



Tracking Number: (2023-18MPA)

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: Greg Helms

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: ghelms@oceanconservancy.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) - Summarize the proposed changes to regulations: This Petition requests 7 MPA network refinements representing consensus recommendations of the Santa Barbara Channel MPA Collaborative. The refinements address MLPA governance and management pillars aimed at enhanced compliance/enforceability, regulatory clarity, and MPA design guidelines.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: The 7 MPA refinements are proposed to improve and refine MPAs and/or MPA management in Santa Barbara and Ventura Counties based on Santa Barbara Channel MPA Collaborative Members' on-the-ground/water experience as well as the findings of the MLPA Decadal Management Review. MPA outcomes are closely linked with their core management pillars including research and monitoring; education and outreach; policy and permitting; and enforcement and compliance. The 7 proposed refinements in this petition are described in the attached narrative, and appear under Santa Barbara/Ventura in the spreadsheet submitted by the Collaborative Network and linked [here](#). Column D of the spreadsheet summarizes the concern/problem addressed and column G provides the justification for the proposed refinement.



SECTION II: Optional Information

5. **Date of Petition:** [November xx, 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:

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [See attached narrative and rationale.]

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: [These adjustments likely pose minimal economic impact and would fall well within the range evaluated in the original CEQA document.]

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 **Forms:** If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.]

SECTION 3: FGC Staff Only

Date received: [11/28/2023]

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



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

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Petition for MPA refinements
Submitted by Greg Helms
Co-chair, Santa Barbara Channel MPA Collaborative

Background and Overall Rationale: The Santa Barbara Channel MPA Collaborative (SBC Collaborative) is composed of members from organizations and agencies aiding management and community engagement with MPAs in Santa Barbara and Ventura, CA. SBC Collaborative actively engages in MPA outreach and monitoring, gathering community input, and conducting projects to increase MPA awareness and compliance, visitation, and protection. SBC Collaborative engaged closely with the Decadal Management Review, considered members' on-the-ground experiences of local MPAs, convened to discuss each MPA in the Santa Barbara Channel Region in the context of the Decadal Review, and offers the following 7 MPA refinements recommended by consensus (consensus refers to all present during the in-person meeting of the SBC Collaborative on July 11, 2023) for consideration by the California Fish & Game Commission (FGC). Each is intended to enhance MPA success in attaining the goals of the Marine Life Protection Act (MLPA); discussion of each recommendation draws from guidance provided by the FGC Marine Resource Committee at the 2023 DMR convening and the follow-up MRC meeting on July 20, 2023.

Consensus recommendations:

1. Vandenberg SMR: Create a narrow alongshore SMCA allowing shore fishing for finfish by hook and line only.

Guiding rationale: Maintain contribution to MLPA goals 1-4, 6 while addressing equity concerns caused by consumptive activity allowed nearby within Vandenberg SMR.

Discussion: Vandenberg SMR is a core State Marine Reserve serving to anchor the MLPA Central Coast Study Region size, spacing and habitat representation goals; the SMR includes coastline along Vandenberg Space Force Base and at Surf Beach, the key coastal access point along an otherwise remote coastal area for residents in and around Lompoc, CA. Recreation at Surf Beach is constrained by seasonal snowy plover conservation regulations. An equity concern has arisen due to the SMR restrictions not being applied to Vandenberg Space Force personnel and dependents, in contrast to non-military residents at nearby Surf Beach who must comply. Petitioner believes this inequity can best be resolved by equally enforcing no-take regulations throughout this SMR, but that such enforcement may be infeasible. Therefore, it is recommended that hook and line only fishing from shore be allowed within a newly established SMCA, to consist of a 100-meter zone inshore of the existing SMR allowing hook and line fishing for finfish only along the coastal dimension of the existing MPA shape. The new SMR/SMCA regulations would apply and be enforced equitably across military and civilian populations.

2. Point Conception SMR: Provide continued support for Marine Monitor (M2) radar, ground-truthing, and agency coordination

Guiding rationale: Governance - To improve compliance and/or enforceability; MLPA Goal 5

Discussion: Point Conception anchors the northern reaches of the South Coast Study Region MPA network, protecting remote coastal and offshore habitats. Its remoteness, as well as extensive coastal

private land, pose access challenges for traditional enforcement by CDFW wardens. To address this, radar surveillance systems have been successfully employed to aid monitoring of the SMR. Collaborative members report M2 radar systems are providing crucial use data for the MPA but note high vessel activity that is a potential cause for concern. SBC collaborative recommends continued support for the M2 radar system to continue monitoring vessel activity within the SMR, and for ground-truthing and agency coordination to distinguish recreational (surf) visitation from potential MPA violations. California's MPA network includes several remote MPAs for which traditional enforcement patrols may not be adequate to ensure compliance; the Point Conception SMR M2 radar system may serve as an important model for addressing these challenges.

3. Kashtayit SMCA: Refine regulatory language to: "Recreational take of finfish, invertebrates, and giant kelp is allowed."

Guiding Rationale: Governance - Simplifies regulatory language and enhances public understanding.

Discussion: Kashtayit SMCA is a small SMCA aimed at cultural resource protection and education. Kashtayit SMCA is located along the highly visited Gaviota State Beach. Members of the SBC Collaborative (including enforcement partners) report visitors, along with those working to improve compliance, have difficulty interpreting the existing regulatory language for the SMCA due to its length and parenthetical exceptions. The recommended refinement would include and protect most species intended for protection with much greater clarity and public understanding. An additional recommendation is that State officials help collaborate locally for repairs to the Gaviota Pier to aid public access and safety in and around Kashtayit SMCA.

4. Campus Point No-Take SMCA: Use red, rather than purple, to identify this MPA on maps

Guiding rationale: Governance – enhances public understanding.

Discussion: On- and offshore hook and line fishing continue to be observed by SBC Collaborative participants, suggesting greater compliance with no-take regulations can be achieved. Our recommendation here is to depict this no-take SMCA in red, consistent with the other no-take MPAs and likely a clearer indication that the MPA is effectively a State Marine Reserve to the public.

5. San Miguel Island Special Closure: Consider removal of pre-existing special closure

Guiding rationale: Simplifies regulatory language; MPA design guidelines

The San Miguel Island Special Closure was originally designed to reduce disturbance to pinniped rookeries between Castle Rock and Judith point and was retained at the time of MLPA South Coast MPA design. The closure entails a seasonal exemption for sea urchin fishing and includes lengthy language pertaining to two separate regulations. With a NMFS marine mammal station equipped with M2 radar onsite and large, stable pinniped populations present in this zone, we encourage the State to consider whether the Special Closure remains a necessary sub-component of MPA design offshore western San Miguel Island.

6. Anacapa Island Special Closure – Revise to allow vessel access/landing at Frenchy's cove

Guiding rationale: Governance – accounts for Regional Stakeholder Group (RSG) intent while addressing non-consumptive access concern.

Discussion: In establishing an SMR/SMCA complex at Anacapa Island, the RSG retained two existing Special Closures designed to protect seabirds and brown pelicans, respectively. Aligning the boundaries of new MPA complex with those of the two special closures has interfered with the intended allowance for vessels to land safely at Frenchy's Cove. It is recommended that this intent be more effectively secured by including an exemption in the Special Closure for traditional vessel access and landing.

7. Anacapa Island Special Closure: Reassess and consider removing the full-island special closure

Guiding rationale: Simplifies regulatory language; MPA design guidelines

Discussion: Anacapa Island, as discussed above, has a SMR/SMCA complex overlain over one full-island, depth-based seabird protection closure and another special closure designed to protect brown pelicans. The overlapping conservation zones are visually confusing and, in particular, the broader seabird closure is based on depth along a steep, cliffside seabed area that is difficult to comply with and enforce. Given the extensive MPA and closure complex established to protect marine life including seabirds, SBC Collaborative recommends reassessment of the full-island closure and consideration of its removal as appropriate.