

Staff Summary for October 8-9, 2025

23B. Marine Resources Committee (MRC)

Today's Item	Information <input type="checkbox"/>	Action <input checked="" type="checkbox"/>
I. Review and discuss topics referred to the committee and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting and proposed date change from November 5-6, to a single day on November 6, 2025.		
II. <i>MPA (marine protected area) petitions review process</i> : Discuss the future review process for MPA petitions and evaluations, including whether to hold future discussions within MRC or move to the Commission as a "committee-of-the-whole" format.		

Summary of Previous/Future Actions

I. <i>Committee Topics and Draft Agenda for Next Meeting</i>		
• Previous MRC meeting		July 16-17, 2025; MRC
• Consider approving MRC meeting agenda topics		October 8-9, 2025
• Next MRC meeting		November 5-6, 2025; MRC
II. <i>MPA Petitions Review Process</i>		
• MRC received proposed evaluation framework for bin 2 MPA petitions and proposed groupings for future discussions; MRC recommendation(s)		July 16-17, 2025; MRC
• Tribal Committee (TC) reviewed proposed evaluation framework for bin 2 MPA petitions, proposed groupings for future discussions, and tribal engagement considerations; TC recommendation		August 12, 2025; TC
• Commission approved MRC and TC recommendations for evaluation framework and groupings by bioregion; scheduled October discussion on venue for petition evaluation review		August 13-14, 2025
• Today's discussion on future review structure for MPA petitions and evaluations		October 8-9, 2025

Background

MRC works under the Commission's direction to establish and accomplish its work plan.

I. *Committee Work Plan*

Topics referred by the Commission to MRC are displayed in a work plan for scheduling and tracking. The updated work plan (Exhibit 1) removes two completed topics: "Risk Tolerance for Reopening Fishery Harvest" and "Recreational Red Abalone Fishery Closure Sunset Date." Staff also proposes to remove the reference to "Aquaculture State Water Bottom Lease Application from Santa Barbara Sea Ranch (Santa Barbara County coast)," as the applicant has formally withdrawn the application.

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Proposed New Topics

The work plan includes four potential new topics:

1. *Barred Sand Bass Working Group*. This topic is proposed to reflect MRC's request for the Department to provide an update in November on the formation of a working group and collaborative data collection.
2. *White Seabass Fishery Management Plan Review*. The Department requests to refer this topic to MRC, with an initial discussion at the March 2026 meeting.
3. *Recreational Use of Hand-Held Harpoons and Flying Gaffs to Assist Anglers with Landing Tuna*. This regulatory topic is proposed for initial discussion in November.
4. *Methods of Determining Total Length of Fish and Invertebrates with Recreational Size Limits*. This is a regulatory topic proposed for initial discussion in November.

II. **Next Committee Meeting**

The next committee meeting is scheduled for November 5-6 in Sacramento, with public remote participation options via webinar and phone. However, based on input from the MRC co-chairs, staff recommends changing the meeting to a single day on November 6, which is anticipated to be sufficient to cover all recommended agenda topics.

Staff has conferred with the Department on the readiness of various proposed topics for November. In addition to standing agenda items, such as general public comment, next meeting, and work plan review, there are three discussion topics and five updates identified for the next MRC meeting.

Discussion Topics

1. Regulatory proposals for initial vetting: "Recreational Use of Hand-Held Harpoons and Flying Gaffs to Assist Anglers with Landing Tuna" and "Methods of Determining Total Length of Fish and Invertebrates with Recreational Size Limits"
2. Coastal Fishing Communities Project - Discuss options for potential Commission focus, and potential recommendation.

Updates on Work Plan Topics

1. State Aquaculture Action Plan – California Ocean Protection Council
2. Red Abalone Restoration Plan (Statewide)
3. California Halibut Fishery Management Review: Trawl Gear Bycatch Evaluation
4. Kelp Restoration and Management Plan Development
5. Barred Sand Bass Working Group

III. **MPA Petitions and Evaluations Review Process**

In August, the Commission adopted a petition evaluation framework for MPA petitions and associated actions. The framework, developed with input from MRC and TC, includes a commitment from the Department to begin evaluations immediately, with anticipated completion in early 2026. The Commission also adopted MRC and TC recommendations

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to apply a bioregional approach when grouping petition actions and evaluations for future review. Within each bioregion, “tribally-focused” petitions will be elevated and prioritized for discussion.

Venue for Future Reviews and Discussion

The Commission has discussed the potential of moving the future review of MPA petitions and evaluations, and ultimately recommendations for action, from MRC to the full Commission. The goal of this change is to allow more than two commissioners to attend meetings and fully participate, rather than relying on a committee report or summary of discussions and decisions. This also enables commissioners to hear the Department's recommendations and public dialogue firsthand and to engage directly in deliberations; ensures the expertise and perspectives of all commissioners are considered in the deliberative process; and avoids the repetition of public discussions that currently occur as reviews and recommendations move from a committee to the full Commission.

Both organizations and individuals have offered the Commission their perspectives and preferences about each format (MRC versus the full Commission), reflecting the trade-offs of each option (exhibits 2, 3 and 4). At its June 2025 meeting, the Commission decided to defer until today a discussion on whether to conduct the review of petitions and develop recommendations in MRC or the Commission.

The “Committee of the Whole” Concept

In preparation for the discussion at this meeting, the Commission requested that staff explore options for holding gatherings with the full Commission that would be run more like a committee meeting, to leverage the same informal, discussion-oriented style of committee meetings that make engagement more flexible and effective; these were characterized as potentially functioning like a “committee of the whole” meeting.

The concept of a “committee of the whole” is a parliamentary procedure that allows a legislative body to temporarily function as a committee. The format is designed for less-structured discussions on a specific topic, enabling a more thorough exchange of ideas that helps members develop a shared understanding of complex issues. The Commission, however, cannot directly apply this concept as it is subject to the Bagley-Keene Open Meeting Act (a state law) and its own regulations in Section 665, which govern public meetings and committee structures. To avoid any confusion associated with the term “committee of the whole,” a different name can be used to distinguish these meetings from regularly scheduled Commission meetings, such as “special session of the Commission.”

There are other elements of the concept that can be applied, some with modification:

- *Meeting Quorum.* Any meeting where more than two commissioners wish to participate must be noticed as a full Commission meeting to comply with the Bagley-Keene Open Meeting Act. Special sessions would be noticed in the same way as regular Commission meetings.
- *Leadership.* In a special session, the Commission's presiding officer steps aside to allow another designated commissioner to lead the single-subject sessions.

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- *Structure.* The special session format can be more conversational, allowing multiple opportunities for commissioners and stakeholders to speak, similar to the format currently used for its committee meetings.
- *Outcome.* Any “votes” or decisions made in special sessions are recommendations that are presented at a regularly-scheduled Commission meeting for final consideration and action. Recommendations could be presented in part or in whole, in one meeting or multiple meetings, at the discretion of the Commission.

Process Considerations for Commission Discussion

Regardless of which venue the Commission selects for MPA petition reviews and recommendations development, there are a number of planning and scheduling considerations that will need to be decided upon, including:

- *Timeline.* The Department plans to release petition evaluations by February 27, 2026. The public has requested a minimum of 30 days to review the evaluations after they are released before the Commission begins discussions. Ideally, decisions about the MPA petitions will be completed before the end of 2026 so that any changes will be in effect for at least five years before the next decadal management review begins in 2031.
- *Time Commitment.* Staff anticipates that the number of potential actions and volume of interest in the MPA petitions will necessitate a minimum commitment of three full days for discussions around the suite of petitioned actions.
- *Locations.* Meetings could be held in Sacramento, within each of the three bioregions, via teleconference/webinar, or some combination.
- *Schedule.* Full or partial days can be added adjacent to or between already-scheduled meetings. If bioregional meetings are in person, they can be spread over time or combined into a 5-day week (three full days of meetings and two days for travel time to, from and between regions). An important consideration is the amount of information that must be generated and absorbed within the selected time frame. For example, five days of travel and meetings could lead to information overload on the absorption side and, on the generation side, significant challenges for a limited staff in producing three days’ worth of materials for MPA petition meetings along with regularly-scheduled Commission and committee meetings.
- *Commissioner Participation.* Meetings can include all commissioners in a single location, a quorum participating in a single location while one or two commissioners participate from other noticed locations via teleconference (e.g., Sacramento), or all commissioners in different noticed locations joined via teleconference.
- *Organization of Petitioned Actions.* Given the Commission's prior decision to group petition actions by bioregion, discussions could be structured similarly to focus on petitions within one of three regions: north, central, and south.

Today, the Commission will discuss and potentially decide whether to conduct the review of petitions and develop recommendations through MRC or the full Commission. While the identified considerations do not have to be addressed at this meeting, any guidance that can be provided now will help facilitate scheduling and planning by staff and

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stakeholders. However, for scheduling and planning purposes, staff will need guidance on most of the key factors by the Commission's December 2025 meeting.

Significant Public Comments

- A coalition of six environmental non-governmental organizations advocate for retaining MRC as the primary forum for MPA adaptive management discussions, stating it would allow more opportunities for public engagement and robust discussion, and would be in greater alignment with the Commission's JEDI and Coastal Fishing Communities policies. The coalition requests a timeline to help stakeholders plan, and to keep the November MRC meeting two days to allow for public comments on MPA petitions. (Exhibit 2)
- An ocean access advocacy organization advocates for the Commission to hold MPA discussions using a committee format. They reason that important details could be lost if MRC simply reports its discussions and recommendations to the Commission, that having two separate sets of meetings is a burden on stakeholders, and that the Commission's meeting schedule is better aligned to include TC input. (Exhibit 3)
- Previous public comments that include input on the setting for MRC or Commission MPA petition evaluation discussions have been combined into a single exhibit for ease of access, with the first page of the exhibit providing summaries of each. (Exhibit 4)

Recommendation

Commission staff: Approve the MRC work plan as reflected in Exhibit 1, including any changes identified during today's meeting; approve the MRC November 2025 meeting date change to a single day on November 6; approve the draft agenda topics for the November MRC meeting; and provide guidance to staff on the desired venue for MPA petition evaluation reviews and recommendations as well as any of the process considerations.

Exhibits

1. [MRC work plan, updated September 19, 2025](#)
2. [Letter from Zoë Collins, Marine Protected Area Program Coordinator, Heal the Bay, et al., received September 25, 2025](#)
3. [Letter from Matt Bond, All Waters Protection and Access Coalition, received September 19, 2025](#)
4. [Compilation of previous public comments on the setting for MRC or Commission MPA petition evaluation process, received March 2024 through February 2025](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the changes and additions to the work plan and approves the date change and topics for a November 6, 2025 Marine Resources Committee meeting, as discussed today.

AND

Moved by _____ and seconded by _____ that the Commission redirects the review of marine protected area petitions and evaluations, and development of recommendations, from the Marine Resources Committee to the Commission in a special session format.

California Fish and Game Commission

DRAFT Marine Resources Committee (MRC) Work Plan

Updated September 19, 2025

Note: Proposed changes to topics/timing are shown in blue underscore or ~~strike-out~~ font.

Topics	Category	Jul 2025	Nov 2025	Mar 2026
Planning Documents, Fishery Management Plans (FMP)				
MLMA Master Plan for Fisheries – Implementation Updates	Plan Implementation			
Red Abalone Restoration Plan (statewide)	Restoration Plan	X	<u>*</u>	
– Risk Tolerance for Reopening Fishery Harvest	<u>Restoration</u>			
California Halibut Fishery Management Review (CA Halibut Review) – CA Halibut Trawl Grounds Review	Management Review			
CA Halibut Review – Bycatch Evaluation for Trawl Gear	Management Review	X	*	
Kelp Restoration and Management Plan (KRMP) Development	Restoration/ Management Plan	X	*	
Marine Protected Area (MPA) Network 2022 Decadal Management Review Implementation: <i>MPA Petitions</i>	Management Review	X/R	<u>X/R</u>	
<u>White Seabass FMP Review</u>	<u>Management Plan Review</u>			<u>X</u>
Regulations				
<u>Recreational Red Abalone Fishery Closure Sunset Date</u>	<u>Recreational Take</u>			
Commercial Coonstripe Shrimp Fishery Management	Commercial Take	X/R		
Commercial Bull Kelp Harvest Sunset Date	Commercial Take	X/R		
<u>Recreational Use of Hand-Held Harpoons and Flying Gaffs to Assist Anglers with Landing Tuna</u>	<u>Recreational Take</u>		<u>X</u>	
<u>Method of Determining Recreational Legal Size</u>	<u>Recreational Take</u>		<u>X</u>	
Marine Aquaculture and State Water Bottom Leases				
Statewide Aquaculture Action Plan	Planning Document	*	*	
Status of Existing Leaseholder Requests	Current Leases			<u>X</u>
Applications for New Leases	Lease Applications	*		
- San Andreas Shellfish Company (Tomaes Bay)				
– Santa Barbara Sea Ranch (Santa Barbara County coast)				
Lease Best Management Practices Plans (Hold, TBD)	Leases–Regulatory	*		
Special Projects, Informational Topics, and Emerging Management Issues				
Coastal Fishing Communities Project	MRC Project	*	<u>X/R</u>	*
Kelp Restoration and Recovery Tracking	Kelp	X		
<u>Barred Sand Bass Working Group</u>	<u>Informal Advisory Body</u>		<u>*</u>	<u>X</u>
Experimental Fishing Permit (EFP) Program				
Box Crab Exploratory Fishing	EFP			

Topics	Category	Jul 2025	Nov 2025	Mar 2026
Pop-Up Gear in State-Managed Fisheries	EFP			

Key: X = Discussion X/R = Recommendation and may move to Commission * = Written or oral agency update

From: Zoe Collins <[REDACTED]>

Sent: Thursday, September 25, 2025 4:49 PM

To: FGC <FGC@fgc.ca.gov>

Subject: Comments for October Commission Meeting Agenda Item 23B

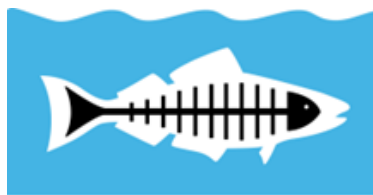
Hello,

Please see the attached letter for comment on agenda item 23B at the upcoming FGC meeting. Thank you for all your work for our coast and oceans.

Please let us know if you have any questions!

Very best,

Zoe Collins



Heal the Bay

ZOË RAE LYN COLLINS | MARINE PROTECTED AREA PROGRAM
COORDINATOR

She/Her/Hers ([What does this mean?](#))

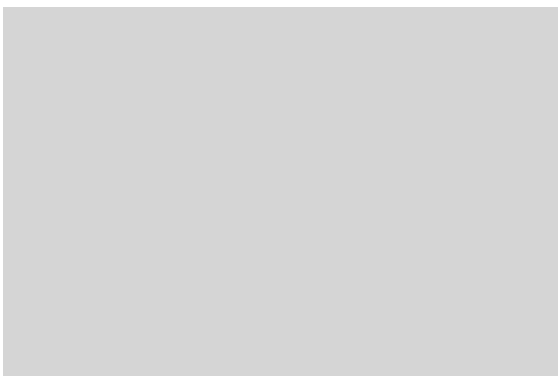
Heal the Bay

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September 25, 2025

California Fish and Game Commission
Marine Resources Committee
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

**RE: Comments on Fish and Game Commission October 2025 Meeting Agenda Item 23B:
*Marine Resources Committee Department Report***

Dear President Zavaleta and Honorable Commissioners:

Thank you for your continued leadership. We, the undersigned organizations, appreciate the chance to contribute to the vital work of the Fish and Game Commission (Commission) and are united in the goal of strengthening our MPA Network against the growing threats to our shared ocean.

We offer two suggestions regarding the Marine Resources Committee (MRC) departmental report for agenda item 23B.

- I. First, we are concerned that changing the November meeting from two days (November 5-6) to a single day (November 6) could limit discussion of CDFW's petition evaluations. Based on the petition evaluation timeline provided in the March MRC, November's MRC meeting was projected as the appropriate meeting to discuss CDFW's initial petition recommendations. However, after conversations at the July and August Commission meetings, we understand that petition recommendations may not be ready until 2026. We respectfully **request for an updated timeline for the MPA petition process**, so that all stakeholders can plan accordingly (e.g., What FGC meetings will correspond to the review of petitions from each bioregion?). We believe it is important to continue

advancing this adaptive management process; if CDFW staff provides MPA petition recommendations at the November MRC, **we suggest retaining the original schedule and dedicating an entire day to hearing public comment related to individual petitions**, which would ideally be grouped by bioregion. We appreciate that the task of MPA petition evaluation is labor-intensive for agency partners and anticipate that discussion will require ample dedicated time to provide public comment.

- II. Regarding Part Two of agenda item 23B, which re-opens the discussion of the MRC's role, we strongly advocate for retaining the MRC as the primary forum for MPA adaptive management discussions. **We request that the MRC continue to serve as an official space for discussion and shared learning around the MPA adaptive management process.** The structure of MRC meetings supports robust public engagement, a crucial element of decision-making, and is a key space for implementing FGC's Coastal Fishing Communities Policy and Justice, Equity, Diversity, and Inclusion Policy. The MRC serves as a space for open, inclusive discussions about MPA adaptive management and allows the public to share key questions, considerations, collaborations, and perspectives to inform the adaptive management process. The MRC's conversational structure allows for deeper discussion with decision-makers and members of the public in a way that is not feasible in full commission meetings. Shifting MPA adaptive management decisions to the full FGC would result in decreased opportunities for public engagement, both by reducing opportunities for public comment and eliminating the less formal format of subcommittee meetings.

Thank you for your consideration of these comments and leadership in ensuring California's natural resources are equitably and sustainably managed. Feel free to reach out with any questions or concerns; we look forward to continued collaboration between our organizations and your agency.

Sincerely,

Zoë Collins
Marine Protected Area Program Coordinator
Heal the Bay

Michael Quill, Ph.D.
Marine Programs Director
Los Angeles Waterkeeper

Laura Deehan
State Director
Environment California Research and Policy Center

Sandy Aylesworth
Director, Pacific Initiative
NRDC

Ashley Eagle-Gibbs
Executive Director
Environmental Action Committee of West Marin

Ray Hiemstra
Associate Director
Orange County Coastkeeper

From: Matthew Bond <[REDACTED]>
Sent: Friday, September 19, 2025 01:39 PM
To: FGC <FGC@fgc.ca.gov>
Cc: Christopher Killen <[REDACTED]>
Subject: October 8/9 Commission Meeting Agenda Item 23 B II.

September 19, 2025

California Fish and Game Commission

P.O. Box 944209

Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

Re: 10/9/2025 Commission Meeting Agenda Item 23,B,II; Moving the MPA Petition Discussion From the MRC to the Full Commission/"Comittee-Of-The-Whole".

Dear President Zavaleta, Vice President Murray, Commissioners Hostler-Carmesin, Anderson, and Sklar,

Thank you for the difficult work you are doing to steward California's natural resources.

We firmly believe that the MRC format does not provide the diligence, transparency, frequency, or resources that this unprecedented and highly controversial MPA petition review process requires. In fact, we feel the current venue poses impediments to both public participation and robust Commissioner and Staff discussions. In an effort that seems from the beginning to be short on funding and time, we need to do everything in our power to not also deprive it of crucial input and discussion from the broadest group of resource managers and stakeholders available.

During the discussion on the MPA petition binning process at the August 17th 2024 Fish and Game Commission meeting, Commissioner Hostler-Carmesin expressed the idea that the MLPA DMR petition review process being held at the MRC and then reported out might be "hindering her ability to interact", ask questions, and engage in crucial discussions in real time. She expressed trust and faith in the co-chairs of the MRC, but noted process constraints presented by that body working separately and then reporting out findings and decisions to the full commission at a later date. She alluded that important nuances of the MRC discussions might be suffering from loss of detail in translation from the Committee to the full Commission. She also explained that time constraints make it very difficult, if not impossible, for her to review every meeting recording to understand the full conversation behind and basis for recommendations.

The full Commission's output will be superior to what can be achieved through the MRC venue in a task this enormous and complex. It is not fair or realistic to expect equal results to those of the full Commission if just the two hardworking, skilled and caring members of the MRC continue to have to analyze all the information at hand, receive stakeholder input, synthesize discussion, and then transmit to the full Commission by themselves. The potential impacts from the eventual outcome of this process, to both our marine environment and the lives of Californians, demands an "all hands on deck" approach.

A very important detail of the points made above is that intra-Commissioner discussions, on the complicated opportunities and problems these petitions present, is limited when the process plays out only between the members of MRC. Commissioners are restricted by The Brown Act and Bagley-Keene Act in their ability to have needed, multi-participant, conversations. This review process requires every bit of the expertise, stakeholder relationships, and diverse viewpoints all five Commissioners bring to the table. Running the process outside of the full Commission truly hobbles mandatory dialogue.

Equity in access for all stakeholders is a key tenet of this process as well. The frequency and quality of stakeholder input opportunities are less if the MRC remains the forum for the petition review process. The number of full Commission meetings is more than double that of MRC meetings. Their frequency is also more in sync with the tribal meeting calendar and will allow for more timely delivery of information to and input from that very important and historically excluded stakeholder group. Having the full commission meetings as the venue also makes it easier for regular citizens to participate in these discussions. The current set up requires someone not in the business of attending these meetings to take time off work or other responsibilities in order to attend both the MRC meetings and the regular commission meetings.

From a budgetary standpoint, it appears to us that the efficiency of having five Commissioners work on issues at the same time could potentially result in overall less meetings needed. There might need to be a third day added to Commission meetings. But this still seems more efficient and less costly than the current system of holding an extra day at the MRC meetings, waiting for the Commission meeting and the MRC delivering the results of their meeting to the full Commission, the full Commission then questioning and voting, then often kicking back questions to the MRC to discuss at their next meeting, and following this cycle all over again.

The primary argument for keeping the MPA petition process at the MRC is that the more "conversational" format of the MRC is better suited to allow for detailed, diverse, and "less intimidating" stakeholder input. We agree with this sentiment completely. To make sure these attributes would not be lost, we asked Executive Director Miller-Henson at the July

17-18th 2024 MRC meeting if it were possible to retain this format if we were to create a dedicated MPA petition discussion day at future full commission meetings. She responded that this is entirely possible.

It is for these reasons we believe moving the venue of the MLPA DMR petition process to the full Commission instead of keeping it at the MRC is critical to the best, most equitable, outcomes in this important work.

Thank you for taking the time to consider this input, as well as for your dedication to caring for the natural resources and people of California.

Appreciatively,

Matt Bond

Allwaters Protection and Access Coalition

California Fish and Game Commission
Compilation of Public Input on the Setting for Marine Resources Committee or
Commission Review of MPA Petitions and Evaluations

Received March 2024 through March 2025

Sender	Date Received	Summary
Rikki Eriksen	3/6/2024	Comments on how evaluations should be framed: use MRC setting; more weighting to petitions that meet multiple goals of the MLPA; consider best available science; dismiss petitions that do not strengthen or improve the network; improve enforcement and compliance; access definition should be expansive; advance tribal stewardship; advance DMR.
Matthew Bond	3/17/2024	Advocates against management changes to the network; asks for meaningful community involvement in the decision-making process (local communities); use robust scientific research; and scrutinize the quality of evidence supporting proposed MPA changes.
Matthew Bond	3/22/2024	Highlights need for transparency and objectivity in evaluations for equitable outcomes, has concerns about any non-public group or organization facilitating disparate stakeholder input or providing funding, forum, or facilitation for disparate stakeholder consensus-building for data transmission to CDFW and the Commission. "Uniformity of stakeholder input collection methodology and delivery are critical for the legitimacy of this process." Especially concerned about MPA Collaborative Network facilitating stakeholder engagements for fear of bias. Asks that meetings be recorded and include a video teleconference option in order to ensure robust participation from a variety of stakeholder groups.
Emily Parker	4/4/2024	1. There should be a dedicated Commission MRC session for petition review, 2. A transparent evaluation criteria and rubric for petition review should be developed, 3. Changes to the MPA network must ultimately strengthen, not weaken the network, and 4. The MPA network must be based on the best available science.
Blake Hermann	6/25/2024	Suggests disparate timelines for petitions, and that if meetings (Commission, MRC, or special meetings) need to be held to gauge public insight on petitions, those meetings should be held in affected areas to provide the best chance of input from impacted local stakeholders.
Chris Killen	7/22/2024	Wants the evaluation process to follow the Marine Life Protection Act, and the 2008 and 2016 master plans for marine protected areas. Does not support discussions being held solely through Commission meetings.
Matthew Bond	8/26/2024	Highlighting Commissioner Hostler-Carmesin's comments about wanting to interact with the petitioner and petition evaluations: " The only reasonable path forward is to have the full Commission work on this very complex and important issue together and at the same time."
Matthew Bond	10/24/2024	Points to the master plan for MPAs as a guiding document for considering amendments to the network, then proceeds to explain how they believe the Commission has strayed from it. Views the current process as harmful for public engagement as it forces comments only through Commission meetings, which selects for already highly-engaged, English-speaking people. They support tabling the petitions until there are enough resources to follow the standards set by MLPA.
Mark Smith	12/5/2024	Reflected on Commissioner Hostler-Carmesin's concerns regarding MRC hosting evaluation discussions with lots of detail and nuance that could be lost when reported to the full commission and her desire to be a part of those conversations.
Sandy Aylesworth	1/30/2025	1. Recommends retaining MRC meetings for MPA adaptive management discussions. 2. States that CDFW and the Commission should refer to the 2016 Marine Life Protection Act Master Plan for guidance on adaptive management of the MPA network. The master plan explicitly states that the ten-year adaptive management process should account for current and future ocean threats and conditions.
David Goldenberg	2/10/2025	Recommends moving all related discussions from MRC to meetings of the full Commission.
Zoë Collins	2/28/2025	Makes three recommendations to: 1. Clearly define outreach criteria for petitioners, set a schedule for Bin 2 petition evaluations, and specify how evaluation criteria will be weighed; 2. Distinguish between items to be addressed by the full commission versus MRC; and 3. Incorporate new science into the adaptive management process to meet the Marine Life Protection Act requirement of considering current and future ocean conditions.

From: Rikki Eriksen <[REDACTED]>
Sent: Wednesday, March 6, 2024 2:35 PM
To: FGC <FGC@fgc.ca.gov>
Cc: [REDACTED] ance Morgan <[REDACTED]>
Greg Helms [REDACTED]; George Leonard [REDACTED]
Subject: Comment letter

Please accept this comment letter on behalf of the MPA NGO Coalition.

With regards, Rikki

Rikki Eriksen, Ph.D.
California Marine Sanctuary Foundation
Marine Ecologist
Director of Marine Programs
[REDACTED]

*Unless someone like you
Cares a whole awful lot
Nothing is going to get better
Its simply not....
Dr. Seuss, The Lorax*

<image002.jpg>

Please note change of last name from Grober-Dunsmore.

Please visit the California MPAs website for more information and resources to support marine protected areas education and outreach: www.californiampas.org

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March 6, 2024

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

RE: Comments on Fish and Game Commission March 19, 2024 Marine Resources Committee Meeting Agenda Item #6 - Marine protected area (MPA) regulation change petitions

Submitted electronically via fgc@fgc.ca.gov

Dear President Murray and Commissioner Sklar:

The undersigned organizations are dedicated to ocean protection in California, with a long history of working on marine protected area (MPA) management, research, compliance, education and outreach. We strongly support the Fish and Game Commission (FGC) and staff's commitment to meeting the goals of the [Marine Life Protection Act \(MLPA\)](#) through their ongoing support of the Marine Protected Area Network.

On February 14, 2024, FGC referred all petitions for regulatory change to the California Department of Fish and Wildlife (CDFW) for further analysis. We submit this letter to urge the FGC to arrange for a special meeting of the MRC committee dedicated solely to the review of the 20 petitions. In the case of some petitions, organizations have been supporting MPA management and monitoring for almost a decade and deserve the opportunity to meaningfully advocate for their proposal. Packing petition review into an otherwise busy agenda will result in a poor level of discussion and potentially inadequate decision making during this first-in-a-decade opportunity to improve the MPA Network.

We also urge CDFW and FGC to ground their previously noted Petition Review Criteria, captured in the FGC Staff Report “[Summary of Marine Protected Area \(MPA\) Regulation Change Petition Framework Discussion](#),” in a formal rubric for evaluating petitions - since the process of selection is yet unclear to petitioners. Below, we suggest how specific Criteria should be framed within the detailed process of regulatory evaluation. Our suggestions are based on the tenets that petitions recommended for approval should strengthen — not weaken — the Network, because any petitions aimed at weakening the Network are contrary to the very goals of the MLPA and the Decadal Management Review (DMR). Below we highlight Criteria for evaluation based the State’s guidance:

Criteria #1, Regarding Review for the Petition’s Compatibility with the MLPA

Petitions that meet multiple goals of the MLPA should be prioritized via weighting. In the [August 2023 staff report](#) (Item 23A), CDFW detailed some of the conservation criteria to consider throughout the DMR to understand Network performance; including whether a decision:

- a) Maintains or enhances the protections and integrity of the MPA Network;
- b) Maintains or enhances habitat and species connectivity;
- c) Adheres to science guidelines, such as maintaining minimum size and spacing, and protection of diverse habitats; and
- d) Enhances climate resilience and/or helps mitigate climate impact.

Petition review should include consideration of the extent to which a petition meets multiple goals; in other words, it should consider the proposal’s conformity to the overall purpose and continued upholding of the MLPA.

Criteria #2, Regarding the Need to Consider Best Available Science

The MLPA is founded upon science-based management, and FGC’s petition review priorities should include evaluation of petitions based on supporting evidence from “best available science.” Where local data is available, it must be used to inform decision making; and where it is not, credible and relevant science from the global community should be referenced. Science

from other regions that is informing adaptive management of MPA networks, for instance, can be highly relevant to ecosystems and management types in California. Submitted petitions to strengthen the network include scientific monitoring evidence where possible; globally relevant science where applicable; direct letters of support from scientists who have deep expertise on California ecosystems and MPAs; and many include letters of support from the local community, which includes CDFW's own partner agencies at the state, federal, and local level, as well as from the legislature. Our sources, including from community members, are intended to be grounded in science-based evaluation and support the MLPA by following the guidance established by the [MPA Master Plan](#).

Criteria #3, Regarding the Upholding of MPA Network Performance

Petitions that do not strengthen or improve the MPA Network as a whole should not be considered and should not be eligible for consideration in any rubric. California's MPA Network is globally regarded as a model for science-based, community-informed MPA establishment and management, such as when CDFW was named a co-recipient of the 2020 [Blue Park Award](#) for its management of the Channel Islands MPAs, which are sentinel sites for research and demonstrate the compelling ecological benefits of long-term MPA management. California's MPA network is also a key designation in meeting Governor Newsom's Executive Order to protect 30% of state waters (as part of the state's 30x30 initiative), and any weakening would undermine the durability of the network's biodiversity protections.

Criteria #4, Regarding the Need to Improve Compliance and Enforceability

Evaluation of this criteria should include review of CDFW's enforcement and compliance work through its Law Enforcement Division, and CDFW's complementary partnerships with California State Parks, National Marine Sanctuaries, National Parks Service, local governments, and others responsible for the enforcement of MPAs, to understand how proposed regulations would affect enforceability and make it simpler for the public to comply with MPA regulations. Many of the undersigned organizations also work with community science efforts like MPA Watch and other outreach, education, and compliance programs, and are ready to provide additional local insight on place-based compliance observations from years of experience with MPA implementation that should inform petition review.

Criteria #5, Regarding the Need for Access FGC and CDFW should review all petitions based on implications to all potential 'access improvements'. Opportunities to facilitate all kinds of ocean and coastal use and enjoyment should be considered as part of review of a petition's contribution to increased access. Notably, MPA Watch data shows that the vast majority (~97.5%) of ocean activities across more than 1.5 million data points are recreational and non-consumptive activities such as wildlife viewing, leisure and relaxation, hiking and swimming. CDFW should prioritize petitions that would increase access to highly protected MPAs with the ecological benefits they confer in line with this data, and to advance the MLPA,

particularly Goal 3: “To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.”

Criteria #6, Regarding the Need to Advance the DMR’s Recommendations

[Table 6.1](#) of the DMR Report captures CDFW’s and FGCs’ recommendations for next steps from the DMR, some of which are distinctly achievable within the context of petition review. FGC and CDFW should consider clearly highlighting priorities from the table that directly relate to the near-term process of petition review. For instance, CDFW and FGC should be including priorities number 5 and 8 throughout the review process: Priority #5 “Continue to coordinate and collaborate with OPC and other agencies on California’s ocean and coastal priorities to enhance coastal biodiversity...”, and #8 “Evaluate the accessibility of MPAs to various community groups”.

Criteria #7, Regarding the Need to Advance Tribal stewardship and Co-management - Petitions that address Tribal leadership and Tribal co-management of MPAs should be strongly prioritized in the Rubric and evaluated through criteria directly informed by Tribal leadership.

Conclusion

As CDFW evaluates petitions, we emphasize the importance of grounding these petition priorities via a formal evaluation rubric to ensure transparency throughout the coming months. We also urge CDFW to only advance petitions that would strengthen the network so that our MPA Network remains a world-class example of collaborative ocean protection. Finally, we respectfully request a dedicated MRC meeting in the summer to allow for ample discussion regarding these first-in-a-decade changes to the Network. Thank you for your consideration of these comments, and we look forward to continued collaboration.

Sincerely,

Rikki Eriksen, PhD.
MPAs Director
California Marine Sanctuary Foundation

Lance Morgan
President
Marine Conservation Institute

Lisa Gilfillan
Conservation Manager
WILDCOAST

Emily Parker
Coastal and Marine Scientist
Heal the Bay

Penny Owens
Education & Outreach Director
Santa Barbara Channelkeeper

Ray Hiemstra
Associate Director
Orange County Coastkeeper

Michael Quill, PhD
Marine Programs Director
Los Angeles Waterkeeper

Laura Deehan
State Director
Environment California

Kevin O'Connor
Program Manager
Central Coast Wetlands Group
Moss Landing Marine Labs

Ashley Eagle-Gibbs
Executive Director
Environmental Action Committee of West
Marin

Tomas Valadez
CA Policy Associate
Azul
California Statewide

Laura Walsh
California Policy Manager
Surfrider Foundation

Lisa Suatoni, PhD.
Deputy Director, Oceans
NRDC

Azsha Hudson
Marine Conservation Analyst
Environmental Defense Center

Greg Helms
California State Fisheries Director
Ocean Conservancy

Discussion Item 6 - Marine Protected Area Regulation Change Petition Evaluation Process

Matthew Bond

Sun 03/17/2024 07:59 PM

To:FGC <FGC@fgc.ca.gov>

March 17, 2024

California Fish and Game Commission
715 P Street, 16th Floor,
Sacramento, CA 95814

RE: Discussion Item 6 - Marine Protected Area Regulation Change Petition Evaluation Process

Dear President Sklar, Vice President Zavaleta & Commissioners,

All Waters Protection & Access Coalition (AWPAC) exists to protect ocean resources and the rights of anglers and freedivers so that younger generations may experience the ocean firsthand and carry on our traditions. We are a group of passionate environmental advocates dedicated to preserving the beauty and health of our oceans.

We appreciate the opportunity to comment on the Department's proposed process to evaluate the many petitions regarding potential changes to California's marine protected areas (MPAs).

As The Commission is well aware, the creation of the network of MPAs, put in place as a result of The Marine Life Protection Act, represent years of incredibly challenging work by thousands of individuals and organizations. It also represents tens of millions of dollars of taxpayer money. Out of that arduous and costly process, an almost impossible consensus was reached between stakeholders with views on the topic of marine conservation as different as night and day. What also resulted is one of the most incredible and intricate ongoing marine conservation efforts that exists in our world's oceans.

While we agree almost entirely with the general approach the Department has proposed, and in full awareness of possible redundancy with what the Department is intending to include in their process, we feel it is very important to be acutely specific when it comes to certain details. We ask that The Commission insures the process The Department ultimately follows includes these following key focuses:

Avoiding Management Changes:

We advocate against management changes to the existing marine protected area network. Please preserve the integrity of the established areas and the science and collaboration behind them.

Weigh any expansion or recharacterization against the real possibility of those changes' potential for undermining the effectiveness of our current MPAs.

Community Involvement:

We advocate for meaningful community involvement in the decision-making process. It's essential that local communities, not just conservation organizations, actively participate in shaping any changes to our MPAs.

Foster collaboration between governmental bodies and grassroots community groups.

Prioritize local voices and ensure their perspectives are considered alongside scientific expertise.

Scientific Rigor:

We emphasize the critical application of robust scientific research to specific MPA locations and goals. Base MPA management change evaluation on evidence-based data and consider ecological nuances. Rigorous science should guide decision-making. This science needs to be based on local or regional data, specific to the underlying representative habitat the MPA under questions protects.

Insure not just biological/marine science is included but also an evaluation of economic and sociological data as well.

Evaluation of Petitions:

We call for thorough evaluation of scientific information presented in petitions. Please rigorously assess the validity and relevance of research findings. Scrutinize the quality of evidence supporting proposed MPA changes.

We believe The Commissin will ultimately be able to arrive at the best decisions possible for our state's marine resources and the people who rely on them as an integral part of their lives with these focuses added to the process that department has presented.

Thank you,

Matt Bond, AWPAC

From: Matthew Bond <[REDACTED]>
Sent: Friday, March 22, 2024 7:54 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Point of concern: DFG proposed MPA petition evaluation process.



March 22, 2024

California Fish and Game Commission
715 P Street, 16th Floor,
Sacramento, CA 95814

RE: Point of concern DFG proposed MPA petition evaluation process.

President Murray, Vice President Zavaleta & Commissioners,

As we embark together on this journey of ratifying a process to evaluate and move toward action on the numerous MPA related petitions before the Commission, we want to highlight the obvious point that transparency and objectivity are paramount to equitable outcomes for all stakeholders involved and serve as the foundation of the trust the citizens of California put in the Commission as stewards of our marine resources.

With this in mind, we want to express our potential serious concerns should the eventual process permit any non-public sector entity, group, or organization to facilitate disparate stakeholder input gathering, provide funding, forum, or facilitation for disparate stakeholder group consensus building, or any other function of data collection or transmittal to the Department, the Commission, or any of their proxies. This is especially significant when unrelated stakeholder groups are represented in such data or analysis that commissioners may use to inform their opinions regarding stakeholder engagement and public perception of the various petitions before the Commission.

It is well established that factors such as facilitator selection, choice of agenda, meeting design, timing, and robustness of stakeholder outreach and inclusion can have profound influence on outcomes of discourse and consensus. In fact, manipulation of one or a multiple of these inputs can be used to lead participants toward predetermined, biased outcomes.

Uniformity of stakeholder input collection methodology and delivery are critical for the legitimacy of this process.

During the public input and discussion session, after the Department presented their proposal for process at the March MRC meeting, the topic of information gaps outlined in “Bucket 2” (marine science, sociological, and economic) came up. The conversation moved to address expected budgetary and manpower challenges related to filling these gaps, should individual petitions require extensive analysis. The leader of the MPA Collaborative Network offered her organization’s infrastructure to facilitate future stakeholder meetings if needed. She also offered to provide the Department with extensive stakeholder input and MPA working group participant consensus information that they have recorded over the last couple years during meetings they have facilitated in the 14 county wide MPA collaboratives they run. One of the MRC members thanked the speaker and remarked that before the MPA collaborative Network offered, he was thinking that “one or more of the collaboratives” were perfectly situated to help the Department and Commission in this area.

The concern with this is that the MPA Collaborative Network is solely funded by the Resource Legacy Fund (RLF) (1). RLF states themselves: “(RLF) designs and administers initiatives for philanthropic foundations and individuals that result in significant conservation outcomes” (2). As we are sure the Commission is well aware, RLF was instrumental in lobbying for the legislation which eventually became the MLPA, they entered into a public/private partnership with the state to overtly fund around half of the MLPA process. In this, they were permitted to create the advisory groups which steered the entire process; The Blue Ribbon Task Force (BRTF) and the Master Plan Team.

The Commission is probably equally aware that there were several lawsuits which sprung out of the MLPA process. One in particular, The Partnership for Sustainable Oceans Et al. Vs CFGC, resulted in a ruling that gives us clear guidance on how privately funded entities working with The Commission are treated when looking through the lens of "open and transparent" processes as outlined in the Public Records Act. “In this case, the Court declared that the BRTF and Master Science Team were "public bodies”(3). According to the Court: "Based on the facts present here, they cannot be characterized as private contractors or consultants or truly independent advisory bodies, but are "State bodies" engaged in state governmental decision making” (4).

Should inevitable funding and time deficiencies put the Commission, Department or their proxies in a position where public private partnerships are necessary, we urge the commission to head the legal lessons learned from the original MLPA process and apply the “open and transparent” standard to any privately funded entity doing work for the Department, Commission, or their proxies. Further, we ask that if these of arrangements are entered into, a purely public sector representative should be present and all public sector meeting protocols be followed. In addition, we ask that the meetings be recorded and include a video teleconference option in order to ensure robust participation from a variety of stakeholder groups.

Sincerely,

Matt Bond
AWPAC
San Jose, CA

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- 1) MPA collaborative network website "about us"
 - 2) <https://opc.ca.gov/marine-protected-areas/partnerships/>
 - 3) [https://en.m.wikipedia.org/wiki/Marine Life Protection Act](https://en.m.wikipedia.org/wiki/Marine_Life_Protection_Act)
 - 4) <https://en.m.wikipedia.org/wiki/>



April 4, 2024

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically via fgc@fgc.ca.gov

RE: Comments on Fish and Game Commission April 17, 2024 Meeting Agenda Item 9B - Marine Resources Committee, MPA Petition Review Process

Dear President Murray and Honorable Commissioners:

The undersigned organizations are dedicated to ocean protection in California, with a long history of working on marine protected area (MPA) management, research, compliance, education, and outreach. We strongly support the Fish and Game Commission (FGC) and staff's commitment to meeting the goals of the Marine Life Protection Act (MLPA) through ongoing support of the Marine Protected Area Network. As the FGC and California Department of Fish and Wildlife (CDFW) continue the review and evaluation of petitions to modify California's MPA Network, our organizations respectfully make the following requests in regard to petition review:

1. There should be a dedicated FGC MRC session for petition review,
2. A transparent evaluation criteria and rubric for petition review should be developed, and
3. Changes to the MPA network must ultimately strengthen, not weaken the network, and must be based on the best available science.

These requests are further detailed below:

1) There Should be a Dedicated FGC MRC Session for Petition Review.

On February 14, 2024, FGC referred all petitions for regulatory change to the California MPA Network to CDFW for further analysis, and on March 19th, 2024, CDFW provided the Marine Resources Committee (MRC) and the public an overview of how those petitions will be reviewed. We write to respectfully reiterate previous requests to MRC and staff to arrange for a special meeting of the MRC committee dedicated solely to the review of the 20 petitions. In the case of some petitions, local organizations have been vigorously supporting MPA management and monitoring for a decade and deserve the opportunity to meaningfully advocate for their proposals. Our groups would also like to be able to make clear to our networks how to engage so that our stakeholders know when and where to show up to be most effective and are given advance notice to understand the content of the meeting. A special petition review MRC meeting would help efficiently facilitate needed engagement and input to reinforce community feedback.

2) A Transparent Evaluation Criteria and Rubric for MPA Petition Review Should be Developed.

We urge CDFW and FGC to ground their previously noted Petition Review Criteria, captured in the FGC Staff Report “Summary of Marine Protected Area (MPA) Regulation Change Petition Framework Discussion,” in a formal rubric for evaluating petitions to clarify the process of selection and ensure equitable and objective review. The evaluation framework should consist of a “grading” rubric, where petitions can be evaluated against specific criteria; each with a quantifiable rating scale so that there is equity and transparency for all stakeholders. This grading process should allow for flexibility. For example, some petitions may not hit every criteria element, but in total may have the potential to rate highly.

In addition, we request the opportunity to provide feedback on the evaluation rubric before finalization and implementation. Many of the undersigned organizations have invested heavily to support outreach, education, compliance, and enforcement of the MPA Network, and hold invaluable information about local issues impacting the MPAs and their insight would be essential to the development of this rubric. We recognize that the development of this rubric would be an additional step in this process, but would be an invaluable tool and would increase efficiency in the review of petitions down the line.

3) Changes to the MPA Network Must Ultimately Strengthen, Not Weaken the Network, and Must be Based on the Best Available Science.

Our organizations support petitions that strengthen — not weaken — the MPA Network. Petitions aimed at weakening the MPA Network are contrary to the very goals of the MLPA and the Decadal Management Review (DMR) and should not be considered. The MLPA was enacted to “protect the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems” and is founded upon science-based management. CDFW and FGC’s petition review priorities must include evaluation of petitions based on supporting evidence from best available science. Where local data is available, it must be used to inform decision-making; and where it is not, credible and relevant science from the global community should be referenced.

Science from other regions that informs adaptive management of MPA networks, for instance, can be highly relevant to ecosystems and management types in California. Considerable advances in the global scientific understanding of MPA management have occurred over the past decade, which must be applied to adaptive management of the MPA Network. As we move into the critical phase of evaluating petitions and continue to urge that all petition reviews be based on the best available science, our organizations feel it is relevant to elevate key findings to both FGC and CDFW and highlight how both local and relevant global data could be used in determining what changes should be made to the California MPA Network.

For example, a brand-new study published just last month found great economic benefits of MPAs for fishing and tourism industries. The study looked at 51 MPAs in over 30 countries¹ and concluded that in every case the existence of those MPAs boosted either fishing or tourism – with profits sometimes in the billions of dollars. Significantly, the study finds no evidence anywhere, at any time, that MPAs imperil the fishing industry, even in those places with outspoken opposition to ocean protection, and the MPAs delivering the greatest economic benefits were of the highest protection: “no-take” marine reserves.² This is just one example of new MPA research that, while not exclusive to California, can provide critical insight into the significance of MPAs and their beneficial impact across many stakeholders.

In closing, as the review of MPA petitions and overall MPA adaptive management decisions must be made keeping coastal access in mind, we remind FGC and CDFW that “access” to California MPAs goes far beyond fishing. Opportunities that facilitate diverse ocean and coastal use and enjoyment should be considered when reviewing a petition’s contribution to increased access. Notably, [MPA Watch](#) data shows that the vast majority (~97.5%) of ocean activities across more than 1.5 million data points in and around MPAs are recreational and non-consumptive activities such as wildlife viewing, leisure and relaxation, swimming, surfing, and diving. We urge the prioritization of petitions that would increase access to highly protected MPAs with the ecological benefits they confer, and to advance the MLPA, particularly Goal 3: “To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.”

Thank you for your consideration of these comments, and we look forward to continued collaboration.

Sincerely,

Laura Walsh
California Policy Manager
Surfrider Foundation

Emily Parker
Coastal and Marine Scientist
Heal the Bay

Rikki Eriksen, PhD
Marine Spatial Ecologist
California Marine Sanctuary Foundation

Chelsea Hsin-Feng Tu
Executive Director
Monterey Waterkeeper

¹ Costello, M. J. . (2024). Evidence of economic benefits from marine protected areas. *Scientia Marina*, 88(1), e080.
<https://doi.org/10.3989/scimar.05417.080>

² Ibid

Ashley Eagle-Gibbs, Esq.
Executive Director
Environmental Action Committee of West
Marin

Laura Deehan
State Director
Environment California

Azsha Hudson
Marine Conservation Analyst
Environmental Defense Center

Lisa Gilfillan
Conservation Manager
WILDCOAST

Tomas Valadez
CA Policy Associate
Azul

Michael Quill, PhD
Marine Programs Director
Los Angeles Waterkeeper

Ray Hiemstra
Associate Director
Orange County Coastkeeper

Scott Webb
Director of Advocacy
Resource Renewal Institute

Penny Owens
Education & Outreach Director
Santa Barbara Channelkeeper

Greg Helms
California State Fisheries Director
Ocean Conservancy

From: Blake Hermann [REDACTED] >

Sent: Tuesday, June 25, 2024 07:58 AM

To: FGC <FGC@fgc.ca.gov>

Subject: Comment to July MRC Meeting

Hello,

The attached comment concerns the MPA petitions' proposed binning, and includes points felt to be important regarding the process as we move forward.

Thank you,
Blake Hermann

Letter to MRC

Regarding Petition2023-15MPA and Future Process (Phase 2 and 3)

Dear Marine Resource Committee,

As the petitioner of Petition2023-15MPA, I would like to comment on the set bins of the 20 MPA related petitions and provide additional process commentary on possible future analysis of the petitions as we move into phases 2 and 3.

I would like to first say that the bin rankings all appear justified and are generally in line with what was expected by my local community. In terms of my own petition and its bin 2 placement, it is understandable that redesignation of existing SMRs/FMRs to SMCAs/FMCAs is a process that should allow for more in-depth analysis and input from interested parties (state and federal agencies, governmental and non-governmental organizations, and the public). This binning is something I, as the petitioner, expected. Because of this, I have been working to garner as much input from other sources as possible.

Since petition submittal, I have kept communication lines open with participants in the original MPA network process around the Channel Islands such as this Commission and CDFW. Additionally, federal bodies like CINMS, NMFS, and the PFMC are also following this petition and are either following the state along its process or developing their own input evaluation procedures. This federal inclusion is due to the federal overlap of the MPAs the petition discusses requiring input, recommendations and possible amendments be made by these federal groups through their own processes.

For the process as a whole, as we transition into phase 2 of the petition process, I would like to emphasize a few points that I believe are needed for both the petitioners and the public to best engage with the FGC, MRC, and CDFW through this process.

- The required additional policy guidance, input, or resources from other parties that is required to move a bin 2 petition forward must be specific, giving us petitioners and the public the most information possible on what is needed for each petition to move forward.
 - Rationale - This is so petitioners and the public may know what must be done prior to the petition before possibly moving forward into phase 3 of the evaluation process and to have the chance to actively participate in these additional input processes/meetings.
- If there is no need to group petitions into the same timeline, a petition's movement through the process should be at its own pace, not held back or accelerated by other petitions. Individual actions of a specific petition could be bundled if it makes sense, but bin 1 or 2 petitions that have acquired all the relevant data or input should not be held up by those that are still in the data gathering process.
 - Rationale – Will allow the process to work piecewise overtime vs in large jumps in pace. Additionally, those interested in multiple petitions can better

schedule involvement in the process if petitions streamline out as they wrap phase 2/3, versus having large meetings where all of a bin's petitions are considered, and a multitude of organizations and individuals present.

- If it is determined that meetings (FGC, MRC, or special meetings) need to be held to gauge public insight on specific petitions, meetings should be held locally as is practical to the areas where the petitions are affecting. In some cases, for those petitions affecting large areas of the state, multiple meetings may be required.
 - Rationale – Would allow for the best chance of input from local stakeholders that individual petitions are affecting the most.

I would like to thank DFW, for completing the binning phases of the petition process, and the FGC, and MRC for their efforts thus far in this decadal adaptive management process. I look forward to future discussions related to these petitions.

Thank you,
Blake Hermann

From: Chris Killen <[REDACTED]>
Sent: Monday, July 22, 2024 10:11 PM
To: FGC <FGC@fgc.ca.gov>
Subject: MPA Petition Process Concerns

Dear Executive Director Miller-Henson

My name is Chris Killen and I am the CEO of Allwaters Protection and Access Coaliton. Allwaters exists to advocate for the protection of our precious marine resources as well as to defend fishing access for all Californians, particularly for future generations and those who don't have a voice in our conservation and marine fisheries management decisions but will be deeply impacted by the paths we choose.

We are writing to express serious concerns with the process proposed by The Department and adopted by The Commission to evaluate the 20 or more Marine Life Protection Act (MLPA) related petitions, and the over 80 individual actions they contain presently before The Commission.

The MLPA, and the 2008 and 2016 Master Plans for Marine Protected Areas (MPM) lay out clear processes and public expectations for how decisions regarding the siting of new MPAs and major modifications of existing MPAs will be handled, with particular focus on the areas of stakeholder and tribal input, independent scientific and economic impact review, and the necessity of securing sufficient funding in MLPA related MPA creation and expansion. We feel many key tenets of these Commission adopted documents are being ignored.

There are numerous sections of directives contained in MLPA, and the 2008 and 2016 MPMs which are not being followed because of what we are being told are budgetary/resource shortfalls. Instead of the robust, inclusive, objective, process promised in the MLPA, followed in the 2008 MPM, and delineated in the 2016 MPM, The Department and Commission have decided on a process which relies on only The Department's and their own subject matter expertise, admittedly has no dedicated funding source for both the mandated analysis, creation, implementation, management, outreach, education, monitoring, and enforcement of any new or expanded MPAs which may result, and only allows for public input leading up to or during Commission meetings.

We feel this approach to public comment and stakeholder engagement is particularly harmful. It only allows for a very select class to be able to participate. The vast majority of Californians have no idea this process is taking place. Of those who do, the chosen plan allows for input from only those privileged few who work for an entity with interest in the outcome of this process, or from those individuals whose economic or life circumstance allows them the luxury of time to either follow remotely and write public comment, or show up to a live meeting during the work week. At live meetings, comment is almost always limited to 90 seconds; not nearly enough time to express detailed and nuanced opinions and concerns. Those vulnerable individuals and communities, who rely most on the health of our ocean and their local access to catch fish in order to feed their families, are mostly excluded by the current process. The only language being spoken at the commission meetings is English and we know of no outreach or education in an effort to include the voices in this already live process of communities that do not call English their native tongue.

The Commission and Department have publicly recognized shortcomings with the lack of inclusion of the Tribal Community and traditional knowledge in the first phase of the MLPA process. A lot of great work has been done by those agencies to avoid future harm to that very important and historically mistreated group in our marine ecosystems and fisheries management decisions. The addition of a new tribal liaison to The Commission team is a wonderful example of this commitment to justice and inclusion. But we fear the approach The Commission and Department are now taking toward stakeholder input has the potential to create the circumstance for other marginalized and unrecognized communities and people to be excluded from, and hurt by, the ultimate decisions around these petitions.

The adherence to the prescribed process The MLPA included for stakeholder participation, science and economic advisory panels, secured funding sources, and interagency cooperation, and their execution in the carrying out of the 2008 MPM established for the public at minimum a strong expectation, and likely an actual precedent, that a mostly identical process would be followed going forward, should new MPAs or major modifications to existing MPAs be considered.

A second but related concern is that there is an arbitrary haste in this petition review process which is absolutely counter to the importance of the task. It is dangerous to ignore the fine detail the drafters of the MLPA and MPMs very purposefully gave us in how to design, implement, and adaptively manage the most successful MPA network in existence. In fact, the stakes are even higher now in our management of our marine environments as compared to when the MLPA was written and our network implemented. In light of what we now know about the potential ravages of climate change, marine heat waves, and a myriad of other potential harm causing stressors to our marine ecosystem, we need to act with extreme care and be incredibly methodical in analyzing every aspect of management decisions. This critical work cannot be done properly without a sufficient budget and without as much time as it takes to do it right.

Department staff and Commission members both have repeated the sentence “we can’t (or don’t want to) do a “MLPA 2.0”” in public meetings. We again are told that this is because of lack of resources. It is very clear in the examples the two failed attempts to initiate the original MLPA provide us that proper funding is critical to the ultimate success of MPA projects. The MOU between our state and Resource Legacy Fund, which was the differentiator between the two failures and our current success, was so pivotal in its enablement of our network that the need to secure similar, sufficient, funding for new MPAs or expansions of existing MPAs has been enshrined as one of the core tenants of the 2016 MPM. This begs the question, if there isn’t now enough money or time to do this as prescribed in the MLPA and MPM, why aren’t these petitions tabled until proper resources can be allocated?

It is easily argued that California’s ocean and marine resources are both one of its most valuable attributes as well as one of its most complex and fragile. More than 20 years ago concerns of severe degradation and future risks facing these resources, voiced by leading environmental groups, scientists, members of the fishing community, and many other diverse stakeholder groups, the state legislature passed the MLPA and The Department, Commission and other state and private organizations dutifully and successfully implemented one of the most extensive marine conservation projects ever undertaken. The MLPA serves as a global model of exceptional marine conservation.

We now find ourselves with a warming climate and many unknowns with regard to the future

health of our marine ecosystems. What the MLPA and MPM provide us in these challenging circumstances are proven methodologies to follow in the consideration of the use of MPAs as part of an overall ecosystem level protection strategy. To deviate from this guidance now, particularly in light of the aforementioned increased risk factors and because of budgetary shortfalls, is not only shortsighted, but could result in tremendous wasted resources, loss of public support, and actual harm to our ocean and our state's population who depend on it for their health, recreation, nutrition, and income.

Because of these concerns and the provided rationale, we ask that you dismantle the current process you have adopted and replace it with the one prescribed in the MLPA, which resulted in the 2008 and 2016 MPMs and which was followed to create and manage the amazing network of MPAs now off our coast. And further, if lack of dedicated funding and resources, as demanded in the 2016 MPM, are not allowing The Department and Commission to carry out the robust, objective, and inclusive review process of these petitions, we expect you to wait until the promised and proven process can be successfully carried out.

Respectfully,

Chris Killen
CEO
Allwaters PAC

From: Matthew Bond <[REDACTED]>

Sent: Monday, August 26, 2024 11:47 AM

To: FGC <FGC@fgc.ca.gov>

Subject: MLPA DMR Petition Review Process Consideration

Dear Executive Director Miller-Henson, President Murray, Vice President Zavaleta, and Commissioners Hostler-Carmesin, Anderson, and Sklar,

During the discussion on the MPA petition binning process at the August 17th Fish and Game Commission meeting, Commissioner Hostler-Carmesin expressed the idea that the MLPA DMR petition review process being held at the MRC and then reported out might be “hindering her ability to interact”, ask questions, and engage in crucial discussions in real time. She expressed trust and faith in the co-chairs of the MRC, but noted process constraints presented by that body working separately and then reporting out findings and decisions to the full commission at a later date. She alluded that important nuances of the MRC discussions might be suffering from loss of detail in translation from the Committee to the full Commission. She also explained that time constraints make it very difficult, if not impossible, for her to review every meeting recording to understand the full conversation behind and basis for recommendations.

These comments from Commissioner Hostler-Carmesin were just a small part of a very robust dialogue amongst many members of the Commissioners, Department and Staff. The viewpoints, concerns, and suggestions with regard to how to most equitably, impactfully, and in an economically and legally feasible manner, carry on in this process were incredibly varied and intricate. Several stark differences of opinion on how to proceed were explored. This led to a very strained effort for the Commission to even verbalize a motion to carry forward.

After reviewing these exchanges several times it occurred to us that the only reasonable path forward is to have the full Commission work on this very complex and important issue together and at the same time. In a process which seems from the beginning to be short on funding and time, we need to do everything in our power to not also deprive it of crucial input and discussion from the broadest group of resource managers available.

We have argued previously that this review of the MLPA DMR adaptive management petitions should be following the protocols in the Master Plan for MPAs as adopted by The Commission in 2008 and again in 2016. A foundational point of this argument is that the magnitude of the task at hand, its complexity and nuance, and the potential impact to fishing and ecosystems in California make it distinct from a “normal” petition review The Commission handles.

We apply the same logic in this request to have the full Commission work on these petitions while all in the same room at the same time. The results of the full Commission's attention will be superior to what can be achieved through the MRC venue in a task this enormous and complex. It is not fair or realistic to expect equal results to those of the full Commission if just the two hardworking, skilled and caring members of the MRC continue to have to analyze all the information at hand, receive stakeholder input, synthesize discussion, and then transmit to the full Commission by themselves. The potential impacts from the eventual outcome of this process, to both our marine environment and the lives of Californians, demands an "all hands on deck" approach.

A very important extension of the points made above is that intra-Commissioner discussions, on the complicated opportunities and problems these petitions present, is limited when the process plays out only between the members of MRC. Commissioners are restricted by The Brown Act in their ability to have needed, multi-participant, conversations. This review process requires every bit of the expertise, stakeholder relationships, and diverse viewpoints all five Commissioners bring to the table. Running the process outside of the full Commission truly hobbles mandatory dialogue.

Equity in access for stakeholders is a key tenet of this process. The frequency and quality of stakeholder input opportunities are less if the MRC remains the forum for the petition review process. The number of full Commission meeting is more than double that of MRC meetings. And where as MRC meetings are designed to be more of an open dialogue between public attendees and the two Commissioners, full Commission meetings are better set up for more formal written and verbal stakeholder input. Their frequency is also more in sink with the tribal meeting calendar and will allow for more timely delivery of information to and input from that important and stakeholder group.

From a budgetary standpoint, it appears to us that the efficiency of having five Commissioners work on issues at the same time could potentially result in overall less meetings needed. There might need to be a third day added to Commission meetings. But this still seems more efficient and less costly than the current system of holding an extra day at the MRC meetings, waiting for the Commission meeting and the MRC delivering the results of their meeting to the full Commission, the full Commission then questioning and voting, then often kicking back questions to the MRC to discuss at their next meeting, and following this cycle all over again.

It is for these reasons we believe moving the venue of the MLPA DMR petition process to the full Commission instead of keeping it at the MRC is critical to the best, most equitable, outcomes in this important work.

Thank you for taking the time to consider this input, as well as for your dedication to caring for the natural resources and people of California.

Appreciatively,

Matt Bond

Allwaters

From: Matthew Bond
Sent: Thursday, October 24, 2024 8:28 AM
To: fgc@fgc.ca.gov
Cc: Christopher Killen
Subject: Nov. 6th 2024 MRC Meeting Agenda Item 2 a&b Commnet.

Dear Members of the California Fish and Game Commission,

Thank you for the difficult work you are doing as volunteers to steward California's natural resources.

In light of some concerning comments and exchanges by Commissioners and Department leadership at recent Commission and MRC meetings about how MPA petitions may or may not be scientifically analyzed, which forum (full commission or MRC) should be used to discuss these petitions, and if petitioners should be allowed to modify their petitions (contrary to the normal petition process), we bring the Commission's attention to Section 2855 (a) of the MLPA, which called for the creation of a guiding document for the creation and implementation of the MLPA:

“The commission shall adopt a master plan that guides the adoption and implementation of the Marine Life Protection Program adopted pursuant to Section 2853 and **decisions regarding the siting of new MPAs and major modifications of existing MPAs.**”

In sending this passage to the Commission we hope to remind you that your group is a constitutional rule making body that was vested the authority to implement the MLPA. The Commission, through an extensive, science based, costly, and public process, adopted a network of MPAs and the guidance document for their management. The management document was adopted through your authority in August 2016 and is known as **the Master Plan for MPAs (Master Plan)**. This plan lays out clearly how any amendments to the network should be considered. If the Commission determines they need to change the adaptive process, they

have the authority to amend that plan through their deliberate process. We can find no mention in the Master Plan of an instance where the creation of a completely new process to consider MPAs, like the one you are following now, is authorized or even recommended.

It is our opinion that the choice to abandon the Master Plan and instead implement the ad hoc process you are currently following is directly contrary to the expectation the public has from your creation and adoption of the Master Plan. The aforementioned problematic comments by leadership are an example of the resulting confusion and lack of rigid guidance due to this choice. The Master Plan was specifically designed for this very situation. It calls for a science-based process, with clear funding mechanisms, and provides a very detailed description of how changes to MPAs must be approached. The following excerpt from the 2016 Master Plan, Appendix A, Page A-13 makes abundantly clear the creation of any new, or major modification to existing, MPAs is expected to follow the same process as the original MLPA:

“The MLPA also requires that MPAs be managed as a network, to the extent possible, implying a coordinated system of MPAs. MPAs might be linked through biological function, as in the case of adult and juvenile movement or larval transport. However, MPAs managed as a network might also be linked by administrative function. The important aspects of this interpretation are that MPAs are linked by common goals and a comprehensive management and monitoring plan, and that they protect areas with a wide variety of representative habitats as required by the MLPA. **MPAs in a network should be designed based on the same guiding principles, design criteria, and processes for implementation. In this case, a statewide network could be one that has connections through design, funding, process, and management. At a minimum, the Master Plan should insure that the statewide network of MPAs reflects a consistent approach to design, funding, and management.** The desired outcome would include components of both biological connectivity and administrative function to the extent that each are practicable and supported by available science.”

On July 28th, 2024 we sent a message to Executive Director Miller-Hensen and Director Bonham expressing serious concerns with the

decision by The Department and Commission to design a new process to evaluate the MLPA DMR related petitions before the Commission and ignore the policy mandates and very clear process guidance included in the Master Plan on how new, or major changes to existing, MPAs should be considered. Our July comment is included in its entirety below:

The MLPA, and the 2008 and 2016 Master Plans for Marine Protected Areas (Master Plans) lay out clear processes and public expectations for how decisions regarding the siting of new MPAs and major modifications of existing MPAs will be handled, with particular focus on the areas of stakeholder and tribal input, independent scientific and economic impact review, and the necessity of securing sufficient funding in MLPA related MPA creation and expansion. We feel many key tenets of these Commission adopted documents are being ignored.

There are numerous sections of directives contained in MLPA, and the 2008 and 2016 Master Plans which are not being followed because of what we are being told are budgetary/resource shortfalls. Instead of the robust, inclusive, objective, process promised in the MLPA, followed in the 2008 Master Plan, and delineated in the 2016 Master Plan, The Department and Commission have decided on a process which relies on only The Department's and their own subject matter expertise, admittedly has no dedicated funding source for both the mandated analysis, creation, implementation, management, outreach, education, monitoring, and enforcement of any new or expanded MPAs which may result, and only allows for public input leading up to or during Commission meetings.

We feel this approach to public comment and stakeholder engagement is particularly harmful. It only allows for a very select class to be able to participate. The vast majority of Californians have no idea this process is taking place. Of those who do, the chosen plan allows for input from only those privileged few who work for an entity with interest in the outcome of this process, or from those individuals whose economic or life circumstance allows them the luxury of time to either follow remotely and write public comment, or show up to a live meeting during the work week. At live meetings, comment is almost always limited to 90 seconds; not nearly enough time to express detailed and nuanced opinions and

concerns. Those vulnerable individuals and communities, who rely most on the health of our ocean and their local access to catch fish in order to feed their families, are mostly excluded by the current process. The only language being spoken at the commission meetings is English and we know of no outreach or education in an effort to include the voices in this already live process of communities that do not call English their native tongue.

The Commission and Department have publicly recognized shortcomings with the lack of inclusion of the Tribal Community and traditional knowledge in the first phase of the MLPA process. A lot of great work has been done by those agencies to avoid future harm to that very important and historically mistreated group in our marine ecosystems and fisheries management decisions. The addition of a new tribal liaison to The Commission team is a wonderful example of this commitment to justice and inclusion. But we fear the approach The Commission and Department are now taking toward stakeholder input has the potential to create the circumstance for other marginalized and unrecognized communities and people to be excluded from, and hurt by, the ultimate decisions around these petitions.

The adherence to the prescribed process The MLPA included for stakeholder participation, science and economic advisory panels, secured funding sources, and interagency cooperation, and their execution in the carrying out of the 2008 Master Plan established for the public at minimum a strong expectation, and likely an actual precedent, that a mostly identical process would be followed going forward, should new MPAs or major modifications to existing MPAs be considered.

A second but related concern is that there is an arbitrary haste in this petition review process which is absolutely counter to the importance of the task. It is dangerous to ignore the fine detail the drafters of the MLPA and Master Plans very purposefully gave us in how to design, implement, and adaptively manage the most successful MPA network in existence. In fact, the stakes are even higher now in our management of our marine environments as compared to when the MLPA was written and our network implemented. In light of what we now know about the potential ravages of climate change, marine heat waves, and a myriad of

other potential harm causing stressors to our marine ecosystem, we need to act with extreme care and be incredibly methodical in analyzing every aspect of management decisions. This critical work cannot be done properly without a sufficient budget and without as much time as it takes to do it right.

Department staff and Commission members both have repeated the sentence “we can’t (or don’t want to) do a “MLPA 2.0”” in public meetings. We again are told that this is because of lack of resources. It is very clear in the examples the two failed attempts to initiate the original MLPA provide us that proper funding is critical to the ultimate success of MPA projects. The MOU between our state and Resource Legacy Fund, which was the differentiator between the two failures and our current success, was so pivotal in its enablement of our network that the need to secure similar, sufficient, funding for new MPAs or expansions of existing MPAs has been enshrined as one of the core tenants of the 2016 Master Plan. This begs the question, if there isn’t now enough money or time to do this as prescribed in the MLPA and Master Plans, why aren’t these petitions tabled until proper resources can be allocated?

It is easily argued that California’s ocean and marine resources are both one of its most valuable attributes as well as one of its most complex and fragile. More than 20 years ago concerns of severe degradation and future risks facing these resources, voiced by leading environmental groups, scientists, members of the fishing community, and many other diverse stakeholder groups, the state legislature passed the MLPA and The Department, Commission and other state and private organizations dutifully and successfully implemented one of the most extensive marine conservation projects ever undertaken. The MLPA serves as a global model of exceptional marine conservation.

We now find ourselves with a warming climate and many unknowns with regard to the future health of our marine ecosystems. What the MLPA and Master Plans provide us in these challenging circumstances are proven methodologies to follow in the consideration of the use of MPAs as part of an overall ecosystem level protection strategy. To deviate from this guidance now, particularly in light of the aforementioned increased

risk factors and because of budgetary shortfalls, is not only shortsighted, but could result in tremendous wasted resources, loss of public support, and actual harm to our ocean and our state's population who depend on it for their health, recreation, nutrition, and income.

Because of these concerns and the provided rationale, we ask that you dismantle the current process you have adopted and replace it with the one prescribed in the MLPA, which resulted in the 2008 and 2016 Master Plans and which was followed to create and manage the amazing network of MPAs now off our coast. And further, if lack of dedicated funding and resources, as demanded in the 2016 Master Plan, are not allowing The Department and Commission to carry out the robust, objective, and inclusive review process of these petitions, we expect you to wait until the promised and proven process can be successfully carried out.

Respectfully,

Matt Bond
Allwaters PAC

Via electronic copy

December 5, 2024

Dear President Murray, Vice President Zavaleta, Commissioners Hostler-Carmesin, Anderson, and Sklar, and Executive Director Miller-Henson;

During the discussion on the MPA petition binning process at the August 17th Fish and Game Commission meeting, Commissioner Hostler-Carmesin expressed the idea that the MLPA DMR petition review process being held at the MRC and then reported out might be “hindering her ability to interact”, ask questions, and engage in crucial discussions in real time. She expressed trust and faith in the co-chairs of the MRC, but noted process constraints presented by that body working separately and then reporting out findings and decisions to the full commission at a later date. She alluded that important nuances of the MRC discussions might be suffering from loss of detail in translation from the Committee to the full Commission. She also explained that time constraints make it very difficult, if not impossible, for her to review every meeting recording to understand the full conversation behind and basis for recommendations. These comments from Commissioner Hostler-Carmesin were just a small part of a very robust dialogue amongst many members of the Commissioners, Department and Staff.

After reviewing these exchanges several times it occurred to us that the only reasonable path forward is to have the full Commission work on this very complex and important issue together and at the same time. In a process which seems from the beginning to be short on funding and time, we need to do everything in our power to not also deprive it of crucial input and discussion from the broadest group of resource managers available.

We have argued previously that this review of the MLPA DMR adaptive management petitions should be following the protocols in the Master Plan for MPAs as adopted by The Commission in 2008 and again in 2016. A foundational point of this argument is that the magnitude of the task at hand, its complexity and nuance, and the potential impact to fishing and ecosystems in California make it distinct from a “normal” petition review the Commission handles.

We apply the same logic in this request to have the full Commission work on these petitions while all in the same room at the same time. The results of the full Commission’s attention will be superior to what can be achieved through the MRC venue in a task this enormous and complex. It is not fair or realistic to expect equal results to those of the full Commission if just the two hardworking, skilled and caring members of the MRC continue to have to analyze all the information at hand, receive stakeholder input, synthesize discussion, and then transmit to the full Commission by themselves. The potential impacts from the eventual outcome of this process, to both our marine environment and the lives of Californians, demands an “all hands on deck” approach.

We recommend adding an additional day of deliberation on the front of back end of the Commission schedule to absorb this workload. We further recommend that day of discussion

follow the MRC format, allowing for open and robust dialogue between Commissioners, petitioners, stakeholders and other members of the public. In addition, the number of full Commission meeting is more than double that of MRC meetings, allowing for more time to slow down and really dig into the more complex issues (now that we have resolved Bin 1 petitions).

It is for these reasons we believe moving the venue of the MLPA DMR petition process to the full Commission as an additional day of meetings on either the front or back of the Commission meeting, and holding the process the same as the MRC meeting to allow free flowing dialogue between all interested parties, is critical to ensuring the best outcomes in this important work.

Thank you for taking the time to consider this input, as well as for your dedication to caring for the natural resources and people of California.

Sincerely,

Mark Smith

On behalf of:

Coastal Conservation Association of California (Wayne Kotow)

All Waters Protection and Access Coalition (Matt Bond)

Backcountry Hunters and Anglers (Devin O'Dea)



January 30, 2025

California Fish and Game Commission
Marine Resources Committee
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

**RE: Comments on Fish and Game Commission February 2025 Meeting Agenda Item 27 C
II: Amendments to marine protected area (MPA) petitions**

Dear President Murray and Honorable Commissioners:

We want to first thank the Fish and Game Commission (FGC) and the California Department of Fish and Wildlife (CDFW) staff for their dedication to the adaptive management process of California's marine protected areas (MPA). The undersigned organizations – representing the public interest, marine science and environmental justice advocates, and recreational and

subsistence fishing interests – in collaboration with FGC and CDFW, are working to ensure that our MPA network is resilient to increasing stressors on the marine environment.

We write with two recommendations that pertain to the MPA network adaptive management process. The first supports a robust and inclusive public process, and the second applies to the overarching frame of the MPA adaptive management process.

- 1) We recommend the FGC retain Marine Resources Committee (MRC) meetings for MPA adaptive management discussions.
- 2) CDFW and FGC should refer to the 2016 Marine Life Protection Act (MLPA) Master Plan (Master Plan) for guidance on adaptive management of the MPA network. The Master Plan explicitly states that the ten-year adaptive management process should account for current and future ocean threats and conditions.

Recommendation 1: The MRC forum is crucial for transparent and collaborative public participation in MPA management.

The MRC plays a critical role as an official forum for discussion and shared learning, and we request that the MRC continues to be the forum for MPA decadal management review (DMR) discussions, which allows for more open and constructive dialogue. The MRC provides a unique space where agency staff, anglers, students, community members, NGO representatives, and scientists can engage in clarifications, relationship-building, and meaningful conversation. The MRC's structure emphasizes robust public engagement – essential for informed decision-making – by facilitating conversational discussions that include clarifying questions and explanations of positions. This format, coupled with recorded meetings, ensures transparency and accessibility for those unable to attend. The informal nature of MRC meetings fosters a collaborative environment where potential decisions can be explored, questioned, and refined.

Many communities were excluded, intimidated, or made to feel unwelcome in the MPA designation process.¹ Yet another reason to prioritize retaining the MRC meeting format is that it may offer a more accessible opportunity for public participation in what is otherwise a difficult meeting format to engage in. The MRC also creates a more inclusive and comfortable environment for new voices to participate, as the informal style is less intimidating. It is not feasible for the public to participate in such an iterative process in formal full FGC meetings.

We oppose shifting MPA adaptive management recommendation solely to the full FGC, since this would reduce opportunities for public participation and eliminate the more conversational format of MRC meetings, undermining the shared learning and public engagement essential to adaptive management.

¹ Grifman, P., et al. (2016). “A Study of the Stakeholder Experience in Developing Marine Protected Areas in Southern California.” https://repository.library.noaa.gov/view/noaa/43538/noaa_43538_DS1.pdf.

Recommendation 2: The adaptive management process should be responsive to current and future stressors on California’s ocean health.

California State agencies (CDFW, FGC, and the Ocean Protection Council) should frame this first-ever MPA network adaptive management process in the context of current and future ocean conditions. In previous meetings, Commissioners and CDFW staff have indicated that the adaptive management process is to result in minor modifications or tweaks to the MPA network. However, this approach may fail to protect the network and bolster California’s ocean health as new stressors arise and ocean conditions deteriorate. This adaptive management process is **the** opportunity to identify gaps in protection and should not be limited to minor tweaks if we are committed to ensuring that we protect California’s coastal resources for the future.

The 2016 Marine Life Protection Act Master Plan offers concrete guidance for adaptively managing California’s MPA network. The Master Plan notes the “need” to consider that ocean conditions will have changed by the first adaptive management review and are likely to change further, stating that the Marine Life Protection Plan (MLPP) will “need to evaluate MLPA objectives *in the context of changing ocean conditions and multiple ocean threats*, such as climate change, fishing pressure, water quality degradation, marine debris, invasive species, and other existing and emerging issues” (emphasis added).²

The changes to California’s ocean are occurring faster and more unpredictably than scientists expected,³ amplifying the impacts of current ocean stressors. For instance, the marine heatwave of 2014-2016 exacerbated the effects of sea star wasting syndrome and habitat compression has caused the number of California whale entanglements to compound.⁴ The Master Plan correctly anticipates that ocean conditions may change and that it will be necessary to evaluate the effectiveness of the MPA network in achieving the management objectives to account for this reality.⁵

² California Department of Fish and Wildlife (2016). California Marine Life Protection Act Master Plan for Marine Protected Areas. Adopted by the California Fish and Game Commission on August 24, 2016. Retrieved from www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan.

³ Emily Osborne et al., (2020). "Decadal variability in twentieth-century ocean acidification in the California Current Ecosystem." *Nature Geoscience* 13, no. 1 (2020): 43-49. doi:10.1038/s41561-019-0499-z; Andrew Leising, et al., 2023-2024 CALIFORNIA CURRENT ECOSYSTEM STATUS REPORT: A report of the NOAA California Current Integrated Ecosystem Assessment Team (CCIEA) to the Pacific Fishery Management Council, January 2024; Warren Cornwall, (2019). “Ocean Heat Waves Like the Pacific’s Deadly ‘Blob’ Could Become the New Normal,” *Science News*, Jan 21, no. 2019.

⁴ C.D. Harvell, et al., (2019), “Disease epidemic and a marine heat wave are associated with the continental-scale collapse of a pivotal predator (*Pycnopodia helianthoides*),” <https://www.science.org/doi/10.1126/sciadv.aau7042>; Ingman K, Hines E, Mazzini PLF, Rockwood RC, Nur N, Jahncke J (2021) Modeling changes in baleen whale seasonal abundance, timing of migration, and environmental variables to explain the sudden rise in entanglements in California. PLoS ONE 16(4): e0248557. <https://doi.org/10.1371/journal.pone.0248557>; Leising, et al.

⁵ California Department of Fish and Wildlife. (2016). California Marine Life Protection Act Master Plan for Marine Protected Areas. Adopted by the California Fish and Game Commission on August 24, 2016. Retrieved from www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan.

The final suite of California's 124 MPAs fell short of the Science Advisory Team (SAT) size and spacing guidelines. Ninety percent of the MPAs are smaller and almost seventy percent are farther apart than what the SAT recommended.⁶ Given that the final MPA network design fell far short of the scientific guidelines, ocean conditions have worsened, and ocean stressors are expected to increase, CDFW and FGC must consider both current and future ocean conditions in the adaptive management review. At a minimum, the adaptive management process is a once-in-a-decade opportunity to remedy some of the major connectivity, habitat representation, and size gaps reflected in the current network, as well as mitigate environmental injustices impacting un/under-represented communities and Tribes.

While we are pleased that some Fish and Game Commissioners have indicated that the adaptive management process should not weaken the MPA network, we are concerned that not addressing California's inevitable ocean challenges through this adaptive management process will adversely impact coastal communities. Our organizations urge FGC to fully consider the overarching context of California's ocean health as a frame for the adaptive management process.

Today, we face major ocean changes and an opportunity to address social inequities in ocean management,⁷ while building resilience for our MPA network and coastal communities. Otherwise, we risk losing the hard-earned benefits of protection. Thank you for considering these comments. As always, we are happy to answer any questions you may have.

Sincerely,

Katie O'Donnell
US Ocean Conservation Manager
WILDCOAST

Anupa Asokan
Founder and Executive Director
Fish On

Michael Blum
Director
Sea of Clouds

⁶ Rikki Eriksen analysis 2025 based CDFW MPA CMZ files.

⁷ Asokan, A. (2024). "Marine protected areas as a tool for environmental justice". *Frontiers in Marine Science*. Retrieved from <https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2024.1478023/full>.

Rikki Eriksen, PhD
Director Marine Programs
California Marine Sanctuary Foundation

Zoë Collins
Marine Protected Area Program Coordinator
Heal the Bay

Laura Deehan
State Director
Environment California Research and Policy Center

Sandy Aylesworth
Director, Pacific Initiative, Oceans
NRDC

Ashley Eagle-Gibbs
Executive Director
Environmental Action Committee of West Marin

Pamela Heatherington
Board of Directors
Environmental Center of San Diego

Mahtisa Djahangiri
Campaign Strategist
Sierra Club California

Chance Cutrano
Director of Programs
Resource Renewal Institute

Dan Silver
Executive Director
Endangered Habitats League

Karin Zirk, Ph.D.
Executive Director
Friends of Rose Creek

Annalisa Rush
Data Support Specialist
Eagle Eyes of False Klamath Cove

Sofia Barboza
Ocean Program Manager
Hispanic Access Foundation

Tomas Valadez
CA Policy Manager
Azul

Azsha Hudson
Marine Conservation Analyst and Program Manager
Environmental Defense Center



February 10, 2025

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Fish and Game Commissioners and Staff,

Subject: Agenda Item 27 – Committee and Department reports, Marine Resources Committee.

The California Sea Urchin Commission supports a robust and thorough process for evaluating any amendments to the existing network of MPAs as part of the decadal review. Therefore, based on the extensive experience of many of our members involved in the original MPA process, and the current amendment effort, we recommend moving all related discussions from the MRC to meetings of the full Fish and Game Commission. We believe this is the only effective and efficient way to provide a public vetting of this important issue without limiting participation of the three commissioners not on the MRC and requiring participants to use their limited time to repeat presentations and discussions at two venues.

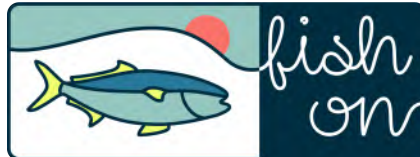
We do commend the FGC and CDFW staff for their efforts to mitigate a process that falls far short of the one promised to us by the 2016 Master Plan, the “Gold Standard” for designing and managing MPA networks. We recognize that the current funding situation does not provide the necessary resources to follow that process, although we do not understand why this effort can’t be paused until sufficient funding is secured to allow for a proper scientific and stakeholder evaluation of any proposed changes to the existing network.

If the process must proceed under the current funding constraints, we strongly urge that the full Commission make the time to host all discussions of MPA amendments in the interest of achieving the best possible outcome through effective and efficient communication.

Sincerely,

A handwritten signature in black ink, reading "David J. Goldenberg".

David J. Goldenberg
Executive Director



February 28, 2025

California Fish and Game Commission
Marine Resources Committee
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

**RE: Comments on Fish and Game Commission Marine Resources Committee March 2025
Meeting Agenda Item 5 A II: MPA Regulation Change Petitions**

Dear Vice President Murray and Commissioner Sklar:

Thank you for your continued leadership on the Marine Resources Committee and for your commitment to fostering an inclusive and transparent process as California conducts its first adaptive management process of the statewide marine protected area (MPA) network. The undersigned organizations—representing the public interest, the environment, marine science, environmental justice, and recreational and subsistence fishing interests—are working to ensure that our MPA Network is resilient to the many stressors facing our shared ocean.

We write with three recommendations that pertain to the MPA network adaptive management process. The first supports a robust and inclusive public process, and the second, and third respond to recent changes in process and scientific literature.

- 1) Clearly define outreach criteria for petitioners, set a schedule for Bin 2 petition evaluations, and specify how evaluation criteria will be weighed

- 2) Distinguish between items to be addressed in front of the full commission versus the Marine Resources Committee
 - 3) Incorporate new science in the adaptive management process to meet the Marine Life Protection Act (MLPA) requirement of considering current and future ocean conditions
-

1) Clearly Define Outreach Criteria for Petitioners, Set a Schedule for Bin 2 Petition Evaluations, and Specify How Evaluation Criteria will be Weighed

Our organizations are requesting that the Fish and Game Commission (FGC) outline specific needs and expectations for outreach associated with each petition. There has been extensive discourse in recent meetings regarding the equity of outreach communications, and as we move forward into Bin 2 petition evaluations, there should be clear expectations on this issue. The lack of clarity on this issue has led to misinformation, causing further division between interest groups in an already polarized landscape. Our organizations have deep experience in reaching out to our local communities and in engaging with diverse audiences statewide and beyond. We want to ensure a participatory process; and we also want to make sure that everyone feels safe, respected, and heard. We welcome a conversation at the Marine Resources Committee (MRC) about how to support this shared objective.

In the extensive outreach many of our organizations have undertaken, we have heard repeatedly that the execution of Recommendation 4 (i.e., Consider changes to the MPA network) is suffering from a lack of clear direction on when petitions will be evaluated. We strongly request that the Department of Fish and Wildlife (CDFW) publish a proposed schedule for Bin 2 petition evaluations and associated opportunities for public input. While we recognize that this is a dynamic and complex process, the lack of clarity on the timing for petition evaluations is creating confusion and frustration for many of the stakeholders and Tribes with whom we have connected. Many stakeholders have now been attending meetings on this topic for over a year. We understand that these processes are time-consuming – it would be helpful if future meetings could be focused on specific petitions, for instance.

Finally, we would like for the MRC to host a discussion on how each of the MPA petition criteria will be weighted in petition evaluations. Further, we would appreciate clarity around the verbal references to and documentation requirements for “historical context,” and how it will interact with the science-based criteria (e.g., climate resilience). We refer you to our letter from the February FGC meeting in which we urge the Commission to use the guidance on adaptive management from the MLPA Master Plan.

2) Distinguish Between Items to be Addressed in Front of the Full Commission Versus the Marine Resources Committee

During the February 2025 FGC meeting, commission staff had a discussion regarding commissioner attendance rules at the Marine Resource Committee (MRC) and there was interest expressed for a full-commission discussion on the elements of the petition process to ensure that all FGC Commissioners' expertise and perspectives are considered. Our organizations would first like to commend the leadership of these MRC discussions as we have found them to be extremely collaborative and balanced in their deliberations and discussions. We greatly value your balanced knowledge and expertise in coastal resource management that you bring to inform these discussions. Our coalition has repeatedly voiced support for the continuation of these informal, discussion-based settings at the MRC, and we reiterate that these meetings are crucial in ensuring perspectives from all sides of these issues are heard and considered.

This past February FGC meeting concluded with a recommendation of hosting an informal meeting that hosts the full commission instead of only the commissioners appointed to the MRC in a full commission committee meeting. Our organizations request more information about how the FGC will determine which items will be addressed in this venue. There must be a clear, transparent process for identifying which adaptive management petitions and activities will be discussed in front of the full commission. Any new meeting format will represent a shift in the petition process, and require the public to adjust its engagement with the FGC to meet new meeting cadences. It is critical for petitioners and members of the public to know what to expect with any new format, and when to expect it. It would also be helpful if advance notice is provided. We look forward to discussing this further at the upcoming MRC meeting.

3) *Incorporate New Science in the Adaptive Management Process to Meet the Marine Life Protection Act (MLPA) Requirement of Considering Current and Future Ocean Conditions*

We continue to emphasize that adaptive management recommendations and decisions must be firmly rooted in unbiased, peer-reviewed science. While anecdotal observations and emotions are valuable, scientific research has overwhelmingly demonstrated that fully and highly protected networks of MPAs benefit marine ecosystems and organisms. We all want to ensure that our coastal resources are abundant and sustainable for generations to come.

We request that CDFW consider recently published, peer-reviewed articles related to MPAs:

- a) **Asokan, A. (2024). “Marine protected areas as a tool for environmental justice.” *Frontiers in Marine Science*. <https://doi.org/10.3389/fmars.2024.1478023>.**

The linked article specifies that, “an MPA under the appropriate enabling conditions can be a tool to mitigate damage, distribute power, support other cultural value systems, and to advance our understanding of the ocean, climate change and diverse community impacts moving forward.” The process of designing the MPA network left many

important community stakeholders out of the conversation, and this ongoing petition review process provides an opportunity to rectify past mistakes and design a network informed by principles of environmental justice as guided by scientific literature.

- b) **Smith, J.G., et al. (2025). “Conservation benefits of a large marine protected area network that spans multiple ecosystems.” *Conservation Biology*.**
<https://doi.org/10.1111/cobi.14435>. A recent state-wide meta-analysis of California’s MPAs shows how conservation benefits of MPAs extend across many different ecosystems, with targeted fish biomass being significantly greater inside no-take MPAs. They also assessed how MPAs were doing regionally and found that 3 of 4 regions (south, central, and northern central) exhibited significantly higher targeted fish biomass inside no-take MPAs across all protected ecosystems.
- c) **Eisaguirre, J.H., et al. (2020). “Trophic redundancy and predator size class structure drive differences in kelp forest ecosystem dynamics.” *Ecology*.**
<https://doi.org/10.1002/ecy.2993>. Scientists investigating how to prevent widespread kelp forest ecosystem loss found that inside MPAs, kelp persisted and was healthier than outside protected areas. By reducing harvest on urchin predators inside MPAs, kelp recovery was able to occur, whereas outside the MPAs, less kelp forest persisted. Given increasing stressors our California ocean is being exposed to, applying the best available science to ensure the conservation of our marine ecosystems into the future is key.

These recent papers build on the already established science which shows the success of MPAs. Letters have also been submitted to the Commission indicating support from the scientific community for MPAs and expansion of the network.¹ Finally, we note that there are a host of scientific papers further describing findings from California’s long-term monitoring that will be published in the coming weeks that can help inform the adaptive management process.

Thank you very much for considering these comments on the overall structure of addressing Bin 2 petitions. As always, we are happy to answer questions or discuss any of these items in further detail.

Sincerely,

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¹ For instance, see letter submitted from marine scientists to the Commission June 17, 2024 on this topic.

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