



## Petition2025-15MPA Amendment Cover Message

The revisions to this petition involve two sets of informational changes: amendments to the original petition actions and additional stakeholder feedback/rationale that has been gathered over the last year.

### Petition actions being revised:

- Modification of options 3 and 4 in the original petition to align with federal feedback and existing regulations in Groundfish Exclusion Areas (GEAs). Rather than only allowing “surface-fishing-methods” the options now restrict “bottom-contact-gears,” like the GEAs. This change was made so that entirely new language and definitions do not need to be drafted in a case options 3 or 4 are selected. (Located on page 3, 11, and 18)
- Addition of a 5<sup>th</sup> and 6<sup>th</sup> option consisting of only non-hook-and-line gear methods for consideration, this is not an additional action, just a different combination of allowable methods from the original petition. The new options 5 and 6 would only allow recreational spearfishing of pelagic finfish (option 5) or highly migratory species (option 6) and would allow the commercial take of swordfish by harpoon (options 5 and 6). These options were added to be the least invasive as possible in terms of take, be possibly easier to enforce than the other hook-and-line options and would solve the commercial swordfish gear drift problems for harpoon gears (but not for DSBG). (Located on page 3 and 18)
- Modification of the optional nearshore/offshore MPA boarder at the Santa Barbara Island MPA to a straight line between two points of latitude and longitude versus the original boarder being the 1 nautical mile line from the island. The reason for this change is to align to the MPA design criteria set in the MLPA which states to not use odd shapes or curves, only straight lines between tenth or whole minute latitudes and longitudes. (Located on page 3, 19, and 20)
- Modification of how deep-set-buoy-gear (DSBG) will be considered in the petition. Currently DSBG is only a federal fishery and still in its EFP stage at the State level, consideration of its allowance inside the state waters of MPAs will remain pending with the FGC and CDFW until DSBG is a state fishery. Until then, only a federal process may allow DSBG in the federal portions of the MPAs. Therefore, DSBG has been isolated from all of the options, now having its own action section due to the unique case of that process. (Located on page 4, 16, and 17)

### Additional stakeholder feedback/rationale being added:

- Commercial swordfish gear(s) uncontrollable movement into primarily these MPAs, per MDFE effort data, poses problems that must be resolved. (Located on pages 11-13)
- Naval closures local to the Channel Islands restricting most offshore fishing opportunity except near two of the petition MPAs. (Located on page 13)
- Additional information pertaining to adaptive management, the MPA Master Plans (2008 and 2016), the MLPA, and climate resiliency in the scope of this specific petition. (Located on pages 14-15)



Tracking Number: ( 2023-15MPA\_AM2 )

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov).

## **SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages.*

### **1. Person or organization requesting the change (Required)**

Name of primary contact person: Blake Hermann

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

### **2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:**

-Fish and Game Code (FGC) Division 1, Chapter 2, Sections 200, 205c, 265, and 399

-Fish and Game Code (FGC) Division 2, Chapter 5, Sections 1590 and 1591

-Fish and Game Code (FGC) Division 3, Chapter 10.5, Sections 2860 and 2861

-Fish and Game Code (FGC) Division 6, Chapter 6, Section 6750

-Public Resource Code (PRC) Division 27, Chapter 7, Sections 36725(a) and 36725(e)

### **3. Overview (Required) - Summarize the proposed changes to regulations:**

This petition requests a modification to three Marine Protected Areas (MPAs) off Southern Santa Cruz Island and Santa Barbara Island, known as the Footprint Marine Reserve (The Footprint), Gull Island Marine Reserve (Gull Island), and The Santa Barbara Island Marine Reserve (SBI). The Footprint and Gull Island Reserves are located on the southeast and southwest sides of Santa Cruz Island respectively, and the SBI Reserve is located on the south-east corner of Santa Barbara Island.

This petition requests, for the reasons stated in the accompanying sections, that The Footprint, Gull Island, and SBI Reserves be modified and partially opened and converted into limited take conservation areas with implementation of one the following options (listed from the most to least allowances):



Option 1: The least restrictive option, with some existing precedent SCMA's (2<sup>nd</sup> preferred option):

- The recreational take of pelagic finfish\* by hook-and-line and spear is allowed.
- The commercial take of pelagic finfish\* by hook-and-line, and swordfish by harpoon is allowed.
- ~~Deep Set Buoy Gear (DSBG) is allowed in the federal portions of the proposed MPAs. \*\*~~

Option 2: Elevated protections in species selectivity (1<sup>st</sup> preferred option):

- The recreational take of Highly Migratory Species (HMS)\* by hook-and-line and spear is allowed.
- The commercial take of Highly Migratory Species (HMS)\* by hook-and-line, and swordfish by harpoon is allowed.
- The possession of Coastal Pelagic Species (CPS) is allowed.
- ~~Deep Set Buoy Gear (DSBG) is allowed in the federal portions of the proposed MPAs. \*\*~~

~~Option 3: Option 1 with only allowance of "surface fishing methods:" \*\*\*~~

- ~~The recreational take of pelagic finfish\* is allowed via surface fishing methods.~~
- ~~The commercial take of pelagic finfish\* by hook-and-line via surface fishing methods, and swordfish by harpoon are allowed.~~

~~Option 4: Option 2 with only allowance of "surface fishing methods:"~~

- ~~The recreational take of Highly Migratory Species (HMS)\* is allowed via surface fishing methods.~~
- ~~The commercial take of Highly Migratory Species (HMS)\* by hook-and-line via surface fishing methods, and swordfish by harpoon are allowed.~~
- ~~The possession of Coastal Pelagic Species (CPS) is allowed.~~

Option 3: Same as option 1 with restriction of "bottom-contact-gears." (4<sup>th</sup> preferred option)

- The recreational take of pelagic finfish is allowed by hook-and-line and spear, except through the use of bottom-contact-hook-and-line and bottom contact gears, which is restricted.
- The commercial take of pelagic finfish by hook-and-line is allowed, except through the use of bottom-contact-hook-and-line and bottom contact gears, which is restricted.
- The commercial take of swordfish by harpoon is allowed.

Option 4: Same as option 2 with restriction of "bottom-contact-gears." (3<sup>rd</sup> preferred option)

- The recreational take of highly migratory species is allowed by hook-and-line and spear, except through the use of bottom contact hook-and-line and bottom contact gears, which is restricted.
- The commercial take of highly migratory species by hook-and-line is allowed, except through the use of bottom-contact-hook-and-line and bottom contact gears, which is restricted.
- The commercial take of swordfish by harpoon is allowed.
- The possession of coastal pelagic species is allowed.

Option 5: non-hook-and-line of pelagic finfish (6<sup>th</sup> preferred option):

- The recreational take of pelagic finfish by spear is allowed.
- The commercial take of swordfish by harpoon is allowed.

Option 6: non-hook-and-line of highly migratory species (5<sup>th</sup> preferred option):

- The recreational take of highly migratory special by spear is allowed.



- The commercial take of swordfish by harpoon is allowed.

Deep-Set-Buoy-Gear (DSBG):

DSBG, currently being a federal exclusive fishery, would need to be considered inside of these areas through a federal stakeholder process and would ultimately only allow DSBG in the federal water portions of these MPAs. Analysis of allowing DSBG inside of the state water portions of these MPAs will remain pending with the FGC and CDFW until it passes the EFP stage, becoming an official state gear type, and if one of the above options is grated entirely or in-part.

Each of the above options **may** also include a reduced in size, more selective, limited-take or no-take zone within the Gull Island and SBI zones. However, as discussed later, these areas are only needed if Options 1 or 3 are selected (See Attached: Full Analysis Document 1).

\*List of State HMS, CPS, and Pelagic finfish per Title 14 CA § 1.49, 1.39, and 632(3):

-Highly migratory species means any of the following: albacore, bluefin, bigeye, and yellowfin tuna (*Thunnus* spp.); skipjack tuna (*Katsuwonus pelamis*); dorado (dolphinfish) (*Coryphaena hippurus*); striped marlin (*Tetrapturus audax*); thresher sharks (common, pelagic, and bigeye) (*Alopias* spp); shortfin mako shark (*Isurus oxyrinchus*); blue shark (*Prionace glauca*); and Pacific swordfish (*Xiphias gladius*).

-Coastal pelagic species means any of the following: northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*).

-Pelagic finfish, are a subset of finfish defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyrna* spp.), billfishes (family *Istiophoridae*), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family *Scombridae*) including Pacific bonito (*Sarda chiliensis*), and yellowtail (*Seriola lalandi*).

~~\*\*Deep Set Buoy Gear (DSBG), if allowed, would **only** be allowed beyond the 3nm line, outside of state waters, as is currently fished. Barring any future changes or exempted fishing permits (EFPs).~~

\*\*\*See Full Analysis Document attachment (Document 1) for detailed description.

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

*The Problem:*

Initially established in 2003 and federally expanded in 2006, the Channel Islands MPA network containing The Footprint, Gull Island, and SBI Reserves was the first network of its kind in California history. This island network later expanded into the statewide MPA network during coastal implementation phases from 2007-2012. The problem created by these first MPAs was the unintentional protection of seasonal pelagic and highly migratory species that migrate into Southern California during the summer months.

The allowance of limited pelagic or highly migratory take in these areas falls in line with the adaptive management measures set forth in the Decadal Management Review (DMR) and reinforced by the Marine Resource Council's (MRC) near-term recommendations. The proposed changes also fall in line with the MPA Master Plan and align with FGC comments on previous change request petitions.

While maintaining the original intentions for the creation of the MPAs, the proposed changes will have minimal impacts on the ecosystem due to the selective nature of the gear being recommended and highly mobile species it would allow for.





*Summary of the reasons for change:*

This petition aims to prove this proposal is justified by showing the following\*:

- Limited take of pelagic finfish or HMS does not significantly affect or interfere with the species and features the MPAs aim to protect
- The proposed changes provide better equality of MPA policy across the state
- The 20 years of data from these and other MPAs support the proposed changes
- The proposed changes are in line with MPA decadal management review (DMR) comprehensive recommendations and the near-term priority recommendations of the marine resource committee (MRC)
- The proposed changes follow precedent set by the FGC's comments on previously submitted petitions, the current MPA overviews, the 2016 MPA master plan for the southern section, and the original 2002 MPA CEQA for the Channel Islands Network
- The proposed changes exclusively allow for sustainable fishing methods on no at risk populations/species
- The proposed changes support sustainable commercial fisheries the state and NOAA have expressed desire to further expand
- The proposed changes are reasonably enforceable (per discussions with F&G officers)
- The proposed changes have mass public support from the public, fishery groups, non-fishery groups, and conservation organizations

If implemented the resulting changes may have the following effects:

- The Channel Islands MPA network would be updated to allow for a more equitable 60/40 no-take to limited take closure ratio, which would be in line with the state's ratio
- Would provide new fishing opportunities to sustainable recreational and commercial fisheries while producing minimal impacts to the intended protected structures and species
- Provide new research opportunities for observing previous no-take zones under new allowance of pelagic or HMS limited-take
- Help grow local business and further develop the local and state economy

\*Further detailed explanations, analysis, and figures are included in Document 1, and the remaining documentation in the "Supporting Documentation" section.

**SECTION II: Optional Information**

5. **Date of Petition:** Submitted-11/22/2023

6. **Category of Proposed Change**

- ☒ Sport Fishing
- ☒ Commercial Fishing
- ☐ Hunting



☐ Other, please specify: [Click here to enter text.](#)

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

☒ Amend Title 14 Section(s): Division 1, Subdivision 2, Chapter 11, § 632

☐ Add New Title 14 Section(s):

☐ Repeal Title 14 Section(s):

\*See Document 20 for State and Federal Code modifications example

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or ☒ Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation.

If the proposed change requires immediate implementation, explain the nature of the emergency: Due to the change regarding modifying existing MPAs that cover both State and Federal waters, the federal bodies (NOAA, NMS, and PFMC) must mirror the above changes in their portions of the MPAs to allow for reasonable enforcement of these areas. Due to the lack of precedent, this being the first time the FGC is allowing petitions for individual or groups of MPAs to be modified, new channels need to be opened in order to facilitate such changes. A reasonable amount of time for all parties (state, federal, and public) to review and confirm the reasonings and data provided is required. This petition simply requests this change be made as soon as is practical.

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

*Document 1:* Complete, in-depth analysis of the prescribed changes and key points including weighing out the aforementioned change options, scientific basis, and stock assessment analysis.

### Why Change These MPAs?

California's MPA network has provided valuable data for researchers allowing for observations of small-scale ecosystems in their raw form with no human intervention. That being said, all research focuses on the local non-pelagic species in these areas. The reasonings for this will be discussed later in depth but is a result of the massive area pelagic populations cover making their net presence the same everywhere. It is for this reason that if changes are made, the local non-pelagic species will remain unaffected, and still be protected under the proposed changes.

This petition aims to prove that specific limited-take allowances will not significantly interfere with the populations the MPAs aim to protect. This petition requests 3 current MPAs be modified to limited take in order to allow for sufficient numbers of no-take zones to still remain in the Channel Islands Network for research and public non-consumptive use (approximately 60% of the island network will remain no-take zones).

With the proposed change, there lies immense research opportunity in filling gaps in our knowledge. Never has a no-take MPA been converted into a limited-take zone. If there are factors that limited-take of pelagic or HMS does have on the local, non-pelagic populations (currently none are known), this change would allow for a whole new branch of research to take place; observing converted no-take zones after 20 years of historical data.



This petition acknowledges the need for no-take MPAs around the Channel Islands to act as a baseline to research as well as areas for the public to view undisturbed waters, and if implemented approximately 60% of the island network would remain no-take. This would mirror the state average for no-take zones. This petition also acknowledges there is no reason to request for a limited take zone in an area far offshore or often locked by foul weather that would theoretically only be fished a handful of times a year. These areas were selected for the reason that they offer sufficient new opportunities to the fishing community and researchers if the no-take areas are converted into limited-take areas.

A unique fact of these three MPAs, and other MPAs in the Channel Islands network is their expansion beyond state waters, something we see nowhere else in the state. All three of these MPAs are part of this subset of state/federal MPAs, extending 6nm from the islands compared to the traditional 3nm a normal MPA would cover. This means for this specific petition, if changes are made, both State and Federal changes should be mirrored to allow for reasonable enforcement and streamlining of regulations. The Commission and CDFW would likely need to partner with NOAA and the Channel Islands National Marine Sanctuary (CINMS) to make these dual zone changes within each MPA. Therefore, this petition will also be addressing NOAA/CINMS and federal fisheries in addition to the Commission and state, so all agencies are aware of the changes being requested and the supporting factors for this change.

### **The First California MPAs:**

The Channel Islands MPA network was the first set of MPAs in California history. Established in 2003, the state closures were expanded in 2006 into federal waters, completing the Channel Islands MPA network. The first state MPAs off the central coast were then implemented one year later, in 2007, beginning the statewide network. The Channel Islands MPAs had no accompanying southern section coastal MPAs until the southern section's implementation in 2012, which also marked the completion year of the state MPA network and nearly a decade of existence for the Channel Islands MPAs.

Being the first, the Channel Islands Network acted as a baseline, moving the state into previously unexplored territory, that today has grown into the current network. That being said, these first MPA implementations were not perfect. We have learned a lot since their creation, from better understandings of both non-pelagic and pelagic species to new closures ideas that followed in the four coastal MPA regions. Now that we have had more than 20 years to observe how this island network acts, it is time to make fine-tuned adjustments in order to modernize the Channel Island network to better mirror the remaining state network and the latest research.

### **MPA Intentions - Focus on Local Non-Pelagic Species:**

Being the first set of MPAs and covering both state and federal waters, the state partnered with the Channel Islands National Marine Sanctuary (CINMS) and NOAA to develop a plan in order to determine how the Channel Islands MPA network would look. In the end, a two-part CEQA was developed that laid out the MPA plan for the Channel Islands network, in which the broad and specific reasonings for The Footprint, Gull Island, and SBI reserves were discussed (*Docs. 3-5*).

Broadly speaking all three of these Channel Islands MPAs were put into effect either around common invertebrate/fishing grounds or were built off of an existing invertebrate closure (SBI). The CEQA acknowledges that placing MPAs around these zones may have congested fishing efforts elsewhere and may slow fisheries short-term. However long-term, it was the belief that these protected areas would act as a sort of oasis, growing mass populations inside that would expand out as they grow to capacity inside reserves. These populations would then radiate from these areas and would in turn help fisheries over time.



We can see the idea of protecting the local, nearshore species of the Channel Islands very evident in each of the three MPA justifications in the CEQA (*Docs. 3-5*), the 2016 MPA master plan goals (*Doc. 10*), and the published MPA overviews (*Docs. 7-9*).

According to the CEQA, The Footprint was originally established with the primary intention to protect the unique rocky reefs and rebuild the rockfish populations (*Doc. 7*). The CEQA discussed the depleted groundfish stocks at the time and mentioned how they would benefit the most from the MPA's implementation. The Gull Island and SBI reserves also discuss deep water reefs and rockfish, but focus more on endangered bird nesting grounds, abalone populations, and the more diverse, nearshore species along the islands they border (*Docs. 8 and 9*). The broad implication of the MPAs in the CEQA was the intention that local populations of fish, birds, and mammals inside the MPAs would, "respond to protection within the reserve through increased density, individual size, and reproductive potential," (*Docs. 3 and 4*).

This logic is something we see echoed today in the modern MPA overviews of the three MPAs and the goals of the MPA Master Plan (*Doc. 10*). In the MPA overviews under, "Why was this location chosen for a state marine reserve?" we still see reasons such as the protection of canyons, rocky reefs, pinnacles, kelp forests, and rocky nearshore habitats for local non-pelagic species including copper rockfish, sheephead, cowcod, and bocaccio. However, there is zero mention of any pelagic or HMS in these overviews. This point is further reinforced by the southern section MPA master plan, where under its goals, states its intentions revolve around protecting the ecosystems within the MPAs and help rebuild rare or depleted populations of species that are, "more likely to benefit from MPAs," and, "Protect selected species and the habitats on which they depend while allowing some commercial and/or recreational harvest of migratory, highly mobile, or other species; and other activities," (*Doc. 10*). All of these protective goals are catered to the local species of non-pelagic fish, while the pelagic goals clearly state that pelagic and HMS should have limited take areas, something that the Channel Island network severely lacks compared to the rest of the state.

### **Proposed Changes Effect on the Original MPA Intentions:**

As mentioned, the original and current goals of these three MPAs revolve around protecting the local, non-pelagic, and nearshore species within them. The idea of a radiating effect helping fisheries around MPAs does indeed hold merit for local populations of non-pelagic species. Species like groundfish that could in theory live, feed, and spawn all within one MPA are a prime example of this working as intended today. A groundfish that may have lived its entire lifecycle inside of a protected area, will only affect that local protected area if that individual was taken. This is why if implemented, the changes would still protect all invertebrates and non-pelagic species, such as rockfish, leaving the original science backed protections, and MPA intentions, in effect.

In regard to these intentions for pelagic or HMS, limited pelagic or HMS take would not noticeably affect any of the pelagic or HMS populations within our waters. This is the case since pelagic and HMS are either highly mobile or seasonal migrators, moving with currents rather than remaining on structure or in a small MPA zone. It is one thing if an entire or significant population of a species live inside a protected area, but for species that live and move over a vast area, these MPAs are negligible in helping their population. Species that live and feed over massive areas of ocean, and spawn hundreds of miles away from the network are intrinsically less affected by a small area they may or may not pass through each year. Unlike the non-pelagic species covered in the CEQA, Master Plan, and modern overviews, pelagic species' population densities, individual sizes, and reproductive potentials are not meaningfully affected by these MPAs. Populations would essentially remain as affected by human impacts whether this proposal goes into effect or not due to the protected areas covering so little of the area they live in. This is something that was actually touched on in the CEQA, where it is stated, "No-take areas, so long as their size is large relative to the



**movement** of the species, will lead to increased (species) abundance,” (*Doc. 6*). Essentially, due to pelagics and HMS covering so much area throughout their travels, the impact on a pelagic or highly migratory species being protected inside the existing MPAs is near zero. Therefore, there is no scientific basis to leave protections for these species in effect within these three MPAs.

A prime example is the swordfish, one of the three primary species that would be reasonably targeted inside the MPAs if partially opened. Satellite tag data from the Pflieger Institute of Environmental Research (PIER) (*Doc. 15*) shows tagged swordfish off southern California traveling from the tag location to as far south as Cabo (900 nm), or nearly as far west as Hawaii (1900 nm) to spawn in the winter/spring. They then migrate back to Southern California one year later in the summer to feed. Like the swordfish, other HMS such as marlin or tuna are also examples of species that travel massive distances every year during their migrations. These species cover so much water that the net environmental impact from small areas like these MPAs is near zero. It is for this reason the petition requests that pelagic or highly migratory species are able to be targeted inside of these three areas.

### **Following MPA Reports, The Need for Adaptive Management:**

In January 2023 the DMR of the State’s MPA network was published and contained comprehensive recommendations including the following considerations:

- “Allow take of migratory and pelagic species in MPAs that currently do not allow it” and
- “Return MPA fishing opportunities, especially in legacy fishing areas that were previously open to fishing.” (*Doc. 12*)

The Footprint, Gull Island, and SBI Reserves fall under legacy pelagic fishing areas, being once completely open. In alignment with the DMR, these legacy areas can be justifiably re-opened to the limited take of pelagic or HMS per the recommendations.

This change is also supported by the recommendation of the Marine Resource Committee (MRC), as outlined in the networks near-term priorities from the DMR. Stating we must, “Apply what is learned from the first Decadal Management Review to support proposed changes to the MPA Network and Management Program.” We have had ample time to observe these MPAs over their two-decade existence, now that we better understand the low impacts pelagic and HMS have on the network, we can justifiably adaptively manage these MPAs, opening them to limited take. In addition to the DMR and MRC recommendations the 2016 MPA master plan directly called for limited take areas of pelagic or HMS. Due to these three MPAs being the among the oldest modern MPAs, existing since 2003, it is possible the Master Plan considerations from 2016 were not as refined in 2003. This is something we can now remedy, by modifying these MPAs to modern network outlooks.

In addition to adaptive management measures there also exists a pre-DMR precedent from the FGC stating that the MPA network is not designed for pelagic or HMS. In 2020 the FGC denied a petition calling for creating a sanctuary/MPA for Great White Sharks near Carpinteria on the grounds that MPAs are intended, “[...] not (to protect) individual species, **especially highly mobile, pelagic species**,” (*Doc. 11*). Following the FGC’s reason for rejection, this argument can be applied to support the case for the allowance of pelagic or HMS take within the listed reserves, because these species, per their pelagic/highly migratory designation, fall into this category.

### **Pursuing Equitable Policy Through Modernized SMCAs:**

The MPA Network was founded on four key pillars with the innovative idea that these pillars would allow for the adaptive management of the system. One of these pillars is policy and permitting which calls for consistent policy across the network to allow for fair network governance.

After the Channel Islands MPAs were established, the remaining network followed. Comparing





the Channel Islands network to the remaining state network we see large shifts toward the partial-take state marine conservation areas (SMCAs) and less overall water coverage.

The Channel Islands network of MPAs covers 21% (318 mi<sup>2</sup>) of the total sanctuary waters. Compared to the 16% of state waters currently protected under the network, this means there is a 31% increase in protected areas around the Channel Islands than the rest of the state.

Not only is there an increased area of closures (by percentage) within the Channel Islands network, but also, significantly less relative area open to limited-take. Of the 13 various closures around the island network all but 2 are no-take sections. This only accounts for only 11.43 square miles of water of the 318 square mile closure area, or 3.59% of the sanctuary's closures. By comparison, the state network contains about 40% limited take areas. This is a wide discrepancy between the Channel Islands network and the state network (Over 10 times the relative area around the Channel Islands is no take compared to the rest of the state). If implemented, the percent area of limited take in the Channel Islands Network would roughly mirror the State's 40% limited take figure, bringing more equity to the local region. The raw figures are shown in the table below.

Table 1: Comparison of MPA (no-take) and SMCA (limited take) of the Channel Islands MPAs vs the Entire State MPA Network		
	Channel Islands MPA Network (State and Federal Waters)	State MPA Network
% of Waters Protected (no-take and limited take)	21% (~318 mi <sup>2</sup> )	16%
% of network that is No-Take	96.41% (~306.58 mi <sup>2</sup> )	60%
% of network that is limited take	3.59% (~11.41 mi <sup>2</sup> )	40%
% of network that would be limited take if changes implemented*	41.17% (~130.93 mi <sup>2</sup> )	<40%

\*This assumes the optional “nearshore” closures are not implemented and includes the Channel Islands network in the state network figures.

The goal of these changes is to allow for enough reasonable take of pelagic or HMS at comparable levels of opportunity zones to the rest of the MPA network (~40% partial take allowance). If implemented, the Channel Islands network would still have elevated protected area rates, 21% compared to the state average of 16%, but would provide a better ratio of limited take areas.

Current examples of limited take areas outside of the island network in Southern California include SMCAs such as the Pt. Dume, Abalone Cove, Blue Cavern, and Farnsworth SMCAs (Doc. 17), which allow for some form of pelagic finfish take. Other statewide examples of limited take SMCAs outside Southern California cater to pelagic finfish and salmon, technically not a pelagic finfish by biological definition, but a species that still covers mass distances every year. This petition simply requests that we adapt too and update the Channel Islands network to the same standards we see in the rest of California.

### **Enforcement Analysis:**

On the surface, the opening of limited take for pelagic or HMS in these current no-take MPAs could create additional enforcement issues for F&G Wardens covering these areas. However, upon talking to the warden office and local wildlife officers it was determined this was not the case. It is the intention of this petition that the changes made would be enforced similarly to how current pelagic



allowed SMCA's are enforced. For the local Ventura agency, enforcement would be identical to how officers enforce the Anacapa Island SMCA.

Discussions with the enforcement agency have indicated that there are currently no issues with enforcement in the current pelagic allowed SMCAs. It is their standpoint that the current enforcement regulations are clear and allow officers to make decisions swiftly and appropriately. The current regulation that outlines enforcement of the SMCAs is under California Code of Regulations Title 14 Section 632(a)(1)(C) (*Doc. 18*). To summarize the code, take or possession of species except specific individuals or groups listed is prohibited. Meaning, under the proposed regulations, the take and possession of pelagic or HMS would be allowed within the conservation area, but the take and possession of non-pelagic or non-HMS species, like groundfish, would be not allowed. There is an added exception that only possession of coastal pelagic species (CPS) would be allowed if an HMS specific option is selected (it is preferred one is). The reasoning for this addition is the allowance for such HMS targeting vessels to possess baitfish that is commonly used to target such species. Due to the clear-cut boundaries of enforcement regulations, and the input from F&G wardens, it was determined that the additional enforcement required by these changes is both minimal and overlaps with current pelagic allowed SMCAs they currently patrol and enforce. In addition, since petition submittal the new GEAs follow a very similar structure to the goals of this petition, and if offshore reefs can be designated GEAs and enforced there is little to no reason why limited take allowances to these MPAs could not be.

### **Mass Public Support:**

The origins of the pelagic allowed zones go back to the original implementation of the Channel Islands MPA network which includes 2 areas for pelagic take. However, the waters these two zones cover are located on the northern side of Anacapa and Santa Cruz islands, areas where very little pelagic/HMS fishing takes place. HMS fishing method trial maps for DSBG and deep drop show a clear picture of the primary pelagic/HMS grounds in southern California (*Doc. 16*). The maps clearly display most pelagic and HMS fishing occurs on the southern sides of the four northern islands. Almost no fishing efforts are made in the two northern zones. Primarily, most pelagic and HMS targeting fishing around the Channel Islands occurs 2-12 miles south of the northern islands, down the entire 4 island chain. All three of the requested MPA lie in these areas.

Fisheries that actively target or have targeted pelagic or HMS off the northern Channel Islands have wanted these types of changes since the implementation of the network and have commented both in the past and present about the desire to allow for more pelagic or HMS limited take. Comments from 2002 in the CEQA and from 2023 DMR show this desire. However, back in 2002, we did not know nearly as much about the pelagic or HMS migrations and what impacts allowing a small fishery inside these areas could be. Today this is simply not the case. We now know that this change, if implemented, will further streamline current regulations concerning pelagic or HMS, while having a net minimal impact on the local ecosystems inside these MPAs. This petition has the official backing and support of several fishery businesses, groups, and individuals, *Doc. 2 for list and letter*, and also includes a publicly signable petition containing over ~~880~~ 1000 signatures at the time of submittal.

### **Included Stakeholder feedback and additional information (added January 2025)**

#### **Commercial Swordfish:**

A large conflict that comes up with the three mentioned Channel Islands MPAs and the commercial swordfish fishery is the 3 MPA's current no-take allowance, which includes the retrieval of legally taken fish.



The harpoon swordfish fishery takes a swordfish by locating a basking fish on the surface and attempting to hit it with a hand thrust harpoon. Once hit, fish are left to tire on a set of gear marked with a flag, if not immediately retrievable. This soak time varies greatly, from 1-8 hours, but it is typically no longer than 2 or 3 hours. In that time, fish could pull gear several miles, 1-5 on average in my experience participating in the fishery. This movement occasionally brings gear into an MPA before being retrievable. Even if fish are taken miles away, there is still a random chance the legally taken fish on harpoon gear ends up inside the closure come retrieval time. There is nothing we can do to stop a swordfish from swimming where it wants to go while on gear.

Similarly, DSBG sets 10 flags with 10 hooks at 1000ft in open waters for swordfish. Swordfish hooked with this method can move gear similarly to harpoon fish in terms of distance. This is because if a hooked fish does not come to the boat immediately, the gear is placed back in the water to let the fish tire and to monitor the remaining set, leaving legally hooked fish the possibility to move into a closure as well.

Both of these problems are more prevalent around the Channel Islands and the three MPAs mentioned in 2023-15MPA because these MPAs extend an additional 3nm offshore into federal waters, overlapping more with the more offshore swordfish-fishery grounds. Today, retrieving a dead harpoon fish or fighting/retrieving a hooked fish inside these no-take closures is illegal, something that should be resolved some way. This is especially the case for harpoon fish, as unlike DSBG fish that could be cutoff or released with a tag, harpoon fish cannot be let go once hit.

This problem is compounded in the commercial swordfish fishery due to the fishery's reliance on calm waters to eyeball or locate a basking swordfish. Of the northern Channel Islands one MPAs in particular, The Footprint, sits in the lee of the islands, the place where the islands act as a physical weather barrier from the normal westerly wind and swell. This calm section was historically important and remains an essential area to the swordfish fishery more than other fisheries because of its reliance on spotting vs hooking a fish. These weather pockets force the fishery to operate in the lee area regardless of the MPA's presence. The result is a higher effort around the MPA, not because there is any more swordfish there than other places, but because that is the only zone that has fishable conditions most days at the Northern Channel Islands. This closer proximity to the MPA due to weather leads to higher chances of interactions where legally taken fish tow gear into the closures as mentioned above. We can see this higher landing rate and therefore higher chance of interactions by observing commercial block catch data showing the blocks containing and surrounding the Footprint, blocks 707 and 708 are especially productive due to the calmer waters. These two blocks alone captured 2.82% of state swordfish landings, locally comprising 15.63% of the swordfish produced by the Santa Barbara Port Area over the last 18 years (MFDE<sup>1</sup>), particularly high values for an HMS.

It is understandable that opening these MPAs simply on the idea that the weather is better than other zones is not a valid reason on its own, but that is not the point. The point is that this calm zone, and the higher effort inside of it, results in higher chances of gear unintentionally moving into the closure. This unique combination of factors gives even more reason to resolve this problem now during this adaptive management process.

As a result, the FGC, CDFW, PFMC, and CINMS should take this interaction into account in order to better consider the individual actions for allowing the harpoon and DSBG fishery access to operate in or, at the very least retrieve, legally taken swordfish within the 3 requested MPAs because of this gear movement problem.

1. MFDE under only swordfish landings from 1/1/2008 to 12/31/2023. The Santa Barbara Port Area was used for the local filters to include Ports around the Channel Islands (petition's area of concern).

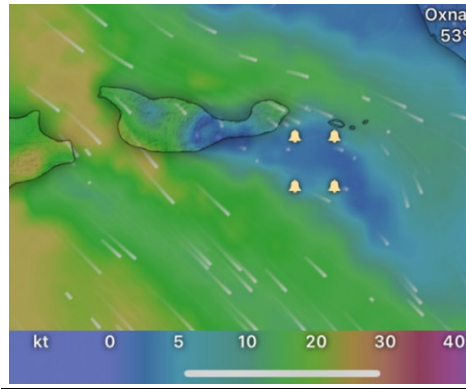


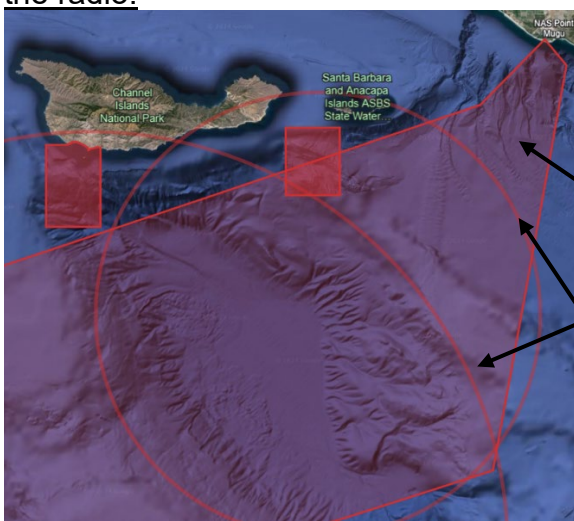
Image depicting average day in the Northern Channel Islands with The Footprint MPA outlined. Displayed wind “lee” for commercial swordfish is predominately around the closure forcing effort and gear interactions with the MPA to be higher (conditions are “fishable” under 10kts, blue color). Wind model used in the NOAA HRRR model mid-day (12:00) during peak effort time.

### **Local Naval Closures:**

From my talks with general HMS fishermen at as many talks as I could attend locally, the issue of military operations off the southern side of the 4 northern Channel Islands was brought up enough time to look into and warrant discussion. The primary argument brought up is, while HMS cover large areas and are fishable outside of the MPAs, military operations close off most and sometimes all fishable area for HMS around the Channel Islands around the northern Channel Islands for local fleets except small areas largely taken up by the two existing MPAs, The Footprint and Gull Island.

While on the water targeting HMS, I have removed from and forced into a different area where no or less HMS are realistically present (more inshore, into foul weather, or into an MPA). There are two types of naval closures on the southern side of the Channel Islands, total range closures and radius closures. Some days one or the other is active and some days both are active depending on the exercise. The location of closure radiuses from operations does vary, but the missile range closure is constant polygon. This zone covers a large area of offshore waters on the southern side of the islands, where HMS effort locally occurs. Included is an image of the points provided to me by the Naval Warfare Center Pt. Mugu depicting the range closure when they are in a live fire event, shaded in light red. The hollow circles depict radius closures from boat coordinates and restricted distances from said positions are enforced by aircraft. Note, a 1.5 nm corridor from land was still permitted for basic transit, so closures did not go all the way to the island shore. The Footprint and Gull Island MPAs have also been included depicting which areas fall inside and outside the missile range.

Event frequency does vary from 0 to 6 days a week, and closure radiuses from boats change based on the activity and number of vessels participating. Currently the only way of acquiring event data is with direct talks with Naval officers <24hr before an event, and in some cases the day of on the radio.



Naval closures at the Northern Channel Islands overlaid with The Footprint and Gull Island MPAs.

The Point Mugu Naval Missile Range closure is the entire light red shaded area.

The two circles are closed radii from vessels operating in the same area, radii closures did leave a 1.5 nm corridor open from the island.





### **Adaptive Management, the MLPA, and the Master Plans (addition):**

Adaptive Management: It should be noted that the adaptive management of the MPA Network is not a one-way street. Adaptive management is defined by Fish and Game Code section 2852(a)<sup>2</sup> as, “a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning...” It is a practice where, as conditions change or we learn more about something, in this case the MPA network, we actively amend management regulations to reflect what currently is known to be a reasonable management method. That being said, consistently increasing protected areas or the level of protection for all species in an area every management cycle is not the only direction this process is allowed to go in order to manage the network. If sufficient evidence is provided and goals can still be met, adaptive management can certainly be used to decrease restrictions in cases where we still accomplish the same goals, something Petition2023-15MPA claims is possible due to the lack of or how little pelagic/HMS interactions are with MPA goals, as supported by the Master Plans. If we can still accomplish the stated goals of the network in these specific MPAs while allowing some take of HMS or pelagic species, the network can certainly still be considered improved as a result. The latest example of adaptive management lowering regulation was the repealing of the Cowcod Conservation Areas (CCAs) and implementation of the smaller Groundfish Exclusion Areas (GEAs) after the cowcod population was considered rebuilt and healthy.

The MLPA: The goals of the MLPA and accompanying plans are clear. The largest goal being to preserve local ecosystems, allowing them to grow undisturbed as much as possible by people, resulting in higher levels in local species’ abundance and biodiversity for future generations to observe. From the onset of this petition, it has been a foundational idea that allowing take of pelagic or HMS inside these areas will both, not significantly affect local species abundance or populations, as they would still be protected, and that the HMS populations would not be significantly affected by such a change. The argument of lowering protections in a petition like this is understood at face value, but the goal of the petition is to examine if we can accomplish the same or a satisfactory level of the stated goals under these “lower protections.”

MPA Master Plans: Appendix G of the 2008 Master Plan<sup>3</sup> discusses the idea of species affected by MPAs, mentioning pelagic and HMS groups are overall less affected. Additionally, as the original petition mentions, the current 2016 MPA Master Plan for the southern section outlines within its goals<sup>4</sup> that areas of protection providing limited pelagic take or HMS take be provided. This is something we do not see around the Channel Islands in nearly comparable amounts to the rest of the state network, this effect is worsened by the federal expansions at the Channel Islands encroaching more into offshore waters where more pelagic fishing occurs. Previous FGC MPA discussions provided additional input on MPAs and HMS interactions where the commission stated that MPAs are intended to protect (local) ecosystems, not individual species, especially those that are highly mobile or pelagic<sup>5</sup>. Both FGC comments, and statements from the 2008 and 2016 Master Plans support the idea that pelagic finfish and HMS are both not as affected by these MPAs and that areas allowing take of just pelagic finfish or HMS be included in the network.

2. [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=FGC&sectionNum=2852](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=FGC&sectionNum=2852).

3. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=113013&inline#:~:text=Species%20with%20a%20strong%20tendency,their%20entire%20range%20of%20movement>.

4. <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=112492&inline> (pg. F-5 (Goal 2, specifically point 4))

5. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207757&inline> (pg. 9)





All of the above evidence and precedent came to light after the establishment of the Channel Islands network in 2002, so it is somewhat understandable why the decisions were made back then to leave these areas as no-take zones, we simply did not know as much then as we do now. However, 20 years later with all of this modern evidence and precedent elsewhere along the coast in the 40% of the more-modern coastal network that is limited take, I believe it is more than justifiable to re-evaluate the Channel Islands Network to our current scientific understanding for pelagic/HMS allowed areas in MPAs.

### **Kelp Restoration and Climate Resiliency:**

A final comment of concerns mentions granting limited take access to these areas for Pelagic finfish or HMS will negatively impact local species such as groundfish or those important to kelp restoration and therefore climate resiliency, including but not limited to sheephead and spiny lobster.

The preferred option of only allowing take of HMS was preferred with species interactions specifically in mind. The more selective list of HMS avoids pelagic finfish species, like yellowtail, that could be targeted with methods that are more likely to interfere with non-pelagic species (weighted, bottom contact dropper loops). HMS effort for tuna or billfish consists primarily of surface casting a jig/bait, trolling baits on the surface, or fishing in the middle of the water column. It is very unlikely those targeting HMS species this way will have many interactions with non-pelagic species such as groundfish. Additionally, pelagic or HMS fishing is done primarily offshore, away from nearshore kelp ecosystems, and away from nearshore areas spiny lobster and sheephead frequent.

### **The four Options Breakdown including Stock and Fishery Analysis:**

This section will discuss the impact the allowed fisheries may have on the species that would primarily be targeted, the pros and cons of the ~~four~~ options, and the possible nearshore closure(s). The discussions on the ~~four~~ options and optional no take zones are meant to provide the thoughts and opinions of pelagic and HMS fishery groups and individuals for the Commission to better understand their viewpoints.

-Pelagic and HMS Stock and Fishery Analysis: Out of all of the HMS, Bluefin tuna migrate the furthest in terms of net geographical distance traveled in their lifetime, with individuals who reach maturity traveling from the coast of California across the pacific to Japan, moving up to 70 miles per day during said migration. Billfish (Swordfish or Marlin) travel in two more distinct groups, rotating from California either toward the mid-pacific and Hawaii or off the coast of Mexico, moving up to 35 miles per day according to tag data. All these species and the other pelagic and HMS affected by this change follow migrations similar these, coming into waters off of California in the early summer (June-July), and mostly departing by early winter (November-December). This migration timeline and fishing attempts toward HMS in California are directly related, meaning most, if not all, fishing will be during these 5-7 months, leaving waters relatively untouched the remaining months of each year.

The fishery impact from these changes would be minimal to the overall take of HMS and their stocks. It is the primary intention of this petition that the species primarily targeted inside of these areas (if HMS or pelagic fishing is allowed), would be swordfish, bluefin tuna, and striped marlin. While some other attempts toward more exotic species such as yellowfin or dorado may occur, it would be rarely available.

Fishery efforts in these MPAs also needs to be considered. Pelagic and HMS do not remain in small areas, rather moving with the water and currents. HMS fishery efforts would not be concentrated inside of these proposed limited-take areas, but rather flow through them as the water these species follow flows through these areas. The fishery would cover the same grounds it does



today, with the changes allowing targeting though these areas compared to having to work around them as these species move through them. The two most targeted species in these areas that would be retained are bluefin tuna and swordfish. Striped marlin would likely be targeted the most in terms of fishing effort, but almost all marlin captures are recreational and result in a release.

According to NOAA the bluefin tuna population is not subject to overfishing and stock assessments show the population has “significantly increased,” (*Doc. 13*). If any of the listed options is accepted, all recreational methods of take would be available for bluefin tuna. A majority of this would be hook-and-line, with spearfishing taking up the remaining numbers. Commercially, only hook-and-line bluefin would be permitted as spearfishing is not a commercial option. A concern that was raised was the allowance of commercial hook-and-line bluefin take within these areas. Some groups believed allowing commercial take would prove to have too much of an impact on the stock. However, observing NOAA commercial landing data we see that California’s commercial fishermen only account for 2% of the yearly pacific bluefin that is commercially harvested, meaning the local commercial fishery has a minimal impact on the stock (*Doc. 13*).

The stock numbers and movements are similar for swordfish as well. NOAA lists the pacific swordfish stock is at safe levels and not subject to overfishing (*Doc. 14*). The total local impact by California vessels is listed as minimal with a “significant majority” of swordfish landed by Hawaii based longline vessels. Commercially, with the phasing out of the drift gillnet (DGN), both the state and federal agencies have made it readily apparent they are trying to find new ways to better target and expand commercial swordfish in California. All three of these current MPAs lie in the middle of some of the only reliably fishable swordfish grounds in the Channel Islands. All sit downwind of islands that block the wind and provide fair weather for fishing to occur on days fishing elsewhere is not possible under current allowed commercial methods (Harpoon and DSBG). This is especially the case for harpoon swordfish, a fishery that requires flat-calm water. The allowance for partial take of swordfish inside these regions would allow for a larger calm area to be covered and fished for migrating swordfish.

Unlike bluefin, depending on the accepted option, certain allowances for swordfish take would be made, but some may still be restricted. Options 1 and 2, if either are accepted, would allow all recreational methods for take of swordfish. Historically, this has almost exclusively been surface baiting basking swordfish, a fishery with zero deep water impacts, and has near zero impacts on anything in that area except for the swordfish it targets. Recently however, anglers have begun to mirror commercial methods, and have begun placing baited hooks at deeper depths (~900-1000 ft) for swordfish. Under current regulation, this method of “deep dropping” has no difference/distinction between hook-and-line fishing and would therefore be allowed.

For commercial methods of take, harpoon swordfish would be allowed under any accepted option. This globally recognized sustainable fishery with zero bycatch, is a fishery perfectly suited to have as little impact as possible on the local, non-pelagic ecosystems when a fish is taken. However, like the recreational hook-and-line case, the allowance of commercial hook-and-line for pelagic or HMS inside these regions would allow commercial deep drop of swordfish.

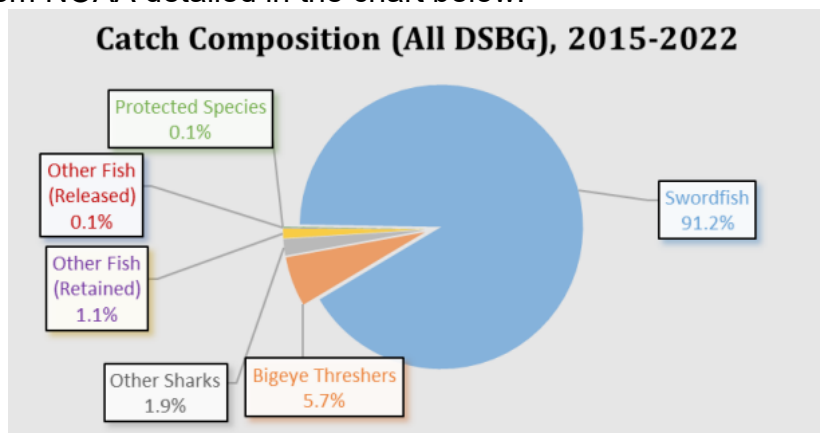
Along with deep drop methods, and in the spirit of fairness to the commercial fleets, ~~Options 1 and 2 would also allow~~ the use of standard-deep-set-buoy-gear (DSBG) ~~in the federal waters only of the proposed limited take areas (as it is currently primarily fished)~~ is proposed in this petition as an isolated action item (see amendment cover letter and revised options). DSBG is currently a federally exclusive fishery, with the exception of one exempted fishing permit (EFP). DSBG is a method consisting of ten separate flags and buoys with one line and one hook on each flag/buoy and is a modern sustainable fishery for swordfish. Due to the nature of these areas overlapping federal waters containing a harpoon allowance (state and federal), the argument for federal authorization of DSBG in these areas is being requested if hook-and-line deep drop is allowed. As previously mentioned, this



change, along with other federal water changes would assumably be made by NOAA and the CINMS working with the state.

These methods of targeting swordfish at depth do have more impact than recreational surface baiting or commercial harpooning. However, the impact of these methods and their bycatch is minimal on non-HMS or pelagic species. This type of fishing has been praised by conservation organizations like Oceana and PEW for its high selectivity and extremely low bycatch (*Links 5/6*). There is also over 10 years of historical catch data for DSBG, the method that hook-and-line deep drop branched from, and 7 years of data from NOAA detailed in the chart below.

Looking at the data we can see that from 2015-2022, DSBG captured 91.2% swordfish, and a 96.9% mix of swordfish and thresher shark (another HMS). Of the “other sharks” and “other fish” most of these species were a mix of other pelagics (i.e., mako sharks, opah, and escolar). This means that nearly 99.8% of all species caught with DSBG are HMS. Almost no non-pelagic or non-HMS species have been landed under this type



of fishery, due to its extreme selectivity. In the small number of cases where non-HMS species were hooked, the active tending of this gear allows for most bycatch to be released alive and well. Since deep drop methods mirror DSBG it is reasonable to assume their catch rates would mirror DSBG rates as well. It is for this reason that deep drop and federal authorization of DSBG for swordfish were listed allowances under Options 1 and 2, since they produce the lowest bycatch numbers, but produce the higher success rates for swordfish catch compared to harpoon or surface baiting.

~~If Options 1 and 2 are rejected but Option 3 or 4 are accepted, all HMS or pelagic targeting methods would still be allowed except those going deep to primarily target swordfish. These options call for the use of only “surface fishing methods,” a term used to describe all non-deep drop methods. This includes methods such as trolling, live bait casting, lure casting, live bait drifting (on the surface), and all other methods anglers or commercial fishermen use besides deep dropping or DSBG.~~

-The ~~four~~ Options and Their Reasonings: Each of the ~~four~~ options is designed to have a minimal impact on the protected area’s local ecosystem but vary in both allowed species and allowed gear types. There are ~~really two~~ several sets of choices, when we break down the ~~four~~ options. The first choice allows either pelagic finfish take and possession, or HMS take and possession with possession of coastal pelagic species (CPS). The logic behind allowing pelagic finfish is primarily the precedent already set on other SMCAs. Pelagic finfish cover the 3 species that would primarily be targeted (swordfish, bluefin tuna, and striped marlin), cover other pelagic species that would occasionally be targeted, and have existing SMCAs elsewhere that already allow for this subset of species. However, this list also covers more species than the HMS list, and as will be discussed, these extra species may pose undesirable issues if limited-take implementations are not made properly. The logic behind allowing HMS take and possession, and CPS possession is that the three targeted species also fall under this more selective classification of species. Meaning there would be a more selective list of species allowed to be taken, thus less overall impact on what could be done inside these areas. Allowing only HMS limited take would also avoid the possible pelagic finfish issues discussed below. The reasoning for the CPS allowance is it would allow common baitfish used to fish HMS to still be retained inside of these areas.



The second choice is the allowance of all hook-and-line methods, restricting “bottom-contact-gears” for better groundfish/bycatch avoidance, or not allowing any hook-and-line gears, just allowing spearfishing and harpoon methods. This is a tiered choice increases in selectivity of gears. Non-restricted hook-and-line of pelagic finfish or HMS of course would give the most access, restricting of bottom-contact-gears is the middle ground which mirrors federal GEAs, and the most selective is the removal of all hook-and-line for just spear and harpoon fishing. Any of these selections can be paired to a pelagic finfish or HMS allowance, making up the 6 total options. ~~including deep drop, and DSBG, or only allowing “surface fishing methods.”~~ The logic with allowing deep drop and federal DSBG allowance is the data shows that these methods are extremely selective and prove effective in targeting primarily swordfish at depth. This choice would allow for more area of opportunity to selectively target swordfish, something the State, NOAA, and PFMG has made very apparent they want to help accomplish, especially commercially with the end of the gillnet dropping landings of California swordfish. The logic with allowing “surface fishing methods” is an attempt at regulating out the deep dropping methods inside of these zones if the State deems them too impactful to allow. If this choice is made, it would make the limited take areas more selective to swordfish methods only, leaving surface baiting recreationally and harpooning commercially as the only allowed methods to target swordfish. If this option is selected, the state would have to clearly define “deep dropping” (to not allow it) or define “surface fishing methods” (to only allow those).

In addition to the four main options, there exists the isolated action for DSBG and a final choice of adding a nearshore closure to the Gull Island and SBI zones with more selective or no fishing methods being allowed. The selected limited take option would then be implemented outside of this boundary throughout the remaining “offshore” area. The logic behind this choice has several factors, some of which are the existence of a nearshore/offshore pair in the Farnsworth and Point Buchon SMCAs, and the desire to continue having stricter limited-take or no-take regions closer to the more diverse shorelines. These nearshore regions rarely contain any species this petition intends on anglers targeting, meaning whether or not a nearshore zone is implemented, areas this close to the respective islands would have such a low fishery presence that they would effectively remain untouched, with one key exception.

If an option allowing the hook-and-line take of pelagic finfish is made it is recommended that the nearshore region be implemented. This is due to the fact that limited-take of pelagic finfish by hook-and-line would allow certain game fish species to be targeted in the local, nearshore ecosystems on fishing beds. The intent of this petition is to protect from this type of fishing allowance, intending limited take allowance for these regions to be open water fishing of pelagic or highly migratory species during their movements. This possibility of nearshore bed fishing is only the case for two species on the pelagic finfish list, yellowtail and barracudas. These are species that if pelagic finfish were allowed with no nearshore zone implemented, would definitely be targeted within the nearshore areas of the SBI and Gull Island closures. Again, it is the intention of this petition to only allow for offshore take of pelagic or highly migratory species, primarily billfish and tuna. Allowing pelagic finfish with no nearshore region that accounts for bed fishing of pelagic species such as yellowtail may interfere with the local ecosystem we still aim to protect. If the below listed coordinates are the border for the nearshore regions (table 2), the water outside of these areas at Gull Island and SBI is reasonably deep enough to ensure little to no effort would be made to target these species and would yield almost zero results.



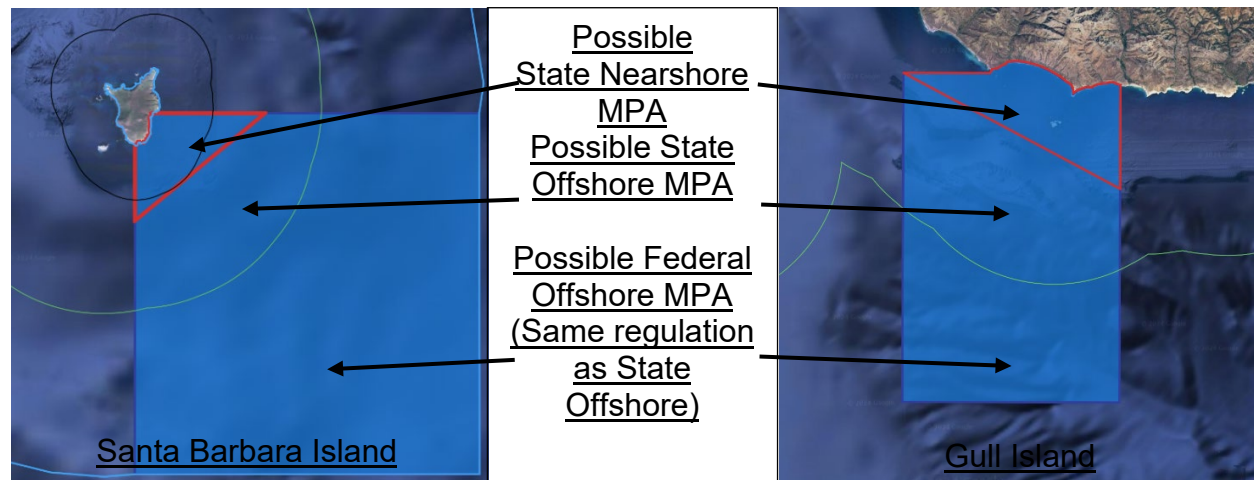
Table 2: Proposed Coordinates and options for the Nearshore limited or no take areas for Gull Island and Santa Barbara Island

Gull Island Nearshore MPA	Santa Barbara Island Nearshore MPA
<del>33° 58.000' N. lat. 119° 53.000' W. long, and 33° 55.800' N. lat. 119° 48.000' W. long Regulation within nearshore area: Recreational and commercial take of (pelagic finfish or HMS, depending on the state's choice) is allowed via surface casting, kite fishing, and surface trolling. The commercial take of swordfish by harpoon is allowed. (preferred)</del>	<del>The 1nm boundary of SBI within the current MPA Regulation within nearshore area: Recreational and commercial take of (pelagic finfish or HMS, depending on the state's choice) is allowed via surface casting, kite fishing, and surface trolling. The commercial take of swordfish by harpoon is allowed. (preferred)</del>
<del>Or</del>	<del>Or</del>
<del>A no take region (not preferred)</del>	<del>A no take region (not preferred)</del>

Table 2: Proposed Coordinates and options for the Nearshore limited or no take areas for Gull Island and Santa Barbara Island (Amended)

Gull Island Nearshore MPA	Santa Barbara Island Nearshore MPA
<u>The nearshore-offshore boarder would be bound by a straight line running from 33° 58.000' N. lat. 119° 53.000' W. long, to 33° 55.800' N. lat. 119° 48.000' W. long, within the existing MPA.</u> <u>Regulation within nearshore area:</u>  <u>The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spearfishing is allowed.</u> <u>The commercial take of swordfish by harpoon is allowed.</u> <u>The possession of Coastal Pelagic Species is allowed*. (*Only needed if HMS option is selected)</u> <u>(Preferred Choice)</u>	<u>The nearshore-offshore boarder would be bound by a straight line running from 33° 28.500' N. -118° 59.300' W. to 33° 26.500' N. -119° 02.200' W within the existing MPA.</u> <u>Regulation within nearshore area:</u>  <u>The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spearfishing is allowed.</u> <u>The commercial take of swordfish by harpoon is allowed.</u> <u>The possession of Coastal Pelagic Species is allowed*. (*Only needed if HMS option is selected)</u> <u>(Preferred Choice)</u>
<u>Or</u>	<u>Or</u>
<u>A no-take region (not preferred)</u>	<u>A no-take region (not preferred)</u>





The listed coordinates for the nearshore closures are only the listed coordinates for the dividing line between the proposed nearshore area and the offshore limited take SMCA and FMCA. The collective closure borders of the nearshore and offshore areas would be the same area as the current MPAs. If these are placed in effect along with the selected option applied outside, these nearshore regions would cover sufficient area to prevent nearshore bed-fishing efforts. While possible changes to these borders may be made, it is the fisheries' belief they are sufficient in preventing what would otherwise be a problem if an unrestricted pelagic finfish option is accepted. Further consultations with active fishery members should be made if these borders are desired to be modified. The preference for stricter limited-take rather than no-take is simply that these areas would contain so little presence of these species, that they would effectively be fully protected, but have rare opportunity for the selective allowed methods in them. In addition, as the preferred nearshore allowed methods mirror those in options 5 and 6, these nearshore areas are only needed if a hook-and-line option (1-4) is granted.

### **The Most Requested Option and Closing Remarks:**

It is this petition's preference that in order to avoid the nearshore pelagic finfish risk all together, one of the ~~two~~ three HMS allowance options be selected (Options 2, 4, or 6) with the nearshore zone not selected. Option 2 is the preferred selection since this option allows for the most HMS opportunity, recreationally and commercially, while still remaining extremely selective, and leaving a minimal impact on the local, non-pelagic ecosystems. Option 2, with no accompanying nearshore zones would allow for HMS targeting within the entire area. In the unlikely case HMS are present nearshore, they may still be targeted with minimal local impact as they move through an area under the same selective fishing methods allowed elsewhere. The lack of nearshore zones in this case would also allow for easier enforcement of the area by wardens not having to worry about different zones within an area. If a nearshore region is desired, the more selective limited-take option is preferred. This change would still allow for selective enough take of HMS and prevent any bottom fishing activity nearshore.

In terms of the three MPAs, all three MPAs would preferably be converted to limited take areas. Discussions with those involved in the possible affected fisheries revealed a strong preference for The Footprint to be converted to limited take, with Gull Island and SBI having equal amounts of preference to be opened to limited take.

In closing this analysis, special thanks to all the individuals who provided the input and data to make this petition possible. I would especially like to thank the FGC and its staff for their assistance with and the creation of this adaptive management process.

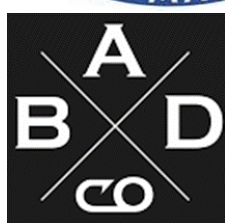


## Remaining Supporting Documents and Sources:

*Document 2:* Supporters letter for the petition. Summarizes the petition, its reasonings, and its intentions. Was sent out to business and individuals that could be impacted by this change or provide scientific input asking for their support of the petition and its rationale (signature list on the letter).



CHANNEL COAST MARINE





Dear FGC,

On behalf of the hundreds of thousands of anglers that frequent Southern California, and all of the businesses they support, the following organizations and individuals extend their special support and ask for your approval of this petition. This petition would allow for the limited recreational and commercial take of Pelagic Finfish or Highly Migratory Species (HMS) via select, sustainable fishing methods. The changes would apply to the following Marine Protected Areas (MPAs):

- The Footprint Marine Reserve
- Gull Island Marine Reserve
- The Santa Barbara Island Marine Reserve

This proposed regulation modification aims to return extremely selective take opportunities that the original MPA network implementation unintentionally removed. These regions would become state and federal marine conservation areas (SMCAs/MCAs) but would still provide the original protections to the species and ecosystems each of the MPAs intends to preserve.

The allowance of pelagic or HMS in these areas would provide more equal opportunities to anglers around Southern California targeting fast moving species, like billfish or tuna. Currently, these species cannot be followed into these zones as they move through them, traveling with the currents rather than remain on the structure or in the local ecosystems the MPAs are intended to protect. If accepted, anglers would have the opportunity to follow these species as they constantly flow in and out of these areas.

The push for this change is backed by the California State 2022 MPA Decadal Review, the MRC's near-term objectives, the 2016 MPA Master Plan, and several other state and federal reports/comments. We the fisherman, groups, clubs, and business owners, of California kindly ask for your approval of this petition.

Sincerely,

AFTCO

CCA California

Pfleger Institute of Environmental Research (P.I.E.R.)

Wild Oceans

BD Outdoors

Bear Flag Fish Co.

Bluewater Seafood

Chula Seafood

The Tuna Club

Balboa Angling Club

CISCOS Sportfishing

Hooks Sportfishing

Legit Sportfishing

Eric's Tackle Shop

Channel Coast Marine

Executive Yachts

Bight Sportfishing

Bad Company Fishing Adventures

Seal Beach Fish Co.

Wild Local Caught Seafood

Santa Monica Seafood

Ocean Pride Seafood

Santa Barbara Fish Market

Special Individuals: Chugey S, Theresa L, Casey S, Nathen P, Ron H, Sean B, Morgan L, Bill S, Donald K, Christian H, Andrew W, Carl S, Michael M, Thomas C, Wes L, Marc H, Eric H, Bryce H, Ethan H, Steve W, Don G, Ryder D, Fisher D, Jonnah G, Jake K, Brandon H, Patrick O, John J, Bill W, Steve M, Eric H, Sean S, Ryder A, Evan K

And the over 880 members of the public that have signed the public support petition as of submittal (11/22), visible here: <https://chnng.it/2wy2dHSS6r>





*Documents 3, 4, and 5:* Original founding reasoning for the Footprint, Gull Island, and Santa Barbara Island MPAs respectively, to be created and expanded into federal waters of the marine sanctuary from the Channel Islands CEQA in 2002. There is little to no mention of pelagic or HMS species, with primary objectives for the Footprint MPA being groundfish replenishment, and for Gull Island and SBI MPAs, being either or a mix of abalone, rockfish, or endangered bird populations. Original paper found here: <https://nrmsecure.dfg.ca.gov/FileHandler.ashx?DocumentID=151023>

#### Footprint State Marine Reserve

The Footprint SMR is located in open waters in the passage south of Santa Cruz and Anacapa Islands. The Footprint SMR is 28.6 nm<sup>2</sup>, **6.4 square nautical miles of which would be within State waters and the rest** entirely within Federal waters. It is described and analyzed here as a part of the entire recommendation, but not the decision before the Fish and Game Commission. The majority of the proposed Footprint SMR is sand or gravel between 90-900 ft. The Footprint includes several submerged rocky features, including pinnacles and submarine canyons that once supported large population of numerous rockfish species. Today, the rockfish populations around the Footprint are severely depleted from intensive recreational and commercial fishing in the region. Although populations are depleted, the habitat supports a variety of species, including bocaccio and cowcod, both recognized as overfished by the PFMC. Fish populations in the vicinity of the Footprint are likely to respond to protection within a reserve through increased density, individual size, and reproductive potential.



#### Gull Island, Santa Cruz Island State Marine Reserve

The Gull Island SMR is located on the southwest side of Santa Cruz Island. The reserve includes 2.9 nautical miles of shoreline from Morse Point to the point along the shore at 33° 58' N, 119° 48' W. The reserve extends south approximately three nautical miles to the State waters boundary. The Gull Island SMR contains 16.2 square nautical miles. A subsequent Federal waters phase would add 22.1 square nautical miles for a cumulative total of 38.3 square nautical miles.

Historically, Gull Island supported a diverse and abundant marine fauna. Although these populations are reduced, the habitat supports a variety of species. Fish populations in the vicinity of Gull Island are likely to respond to protection within a reserve through increased density, individual size, and reproductive potential. The Gull Island SMR would protect a variety of different habitat types from the nearshore to the continental slope. Sand beach is the predominant shoreline habitat at the border of the Gull Island SMR. Endangered snowy plovers may occur there and the beach supports one of the few populations of pismo clams at the islands. The remaining shoreline is covered with cobble beaches.

Subtidal habitats in the Gull Island SMR are mixed sand and rocky reefs. Red and green algae dominate inshore areas. Gull Island supports an intermittent population of giant kelp, but the kelp populations are reduced. Subtidal habitats support patchy populations of surfgrass. Rocky intertidal and subtidal habitats once supported populations of red, pink, white, and black abalone, but only a small population of red abalone, and very few black abalone have been observed recently. The Gull Island area supports large populations of purple urchins. Rocky subtidal habitats from Gull Island to Laguna Point support populations of spiny lobster. Purple hydrocoral (Allopora) is found in deeper rocky reefs around Gull Island.

Shallow rocky habitat extends offshore to Gull Island. Nearshore reefs support populations of various rockfish species. However, rockfish are not as diverse in this region because of physical changes associated with the mixing of warmer waters from the California Counter Current with cooler waters from the California Current. Southern species such as

5-27

California sheephead and wrasses are relatively common in the Gull Island region. The region also supports spawning populations of white seabass and halibut. Thresher and mako sharks are fished in the deeper waters near stronger currents.





### Santa Barbara Island State Marine Reserve

Santa Barbara Island SMR is located at the southeast side of Santa Barbara Island. The reserve includes one nautical mile of shoreline from South Point to the eastern point of the

5-22

island. The reserve boundaries extend east and south to the State waters boundary. The Santa Barbara Island SMR contains 13.2 square nautical miles. A subsequent Federal waters addition would add 46.3 square nautical miles for a cumulative total of 59.5 square nautical miles.

Santa Barbara Island, Sutil Island, and Shag Rock support major seabird and marine mammal colonies. Santa Barbara Island supports breeding colonies of numerous seabirds, including the endangered California brown pelican, western gull, black oystercatcher, black storm-petrel, Leach's storm-petrel, Brandt's cormorant, pelagic cormorant, Cassin's auklet, pigeon guillemot and Xantus's murrelet. California sea lions haul out on sandy beaches on the southeastern side of Santa Barbara Island. Harbor seals and northern elephant seals occasionally haul out in the same place.

The exposed rocky shoreline along Santa Barbara Island is interspersed with occasional cobble beaches (10-12 m wide) in protected coves. The rocky intertidal habitat descends steeply to patchy reefs in large areas of sand. Patchy populations of surfgrass grow on subtidal rocks (15-20 m). Populations of giant kelp on reefs around Santa Barbara Island have declined relative to historical data. Red and purple sea urchins and brittle stars (*Ophiothrix*) dominate the rocky subtidal habitats around Santa Barbara Island. Spiny lobsters are abundant in rocky subtidal habitats in the vicinity of South Point and large mussel beds can be found in the rocky intertidal habitats on the southeastern side of Santa Barbara Island.

The continental shelf drops to approximately 200 m less than ½ mile from shore, and continues to drop to 400 m within 3 miles of Santa Barbara Island. In the past, populations of white, green, pink, and black abalone inhabited intertidal and subtidal rocky habitats. The reserve includes rocky subtidal habitats, from approximately 25-66 m, that may contribute to the recovery of the endangered white abalone. Sandy subtidal habitats support halibut populations near the northern border of the Santa Barbara Island SMR. California sheephead have been observed near South Point.




**Document 6:** Original 2002 CEQA: Dr. Ray Hilborn stating the size of an MPA must be large relative to a species' total movement to be actually impactful on their population abundance.

has reached population levels which increase natural mortality rates...@ Likewise, Dr. Ray Hilborn of the University of Washington=s College of Ocean and Fishery Sciences noted in comments on proposals for marine reserves in the Sanctuary that, A...it is almost universally accepted that exploitation reduces population sizes.... **No-take areas, so long as their size is large relative to the movement of the species, will lead to increased abundance within the reserve.**@

**Documents 7, 8, and 9:** Current Footprint, Gull Island, and SBI MPA descriptions in “Why the location was chosen...” (Highlighted below)

### Footprint State Marine Reserve

Southern California - Established January 2012



#### What is a California marine protected area (or "MPA")?

An MPA is a type of managed area primarily set aside to protect or conserve marine life and habitats in marine or estuarine waters. California's MPA Network consists of 124 areas with varying levels of protection, and 14 special closures, all designed to help safeguard the state's marine ecosystems. Fishing and collecting are banned at marine reserves such as Footprint State Marine Reserve, providing this MPA with the highest level of protection.

One goal for California's MPAs was to strategically place them near each other to form an interconnected network that would help to preserve the flow of life between marine ecosystems. Within that network each MPA has unique goals and regulations, and non-consumptive activities, permitted scientific research, monitoring, and educational pursuits may be allowed.

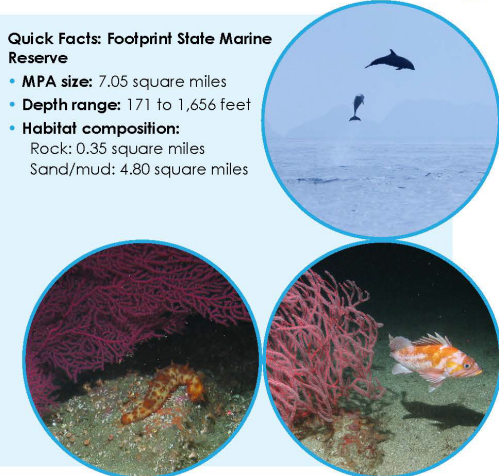
#### Why was this location chosen for a state marine reserve?

One of the goals for Footprint State Marine Reserve is to protect the deepwater communities of fish and invertebrates located at this convergence of warm water currents from the tropics and cold water currents from Alaska. The resulting rich and varied marine life here includes many different species. Colorful cold-water corals and sponges cover the large cobble and boulder features of the reserve. Deep, rocky reefs provide habitat for copper rockfish, cowcod, and bocaccio, while brittle stars and California sea cucumbers can be found on the sandy seafloor.


Footprint State Marine Reserve was established as one of 13 Channel Islands MPAs in 2003, and re-established as part of the statewide MPA Network in 2012. This state marine reserve shares a southern border with the federal Footprint Marine Reserve, and overlaps a portion of the [Channel Islands National Marine Sanctuary](#). Placing a state marine reserve here provides very high levels of protection for local marine species and the habitats they use.


#### Quick Facts: Footprint State Marine Reserve


- **MPA size:** 7.05 square miles
- **Depth range:** 171 to 1,656 feet
- **Habitat composition:**
  - Rock: 0.35 square miles
  - Sand/mud: 4.80 square miles



ENTRY  
O.K.

Non-Consumptive  
Activities


No Fishing

No Collecting


#### Further Information:

- MPA Website: [www.wildlife.ca.gov/MPAs](http://www.wildlife.ca.gov/MPAs)
- MPA and Sportfishing Interactive Map: [www.wildlife.ca.gov/OceanSportfishMap](http://www.wildlife.ca.gov/OceanSportfishMap)
- Email: [AskMarine@wildlife.ca.gov](mailto:AskMarine@wildlife.ca.gov)

Photos - Upper: Common bottlenose dolphins leaping at the reserve. photo © Adam Searcy CC BY-NC 2.0 Lower right: Copper rockfish and pink gorgonian near Anacapa Island. CDFW/MARE photo. Lower left: Purple gorgonian and a sea cucumber near Anacapa Island. CDFW/MARE photo.



**Report poachers and polluters**  
Call CallTIP: 1 (888) 334-2258  
or text 847411 - begin message with "Calltip"  
followed by the details.



**CALIFORNIA  
MARINE  
PROTECTED  
AREAS**





## Gull Island State Marine Reserve

Southern California - Established January 2012



### What is a California marine protected area (or "MPA")?

An MPA is a type of managed area primarily set aside to protect or conserve marine life and habitats in marine or estuarine waters. California's MPA Network consists of 124 areas with varying levels of protection, and 14 special closures, all designed to help safeguard the state's marine ecosystems. Fishing and collecting are banned at marine reserves such as Gull Island State Marine Reserve, providing this MPA with the highest level of protection.

One goal for California's MPAs was to strategically place them near each other to form an interconnected network that would help to preserve the flow of life between marine ecosystems. Within that network each MPA has unique goals and regulations, and non-consumptive activities, permitted scientific research, monitoring, and educational pursuits may be allowed.

### Why was this location chosen for a state marine reserve?

One of the goals for Gull Island State Marine Reserve is to protect the diverse submarine canyon, rocky reef and pinnacle, kelp forest, and sandy plain habitat found at this location, where warm water currents from the tropics and cold water currents from Alaska converge. These habitats are used by a rich and varied selection of marine fish and invertebrates such as purple hydrocoral, a species not often seen in the Northern Channel Islands. Kelp forests and reefs provide shelter for opaleye, California spiny lobster, and cabezon, while schools of California barracuda and bonito may be seen in deeper, offshore waters.

Gull Island State Marine Reserve was established as one of 13 Channel Islands MPAs in 2003, and re-established as part of the statewide MPA Network in 2012. The reserve shares a southern border with the federal Gull Island Marine Reserve, and overlaps a portion of the Channel Islands National Marine Sanctuary and Channel Islands National Park. Placing a state marine reserve here provides very high levels of protection for local marine species and the habitats they use.



**Report poachers and polluters**  
Call CallTip: 1 (888) 334-2258

or text 847411 - begin message with "Calltip"  
followed by the details.



### Quick Facts: Gull Island State Marine Reserve

- **MPA size:** 19.93 square miles
- **Shoreline span:** 3.2 miles
- **Depth range:** 0 to 2,205 feet
- **Habitat composition:**  
Rock: 4.03 square miles  
Sand/mud: 16.55 square miles



### Further Information:

- MPA Website: [www.wildlife.ca.gov/MPAs](http://www.wildlife.ca.gov/MPAs)
- MPA and Sportfishing Interactive Map: [www.wildlife.ca.gov/OceanSportfishMap](http://www.wildlife.ca.gov/OceanSportfishMap)
- Email: [AskMarine@wildlife.ca.gov](mailto:AskMarine@wildlife.ca.gov)

Photos - Upper: Gull Island, photo by R. Schwemmer, NOAA/CINMS. Lower right: Purple hydrocoral and sea urchin at Gull Island State Marine Reserve, CDFW photo by D. Stein. Lower left: Opaleye in the kelp forest at Gull Island State Marine Reserve, CDFW photo by D. Stein.

## Santa Barbara Island State Marine Reserve

Southern California - Established January 2012



### What is a California marine protected area (or "MPA")?

An MPA is a type of managed area primarily set aside to protect or conserve marine life and habitats in marine or estuarine waters. California's MPA Network consists of 124 areas with varying levels of protection, and 14 special closures, all designed to help safeguard the state's marine ecosystems. Fishing and collecting are banned at marine reserves such as Santa Barbara Island State Marine Reserve, providing this MPA with the highest level of protection.

One goal for California's MPAs was to strategically place them near each other to form an interconnected network that would help to preserve the flow of life between marine ecosystems. Within that network each MPA has unique goals and regulations, and non-consumptive activities, permitted scientific research, monitoring, and educational pursuits may be allowed.

### Why was this location chosen for a state marine reserve?

One of the goals for Santa Barbara Island State Marine Reserve is to protect the sandy seafloor, surfgrass, kelp forest, and rocky nearshore habitat found there. Sea urchins, California mussels, and acorn barnacles thrive along the island's rocky coastline. Giant sea bass, California sheephead, and Pacific angel sharks hunt and seek shelter in the island's kelp forests and eelgrass beds, while California halibut and other flatfish rest in the sandy sediments. Santa Barbara Island is also home to a large breeding colony of Scripps's murrelet, a seabird on California's threatened species list, and fourteen other species of bird.

Santa Barbara Island State Marine Reserve was established as one of 13 Channel Islands MPAs in 2003, and re-established as part of the statewide MPA Network in 2012. This state marine reserve shares a southeastern border with the federal Santa Barbara Island Marine Reserve. The reserve overlaps part of the Channel Islands National Park and Channel Islands National Marine Sanctuary. Placing a state marine reserve here provides very high levels of protection for local marine species and the habitats they use.



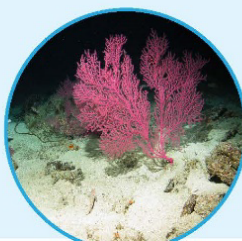
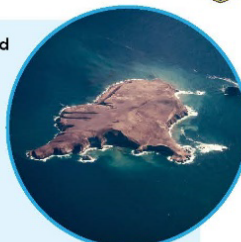
**Report poachers and polluters**  
Call CallTip: 1 (888) 334-2258

or text 847411 - begin message with "Calltip"  
followed by the details.



### Quick Facts: Santa Barbara Island State Marine Reserve

- **MPA size:** 12.77 square miles
- **Shoreline span:** 0.8 miles
- **Depth range:** 0 to 1,655 feet
- **Habitat composition:**  
Rock: 0.74 square miles  
Sand/mud: 2.43 square miles



### Further Information:

- MPA Website: [www.wildlife.ca.gov/MPAs](http://www.wildlife.ca.gov/MPAs)
- MPA and Sportfishing Interactive Map: [www.wildlife.ca.gov/OceanSportfishMap](http://www.wildlife.ca.gov/OceanSportfishMap)
- Email: [AskMarine@wildlife.ca.gov](mailto:AskMarine@wildlife.ca.gov)

Photos - Upper: Aerial view of Santa Barbara Island, photo © Jesse Hodge CC BY-NC-ND 2.0. Lower right: Pacific angel shark at Santa Barbara Island State Marine Reserve, CDFW/MARE photo. Lower left: Pink gorgonian at Santa Barbara Island State Marine Reserve, CDFW/MARE photo.



**Document 10:** MPA Master plan goal for the southern section, that calls for the protections of at-risk local species while allowing for limited take of pelagic or HMS.

**Goal 2. To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.**

1. Help protect or rebuild populations of rare, threatened, endangered, depressed, depleted, or overfished species, and the habitats and ecosystem functions upon which they rely.<sup>14</sup>
2. Sustain or increase reproduction by species likely to benefit from MPAs, with emphasis on those species identified as more likely to benefit from MPAs, and promote retention of large, mature individuals.<sup>15</sup>
3. Sustain or increase reproduction by species likely to benefit from MPAs with emphasis on those species identified as more likely to benefit from MPAs through protection of breeding, spawning, foraging, rearing or nursery areas or other areas where species congregate.
4. Protect selected species and the habitats on which they depend while allowing some commercial and/or recreational harvest of migratory, highly mobile, or other species; and other activities.

**Document 11:** Denied petition for White Shark MPA on grounds MPAs are **especially not focused** on pelagic or HMS (Highlighted below)

Appendix G: Decadal Management Review Supplemental Tables



ACTION TYPE	YEAR	REQUEST	RATIONALE	ADAPTIVE MANAGEMENT ACTION TAKEN
Petition denied	2020	Petition submitted to amend MPA regulations to allow surfboard fishing at the South La Jolla SMR.	California Constitution, Article 1 Section 25, recreational take from a surfboard, even catch-and-release is not a fishery	No fishing is allowed in SMR per design criteria
Petition denied	2020	Petition submitted to establish MPA at Padaro Beach, Carpinteria, to protect great white shark nursery grounds.	An MPA with boating and fishing restrictions at Padaro Beach, Carpinteria, will help protect white shark nursery grounds.	MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species
Petition denied	2020	Petition submitted to add unlimited recreational take of invasive species <i>Sargassum horneri</i> in Crystal Cove SMCA	CDFW failed to respond and stop the spread of the invasive species <i>Sargassum horneri</i> , plus <i>Sargassum horneri</i> is not a marine resource.	No recreational culling permitted within MPAs.





**Document 12: MPA Decadal Review-Appendix A: Comprehensive Recommendations for the Review-  
Recommends to open legacy grounds and allow pelagic/HMS take in MPAs (Highlighted below)**

*Regulatory and Review Framework*


- Conduct annual engagement meetings with stakeholders to inform them about MPA Management Program activities that inform decadal reviews.
- Define clear management reporting goals, including the scale of reporting at the statewide, regional, or local scale.
- Ensure that adaptive management changes to individual MPAs and the MPA Network are evidence based.
- Simplify designations by changing no-take SMCA to SMRs after maintenance of existing infrastructure is permitted.
- **Return MPA fishing opportunities, especially in legacy fishing areas that were previously open to fishing.**
- **Allow take of migratory and pelagic species in MPAs that currently do not allow it.**
- Allow commercial urchin take in MPAs that allow commercial lobster take.
- Do not allow boat operations within 100 yards of a remnant kelp forest within MPAs.
- Requests to change specific MPAs (not including formal petitions; see Appendix G):
  - Relocate Piedras Blancas MPA north, just south of Cape San Martin to protect nursery grounds.
  - Increase the size of Matlahuayl State Marine Reserve to include Point La Jolla and the Boomer Beach area where the sea lion colony is located.

**Document 13: NOAA Stock and Fishery Analysis for Bluefin Tuna, stock status, and minimal habitat impacts highlighted.**

SPECIES DIRECTORY

## Pacific Bluefin Tuna

Overview | Seafood | Management | Resources




**Pacific Bluefin Tuna**  
*Thunnus orientalis*

Also Known As  
Northern bluefin tuna, Tuna, Bluefin tuna


Quick Facts

REGION Pacific Islands, West Coast


 **FISHWATCH**  
U.S. SEAFOOD FACTS

### About the Species


Although Pacific-wide populations are well below target levels, U.S. wild-caught Pacific bluefin tuna is a smart seafood choice because it is sustainably managed under rebuilding measures that limit harvest by U.S. fishermen.




*School of bluefin tuna. Credit: NOAA Fisheries*




**Population**  
The stock is overfished, but **the fishing rate promotes population growth.**



**Fishing Rate**  
**Not subject to overfishing.**



**Habitat Impacts**  
**Fishing gear used to catch bluefin tuna rarely contacts the seafloor so habitat impacts are minimal.**



**Bycatch**  
Regulations are in place to minimize bycatch.

### Population Status

- According to the 2022 stock assessment, Pacific bluefin tuna is overfished, but not subject to overfishing. Summary stock assessment information can be found on [Stock SMART](#).
- NOAA Fisheries first determined the Pacific bluefin tuna stock to be overfished in 2013. The 2022 assessment completed by the [International Scientific Committee for Tuna and Tuna-Like Species](#) in the North Pacific Ocean found the stock is still overfished, but **stock size has significantly increased.**

- **The average annual bluefin landings by U.S. commercial vessels fishing in the eastern Pacific Ocean represent only 2 percent of the average annual landings from all fleets fishing there.**





**Document 14:** NOAA Stock and Fishery Analysis for Swordfish, stock status and minimal habitat impacts highlighted.


SPECIES DIRECTORY

## North Pacific Swordfish

Overview | Seafood | Resources

### North Pacific Swordfish


*Xiphias gladius*



**Also Known As**  
Broadbill swordfish, Espada, Emperado, A'u, Mekajiki, Shurume


**Quick Facts**

REGION Pacific Islands, West Coast

 **FISHWATCH**  
U.S. SEAFOOD FACTS

### About the Species

U.S. wild-caught North Pacific swordfish is a smart seafood choice because it is sustainably managed and responsibly harvested under U.S. regulations.



Researchers tagging a swordfish. Credit: Pflieger Institute of Environmental Research

#### Population

The stocks are not overfished.

#### Fishing Rate

The Western and Central North Pacific stock is not subject to overfishing. Reduced to end overfishing for the Eastern Pacific stock.

#### Habitat Impacts

Fishing gear used to catch Pacific swordfish rarely contacts the seafloor so habitat impacts are minimal.

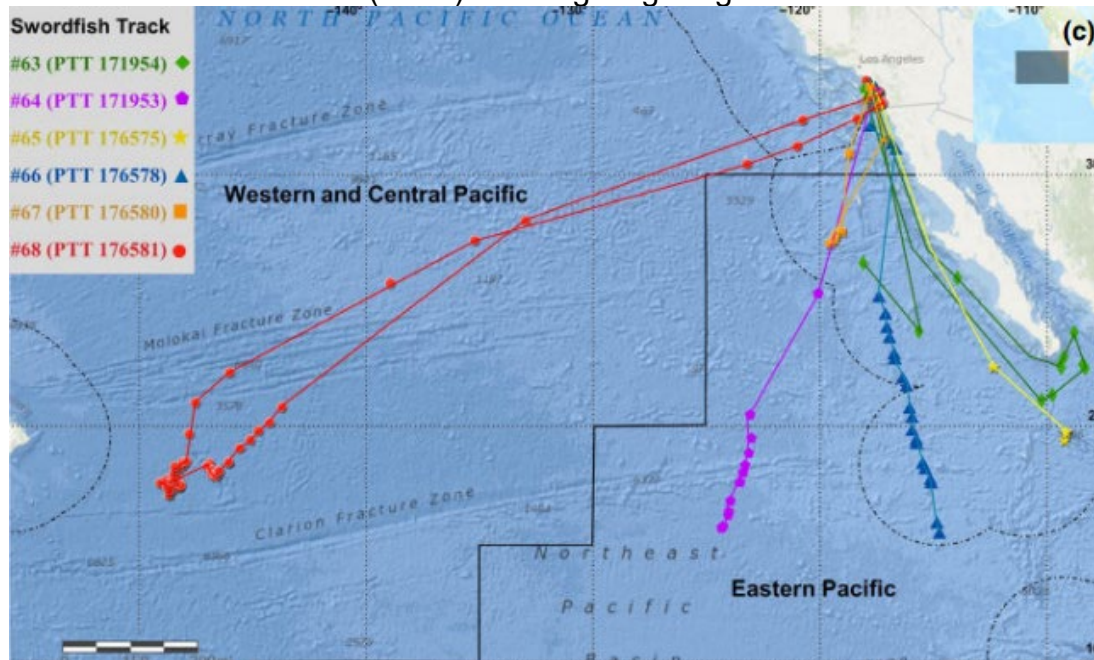
#### Bycatch

Regulations are in place to minimize bycatch.

### Population Status

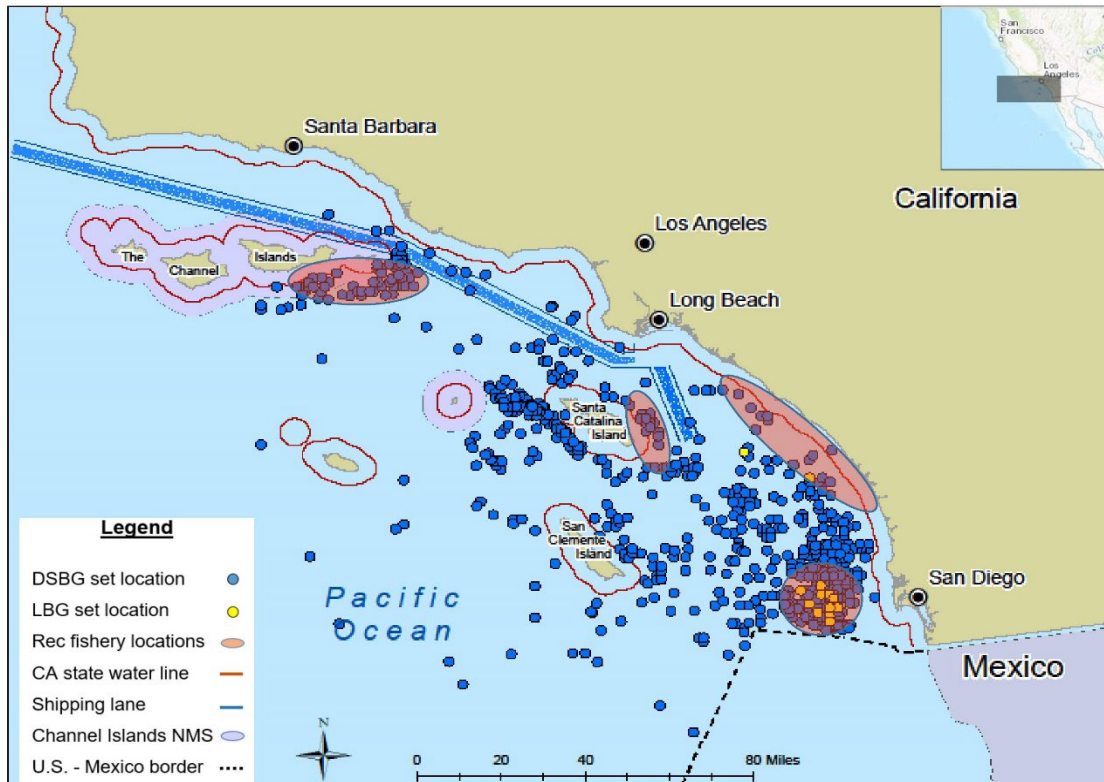
- There are two stocks of North Pacific swordfish: the Eastern Pacific Ocean stock and the Western and Central North Pacific Ocean stock. According to the most recent stock assessments:
  - The Eastern Pacific Ocean stock is not overfished but is subject to overfishing (2014 stock assessment). Summary stock assessment information can be found on [Stock SMART](#).
  - The Western and Central North Pacific Ocean stock is not overfished and is not subject to overfishing (2018 stock assessment). Summary stock assessment information can be found on [Stock SMART](#).

**Document 15:** Swordfish migration data collected via satellite tags deployed by the Pflieger Institute of Environmental Research (PIER) showing long ranges swordfish travel relative to the MPAs.

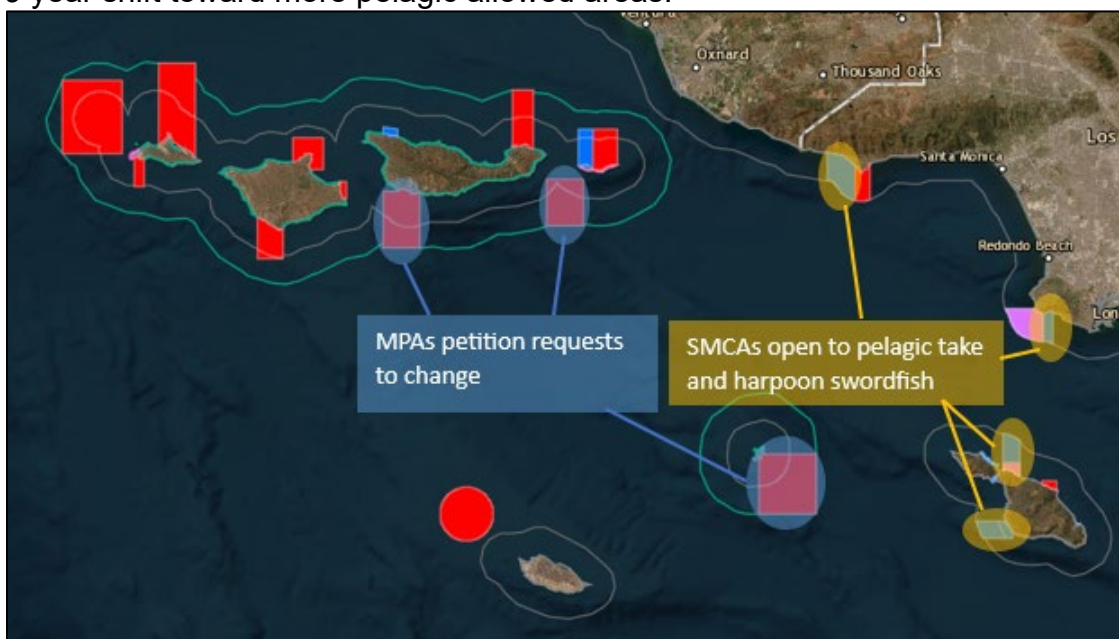




*Document 16:* DSBG and deep drop fishery efforts map displaying the wide area HMS fishing activity covers, and lack of northern Santa Cruz and Anacapa island efforts, where the only 2 SMCA's are located.



*Document 17:* Current pelagic finfish limited take SMCA's outside of the Channel Islands Network. These limited take MPAs were implemented in 2012, after the island network in 2003, and display the 9 year shift toward more pelagic allowed areas.

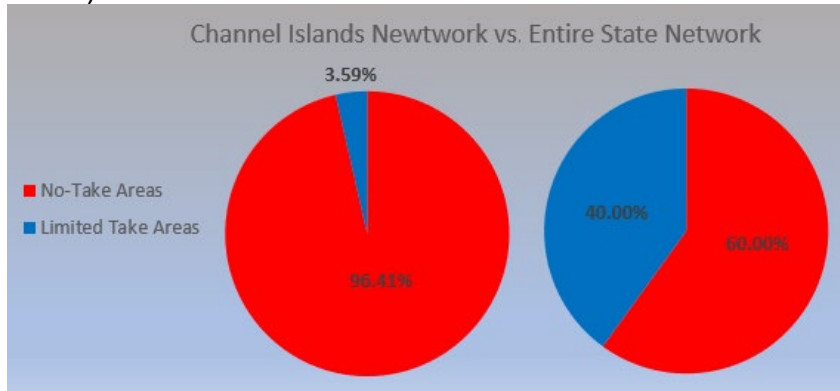




**Document 18:** Definition of State Marine Conservation Areas per California Code of Regulations Title 14 Section 632(a)(1)(C). The recommended change would make these MPAs effectively SMCAs and MCAs with limited HMS take and CPS possession.

(C) State Marine Conservation Areas: In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes except as specified in subsection 632(b), areas and special regulations for use. The department may issue scientific collecting permits pursuant to Section 650. The commission may authorize research, education, and recreational activities, and certain commercial and recreational harvest of marine resources, provided that these uses do not compromise protection of the species of interest, natural community, habitat, or geological features.

**Document 19:** Charts displaying no-take vs limited-take areas around the Channel Islands vs. the whole State MPA Network showing the disparity of no-take areas around the islands. If the changes are made, this disparity would all but disappear (see Table 1 in the analysis for before and after ratios). The calculation also includes federal sections of the MPAs.



**Document 20:** How the regulatory language could read if the preferred proposed change was selected (limited HMS take, deep drop methods and federal DSBG allowed, no nearshore closure)

**NOTE:** Existing regulation modifications presented similar to how CDFW shows yearly changes, crossed-out being removed regulation and red being the amended regulation. State and federal sections are listed with proposed changes. For simplicity the federal amendments will follow the states for the MPA specific changes.

#### State and Federal Definition Modifications-

Amend: 14 CCR § 632 (a)\*\* and 15 CFR 922.71:

(13) **Highly Migratory Species.** Highly migratory species, for the purpose of this section, are a subset of finfish defined as: albacore, bluefin, bigeye, and yellowfin tuna (*Thunnus* spp.); skipjack tuna (*Katsuwonus pelamis*); dorado (dolphinfish) (*Coryphaena hippurus*); striped marlin (*Tetrapturus audax*); thresher sharks (common, pelagic, and bigeye) (*Alopias* spp); shortfin mako shark (*Isurus oxyrinchus*); blue shark (*Prionace glauca*); and Pacific swordfish (*Xiphias gladius*). \*Marlin is not allowed for commercial take

(14) **Coastal Pelagic Species:** Coastal pelagic species, for the purpose of this section, are a subset of finfish and invertebrates defined as: northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*).





**\*\* (13) and (14)** exclusive to 14 CCR § 632 (a), amendments to 15 CFR 922.71 would read identical but not include “(13)” and “(14).” Highly Migratory species and Coastal Pelagic species are defined under State regulations (Title 14 §1.49 and 1.39), meaning the change to Title 14 § 632 (a) may not be required.

State MPA Modifications-

Amend: 14 CCR § 632 (b) (109)

(109) Gull Island State Marine ~~Reserve~~ **Conservation Area**.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 58.065' N. lat. 119° 50.967' W. long.;

33° 58.000' N. lat. 119° 51.000' W. long.;

33° 58.000' N. lat. 119° 53.000' W. long.;

33° 55.449' N. lat. 119° 53.000' W. long.; thence eastward along the three nautical mile offshore boundary to

33° 54.257' N. lat. 119° 48.000' W. long.; and

33° 57.769' N. lat. 119° 48.000' W. long.

(B) ~~Area restrictions defined in subsection 632(a)(1)(A) apply.~~ **Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:**

- 1. The recreational take of highly migratory species is allowed.**
- 2. The commercial take of highly migratory species by hook-and-line and swordfish by harpoon is allowed. The use of standard deep-set-buoy-gear is permitted outside of state waters (3nm).**
- 3. The possession of coastal pelagic species is allowed.**

Amend: 14 CCR § 632 (b) (114)

(114) Footprint State Marine ~~Reserve~~ **Conservation Area**.

(A) This area is bounded by the straight lines connecting the following points in the order listed except where noted:

33° 59.300' N. lat. 119° 30.965' W. long.;

33° 57.510' N. lat. 119° 30.965' W. long.; thence eastward along the three nautical mile offshore boundary to

33° 57.264' N. lat. 119° 25.987' W. long.;

33° 59.300' N. lat. 119° 25.987' W. long.; and

33° 59.300' N. lat. 119° 30.965' W. long.

(B) ~~Area restrictions defined in subsection 632(a)(1)(A) apply.~~ **Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:**

- 1. The recreational take of highly migratory species is allowed.**



2. The commercial take of highly migratory species by hook-and-line and swordfish by harpoon is allowed. The use of standard deep-set-buoy-gear is permitted outside of state waters (3nm).
3. The possession of coastal pelagic species is allowed.

Amend: 14 CCR § 632 (b) (116)

(116) Santa Barbara Island State Marine ~~Reserve~~ **Conservation Area**.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 28.500' N. lat. 119° 01.813' W. long.;

33° 28.500' N. lat. 118° 58.051' W. long.; thence along the three nautical mile offshore boundary to

33° 24.842' N. lat. 119° 02.200' W. long.; and

33° 27.911' N. lat. 119° 02.200' W. long.

(B) ~~Area restrictions defined in subsection 632(a)(1)(A) apply.~~ **Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:**

1. The recreational take of highly migratory species is allowed.
2. The commercial take of highly migratory species by hook-and-line and swordfish by harpoon is allowed. The use of standard deep-set-buoy-gear is permitted outside of state waters (3nm).
3. The possession of coastal pelagic species is allowed.

NOTE: It may not be required to mention deep-set-buoy-gear (DSBG) in the state regulation as it would not be allowed in state waters. However, as all regulations (State and federal) may be listed under one “rulebook” this mention of federal DSBG allowance maybe needed.

Federal Modifications-

Amend: 15 CFR 922.73(b):

(b) **Marine conservation area.** Unless prohibited by [50 CFR part 660](#) (Fisheries off West Coast States), the following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted within the **specified** marine conservation areas described in appendix C to this subpart, except as specified in paragraphs (b) through (e) of [§ 922.72](#):

**(b.1). Anacapa Island Marine Conservation Area**

(1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, or attempting any of these activities, except:

(i) Recreational fishing for pelagic finfish; or

(ii) Commercial and recreational fishing for lobster.

(2) Possessing fishing gear on board a vessel, except legal fishing gear used to fish for lobster or pelagic finfish, unless such gear is stowed and not available for immediate use.

(3) Possessing any Sanctuary resource, except legally harvested fish.

**(b.2) Gull Island (Santa Cruz Island) Marine Conservation Area**





(1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, or attempting any of these activities, except:

- (i) Recreational fishing for highly migratory species; or
- (ii) Commercial fishing for highly migratory species by hook-and-line and harpoon. DSBG is allowed inside of federal waters.
- (iii) Possession of coastal pelagic species.

(2) Possessing fishing gear on board a vessel, except legal fishing gear used to fish for highly migratory species, unless such gear is stowed and not available for immediate use.

(3) Possessing any Sanctuary resource, except legally harvested fish.

**(b.3) Footprint Marine Conservation Area**

(1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, or attempting any of these activities, except:

- (i) Recreational fishing for highly migratory species; or
- (ii) Commercial fishing for highly migratory species by hook-and-line and harpoon. DSBG is allowed inside of federal waters.
- (iii) Possession of coastal pelagic species.

(2) Possessing fishing gear on board a vessel, except legal fishing gear used to fish for highly migratory species, unless such gear is stowed and not available for immediate use.

(3) Possessing any Sanctuary resource, except legally harvested fish.

**(b.4) Santa Barbara Island Marine Conservation Area**

(1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, or attempting any of these activities, except:

- (i) Recreational fishing for highly migratory species; or
- (ii) Commercial fishing for highly migratory species by hook-and-line and harpoon. DSBG is allowed inside of federal waters.
- (iii) Possession of coastal pelagic species.

(2) Possessing fishing gear on board a vessel, except legal fishing gear used to fish for highly migratory species, unless such gear is stowed and not available for immediate use.

(3) Possessing any Sanctuary resource, except legally harvested fish.

Amend: Appendix B to Subpart G of Part 922 (Marine Reserve Boundaries) for 15 CFR 922 B.4, B.5, B.6, B.7, and B.8.

**B.4. Gull Island (Santa Cruz Island) Marine Reserve**

~~The Gull Island Marine Reserve (Gull Island) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B-4, and the following textual description.~~

~~The Gull Island boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary then follows the 3 nmi~~



~~State boundary westward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.~~

~~Table B-4—Gull Island (Santa Cruz Island) Marine Reserve~~

Point	Latitude	Longitude
1	<del>33.86195 ° N</del>	<del>119.80000 " W</del>
2	<del>33.86195 ° N</del>	<del>119.88330 " W</del>
3	<del>33.92690 ° N</del>	<del>119.88330 " W</del>
4	<del>33.90700 ° N</del>	<del>119.80000 " W</del>
5	<del>33.86195 ° N</del>	<del>119.80000 " W</del>

#### **B.4. Scorpion (Santa Cruz Island) Marine Reserve**

The Scorpion Marine Reserve (Scorpion) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B-5, and the following textual description.

The Scorpion boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary then follows the 3 nmi State boundary westward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.

~~Table B-4~~**—Scorpion (Santa Cruz Island) Marine Reserve**

Point	Latitude	Longitude
1	34.15450 ° N	119.59170 " W
2	34.15450 ° N	119.54670 " W
3	34.10140 ° N	119.54670 " W
4	34.10060 ° N	119.59170 " W
5	34.15450 ° N	119.59170 " W

#### **B.6. Footprint Marine Reserve**



The Footprint Marine Reserve (Footprint) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–6, and the following textual description.

The Footprint boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary follows the 3 nmi State boundary northeastward and then southeastward until it intersects the line defined by connecting Point 4 and Point 5 along a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.

Table B–6—Footprint Marine Reserve

Point	Latitude	Longitude
1	33.90198 ° N	119.43311 " W
2	33.90198 ° N	119.51609 " W
3	33.96120 ° N	119.51609 " W
4	33.95710 ° N	119.43311 " W
5	33.90198 ° N	119.43311 " W

#### B.5. Anacapa Island Marine Reserve

The Anacapa Island Marine Reserve (Anacapa Island) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–7, and the following textual description.

The Anacapa Island boundary extends from Point 1 to Point 2 along a straight line. It then extends to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary follows the 3 nmi State boundary westward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.

Table B–5—Anacapa Island Marine Reserve

Point	Latitude	Longitude
1	34.08330 ° N	119.41000 " W
2	34.08330 ° N	119.35670 " W
3	34.06450 ° N	119.35670 " W
4	34.06210 ° N	119.41000 " W



Point	Latitude	Longitude
-------	----------	-----------

5      34.08330 ° N 119.41000 " W

#### ~~B.8. Santa Barbara Island Marine Reserve~~

~~The Santa Barbara Island Marine Reserve (Santa Barbara) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–8, and the following textual description.~~

~~The Santa Barbara boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary follows the 3 nmi State boundary northeastward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line. The boundary then extends from Point 5 to Point 6 along a straight line.~~

~~Table B–8—Santa Barbara Island Marine Reserve~~

Point	Latitude	Longitude
-------	----------	-----------

~~1      33.36320 ° N 118.90879 " W~~

~~2      33.36320 ° N 119.03670 " W~~

~~3      33.41680 ° N 119.03670 " W~~

~~4      33.47500 ° N 118.97080 " W~~

~~5      33.47500 ° N 118.90879 " W~~

~~6      33.36320 ° N 118.90879 " W~~

Amend: Appendix C to Subpart G of Part 922 (Marine Conservation Area ~~Boundary~~ **Boundaries**) for 15 CFR 922

#### **C.2. Gull Island (Santa Cruz Island) Marine Conservation Area**

**The Gull Island Marine Conservation Area (Gull Island) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–4, and the following textual description.**

**The Gull Island boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary then follows the 3 nmi State boundary westward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.**

**Table B–4—Gull Island (Santa Cruz Island) Marine Conservation Area**

Point	Latitude	Longitude
-------	----------	-----------

**1      33.86195 ° N 119.80000 " W**



Point	Latitude	Longitude
2	33.86195 ° N	119.88330 " W
3	33.92690 ° N	119.88330 " W
4	33.90700 ° N	119.80000 " W
5	33.86195 ° N	119.80000 " W

### C.3. Footprint Marine Conservation Area

The Footprint Marine Conservation Area (Footprint) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–6, and the following textual description.

The Footprint boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary follows the 3 nmi State boundary northeastward and then southeastward until it intersects the line defined by connecting Point 4 and Point 5 along a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.

Table B–6—Footprint Marine Conservation Area

Point	Latitude	Longitude
1	33.90198 ° N	119.43311 " W
2	33.90198 ° N	119.51609 " W
3	33.96120 ° N	119.51609 " W
4	33.95710 ° N	119.43311 " W
5	33.90198 ° N	119.43311 " W

### C.4. Santa Barbara Island Marine Conservation Area

The Santa Barbara Island Marine Conservation Area (Santa Barbara) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–8, and the following textual description.

The Santa Barbara boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary follows the 3 nmi State boundary northeastward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line. The boundary then extends from Point 5 to Point 6 along a straight line.

Table B–8—Santa Barbara Island Marine Conservation Area

Point	Latitude	Longitude
1	33.36320 ° N	118.90879 " W
2	33.36320 ° N	119.03670 " W
3	33.41680 ° N	119.03670 " W
4	33.47500 ° N	118.97080 " W
5	33.47500 ° N	118.90879 " W
6	33.36320 ° N	118.90879 " W





Links to data sources:

1. CDFW Marine Species Portal: <https://marinespecies.wildlife.ca.gov/> for Bluefin Tuna, Swordfish, and Striped Marlin
2. NOAA Species Directory: <https://www.fisheries.noaa.gov/species-directory> for North Pacific Swordfish and Pacific Bluefin Tuna
3. PIER papers: <https://pier.org/resources/publications/> for swordfish migratory movements DOI: 10.1111/fog.12461, and DOI:10.1111/j.1365-2419.2010.00543.x
4. WCPFC stock analysis: <https://www.wcpfc.int/current-stock-status-and-advice> for Pacific Bluefin Tuna, North Pacific Swordfish, North Pacific Striped Marlin
5. Oceana DSBG Sustainability Article: <https://usa.oceana.org/press-releases/new-day-dawns-for-whales-sea-turtles-and-sustainable-swordfish-fishing-off-californias-shores/>
6. PEW DSBG Sustainability Article: <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/06/22/us-approves-sustainable-way-to-catch-swordfish-off-west-coast>
7. MPA regional info: <https://californiampas.org/mpa-regions/north-coast-region>
8. Channel Islands Network info (NOAA):  
<https://channelislands.noaa.gov/about/maps.html#:~:text=Channel%20Islands%20National%20Marine%20Sanctuary%20protects%201%2C470%20square%20miles%20of,Miguel%2C%20and%20Santa%20Barbara%20islands>
9. MPA Master Plan hub: <https://wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan>

**11. Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing:

- Would give local charter businesses better access to local Northern Channel Island banks, helping business and reducing fuel costs and emissions spent traveling further offshore.
- Would significantly assist the commercial swordfish industry and total domestic swordfish landings, returning legacy harpoon fishery waters, and allowing for more sustainable, domestic product to be landed by harpoon and DSBG after the phase out of drift nets.

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

None to my knowledge. |

**SECTION 3: FGC Staff Only**

Date received: **3/14/2025** |

FGC staff action:

- ☐ Accept - complete  
☐ Reject - incomplete  
☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: \_\_\_\_\_ |

Meeting date for FGC consideration: \_\_\_\_\_ |



FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition  Tracking Number
- ☐ Granted for consideration of regulation change



Tracking Number: (2023-15MPA)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

## **SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages.*

### **1. Person or organization requesting the change (Required)**

Name of primary contact person: Blake Hermann

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

### **2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:**

-Fish and Game Code (FGC) Division 1, Chapter 2, Sections 200, 205c, 265, and 399

-Fish and Game Code (FGC) Division 2, Chapter 5, Sections 1590 and 1591

-Fish and Game Code (FGC) Division 3, Chapter 10.5, Sections 2860 and 2861

-Fish and Game Code (FGC) Division 6, Chapter 6, Section 6750

-Public Resource Code (PRC) Division 27, Chapter 7, Sections 36725(a) and 36725(e)

### **3. Overview (Required) - Summarize the proposed changes to regulations:**

This petition requests a modification to three Marine Protected Areas (MPAs) off Southern Santa Cruz Island and Santa Barbara Island, known as the Footprint Marine Reserve (The Footprint), Gull Island Marine Reserve (Gull Island), and The Santa Barbara Island Marine Reserve (SBI). The Footprint and Gull Island Reserves are located on the southeast and southwest sides of Santa Cruz Island respectively, and the SBI Reserve is located on the south-east corner of Santa Barbara Island.

This petition requests, for the reasons stated in the accompanying sections, that The Footprint, Gull Island, and SBI Reserves be modified and partially opened and converted into limited take conservation areas with implementation of one the following options (listed from the most to least allowances):



Option 1: The least restrictive option, with some existing precedent SCMA's:

- The recreational take of pelagic finfish\* is allowed.
- The commercial take of pelagic finfish\* by hook-and-line, and swordfish by harpoon are allowed.
- Deep-Set-Buoy-Gear (DSBG) is allowed in the federal portions of the proposed MPAs. \*\*

Option 2: Elevated protections in species selectivity (**preferred option**):

- The recreational take of Highly Migratory Species (HMS)\* is allowed.
- The commercial take of Highly Migratory Species (HMS)\* by hook-and-line, and swordfish by harpoon is allowed.
- The possession of Coastal Pelagic Species (CPS) is allowed.
- Deep-Set-Buoy-Gear (DSBG) is allowed in the federal portions of the proposed MPAs. \*\*

Option 3: Option 1 with only allowance of “surface fishing methods.” \*\*\*

- The recreational take of pelagic finfish\* is allowed via surface fishing methods.
- The commercial take of pelagic finfish\* by hook-and-line via surface fishing methods, and swordfish by harpoon are allowed.

Option 4: Option 2 with only allowance of “surface fishing methods.”

- The recreational take of Highly Migratory Species (HMS)\* is allowed via surface fishing methods.
- The commercial take of Highly Migratory Species (HMS)\* by hook-and-line via surface fishing methods, and swordfish by harpoon are allowed.
- The possession of Coastal Pelagic Species (CPS) is allowed.

Each of the above options may also include a reduced in size, more selective, limited-take or no-take zone within the Gull Island and SBI zones. However, as discussed later, these areas are only needed if Options 1 or 3 are selected (See Attached: Full Analysis Document 1).

\*List of State HMS, CPS, and Pelagic finfish per Title 14 CA § 1.49, 1.39, and 632(3):

-Highly migratory species means any of the following: albacore, bluefin, bigeye, and yellowfin tuna (*Thunnus* spp.); skipjack tuna (*Katsuwonus pelamis*); dorado (dolphinfish) (*Coryphaena hippurus*); striped marlin (*Tetrapturus audax*); thresher sharks (common, pelagic, and bigeye) (*Alopias* spp); shortfin mako shark (*Isurus oxyrinchus*); blue shark (*Prionace glauca*); and Pacific swordfish (*Xiphias gladius*).

-Coastal pelagic species means any of the following: northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*).

-Pelagic finfish, are a subset of finfish defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena* spp.), billfishes (family *Istiophoridae*), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family *Scombridae*) including Pacific bonito (*Sarda chiliensis*), and yellowtail (*Seriola lalandi*).

\*\*Deep-Set-Buoy-Gear (DSBG), if allowed, would **only** be allowed beyond the 3nm line, outside of state waters, as is currently fished. Barring any future changes or exempted fishing permits (EFPs).

\*\*\*See Full Analysis Document attachment (Document 1) for detailed description.





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

**The Problem:**

Initially established in 2003 and federally expanded in 2006, the Channel Islands MPA network containing The Footprint, Gull Island, and SBI Reserves was the first network of its kind in California history. This island network later expanded into the statewide MPA network during coastal implementation phases from 2007-2012. The problem created by these first MPAs was the unintentional protection of seasonal pelagic and highly migratory species that migrate into Southern California during the summer months.

The allowance of limited pelagic or highly migratory take in these areas falls in line with the adaptive management measures set forth in the Decadal Management Review (DMR) and reinforced by the Marine Resource Council's (MRC) near-term recommendations. The proposed changes also fall in line with the MPA Master Plan and align with FGC comments on previous change request petitions.

While maintaining the original intentions for the creation of the MPAs, the proposed changes will have minimal impacts on the ecosystem due to the selective nature of the gear being recommended and highly mobile species it would allow for.

**Summary of the reasons for change:**

This petition aims to prove this proposal is justified by showing the following\*:

- Limited take of pelagic finfish or HMS does not significantly affect or interfere with the species and features the MPAs aim to protect
- The proposed changes provide better equality of MPA policy across the state
- The 20 years of data from these and other MPAs support the proposed changes
- The proposed changes are in line with MPA decadal management review (DMR) comprehensive recommendations and the near-term priority recommendations of the marine resource committee (MRC)
- The proposed changes follow precedent set by the FGC's comments on previously submitted petitions, the current MPA overviews, the 2016 MPA master plan for the southern section, and the original 2002 MPA CEQA for the Channel Islands Network
- The proposed changes exclusively allow for sustainable fishing methods on no at risk populations/species
- The proposed changes support sustainable commercial fisheries the state and NOAA have expressed desire to further expand
- The proposed changes are reasonably enforceable (per discussions with F&G officers)
- The proposed changes have mass public support from the public, fishery groups, non-fishery groups, and conservation organizations

If implemented the resulting changes may have the following effects:

- The Channel Islands MPA network would be updated to allow for a more equitable 60/40 no-take to limited take closure ratio, which would be in line with the state's ratio
- Would provide new fishing opportunities to sustainable recreational and commercial fisheries while producing minimal impacts to the intended protected structures and species



- Provide new research opportunities for observing previous no-take zones under new allowance of pelagic or HMS limited-take
- Help grow local business and further develop the local and state economy

\*Further detailed explanations, analysis, and figures are included in Document 1, and the remaining documentation in the “Supporting Documentation” section.

## SECTION II: Optional Information

5. **Date of Petition:** Submitted-11/22/2023

6. **Category of Proposed Change**

- ☒ Sport Fishing  
☒ Commercial Fishing  
☐ Hunting  
☐ Other, please specify: [Click here to enter text.](#)

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- ☒ Amend Title 14 Section(s): Division 1, Subdivision 2, Chapter 11, § 632 |  
☐ Add New Title 14 Section(s): |  
☐ Repeal Title 14 Section(s): |

\*See Document 20 for State and Federal Code modifications example

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or ☒ Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation.

If the proposed change requires immediate implementation, explain the nature of the emergency: Due to the change regarding modifying existing MPAs that cover both State and Federal waters, the federal bodies (NOAA, NMS, and PFMC) must mirror the above changes in their portions of the MPAs to allow for reasonable enforcement of these areas. Due to the lack of precedent, this being the first time the FGC is allowing petitions for individual or groups of MPAs to be modified, new channels need to be opened in order to facilitate such changes. A reasonable amount of time for all parties (state, federal, and public) to review and confirm the reasonings and data provided is required. This petition simply requests this change be made as soon as is practical. |

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

Document 1: Complete, in-depth analysis of the prescribed changes and key points including weighing out the aforementioned change options, scientific basis, and stock assessment analysis.



### **Why Change These MPAs?**

California's MPA network has provided valuable data for researchers allowing for observations of small-scale ecosystems in their raw form with no human intervention. That being said, all research focuses on the local non-pelagic species in these areas. The reasonings for this will be discussed later in depth but is a result of the massive area pelagic populations cover making their net presence the same everywhere. It is for this reason that if changes are made, the local non-pelagic species will remain unaffected, and still be protected under the proposed changes.

This petition aims to prove that specific limited-take allowances will not significantly interfere with the populations the MPAs aim to protect. This petition requests 3 current MPAs be modified to limited take in order to allow for sufficient numbers of no-take zones to still remain in the Channel Islands Network for research and public non-consumptive use (approximately 60% of the island network will remain no-take zones).

With the proposed change, there lies immense research opportunity in filling gaps in our knowledge. Never has a no-take MPA been converted into a limited-take zone. If there are factors that limited-take of pelagic or HMS does have on the local, non-pelagic populations (currently none are known), this change would allow for a whole new branch of research to take place; observing converted no-take zones after 20 years of historical data.

This petition acknowledges the need for no-take MPAs around the Channel Islands to act as a baseline to research as well as areas for the public to view undisturbed waters, and if implemented approximately 60% of the island network would remain no-take. This would mirror the state average for no-take zones. This petition also acknowledges there is no reason to request for a limited take zone in an area far offshore or often locked by foul weather that would theoretically only be fished a handful of times a year. These areas were selected for the reason that they offer sufficient new opportunities to the fishing community and researchers if the no-take areas are converted into limited-take areas.

A unique fact of these three MPAs, and other MPAs in the Channel Islands network is their expansion beyond state waters, something we see nowhere else in the state. All three of these MPAs are part of this subset of state/federal MPAs, extending 6nm from the islands compared to the traditional 3nm a normal MPA would cover. This means for this specific petition, if changes are made, both State and Federal changes should be mirrored to allow for reasonable enforcement and streamlining of regulations. The Commission and CDFW would likely need to partner with NOAA and the Channel Islands National Marine Sanctuary (CINMS) to make these dual zone changes within each MPA. Therefore, this petition will also be addressing NOAA/CINMS and federal fisheries in addition to the Commission and state, so all agencies are aware of the changes being requested and the supporting factors for this change.

### **The First California MPAs:**

The Channel Islands MPA network was the first set of MPAs in California history. Established in 2003, the state closures were expanded in 2006 into federal waters, completing the Channel Islands MPA network. The first state MPAs off the central coast were then implemented one year later, in 2007, beginning the statewide network. The Channel Islands MPAs had no accompanying southern section coastal MPAs until the southern section's implementation in 2012, which also marked the completion year of the state MPA network and nearly a decade of existence for the Channel Islands MPAs.

Being the first, the Channel Islands Network acted as a baseline, moving the state into previously unexplored territory, that today has grown into the current network. That being said, these first MPA implementations were not perfect. We have learned a lot since their creation, from better understandings of both non-pelagic and pelagic species to new closures ideas that followed in the



four coastal MPA regions. Now that we have had more than 20 years to observe how this island network acts, it is time to make fine-tuned adjustments in order to modernize the Channel Island network to better mirror the remaining state network and the latest research.

### **MPA Intentions - Focus on Local Non-Pelagic Species:**

Being the first set of MPAs and covering both state and federal waters, the state partnered with the Channel Islands National Marine Sanctuary (CINMS) and NOAA to develop a plan in order to determine how the Channel Islands MPA network would look. In the end, a two-part CEQA was developed that laid out the MPA plan for the Channel Islands network, in which the broad and specific reasonings for The Footprint, Gull Island, and SBI reserves were discussed (*Docs. 3-5*).

Broadly speaking all three of these Channel Islands MPAs were put into effect either around common invertebrate/fishing grounds or were built off of an existing invertebrate closure (SBI). The CEQA acknowledges that placing MPAs around these zones may have congested fishing efforts elsewhere and may slow fisheries short-term. However long-term, it was the belief that these protected areas would act as a sort of oasis, growing mass populations inside that would expand out as they grow to capacity inside reserves. These populations would then radiate from these areas and would in turn help fisheries over time.

We can see the idea of protecting the local, nearshore species of the Channel Islands very evident in each of the three MPA justifications in the CEQA (*Docs. 3-5*), the 2016 MPA master plan goals (*Doc. 10*), and the published MPA overviews (*Docs. 7-9*).

According to the CEQA, The Footprint was originally established with the primary intention to protect the unique rocky reefs and rebuild the rockfish populations (*Doc. 7*), The CEQA discussed the depleted groundfish stocks at the time and mentioned how they would benefit the most from the MPA's implementation. The Gull Island and SBI reserves also discuss deep water reefs and rockfish, but focus more on endangered bird nesting grounds, abalone populations, and the more diverse, nearshore species along the islands they border (*Docs. 8 and 9*). The broad implication of the MPAs in the CEQA was the intention that local populations of fish, birds, and mammals inside the MPAs would, "respond to protection within the reserve through increased density, individual size, and reproductive potential," (*Docs. 3 and 4*).

This logic is something we see echoed today in the modern MPA overviews of the three MPAs and the goals of the MPA Master Plan (*Doc. 10*). In the MPA overviews under, "Why was this location chosen for a state marine reserve?" we still see reasons such as the protection of canyons, rocky reefs, pinnacles, kelp forests, and rocky nearshore habitats for local non-pelagic species including copper rockfish, sheepshead, cowcod, and bocaccio. However, there is zero mention of any pelagic or HMS in these overviews. This point is further reinforced by the southern section MPA master plan, where under its goals, states its intentions revolve around protecting the ecosystems within the MPAs and help rebuild rare or depleted populations of species that are, "more likely to benefit from MPAs," and, "Protect selected species and the habitats on which they depend while allowing some commercial and/or recreational harvest of migratory, highly mobile, or other species; and other activities," (*Doc. 10*). All of these protective goals are catered to the local species of non-pelagic fish, while the pelagic goals clearly state that pelagic and HMS should have limited take areas, something that the Channel Island network severely lacks compared to the rest of the state.

### **Proposed Changes Effect on the Original MPA Intentions:**

As mentioned, the original and current goals of these three MPAs revolve around protecting the local, non-pelagic, and nearshore species within them. The idea of a radiating effect helping fisheries around MPAs does indeed hold merit for local populations of non-pelagic species. Species like groundfish that could in theory live, feed, and spawn all within one MPA are a prime example of





this working as intended today. A groundfish that may have lived its entire lifecycle inside of a protected area, will only affect that local protected area if that individual was taken. This is why if implemented, the changes would still protect all invertebrates and non-pelagic species, such as rockfish, leaving the original science backed protections, and MPA intentions, in effect.

In regard to these intentions for pelagic or HMS, limited pelagic or HMS take would not noticeably affect any of the pelagic or HMS populations within our waters. This is the case since pelagic and HMS are either highly mobile or seasonal migrators, moving with currents rather than remaining on structure or in a small MPA zone. It is one thing if an entire or significant population of a species live inside a protected area, but for species that live and move over a vast area, these MPAs are negligible in helping their population. Species that live and feed over massive areas of ocean, and spawn hundreds of miles away from the network are intrinsically less affected by a small area they may or may not pass through each year. Unlike the non-pelagic species covered in the CEQA, Master Plan, and modern overviews, pelagic species' population densities, individual sizes, and reproductive potentials are not meaningfully affected by these MPAs. Populations would essentially remain as affected by human impacts whether this proposal goes into effect or not due to the protected areas covering so little of the area they live in. This is something that was actually touched on in the CEQA, where it is stated, "No-take areas, so long as their size is large relative to the movement of the species, will lead to increased (species) abundance," (*Doc. 6*). Essentially, due to pelagics and HMS covering so much area throughout their travels, the impact on a pelagic or highly migratory species being protected inside the existing MPAs is near zero. Therefore, there is no scientific basis to leave protections for these species in effect within these three MPAs.

A prime example is the swordfish, one of the three primary species that would be reasonably targeted inside the MPAs if partially opened. Satellite tag data from the Pflieger Institute of Environmental Research (PIER) (*Doc. 15*) shows tagged swordfish off southern California traveling from the tag location to as far south as Cabo (900 nm), or nearly as far west as Hawaii (1900 nm) to spawn in the winter/spring. They then migrate back to Southern California one year later in the summer to feed. Like the swordfish, other HMS such as marlin or tuna are also examples of species that travel massive distances every year during their migrations. These species cover so much water that the net environmental impact from small areas like these MPAs is near zero. It is for this reason the petition requests that pelagic or highly migratory species are able to be targeted inside of these three areas.

### **Following MPA Reports, The Need for Adaptive Management:**

In January 2023 the DMR of the State's MPA network was published and contained comprehensive recommendations including the following considerations:

- "Allow take of migratory and pelagic species in MPAs that currently do not allow it" and
- "Return MPA fishing opportunities, especially in legacy fishing areas that were previously open to fishing." (*Doc. 12*)

The Footprint, Gull Island, and SBI Reserves fall under legacy pelagic fishing areas, being once completely open. In alignment with the DMR, these legacy areas can be justifiably re-opened to the limited take of pelagic or HMS per the recommendations.

This change is also supported by the recommendation of the Marine Resource Committee (MRC), as outlined in the networks near-term priorities from the DMR. Stating we must, "Apply what is learned from the first Decadal Management Review to support proposed changes to the MPA Network and Management Program." We have had ample time to observe these MPAs over their two-decade existence, now that we better understand the low impacts pelagic and HMS have on the network, we can justifiably adaptively manage these MPAs, opening them to limited take. In addition



to the DMR and MRC recommendations the 2016 MPA master plan directly called for limited take areas of pelagic or HMS. Due to these three MPAs being the among the oldest modern MPAs, existing since 2003, it is possible the Master Plan considerations from 2016 were not as refined in 2003. This is something we can now remedy, by modifying these MPAs to modern network outlooks.

In addition to adaptive management measures there also exists a pre-DMR precedent from the FGC stating that the MPA network is not designed for pelagic or HMS. In 2020 the FGC denied a petition calling for creating a sanctuary/MPA for Great White Sharks near Carpentaria on the grounds that MPAs are intended, “[...] not (to protect) individual species, **especially highly mobile, pelagic species**,” (Doc. 11). Following the FGC’s reason for rejection, this argument can be applied to support the case for the allowance of pelagic or HMS take within the listed reserves, because these species, per their pelagic/highly migratory designation, fall into this category.

### **Pursuing Equitable Policy Through Modernized SMCAs:**

The MPA Network was founded on four key pillars with the innovative idea that these pillars would allow for the adaptive management of the system. One of these pillars is policy and permitting which calls for consistent policy across the network to allow for fair network governance.

After the Channel Islands MPAs were established, the remaining network followed. Comparing the Channel Islands network to the remaining state network we see large shifts toward the partial-take state marine conservation areas (SMCAs) and less overall water coverage.

The Channel Islands network of MPAs covers 21% (318 mi<sup>2</sup>) of the total sanctuary waters. Compared to the 16% of state waters currently protected under the network, this means there is a 31% increase in protected areas around the Channel Islands than the rest of the state.

Not only is there an increased area of closures (by percentage) within the Channel Islands network, but also, significantly less relative area open to limited-take. Of the 13 various closures around the island network all but 2 are no-take sections. This only accounts for only 11.43 square miles of water of the 318 square mile closure area, or 3.59% of the sanctuary’s closures. By comparison, the state network contains about 40% limited take areas. This is a wide discrepancy between the Channel Islands network and the state network (Over 10 times the relative area around the Channel Islands is no take compared to the rest of the state). If implemented, the percent area of limited take in the Channel Islands Network would roughly mirror the State’s 40% limited take figure, bringing more equity to the local region. The raw figures are shown in the table below.

Table 1: Comparison of MPA (no-take) and SMCA (limited take) of the Channel Islands MPAs vs the Entire State MPA Network		
	Channel Islands MPA Network (State and Federal Waters)	State MPA Network
% of Waters Protected (no-take and limited take)	21% (~318 mi <sup>2</sup> )	16%
% of network that is No-Take	96.41% (~306.58 mi <sup>2</sup> )	60%
% of network that is limited take	3.59% (~11.41 mi <sup>2</sup> )	40%
% of network that would be limited take if changes implemented*	41.17% (~130.93 mi <sup>2</sup> )	<40%

\*This assumes the optional “nearshore” closures are not implemented and includes the Channel Islands network in the state network figures.



The goal of these changes is to allow for enough reasonable take of pelagic or HMS at comparable levels of opportunity zones to the rest of the MPA network (~40% partial take allowance). If implemented, the Channel Islands network would still have elevated protected area rates, 21% compared to the state average of 16%, but would provide a better ratio of limited take areas.

Current examples of limited take areas outside of the island network in Southern California include SMCAs such as the Pt. Dume, Abalone Cove, Blue Cavern, and Farnsworth SMCAs (*Doc. 17*), which allow for some form of pelagic finfish take. Other statewide examples of limited take SMCAs outside Southern California cater to pelagic finfish and salmon, technically not a pelagic finfish by biological definition, but a species that still covers mass distances every year. This petition simply requests that we adapt too and update the Channel Islands network to the same standards we see in the rest of California.

### **Enforcement Analysis:**

On the surface, the opening of limited take for pelagic or HMS in these current no-take MPAs could create additional enforcement issues for F&G Wardens covering these areas. However, upon talking to the warden office and local wildlife officers it was determined this was not the case. It is the intention of this petition that the changes made would be enforced similarly to how current pelagic allowed SMCA's are enforced. For the local Ventura agency, enforcement would be identical to how officers enforce the Anacapa Island SMCA.

Discussions with the enforcement agency have indicated that there are currently no issues with enforcement in the current pelagic allowed SMCAs. It is their standpoint that the current enforcement regulations are clear and allow officers to make decisions swiftly and appropriately. The current regulation that outlines enforcement of the SMCAs is under California Code of Regulations Title 14 Section 632(a)(1)(C) (*Doc. 18*). To summarize the code, take or possession of species except specific individuals or groups listed is prohibited. Meaning, under the proposed regulations, the take and possession of pelagic or HMS would be allowed within the conservation area, but the take and possession of non-pelagic or non-HMS species, like groundfish, would be not allowed. There is an added exception that only possession of coastal pelagic species (CPS) would be allowed if an HMS specific option is selected (it is preferred one is). The reasoning for this addition is the allowance for such HMS targeting vessels to possess baitfish that is commonly used to target such species. Due to the clear-cut boundaries of enforcement regulations, and the input from F&G wardens, it was determined that the additional enforcement required by these changes is both minimal and overlaps with current pelagic allowed SMCAs they currently patrol and enforce.

### **Mass Public Support:**

The origins of the pelagic allowed zones go back to the original implementation of the Channel Islands MPA network which includes 2 areas for pelagic take. However, the waters these two zones cover are located on the northern side of Anacapa and Santa Cruz islands, areas where very little pelagic/HMS fishing takes place. HMS fishing method trial maps for DSBG and deep drop show a clear picture of the primary pelagic/HMS grounds in southern California (*Doc. 16*). The maps clearly display most pelagic and HMS fishing occurs on the southern sides of the four northern islands. Almost no fishing efforts are made in the two northern zones. Primarily, most pelagic and HMS targeting fishing around the Channel Islands occurs 2-12 miles south of the northern islands, down the entire 4 island chain. All three of the requested MPA lie in these areas.

Fisheries that actively target or have targeted pelagic or HMS off the northern Channel Islands have wanted these types of changes since the implementation of the network and have commented both in the past and present about the desire to allow for more pelagic or HMS limited take.



Comments from 2002 in the CEQA and from 2023 DMR show this desire. However, back in 2002, we did not know nearly as much about the pelagic or HMS migrations and what impacts allowing a small fishery inside these areas could be. Today this is simply not the case. We now know that this change, if implemented, will further streamline current regulations concerning pelagic or HMS, while having a net minimal impact on the local ecosystems inside these MPAs. This petition has the official backing and support of several fishery businesses, groups, and individuals, *Doc. 2 for list and letter*, and also includes a publicly signable petition containing over 880 signatures at the time of submittal.

#### **The 4 Options Breakdown including Stock and Fishery Analysis:**

This section will discuss the impact the allowed fisheries may have on the species that would primarily be targeted, the pros and cons of the four options, and the possible nearshore closure(s). The discussions on the four options and optional no take zones are meant to provide the thoughts and opinions of pelagic and HMS fishery groups and individuals for the Commission to better understand their viewpoints.

**-Pelagic and HMS Stock and Fishery Analysis:** Out of all of the HMS, Bluefin tuna migrate the furthest in terms of net geographical distance traveled in their lifetime, with individuals who reach maturity traveling from the coast of California across the pacific to Japan, moving up to 70 miles per day during said migration. Billfish (Swordfish or Marlin) travel in two more distinct groups, rotating from California either toward the mid-pacific and Hawaii or off the coast of Mexico, moving up to 35 miles per day according to tag data. All these species and the other pelagic and HMS affected by this change follow migrations similar these, coming into waters off of California in the early summer (June-July), and mostly departing by early winter (November-December). This migration timeline and fishing attempts toward HMS in California are directly related, meaning most, if not all, fishing will be during these 5-7 months, leaving waters relatively untouched the remaining months of each year.

The fishery impact from these changes would be minimal to the overall take of HMS and their stocks. It is the primary intention of this petition that the species primarily targeted inside of these areas (if HMS or pelagic fishing is allowed), would be swordfish, bluefin tuna, and striped marlin. While some other attempts toward more exotic species such as yellowfin or dorado may occur, it would be rarely available.

Fishery efforts in these MPAs also needs to be considered. Pelagic and HMS do not remain in small areas, rather moving with the water and currents. HMS fishery efforts would not be concentrated inside of these proposed limited-take areas, but rather flow through them as the water these species follow flows through these areas. The fishery would cover the same grounds it does today, with the changes allowing targeting though these areas compared to having to work around them as these species move through them. The two most targeted species in these areas that would be retained are bluefin tuna and swordfish. Striped marlin would likely be targeted the most in terms of fishing effort, but almost all marlin captures are recreational and result in a release.

According to NOAA the bluefin tuna population is not subject to overfishing and stock assessments show the population has “significantly increased,” (*Doc. 13*). If any of the listed options is accepted, all recreational methods of take would be available for bluefin tuna. A majority of this would be hook-and-line, with spearfishing taking up the remaining numbers. Commercially, only hook-and-line bluefin would be permitted as spearfishing is not a commercial option. A concern that was raised was the allowance of commercial hook-and-line bluefin take within these areas. Some groups believed allowing commercial take would prove to have too much of an impact on the stock. However, observing NOAA commercial landing data we see that California’s commercial fishermen only account for 2% of the yearly pacific bluefin that is commercially harvested, meaning the local commercial fishery has a minimal impact on the stock (*Doc. 13*).





The stock numbers and movements are similar for swordfish as well. NOAA lists the Pacific swordfish stock is at safe levels and not subject to overfishing (*Doc. 14*). The total local impact by California vessels is listed as minimal with a “significant majority” of swordfish landed by Hawaii based longline vessels. Commercially, with the phasing out of the drift gillnet (DGN), both the state and federal agencies have made it readily apparent they are trying to find new ways to better target and expand commercial swordfish in California. All three of these current MPAs lie in the middle of some of the only reliably fishable swordfish grounds in the Channel Islands. All sit downwind of islands that block the wind and provide fair weather for fishing to occur on days fishing elsewhere is not possible under current allowed commercial methods (Harpoon and DSBG). This is especially the case for harpoon swordfish, a fishery that requires flat-calm water. The allowance for partial take of swordfish inside these regions would allow for a larger calm area to be covered and fished for migrating swordfish.

Unlike bluefin, depending on the accepted option, certain allowances for swordfish take would be made, but some may still be restricted. Options 1 and 2, if either are accepted, would allow all recreational methods for take of swordfish. Historically, this has almost exclusively been surface baiting basking swordfish, a fishery with zero deep water impacts, and has near zero impacts on anything in that area except for the swordfish it targets. Recently however, anglers have begun to mirror commercial methods, and have begun placing baited hooks at deeper depths (~900-1000 ft) for swordfish. Under current regulation, this method of “deep dropping” has no difference/distinction between hook-and-line fishing and would therefore be allowed.

For commercial methods of take, harpoon swordfish would be allowed under any accepted option. This globally recognized sustainable fishery with zero bycatch, is a fishery perfectly suited to have as little impact as possible on the local, non-pelagic ecosystems when a fish is taken. However, like the recreational hook-and-line case, the allowance of commercial hook-and-line for pelagic or HMS inside these regions would allow commercial deep drop of swordfish.

Along with deep drop methods, and in the spirit of fairness to the commercial fleets, Options 1 and 2 would also allow the use of standard-deep-set-buoy-gear (DSBG) in the federal waters only of the proposed limited-take areas (as it is currently primarily fished). DSBG is currently a federally exclusive fishery, with the exception of one exempted fishing permit (EFP). DSBG is a method consisting of ten separate flags and buoys with one line and one hook on each flag/buoy and is a modern sustainable fishery for swordfish. Due to the nature of these areas overlapping federal waters containing a harpoon allowance (state and federal), the argument for federal authorization of DSBG in these areas is being requested if hook-and-line deep drop is allowed. As previously mentioned, this change, along with other federal water changes would assumably be made by NOAA and the CINMS working with the state.

These methods of targeting swordfish at depth do have more impact than recreational surface baiting or commercial harpooning. However, the impact of these methods and their bycatch is minimal on non-HMS or pelagic species. This type of fishing has been praised by conservation organizations like Oceana and PEW for its high selectivity and extremely low bycatch (*Links 5/6*). There is also over 10 years of historical catch data for DSBG, the method that hook-and-line deep drop branched from, and 7 years of data from NOAA detailed in the chart below.

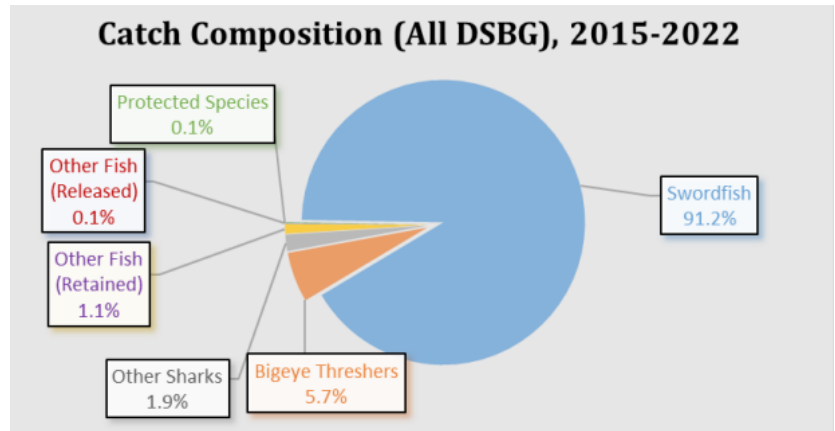


Looking at the data we can see that from 2015-2022, DSBG captured 91.2% swordfish, and a 96.9% mix of swordfish and thresher shark (another HMS). Of the “other sharks” and “other fish” most of these species were a mix of other pelagics (i.e., mako sharks, opah, and escolar). This means that nearly 99.8% of all species caught with DSBG are HMS.

Almost no non-pelagic or non-HMS species have been landed under this type

of fishery, due to its extreme selectivity. In the small number of cases where non-HMS species were hooked, the active tending of this gear allows for most bycatch to be released alive and well. Since deep drop methods mirror DSBG it is reasonable to assume their catch rates would mirror DSBG rates as well. It is for this reason that deep drop and federal authorization of DSBG for swordfish were listed allowances under Options 1 and 2, since they produce the lowest bycatch numbers, but produce the higher success rates for swordfish catch compared to harpoon or surface baiting.

If Options 1 and 2 are rejected but Option 3 or 4 are accepted, all HMS or pelagic targeting methods would still be allowed except those going deep to primarily target swordfish. These options call for the use of only “surface fishing methods,” a term used to describe all non-deep drop methods. This includes methods such as trolling, live bait casting, lure casting, live bait drifting (on the surface), and all other methods anglers or commercial fishermen use besides deep dropping or DSBG.



-The 4 Options and Their Reasonings: Each of the four options is designed to have a minimal impact on the protected area’s local ecosystem but vary in both allowed species and allowed gear types. There are really two sets of choices, when we break down the 4 options. The first choice allows either pelagic finfish take and possession, or HMS take and possession with possession of coastal pelagic species (CPS). The logic behind allowing pelagic finfish is primarily the precedent already set on other SMCAs. Pelagic finfish cover the 3 species that would primarily be targeted (swordfish, bluefin tuna, and striped marlin), cover other pelagic species that would occasionally be targeted, and have existing SMCAs elsewhere that already allow for this subset of species. However, this list also covers more species than the HMS list, and as will be discussed, these extra species may pose undesirable issues if limited-take implementations are not made properly. The logic behind allowing HMS take and possession, and CPS possession is that the three targeted species also fall under this more selective classification of species. Meaning there would be a more selective list of species allowed to be taken, thus less overall impact on what could be done inside these areas. Allowing only HMS limited take would also avoid the possible pelagic finfish issues discussed below. The reasoning for the CPS allowance is it would allow common baitfish used to fish HMS to still be retained inside of these areas.

The second choice is the allowance of all hook-and-line methods, including deep drop, and DSBG or only allowing “surface fishing methods.” The logic with allowing deep drop and federal DSBG allowance is the data shows that these methods are extremely selective and prove effective in targeting primarily swordfish at depth. This choice would allow for more area of opportunity to selectively target swordfish, something the State, NOAA, and PPMC has made very apparent they want to help accomplish, especially commercially with the end of the gillnet dropping landings of California swordfish. The logic with allowing “surface fishing methods” is an attempt at regulating out the deep dropping methods inside of these zones if the State deems them too impactful to allow. If



this choice is made, it would make the limited-take areas more selective to swordfish methods only, leaving surface baiting recreationally and harpooning commercially as the only allowed methods to target swordfish. If this option is selected, the state would have to clearly define “deep dropping” (to not allow it) or define “surface fishing methods” (to only allow those).

In addition to the four main options, there exists a final choice of adding a nearshore closure to the Gull Island and SBI zones with more selective or no fishing methods being allowed. The selected limited take option would then be implemented outside of this boundary throughout the remaining “offshore” area. The logic behind this choice has several factors, some of which are the existence of a nearshore/offshore pair in the Farnsworth and Point Buchon SMCAs, and the desire to continue having stricter limited-take or no-take regions closer to the more diverse shorelines. These nearshore regions rarely contain any species this petition intends on anglers targeting, meaning whether or not a nearshore zone is implemented, areas this close to the respective islands would have such a low fishery presence that they would effectively remain untouched, with one key exception.

**If** an option allowing the hook-and-line take of pelagic finfish is made it is recommended that the nearshore region be implemented. This is due to the fact that limited-take of pelagic finfish by hook-and-line would allow certain game fish species to be targeted in the local, nearshore ecosystems on fishing beds. The intent of this petition is to protect from this type of fishing allowance, intending limited take allowance for these regions to be open water fishing of pelagic or highly migratory species during their movements. This possibility of nearshore bed fishing is only the case for two species on the pelagic finfish list, yellowtail and barracudas. These are species that if pelagic finfish were allowed with no nearshore zone implemented, would definitely be targeted within the nearshore areas of the SBI and Gull Island closures. Again, it is the intention of this petition to only allow for offshore take of pelagic or highly migratory species, primarily billfish and tuna. Allowing pelagic finfish with no nearshore region that accounts for bed fishing of pelagic species such as yellowtail may interfere with the local ecosystem we still aim to protect. If the below listed coordinates are the border for the nearshore regions (table 2), the water outside of these areas at Gull Island and SBI is reasonably deep enough to ensure little to no effort would be made to target these species and would yield almost zero results.

Table 2: Proposed Coordinates and options for the Nearshore limited or no take areas for Gull Island and Santa Barbara Island

Gull Island Nearshore MPA	Santa Barbara Island Nearshore MPA
33° 58.000' N. lat. 119° 53.000' W. long, and 33° 55.800' N. lat. 119° 48.000' W. long	The 1nm boundary of SBI within the current MPA
Regulation within nearshore area:	Regulation within nearshore area:
Recreational and commercial take of (pelagic finfish or HMS, depending on the state's choice) is allowed via surface casting, kite fishing, and surface trolling. The commercial take of swordfish by harpoon is allowed. (preferred)	Recreational and commercial take of (pelagic finfish or HMS, depending on the state's choice) is allowed via surface casting, kite fishing, and surface trolling. The commercial take of swordfish by harpoon is allowed. (preferred)
Or	Or
A no-take region (not preferred)	A no-take region (not preferred)



The listed coordinates for the nearshore closures are only the listed coordinates for the dividing line between the proposed nearshore area and the offshore limited take SMCA and FMCA. The collective closure borders of the nearshore and offshore areas would be the same area as the current MPAs. If these are placed in effect along with the selected option applied outside, these nearshore regions would cover sufficient area to prevent nearshore bed-fishing efforts. While possible changes to these borders may be made, it is the fisheries' belief they are sufficient in preventing what would otherwise be a problem if an unrestricted pelagic finfish option is accepted. Further consultations with active fishery members should be made if these borders are desired to be modified. The preference for stricter limited-take rather than no-take is simply that these areas would contain so little presence of these species, that they would effectively be fully protected. During the time that pelagic or HMS do travel through these nearshore areas, fishing opportunities are so infrequent the opportunity to limited take should be allowed due to how minimally they would occur.

### **The Most Requested Option and Closing Remarks:**

It is this petition's preference that in order to avoid the nearshore pelagic finfish risk all together, one of the two HMS allowance options be selected (Options 2 or 4) with the nearshore zone not selected. Option 2 is the preferred selection since this option allows for the most HMS opportunity, recreationally and commercially, while still remaining extremely selective, and leaving a minimal impact on the local, non-pelagic ecosystems. Option 2, with no accompanying nearshore zones would allow for HMS targeting within the entire area. In the unlikely case HMS are present nearshore, they may still be targeted with minimal local impact as they move through an area under the same selective fishing methods allowed elsewhere. The lack of nearshore zones in this case would also allow for easier enforcement of the area by wardens not having to worry about different zones within an area. If a nearshore region is desired, the more selective limited-take option is preferred. This change would still allow for selective enough take of HMS and prevent any bottom fishing activity nearshore.

In terms of the three MPAs, all three MPAs would preferably be converted to limited take areas. Discussions with those involved in the possible affected fisheries revealed a strong preference for The Footprint to be converted to limited take, with Gull Island and SBI having equal amounts of preference to be opened to limited take.

In closing this analysis, special thanks to all the individuals who provided the input and data to make this petition possible. I would especially like to thank the FGC and its staff for their assistance with and the creation of this adaptive management process.

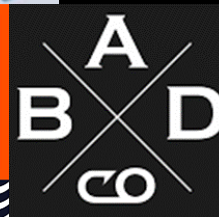
### **Remaining Supporting Documents and Sources:**

Document 2: Supporters letter for the petition. Summarizes the petition, its reasonings, and its intentions. Was sent out to business and individuals that could be impacted by this change or provide scientific input asking for their support of the petition and its rationale (signature list on the letter).





CHANNEL COAST MARINE





Dear FGC,

On behalf of the hundreds of thousands of anglers that frequent Southern California, and all of the businesses they support, the following organizations and individuals extend their special support and ask for your approval of this petition. This petition would allow for the limited recreational and commercial take of Pelagic Finfish or Highly Migratory Species (HMS) via select, sustainable fishing methods. The changes would apply to the following Marine Protected Areas (MPAs):

- The Footprint Marine Reserve
- Gull Island Marine Reserve
- The Santa Barbara Island Marine Reserve

This proposed regulation modification aims to return extremely selective take opportunities that the original MPA network implementation unintentionally removed. These regions would become state and federal marine conservation areas (SMCAs/MCAs) but would still provide the original protections to the species and ecosystems each of the MPAs intends to preserve.

The allowance of pelagic or HMS in these areas would provide more equal opportunities to anglers around Southern California targeting fast moving species, like billfish or tuna. Currently, these species cannot be followed into these zones as they move through them, traveling with the currents rather than remain on the structure or in the local ecosystems the MPAs are intended to protect. If accepted, anglers would have the opportunity to follow these species as they constantly flow in and out of these areas.

The push for this change is backed by the California State 2022 MPA Decadal Review, the MRC's near-term objectives, the 2016 MPA Master Plan, and several other state and federal reports/comments. We the fisherman, groups, clubs, and business owners, of California kindly ask for your approval of this petition.

Sincerely,

AFTCO  
CCA California  
Pfleger Institute of Environmental Research (P.I.E.R.)  
Wild Oceans  
BD Outdoors  
Bear Flag Fish Co.  
Bluewater Seafood  
Chula Seafood  
The Tuna Club  
Balboa Angling Club  
CISCOS Sportfishing  
Hooks Sportfishing  
Legit Sportfishing  
Eric's Tackle Shop  
Channel Coast Marine  
Executive Yachts  
Bight Sportfishing  
Bad Company Fishing Adventures  
Seal Beach Fish Co.  
Wild Local Caught Seafood

Santa Monica Seafood  
Ocean Pride Seafood  
Santa Barbara Fish Market

Special Individuals: Chugey S, Theresa L, Casey S, Nathen P, Ron H, Sean B, Morgan L, Bill S, Donald K, Christian H, Andrew W, Carl S, Michael M, Thomas C, Wes L, Marc H, Eric H, Bryce H, Ethan H, Steve W, Don G, Ryder D, Fisher D, Jonnah G, Jake K, Brandon H, Patrick O, John J, Bill W, Steve M, Eric H, Sean S, Ryder A, Evan K

And the over 880 members of the public that have signed the public support petition as of submittal (11/22), visible here: <https://chnng.it/2wy2dHSS6r>



Documents 3, 4, and 5: Original founding reasoning for the Footprint, Gull Island, and Santa Barbara Island MPAs respectively, to be created and expanded into federal waters of the marine sanctuary from the Channel Islands CEQA in 2002. There is little to no mention of pelagic or HMS species, with primary objectives for the Footprint MPA being groundfish replenishment, and for Gull Island and SBI MPAs, being either or a mix of abalone, rockfish, or endangered bird populations. Original paper found here: <https://nrmsecure.dfg.ca.gov/FileHandler.ashx?DocumentID=151023>

#### Footprint State Marine Reserve

The Footprint SMR is located in open waters in the passage south of Santa Cruz and Anacapa Islands. The Footprint SMR is 28.6 nm<sup>2</sup>, **6.4 square nautical miles of which would be within State waters and the rest** entirely within Federal waters. It is described and analyzed here as a part of the entire recommendation, but not the decision before the Fish and Game Commission. The majority of the proposed Footprint SMR is sand or gravel between 90-900 ft. The Footprint includes several submerged rocky features, including pinnacles and submarine canyons that once supported large population of numerous rockfish species. Today, the rockfish populations around the Footprint are severely depleted from intensive recreational and commercial fishing in the region. Although populations are depleted, the habitat supports a variety of species, including bocaccio and cowcod, both recognized as overfished by the PFMC. Fish populations in the vicinity of the Footprint are likely to respond to protection within a reserve through increased density, individual size, and reproductive potential.





Gull Island, Santa Cruz Island State Marine Reserve

The Gull Island SMR is located on the southwest side of Santa Cruz Island. The reserve includes 2.9 nautical miles of shoreline from Morse Point to the point along the shore at 33° 58' N, 119° 48' W. The reserve extends south approximately three nautical miles to the State waters boundary. The Gull Island SMR contains 16.2 square nautical miles. A subsequent Federal waters phase would add 22.1 square nautical miles for a cumulative total of 38.3 square nautical miles.

Historically, Gull Island supported a diverse and abundant marine fauna. Although these populations are reduced, the habitat supports a variety of species. Fish populations in the vicinity of Gull Island are likely to respond to protection within a reserve through increased density, individual size, and reproductive potential. The Gull Island SMR would protect a variety of different habitat types from the nearshore to the continental slope. Sand beach is the predominant shoreline habitat at the border of the Gull Island SMR. Endangered snowy plovers may occur there and the beach supports one of the few populations of pismo clams at the islands. The remaining shoreline is covered with cobble beaches.

Subtidal habitats in the Gull Island SMR are mixed sand and rocky reefs. Red and green algae dominate inshore areas. Gull Island supports an intermittent population of giant kelp, but the kelp populations are reduced. Subtidal habitats support patchy populations of surfgrass. Rocky intertidal and subtidal habitats once supported populations of red, pink, white, and black abalone, but only a small population of red abalone, and very few black abalone have been observed recently. The Gull Island area supports large populations of purple urchins. Rocky subtidal habitats from Gull Island to Laguna Point support populations of spiny lobster. Purple hydrocoral (Allopora) is found in deeper rocky reefs around Gull Island.

Shallow rocky habitat extends offshore to Gull Island. Nearshore reefs support populations of various rockfish species. However, rockfish are not as diverse in this region because of physical changes associated with the mixing of warmer waters from the California Counter Current with cooler waters from the California Current. Southern species such as

5-27

California sheephead and wrasses are relatively common in the Gull Island region. The region also supports spawning populations of white seabass and halibut. Thresher and mako sharks are fished in the deeper waters near stronger currents.





### Santa Barbara Island State Marine Reserve

Santa Barbara Island SMR is located at the southeast side of Santa Barbara Island. The reserve includes one nautical mile of shoreline from South Point to the eastern point of the

5-22

island. The reserve boundaries extend east and south to the State waters boundary. The Santa Barbara Island SMR contains 13.2 square nautical miles. A subsequent Federal waters addition would add 46.3 square nautical miles for a cumulative total of 59.5 square nautical miles.

Santa Barbara Island, Sutil Island, and Shag Rock support major seabird and marine mammal colonies. Santa Barbara Island supports breeding colonies of numerous seabirds, including the endangered California brown pelican, western gull, black oystercatcher, black storm-petrel, Leach's storm-petrel, Brandt's cormorant, pelagic cormorant, Cassin's auklet, pigeon guillemot and Xantus's murrelet. California sea lions haul out on sandy beaches on the southeastern side of Santa Barbara Island. Harbor seals and northern elephant seals occasionally haul out in the same place.

The exposed rocky shoreline along Santa Barbara Island is interspersed with occasional cobble beaches (10-12 m wide) in protected coves. The rocky intertidal habitat descends steeply to patchy reefs in large areas of sand. Patchy populations of surfgrass grow on subtidal rocks (15-20 m). Populations of giant kelp on reefs around Santa Barbara Island have declined relative to historical data. Red and purple sea urchins and brittle stars (*Ophiothrix*) dominate the rocky subtidal habitats around Santa Barbara Island. Spiny lobsters are abundant in rocky subtidal habitats in the vicinity of South Point and large mussel beds can be found in the rocky intertidal habitats on the southeastern side of Santa Barbara Island.

The continental shelf drops to approximately 200 m less than ½ mile from shore, and continues to drop to 400 m within 3 miles of Santa Barbara Island. In the past, populations of white, green, pink, and black abalone inhabited intertidal and subtidal rocky habitats. The reserve includes rocky subtidal habitats, from approximately 25-66 m, that may contribute to the recovery of the endangered white abalone. Sandy subtidal habitats support halibut populations near the northern border of the Santa Barbara Island SMR. California sheephead have been observed near South Point.




Document 6: Original 2002 CEQA: Dr. Ray Hilborn stating the size of an MPA must be large relative to a species' total movement to be actually impactful on their population abundance.

has reached population levels which increase natural mortality rates...@ Likewise, Dr. Ray Hilborn of the University of Washington=s College of Ocean and Fishery Sciences noted in comments on proposals for marine reserves in the Sanctuary that, A...it is almost universally accepted that exploitation reduces population sizes.... **No-take areas, so long as their size is large relative to the movement of the species, will lead to increased abundance within the reserve.**@

Documents 7, 8, and 9: Current Footprint, Gull Island, and SBI MPA descriptions in “Why the location was chosen...” (Highlighted below)

### Footprint State Marine Reserve

Southern California - Established January 2012



#### What is a California marine protected area (or “MPA”)?

An MPA is a type of managed area primarily set aside to protect or conserve marine life and habitats in marine or estuarine waters. California's MPA Network consists of 124 areas with varying levels of protection, and 14 special closures, all designed to help safeguard the state's marine ecosystems. Fishing and collecting are banned at marine reserves such as Footprint State Marine Reserve, providing this MPA with the highest level of protection.

One goal for California's MPAs was to strategically place them near each other to form an interconnected network that would help to preserve the flow of life between marine ecosystems. Within that network each MPA has unique goals and regulations, and non-consumptive activities, permitted scientific research, monitoring, and educational pursuits may be allowed.

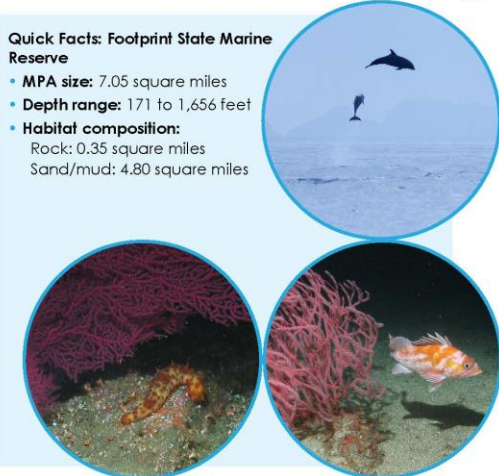
#### Why was this location chosen for a state marine reserve?

One of the goals for Footprint State Marine Reserve is to protect the deepwater communities of fish and invertebrates located at this convergence of warm water currents from the tropics and cold water currents from Alaska. The resulting rich and varied marine life here includes many different species. Colorful cold-water corals and sponges cover the large cobble and boulder features of the reserve. Deep, rocky reefs provide habitat for copper rockfish, cowcod, and bocaccio, while brittle stars and California sea cucumbers can be found on the sandy seafloor.


Footprint State Marine Reserve was established as one of 13 Channel Islands MPAs in 2003, and re-established as part of the statewide MPA Network in 2012. This state marine reserve shares a southern border with the federal Footprint Marine Reserve, and overlaps a portion of the [Channel Islands National Marine Sanctuary](#). Placing a state marine reserve here provides very high levels of protection for local marine species and the habitats they use.


#### Quick Facts: Footprint State Marine Reserve


- **MPA size:** 7.05 square miles
- **Depth range:** 171 to 1,656 feet
- **Habitat composition:**
  - Rock: 0.35 square miles
  - Sand/mud: 4.80 square miles



ENTRY  
O.K.

Non-Consumptive  
Activities


No Fishing

No Collecting


#### Further Information:

- MPA Website: [www.wildlife.ca.gov/MPAs](http://www.wildlife.ca.gov/MPAs)
- MPA and Sportfishing Interactive Map: [www.wildlife.ca.gov/OceanSportfishMap](http://www.wildlife.ca.gov/OceanSportfishMap)
- Email: [AskMarine@wildlife.ca.gov](mailto:AskMarine@wildlife.ca.gov)

Photos - Upper: Common bottlenose dolphins leaping off the reserve, photo © Adam Searcy CC BY-NC 2.0. Lower right: Copper rockfish and pink gorgonian near Anacapa Island, CDFW/MARE photo. Lower left: Purple gorgonian and a sea cucumber near Anacapa Island, CDFW/MARE photo.



**Report poachers and polluters**  
Call CallTip: 1 (888) 334-2258  
or text 847411 - begin message with "Calltip"  
followed by the details.







### Gull Island State Marine Reserve

Southern California - Established January 2012



#### What is a California marine protected area (or "MPA")?

An MPA is a type of managed area primarily set aside to protect or conserve marine life and habitats in marine or estuarine waters. California's MPA Network consists of 124 areas with varying levels of protection, and 14 special closures, all designed to help safeguard the state's marine ecosystems. Fishing and collecting are banned at marine reserves such as Gull Island State Marine Reserve, providing this MPA with the highest level of protection.

One goal for California's MPAs was to strategically place them near each other to form an interconnected network that would help to preserve the flow of life between marine ecosystems. Within that network each MPA has unique goals and regulations, and non-consumptive activities, permitted scientific research, monitoring, and educational pursuits may be allowed.

#### Why was this location chosen for a state marine reserve?

One of the goals for Gull Island State Marine Reserve is to protect the diverse submarine canyon, rocky reef and pinnacle, kelp forest, and sandy plain habitat found at this location, where warm water currents from the tropics and cold water currents from Alaska converge. These habitats are used by a rich and varied selection of marine fish and invertebrates such as purple hydrocoral, a species not often seen in the Northern Channel Islands. Kelp forests and reefs provide shelter for opaleye, California spiny lobster, and cabezon, while schools of California barracuda and bonito may be seen in deeper, offshore waters.

Gull Island State Marine Reserve was established as one of 13 Channel Islands MPAs in 2003, and re-established as part of the statewide MPA Network in 2012. The reserve shares a southern border with the federal Gull Island Marine Reserve, and overlaps a portion of the Channel Islands National Marine Sanctuary and Channel Islands National Park. Placing a state marine reserve here provides very high levels of protection for local marine species and the habitats they use.



**Report poachers and polluters**

**Call CallTip: 1 (888) 334-2258**

or text 847411 - begin message with "Calltip" followed by the details.



#### Quick Facts: Gull Island State Marine Reserve

- **MPA size:** 19.93 square miles
- **Shoreline span:** 3.2 miles
- **Depth range:** 0 to 2,205 feet
- **Habitat composition:**
  - Rock: 4.03 square miles
  - Sand/mud: 16.55 square miles



#### Further Information:

- MPA Website: [www.wildlife.ca.gov/MPAs](http://www.wildlife.ca.gov/MPAs)
- MPA and Sportfishing Interactive Map: [www.wildlife.ca.gov/OceanSportfishMap](http://www.wildlife.ca.gov/OceanSportfishMap)
- Email: [AskMarine@wildlife.ca.gov](mailto:AskMarine@wildlife.ca.gov)

Photos - Upper: Gull Island, photo by R.Schwemmer, NOAA/CINMS. Lower right: Purple hydrocoral and sea urchin at Gull Island State Marine Reserve, CDFW photo by D. Stein. Lower left: Opaleye in the kelp forest at Gull Island State Marine Reserve, CDFW photo by D. Stein.

### Santa Barbara Island State Marine Reserve

Southern California - Established January 2012



#### What is a California marine protected area (or "MPA")?

An MPA is a type of managed area primarily set aside to protect or conserve marine life and habitats in marine or estuarine waters. California's MPA Network consists of 124 areas with varying levels of protection, and 14 special closures, all designed to help safeguard the state's marine ecosystems. Fishing and collecting are banned at marine reserves such as Santa Barbara Island State Marine Reserve, providing this MPA with the highest level of protection.

One goal for California's MPAs was to strategically place them near each other to form an interconnected network that would help to preserve the flow of life between marine ecosystems. Within that network each MPA has unique goals and regulations, and non-consumptive activities, permitted scientific research, monitoring, and educational pursuits may be allowed.

#### Why was this location chosen for a state marine reserve?

One of the goals for Santa Barbara Island State Marine Reserve is to protect the sandy seafloor, surfgrass, kelp forest, and rocky nearshore habitat found there. Sea urchins, California mussels, and acorn barnacles thrive along the island's rocky coastline. Giant sea bass, California sheephead, and Pacific angel sharks hunt and seek shelter in the island's kelp forests and eelgrass beds, while California halibut and other flatfish rest in the sandy sediments. Santa Barbara Island is also home to a large breeding colony of Scripps's murrelet, a seabird on California's threatened species list, and fourteen other species of bird.

Santa Barbara Island State Marine Reserve was established as one of 13 Channel Islands MPAs in 2003, and re-established as part of the statewide MPA Network in 2012. This state marine reserve shares a southeastern border with the federal Santa Barbara Island Marine Reserve. The reserve overlaps part of the Channel Islands National Park and Channel Islands National Marine Sanctuary. Placing a state marine reserve here provides very high levels of protection for local marine species and the habitats they use.



**Report poachers and polluters**

**Call CallTip: 1 (888) 334-2258**

or text 847411 - begin message with "Calltip" followed by the details.



#### Quick Facts: Santa Barbara Island State Marine Reserve

- **MPA size:** 12.77 square miles
- **Shoreline span:** 0.8 miles
- **Depth range:** 0 to 1,655 feet
- **Habitat composition:**
  - Rock: 0.74 square miles
  - Sand/mud: 2.43 square miles



#### Further Information:

- MPA Website: [www.wildlife.ca.gov/MPAs](http://www.wildlife.ca.gov/MPAs)
- MPA and Sportfishing Interactive Map: [www.wildlife.ca.gov/OceanSportfishMap](http://www.wildlife.ca.gov/OceanSportfishMap)
- Email: [AskMarine@wildlife.ca.gov](mailto:AskMarine@wildlife.ca.gov)

Photos - Upper: Aerial view of Santa Barbara Island, photo © Jesse Hodge CC BY-NC-ND 2.0. Lower right: Pacific angel shark at Santa Barbara Island State Marine Reserve, CDFW/MARE photo. Lower left: Pink gorgonian at Santa Barbara Island State Marine Reserve, CDFW/MARE photo.



**Document 10:** MPA Master plan goal for the southern section, that calls for the protections of at-risk local species while allowing for limited take of pelagic or HMS.

**Goal 2. To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.**

1. Help protect or rebuild populations of rare, threatened, endangered, depressed, depleted, or overfished species, and the habitats and ecosystem functions upon which they rely.<sup>14</sup>
2. Sustain or increase reproduction by species likely to benefit from MPAs, with emphasis on those species identified as more likely to benefit from MPAs, and promote retention of large, mature individuals.<sup>15</sup>
3. Sustain or increase reproduction by species likely to benefit from MPAs with emphasis on those species identified as more likely to benefit from MPAs through protection of breeding, spawning, foraging, rearing or nursery areas or other areas where species congregate.
4. Protect selected species and the habitats on which they depend while allowing some commercial and/or recreational harvest of migratory, highly mobile, or other species; and other activities.

**Document 11:** Denied petition for White Shark MPA on grounds MPAs are especially not focused on pelagic or HMS (Highlighted below)

Appendix G: Decadal Management Review Supplemental Tables



ACTION TYPE	YEAR	REQUEST	RATIONALE	ADAPTIVE MANAGEMENT ACTION TAKEN
Petition denied	2020	Petition submitted to amend MPA regulations to allow surfboard fishing at the South La Jolla SMR.	California Constitution, Article 1 Section 25, recreational take from a surfboard, even catch-and-release is not a fishery	No fishing is allowed in SMR per design criteria
Petition denied	2020	Petition submitted to establish MPA at Padaro Beach, Carpinteria, to protect great white shark nursery grounds.	An MPA with boating and fishing restrictions at Padaro Beach, Carpinteria, will help protect white shark nursery grounds.	MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species
Petition denied	2020	Petition submitted to add unlimited recreational take of invasive species <i>Sargassum horneri</i> in Crystal Cove SMCA	CDFW failed to respond and stop the spread of the invasive species <i>Sargassum horneri</i> , plus <i>Sargassum horneri</i> is not a marine resource.	No recreational culling permitted within MPAs.





**Document 12:** MPA Decadal Review-Appendix A: Comprehensive Recommendations for the Review-  
Recommends to open legacy grounds and allow pelagic/HMS take in MPAs (Highlighted below)

*Regulatory and Review Framework*


- Conduct annual engagement meetings with stakeholders to inform them about MPA Management Program activities that inform decadal reviews.
- Define clear management reporting goals, including the scale of reporting at the statewide, regional, or local scale.
- Ensure that adaptive management changes to individual MPAs and the MPA Network are evidence based.
- Simplify designations by changing no-take SMCA to SMRs after maintenance of existing infrastructure is permitted.
- **Return MPA fishing opportunities, especially in legacy fishing areas that were previously open to fishing.**
- **Allow take of migratory and pelagic species in MPAs that currently do not allow it.**
- Allow commercial urchin take in MPAs that allow commercial lobster take.
- Do not allow boat operations within 100 yards of a remnant kelp forest within MPAs.
- Requests to change specific MPAs (not including formal petitions; see Appendix G):
  - Relocate Piedras Blancas MPA north, just south of Cape San Martin to protect nursery grounds.
  - Increase the size of Matlahuayl State Marine Reserve to include Point La Jolla and the Boomer Beach area where the sea lion colony is located.

**Document 13:** NOAA Stock and Fishery Analysis for Bluefin Tuna, stock status, and minimal habitat impacts highlighted.

SPECIES DIRECTORY

## Pacific Bluefin Tuna

Overview | Seafood | Management | Resources




**Pacific Bluefin Tuna**  
*Thunnus orientalis*

Also Known As  
Northern bluefin tuna, Tuna, Bluefin tuna


Quick Facts

REGION Pacific Islands, West Coast


 **FISHWATCH**  
U.S. SEAFOOD FACTS

### About the Species


Although Pacific-wide populations are well below target levels, U.S. wild-caught Pacific bluefin tuna is a smart seafood choice because it is sustainably managed under rebuilding measures that limit harvest by U.S. fishermen.




*School of bluefin tuna. Credit: NOAA Fisheries*




**Population**  
The stock is overfished, but **the fishing rate promotes population growth.**



**Fishing Rate**  
**Not subject to overfishing.**



**Habitat Impacts**  
**Fishing gear used to catch bluefin tuna rarely contacts the seafloor so habitat impacts are minimal.**



**Bycatch**  
Regulations are in place to minimize bycatch.

### Population Status

- According to the 2022 stock assessment, Pacific bluefin tuna is overfished, but not subject to overfishing. Summary stock assessment information can be found on [Stock SMART](#).
- NOAA Fisheries first determined the Pacific bluefin tuna stock to be overfished in 2013. The 2022 assessment completed by the [International Scientific Committee for Tuna and Tuna-Like Species](#) in the North Pacific Ocean found the stock is still overfished, but **stock size has significantly increased.**

- The average annual bluefin landings by U.S. commercial vessels fishing in the eastern Pacific Ocean represent only 2 percent of the average annual landings from all fleets fishing there.



**Document 14:** NOAA Stock and Fishery Analysis for Swordfish, stock status and minimal habitat impacts highlighted.

SPECIES DIRECTORY

## North Pacific Swordfish


Overview

Seafood

Resources

### North Pacific Swordfish

*Xiphus gladius*



**Also Known As**  
Broadbill swordfish, Espada, Emperado, A'u, Mekajiki, Shurome


**Quick Facts**

REGION Pacific Islands, West Coast

**FISHWATCH**  
U.S. SEAFOOD FACTS

### About the Species

U.S. wild-caught North Pacific swordfish is a smart seafood choice because it is sustainably managed and responsibly harvested under U.S. regulations.



Researchers tagging a swordfish. Credit: Pflieger Institute of Environmental Research

**Population**  
The stocks are not overfished.

**Fishing Rate**  
The Western and Central North Pacific stock is not subject to overfishing. Reduced to end overfishing for the Eastern Pacific stock.

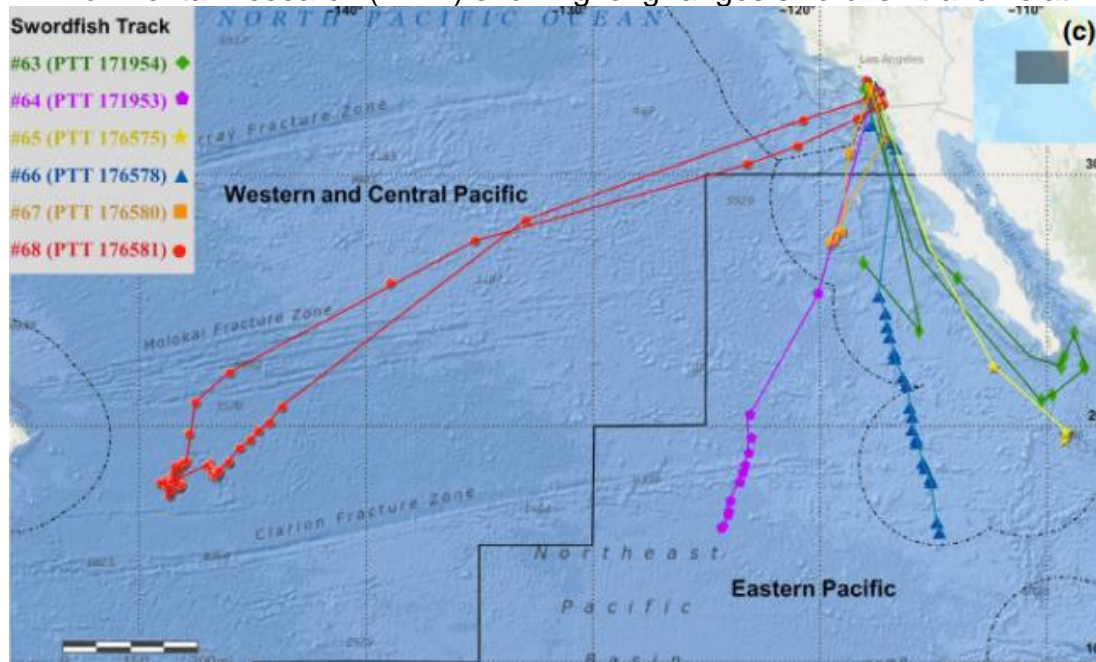
**Habitat Impacts**  
Fishing gear used to catch Pacific swordfish rarely contacts the seafloor so habitat impacts are minimal.

**Bycatch**  
Regulations are in place to minimize bycatch.

### Population Status

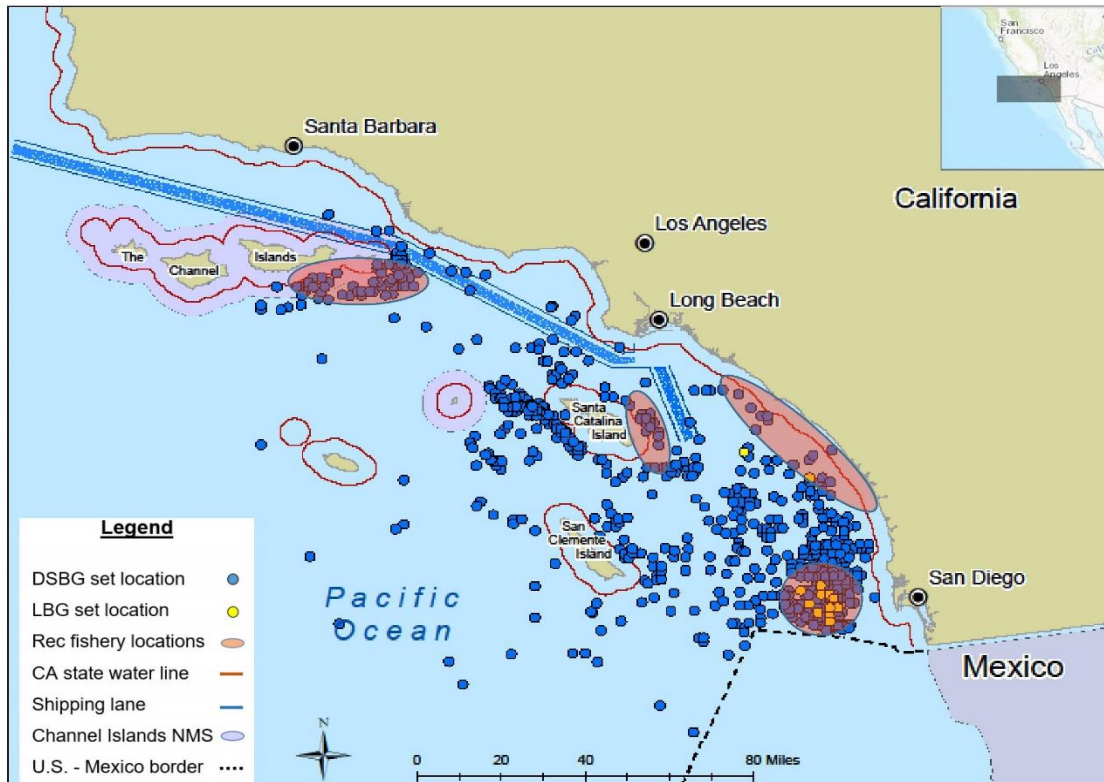
- There are two stocks of North Pacific swordfish: the Eastern Pacific Ocean stock and the Western and Central North Pacific Ocean stock. According to the most recent stock assessments:
  - The Eastern Pacific Ocean stock is not overfished but is subject to overfishing (2014 stock assessment). Summary stock assessment information can be found on [Stock SMART](#).
  - The Western and Central North Pacific Ocean stock is not overfished and is not subject to overfishing (2018 stock assessment). Summary stock assessment information can be found on [Stock SMART](#).

**Document 15:** Swordfish migration data collected via satellite tags deployed by the Pflieger Institute of Environmental Research (PIER) showing long ranges swordfish travel relative to the MPAs.

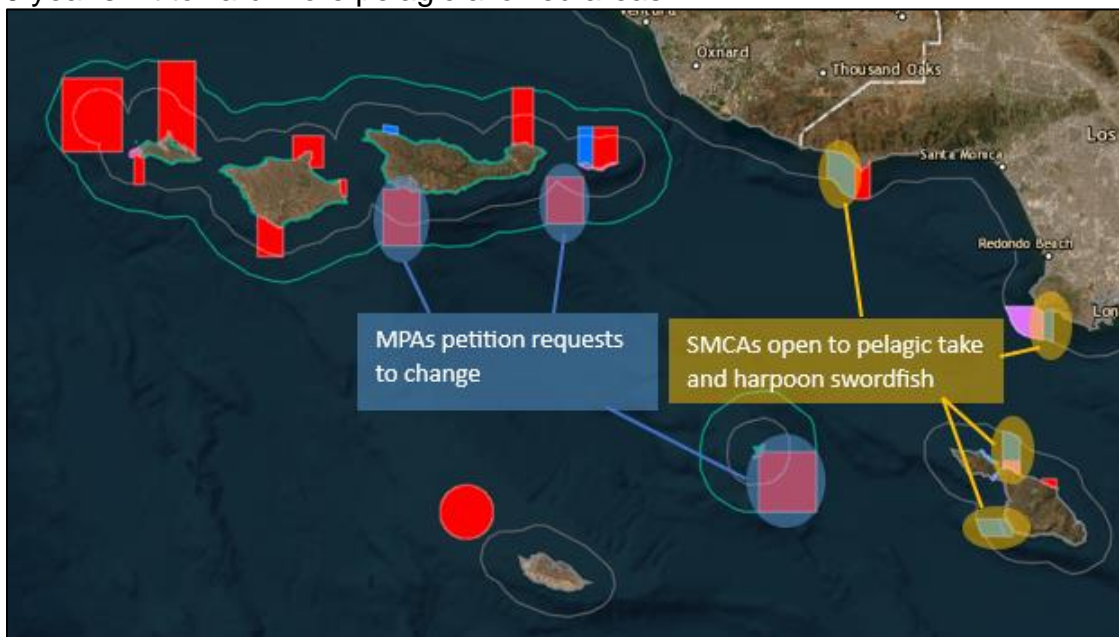




Document 16: DSBG and deep drop fishery efforts map displaying the wide area HMS fishing activity covers, and lack of northern Santa Cruz and Anacapa island efforts, where the only 2 SMCAs are located.



Document 17: Current pelagic finfish limited take SMCAs outside of the Channel Islands Network. These limited take MPAs were implemented in 2012, after the island network in 2003, and display the 9 year shift toward more pelagic allowed areas.



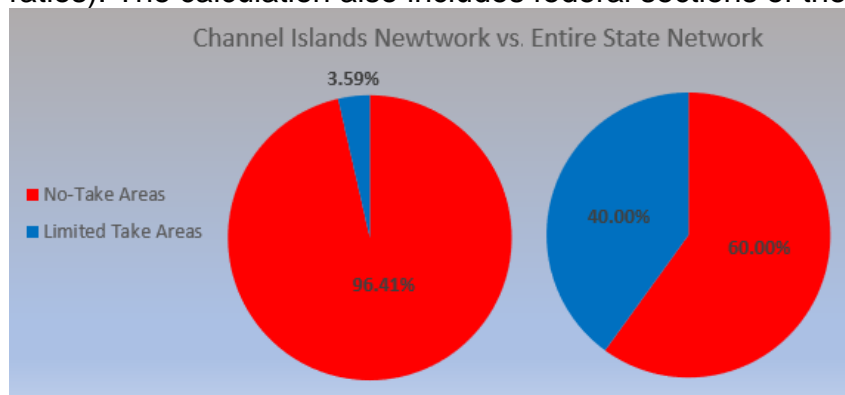




**Document 18:** Definition of State Marine Conservation Areas per California Code of Regulations Title 14 Section 632(a)(1)(C). The recommended change would make these MPAs effectively SMCAs and MCAs with limited HMS take and CPS possession.

(C) State Marine Conservation Areas: In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes except as specified in subsection 632(b), areas and special regulations for use. The department may issue scientific collecting permits pursuant to Section 650. The commission may authorize research, education, and recreational activities, and certain commercial and recreational harvest of marine resources, provided that these uses do not compromise protection of the species of interest, natural community, habitat, or geological features.

**Document 19:** Charts displaying no-take vs limited-take areas around the Channel Islands vs. the whole State MPA Network showing the disparity of no-take areas around the islands. If the changes are made, this disparity would all but disappear (see Table 1 in the analysis for before and after ratios). The calculation also includes federal sections of the MPAs.



**Document 20:** How the regulatory language could read if the preferred proposed change was selected (limited HMS take, deep drop methods and federal DSBG allowed, no nearshore closure) Existing regulation modifications presented similar to how CDFW shows yearly changes, ~~crossed-out~~ being removed regulation and **red** being the amended regulation. State and federal sections are listed with proposed changes. For simplicity the federal amendments will follow the states for the MPA specific changes.

#### State and Federal Definition Modifications-

Amend: 14 CCR § 632 (a)\*\* **and** 15 CFR 922.71:

(13) **Highly Migratory Species.** Highly migratory species, for the purpose of this section, are a subset of finfish defined as: albacore, bluefin, bigeye, and yellowfin tuna (*Thunnus* spp.); skipjack tuna (*Katsuwonus pelamis*); dorado (dolphinfish) (*Coryphaena hippurus*); striped marlin (*Tetrapturus audax*); thresher sharks (common, pelagic, and bigeye) (*Alopias* spp); shortfin mako shark (*Isurus oxyrinchus*); blue shark (*Prionace glauca*); and Pacific swordfish (*Xiphias gladius*). \*Marlin is not allowed for commercial take

(14) **Coastal Pelagic Species:** Coastal pelagic species, for the purpose of this section, are a subset of finfish and invertebrates defined as: northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*).





**\*\* (13) and (14)** exclusive to 14 CCR § 632 (a), amendments to 15 CFR 922.71 would read identical but not include “(13)” and “(14).” Highly Migratory species and Coastal Pelagic species are defined under State regulations (Title 14 §1.49 and 1.39), meaning the change to Title 14 § 632 (a) may not be required.

State MPA Modifications-

Amend: 14 CCR § 632 (b) (109)

(109) Gull Island State Marine ~~Reserve~~. **Conservation Area.**

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 58.065' N. lat. 119° 50.967' W. long.;

33° 58.000' N. lat. 119° 51.000' W. long.;

33° 58.000' N. lat. 119° 53.000' W. long.;

33° 55.449' N. lat. 119° 53.000' W. long.; thence eastward along the three nautical mile offshore boundary to

33° 54.257' N. lat. 119° 48.000' W. long.; and

33° 57.769' N. lat. 119° 48.000' W. long.

(B) ~~Area restrictions defined in subsection 632(a)(1)(A) apply.~~ **Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:**

- 1. The recreational take of highly migratory species is allowed.**
- 2. The commercial take of highly migratory species by hook-and-line and swordfish by harpoon is allowed. The use of standard deep-set-buoy-gear is permitted outside of state waters (3nm).**
- 3. The possession of coastal pelagic species is allowed.**

Amend: 14 CCR § 632 (b) (114)

(114) Footprint State Marine ~~Reserve~~. **Conservation Area.**

(A) This area is bounded by the straight lines connecting the following points in the order listed except where noted:

33° 59.300' N. lat. 119° 30.965' W. long.;

33° 57.510' N. lat. 119° 30.965' W. long.; thence eastward along the three nautical mile offshore boundary to

33° 57.264' N. lat. 119° 25.987' W. long.;

33° 59.300' N. lat. 119° 25.987' W. long.; and

33° 59.300' N. lat. 119° 30.965' W. long.

(B) ~~Area restrictions defined in subsection 632(a)(1)(A) apply.~~ **Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:**

- 1. The recreational take of highly migratory species is allowed.**



2. The commercial take of highly migratory species by hook-and-line and swordfish by harpoon is allowed. The use of standard deep-set-buoy-gear is permitted outside of state waters (3nm).
3. The possession of coastal pelagic species is allowed.

Amend: 14 CCR § 632 (b) (116)

(116) Santa Barbara Island State Marine ~~Reserve~~. **Conservation Area**.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

33° 28.500' N. lat. 119° 01.813' W. long.;

33° 28.500' N. lat. 118° 58.051' W. long.; thence along the three nautical mile offshore boundary to

33° 24.842' N. lat. 119° 02.200' W. long.; and

33° 27.911' N. lat. 119° 02.200' W. long.

(B) ~~Area restrictions defined in subsection 632(a)(1)(A) apply.~~ **Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:**

1. The recreational take of highly migratory species is allowed.
2. The commercial take of highly migratory species by hook-and-line and swordfish by harpoon is allowed. The use of standard deep-set-buoy-gear is permitted outside of state waters (3nm).
3. The possession of coastal pelagic species is allowed.

NOTE: It may not be required to mention deep-set-buoy-gear (DSBG) in the state regulation as it would not be allowed in state waters. However, as all regulations (State and federal) may be listed under one “rulebook” this mention of federal DSBG allowance maybe needed.

#### Federal Modifications-

Amend: 15 CFR 922.73(b):

(b) **Marine conservation area**. Unless prohibited by [50 CFR part 660](#) (Fisheries off West Coast States), the following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted within the **specified** marine conservation areas described in appendix C to this subpart, except as specified in paragraphs (b) through (e) of [§ 922.72](#):

#### **(b.1). Anacapa Island Marine Conservation Area**

(1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, or attempting any of these activities, except:

(i) Recreational fishing for pelagic finfish; or

(ii) Commercial and recreational fishing for lobster.

(2) Possessing fishing gear on board a vessel, except legal fishing gear used to fish for lobster or pelagic finfish, unless such gear is stowed and not available for immediate use.

(3) Possessing any Sanctuary resource, except legally harvested fish.

#### **(b.2) Gull Island (Santa Cruz Island) Marine Conservation Area**



(1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, or attempting any of these activities, except:

- (i) Recreational fishing for highly migratory species; or
- (ii) Commercial fishing for highly migratory species by hook-and-line and harpoon. DSBG is allowed inside of federal waters.
- (iii) Possession of coastal pelagic species.

(2) Possessing fishing gear on board a vessel, except legal fishing gear used to fish for highly migratory species, unless such gear is stowed and not available for immediate use.

(3) Possessing any Sanctuary resource, except legally harvested fish.

**(b.3) Footprint Marine Conservation Area**

(1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, or attempting any of these activities, except:

- (i) Recreational fishing for highly migratory species; or
- (ii) Commercial fishing for highly migratory species by hook-and-line and harpoon. DSBG is allowed inside of federal waters.
- (iii) Possession of coastal pelagic species.

(2) Possessing fishing gear on board a vessel, except legal fishing gear used to fish for highly migratory species, unless such gear is stowed and not available for immediate use.

(3) Possessing any Sanctuary resource, except legally harvested fish.

**(b.4) Santa Barbara Island Marine Conservation Area**

(1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, or attempting any of these activities, except:

- (i) Recreational fishing for highly migratory species; or
- (ii) Commercial fishing for highly migratory species by hook-and-line and harpoon. DSBG is allowed inside of federal waters.
- (iii) Possession of coastal pelagic species.

(2) Possessing fishing gear on board a vessel, except legal fishing gear used to fish for highly migratory species, unless such gear is stowed and not available for immediate use.

(3) Possessing any Sanctuary resource, except legally harvested fish.

Amend: Appendix B to Subpart G of Part 922 (Marine Reserve Boundaries) for 15 CFR 922

B.4, B.5, B.6, B.7, and B.8.

**B.4. Gull Island (Santa Cruz Island) Marine Reserve**

~~The Gull Island Marine Reserve (Gull Island) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B-4, and the following textual description.~~

~~The Gull Island boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary then follows the 3 nmi~~



~~State boundary westward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.~~

~~Table B-4—Gull Island (Santa Cruz Island) Marine Reserve~~

Point	Latitude	Longitude
<del>1</del>	<del>33.86195 ° N</del>	<del>119.80000 " W</del>
<del>2</del>	<del>33.86195 ° N</del>	<del>119.88330 " W</del>
<del>3</del>	<del>33.92690 ° N</del>	<del>119.88330 " W</del>
<del>4</del>	<del>33.90700 ° N</del>	<del>119.80000 " W</del>
<del>5</del>	<del>33.86195 ° N</del>	<del>119.80000 " W</del>

#### **B.4. Scorpion (Santa Cruz Island) Marine Reserve**

The Scorpion Marine Reserve (Scorpion) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–5, and the following textual description.

The Scorpion boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary then follows the 3 nmi State boundary westward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.

~~Table B-4~~—Scorpion (Santa Cruz Island) Marine Reserve

Point	Latitude	Longitude
1	34.15450 ° N	119.59170 " W
2	34.15450 ° N	119.54670 " W
3	34.10140 ° N	119.54670 " W
4	34.10060 ° N	119.59170 " W
5	34.15450 ° N	119.59170 " W

#### **B.6. Footprint Marine Reserve**





~~The Footprint Marine Reserve (Footprint) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–6, and the following textual description.~~

~~The Footprint boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary follows the 3 nmi State boundary northeastward and then southeastward until it intersects the line defined by connecting Point 4 and Point 5 along a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.~~

~~Table B–6—Footprint Marine Reserve~~

<del>Point</del>	<del>Latitude</del>	<del>Longitude</del>
<del>1</del>	<del>33.90198 ° N</del>	<del>119.43311 " W</del>
<del>2</del>	<del>33.90198 ° N</del>	<del>119.51609 " W</del>
<del>3</del>	<del>33.96120 ° N</del>	<del>119.51609 " W</del>
<del>4</del>	<del>33.95710 ° N</del>	<del>119.43311 " W</del>
<del>5</del>	<del>33.90198 ° N</del>	<del>119.43311 " W</del>

#### **B.5. Anacapa Island Marine Reserve**

The Anacapa Island Marine Reserve (Anacapa Island) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–7, and the following textual description.

The Anacapa Island boundary extends from Point 1 to Point 2 along a straight line. It then extends to the 3 nmi State boundary where a line defined by connecting Point 2 and Pont 3 with a straight line intersects the 3 nmi State boundary. The boundary follows the 3 nmi State boundary westward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.

**Table B–5—Anacapa Island Marine Reserve**

<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>
1	34.08330 ° N	119.41000 " W
2	34.08330 ° N	119.35670 " W
3	34.06450 ° N	119.35670 " W
4	34.06210 ° N	119.41000 " W



Point	Latitude	Longitude
5	34.08330 ° N	119.41000 " W

**~~B.8. Santa Barbara Island Marine Reserve~~**

~~The Santa Barbara Island Marine Reserve (Santa Barbara) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–8, and the following textual description.~~

~~The Santa Barbara boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary follows the 3 nmi State boundary northeastward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line. The boundary then extends from Point 5 to Point 6 along a straight line.~~

~~Table B–8—Santa Barbara Island Marine Reserve~~

Point	Latitude	Longitude
1	<del>33.36320 ° N</del>	<del>118.90879 " W</del>
2	<del>33.36320 ° N</del>	<del>119.03670 " W</del>
3	<del>33.41680 ° N</del>	<del>119.03670 " W</del>
4	<del>33.47500 ° N</del>	<del>118.97080 " W</del>
5	<del>33.47500 ° N</del>	<del>118.90879 " W</del>
6	<del>33.36320 ° N</del>	<del>118.90879 " W</del>

Amend: Appendix C to Subpart G of Part 922 (Marine Conservation Area ~~Boundary~~ **Boundaries**) for 15 CFR 922

**C.2. Gull Island (Santa Cruz Island) Marine Conservation Area**

The Gull Island Marine Conservation Area (Gull Island) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–4, and the following textual description.

The Gull Island boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary then follows the 3 nmi State boundary westward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.

**Table B–4—Gull Island (Santa Cruz Island) Marine Conservation Area**

Point	Latitude	Longitude
1	33.86195 ° N	119.80000 " W



Point	Latitude	Longitude
2	33.86195 ° N	119.88330 " W
3	33.92690 ° N	119.88330 " W
4	33.90700 ° N	119.80000 " W
5	33.86195 ° N	119.80000 " W

### C.3. Footprint Marine Conservation Area

The Footprint Marine Conservation Area (Footprint) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–6, and the following textual description.

The Footprint boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary follows the 3 nmi State boundary northeastward and then southeastward until it intersects the line defined by connecting Point 4 and Point 5 along a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line.

Table B–6—Footprint Marine Conservation Area

Point	Latitude	Longitude
1	33.90198 ° N	119.43311 " W
2	33.90198 ° N	119.51609 " W
3	33.96120 ° N	119.51609 " W
4	33.95710 ° N	119.43311 " W
5	33.90198 ° N	119.43311 " W

### C.4. Santa Barbara Island Marine Conservation Area

The Santa Barbara Island Marine Conservation Area (Santa Barbara) boundary is defined by the 3 nmi State boundary, the coordinates provided in Table B–8, and the following textual description.

The Santa Barbara boundary extends from Point 1 to Point 2 along a straight line. It then extends along a straight line from Point 2 to the 3 nmi State boundary where a line defined by connecting Point 2 and Point 3 with a straight line intersects the 3 nmi State boundary. The boundary follows the 3 nmi State boundary northeastward until it intersects the line defined by connecting Point 4 and Point 5 with a straight line. At that intersection, the boundary extends from the 3 nmi State boundary to Point 5 along a straight line. The boundary then extends from Point 5 to Point 6 along a straight line.

Table B–8—Santa Barbara Island Marine Conservation Area

Point	Latitude	Longitude
1	33.36320 ° N	118.90879 " W
2	33.36320 ° N	119.03670 " W
3	33.41680 ° N	119.03670 " W
4	33.47500 ° N	118.97080 " W
5	33.47500 ° N	118.90879 " W
6	33.36320 ° N	118.90879 " W



Links to data sources:

1. CDFW Marine Species Portal: <https://marinespecies.wildlife.ca.gov/> for Bluefin Tuna, Swordfish, and Striped Marlin
2. NOAA Species Directory: <https://www.fisheries.noaa.gov/species-directory> for North Pacific Swordfish and Pacific Bluefin Tuna
3. PIER papers: <https://pier.org/resources/publications/> for swordfish migratory movements DOI: 10.1111/fog.12461, and DOI:10.1111/j.1365-2419.2010.00543.x
4. WCPFC stock analysis: <https://www.wcpfc.int/current-stock-status-and-advice> for Pacific Bluefin Tuna, North Pacific Swordfish, North Pacific Striped Marlin
5. Oceana DSBG Sustainability Article: <https://usa.oceana.org/press-releases/new-day-dawns-for-whales-sea-turtles-and-sustainable-swordfish-fishing-off-californias-shores/>
6. PEW DSBG Sustainability Article: <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/06/22/us-approves-sustainable-way-to-catch-swordfish-off-west-coast>
7. MPA regional info: <https://californiampas.org/mpa-regions/north-coast-region>
8. Channel Islands Network info (NOAA): <https://channelislands.noaa.gov/about/maps.html#:~:text=Channel%20Islands%20National%20Marine%20Sanctuary%20protects%201%2C470%20square%20miles%20of,Miguel%2C%20and%20Santa%20Barbara%20islands>
9. MPA Master Plan hub: <https://wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan>

**11. Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing:

- Would give local charter businesses better access to local Northern Channel Island banks, helping business and reducing fuel costs and emissions spent traveling further offshore.
- Would significantly assist the commercial swordfish industry, returning legacy harpoon fishery waters, and allowing for more sustainable, domestic product to be landed by harpoon and DSBG.

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

None to my knowledge. |

**SECTION 3: FGC Staff Only**

Date received: |11/22/23. |

FGC staff action:

- ☐ Accept - complete  
☐ Reject - incomplete  
☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: |

Meeting date for FGC consideration: |

FGC action:





State of California – Fish and Game Commission

**PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE**

FGC 1 (Rev 06/19) Page 35 of 35

- ☐ Denied by FGC
- ☐ Denied - same as petition  Tracking Number
- ☐ Granted for consideration of regulation change