



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: [REDACTED]

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) -



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

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