

# Memorandum

**Date:** April 2, 2024

**To:** Melissa Miller-Henson  
Executive Director  
Fish and Game Commission

**From:** Charlton H. Bonham  
Director

**Subject: Proposed Marine Protected Area Petition Evaluation Process and Timeline**

At their February 14-15, 2024, meeting, the California Fish and Game Commission (CFGF) referred 20 Marine Protected Area (MPA) regulation change petitions to the California Department of Fish and Wildlife (CDFW) for review, evaluation, and recommendation. In addition, the CFGF requested CDFW develop a proposed approach to evaluate the petitions to discuss at the Marine Resources Committee (MRC) meeting on March 19, 2024. After discussion and input from interested stakeholders, the MRC recommended approval of CDFW's proposed 3-phase approach to evaluate MPA petitions. The proposed approach is briefly described below and in the enclosed presentation that was provided to the MRC on March 19, 2024.

## **Proposed 3-Phase Approach to MPA Petition Evaluation**

**Phase 1:** Petitions will be categorized into two bins using the criteria outlined below to determine which petitions can be evaluated in the near-term and which petitions will require additional policy guidance, information, and/or resources prior to evaluation.

- **Bin 1 petitions:** Petitions that can be evaluated in the *near-term* must meet all the following criteria:
  - Policy direction not needed for next phases.
  - Within CFGF authority.
  - Immediate evaluation possible.
  - Limited clarification needed from petitioner.
  - Limited controversy anticipated.
  
- **Bin 2 petitions:** Petitions that do not meet all the above criteria will be categorized into Bin 2. The analysis of these petitions will be more complex as they will require additional policy guidance, information, and/or resources before they can be evaluated. Due to the complexity of these petitions, these will be evaluated in the *longer term*.

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**Phase 2:** Separate all Bin 1 petitions into individual actions and proceed to phase 3. Separate Bin 2 petitions into individual actions and identify additional policy guidance, information, and/or resources that are necessary to advance individual actions to phase 3.

**Phase 3:** Adaptive management evaluation and recommendations. Apply the evaluation framework approved by the CFGC to each petition action. The process will identify which petitions, and/or actions within each petition, would be recommended to be granted, denied, or considered through an alternative pathway.

### **Proposed MPA Petition Evaluation Anticipated Timeline**

- **March-April 2024: Development of Evaluation Framework**
  - Receive and discuss proposed 3-phase evaluation process at the March 19 MRC and April 17 CFGC meetings.
- **April-August 2024: Phase 1— CDFW Sort Petitions into 2 Bins**
  - Discuss proposed bins at the July 18 MRC and August 14 CFGC meetings.
- **August 2024 and beyond: Phases 2 and 3—Separate petitions into individual actions**
  - Receive guidance on Bin 2 actions as needed.
  - Move forward with evaluation on both Bin 1 and 2 actions. Evaluation timelines for Bin 1 and Bin 2 actions will vary.

If you have any questions or need more information, please contact Dr. Craig Shuman, Marine Regional Manager, at (805) 568-1246.

Attachment 1: Proposed Marine Protected Area Petition Evaluation presentation.

Attachment 2: Evaluation Framework

cc: Jenn Eckerle, Deputy Secretary for Ocean and Coastal Policy  
Natural Resources Agency

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## Department of Fish and Wildlife: Summary of Marine Protected Area (MPA) Regulation Change Petition Framework Discussion

(07/27/23) Revised 08/10/23; Revised 8/17/23

At the California Fish and Game Commission's (CFGF) July 20, 2023 Marine Resources Committee (MRC) meeting, MRC, CFGF staff, California Department of Fish and Wildlife (CDFW) staff, and stakeholders discussed potential next steps in pursuing the MPA Decadal Management Review (DMR) report recommendations and goals. The discussion included a potential framework to assist in evaluation of petitions the CFGF may receive related to changes to the MPA network and management program. At the request of MRC, staff from CDFW summarized the input received at the July 20, 2023 MRC meeting regarding these MPA petition framework considerations.

Broadly, petitions submitted to the CFGF are evaluated on a case by case by basis. To help guide petition development and subsequent review by CDFW, the MRC received the following input for evaluating petitions related to MPAs:

- Compatible with the goals and guidelines of the Marine Life Protection Act (MLPA);
- Help advance one or more of the [six goals](#) of the MLPA;
- Garner strong community support; and/or
- Advance adaptive management recommendations under the cornerstones of MPA governance, MPA Management Program activities, and MPA Network Performance outlined in [DMR Table 6.1](#) to ensure that petitions meet MPA management priorities.

The MRC also received input organized by cornerstone as follows:

- MPA Governance:
  - Simplifies regulatory language or enhances public understanding
  - Addresses inaccuracies or discrepancies in regulations
  - Accounts for regional stakeholder group intent identified during the regional MLPA planning process (including MPA-specific goals/objectives and design considerations)
  - Accounts for CDFW's [MPA design and management feasibility guidelines](#)
  - Advances tribal stewardship and co-management, consistent with the CFGF [Co-Management Vision Statement and Definition](#)
  - Improves access for traditionally underserved or marginalized communities, consistent with the [CFGF Policy on Justice Equity, Diversity and Inclusion](#)
  - Acknowledges socio-economic implications, such as access for consumptive or non-consumptive users
- MPA Management Program Activities:
  - Clearly addresses or identifies scientific need for MPA Network based on best available science and scientific advancement since Network completion
  - Improves compliance and/or enforceability
- MPA Network Performance:
  - Maintains or enhances the protections and integrity of the MPA Network
  - Maintains or enhances habitat and species connectivity
  - Adheres to science guidelines, such as maintaining minimum size and spacing, and protection of diverse habitats
  - Enhances climate resilience and/or helps mitigate climate impacts