Tracking Number: (_____)

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 Suatoni
Address: Natural Resources Defense Council, [redacted]
Telephone number: [redacted]
Email address: [redacted]
Co-sponsors: Sam Cohen - Santa Ynez Band of Chumash Indians, Azsha Hudson - Environmental Defense Center

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):

The attached document describes a proposal for an additional California-Chumash co-management SMCA in the Ssouth Ceoast region to be named Mishopshno, afterfollowing the ancestral Chumash village located in the area to honor the cultural heritage of the Chumash people and their continued relationship to their ancestral lands and waters. The Mishopshnoproposed SMCAMPA would prohibit the injury, damage, take, or possession of all living, geological, or cultural marine resources with the exception of Tribal take using hand based equipment by the Santa Ynez Band of Chumash Indians, and following exceptions: recreational take of finfishfishing from shore using hook and line. These permitted activities would; and allow for enhanced access to the shoreline and marine resources for traditional, ceremonial, cultural, and subsistence purposes for the public including, federally recognized tribe of the the Santa Ynez Band of Chumash Indians (SYBCI) , and for who will work to extend access to other non-federally recognized Chumash people.

The proposed area aligns with state MPA Master Plan design and feasibility guidelines provided by CDFW, and is bounded by the mean high tide line, the tip of Salt Pointthe 3 nm state waters boundary,

and straight lines connecting the following points in the order listed:

1. SE: 119.53589W long. 34.366106N lat.
2. NE: 119.53589W long. 34.395977N lat.
3. NW: 119.587711W long. 34.416944N lat.
4. SW: 119.587711W long. 34.366106N lat.

4. Rationale (Required) - Describe the problem and the reason for the proposed change:

The intent of the SMCA is to 1) help meet the Master Plan's size and spacing guidelines for spacing between protected habitats, promoting connectivity in the network and representation of habitat types, 2) protect habitat attractive to marine wildlife, such as juvenile white sharks, and 3) honor the nearby historical Mishopshno village and cultural heritage of the Chumash in the area and restore management to the SYBCI of this portion of coastal waters. This petition calls for a co-management agreement between the State of California and the SYBCI through continued access to the shoreline and marine resources for traditional, ceremonial, cultural, and subsistence purposes for all Chumash people. ~~allow enhanced access to the shoreline and marine resources for traditional, ceremonial, cultural, and subsistence purposes for the federally recognized tribe of the Santa Ynez Band of Chumash Indians, who will work to extend access to other non-federally recognized Chumash people. See attached documentation for further details.~~

SECTION II: Optional Information

5. Date of Petition: 11/30/2023

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

- ✖☐ 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: At the discretion of the Commission.

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

a. Proposed Mishopshno SMCA petition narrative (updated as of 3/26/2025)

b. Appendix A – Expanded synthesis of juvenile white shark aggregation at proposed Mishopshno SMCA
c. Appendix B – Proposed Mishopshno SMCA letter of support

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:

Some commercial fishing and fishing by commercial passenger fishing vessels (CPFVs) occurs in this area. The proposed Mishopshno SMCA is located in California fishing block number 652, which provides a very small proportion of landings for the Santa Barbara Port Area by weight and value (see petition narrative for more detailed data). The proposed SMCA would close 18% of this fishing block to fishing. Furthermore, the regulations and boundaries for the SMCA have been amended following extensive outreach and discussions with local Tribes and fishers, in order to limit direct, near-term impacts to extractive activities to the greatest extent possible while still adhering to the MLPA's science-based size criteria and guidance around high levels of protection (see petition narrative for more detail). Considering the relatively low proportion of landings and value coming from this fishing block, the small size of the proposed SMCA within the fishing block, and the amended boundaries that allow continued access to a locally important fishing areas, we anticipate that establishing this SMCA would have limited impact on commercial fishing vessels and CPFVs in the area.

Further, previous designations of local MPAs have resulted in benefits for the commercial CA spiny lobster fishery.

~~Unknown. However, t~~This region is a popular fishing spot for spiny lobster in particular ~~and preventing take in the region may not be welcomed by recreational fishers in the area. Yet, research has shown an increase in lobster populations within local MPAs and a resulting increase in lobster catch in neighboring zones.~~ Recent work found that a 35% reduction in fishing area was compensated for by a 225% increase in total catch after 6 ~~-~~years, demonstrating local scale trade-offs provided benefits to fisheries. The designation of this MPA is likely to have a similarly positive impact on this fishery in the medium- to long-term.

Finally, enhanced ocean protections can also benefit our economy, as millions of visitors travel to California's iconic coastline each year to recreate and enjoy a healthy ocean, supporting our state's blue economy. This area holds special importance for visitors and residents alike engaging in ocean and coastal recreation, as well as for local Chumash people engaging in cultural and subsistence practices and for recreational fishers. The proposed SMCA would support these activities, allowing public access and all non-consumptive activities, allowing fishing from shore using hook-and-line, and granting a Tribal take exemption for the federally recognized Santa Ynez Band of Chumash Indians to fish with the use of traditional hand-based equipment. While there are concerns among recreational and commercial fishers about the fiscal impacts of the proposed SMCA, many businesses assert that the creation of the Mishopshno SMCA would bolster their business through indirect tourism and recreation impacts. By making the ocean healthier and more resilient to climate change, marine protections help safeguard everyone's ability to enjoy these areas through a variety of recreational activities, far into the future.

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: Click here to enter text.

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

March 26, 2025

Erika Zavaleta, President
California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95817

Submitted electronically to fgc@fgc.ca.gov

RE: Amendments to Petition 2023-29MPA: Mishopshno State Marine Conservation Area

Dear President Zavaleta and Honorable Commissioners:

In 2023, the Santa Ynez Band of Chumash Indians (SYBCI), Environmental Defense Center (EDC), and Natural Resources Defense Council (NRDC) submitted petition 2023-29MPA to the Fish and Game Commission (FGC) proposing a California-Chumash co-managed marine protected area (MPA) off the coast of Carpinteria, to be named Mishopshno State Marine Conservation Area (SMCA) after the ancestral Chumash village located in the area.

Given the significance of the area to the Chumash people and the important scientific research and monitoring being conducted within the proposed boundary, the original petition proposed the following suggested regulations:

> *Take of all living, geological, or cultural marine resources is prohibited except:*
> *1. The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(9) of these regulations and shall comply with all other existing regulations and statutes: The federally recognized tribe of the Santa Ynez Band of Chumash Indians. Within the proposed SMCA, the Chumash would be allowed to fish with the use of hand-based equipment. The proposed exemptions would be consistent with allowing tribal take exemptions as currently defined in Title 14, §632(a)(11), which identify how a member of a federally recognized tribe may be authorized to take living marine resources from an MPA with site-specific take restrictions. Members taking living marine resources under this provision are subject to current seasonal, bag, possession, gear and size limits in existing Fish and Game Code statutes and regulations of the Commission, except otherwise provided for in Title 14, §632(b).*
> *2. Scientific research pursuant to the MLPA regulations for SMCAs. (14 C.F.R. section 632(a)(1)(C).*

Since January 2024, our Tribal Nation and our two organizations have conducted over 100 in-person, video and phone meetings with community members and interested parties to discuss the Mishopshno SMCA proposal. These conversations have improved our understanding of the Carpinteria area, highlighted community support for protecting the coastal waters, and shaped our supplemental site-specific research. Our discussions with local Tribes, Tribal organizations, and fishers in particular have informed our decision to amend the original petition submitted to the FGC.

We developed the amendments to Petition 2023-29MPA to ensure non-federally recognized Tribes retain shore fishing access, and to limit direct, near-term impacts to extractive activities to the greatest extent possible, while still adhering to the Master Plan science-based design criteria and guidance around high levels of protection. Our amended proposed regulations are:

- Allow for the recreational take of finfish from shore using hook-and-line, promoting access to certain important marine and cultural resources for all Chumash people – including non-federally recognized Tribes;
- Allow for recreational take of finfish from shore using hook-and-line for the public;
- Reduce the SMCA in size to 9 square miles, with boundaries that leave Armpit Reef, the easternmost edge of Carpinteria Reef, and the eastern portion of the kelp forest associated with Carpinteria Reef outside of the MPA's boundaries, to allow for continued recreational and commercial fishing access to certain important local fishing grounds.

These amendments are supplemental to the amendment submitted on February 9, 2024, which excluded the Carpinteria Salt Marsh Reserve from the proposed Mishopshno SMCA boundaries given its existing protection and management under the UC Natural Reserve System.

We hope these amendments, which are informed by the additional insight and information gathered through our outreach efforts with local communities and interested parties, encourage the Commission to approve the Mishopshno SMCA.

Thank you for your consideration.

Sincerely,

Sam Cohen
Government Affairs and Legal Officer
Santa Ynez Band of Chumash Indians

Azsha Hudson
Marine Conservation Analyst & Program Manager
Environmental Defense Center

Sandy Aylesworth
Director, Pacific Initiative, Nature
Natural Resources Defense Council

Overview

The intent of this marine protected area (MPA) is to 1) help meet the Master Plan design guidelines for spacing between protected habitats, promoting connectivity in the network and representation of habitat types, 2) protect habitat important to marine wildlife, such as juvenile white sharks (JWS), and 3) restore management to the Santa Ynez Band of Chumash Indians (SYBCI) of this portion of coastal waters. This petition calls for a co-management agreement between the State of California and the SYBCI and continued access to the shoreline and marine resources for traditional, ceremonial, cultural, and subsistence purposes for all Chumash people.

We propose a new SMCA named Mishopshno for a prominent Chumash coastal village that was proximate to the marine area to be protected. Mishopshno village was an important coastal site in the ancestral lands of the diverse Chumash people because of its use for boatbuilding and its close proximity to the ocean. It was described by members of the Portolá expedition who encountered the town on August 17, 1769 as "...at the very edge of the sea a large village or very regular town here at this point, appearing at a distance as though it were a shipyard, because at the moment they were building a canoe that still had its topmost plank lacking from it (dubbed by soldiers La Carpinteria, the Carpenter Shop)."[1] The canoes described here were tomol, Chumash watercraft built using sophisticated techniques for production of wooden planks and waterproofing with specialized local clay.[2] Chumash tomol paddlers still use the area to practice for their annual crossing to Limuw, also known as Santa Cruz Island.

Designation of a new Tribal MPA supports California and Biden era federal initiatives to enhance tribal co-management.[3] The Mishopshno SMCA would provide an additional Tribal co-management MPA for the South Coast and is an example of two of the four coastal 30x30 "key strategies:" 1) adaptive management of the MPAs network, and 2) advancing Tribally led conservation.[4] Further, it would help advance Recommendation 2 of the CDFW DMR Report, "Create a Pathway to Tribal Co-Management."[5] *This petition is co-sponsored by the federally recognized Santa Ynez Band of Chumash Indians, the Natural Resources Defense Council, and Environmental Defense Center.*

Rationale

[1] Lynn H. Gamble, "Historic Chumash Settlements on the Mainland Coast," in *The Chumash World at European Contact: Power, Trade, and Feasting Among Complex Hunter-Gatherers* (University of California Press, 2011).
[2] John Peabody Harrington et al., *TOMOL: Chumash Watercraft as Described in the Ethnographic Notes of John P. Harrington*, Ballena Press Anthropological Papers ; No. 9 (Socorro, N.M.: Ballena Press, 1978).
[3] California Department of Fish and Wildlife, *California's Marine Protected Area Network Decadal Management Review,* 2022, https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=209209&&inline.; State of California, *Pathways to 30x30: Accelerating Conservation of California's Nature,* April 2022, https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final_Pathwaysto30x30_042022_508.pdf; AB-1284 Tribal ancestral lands and waters: cogovernance and comanagement agreements. (2023-2024) https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=202320240AB1284; U.S. Secretary Of Agriculture, Secretary Of Interior, and Secretary Of Commerce, "Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters," 2021, https://www.doi.gov/sites/doi.gov/files/elips/documents/joint-so-3403-a1_0.pdf.
[4] Wishtoyo Foundation, *Tribal Marine Protected Areas: Protecting Maritime Ways and Practice,* 2004, https://static1.squarespace.com/static/5459dd35e4b0eb18b9b5599b/t/56bb76be859fd0422da8978d/1455126215937/TribalMPAsWhitePaper.pdf

[5] CDFW, *California's Marine Protected Area Network Decadal Management Review,* 2022

1. Habitat, Spacing, & Connectivity

The MPA Network was designed to function as an ecological network to ensure the protection of California's diverse coastal ecosystems.[6] During the design and planning phase, a science advisory team (SAT) identified the key metrics needed to achieve network connectivity, including MPA size, spacing, and key habitat representation and replication.[7] Currently, mainland coastal MPAs in the Santa Barbara region, Campus Point and Point Dume, are approximately 74 miles apart, 12 miles further than the recommended maximum MPA spacing distance of 62 miles to ensure ecological connectivity (Figure 1).[8] This proposal aims to address that gap by adding a protected area around what is now called Carpinteria, CA (the ancestral home of the SYBCI).

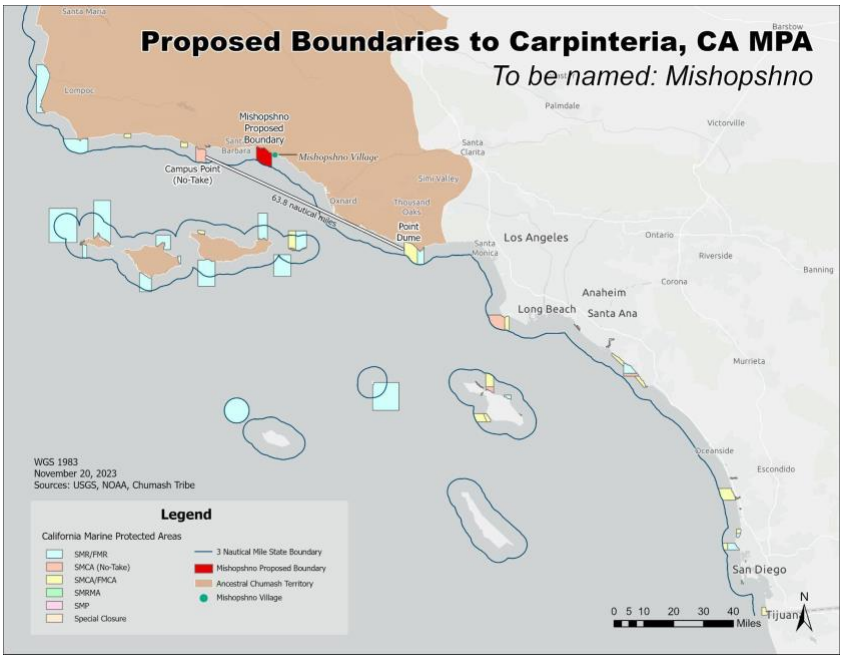


Figure 1: Map of southern California MPAs with the proposed SMCA near Carpinteria shown in red. The 64 nm distance between two existing MPAs at Campus Point and Point Dume is indicated. This distance is greater than the maximum suggested spacing to ensure ecological connectivity. Mishopshno was one of the many Chumash villages in the region at the time of European colonization.

Carpinteria, initially proposed to be the site for an MPA in the original planning stages for the network, lies on the mainland coast north of the Channel Islands.[9] Within a relatively small area, a diversity of habitat types exist including rocky reef, rocky intertidal, sandy habitats, sandy beaches, kelp forests, and surfgrass beds. Associated with these habitat features are higher trophic level species including halibut, lobster, nearshore sharks and rays, and multiple harbor seal haulouts. Research shows that MPAs with a diversity of habitat types and depths facilitate increased connectivity among habitats.[10]

---

[6] CDFW, *California's Marine Protected Area Network Decadal Management Review,* 2022

[7] California Department of Fish and Wildlife, *Master Plan for Marine Protected Areas,* 2016 https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=112487&inline.; Saarman, Emily, et al., 2013. "The Role of Science in Supporting Marine Protected Area Network Planning and Design in California." Ocean & Coastal Management, Special Issue on California's Marine Protected Area Network Planning Process, 74 (March):45–56. https://doi.org/10.1016/j.ocecoaman.2012.08.021.

[8] CDFW *Master Plan for Marine Protected Areas* 2016, Appendix A, page A-35.

[9] California MLPA South Coast Study Region, Description of Marine Protected Areas (MPAs) in Revised External MPA Proposal C (Round 2) Created May 14, 2009.

[10] Carr, Mark H., et al., 2017. "The Central Importance of Ecological Spatial Connectivity to Effective Coastal Marine Protected Areas and to Meeting the Challenges of Climate Change in the Marine Environment." Aquatic Conservation: Marine and Freshwater Ecosystems 27 (S1): 6–29. https://doi.org/10.1002/aqc.2800; Hopkins, Charlotte R., et al., 2020. "Evaluating Whether MPA Management Measures Meet Ecological Principles for Effective Biodiversity Protection." Acta Oecologica 108 (October):103625. https://doi.org/10.1016/j.actao.2020.103625.

The proposed SMCA would protect the marine waters adjacent to Carpinteria Salt Marsh Reserve, which protects a critically important Southern California estuary. The marsh lies adjacent to a sandy beach, subtidal rocky reef, and kelp beds, enabling the exchange of nutrients. The marsh also provides a regional nursery for halibut and other marine and estuarine fish, which supports a productive nearshore marine ecosystem.[11] Carpinteria Reef, part of which would be within the SMCA's boundaries, is a large rocky reef with kelp beds. The reef supports one of the more abundant marine life communities and persistent kelp beds in Santa Barbara County.[12] The proposed SMCA encompasses 90% of local biodiversity and counts as a "replicate," as determined from biological surveys, for the following habitat types: kelp forest (2.2 mile length), beaches (3.6 mile length), and nearshore (0-30m) soft bottom substrate (3.2 mile length).[13] The proposed SMCA also contains the following habitat types: hardened shores (1.7 mile length), tidal flats (0.1 mile length), nearshore hard-bottomed substrate (0.34 square mile area and 0.2 mile length at 0-30m depth), deeper hard-bottomed substrate (0.02 square mile area at 30-100m depth), and deeper soft-bottom substrate (2.94 square mile area at 30-100m depth).[14] Furthermore, the South Coast MLPA Planning region protects a lower proportion of nearshore hard-bottomed habitat than other regions.[15] Incorporation of the Mishopshno SMCA would increase the representation of these habitat types for the region.

Ecological connectivity modeling has advanced since the initial network design process. Recent studies have confirmed that the system is generally functioning as an effective network, and that MPAs are well-connected both demographically and environmentally.[16] In addition, modeling results suggest that the positive effect of MPAs on the size and abundance of species within their boundaries also enhances their contribution to larval connectivity outside their boundaries.[17] The proposed Mishopshno SMCA may further this beneficial contribution, by providing an additional MPA in the network with increased larval and reproductive output.

In the coming decades, ocean temperature thresholds will be exceeded more often because of the combination of marine heatwaves and long-term warming.[18] The inclusion of a diversity of upwelling regimes and habitat types in California's MPA network, such as those in the mainland and Channel Island MPAs, is thought to offer additional insurance against changing conditions.[19] As a general matter, ensuring proper spacing, placement, and consequently connectivity of southern mainland MPAs is increasingly important in light of climate change.[20]

---

[11] University of California Natural Reserve System, "Carpinteria Salt Marsh," accessed September 2023, https://ucnrs.org/reserves/carpinteria-salt-marsh-reserve/.
[12] Levenbach, Stuart. 2008. "Community-Wide Ramifications of an Associational Refuge on Shallow Rocky Reefs." Ecology 89 (10): 2819–28. https://doi.org/10.1890/07-0656.1.
[13] SeaSketch, "California MPA Petitions," https://www.seasketch.org/california/app. Accessed March 11, 2025.
[14] SeaSketch, "California MPA Petitions," https://www.seasketch.org/california/app. Accessed March 11, 2025.
[15] Jennifer E. Caselle, et al., "A Synthesis of Ecological and Social Outcomes from the California Marine Protected Area (MPA) Network", 2023, https://opc.ca.gov/wp-content/uploads/2023/01/NCEAS_MPA_Report_Final.pdf.
[16] CDFW Decadal Management Review 2022; Yeager ME, et al., *Assessing connectivity across the California Marine Protected Area Network*, 2023, https://opc.ca.gov/wp-content/uploads/2024/10/MPA-Connectivity-Final-Report-508.pdf.
[17] Yeager et al. 2023.
[18] Frölicher, Thomas L., Erich M. Fischer, and Nicolas Gruber. 2018. "Marine Heatwaves under Global Warming." Nature 560 (7718): 360–64. https://doi.org/10.1038/s41586-018-0383-9; Laufkötter, Charlotte, Jakob Zscheischler, and Thomas L. Frölicher. 2020. "High-Impact Marine Heatwaves Attributable to Human-Induced Global Warming." Science 369 (6511): 1621–25. https://doi.org/10.1126/science.aba0690.
[19] Shelby L. Ziegler et al. 2023, "Marine Protected Areas, Marine Heatwaves, and the Resilience of Nearshore Fish Communities," *Scientific Reports* 13, no. 1 (January 25, 2023): 1405, https://doi.org/10.1038/s41598-023-28507-1.
[20] Carr et al. 2017

2. Habitat attractive to White Sharks (see Appendix A for further detail)

The habitat distribution for the northeast Pacific population of white sharks is broad, spanning from Baja California to a point northwest in the Bering Sea off the Aleutian Islands.[21] However, research suggests that juveniles of this population are utilizing a narrower band of coastal waters for nursery habitat, stretching from the Southern California Bight to Baja.[22] Spatial data of white shark movements show that in areas off Carpinteria, JWS form aggregations for periods of weeks to months.[23] These spatial patterns suggest that this habitat attracts JWS, and that the area serves as an important white shark nursery.

White sharks are listed under Appendix II of the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES).[24] The species is slow to reach reproductive maturity and produces only a small number of young each year, making it vulnerable to human stressors.[25] Research conducted in the Southern California Bight has found that fisheries bycatch is likely the main source of mortality for JWS.[26] Another factor threatening white sharks is a warming climate and ocean that has led to many species' historic distribution changing.

Juvenile white sharks inhabit a narrow habitat range, choosing shallow habitats (< 1000 m deep) close to land (< 30 km of the shoreline) in waters ranging from 14 to 24°C.[27] They can form aggregations at these ideal locations and display a high degree of residency.[28] Historically, Southern California was a suitable habitat eight months of the year, while coastal habitats in Baja California were suitable year-round.[29] Recent research shows that the average observed white shark density in Carpinteria increased significantly across three years beginning in 2019.[30] Utilizing detection data, a study found a JWS hot spot at Padaro Beach in Carpinteria in the months from May to December in 2020.[31] In this study, the tagged individuals were observed across a stretch of coastline from Loon Point south to Carpinteria State Beach.[32] Padaro Beach was classified as an ideal JWS aggregation spot due to its sandy beach with a rocky reef adjacent to an estuary inlet and low wave energy compared to many of the other nursery habitats available.[33] Although it was previously believed that JWS do not show site fidelity, there is growing evidence that the Southern California Bight is a region of primary nursery habitat,

---

[21] Office of National Marine Sanctuary, "White Shark Conservation, White Shark Stewardship Project," Government Website, Greater Farallones National Marine Sanctuary, accessed November 17, 2023, https://farallones.noaa.gov/eco/sharks/sharks_conservation.html.
[22] Anderson, James M., et al., 2021. "Interannual Nearshore Habitat Use of Young of the Year White Sharks Off Southern California." Frontiers in Marine Science 8 (March). https://doi.org/10.3389/fmars.2021.645142.
[23] Anderson et al. 2021; Spurgeon, Emily, et al., 2022. "Quantifying Thermal Cues That Initiate Mass Emigrations in Juvenile White Sharks." Scientific Reports 12 (1): 19874. https://doi.org/10.1038/s41598-022-24377-1.
[24] Office of National Marine Sanctuary 2023.
[25] Ibid.
[26] Benson, John F., et al., 2018. "Juvenile Survival, Competing Risks, and Spatial Variation in Mortality Risk of a Marine Apex Predator." Journal of Applied Ecology 55 (6): 2888–97. https://doi.org/10.1111/1365-2664.13158.
[27] White, Connor F. et al., 2019. "Quantifying Habitat Selection and Variability in Habitat Suitability for Juvenile White Sharks." PLOS ONE 14 (5): e0214642. https://doi.org/10.1371/journal.pone.0214642.
[28] Lyons, Kady, et al., 2013. "The Degree and Result of Gillnet Fishery Interactions with Juvenile White Sharks in Southern California Assessed by Fishery-Independent and -Dependent Methods." Fisheries Research 147 (October):370–80. https://doi.org/10.1016/j.fishres.2013.07.009.
[29] Ibid.
[30] John K. Parsons, "Using Unoccupied Aerial Vehicles to Uncover Patterns of Density, Size Structure, and Distribution of White Sharks (Carcharodon Carcharias) at a Southern California Coastal Aggregation Site" (UC Santa Barbara, 2022), https://escholarship.org/uc/item/2f74m5fz.
[31] Spurgeon et al. 2022.
[32] Ibid.
[33] Ibid.

with specific “hotspots” like Carpinteria attracting fairly stable aggregations, and that the suitability of the habitat has been increasing relative to areas further south as a result of climate change.

3. The Importance of Tribally led Marine Stewardship and Tribal Co-Management

The Marine Life Protection Act (MLPA) did not direct how state agencies were to engage or consult with Tribes during the establishment process of California’s MPA network, and does not acknowledge coastal Indigenous peoples’ long-standing relationships to, dependence on, and stewardship of marine resources.[34] During the MLPA implementation process, there were opportunities for Tribes to engage in stakeholder groups through the Blue Ribbon Task Force and regional stakeholder process. However, Tribes are sovereign nations and require government-to-government consultation. These factors resulted in California Tribes’ initial opposition to the creation of the MPA network – many Tribes were fearful the MLPA could restrict Indigenous cultures and ways of life.

By the time the MLPA planning process came to the fourth and final coastal region, the North Coast, Tribes in the North were raising concerns about the lack of an official consultation with Tribal Nations on MPA designations in their ancestral waters. This resulted in state agencies implementing a consultation process that included Tribes as sovereigns and creating the exemption of “Tribal take,” to ensure that Tribes would retain access to their cultural and subsistence resources.[35] In the years following the MPA network’s implementation, Tribes, state agencies, and policymakers have made extensive progress to encourage and facilitate Tribal marine co-management and access in MPAs.[36]

Now, as California is conducting its first-ever adaptive management process, there is an opportunity to more thoroughly include the groups that were underrepresented during the initial implementation of the network, both Tribal and non-Tribal entities. This petition and Petition 2023-19MPA for the Chitqawi SMCA are the first Tribally proposed state MPAs in California. Designating this MPA would strengthen the role and authority of California Tribes in the state’s ocean and marine life protection efforts. With co-management, the Mishopshno MPA would also contribute to the integration of Tribes in California’s marine monitoring and management initiatives. Furthermore, this proposal aligns with the state’s goal of supporting Tribally led conservation.[37]

Socioeconomic Considerations

This area holds special importance for residents and visitors engaging in ocean and coastal recreation, for local Chumash people engaging in cultural and subsistence practices, and for commercial and recreational fishers.

---

[34] Curtis G. Berkey & Scott W. Williams, 2019, “California Indian Tribes and the Marine Life Protection Act: The Seeds of a Partnership to Preserve Natural Resources,” 43 AM. INDIAN L. REV. 307, https://digitalcommons.law.ou.edu/ailr/vol43/iss2/2; California Marine Life Protection Act. https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=3.&title=&part=&chapter=10.5.&article=

[35] Berkey and Williams 2019

[36] McGinnis 2022

[37] *“30x30: Conserving 30% of California’s Coastal Waters by 2030 - California Ocean Protection Council.”* California Ocean Protection Council, 7 Jan. 2025, opc.ca.gov/30x30/.

Carpinteria is a popular area for surfers, swimmers, kayakers, birdwatchers, beach walkers, freedivers, shore fishers, and more. For instance, there are multiple surf schools in the area, and vessels cluster along the shore during the summer to observe JWS.[38] By making the ocean healthier and more resilient to climate change, strong marine protections help safeguard everyone's ability to enjoy these areas through a variety of recreational activities, far into the future. Enhanced ocean protections can also benefit our economy, as millions of visitors travel to California's iconic coastline each year to recreate and enjoy a healthy ocean, supporting our state's blue economy. In 2023, ocean tourism brought just over $2 billion in travel-related spending to Santa Barbara County and supported more than 20,000 jobs.[39]

One of the primary goals of this SMCA is to honor the Chumash people's cultural heritage and continued relationship with their ancestral lands and waters. Many culturally significant species for the Chumash are found in Carpinteria and the area proposed for protection, including but not limited to: sheep and kelp crab, Giant keyhole limpet, California mussel, Pacific sand dollar, several octopus species, wavy turban snail, California cone snail, harbor seal, leopard shark, brown pelican, Heerman's gull, Brandt's cormorant, double-crested cormorant, and more.[40] As mentioned previously, Chumash tomol paddlers use the beaches and waters of the Carpinteria area to practice for their annual crossing to Limuw, also known as Santa Cruz Island. Local Chumash people also fish from shore for cultural, recreational, and subsistence purposes, typically using hook-and-line gear.

This is a popular area for recreational fishing as well. The sandy shores of Santa Claus and Padaro Beaches are known as particularly desirable surf fishing locations. Carpinteria Reef and its associated kelp forest provide critical habitat for many marine species, including several targeted by recreational fishers.[41] The nearby sandy beaches provide a safe entry point for people entering the water in California's often challenging coastal ocean conditions (e.g. large surf or swell), making this area a popular spearfishing and freediving location. Spearfishing can have a substantial negative effect on populations of marine fishes with small home ranges due to the targeted selection of larger individuals, which have the highest reproductive output. Some popular spearfishing and freediving targets, such as California sheephead, many species of rockfish, kelp bass (also known as calico bass), and California spiny lobster, have small home ranges and have been shown to benefit from the protections of California MPAs.[42]

Commercial fishing and fishing by commercial passenger fishing vessels (CPFVs) also occurs in this area. The proposed Mishopshno SMCA makes up 18% of California fishing block number 652. According to publicly available data accessed via the Marine Fisheries Data Explorer (MFDE), commercial fishing in this block represents an extremely small proportion of landings for the Santa Barbara Port Area, both by weight and value. In 2023, landings from fishing block 652 represented 0.22% of total landings by weight, and 1.1% of total landings by value, reported

[38] Personal communications to local businesses and residents, February – March 2025.
[39] Visit California, 2024. The Economic Impact of Travel in California. https://industry.visitcalifornia.com/research/economic-impact.
[40] Wishtoyo Foundation 2004; Santa Barbara Coastal LTER Data Catalog, https://sbclter.msi.ucsb.edu/data/catalog/, accessed September 2023.
[41] While our request to CDFW for recreational lobster fishing data from this area was being processed at time of submission, several conversations with local fishers confirm that Carpinteria Reef is a popular area for recreational lobster fishing by hand.
[42] California MPA Long Term Monitoring Program Final Reports: 1) Carr et al. 2021, Monitoring and Evaluation of Kelp Forest Ecosystems in the MLPA Marine Protected Area Network, https://caseagrant.ucsd.edu/system/files/2022-06/Kelp%20Forest%20Technical%20Report%20Narrative_v2.pdf 2) Hamilton et al. California Collaborative Fisheries Research Program (CCFRP) – Monitoring and Evaluation of California Marine Protected Areas. https://caseagrant.ucsd.edu/sites/default/files/CCFRP_Final_Report.pdf.

for the Santa Barbara Port Area from Southern California waters.[43] Over the previous ten-year period from 2013-2023, fisheries landings from fishing block 652 represented 0.16% of total landings by weight, and 0.63% of total landings by value, reported for the Santa Barbara Port Area from Southern California waters.

The MDFE data shows fishing block 652 represents a very small percentage of landings for halibut and California spiny lobster as well, which are both important commercial fisheries in the area. In 2023, halibut landings from block 652 represented 0.5% of total halibut landings by weight, and 0.6% of total halibut landings by value for the Santa Barbara Port Area. [44] Over the previous ten-year period from 2013-2023, halibut landings from this block represented 4.3% of total halibut landings by weight, and 3.9% of total halibut landings by value for the Santa Barbara Port Area. In 2023, California spiny lobster landings from block 652 represented 2.2% of total lobster landings by weight, and 2.2% of total lobster landings by value for the Santa Barbara Port Area. Over the previous ten-year period from 2013-2023, California spiny lobster landings from this block represented 2% of total lobster landings by weight, and 1.9% of total lobster landings by value for the Santa Barbara Port Area from Southern California waters.

Considering the above data and the size of the proposed Mishopshno SMCA, which makes up 18% of fishing block 652, we anticipate that closing this area to commercial fishing would have limited impact on overall commercial fisheries landings for the Santa Barbara Port Area. Overall, regional and statewide fishery landings and values were not negatively impacted by California's MPAs.[45] The commercial California spiny lobster fishery in the Santa Barbara region has seen significant benefits from MPAs – commercial landings more than doubled in the six years after local MPAs were established, with fishermen able to "fish the line" to intercept mature lobster leaving the MPAs.[46] A 35% reduction in fishing area resulted in a 225% increase in total catch, "indicating at a local scale that the trade-off of fishing ground for no-fishing zones benefitted the fishery."[47]

However, we are sensitive to the fact that the proposed MPA would limit some fishing access in the Carpinteria area and understand that these data above do not necessarily mean an MPA designation would not have an impact on individual fishers and businesses. In 2023, the latest year with data available, a total of 15 fishers, 19 businesses, and 16 vessels reported landings from fishing block 652. With this in mind, discussions with local fishers and fishing representatives have helped to further characterize the nature and spatial distribution of fishing in the area proposed for protection. We have amended the proposed SMCA's size and boundaries to exclude some of the preferred fishing areas and reduced the proposal as much as the Master Plan's scientifically informed size guidelines allow (see "Boundary Description" below).[48]

---

[43] Southern California waters defined as all fishing blocks from Point Conception to the US-Mexico border (blocks 652-2035): https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227793&inline.

[44] Including California halibut, Pacific halibut, and "Unspecified halibut" as reported in the MFDE

[45] Murray, Samantha, and Tyler T. Hee. 2019. "A Rising Tide: California's Ongoing Commitment to Monitoring, Managing and Enforcing Its Marine Protected Areas." Ocean & Coastal Management 182 (December):104920. https://doi.org/10.1016/j.ocecoaman.2019.104920.

[46] Lenihan, Hunter S., et al., 2021. "Evidence That Spillover from Marine Protected Areas Benefits the Spiny Lobster (Panulirus Interruptus) Fishery in Southern California." Scientific Reports 11 (1): 2663. https://doi.org/10.1038/s41598-021-82371-5.

[47] Lenihan et al. 2021

[48] CDFW Master Plan for Marine Protected Areas 2016, Appendix A, page A-35.

Private conversations and publicly available data from MFDE show that commercial and recreational vessels in the Santa Barbara port area primarily visit the Channel Islands for fishing trips and target the nearshore area around Carpinteria when weather conditions make travel to the islands unsafe or undesirable. According to several fishers with knowledge of the area, fishing near Carpinteria Reef is often considered dangerous for vessels due to its shallow depth. Navigational charts and observations of breaking waves on the reef structure during certain conditions substantiate these accounts. Several commercial and recreational fishers noted that Armpit Reef, a hard-bottom structure located offshore of Carpinteria Reef, is a desirable and productive fishing location in the area that is fished when the islands are otherwise inaccessible. To preserve this option, we changed the southern boundary of the proposed Mishopshno SMCA so that Armpit Reef lies outside of the MPA boundaries, thereby maintaining locally accessible and frequented fishing locations for individual commercial and recreational vessels fishing in the area.

As stated in the original Mishopshno SMCA proposal, this MPA would allow for public access, all non-consumptive activities, and a Tribal take exemption for the SYBCI to fish with the use of hand-based equipment. After subsequent discussions with local stakeholders and Tribal members related to the consumptive activities noted above, we are proposing the below amendments to the original petition. These amendments will help limit direct, near-term impacts to extractive activities to the greatest extent possible, while still adhering to the Master Plan science-based size criteria and guidance around high levels of protection:

- Allow for the recreational take of finfish from shore using hook-and-line, promoting access to certain important marine and cultural resources for all Chumash people – including non-federally recognized Tribes
- Allow for recreational take of finfish from shore using hook-and-line for the public.
- Establish boundaries for the SMCA that leave Armpit Reef, the easternmost edge of Carpinteria Reef, and the associated kelp forest outside of the MPA's boundaries to allow for continued recreational and commercial fishing access to certain important local fishing grounds.

See "Boundary Description" and "Proposed Regulations" for more detail.

Conclusion

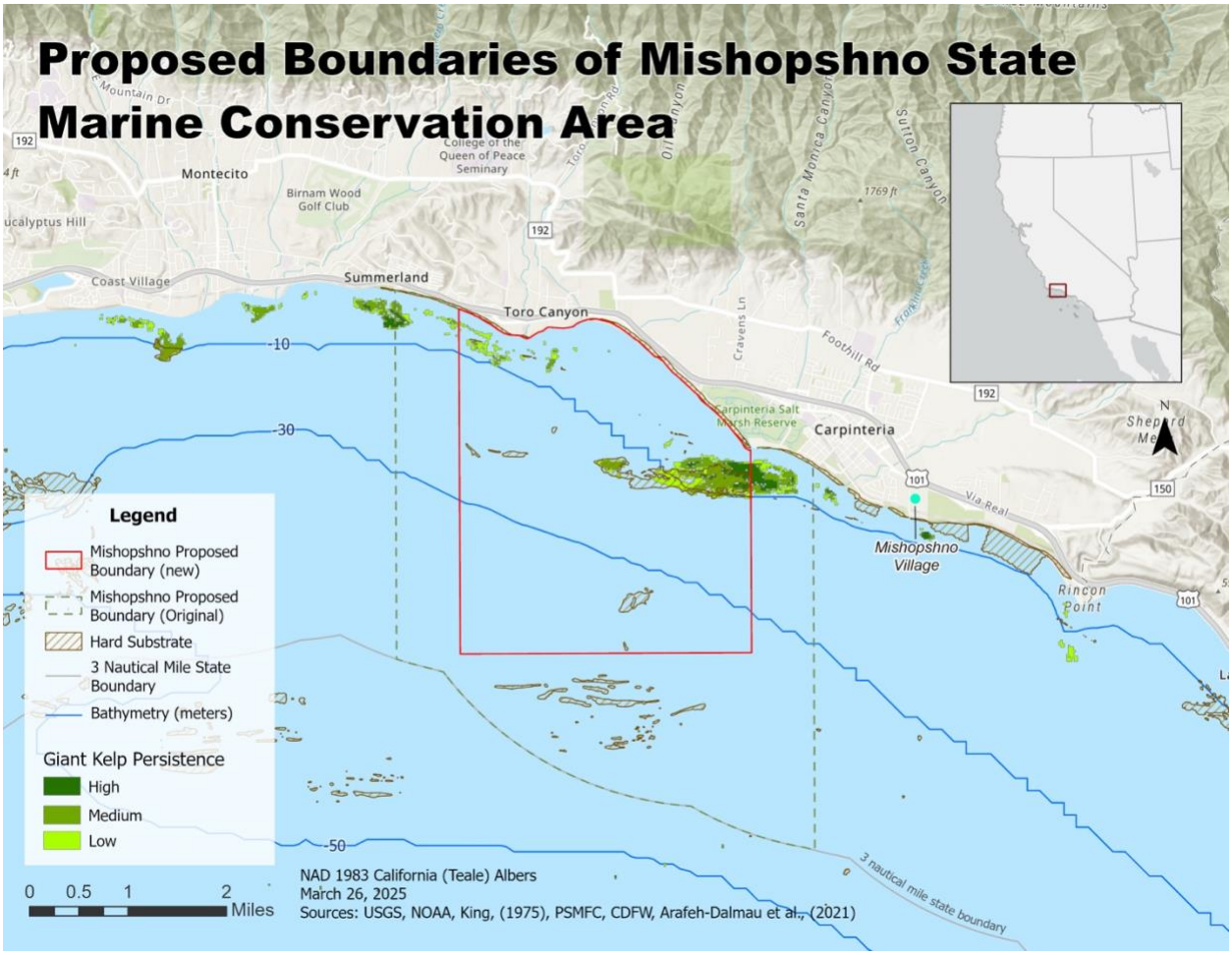
The proposed MPA would address a physical gap in the MPA network and increase the proportion of rocky reef habitat in the southern portion of the MPA network. Research focused on JWS has shown the waters off Carpinteria are a frequent hotspot for juvenile white sharks, offering specific habitat features that support this critical life stage. The proposed MPA would allow some forms of recreational fishing within its boundaries, and its boundaries are designed to allow fishing access to a popular offshore rocky reef area while still meeting the MLPA Science Advisory Team criteria and having a high level of protection. Finally, designation of the proposed MPA would add a new Tribal MPA in the region, strengthening the role of the Tribes in co-management, monitoring, and marine education activities.

Boundary Description

The proposed boundaries of the SMCA were informed by extensive outreach and discussions with local Tribes and fishers. The proposed boundaries meet a difficult-to-achieve compromise between upholding science-based size and area criteria,[49] protecting critical habitat and

[49] CDFW Master Plan for Marine Protected Areas 2016, Appendix A, page A-35.

promoting connectivity for the broader network, while allowing continued fishing access to important local fishing areas.



The western boundary is located at 119.54W, extending from the shore at Summerland to 34.37N. The eastern boundary is located at 119.58W, extending from the coast at Franklin Creek (also known as Santa Monica Creek) to 34.37N.

Area: 9.05 square miles

Shore adjacent distance: 3.63 miles

MPA coordinates:

1. SE: 119.53589W long. 34.366106N lat.
2. NE: 119.53589W long. 34.395977N lat.
3. NW: 119.587711W long. 34.416944N lat.
4. SW: 119.587711W long. 34.366106N lat.

The eastern boundary, located at the eastern shore of Santa Monica Creek at Salt Point, would ensure the protection of important habitat and food sources for JWS at the mouth of the Carpinteria Salt Marsh. This eastern boundary would allow for continued fishing access to the eastern edge of Carpinteria Reef and the eastern portion of its associated kelp forest. This eastern portion of the reef is a known popular fishing area for recreational fishers, especially

those who access the reef and kelp bed from the downshore sandy beach using public parking areas nearby. This placement would also provide a known, easily recognizable landmark and shoreline feature as the starting point for the eastern boundary of this MPA, allowing for a common, easily referenced understanding of this boundary per CDFW guidelines.[50]

The southern boundary would ensure protection of the ecologically important nearshore rocky reef and kelp habitat of Carpinteria Reef while allowing access to the popular fishing area offshore called Armpit Reef.

The western boundary, located just west of Loon Point, would ensure the protection of important sandy-bottom habitat for JWS off Padaro Beach and additional hard-bottom substrate and kelp forest cover around Loon Point. In addition to conserving these important habitats, the revised western boundary at this location would ensure the SMCA meets the Master Plan minimum size and spacing guidelines while allowing continued fishing opportunities in the areas west of Loon Point.

As described above, the proposed SMCA boundaries adhere to the Master Plan design guidelines. The designation of an SMCA that is smaller than these minimum size guidelines would hinder the area's ability to meet the design objectives and MLPA goals for which they were developed: protect adult populations; protect the diversity of species that live at different depths; and accommodate the movements of individuals across depth zones (MLPA goals 2 & 6).[51] It is therefore imperative that the SMCA be no smaller than these recommended minimum size guidelines.

Proposed Regulations

This petition proposes the following regulations for an SMCA for the region outlined above:

Take of all living, geological, or cultural marine resources is prohibited except:

1. *The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(9) of these regulations and shall comply with all other existing regulations and statutes:*
   The federally recognized tribe of the Santa Ynez Band of Chumash Indians.
   Within the proposed SMCA, the Chumash would be allowed to fish with the use of hand-based equipment. The proposed exemptions would be consistent with allowing Tribal take exemptions as currently defined in Title 14, §632(a)(11), which identify how a member of a federally recognized Tribe may be authorized to take living marine resources from an MPA with site-specific take restrictions. Members taking living marine resources under this provision are subject to current seasonal, bag, possession, gear and size limits in existing Fish and Game Code statutes and regulations of the Commission, except otherwise provided for in Title 14, §632(b).

2. *Scientific research pursuant to the MLPA regulations for SMCAs (14 C.F.R. section 632(a)(1)(C) is allowed.*

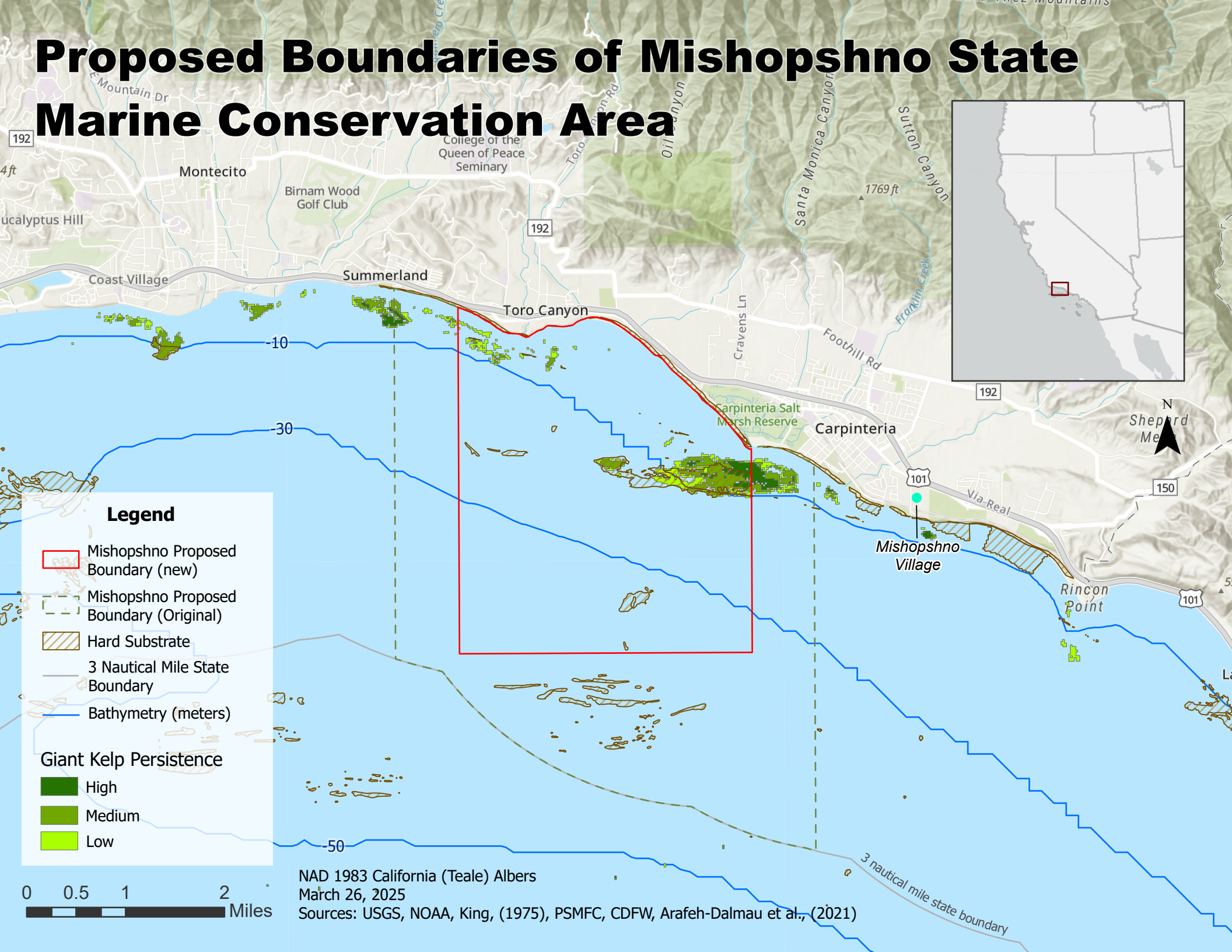
3. *Recreational take of finfish by hook-and-line from shore is allowed.*

[50] CDFW Master Plan for Marine Protected Areas 2016; Saarman et al. 2013
[51] CDFW Master Plan for Marine Protected Areas 2016, Appendix A.

These regulations would allow access to the area for scientific research and allow some recreational take using a low-impact gear type.[52] The regulations would allow use of shoreline and marine resources for traditional, ceremonial, cultural, and subsistence purposes for the SYBCI and for non-federally recognized Chumash people. The state should consult with the SYBCI to formalize a co-management agreement for the SMCA. The SYBCI will work to include non-federally recognized Tribal members in the management of the area. With the regulations detailed above, the Mishopshno SMCA would qualify as a "highly protected" MPA according to science-based criteria set forth by The MPA Guide.[53] Research shows that fully and highly protected MPAs are more likely to benefit populations of targeted species, protect high levels of biodiversity, and promote ecosystem resilience.[54]

[52] Single lines (hooks, pole and line, rod, troll) and low-impact traditional extraction are identified by The MPA Guide as small-scale, selective gear with low impact and therefore compatible with highly protected MPAs. Grorud-Colvert, Kirsten, et al. 2021. "The MPA Guide: A Framework to Achieve Global Goals for the Ocean." Science, September. https://doi.org/10.1126/science.abf0861.
[53] Grorud-Colvert et al. 2021
[54] Grorud-Colvert et al. 2021

Proposed Boundaries of Mishopshno State Marine Conservation Area



NAD 1983 California (Teale) Albers
March 26, 2025
Sources: USGS, NOAA, King, (1975), PSMFC, CDFW, Arafeh-Dalmau et al., (2021)