

California Fish and Game Commission Overview of Process to Consider Potential Changes to California's Marine Protected Area Network: Regulation Change Petition Process, Timeline and Historical Documents

October 11, 2023

The California Fish and Game Commission (Commission) is engaged in an adaptive management process for California's marine protected area (MPA) network and management program based on [adaptive management recommendations](#) from the first comprehensive [decadal management review](#) (DMR) of the network and management program. This document provides updates related to prioritizing adaptive management recommendations and recent Commission action to **initiate a process to receive and consider public petitions for changes to the MPA network** for this adaptive management cycle.

At its August 22-23, 2023 meeting, the Commission acted on recommendations from its Marine Resources Committee (MRC) and provided guidance relative to prioritizing the adaptive management recommendations from the DMR. The Commission approved a MRC recommendation to support the California Department of Fish and Wildlife's (Department's) [prioritized recommendations from the MPA DMR report](#) for near-, mid-, and long-term focus.

In addition, the Commission approved an MRC recommendation to move forward with the near-term priority recommendation to *apply what is learned from the first decadal management review to support proposed changes to the MPA network*. The Commission initiated a process and timeline – beginning with the December 2023 meeting – for considering proposals for MPA changes as part of this adaptive management cycle. Information in this document is intended to guide you through the process.

The process for submitting proposed changes to the MPA network includes three elements: Timeline, format, and supplemental information to consider in developing a petition.

Timeline

All petitions received by the *December 2023 Commission meeting deadlines* will be considered during this adaptive management review cycle. This will allow review and evaluation of petitions not only individually, but also holistically in the context of the MPA network.

Receipt of Petitions

The standard public comment deadlines specified for the December 2023 Commission meeting apply.

- a. *November 30 at 5:00 p.m. (strongly preferred)* – Written Comment Deadline. Submitting MPA petitions before this deadline is strongly encouraged; petitions will be made available to the Commission before the meeting, and posted online with meeting materials.
- b. Petitions submitted by the Supplemental Comment Deadline (*December 8 at noon*) or in person at the Commission meeting in San Diego (*December 12-13*) will be received by the Commission at the meeting, but will be processed after those received by the November 30 comment deadline and not initially posted online.

- c. *Submittals after December Commission meeting:* Petitions received after the December meeting deadlines will be received by the Commission at a subsequent meeting and will be considered, consistent with the Commission’s petitions regulations ([Section 662, Title 14, California Code of Regulations](#)). However, the Commission will determine at that time whether to include later submittals in this management review cycle or to hold them for a subsequent MPA review cycle.

Action on Petitions (Grant, Deny or Refer for Evaluation)

Petitions received for the December meeting will be scheduled for initial consideration at the next regularly-scheduled business meeting (February 14-15, 2024), unless the petition is rejected under staff review, pursuant to Section 662.

The Commission will take action to grant or deny each petition, or may refer petitions to the Department to consider, evaluate and make a recommendation (individually and collectively) before the Commission takes final action. The Commission plans to schedule MRC discussion and potential recommendations when Department evaluations are ready (timing to be determined) to support final action by the Commission to grant or deny referred petitions.

Format: Required Petition Submittal Form

Every person, agency or organization recommending that a regulation be added, amended, or repealed must submit a petition to the Commission using the authorized petition form:

Form FGC 1 – Petition to Commission for Regulation Change

Commission regulations require using Form FGC-1, which is available on the Commission website at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>; see the webpage for more information, including options for how to submit your petition.

There are four “required information” fields specified in Section 1 of the form; be sure to complete all required fields. The second required field is called “Rulemaking Authority,” which is the statutory or constitutional authority of the Commission to take the action requested. The information to add in the field is: “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.” The authorities listed are for the MPA regulations found at [California Code of Regulations, Section 632](#).

Supplemental Information to Consider in Developing a Petition (voluntary)

Additional MPA information is available for prospective petitioners as a reference while developing petitions. The two types of information are Department-summarized “considerations” for evaluating referred MPA petitions and historical background documents from the regional MPA network planning processes.

Department-Summarized “Considerations” for Evaluating Referred MPA Petitions

Regulation change petitions submitted to the Commission are evaluated on a case-by-case basis to help inform Commission action and are commonly referred to the Department. In July 2023, MRC received input and discussed a potential framework of “considerations” *that may assist in evaluating petitions the Commission receives related to changes to the MPA network*. The Department summarized the considerations and provided them to the Commission in

August 2023. The Department and individual commissioners generally supported the considerations to help guide development of MPA-specific petitions prior to submitting them to the Commission for review and may guide subsequent evaluation by the Department. A summary document, Potential framework to assist in evaluation of petitions the Commission may receive related to changes to the MPA network and management program, is available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216395&inline>.

- ***Petitioners are encouraged (but not required) to review the summarized considerations to assist them in preparing their petition and communicating the intent, and to highlight in the submitted materials any considerations that are relevant to the petition.***

Historical Background Documents from the Regional MPA Network Planning Processes

Historical documents from the regional MPA planning, design, and adoption processes are available as resources to assist in developing MPA petitions. Historical documents include the 2016 master plan for MPAs, regional planning process intent documents, and regional planning process evaluation documents.

Some historical documents are no longer posted online; however, they are available upon request. To request copies of a document, or if you need an accessible version, please submit a request to fgc@fgc.ca.gov or call (916) 653-4899.

- ***Petitioners are encouraged (but not required) to familiarize themselves with the history and intent of the relevant MPA planning, design, and adoption processes, and to highlight how any proposed changes might align with or strengthen the original intent or objectives of the MPA.***

2016 Master Plan for MPAs Appendices (available online)*

Six appendices provide documentation from the regional MPA planning and redesign processes conducted under the Marine Life Protection Act (MLPA) goals and guidelines.

- a. Appendix A: MPA planning through the MLPA Initiative.
Includes scientific foundation for MPA and network design and planning, design guidelines, and management considerations. Key documents include:
 - MLPA goals and guidelines
 - Science guidance for MPA and network design
 - Department MPA design and feasibility guidance with criteria
- b. Appendix B: Records communication and consultation with California tribes and tribal governments during planning.
- c. Appendices C-F: One appendix for each of the four planning regions, provides regional goals and objectives, background and priorities for MPAs, and regional design considerations.

* Appendices include footnotes with links to other historic documents; many links are “broken.” Contact Commission staff to obtain any specific document not available online.

Regional Planning Process Intent Documents (available on request)

Separate documents for each planning region with table(s) of regional MPAs developed through the planning process. Lists each MPA and its specific goals, objectives, and design

considerations for MPAs adopted in each region. Most regions also include multiple regional MPA proposals brought forth by regional stakeholder group teams, and an integrated preferred alternative recommended to the Commission. *Contact Commission staff for a link to access documents.*

Regional Planning Process Evaluation Documents (available on request)

Other historic documents include original evaluations conducted for regional MPAs and regional network components (MPA size, habitat spacing, habitat coverage, feasibility, socioeconomic impact, goal 3 opportunities, and more). *Contact Commission staff for more information.*