Mavericks and Ross' Cove Beaches

Dear President Canepa, Supervisors, and Mr. Callagy,

We are writing to request that you help resolve jurisdictional challenges concerning Mavericks and Ross' Cove Beaches. There are clear and present threats to public safety and natural resources that cannot be addressed until jurisdictional, management, and enforcement responsibilities have been determined for these areas. We respectfully request that you refer this issue to County Counsel to resolve with other appropriate county departments and public agencies.

Our organizations are concerned about public safety at Mavericks Beach and Ross' Cove as both beaches are used by tens of thousands of visitors each year, with extreme use occurring during negative low tides and high surf days. Both areas provide access to the big wave break at Mavericks and are also known for powerful rip currents.^{1,2} Dangerous conditions have **resulted in loss of human lives underlining the need for clear oversight.**^{3,4,5, 16} Most recently an *off-duty* county parks ranger responded to save another person caught in a rip tide off Ross' Cove.

In response to this danger, San Mateo County Harbor District installed a Life-saving Station *inside* the breakwater at Mavericks and is working with San Mateo County Sheriff's office to install additional units,⁶ but none are planned for Mavericks and/or Ross' Cove, the beaches most impacted by deadly wave action, because it isn't clear which public agency is responsible for public safety in these areas.

Federal, State, regional, and San Mateo County agencies are routinely unclear about whether Mavericks Beach or Ross' Cove is within their jurisdiction and what management responsibilities they have for these areas. An unofficial title search for Mavericks Beach (Images 1 and 2) indicates a small portion of the beach is owned by the State of California. The California State Lands Commission is responsible for management and stewardship of all State lands seaward of the mean high tide line and manages these lands primarily through issuing leases for use or development. A small area near the breakwater appears to be State land that is leased by the SMC Harbor District. The majority of the beach is apparently not leased to either the Harbor District or another public agency, and therefore remains under the jurisdiction of the State Lands Commission, which has issued a 5-year lease for *their portion* of Mavericks Beach to Maverick Ventures LLC for use to hold a Mavericks surf competition.⁷ These competitive activities affect the entire area and other governmental bodies, including the Monterey Bay National Marine Sanctuary, Greater Farallones National Marine Sanctuary, Half Moon Bay Airport and the California Coastal Commission.

As an example, a second competition sponsor, *Mavericks Awards*, held a competition in 2020/2021 *without* a lease^{8, 9, 10} because State Lands determined the *Mavericks Awards* was not a *competition*, despite competitive judging and cash prizes split between surfers and the videographers that captured their rides. This new surf competition model drove increased and often dangerous activity from drones, helicopters, jet skis, spectators, professional film crews and local roadway traffic to the immediate area over multiple days. Because the *Mavericks Awards* event drew large crowds, impacts to the beaches, tidal zone and the Marine Protected Areas were greater due to the multi-day extension of the event.

Helicopters filmed the awards, some ignoring the Federal Aviation Authority's Rule prohibiting aircraft from flying below safe altitudes.¹¹ Two IMAX helicopters shot footage for an upcoming film release. No film permits were sought for any of these filmed activities according to Greater Farallones National Marine Sanctuary, the body responsible for issuing them. In this video <https://www.youtube.com/watch?v=pmFzOVHou-E> (Surfer Flips Off Flyover Team at *Mavericks Surf Awards*)¹² a surfer, whose ride was interrupted by a dangerously, illegally low-flying helicopter, signals his frustration.



San Mateo County Harbor District is unclear about its jurisdiction in these areas. As the Harbor District updates the Pillar Point Harbor Master Plan, it has claimed *ownership* of the beach in a Master Plan presentation to the Midcoast Community Council¹³ (Image 3), but its contractor, Dudek asserted it's *outside the District's jurisdiction* during their Master Plan presentation to Harbor Commissioners on July 13th (Image 4). District management has also claimed the governmental agency in charge of *Mavericks Beach* is "the County of San Mateo" (Image 5) and is being discussed as part of Plan Princeton. County Planning Commissioner, Lisa Ketcham has noted that "*Mavericks Beach is not included* in the shoreline management study for Plan Princeton" (Image 6).

Lack of oversight has resulted in continuing damage to natural areas, impacts to wildlife adjacent to *Mavericks Beach* and *Ross' Cove*, and direct negative impacts to the Marine Protected Areas. There are two California Marine Protected Areas within Fitzgerald Marine Reserve: The Montara State Marine Reserve and Pillar Point State Marine Conservation Area (Images 9 and 10). Because there is no monitoring or oversight, the "take" area at Pillar Point Reef threatens the protected "no take" area within the State Marine Conservation Area. The Conservation Area within the Marine Reserve requires protection because people who are legally (and illegally) collecting on Pillar Point reef spill over into the Conservation Area without any knowledge of the separation between the two areas, both meet at the end of *Mavericks Beach*.

The Conservation Area cannot be protected until it is clear which agency controls *Mavericks Beach*. The California Marine Protected Area Collaborative (MPAC) created three signs to educate the public about MPAs and the rules within them. With approval from the SMC Harbor District, two were installed (in the Pillar Point Bluff parking lot and at the entrance to *Mavericks Beach*). The third remains in storage, awaiting approval from whichever agency controls *Mavericks Beach*.

The goal of the Collaborative is to “improve compliance and enforcement of the state’s MPAs”. The top compliance concerns detailed in the Collaborative’s Community Compliance Forum were “Harmful Tidepooling”, “Wildlife Disturbance”, and “Illegal Dog Activities”.¹⁴ The number one “Potential Factor(s) Contributing to Noncompliance” is:

Confusion Regarding Regulations, Boundaries, or Jurisdiction

- ◊ Boundary confusion is common when a SMCA is adjacent to a SMR and/or the boundary does not align with landmarks (e.g., the angle of the coast makes north/south boundaries confusing). There are community members who want to see the boundary between Montara SMR and Pillar Point SMCA adjusted for ease of outreach/enforcement.
- ◊ There needs to be a map of the jurisdictions at Pillar Point to determine who is responsible for this area (e.g., Air Force, San Mateo County Parks, Golden Gate National Recreation Area).
- ◊ There was discussion around whether kayaks are allowed/enforced at Bair Island in the San Francisco Bay (no boats are allowed).

The San Mateo County Chapter of the Collaborative is co-chaired by County Parks staff based at the Fitzgerald Marine Reserve, who worked with the MPAC to obtain CA Department of Fish and Wildlife (CDFW) enforcement training to enable them to issue CDFW citations for poaching, marine mammal harassment and presence of dogs on beaches within the Marine Reserve. Due to the ambiguity of agency oversight, they claim they are unable to protect the State Marine Conservation area (image 10) *within* the Marine Reserve because people enter the area through Mavericks Beach. However, surprisingly, San Mateo County Parks depicts Mavericks Beach as part of the Marine Reserve in the proposal map for piloting an off-leash dog area throughout Pillar Point Bluff (Images 7 and 8).¹⁵

To further complicate the issue, San Mateo County Parks manages Fitzgerald Marine Reserve without official legal permission from California Department of Fish and Wildlife. There is currently no formal written legal agreement between CA Department of Fish and Wildlife and San Mateo County authorizing County Parks to manage *any* part of the Marine Reserve. The absence of a written agreement between County Parks and Fish and Wildlife contributes to the ambiguity around management and enforcement authority, responsibilities and priorities.

It is our intention to work with stakeholders to identify, clarify, and secure viable management plans for these areas. The first step in achieving these goals is formal identification of which agencies are responsible for them. We thank you in advance for your time and immediate attention to this matter.

Sincerely,



Gladwyn D’Souza
Chair, Conservation Committee
Sierra Club Loma Prieta Chapter



Kimberly Williams
Policy Manager
Surfrider, San Mateo County Chapter



Sabrina Brennan
Co-Founder
Surf Equity

cc: John Beiers, County Counsel, San Mateo County
Nicholas Calderon, Director, San Mateo County Parks
Senator Josh Becker, State of California
Assemblymember and Speaker pro Tem, Kevin Mullin, State of California
Assemblymember Marc Berman, State of California
Jack Ainsworth, Executive Director, California Coastal Commission
Dan Carl, District Director, North Central Coast and Central Coast, California Coastal
Commission
Calla Allison, Director, California Marine Protected Area Collaborative
Maria Brown, Superintendent, Greater Farallones National Marine Sanctuary
Max Delaney, Resource Protection Specialist, Greater Farallones National Marine
Sanctuary
Paul Michel, Superintendent, Monterey Bay National Marine Sanctuary
Dawn Hayes, Deputy Superintendent, Monterey Bay National Marine Sanctuary
Rebecca Johnson, California Academy of Sciences
Gretchen Kelly, Airports Manager, County of San Mateo
Lisa Ketcham, Commissioner, San Mateo County Planning Commission
Dave Olson, Member, Midcoast Community Council
Jennifer Luccesi, Executive Officer, California State Lands Commission
Chris Lehnertz, Superintendent, Golden Gate National Recreation Area
Becky Ota, Marine Habitat Conservation Program Manager, California Department of
Fish and Wildlife
Captain Jim Pruett, General Manager, San Mateo County Harbor District
Steve Wertz, Senior Environmental Scientist Supervisor - MPA Project, California
Department of Fish and Wildlife
Colonel Heather Yates, Range Management Squadron Commander, Pillar Point Air Force
Station

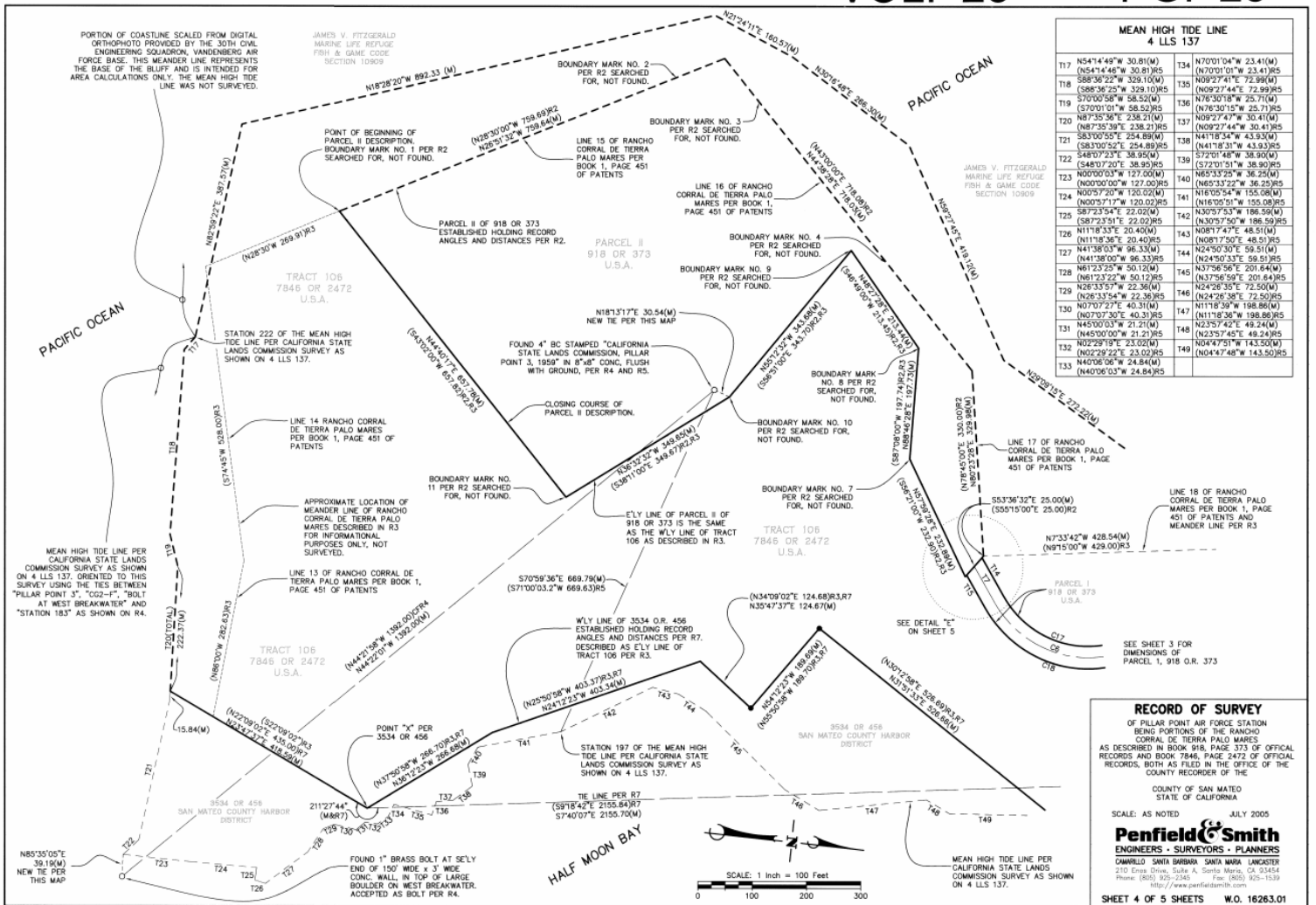


Image 1: Research conducted by California Department of Fish and Wildlife indicating that part of Mavericks Beach is owned by Pillar Point Harbor.



Image 2: Research conducted by California Department of Fish and Wildlife indicating that part of Mavericks Beach is owned by Pillar Point Harbor.



Image 3: San Mateo County Harbor District’s presentation to the Harbor Commission on July 13, 2021, indicating Mavericks Beach is **within** the District’s jurisdiction.

MASTER PLAN

PUBLIC WORKSHOP 1

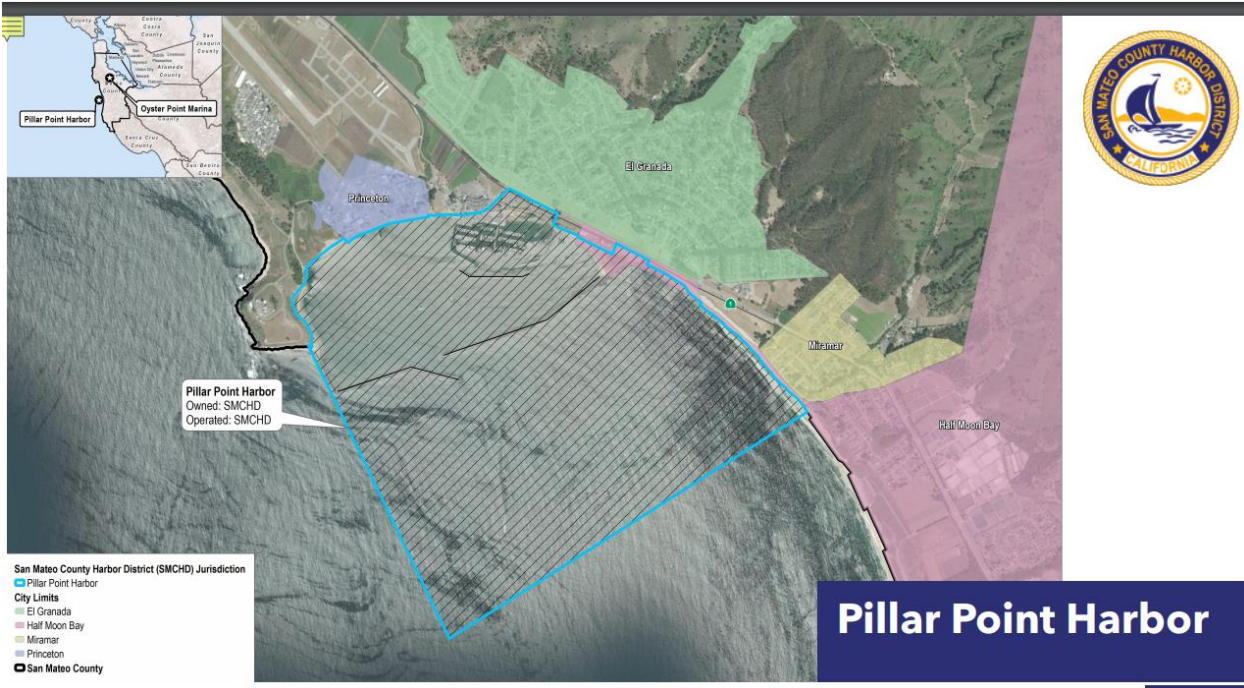


Image 4: San Mateo County Harbor District’s presentation to the Harbor Commission on July 13, 2021, indicating Mavericks Beach is **outside** the District’s jurisdiction.

From Jim Pruett, GM SMCHD to Everyone:

07:30 PM

Chris, the governmental agency for the Princeton shoreline is the County of San Mateo and is being discussed under Plan Princeton.

Image 5: Comment provided by Captain Pruett during the District’s Zoom presentation on July 13, 2021.

Plan Princeton is a comprehensive update for land use plans, development policies and zoning regulations. The part that is lagging is the shoreline management plan.

Mavericks Beach is not included in the shoreline management study for Plan Princeton — see attached screen shot, which is Exhibit 10 from 8/30/19 County memo to CCC staff on proposed water levels, erosion rates, and policy framework for shoreline management. Here are links to the [memo](#), where the three shoreline segments are discussed, and [attachments](#).

Best,
Lisa Ketcham



Image 6: Email from Lisa Ketcham asserting Mavericks Beach is not included in the shoreline management study for Plan Princeton.



Image 7: San Mateo County Parks map indicating Mavericks Beach is **outside** Park's jurisdiction.



Sources: National Geographic, WRA | Prepared By: njander, 2/26/2020

Figure 1. Study Area Regional Location Map

Initial Study, Off-Leash Dog Use
San Mateo County Parks, California

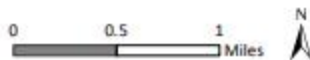


Image 8: San Mateo County Parks map indicating Mavericks Beach is **within** Park's jurisdiction.

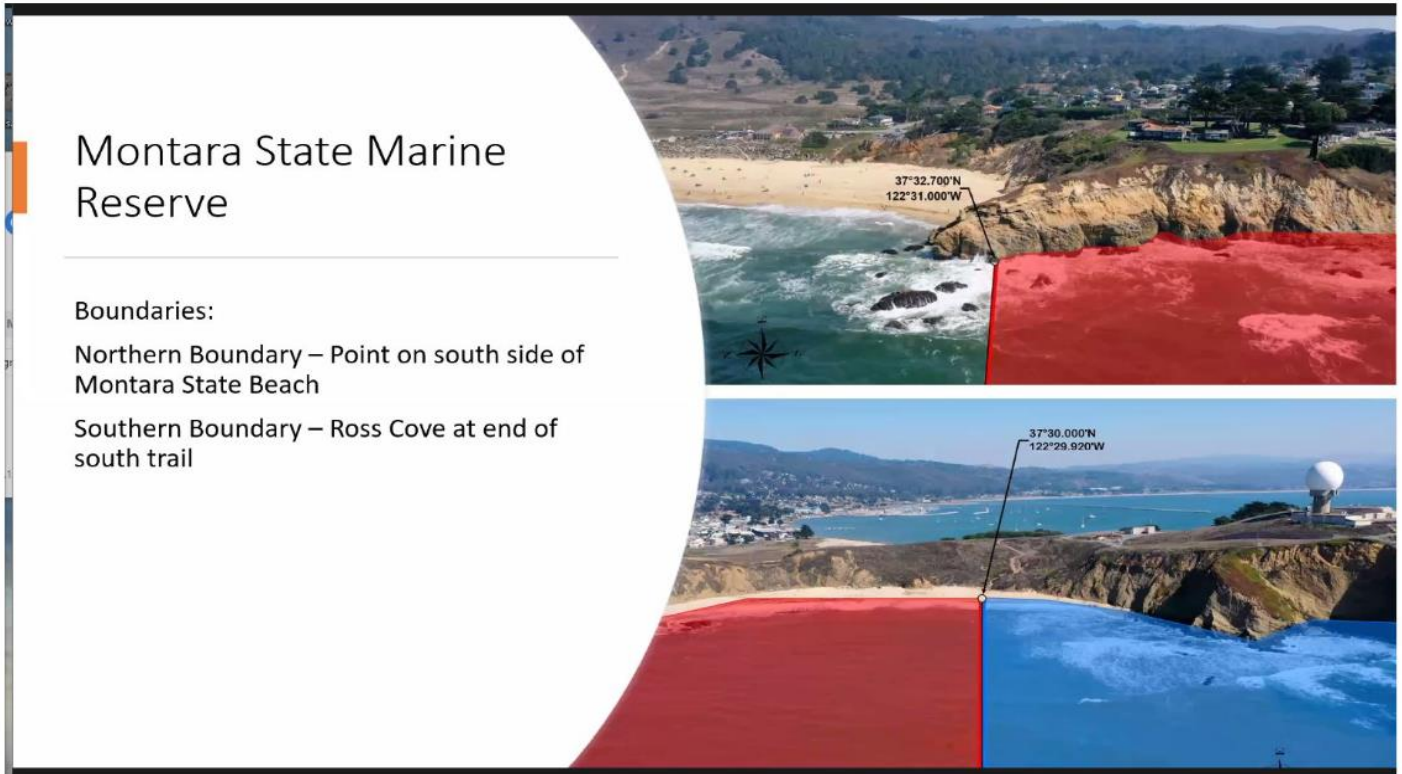


Image 9: Ross' Cove.



Image 10: MPA Collaborative map of boundary lines of (red) State Marine Protected Area and (blue) State Marine Conservation Area.

Notes and Works Cited

1. Marshall-Chalmers, Anne. "Packed at Pillar Point." Bay Nature 12 Jan 2021.
<https://www.youtube.com/watch?v=6b4f0Mn1wQY>
2. Ochavillo, Vanessa. Locals say sea life at risk over Pillar Point harvesting. 6 Jan 2021.
https://www.hmbreview.com/news/locals-say-sea-life-at-risk-over-pillar-point-harvesting/article_44a21420-504d-11eb-8bfd-f3eb4b4e286b.html
3. Bigler, Matt. "Surfer Dies After Wipeout At Mavericks." KPIX. 17 Mar 2011.
<https://sanfrancisco.cbslocal.com/2011/03/17/surfer-dies-after-accident-at-mavericks/>
4. Liffey986. "The Death of Mark Foo (1958-1994)." n.d. <https://www.youtube.com/watch?v=bqNdFxH4RHk>
5. Ross, Martha. "Waves of death: Nine have perished from hazards common to Bay Area beaches." The Mercury News 28 Jan 2021. <https://www.mercurynews.com/2021/01/28/waves-of-death-nine-have-perished-from-hazards-common-to-bay-area-beaches/>
6. Howell, August. "Harbor District throws a line to life-saving stations." Half Moon Bay Review 30 Jun 2021.
https://www.hmbreview.com/news/harbor-district-throws-a-line-to-life-saving-stations/article_ba77ea82-ba54-11eb-a176-7379d099ed40.html
7. Almond, Elliott. "Why a college student who doesn't surf is trying to reboot a Mavericks contest." Santa Cruz Sentinel 5 Jan 2020. <https://www.santacruzsentinel.com/2020/01/05/why-a-college-student-who-doesnt-surf-is-trying-to-reboot-a-mavericks-contest/>
8. KSBW. "Mavericks Surf Contest might not happen due to permit issues." 29 Aug 2019.
<https://www.ksbw.com/article/mavericks-surf-contest-might-not-happen-due-to-permit-issues/28864224#>
9. Beaches, California. "Mavericks Beach." n.d. <<https://www.californiabeaches.com/beach/mavericks-beach/>>.
Chuck Patterson Skiing Mavericks. 2021. <https://www.youtube.com/watch?v=48mQbJVk3kl>
10. Watch the First Ever Mavericks Awards Live! n.d. <https://www.theinertia.com/surf/watch-the-first-ever-mavericks-awards-2021-live/>
11. Authority, Federal Aviation. "FAA Guide to Low-Flying Aircraft." n.d.
https://www.faa.gov/about/office_org/field_offices/fsdo/lgb/local_more/media/FAA_Guide_to_Low-Flying_Aircraft.pdf
12. *Surfer Flips Off Flyover Team at Mavericks Surf Awards*. 2021. <https://www.youtube.com/watch?v=pmFzOVHou-E>
13. District, San Mateo County Harbor. "Midcoast Community Council Presentation." 23 Jun 2021. 26.
<http://static1.1.sqspcdn.com/static/f/1461275/28447644/1624381653520/2021-06-23-SMC-Harbor-District-MCC-Presentation.pdf?token=pFa1QhUYWf7zjHcBvKgSAyyiiWU%3D>
14. Network, MPA Collaborative. "Marine Protected Area (MPA) Community Compliance Forum Report." 2020.
<https://www.mpacollaborative.org/wp-content/uploads/2021/03/San-Mateo-Compliance-Forum-Report-Final-Reduced-1.pdf>
15. Department, San Mateo County Parks. "The Off-Leash Dog Recreation Pilot Program at Pillar Point Bluff and Quarry Park." Redwood City: Nicholas Calderon, Jul 2021. 4. <https://parks.smcgov.org/sites/parks.smcgov.org/files/press-release/files/Off-Leash%20Dog%20Recreation%20Pilot%20Program%20at%20Pillar%20Point%20Bluff%20and%20Quarry%20Park%20IS-MND.pdf>
16. *Maverick Water Patrol*. 2013. <https://www.youtube.com/watch?v=6b4f0Mn1wQY>