

California Fish and Game Commission



Compilation of Public Comments on Petition 2023-15MPA_AM2

This PDF file compiles public comments that were included as exhibits in meeting materials and supplemental handouts for Commission and Marine Resources Committee (MRC) meetings since November 2023. Additional exhibits and supplemental handouts will be added after each Commission meeting, including those received by the public comment deadline, until the Commission takes final action on the petition.

Note: Commission meeting materials include a representative selection of comments, rather than a comprehensive suite of all related comments received. Given the large volume of public comments received, the Commission has directed staff to summarize comments and provide a representative selection in meeting materials to reflect the range of perspectives shared. Commissioners are able to review a diversity of perspectives while still having access to all individual comments submitted, which are part of the Commission's administrative record. Members of the public may contact staff for access to any written comments not included in this document.

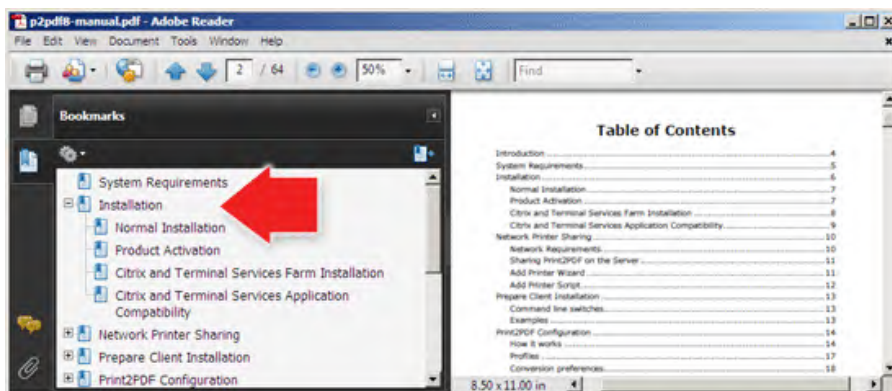
Last updated: through November 2025 MRC


EASY GUIDE TO USING THE PACKET

1. Download and open the binder document using your Adobe Acrobat program/app.
2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the comments in the packet. It's helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the packet without having to scroll through hundreds of pages.
5. You can resize the two panels by placing your cursor in the dark, vertical line  located between the panels and using a long click /tap to move in either direction.
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7. Do not hesitate to contact staff if you have any questions or would like assistance.

From: Blake Hermann <[REDACTED]>
Sent: Friday, December 22, 2023 11:07 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Supplemental Comment on MPA Petition 2023-15MPA

Hello,
Please see the attached document, supplemental comment of MPA Petition 2023-15MPA.

Thank you,
Blake Hermann

Dear Commission,

It is my community's belief that the changes requested in this petition are not only reasonable but justified under the current goals of the network. The petition lays out no new ideas or concepts, but is rather grounded in the framework of the MPA network and the goals it, and the commission, have set. This includes the goals of the founding MPA Documents for the Channel Islands, the 2016 MPA Master Plan, and comments on previously submitted petitions stating MPAs are not designed to protect pelagic or highly migratory species. The proposed HMS limited-take areas would allow for sustainable fisheries to follow HMS into these areas, while still protecting the local ecosystems and not erasing any existing protections on the local, non-pelagic ecosystems the MPAs are intended for. These areas would serve as glowing examples of conservation without the complete shutdown of reasonable fishing access for HMS as they randomly pass through the MPA network.

This change would demonstrate the necessary balance we must achieve moving into the future. Targeted conservation efforts catered towards groups of similarly behaving species (pelagic vs non-pelagic) is a goal we must strive for, rather than the broad approach these three MPAs are currently following.

If made, the changes would equalize the wide gap in no-take MPAs specifically around the Channel Islands Park. Currently, of the 21% of the park that is under some protection, 96% are no-take MPAs. When compared to the 60% of no-take MPAs elsewhere in the State we can see this disparity in full effect. This change would not only help remedy that disparity, but would show the stakeholders the commission's willingness to make reasonable HMS allowance in an area currently saturated with no-take MPAs. Additionally, the proposed changes will provide new research opportunities for observing previous no-take areas open to HMS (a topic that has never been researched before).

In the case of enforcement, these changes will result in little to no difference in enforcement effort. Regardless of regulation, no-take or limited-take, officers will continue to inspect vessels inside of a closure for violations. The only difference under limited-take areas is the small list of allowances that would not result in a citation. Under current no-take rules, any fishing activity or fish onboard results in a citation. Under the proposed limited-take rule, only some types of fishing and species of fish may be legally possessed. For enforcement, almost no changes in procedure are required.

Option 2 of this petition proposes changes that are best suited for the 3 MPAs in question: The Footprint, Gull Island, and Santa Barbara Island (SBI). Allowing HMS limited-take with CPS possession for baitfish enables anglers with the opportunity to track HMS as they move through these areas with the currents, while still safeguarding any local, non-pelagic species (such as groundfish), thereby preserving the original intentions of these MPAs.

An online petition, signable by the public, was recently made available (found here: <https://chng.it/2wy2dHSS6r>). After just one month, the petition garnered over 1,100 signatures and produced comments that the public wishes the Commission to hear (Signature list can be provided if desired). Below are just some of the comments from researchers, and commercial and recreational anglers.

- Richard Cravey commented: "I sportfish and also worked on the CCFRP project out of Scripps Institution of Oceanography at UC San Diego. I recognize the importance and efficacy of

protecting habitat for residential species of fishes like rockfish, wrasses, etc. but I see mismanagement of highly migratory species like jacks and tunas. I believe amendments to the MPAs are a viable way to improve the mismanagement of those species that are not in need of protection through the MPA network.”

- Wes Pierson commented: “I believe these changes make sense to the fishery while still providing protection to non-migratory species the MPA was designed for.”
- Vinnie Vernola commented: “It will give valuable access to fish swordfish and bluefin tuna that frequent these MPAs year after year. Since these fish migrate and do not live or stay in these areas as their permanent home it should not affect populations in my belief.”
- Bryce Hermann commented: “Highly migratory species, migrate large spans of areas sometimes even coast to coast. I believe this will still protect the ground fish which the closures were meant for in the first place but give us an opportunity to target some of the HMS species certain times of the year as they pass through.”
- Mark Litwiler commented: “I’m signing because changing these closures makes sense and it still allows the fish that need protection to remain safe but opens new area for recreational and clean harvest commercial fishing to take place on the migratory species. It would spread out the area fishable and lessen the pressure as well on the migratory fish that get harvested.”
- Taylor Sanford commented: “I’m in support of commercial and sport fishing in these areas as it will benefit the science and knowledge of fish in the area, feed the community, and boost the tourism economy in the surrounding areas.”

Thank you for your consideration,

Blake Hermann

From: Sean Burke <[REDACTED]>
Sent: Sunday, January 28, 2024 01:07 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Petition 2023 -15MPA

To whom it may concern,

If anything this petition may have some success in informing the Wardens w/ their continued lack of knowledge w/ the Harpoon fishery . Trust me I know and so does Officer Sean Stanton.

Focus your time and our taxpayer money on proper enforcement that make's a difference towards conservation . Patrolling imaginary borders and buffer zones makes no sense w/ anything swordfish .

There are no fences for *Xiphias gladius* .

Pass this petition .

Capt. Sean Burke
F/V PILIKIA
#1134177
F&G 03176

From: Eric Praske <[REDACTED]>
Sent: Wednesday, January 31, 2024 6:55 PM
To: FGC <FGC@fgc.ca.gov>
Subject: FGC agenda item 10 comment letter

Hello,

I am submitting the attached comment letter regarding agenda item 10 on the FGC February meeting agenda.

Eric Praske

Dear California Fish and Game Commissioners,

I urge the FGC to deny petitions 2023-15MPA and 2023-16MPA, which propose the conversion of State Marine Reserves (SMRs) into take-allowed State Marine Conservation Areas (SMCAs). Granting these petitions would establish a perilous precedent, signaling to the fishing community that the Fish and Game Commission (FGC) may entertain further conversions of SMRs, thereby jeopardizing the foundational role they play in California's Marine Protected Area (MPA) Network.

California's MPA Network relies heavily on the robust protections afforded by SMRs and no-take SMCAs, which collectively comprise less than 10% of state waters. Highly mobile pelagic species frequently traverse MPA boundaries and are statistically more likely to exist in the remaining 90% of state waters that allow take. Moreover, many of these species are more likely to inhabit federal waters, where the coverage of no-take MPAs is significantly lower compared to state waters. There are ample opportunities to fish for pelagic species in both federal and state waters without compromising protections in existing no-take MPAs. The petitioners therefore fail to present a compelling reason to warrant jeopardizing the integrity of SMRs.

These petitions directly contradict the MPA Petition Guiding Principles established during the July 2023 Marine Resources Committee meeting. Specifically, the Guiding Principles emphasize that successful MPA petitions should "maintain or enhance the protections and integrity of the MPA Network."¹ Petitions 2023-15MPA and 2023-16MPA fail to meet this standard, as they do not contribute to the enhancement of protections within MPAs. On the contrary, the conversion of cornerstone SMRs into less protected SMCAs threatens the integrity of the MPA Network. Furthermore, these petitions are incongruent with California's 30x30 initiative, which aims to strengthen rather than weaken marine protections.

Granting these petitions would compromise MPA enforcement. Shore-based observers, as well as technologies such as Marine Monitor,² will not be able to distinguish vessels that are fishing for pelagics from those that are fishing for prohibited species. While Wildlife Officers possess the authority to inspect catches onboard vessels, ordinary citizens and Allied Agencies — often responsible for reporting the majority of MPA violations — are not empowered to do so. Therefore, citizens and Allied Agencies will be less likely to report and/or contact potential violators as there will be uncertainty as to which species is being targeted by the fishermen onboard a vessel. This impedes the effectiveness of MPA enforcement.

In conclusion, I strongly urge the FGC to deny Petitions 2023-15MPA and 2023-16MPA in order to safeguard the integrity and effectiveness of California's MPA Network. Your commitment to upholding the principles that underpin the MPA Network is crucial for the conservation of our marine ecosystems and the sustainable management of California's fisheries.

Thank you for your attention to this matter.

Sincerely,



Eric Praske

Laguna Beach

¹ Summary of Marine Protected Area (MPA) Regulation Change Petition Framework Discussion.

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=214928&inline>

² <https://protectedseas.net/>

From: Aubrie Fowler <[REDACTED]>
Sent: Wednesday, January 31, 2024 5:12 PM
To: FGC <FGC@fgc.ca.gov>; Ashcraft, Susan@FGC <[REDACTED]>
Cc: Calla Allison <[REDACTED]>; Claire Arre <[REDACTED]>; Jamie Blatter <[REDACTED]>
Subject: FGC Meeting Binder Submission

Hi Susan and Commission staff,

Please see the attached exhibit (saved as a PDF and Excel sheet, whichever formatting is preferred) to please be added to the meeting binder for the February Fish and Game Commission meeting on 2/14-2/15/2024.

The link to the Google sheet can be found [here](#) as well; this was the format that the MPA Collaborative Vetted Regulation Recommendations was previously shared with Commission and Department staff.

Please let me know if there's more context you need from me.

Thank you,
Aubrie

Aubrie Fowler (she/her)
South Coast Specialist
[MPA Collaborative Network](#)
cell: [REDACTED]
[Sign-up for our Quarterly Newsletter](#)
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County	MPA	Current Regs Summarized	Compliance concerns and/or management problem identified	Regulation Recommendation for Adaptive Management	Consensus?	Justification	Supporting Management Suggestion	Petitioner Lead	Contact Information	Recommendation Category	Designation Change?
Del Norte	Pyramid Point SMCA	Rec take of surf smelt by dip net or Hawaiian type throw net. Tolowa Dee-ni' exempt	Onshore and offshore hook and line fishing, collecting sand crabs as bait, kayak fishers, violations from boaters registered in both CA and OR	Remove allowance for surf smelt by dip net or Hawaiian type throw net; Change to No-Take SMCA with Tribal exemption for Tolowa Dee-ni'	Yes	Smelt is culturally important species to Tolowa and No Take designation will be clearer to public, reducing violations	Signs being vandalized, ripped out. Outreach to gain compliance needed (Guardian Watchmen)	Tolowa Dee-ni' Nation	rosa.laucci@tolowa.com	Take Allowance Change	Yes, from SMCA to No-Take SMCA with Tribal exemption
Del Norte	Pyramid Point SMCA	Rec take of surf smelt by dip net or Hawaiian type throw net. Tolowa Dee-ni' exempt	Elk Valley Rancheria is interested in exploring the possibility of being included in exempt status	Add Elk Valley Rancheria to exempt Tribes if requested by Tribal Council	Yes	Elk Valley Rancheria has ancestral ties to the area				Take Allowance Change	
Del Norte	Pyramid Point SMCA	Rec take of surf smelt by dip net or Hawaiian type throw net. Tolowa Dee-ni' exempt	Boundary is in Oregon	Change northern boundary to align with recognized California/Oregon state line	Yes	Original boundary used a mapping system that does not align with on-the-ground state line.		Tolowa Dee-ni' Nation	rosa.laucci@tolowa.com	Boundary Change	
Del Norte	Point St. George Offshore Reef SMCA	Rec take of salmon by trolling and Dungeness crab by trap. Commercial take of salmon with troll fishing gear and Dungeness crab by trap. Elk Valley and Tolowa Dee-ni' exempt		No change	Yes						
Del Norte	Sea Lion Rock Special Closure	300'	No data	No change	Yes						
Del Norte	Castle Rock Special Closure	300'	Poke poling at Preston Island and Battery Point and Hook Finger Point during extremely low tides. Kayaks near closure	No change	Yes						
Del Norte	False Klamath Rock Special Closure	300' from 3/1-8/31	Low flyovers by US Coast Guard helicopter. Kayaks near closure, kaking kelp. Dogs off leash	No change	Yes		Signs needed at Wilson Creek. Potential site for CoastSnap to crowdsource changes around rock				
Humboldt	Reading Rock SMCA	Rec take of salmon by trolling; surf smelt by dip net or Hawaiian type throw net; Dungeness crab by trap, hoop net or hand. Commercial take of salmon with troll fishing gear; surf smelt by dip net; Dungeness crab by trap. Trinidad, Resighini and Yurok exempt	Hook and line fishing and take of sand crabs regularly occur, especially at southern boundary Gold Bluffs beach traditional smelt camp Track amount of surf smelt taken (25 lbs current limit). Hawaiian Type throw net inappropriate	Work with California Tribes and indigenous people to change "Hawaiian type throw net" to a term that is more reflective of Indigenous Californian net based take methods	Yes	Reference to Hawaiian nets when indigenous terms exist for this take type is inappropriate and disrespectful	Monitor Surf smelt as a part of state monitoring plan.			Language Change	

Humboldt	Reading Rock SMCA	Rec take of salmon by trolling; surf smelt by dip net or Hawaiian type throw net; Dungeness crab by trap, hoop net or hand. Commercial take of salmon with troll fishing gear; surf smelt by dip net; Dungeness crab by trap. Trinidad, Resighini and Yurok exempt		Recommend implementing limits on commercial take of surf smelt	Yes	Culturally important species				Take Allowance Change	
Humboldt	Reading Rock SMR	No Take	Drifting commercial crab pots	No change	Yes						
Humboldt	Samoa SMCA	Rec take of salmon by trolling; surf smelt by dip net or Hawaiian type throw net; Dungeness crab by trap, hoop net or hand. Commercial take of salmon with troll fishing gear; surf smelt by dip net; Dungeness crab by trap. Wiyot exempt	Difficult to determine boundaries	Work with California Tribes and indigenous people to change "Hawaiian type throw net" to a term that is more reflective of Indigenous Californian net based take methods	Yes	Reference to Hawaiian nets when indigenous terms exist for this take type is inappropriate and disrespectful	Monitor recreational and commercial (through landing/block reports) take of salmon by troll and surf smelt by dip net and assess effect on population; Signs with you are here map at Mad River			Language Change	
Humboldt	South Humboldt Bay SMRMA	No Take except waterfowl may be taken. Wiyot exempt	Invasive grasses, loss of eelgrass, general threats to habitat. Non Tribal members clamming. Difficult to identify boundaries within South Humboldt Bay	Determine reason it does not extend to southern water's edge and extend if no reason	Yes	Clearer for outreach purposes to say from southern end of bay to 2nd hunter pull out	Direct enforcement to look for unlawful clamming			Boundary Change	
Humboldt	Sugarloaf Island Special Closure	300'		No change	Yes						
Humboldt	South Cape Mendocino SMR	No Take	Minimal patrol	No change	Yes		Develop a plan for evaluating remote area MPAs to determine impact, such as temporary M2 radar/drone surveillance; support southern Humboldt patrol by LED				
Humboldt	Steamboat Rock Special Closure	300' 3/1-8/31	Confusion on when it is open to swim out to and when it is closed	No change	Yes		Sign that highlights special closure and closure dates				
Humboldt	Mattole Canyon SMR	No Take	Minimal patrol. Some commercial crab pots observed during USCG flyover	No change	Yes		Develop a plan for evaluating remote area MPAs to determine impact, such as temporary M2 radar/drone surveillance; support southern Humboldt patrol by law enforcement division				
Humboldt	Sea Lion Gulch SMR	No Take	Backpackers harvest mussels along entire Lost Coast Trail; people getting too close to new elephant seal colony. No cell connectivity to determine boundaries of MPA	Move southern boundary south to Cooskie Creek	BLM support but need fisher input	Creek is more identifiable feature for land based outreach to fishers hiking the Lost Coast Trail				Boundary Change	

Humboldt	Big Flat SMCA	Rec take of salmon by trolling and Dungeness crab by trap, hoop net or hand. Commercial take of salmon with troll fishing gear and Dungeness crab by trap. Multiple Tribes exempt	Backpackers harvest mussels along entire Lost Coast Trail; surf fishing occurs at Miller Flat. No cell connectivity to determine boundaries of MPA	No change	Yes		More outreach needed for fishers hiking lost coast. Include more detailed information in BLM Lost Coast map				
Mendocino	Double Cone Rock SMCA	Rec take of salmon by trolling; Dungeness crab by trap, hoop net or hand. Commercial take of salmon with troll fishing gear and Dungeness crab by trap	Unknown. Limited patrol. Report of excessive urchin and need for grazer suppression.	Reassess restoration policy in SMCAs impacted by climate change/kelp loss	Yes	Loss of kelp habitat needs to be addressed in this SMCA	Allow for restoration work/grazer suppression to address urchin barrens (reds and purples)	California Sea Urchin Commission - allow for commercial take of urchin		Other	
Mendocino	Vizcaino Rock Special Closure	300' 3/1-8/31		No change	Yes						
Mendocino	Ten Mile SMR	No Take	Primary concern is shore-based fishing (rod and reel at seaside creek beach). Recreational fishers take rockfish and lingcod, crab pots "walk themselves" into MPA at southern boundary. Dogs off leash	No change	Yes		OK/boundary sign needed at northern boundary. Simplify outreach language around MPA clusters				
Mendocino	Ten Mile Beach SMCA	Rec take of Dungeness crab by trap, hoop net or hand. Commercial take of Dungeness crab by trap. Many Tribes exempt	Unlawful take of fish (rockfish, lingcod); dogs off leash in snowy plover habitat. Potential sand dump site south side of Ten Mile Beach	No change	Yes		Simplify outreach language around MPA clusters				
Mendocino	Ten Mile Estuary SMCA	Waterfowl may be taken. Many Tribes exempt	Limited access for fishers	No change	Yes		Simplify outreach language around MPA clusters				
Mendocino	MacKerricher SMCA	All rec take allowed. Commercial take allowed except for bull kelp and giant kelp	Multiple violations occur daily since closest to Fort Bragg city center (general fish and game code violations). North boundary (Laguna Point) hotspot for intertidal take	Add protection for intertidal zone, per State Parks, in support for protection of the resource and ease of enforcement/outreach	Many in support but no full consensus	There are limited areas in the county to lawfully take intertidal animals such as mussels, turban snails, limpets, etc.	More enforcement support needed due to limited State Parks personnel. Focus on tidepool education. Intertidal specific take signs are needed	State Parks pending review		Take Allowance Change	
Mendocino	Point Cabrillo SMR	No Take	Lighthouse sees lots of boats fishing offshore of Frolic Cove on northern end of Point Cabrillo SMR or inside	No change	Yes		OK boundary signs would be beneficial on both boundaries for kayak fishing				
Mendocino	Russian Gulch SMCA	All rec take allowed. Commercial take allowed except for bull kelp and giant kelp	General fish and game code violations	No change	Yes						

Mendocino	Big River Estuary SMCA	Rec take of surfperch by hook and line from shore only and Dungeness crab by hoop net or hand. Many Tribes exempt. Waterfowl may be taken	Increased use for swimming and recreation has led to safety concerns, including close calls between swimmers and hunters. Swimmers mixing with motorized boats may lead to accidents	Hunting should be prohibited due to high public use/public safety issues, per State Parks	Yes	Community reported incidents of near misses between hunters/boaters and swimmers		State Parks pending review		Allowed Activity Change	
Mendocino	Big River Estuary SMCA	Rec take of surfperch by hook and line from shore only and Dungeness crab by hoop net or hand. Many Tribes exempt. Waterfowl may be taken	Can MPA restrict motorized vessels if not ecological reserve?	Restrict all motorized vessels with allowance for public safety, per State Parks	Yes, with clarification that motorized vessels are only restricted going east (up river)	West access from launch should be allowed for boaters going out to ocean	Data on crab fishery is needed to determine whether allowance is sustainable. Need clear signage restricting snare traps. Pick up after dog signs needed	State Parks pending review		Allowed Activity Change	
Mendocino	Van Damme SMCA	All rec take allowed. Commercial take allowed except for bull kelp and giant kelp	Overtake and take of undersize fish	No change	Yes						
Mendocino	Navarro River Estuary SMCA	Rec take of salmonoids by hook and line. Many Tribes exempt. Waterfowl may be taken	People illegally breach sandbar (but outside MPA?)	No change	Yes						
Mendocino	Point Arena SMR	No Take	Fishing in SMR reported by lighthouse manager	No change	Yes		OK boundary signs needed				
Mendocino	Point Arena SMCA	Rec take of salmon by trolling. Commercial take of salmon with troll fishing gear		No change	Yes						
Mendocino	Sea Lion Cove	Rec and commercial take of finfish	Urchin barrens	Reassess restoration policy in SMCAs impacted by climate change/kelp loss	Yes		Allow for restoration work/grazer suppression to address urchin barrens (reds and purples)	California Sea Urchin Commission - allow for commercial take of urchin		Other	
Mendocino	Saunders Reef SMCA	Rec take of salmon by trolling. Commercial take of salmon with troll fishing gear and urchin	Citations issued for people diving and taking at Schooner Gulch; illegal shore fishing from Hearn Gulch	No change	Yes		Additional enforcement personnel/efforts are needed				
Sonoma	Del Mar Landing SMR	No Take	Fishing at north end	No change	Yes		Trail pamphlets with MPA information				
Sonoma	Stewarts Point SMR	No Take	Poaching at 3 mile line. Difficult for fishers to determine where 3 mile line is and difficult to enforce from land	Allow for trolling of salmon. Change to SMCA?	No. Discussed with no strong opposition but more info needed	Impact to commercial salmon fishing can be addressed with minimal impact to other resources	More signage needed at public access points			Take Allowance Change	Yes, would change SMR to SMCA. No consensus
Sonoma	Stewarts Point SMCA	Rec take from shore only of marine aquatic plants other than sea palm, marine invertebrates, finfish by hook and line, surf smelt by beach net, species authorized by hand-held dip net	Tribal based MPA	Prohibit all take and add Kashia Pomo to Tribal exemptions to make affirmative rights of Tribal Members re: collection, harvesting, and research	Yes	MPA is only accessed by Kashia Tribal members from shore (owned by Tribe) so would be same protection while acknowledging Tribal rights				Take Allowance Change	Yes, change from SMCA to No-Take SMCA with Tribal exemption

Sonoma	Salt Point SMCA	Recreational take of abalone and finfish allowed	Take of abalone during closure; poaching of intertidal species. Confusion regarding intertidal take	No change	Yes		Needs more signage on collecting/take of shellfish and other non finfish				
Sonoma	Gerstle Cove SMR	No Take	Excessive intertidal take. Rec fishers fishing the line	No change	Yes		Need for good tidepooler rules signs to address harmful tidepooling				
Sonoma	Russian River SMRMA	No take except waterfowl may be taken	Marine mammal disturbance occurring. County of Sonoma needs to conduct restoration work as part of management plan	Allow for restoration work in SMRMA	Yes	Restoration will not impact haul out sites, marine mammals or birds				Other	
Sonoma	Russian River SMCA	Rec take of Dungeness crab by trap, and surf smelt by hand-held dip net or beach net. Commercial take of Dungeness crab by trap	Illegal onshore and offshore fishing; seal disturbance "seal selfies" near Goat Rock. Trash/dogs off leash	No change	Yes		More outreach for out of town fishers/permanent signage				
Sonoma	Bodega Head SMR	No Take	Take of rockfish and trolling for salmon; fishing on northern boundary off rocks Difficult "fan" shape and hard to identify northern boundary makes enforcement difficult	No change	Yes	Would require new outreach					
Sonoma/Marin	Bodega Head SMCA	Rec take of pelagic finfish by trolling, Dungeness crab by trap, and market squid by hand-held dip net. Commercial take of pelagic finfish by troll fishing gear and round haul net, Dungeness crab by trap, and market squid by round haul net	Take of rockfish and trolling for salmon; fishing on northern boundary off rocks Difficult "fan" shape and hard to identify northern boundary makes enforcement difficult	No change	Yes						
Sonoma/Marin	Estero Americano SMRMA	No take except waterfowl may be taken	Confusion as to boundary "high tide line" and who manages strip of beach between ocean and estuary that is often closed; Difficulty identifying eastern boundary. No way to see boundary from shore	No change	Yes		More signs needed at access points here to address compliance concerns				
Marin	Estero de San Antonio SMRMA	No take except waterfowl may be taken	Some take (animal remains) and illegal fishing	No change	Yes						
Marin	Point Reyes SMR	No take	Sand dollar and fossil take, rod and reel fishing from vessels, party boats troll for salmon; violations are limited offshore	No change	Yes		Signage and more enforcement needed, especially at Drakes Beach and Coast Guard Station. Consolidated mixed messaging signs, with dog information.				

Marin	Point Reyes SMCA	Rec take of salmon by trolling and Dungeness crab by trap. Commercial take of salmon with troll fishing gear and Dungeness crab by trap	Commercial crabbers set coonstripe shrimp traps on top of crab traps; Boundaries in MPA cluster hard to identify; NPS jurisdiction limited to	No change	Yes						
Marin	Point Reyes Headlands Special Closure	No access from mean high tide line to a distance of 1000 feet seaward	Recreational vessels fishing in summer; Disturbance spiked in 2020; USFW continues to monitor this area	No change at this time	Yes	Might need to revisit making adjustments in the future if data shows changes/increases in disturbance					
Marin	Estero de Limantour SMR	No take	Difficult to determine boundary between SMR and Drakes Estero SMCA makes enforcement difficult. There are suspicions that poaching of clams occurs in the SMR from people on kayaks from Drakes Estero	Extend SMR designation all the way into Drakes Estero	Yes	NPS in support of expanding SMR because federally designated wilderness, major harbor seal haul out, and critical nursery habitat for leopard shark and bay rays		EAC Marin with NPS letter of support		Boundary Change	
Marin	Drakes Estero SMCA	The recreational take of clams is allowed	Difficult to determine boundary line between Drakes Estero SMCA and Estero de Limantour SMR leading to poaching. Cows accessing/pooping from NPS ranch leased land	Prohibit clamming in Drakes Estero SMCA. Merge with Estero de Limantour SMR.	Yes	SMCA designation was originally due to oyster farm that is no longer there. NPS in support of making into a SMR due to federally designated wilderness area	Give people direction/ outreach materials on where they CAN clam safely	EAC Marin with NPS letter of support		Take Allowance Change	Yes, change from SMCA to SMR
Marin	Point Resistance Rock Special Closure	No access from mean high tide line to a distance of 300 feet seaward of rock	Seabird flushing by vessels. USFW monitoring area.	No change	Yes	GFNMS thinks current regulations are good, very important to their mission and public outreach					
Marin	Double Point/Stormy Stack Special Closure	No access from mean high tide line to a distance of 300 feet seaward of rock	Seabird flushing by vessels and surfers, who enter harbor seal rookery. Increased visitation due to people hiking to Alamere Falls	No change	Yes	GFNMS thinks current regulations are good, very important to their mission and public outreach and don't want to extend to shore to allow shore access	Put signs with regulations and text about importance of special closure at trailhead; more outreach to boaters about special closures needed				

Marin	Duxbury Reef SMCA	Recreational take of finfish from shore and abalone* is allowed	Difficult to enforce and outreach about why you can take finfish but not invertebrates. Beach Watch data at this site for 30 years show slight decrease in activities in last 10 years, but take of invertebrates has been observed, and the Greater Farallones National Marine Sanctuary Superintendent has provided information about the need to consider additional conservation measures at Duxbury Reef. Maria Brown (NMS) submitted a letter saying Duxbury Reef would benefit from increased protection of unique and important habitat of entire reef (largest shale reef in N. America). EAC MPA Watch data shows	Change to SMR because of difficulty of interpretation and enforcement. Extend southern boundary further out to sea (south) and northern boundary to Double Point to fully cover reef	No	No agreement on extending boundaries to cover the reef and changing to SMR. More research needed on benefits of changing existing ribbon from SMCA to SMR; Might be important fishing access point for public	More signs needed and more support for onsite education and enforcement from CDFW to agate beach and land-side terrestrial Duxbury	EAC Marin		Take Allowance Change	Yes, would change SMCA to SMR. No consensus
Marin	Duxbury Reef SMCA	Recreational take of finfish from shore and abalone* is allowed	Heavy use and impacts, intertidal take – buckets and tools (e.g., crow bars, tire jacks) used to take black turban snails and purple urchin that are nestled into cracks. People need to break the reef to get to purple urchin	Potential compromise would be to add specific tidepool protections, similar to OC	TBD	NMS would like to continue conversation to explore potential compromises	Research other tidepool docent programs in MPAs with mixed use of allowed fishing/tidepool protections			Language Change	
San Francisco	North Farallon Islands SMR	No Take	Commercial crab case here	No change	Yes	More data needed for this MPA cluster	Increase CDFW LED patrols during peak months. Need for CCFRP program here				
San Francisco	North Farallon Islands Special Closure	No vessel shall be operated or anchored at any time from the mean high tide line to a distance of 1000 feet seaward of the mean lower low tide line of any shoreline of North Farallon Island, or to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of the remaining three southern islets		No change	Yes						

San Francisco	Southeast Farallon Islands SMR	No Take	Small recreational boats. A number of encroachments occur into SMR during better weather months	No change	Yes		Increase patrols from LED and consider M2 radar at this location				
San Francisco	Southeast Farallon Islands SMCA	Recreational take of salmon by trolling and commercial take of salmon by troll fishing gear	Salmon fishers use salmon gear to fish for halibut	No change	Yes						
San Francisco	Southeast Farallon Islands Special Closure	Closed 300 feet seaward year-round, except Fisherman's Bay to East Landing, southeastern tip of the island and southeastern side of Saddle (Seal) Rock, which is closed from December 1 through September 14. 5 mile per hour speed limit 1000 ft seaward of mean lower low tide of any shoreline Exhaust system requirements for commercial dive boats	Boats cut across the special closure	No change	Yes	Predates MLPA process, careful consideration went into crafting special closure regulations					
San Mateo	Egg (Devil's Slide) Rock to Devil's Slide Special Closure	A special closure is designated from the mean high tide line to a distance of 300 feet seaward of the mean lower low tide line of any shoreline of any of the three rocks comprising Egg (Devil's Slide) Rock; Transit in between the rock and the mainland between these points is prohibited at any time.	Reported violations include fishing boats inside boundaries and low flying aircraft/drones	Change name to "Devil's Slide Special Closure"	Yes	Egg rock is no longer a name used/recognized locally. Devil's Slide is more appropriate and simpler for outreach				Language Change	
San Mateo	Montara SMR	No Take	A top cited MPA in Central Coast, highest in San Mateo; fishing offshore and tidepool take; Difficulty interpreting southern boundary	Move Montara SMR onshore southern boundary to current Pillar Point SMCA southern boundary (north end of Maverick's Beach), then extending out to current offshore southern SMR boundary point	Yes	Easier for enforcement and makes SMR boundaries consistent with Fitzgerald Marine Reserve boundaries				Boundary Change	

San Mateo	Pillar Point SMCA	The recreational take of pelagic finfish by trolling, Dungeness crab by trap, and market squid by hand-held dip net is allowed. The commercial take of pelagic finfish by troll or round haul net Dungeness crab by trap, and market squid by round haul net is allowed.	Unclear boundary leads to poaching in intertidal Difficult for local law enforcement to ensure compliance of tidepool take regulations due to high volume of consumptive visitors	Extend southern SMCA boundary further south to edge of harbor jetty, extending out to existing offshore southern point. Onshore northern boundary would be same as Montara SMR onshore southern boundary	Yes	Would cover entire reef in MPA for ease of allied agency outreach and enforcement.				Boundary Change	
San Mateo	Pillar Point SMCA	The recreational take of pelagic finfish by trolling, Dungeness crab by trap, and market squid by hand-held dip net is allowed. The commercial take of pelagic finfish by troll or round haul net Dungeness crab by trap, and market squid by round haul net is allowed.		Change regulations to allow for recreational hook and line take of finfish from shore and take of mussels, crabs, snails and seaweeds for equity and access purposes	Yes	Allowing for shore based hook and line and some intertidal take maintains access for consumptive users while applying some protection for a heavily impacted habitat				Take Allowance Change	
San Mateo/Santa Cruz	Año Nuevo SMR	No Take	Unlawful take of snails; fishing; wildlife disturbance. Boats driving squid out of MPA. Confusion because sign at top of trail to Greyhound Rock says fishing beach but must go left at bottom to legally fish	Move southern boundary line to have whole of Greyhound Rock in SMR	Yes, at both Santa Cruz and San Mateo Collaborative meetings	Clearer boundary makes enforcement easier	Ensure sign with map at bottom of trail. Utilize social/digital/traditional media for public outreach	State Parks pending review		Boundary Change	
San Mateo/Santa Cruz	Greyhound Rock SMCA	Rec take of giant kelp by hand harvest only, market squid, salmon. Other finfish by hook and line only from shore. Commercial take of giant kelp by hand harvest only, salmon and market squid	Take of mussels at southern boundary Confusion with Año Nuevo SMR boundary/whether fishing is allowed at Greyhound Rock Split between 2 counties	Move northern boundary line to have whole of Greyhound Rock outside of SMCA and in SMR; Move southern boundary south to beginning of Scott Creek bridge	Yes, at both Santa Cruz and San Mateo Collaborative meetings	Reef should be fully protected or fully open. Preference to cover reef but either way will have clearer boundary for outreach/enforcement. Move of southern boundary would cover reef to address intertidal impacts	Need for sign with map at Scotts Creek	State Parks pending review		Boundary Change	
San Mateo/Santa Cruz	Greyhound Rock SMCA	Rec take of giant kelp by hand harvest only, market squid, salmon. Other finfish by hook and line only from shore. Commercial take of giant kelp by hand harvest only, salmon and market squid	Confusing regulations	Replace comma with semi-colon in regulations after "giant kelp by hand harvest only", or otherwise edit	Yes	Clearer language needed to clarify you are not required to catch salmon and squid by hand harvest only		State Parks pending review		Language Change	Section 100 change
Santa Cruz	Natural Bridges SMR	No Take	Hard to identify boundaries; safety concerns with fishers and swimmers at Natural Bridges State Park beach	Shift both boundaries south to more identifiable features (4 mile point and Natural Bridge)	Yes	State Parks would like SMR to cover the beach at Natural Bridges SP for public safety reasons	Need for interpretive signs with maps/good tidepooler rules, why MPAs, etc.	State Parks pending review		Boundary Change	
Santa Cruz	Soquel Canyon SMCA	Rec and commercial take of pelagic finfish	Split between 2 counties	No change	Yes						

Monterey	Elkhorn Slough SMR	No Take	Fishing occurs regularly at Kirby Park pier/dock, was originally built for fishers with disabilities with SFRA grant. Inconsistent enforcement.	Move northern boundary south of Kirby Park pier/dock. Shift entire MPA to maintain size	Yes, at both Santa Cruz and Monterey Collaborative meetings	Opens fishing area as originally intended to limit poaching; supports increased enforcement presence in area	If Kirby is open, must be concerted cross-jurisdictional effort to enforce shore waste of fish/debris and other F&G Code violations. Need for good fishing practices outreach	Elkhorn Slough Foundation		Boundary Change	
Monterey	Elkhorn Slough SMCA	The recreational take of finfish by hook and line only and clams is allowed. Clams may only be taken on the north shore of the slough in the area adjacent to the Moss Landing State Wildlife Area [subsection 550(a)].	Difficult to determine where SMR/SMCA boundary is (i.e., where kayak fishers can no longer fish).	Move SMR line to bird watching platform (eastern side)	Yes, at both Santa Cruz and Monterey Collaborative meetings	Bird watching platform provides a clear boundary for shore and kayak fishers and would maintain size of SMR with shift off Kirby		Elkhorn Slough Foundation		Boundary Change	
Monterey	Elkhorn Slough SMCA	The recreational take of finfish by hook and line only and clams is allowed. Clams may only be taken on the north shore of the slough in the area adjacent to the Moss Landing State Wildlife Area [subsection 550(a)].	Clamming disturbs sea otter rafts. Huge amounts of trash (fishing receptacles full)	Removing allowance for clamming to address impact to otters and human health considerations	Maybe?	Need more info on impact to recreational clambers and safety of consuming clams	Need for more trash receptacles/removal	Elkhorn Slough Foundation		Take Allowance Change	
Monterey	Moro Cojo Slough State Marine Reserve	No take	Some access on eastern end. Agricultural influence. Elkhorn Slough NERR in support of no change	No change	Yes						
Monterey/Santa Cruz	Soquel Canyon State Marine Conservation Area	Recreational and commercial take of pelagic finfish is allowed	Many violations, especially illegally set crab traps (commercial) and rockfish take (recreational). Whale disturbance. More impact due to depth restrictions lifted	No change	Yes						
Monterey	Portuguese Ledge State Marine Conservation Area	Recreational and commercial take of pelagic finfish is allowed	Many violations, especially rockfish take (recreational). Whale disturbance	No change	Yes						
Monterey	Edward F. Ricketts State Marine Conservation Area	Recreational take of finfish by hook and line. Commercial take of giant kelp and bull kelp by hand	Fishing debris from Coast Guard pier. Abalone and other intertidal poaching at breakwater	Explore regulations to limit fishing gear loss from Coast Guard pier (such as requiring use of breakaway leaders or no braided line)	Yes	Fishing gear loss impacts wildlife, habitat, and safety of divers due to entanglement	Partner with MBNMS on outreach of litter/delict fishing gear			Language Change	
Monterey	Edward F. Ricketts State Marine Conservation Area	Recreational take of finfish by hook and line. Commercial take of giant kelp and bull kelp by hand	New regulations may restrict fishing for rockfish from boat close to shore after October 1	Change to SMR and join with Lovers Point Julia Platt SMR	Maybe	No strong opposition but no fishing reps present		Giant Giant Kelp Restoration Project (G2KR)		Take Allowance Change	Yes, would change from SMCA to SMR

Monterey	Edward F. Ricketts State Marine Conservation Area	Recreational take of finfish by hook and line. Commercial take of giant kelp and bull kelp by hand		Allow restoration/urchin culling without requiring SCP	No	May lead to destruction of healthy urchins		Giant Giant Kelp Restoration Project (G2KR) - applies to Ed Ricketts, PG Gardens, and Carmel Bay SMCAs, and will include suggestion for buoys on sites		Other	
Monterey	Lovers Point- Julia Platt State Marine Reserve	No Take	Fishing off Lovers Point rocks, undersize and immature fish, spearfishers and fishing boats catch halibut, illegal tidepool take; confusion around northern boundary line	Move southern boundary line so Lovers Point is either all in or all out (with preference for all in reserve)	No	Disagreement about where to move line	Boundary marker or fishing/no fishing arrow sign needed if boundary doesn't change			Boundary Change	
Monterey	Lovers Point- Julia Platt State Marine Reserve	No Take		Move southern boundary to end of Lovers Point, splitting point equally in half	Yes	Fishing/No fishing arrow signs would make sense/be more accurate	Fishing/no fishing arrow sign needed at Lovers Point			Boundary Change	
Monterey	Pacific Grove Marine Gardens State Marine Conservation Area	Recreational take of finfish. Commercial take of giant kelp and bull kelp by hand	Spearfishing violations, especially from kayaks and dinghies; illegal take of scallops and crustaceans; undersize and immature fish taken Point Pinos is key oystercatcher nesting habitat	Move both boundary lines so Lovers Point and Point Pinos are all out of SMCA and in SMRs because both are key oystercatcher nesting sites	No	Rock outcropping and buoy at Point Pinos (southern boundary) are currently good boundary indicators for boaters				Boundary Change	
Monterey	Pacific Grove Marine Gardens State Marine Conservation Area	Recreational take of finfish. Commercial take of giant kelp and bull kelp by hand		Move northern boundary to end of Lovers Point	Yes	Fishing/No fishing arrow signs would make sense/be more accurate	Fishing/no fishing arrow sign needed at Lovers Point and Point Pinos			Boundary Change	
Monterey	Pacific Grove Marine Gardens State Marine Conservation Area	Recreational take of finfish. Commercial take of giant kelp and bull kelp by hand	New regulations may restrict fishing for rockfish from boat close to shore after October 1	Change to SMR, join with Lovers Point SMR	Maybe	No strong opposition but no fishing reps present		Giant Giant Kelp Restoration Project (G2KR)		Take Allowance Change	Yes, would change from SMCA to SMR
Monterey	Asilomar State Marine Reserve	No Take	Onshore and offshore fishing common, hook and line from nooks and crannies; harmful tidepooling, tidepool take; wildlife disturbance common Northern boundary at Point Pinos is confusing, splits rocks in half	No change	Yes		Fishing/No Fishing arrow signs needed at Point Pinos				
Monterey	Carmel Pinnacles State Marine Reserve	No Take	Offshore violations common	No change	Yes						
Monterey	Carmel Bay State Marine Conservation Area	Recreational take of finfish. Commercial take of giant kelp and bull kelp by hand	Intertidal take common, including abalone and mussels. Golf balls go into MPA and are not collected. Some kelp take at Stillwater Cove	No change	Yes		Work with Pebble Beach on reducing golf ball litter either through requiring biodegradable balls at key holes or ensuring balls are collected by divers				
Monterey	Point Lobos State Marine Reserve	No Take	Take occurs. Boundaries are confusing	No change	Yes						

Monterey	Point Lobos State Marine Reserve	No Take		Allow restoration/urchin culling	No	Difficult for enforcement/interpretation in no-take area		Giant Kelp Restoration Project (G2KR)		Other	
Monterey	Point Lobos State Marine Conservation Area	Recreational take of salmon and albacore and the commercial take of salmon, albacore, and spot prawn is allowed		No change	Yes						
Monterey	Point Sur State Marine Reserve	No Take	Violations common between SMR and SMCA, southern corner is hard to enforce. Abalone case reported	Encompass the whole coastline of Point Sur in MPA	No	Keep boundaries as is				Boundary Change	
Monterey	Point Sur State Marine Conservation Area	Recreational and commercial take of salmon and albacore		Add bluefin tuna to list of species allowed for take	No	Lessens protection				Take Allowance Change	
Monterey	Big Creek State Marine Reserve	No Take	L-shape of SMR within SMCA is confusing	No change	Yes						
Monterey	Big Creek State Marine Conservation Area	Recreational take of salmon and albacore. Commercial take of salmon, albacore	Potential unlawful fishing off Marine Lab	No change	Yes						
San Luis Obispo	Piedras Blancas State Marine Reserve	No take	Missing signs. Onshore fishing violations (poaching mussels at Point Sierra Nevada). Wildlife disturbance. Extreme angle makes kayak fishers look like they are fishing in SMR	No change	Yes		Use boundary images on signs to help reference angle at pullout.				
San Luis Obispo	Piedras Blancas State Marine Conservation Area	Recreational and commercial take of salmon and albacore	Occasional poaching observed. Fishing for rockfish. No albacore, limited salmon observed by fishers/wardens	No change	Yes						
San Luis Obispo	Cambria State Marine Conservation Area	All recreational take is allowed	Harmful tidepooling occurring throughout MPA. Difficult to message good tidepooler rules without designated protections	Add tidepool protection language similar to Crystal Cove and Dana Point SMCA's	Yes	Would make it easier to message about responsible tidepooling and reduce inadvertent take	Tools for existing SP tidepool docent program needed here, such as Natural Bridges State Park tidepool cart	State Parks pending review; Environment California?		Take Allowance Change	
San Luis Obispo	Cambria State Marine Conservation Area	All recreational take is allowed	Boundary between Cambria SMCA and White Rock SMCA is confusing, leading to accidental poaching by kayak fishers putting in at boundary at Wedgewood	Shift White Rock SMCA northern boundary to end of neighborhood at Lampton Park. Shift southern boundary south 1/2 mile accordingly to not lose any protection and cover some kelp habitat	Yes	May be some pushback from commercial live rockfish fishery for southern shift but recreational anglers in support		Environment California?		Boundary Change	
San Luis Obispo	Cambria State Marine Conservation Area	All recreational take is allowed	No commercial take allowed but there is an existing kelp lease?	Remove kelp lease 209 OR clarify that lease holder cannot harvest within Cambria SMCA	Yes	Commercial harvest of kelp is incompatible with MPA regulations that allow recreational take only		Environment California?		Other	

San Luis Obispo	White Rock State Marine Conservation Area	Commercial take of giant kelp and bull kelp with valid lease	Boundary between Cambria SMCA and White Rock SMCA is confusing, leading to accidental poaching of kayak fishers putting in at boundary at Wedgewood	Shift White Rock SMCA northern boundary to end of neighborhood at Lampton Park. Shift southern boundary south 1/2 mile accordingly to not lose any protection	Yes	May be some pushback from commercial live rockfish fishery for southern shift but recreational anglers in support		Environment California?		Boundary Change	
San Luis Obispo	White Rock State Marine Conservation Area	Commercial take of giant kelp and bull kelp with valid lease		Prohibit commercial take of giant kelp and bull kelp with valid lease and change to an SMR	Yes	Original intent was a reserve but there was existing kelp lease. Current lease holder is fine with relinquishing/ disallowing take of kelp		Environment California?		Take Allowance Change	Yes, would change from SMCA to SMR
San Luis Obispo	Morro Bay State Marine Recreational Management Area	Waterfowl hunting allowed. Recreational take of finfish north of line at Pasadena Point. Aquaculture allowed	Poaching occurs at southern side that does not allow take of finfish. Line is confusing and unclear on maps and outreach materials. Illegal invertebrate take (e.g., sea stars at jetty, ghost shrimp at Windy Cove). Signs needed at blue pier	Shift no fishing boundary 150 yds north to public access at Pasadena Park (between Santa Ysabel and Baywood Way)	Yes	Makes it easier for county to manage and educate more accurately about fishing/no fishing line	Signs needed, especially at Blue Pier. County can install sign at Pasadena Park			Boundary Change	
San Luis Obispo	Morro Bay State Marine Recreational Management Area	Waterfowl hunting allowed. Recreational take of finfish north of line at Pasadena Point. Aquaculture allowed	Hunting "within" a bird sanctuary (City of Morro Bay) is confusing, safety concerns for paddlers with increased visitors who are unaware hunting is allowed. Concern about safety issues around hunting around neighborhoods. Trampling of plants occur on shoreline in Baywood Park.	No change to regulations at this time	Yes	Important hunting area. Confusion should be addressed through outreach	Overlay hunting map on SMRMA for outreach purposes Mixed message signs/more education needed about estuary impacts/erosion: "tread lightly" in Los Osos				
San Luis Obispo	Morro Bay State Marine Reserve	No Take	Some hunting violations, hugging line; Boardwalks work to protect birds! Might be good to have one at Baywood Park at 1st Street	No change (reluctantly)	Yes	Some desire to extend SMR west and into bottom part of bay beneath Baywood Peninsula but do not want to impede on aquaculture	More education and outreach needed				
San Luis Obispo	Point Buchon State Marine Reserve	No Take	Regular poaching offshore, trolling, and stopping to drop a line in water. Busiest MPA in SLO, most violations observed/cited	Move northern boundary to actual Point Buchon	Yes	Clearer boundary for fishers coming from Port San Luis	Boundary marker needed here. Make "flagpole" more visible (hang flag?) if boundary doesn't change	State Parks pending review		Boundary Change	
San Luis Obispo	Point Buchon State Marine Conservation Area	Recreational and commercial take of salmon and albacore allowed	Regular poaching, rockfish and lingcod, maybe some squid boats?	No change	Yes						

Santa Barbara and Ventura (Santa Barbara Channel)	Vandenberg SMR	No Take	Vandenberg Space Force Base (VSFB) allows active-duty officers, their dependents/families, and guests to fish off Vandenberg. Leads to confusion since officially a no-take area. Regulations should match take allowed. Petition has been submitted by City of Lompoc to allow shore fishing at Surf Beach	Change designation to SMCA that allows hook and line for finfish from shore only	Yes	Would increase actual protection due to past 5 Base Commanders' decision to allow all legal take on base and would address equity concerns by allowing access for non-military at Surf Beach		Greg Helms to propose intertidal ribbon		Take Allowance Change	Yes, would change from SMR to SMCA
Santa Barbara and Ventura (Santa Barbara Channel)	Vandenberg SMR	No Take		Reevaluate MOA with VSFB that is being interpreted as allowing for full military recreational take in a no-take SMR	No, not needed if designation is changed to SMCA	Vandenberg conservation officer will enforce updated take regs on military personnel				Other	
Santa Barbara and Ventura (Santa Barbara Channel)	Point Conception SMR	No Take	Recent groundfish case. Difficult for enforcement to access from land through Dangermond Preserve. M2 radar at Pt. Conception shows a lot of boating activity, may	No change	Yes		Provide continued support for M2 radar with ground truthing and continued coordination/info sharing between agencies				
Santa Barbara and Ventura (Santa Barbara Channel)	Kashlayit SMCA	Rec take of finfish, invertebrates (except rock scallops and mussels) and giant kelp by hand harvest. Santa Ynez band of Chumash exempt	Illegal and dangerous access down the bluffs on Gaviota. Fishing without a license. Access issues for pier fishers with Gaviota pier closed. Difficult to interpret	Reword regulations for clarity of outreach: "Recreational take of finfish, invertebrates, and giant kelp allowed"	Yes	Simpler regulations will make outreach easier, increasing compliance, with minimal impacts to the resources	Have FGC/State push for pier repair at Gaviota Pier (SB County/State Parks) for safety/access reasons	State Parks pending review/Greg Helms		Language Change	Section 100 change
Santa Barbara and Ventura (Santa Barbara Channel)	Naples SMCA	Rec take by spearfishing of white seabass and pelagic finfish. Commercial take of giant kelp by hand or mechanical harvest. Santa Ynez Band of Chumash exempt	Hook and line fishing and access issues occur here, and most days there are at least two vehicles for fishing or surfing parked near Naples. Impact to hook and line fishers	Add hook and line to allowed method of take	No	Numbers/impact/level of take different between hook and line and spearfishing. Would drastically reduce protection				Take Allowance Change	
Santa Barbara and Ventura (Santa Barbara Channel)	Campus Point No-Take SMCA	No Take	Onshore and offshore hook and line fishing continues to be observed	Change purple to red for outreach purposes	Yes	Easier to explain "no take" if consistent with red SMR		Greg Helms		Other	
Santa Barbara and Ventura (Santa Barbara Channel)	Goleta Slough No-Take SMCA	No Take	Trespassing (e.g., illegal swimming, dogs). People occasionally use nets to fish here and/or fish off bridges at the finger boundaries of the slough. Dumping of sediment still occurs in Goleta Bay	Consider water quality designation for Goleta Bay	Yes	Goleta Bay is between two MPAs and there is a need to address impacts of sediment dumping to subsistence fishers off Goleta Pier		Greg Helms		Other	
Santa Barbara and Ventura (Santa Barbara Channel)	Goleta Slough No-Take SMCA	No Take		Change purple to red for outreach purposes	Yes	Easier to explain "no take" if consistent with red SMR		Greg Helms		Other	

Santa Barbara and Ventura (Santa Barbara Channel)	Richardson Rock SFMR	No Take		No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	San Miguel Island Special Closure	Allowance for sea urchin divers between Castle Rock and Judith Rock SMR western boundary (Point Bennet) between 3/15-4/30 and 10/1-12/15.	Commercial urchin poaching. Purpose to reduce disturbance to pinniped populations. Is closure still necessary? Point Bennet has one of the largest pinniped (six species) rookeries on the West Coast of North America	Reevaluate need for special closure (SC); Clean up language to address confusion between 300 yards describing SC and 100 yards keeping boats from whole Island 102 A.1.(a)	Yes		M2 radar at NMFS marine mammal station	Greg Helms		Language Change	
Santa Barbara and Ventura (Santa Barbara Channel)	Harris Point SFMR	No Take	CDFW sees some fishers that are taking from shore, although it is not common	No change	Yes		Use land-based range markers (e.g., O & K) to mark boundaries				
Santa Barbara and Ventura (Santa Barbara Channel)	Judith Rock SFMR	No Take		No change	Yes		Use land-based range markers (e.g., O & K) to mark boundaries				
Santa Barbara and Ventura (Santa Barbara Channel)	Carrington Point SMR	No Take	Confusing angle relative to pier	No change	Yes	NPS outreach on angle has been good	More permanent boundary markers/signage is needed				
Santa Barbara and Ventura (Santa Barbara Channel)	Skunk Point SMR	No Take	Difficult to determine how far offshore boats are (in or out)	No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	South Point SFMR	No Take		No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	Painted Cave SMCA	Rec take of spiny lobster and pelagic finfish	People are taking non-pelagic fish species, rockfish, California sheephead, and live fish	No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	Gull Island SFMR	No Take		Have state discuss with NMS changing federal area to FMCA to allow for take of pelagics	No	More data/justification needed				Take Allowance Change	Yes, would turn federal MRs into federal MCAs. No consensus
Santa Barbara and Ventura (Santa Barbara Channel)	Scorpion SFMR	No Take	Fishing/take in little coves at eastern boundaries. Lobster traps	No change	Yes		More on-island enforcement presence needed				
Santa Barbara and Ventura (Santa Barbara Channel)	Anacapa Island Special Closure	No net or trap may be used in waters less than 20 feet deep. Brown Pelican closure from Portuguese Rock to Frenchy's Cove 1/1-10/31	Brown pelican area makes it difficult for Island Packers and others to land legally at Frenchy's	Add exemption to allow access/landing Frenchy's Cove	Yes	Intent was to allow landing at Frenchy's Cove but aligning brown pelican closure with SMR/SMCA boundary closed off access to safe landing		Greg Helms		Allowed Activity Change	
Santa Barbara and Ventura (Santa Barbara Channel)	Anacapa Island Special Closure	No net or trap may be used in waters less than 20 feet deep. Brown Pelican closure from Portuguese Rock to Frenchy's Cove 1/1-10/32	Depth hard to enforce due to sheer drop off from island	Reassess need for Special Closure and consider removing if not justified	Yes	May only need brown pelican closure rather than full island special closure to protect seabirds		Greg Helms		Allowed Activity Change	Yes, would remove special closure

Santa Barbara and Ventura (Santa Barbara Channel)	Anacapa Island SFMCA	Rec take of spiny lobster and pelagic finfish. Commercial take of spiny lobster. Santa Ynez Band of Chumash exempt	Confusion regarding what "pelagic" means may lead to unlawful take	No change	Yes		Outreach needed around pelagics				
Santa Barbara and Ventura (Santa Barbara Channel)	Anacapa Island SFMR	No Take	Violations for unlawful take	No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	Footprint SFMR	No Take	Lots of violations. Boats drift in because they cannot anchor	Have state discuss with NMS changing federal area to FMCA to allow for take of pelagics	No	More data/justification needed			Take Allowance Change	Yes, would turn federal MRs into federal MCAs. No consensus	
Santa Barbara and Ventura (Santa Barbara Channel)	Begg Rock SMR	No Take	The MPA violations here are commercial and come from experienced	No change	Yes						
Santa Barbara and Ventura (Santa Barbara Channel)	Santa Barbara Island SFMR	No Take	Osborne Bank. CPFV/commercial lobster poaching. Overlapping jurisdictions	Have state discuss with NMS changing federal area to FMCA to allow for take of pelagics	No	More data/justification needed	M2 radar needed to monitor remote MPA		Take Allowance Change	Yes, would turn federal MRs into federal MCAs. No consensus	
Los Angeles (Mainland)	Point Dume SMCA	Rec take by spearfishing of white seabass and pelagic finfish. Commercial take of swordfish by harpoon and coastal pelagic species by round haul net, brail gear, and light boat. Santa Ynez band exempt	Frequent noncompliance with MPAs and limited enforcement	Delete allowance for commercial take of Swordfish by harpoon	Yes	Swordfish fishing does not occur that close to shore	Additional enforcement personnel/efforts are needed	State Parks pending review; Heal the Bay	Take Allowance Change		
Los Angeles (Mainland)	Point Dume SMCA	Rec take by spearfishing of white seabass and pelagic finfish. Commercial take of swordfish by harpoon and coastal pelagic species by round haul net, brail gear, and light boat. Santa Ynez band exempt		Allow hook and line fishing for allowed method of take of white seabass and pelagic finfish	No	Lessening of protection/unclear impacts			Take Allowance Change		
Los Angeles (Mainland)	Point Dume SMR	No Take	Angle of eastern boundary is confusing/extends due west and is close to shore	No change	Yes		Use of surveyed boundary images in outreach can help address confusion with eastern boundary at Paradise Cove				
Los Angeles (Mainland)	Point Vicente No-Take SMCA	No Take	Frequent noncompliance with MPAs and limited enforcement	No change	Yes		Additional enforcement personnel/efforts are needed				
Los Angeles (Mainland)	Point Vicente No-Take SMCA	No Take	Confusion of significance of purple designation	Keep allowance for maintenance but change color from purple to red for ease of public interpretation	Yes	Easier to explain "no take" if consistent with red SMR			Other		

Los Angeles (Mainland)	Abalone Cove SMCA	Rec take by spearfishing of white seabass and pelagic finfish; and market squid by hand-held dip net. Commercial take of swordfish by harpoon and coastal pelagic species by round haul net, brail gear, and light boat	Harmful tidepooling impacts/take from tidepools. Frequent noncompliance with MPAs and limited enforcement	Delete allowance for commercial take of swordfish by harpoon	Yes	Swordfish fishing does not occur that close to shore	Additional enforcement personnel/efforts are needed	Heal the Bay		Take Allowance Change	
Los Angeles (Mainland)	Abalone Cove SMCA	Rec take by spearfishing of white seabass and pelagic finfish; and market squid by hand-held dip net. Commercial take of swordfish by harpoon and coastal pelagic species by round haul net, brail gear, and light boat		Allow hook and line fishing for allowed method of take of white seabass and pelagic finfish	No	Lessening of protection/unclear impacts				Take Allowance Change	
Los Angeles (Catalina Island)	Arrow Point to Lion Head Point SMCA	All rec and commercial take allowed. Take of invertebrates prohibited	Poaching lobster and abalone. Hoop nets. Difficult to identify 1,000 feet from shore at Indian/Endemic Rock	No change	Yes		Need for a locally managed (research) buoy to mark 1,000 feet point				
Los Angeles (Catalina Island)	Blue Cavern Onshore No-Take SMCA	No Take. No anchor area in original refuge boundaries	Fishing/using hoop nets close to shore at Big Fisherman Cove. Poaching at Yellowtail Point and Bird Rock; Confusion around no anchor zone	Change purple to red for outreach purposes	Yes, only if all current maintenance/access activities are still allowed	Easier to explain "no take" if consistent with red SMR	Need for some boundary marker at Yellowtail Point. MPA Watch transect would help identify use/ compliance issues here			Other	
Los Angeles (Catalina Island)	Blue Cavern Offshore SMCA	Rec take of pelagic finfish by hook and line and spearfishing and white seabass by spearfishing and market squid by hand held dip net. Commercial take of pelagic finfish by hook and line and swordfish by harpoon	Take via illegal gear types	No change	Yes						
Los Angeles (Catalina Island)	Long Point SMR	No Take	Trolling through MPA occurs. Misconception that MPA is only close to shore. Rental boats go past Long Point and fish	Make a distance from shore rather than lat/long for ease of outreach. Cut off corner and flip and move west (offshore) to maintain size	Yes	Clearer outreach to trollers to stay certain distance from shore, IF maintains size				Boundary Change	
Los Angeles (Catalina Island)	Lover's Cove SMCA	Rec take by hook and line from the Cabrillo Mole is allowed. Feeding fish allowed	Fishing from shore at the ramp near the Mole. Angle is difficult at eastern boundary. Food torpedoes are shot from tourist subs to attract fish to windows	Remove allowance for feeding of fish	Yes	Against intent of MLPA, affecting behavior of fish/habitat; public safety issue as fish become more aggressive and bite				Allowed Activity Change	
Los Angeles (Catalina Island)	Casino Point No-Take SMCA	No Take. Feeding fish allowed	Boundaries don't match dive park buoys. Feeding fish may be incompatible use. 40-50' depth at MPA line.	Remove allowance for feeding of fish.	Yes	Against intent of MLPA, affecting behavior of fish/habitat; public safety issue as fish become more aggressive and bite	Might need to utilize a weaning off process for fish used to being fed			Allowed Activity Change	

Los Angeles (Catalina Island)	Casino Point No-Take SMCA	No Take. Feeding fish allowed		Change purple to red for outreach purposes for outreach	Yes	Easier to explain "no take" if consistent with red SMR				Other	
Los Angeles (Catalina Island)	Farnsworth Onshore SMCA	Rec take by spearfishing of white seabass and pelagic finfish; marline, tunas and dorado by trolling and market squid by hand held dip net. Commercial take of swordfish by harpoon, coastal pelagics by roundhaul net, brail gear and light boat	More difficult to assess whether poaching is occurring on the backside. Challenging/confusing for fishers	No change	Yes		More outreach to fishers needed on why deep habitat/fish are protected here				
Los Angeles (Catalina Island)	Farnsworth Offshore SMCA	Rec take of pelagic finfish by hook and line or by spearfishing; white seabass by spearfishing; marlin, tunas and dorado by trolling and market squid by hand held dip net. Commercial take of swordfish by harpoon, coastal pelagics by roundhaul net, brail gear and light boat	CPFVs (party boats) are seen illegally fishing in Farnsworth Offshore SMCA, moving out if they see the CDFW patrol boat approaching. Regs restricting take of rockfish can be confusing for fishers/challenging to prove rockfish on board was taken outside	No change	Yes						
Los Angeles (Catalina Island)	Cat Harbor SMCA	Rec take of finfish by hook and line or by spearfishing, market squid by hook and line, and spiny lobster and sea urchin. Commercial take of sea cucumbers by diving only and spiny lobster and sea urchin. Aquaculture of finfish	Some take of undersized fish	No change	Yes						
Orange	Bolsa Bay SMCA	Rec take of finfish by hook and line from shore in designated areas only	Confusion between Bolsa Bay and Bolsa Chica Basin MPAs	Potentially combine Bolsa Bay with Bolsa Chica Basin MPAs?	No	State Lands requirement to have fishing				Boundary Change	Yes, would change from SMCA to SMR. No consensus
Orange	Bolsa Chica Basin No-Take SMCA	No Take. Allows for maintenance of artificial structures	Water management infrastructure is failing - needs management and repairs. Shoaling and potential closing of inlet - need cost effective alternative to dredging and \$ to implement. Could ultimately change boundaries of MPAs	MPA should cover all waters in ecological reserve. Move northeastern boundary to Graham	Yes	Makes enforcement easier so CDFW can cite for unlawful fishing using 632 instead of no trespassing		OC Coastkeeper	Wendy Berube	Boundary Change	
Orange	Bolsa Chica Basin No-Take SMCA	No Take. Allows for maintenance of artificial structures	Confusion between Bolsa Bay and Bolsa Chica Basin MPA regulations and whether take is allowed. Bridge inconsistency	Change purple to red for outreach purposes	Yes	Easier to explain "no take" if consistent with red SMR		OC Coastkeeper	Wendy Berube	Other	

Orange	Upper Newport Bay SMCA	Rec take of finfish by hook and line from shore in designated areas only	Ecological Reserve and MPA overlapping jurisdiction. Fishing from floats by PCH bridge and using gill nets at Jamboree	No change	Yes		Harbor and estuary signs needed at Newport Dunes. Additional enforcement personnel/efforts are needed				
Orange	Crystal Cove SMCA	Rec take of finfish by hook and line or by spearfishing and spiny lobster and sea urchin. Commercial take of sea urchin, spiny lobster by trap, and coastal pelagic species by round haul net, brail gear and light boat	Harmful tidepooling and undersized lobster. Nighttime poaching. Angle is difficult at southern boundary	Better define tidepool definition to encompass rocky intertidal habitat	Yes	"Area encompassing the rocky pools" is confusing, makes it sounds like it is only the pools, not intertidal zone when dry	Night vision for State Parks officers to address nighttime poaching	State Parks pending review; OC Coastkeeper	Wendy Berube	Language Change	
Orange	Crystal Cove SMCA	Rec take of finfish by hook and line or by spearfishing and spiny lobster and sea urchin. Commercial take of sea urchin, spiny lobster by trap, and coastal pelagic species by round haul net, brail gear and light boat		Add "non-living, geological or cultural" marine resource to tidepool take prohibition for consistency with 632(a)1(C)	Yes	Clarifies tidepool protections to include rocks and shells		State Parks pending review; OC Coastkeeper	Wendy Berube	Language Change	
Orange	Laguna Beach SMR	No Take	Poaching in gated/private communities; angle is difficult at northern boundary	No change	Yes		More enforcement needed in private community. Bring back community scientist/anglers (i.e., CCFRP) to OC				
Orange	Laguna Beach No-Take SMCA	No Take. Maintenance allowed	Angle is difficult at southern boundary	Change purple to red for outreach purposes	Yes	Easier to explain "no take" if consistent with red SMR	Produce map that has layer that shows allowed maintenance/artificial structures and scientific take	OC Coastkeeper	Wendy Berube	Other	
Orange	Dana Point SMCA	Rec take of finfish by hook and line or by spearfishing and spiny lobster and sea urchin. Commercial take of sea urchin, spiny lobster by trap, and coastal pelagic species by round haul net, brail gear and light boat. Tidepools protected	Fishing without a license. Night poaching at 3 Arch. Take of limpets at north end. Shift in fishing pressure. Angle is difficult at southern boundary. Harmful tidepooling	Add "non-living, geological or cultural" marine resource to tidepool take prohibition for consistency with 632(a)1(C)	Yes	Clarifies tidepool protections to include rocks and shells		OC Coastkeeper	Wendy Berube	Language Change	
Orange	Dana Point SMCA	Rec take of finfish by hook and line or by spearfishing and spiny lobster and sea urchin. Commercial take of sea urchin, spiny lobster by trap, and coastal pelagic species by round haul net, brail gear and light boat. Tidepools protected		Better define tidepool definition to encompass rocky intertidal habitat or utilize a different term.	Yes	Tidepools are specific to pools but intertidal habitats protected can be free of pools in some cases. "Area encompassing the rocky pools" is unclear whether all rocky intertidal habitat is included here.		OC Coastkeeper	Wendy Berube	Language Change	
San Diego	Batiquitos Lagoon No-Take SMCA	No take. Boating, swimming, wading and diving prohibited	Confusion between ecological reserve regulations west of 5 and MPA regulations east of 5	Expand SMCA west of I-5 bridge to encompass all of ecological reserve	No	Expands MPA size, unclear on impacts to recreational fishing				Boundary Change	

San Diego	Batiquitos Lagoon No-Take SMCA	No take. Boating, swimming, wading and diving prohibited		Change to blue SMCA with designated fishing areas	Maybe	If does not reduce fishing opportunities under I-5 and 101 bridges, or lessen existing protections				Take Allowance Change	Yes, would change from No-Take SMCA to SMCA
San Diego	Batiquitos Lagoon No-Take SMCA	No take. Boating, swimming, wading and diving prohibited		Change purple to red for outreach purposes if boundaries remain the same	Yes	Easier to explain "no take" if consistent with red SMR				Other	
San Diego	Swami's SMCA	Rec take by hook and line from shore and rec take by spearfishing of white seabass and pelagic finfish	Harmful tidepooling, especially at Seaside reef. Enforcement for take of lobster is hard at southern boundary since it splits 2 jurisdictions and the reef (hard to know where they are actually taking from and who is responsible for enforcing what.)	Move southern boundary to jurisdictional boundary between State Parks and City of Solana Beach for full tidepool protection of reef	No	Increases size of MPA, reducing fishing access, and may impact take of halibut				Boundary Change	
San Diego	Swami's SMCA	Rec take by hook and line from shore and rec take by spearfishing of white seabass and pelagic finfish		Shift entire shape south (lifeguard tower to state/Solana Beach line to cover tidepool on south side)	Yes	Compromise. Keeps same size MPA but covers impacted tidepool area on southern boundary. Lifeguard tower clear boundary at north end		State Parks pending review; Wildcoast		Boundary Change	
San Diego	San Elijo Lagoon No Take SMCA	No take. Boating, swimming, wading and diving prohibited	Lots of people fishing at entrance to San Elijo lagoon under bridge and in channel	Move boundary to west side of the bridge (prohibiting fishing under the bridge) as long as accommodations are allowed for dredging	Yes	Signs are currently posted on west side of bridge to prohibit people from entering the San Elijo Lagoon. Makes outreach clearer		State Parks pending review; Wildcoast		Boundary Change	
San Diego	San Elijo Lagoon No Take SMCA	No take. Boating, swimming, wading and diving prohibited		Change purple to red for outreach purposes	Yes	Easier to explain "no take" if consistent with red SMR				Other	
San Diego	San Dieguito Lagoon SMCA	Rec take of finfish by hook and line from shore. Boating, swimming, wading and diving prohibited	Confusion between ecological reserve boundaries and regulations and MPA boundaries and regulations. Speculation that extent of water has changed since restoration. Original intent of 632 was to align with 630 in overlapping waters. Non-MPA areas are more restrictive which leads to confusion	Have MPA cover all water within ecological reserve.	Need more information	Check with Joint Power authority because would lessen protections if SMCA (that allows fishing) is expanded to all state waters	Sea level rise impacts should be considered			Boundary Change	
San Diego	San Diego-Scripps Coastal SMCA	Rec take of coastal pelagic species, except market squid, by hook and line only	Harmful tidepooling. People using gear types for fishing for species other than coastal pelagics but gear type cannot assume intent. Makes enforcement difficult. Also safety concerns with surf casters into high use swim/surf area	Add, "except from shore" to prohibit surf hook and line	Yes	Surf fishing from shore causes safety concerns (hooks getting caught on surfers/swimmers). Still allows kayakers to fish for bait fish on way out, which was original intent				Take Allowance Change	

San Diego	Matlahuayl SMR	No Take	Harmful tidepooling. Kayak fishing. Caves are being defaced/ graffitied	Add place name (La Jolla) to traditional Kumeyaay name (Matlahuayl)	No	Keep Kumeyaay name only for Tribal acknowledgement. Would also add confusion between other La Jolla MPAs	More focused patrols on caves in La Jolla to address littering/defacement of MPA			Language Change	
San Diego	South La Jolla SMR	No Take	Most highly cited MPA. Poaching of lobster and offshore fishing. Harmful tidepooling. Challenges of parking and access (coastline related challenges due to sea level rise, climate disturbance)	No change	Yes	Focus on local management/outreach/enforcement	Need for more focus on tidepools (outreach/enforcement). More staff for allied agencies to help enforce. Encourage city to maintain safe accessways and deal with coastal erosion problems. More education on marine mammal disturbance				
San Diego	South La Jolla SMCA	Rec take of pelagic finfish by hook and line only		No change	Yes						
San Diego	Famosa Slough No Take SMCA	No Take	Homeless encampments. Construction run-off. Dogs and cats disturbing birds	Change purple to red for outreach purposes	Yes	Easier to explain "no take" if consistent with red SMR				Other	
San Diego	Cabrillo SMR	No Take	Harmful tidepooling. Offshore boats but NPS unable to contact other than through megaphone	Work with Kumeyaay to rename MPA to traditional Kumeyaay name	Yes	Kumeyaay name exists for this location. Need to confirm spelling	Additional enforcement personnel/efforts are needed			Language Change	
San Diego	Tijuana River Estuary SMCA	Rec take of coastal pelagic species, except market squid, by hand held dip net. Commercial take of coastal pelagics, except market squid by round haul net	Difficult take regulations to interpret in the field and take by hand held dip net not really occurring, per Imperial Beach lifeguards	No change							

Cell: K138

Note: was not sure about this categorization

-MPA Collaborative

Submitted via email: 2/1/2024

To: California Fish and Game Commission

Subject: Comments - Petition: 2023-15MPA: Reclassify three northern Channel Islands state marine reserves (SMRs) to SMCAs and allow take of highly migratory species, pelagic finfish, and/or coastal pelagic finfish

Recommendation: DENY PETITION

Ecological Importance of the Channel Islands

The location of the Channel Islands and their surrounding waters at the confluence of two major ocean currents supports globally significant biodiversity and a uniquely productive marine environment. The unusual ecosystem value of the area has led to designation of a UNESCO Biosphere Reserve, a National Park and a National Marine Sanctuary. The area's kelp forests, seagrass beds, rocky reefs, sandy seafloor, and submarine canyons support more than 1,000 species of fish, invertebrates, and algae and provides essential vital nesting and feeding grounds for more than 90% of the sea birds in southern California and for 26 species of marine mammals. The area also supports historic shipwrecks, Chumash culture, and a wide range of commercial and recreational activities such as tourism and fishing.

The petitions argue that because a lower level of no-take protection was applied to MPA planning in other regions of the state, the protection established at the Channel Islands should be weakened and reduced. This ignores both the fact that the Channel Islands MPA planning process was conducted under a different set of criteria than the Marine Life Protection Act Initiative and the unique ecological value of the Channel Islands National Marine Sanctuary and National Park. The Channel Islands are a remarkable ecological treasure and warrant the highest level of protection. The Channel Islands National Marine Sanctuary and associated MPA network also represents an extremely small proportion of southern California waters with the vast major of the area open to fishing for highly migratory species, pelagic finfish, and/or coastal pelagic finfish. Accordingly, these petitions are unwarranted.

Background

Between 1999 and 2001, the Channel Islands National Marine Sanctuary and the California Department of Fish and Wildlife conducted a robust joint public process to consider the establishment of marine reserves in the Channel Islands National Marine Sanctuary. The process was informed by a 17-member Marine Reserves Working Group (MRWG) representing the public-at-large, commercial fishing interests, recreational fishing and diving, and non-consumptive interests; as well as a 16-member Science Advisory Panel and a five-member Socio Economic Panel to provide technical expertise and guidance. The Channel Islands Science Advisory Panel recommended that 30–50% of the Channel Islands National Marine Sanctuary be included in no-take areas to adequately achieve conservation and fisheries goals.¹

The Channel Islands marine reserve planning process took 22 months and resulted in adoption of 13 marine protected areas by the California State Fish and Game Commission and the National Oceanic and Atmospheric Administration. The 13 MPAs form a network that covers approximately 240 square nautical miles and 21% of sanctuary waters, significantly less than recommended by the Scientific Advisory Panel. Eleven of the Channel Islands MPAs are no-take marine reserves, two MPAs are marine conservation areas allowing recreational fishing for pelagic fish and lobster and one also allows

¹https://homes.msi.ucsb.edu/~lafferty/Publications/Marine%20Reserves_files/Airame.etal.03.EA.pdf

commercial lobster trapping. In the final round of MPA design, 10 significant modifications were made to the proposed MPA boundaries specifically to address concerns raised by commercial and recreational fishing interests.²

Notably, the public process of adopting the final Channel Islands MPA network entailed three large public forums, over a dozen public meetings, and submission of over 9,000 public comments with 94% of the comments received support marine reserves.

The petition's Problem Statement erroneously states (without evidence) that the three identified State Marine Reserves (SMRs) "unintentionally" protected "seasonal" (undefined) pelagic and highly pelagic species during the summer months. These protections were intentional, created specifically to provide undisturbed areas where marine life could aggregate, function, and perpetuate natural ecosystem functions such as foraging environments for sea birds, including bald eagles, peregrine falcons, and California brown pelicans that nest at that time on nearby islands also in Channel Islands National Park.

Importance of No-Take Marine Reserves

No-take marine reserves are recognized by scientists and resource managers to provide the highest level of protection for marine resources and also offer specific scientific value, and improved enforceability as compared to MPAs that are open to fishing.³

The specific value of no-take areas is explicitly called out in the Marine Life Protection Act which requires that California's MPA network include:

"an improved marine life reserve component ... designed according to each of the following guidelines:

- (1) Each MPA shall have identified goals and objectives. Individual MPAs may serve varied primary purposes while collectively achieving the overall goals and guidelines of this chapter.
- (2) Marine life reserves in each bioregion shall encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions.
- (3) Similar types of marine habitats and communities shall be replicated, to the extent possible, in more than one marine life reserve in each biogeographical region.
- (4) Marine life reserves shall be designed, to the extent practicable, to ensure that activities that upset the natural ecological functions of the area are avoided."⁴

The designation of state marine reserves within Channel Islands National Park furthers the purpose of the park as established by Congress on March 5, 1980 (Public Law [PL] 96-199; 16 USC 410ff). Specifically, Congress stated that the purpose of Channel Islands National Park is to protect and connect the public to the nationally significant natural, scenic, wildlife, marine, ecological, historical, archeological, cultural, and scientific values of the Channel Islands in the state of California. This mandate is better achieved through the leadership of the Commission with their designation of SMRs so

² <https://nmschannelislands.blob.core.windows.net/channelislands-prod/media/docs/2001-marine-reserves-sac-history.pdf>

³ https://www.researchgate.net/publication/250219347_Biological_Responses_in_Marine_No-Take_Reserves_versus_Partially_Protected_Areas#:~:text=We%20demonstrate%20that%20while%20partially,to%20partially%20protected%20sites%20nearby.

⁴ Fish and Game Code Section 2857 (c).

mandate is better achieved through the leadership of the Commission with their designation of SMRs so that these areas “shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state.”⁵

This petition considers only effects on fishing, not on fish, marine ecosystem integrity, or marine wildlife, which are also purposes of California’s marine protected areas. Thus, this petition does not meet number 4 of the guidelines mentioned above.

The petitioners also claim that the proposed changes would have “minimal impacts on the ecosystem”. This claim is at odds with the claim that the changes would “allow for a more equitable 60/40 no-take to limited take closure ratio” and it does not address the underlying purpose of creating reserves that afford undisturbed behaviors such as aggregation, foraging, and competition among wild predators and prey. Framing this issue as 60% no-take to 40% limited-take considers only the area within State Marine Protected Areas, not the territorial waters, which are virtually all limited-take waters. As you know the territorial waters are expansive. Only 9% of the waters under state jurisdiction are classified as SMRs and even a smaller percentage of no-take reserves occur within the federal portion of territorial waters.

Given this, any potential growth of “new” business from the increased fishing opportunities created by the proposed changes would be proportional to the new areas made available; since that would be a modicum of the current area in these MPAs, there’s not much potential increase in business for such a relatively large decrease in undisturbed marine environments – no-take reserves.

Adaptive Management

“Adaptive management” with regard to marine protected areas, means 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.⁶ The petition’s proposal to convert SMRs to SMCAs is not an appropriate application of adaptive management as it would not improve management or assist managers in learning. Instead, the petitions would simply downgrade protection for the impacted MPAs. These petitions do not have scientific or management value but instead, appear to simply be an attempt by a particular stakeholder group to revisit the negotiations and compromise that was struck in 2001 when the Channel Islands MPAs were adopted.

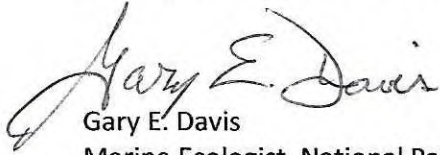
The claim by the petitioners that the proposed changes would provide research opportunities to determine the effects of proposed fishing activity belies the earlier claim that new fishing activity would have no significant impact.

⁵ <https://wildlife.ca.gov/Conservation/Marine/MPAs/Founding-Legislation>

⁶ Fish and Game Code Section 2852.

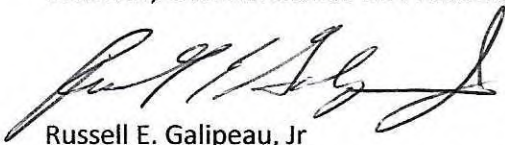
Conclusion

As natural resource managers who spent our careers dedicated to protection of the natural and cultural resources of the Channel Islands region and who were directly engaged in the extensive 1999-2001 public process to establish the Channel Islands MPAs, and the South Coast MLPA process, we urge you to deny these petitions and uphold the integrity of the Channel Islands MPA network.



Gary E. Davis

Marine Ecologist, National Park Service Oceans Program (retired)
Member, Channel Islands MPA Marine Reserves Working Group



Russell E. Galipeau, Jr

Superintendent Channel Islands National Park (retired)
Member, MLPA South Coast Stakeholder Working Group



**BACKCOUNTRY
HUNTERS & ANGLERS**
CALIFORNIA



February 8, 2024

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



RE: Discussion Item 10 - Regulation change petitions (marine)

Dear President Sklar, Vice President Zavaleta & Commissioners,

We appreciate the opportunity to comment on the numerous petitions under consideration at the February meeting of the California Fish & Game Commission, and we offer the perspective of the many hundred thousand supporters of our organizations to the Commission. We express grave concerns regarding several of the proposals to eliminate fishing access along large stretches of the California coast and argue that many of the petitions lack adequate scientific support and documentation to substantiate their positions.

The Decadal Management Review (DMR) of the Marine Protected Area Network (MPA) has offered important insights for MPA managers to help shape the adaptive management of MPA regulations, including promising research that MPAs may increase biomass and provide resiliency against the impacts of a changing climate for some species. The intent of the Marine Life Protection Act (MLPA) and the stewardship of our coastal resources are of paramount importance to California's heritage. However, these laudable goals and conservation benchmarks should not preclude access to harvest coastal foods where state and federal fisheries managers have demonstrated robust and resilient fish stocks without any current threat of overfishing, nor for those species where targeted fishing and active management would benefit the overall ecosystem balance.

There are numerous, seemingly well-intentioned petitions currently before the Fish & Game Commission that seek to preserve California's coastal waters citing anthropogenic impacts to biodiversity and ecosystems such as pollution, rising sea temperatures, disease, development and overfishing. While we support the intent to safeguard our fish stocks, biodiversity, and ecosystem integrity, we strongly disagree with the all-or-nothing approach adopted by many of the petitioners who proffer the wholesale elimination of fishing access without adequate scientific rationale or the acknowledgement of regulatory mechanisms already in place such as those established by the Magnuson-Stevens Fishery Conservation and Management Act working through the Pacific Fisheries Management Council, National Oceanic and Atmospheric Administration (NOAA) Fisheries, the California Department of Fish and Wildlife (CDFW), the Fish & Game Commission, and the additional state/federal laws and agencies dedicated to this task. Simply put, many of the petitions referenced below seek to advance preservation at all costs, pushing for wholesale closures that circumvent the regulatory processes already in place, ultimately bludgeoning access for the diverse angling communities that have revered these coastal traditions for generations.

Anglers and consumptive users will often be the first and loudest voices to advocate for restrictions or even closures to ensure the sustainability of a fishery, as evidenced by the numerous fishing groups and organizations advocating for the closure of the 2023 salmon season following the data and dismal projections provided by the Pacific Fisheries Management Council and CDFW. However, a Californian

constitutional right to fish seems to stand in conflict with the presumption that restriction of access is permissible where there is a lack of scientific evidence or data to justify the closure. Section 1, Article 25 of the California Constitution states, “the people shall have the right to fish upon and from the public lands of the State and in the waters thereof,” and the courts in *re Quinn* (1973) defined “public lands of the state” referenced in this article to include “access to fish in the inland streams and coastal waters of the state.”

Shore fishing, diving/spearfishing, kayak/boat fishing and coastal gathering are low impact activities that reflect the broad spectrum of California’s diverse community and constitute a valuable resource for individuals across the economic divide to access nature and provide food for their families. We encourage the Commission and MPA managers to consider the numerous communities that enjoy the state’s many sustainable food resources when considering protections and recommendations that might unnecessarily exclude these groups. We feel that these considerations are in line with the California Natural Resources Agency’s Outdoors for All initiative and its commitment in the Pathways to 30x30 document to “implement projects that do no further harm or pose unintended consequences to historically marginalized communities.”¹ Specifically, we wish to highlight this issue with regards to the expansion of California’s MPA network which restricts shore-based diving, foraging, and fishing access for all Californians – especially historically marginalized communities, communities of color and Native American tribes. From California’s Constitutional Right to Fish:

Anglers from historically marginalized communities may be less able to travel to fishing locations and are more likely to require shore access, as opposed to access from a boat. Anglers in communities like this need accessible shore-fishing, particularly given the importance of subsistence fishing in poorer communities. Moreover, fishing opportunities offer physical and psychological benefits to disadvantaged communities, not just access to fish as food.²

It is within this context that we urge the Commission to take the following actions with regards to the petitions they have received.

Petition 2023-14MPA: *Allow commercial take of red sea urchins in nine state marine conservation areas (SMCAs)*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-15MPA: *Reclassify three northern Channel Islands state marine reserves (SMRs) to SMCAs and allow take of highly migratory species, pelagic finfish, and/or coastal pelagic finfish*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation, but are encouraged by the proposal and the potential opportunity to gather more data on limited take MPAs and long-term MPA monitoring at the Channels Islands.

¹ https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final_Pathwaysto30x30_042022_508.pdf

² Coats, Francis, and Karrigan Bork. “CALIFORNIA’S CONSTITUTIONAL RIGHT TO FISH.” *Environmental Law*, vol. 51, no. 4, 2021, pp. 1085–147. *JSTOR*, <https://www.jstor.org/stable/48647570>. Accessed 22 Mar. 2023.

Petition 2023-16MPA: *Reclassify Stewarts Point and Bodega Head SMRs to SMCAs and allow commercial take of salmon.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-18MPA: *Modify allowed uses for four marine protected areas (MPAs) in Santa Barbara Channel and eliminate two special closures.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-19MPA: *Designate new "Chitqawi" SMCA near Morro Bay for California-Chumash co-management*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-20MPA: *Reclassify and rename Point Buchon SMR to "Chumash SMCA" for co-management with tribal take exemption.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-21MPA: *Modify Pyramid Point SMCA to remove recreational take of surf smelt and allow tribal take exemption for Tolowa Dee-ni' Nation.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-22MPA: *Define "rocky intertidal zone," add research, monitoring, restoration and education allowance, and clarify protections in several Orange County MPAs.*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation.

Petition 2023-23MPA: *Reclassify three SMCAs to SMRs, designate one new SMR in Monterey, and make various changes related to kelp restoration.*

We recommend the Commission deny this petition.

While the petitioner's intent to restore kelp forests and ecosystem integrity at tankers reef and in the surrounding waters is laudable, this broadly proscriptive petition would unnecessarily restrict access for anglers where there is no clear scientific rationale. In fact, the petitioner submitted a very similar petition seeking to close access for groundfish along a large stretch of the coast in this region in 2023 which the Department of Fish & Wildlife rejected citing a lack of scientific evidence to support the claim. We support the ongoing efforts to restore kelp forests through urchin culling and other means, however we oppose reclassifying these SMCAs to SMRs and the establishment of a new SMR in Monterey.

Petition 2023-24MPA: *Expand Laguna Beach no-take SMCA southward to border of City of Laguna Beach and modify Dana Point SMCA boundaries*

We recommend the Commission deny this petition.

We oppose this petition on the basis that it lacks scientific documentation or justification to eliminate fishing access in the proposed area. The petitioner argues primarily for administrative ease that the no-take closure be extended to the edge of city limits. During the implementation of the MLPA, MPAs were sited utilizing careful selection criteria based on habitat type, proximity from other MPAs, impact to communities and more. The petitioner argues that all beaches within the City of Laguna Beach should be no-take MPAs in order to streamline enforcement and that homeowners “feel that it is not equitable to have only the north and central beaches protected.” It should be noted that the petitioner also states clearly in the Economic or Fiscal Impact section of the petition that “estimated resident property values gain an increase of 20% from proximity to a fully protected MPA” which may explain more robust support from the city and homeowners.

The petitioner also cites kelp forest health as justification for eliminating fishing access, however the 100 + page report included with the petition doesn’t reference fishing pressure or boat activity with regards to kelp forest health and instead focuses on water temperature, nutrients, wave height, upwelling, rainfall and other stressors. As such, we recommend the Commission deny this petition since there is no scientific documentation to support its claims, and it would only negatively impact anglers who would be forced to travel further to reach fishing grounds.

Petition 2023-27MPA: *Reclassify a portion or all of Anacapa SMCA to an SMR to protect eelgrass*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation. We recognize the value of eelgrass beds for overall ecosystem health and habitat; however, it should be noted that many recreational anglers who target pelagic fish do not anchor and instead prefer to drift fish or troll instead which would have zero impact on the bottom habitat and eelgrass.

Petition 2023-28MPA: *Designate a new SMR at Point Sal, or designate as an SMCA with a tribal take exemption based on tribal consultation*

We recommend the Commission deny this petition.

While the petitioner takes time to identify the important habitat types, larval transport zones, and cultural significance of the Point Sal area, and they reference potential threats to the region from coastal development and industry, they fail to elaborate in any substantive way why fishing access should be removed from this wild and iconic central coast fishing destination. The petitioner states: “current [commercial] fishing in the proposed area is limited, likely due to its considerable distance from nearest port areas of Morro Bay and Santa Barbara.” They also admit that they have no data or analysis with regards to recreational fishing and state, “our request to CDFW for recreational fishing data from this area was being processed at time of submission; we will evaluate the potential impact to recreational fishers and submit it to the state following receipt of the requested data.”

A limited google search of “Point Sal fishing” also uncovers a large number of recreational fishing blogs and videos detailing the remote and adventurous hike to fish this area from a diverse population of anglers. In 2023 one blogger wrote, “had a great time hiking miles and miles and miles to fish Point Sal with Martin Mansera from Mansera Outdoors...It's such a remote location and so difficult to access, it

makes for a really rad adventure.” Recreational fishing trips to the area by boat are also common, and fishing is noted in nearly every travel guide or city/county website that talks about visiting Point Sal.

Regarding access and disadvantaged communities, the petitioner writes, “the California Environmental Protection Agency identifies the adjacent city of Guadalupe as “disadvantaged” under CA Senate Bill 535, and their synthesis of environmental and socioeconomic indicators further reveals that Guadalupe – alongside Santa Maria and Lompoc – are underprivileged communities that experience significant cumulative impacts from pollution. Given these communities’ close proximity to Point Sal, implementing an SMR at the proposed site could enhance access for disadvantaged populations to valuable coastal resources and fishing opportunities.”

To justify this confounding claim that removing fishing access could somehow *enhance fishing opportunities* for disadvantaged communities, the petitioner cites a study of commercial lobster fishing and the concept of “spillover.” They write, “California’s MPAs have been shown to increase the biomass of fishery-targeted species and promote “spillover” into nearby coastal areas, benefitting nearby fishing grounds.”

Spillover and the positive impacts to fisheries located in waters adjacent to MPAs are often referenced in association with the MPA network, and the limited, initial science has demonstrated some positive correlations with spillover of invertebrates like lobsters to adjacent fishing grounds in select study areas and commercial fishing for tuna in Hawaii. However, there remains an opportunity to further study this hypothesis and to promote scientific research that successfully documents spillover of targeted finfish across the MPA network in California. Some data from MPA monitoring along the Central California Coast indicated limited evidence of spillover from targeted finfish that were tagged and recaptured at a later point during the study period as evidenced from the Starr et al study: Variation in Responses of Fishes across Multiple Reserves within a Network of Marine Protected Areas in Temperate Waters:

As of July 2014, a total of 251 individual tag recaptures have been reported (Table 8). Tagged fishes were recaptured by commercial and recreational hook-and-line fishermen, commercial trap fishermen, SCUBA divers, and during our fishing surveys. Of all the tagged fishes recapture and reported, 71% were recaptured in the same site and grid cell as they were released, and 22% of recaptured fishes were caught within the same site but outside the original grid cell where they were released. Only 18 fish, or 7% of the recaptured fishes, were recaptured beyond the boundaries of the MPA or REF site in which they were released. The mean net distance moved by eight of nine species recaptured was less than half the length of the MPAs we studied.³

While we do not seek to draw conclusions regarding the overall merits of spillover to adjacent fisheries from the results of one study, we do encourage additional research to evaluate the impacts that MPAs have on local fisheries and fisheries as a whole, especially within the context of varied siting and disparate habitat types evidenced across the MPA network. As the Forcada study indicated, “We conclude that spillover effects are not a universal consequence of siting MPAs in temperate waters and they are related to the distribution of habitats inside and around MPAs.” (Forcada et al., 2009).

Due to the limited scientific understanding of spillover as it relates to the Marine Protected Area Network as a whole, especially with regards to finfish which would be the primary target of recreational shore and

³ 4 Starr RM, Wendt DE, Barnes CL, Marks CI, Malone D, et al. (2015) Variation in Responses of Fishes across Multiple Reserves within a Network of Marine Protected Areas in Temperate Waters. PLOS ONE 10(3): e0118502. <https://doi.org/10.1371/journal.pone.0118502>

boat-based anglers at Point Sal, we disagree with the petitioner's logical assumptions and the argument as a whole. In fact, when considered in the context presented from the *Constitutional Right to Fish* article, the discussion is turned on its head entirely. "Anglers from historically marginalized communities may be less able to travel to fishing locations and are more likely to require shore access, as opposed to access from a boat. Anglers in communities like this need accessible shore-fishing, particularly given the importance of subsistence fishing in poorer communities."⁴

With the two large no-take SMRs located just South of this newly proposed MPA (Vandenberg SMR & Point Conception SMR) and Point Buchon to the North, it would seem the opportunities to fish and forage the coast for residents of Guadalupe, Lompoc and Santa Maria are already few and far between. In fact, in 2022 the City of Lompoc petitioned the Fish & Game Commission to allow for shore-fishing access along a ½ mile stretch of beach within the Vandenberg SMR, citing a lack of access to historic fishing grounds for the local communities.

We share the petitioner's concerns regarding habitat disruption from off-shore energy production and the associated infrastructure, however, we note the likely establishment of the Chumash Heritage National Marine Sanctuary (CHNMS) designation which would effectively curtail any development or offshore energy production in this region. Planning for the CHNMS has included fishing access as a key component of the proposed designation.

As a result, we recommend the Commission deny this petition.

Petition 2023-29MPA: *Designate a new SMCA with a tribal take exemption for and co-management with Santa Ynez Band of Chumash Indians in Santa Barbara*

We recommend the Commission deny this petition.

We oppose the petitioner's request to designate a new, no-take SMCA in Carpinteria for several reasons. First, the petitioner argues that spacing and connectivity is a key concern in this location with the distance between the Campus Point and Point Dume SMCAs at 64 nautical miles (nm) instead of the recommended 54 nm to ensure ecological connectivity. When this request is examined within the broader context of MPA siting, it is clear that the target spacing between MPAs could be easily achieved by moving the Campus Point SMCA South or the Point Dume SMCA North, since both are located well within the recommended 54nm from adjacent MPAs on either side.

Additionally, the petitioner cites the location as important nursery habitat for juvenile great white sharks as justification for establishing a no-take SMR. They write, "Research conducted in the Southern California Bight has found that fisheries bycatch is likely the main source of mortality for JWS." However, the article they cite to support this claim, John F. Benson et. al., discloses that for great white sharks they captured and tagged, "mortality risk was substantially greater off the coast of Baja, Mexico compared with California." Importantly, the research paper also states, "that incidental gillnet capture continues to be the primary source of mortality for juveniles. The lower mortality risk we documented in California waters suggests that full closure of gillnet fishing close to shore is a more effective management strategy than simply banning targeted fishing to reduce mortality risk due to bycatch."⁵

⁴ Coats, Francis, and Karrigan Bork. "CALIFORNIA'S CONSTITUTIONAL RIGHT TO FISH." *Environmental Law*, vol. 51, no. 4, 2021, pp. 1085–147. *JSTOR*, <https://www.jstor.org/stable/48647570>. Accessed 22 Mar. 2023.

⁵ Benson JF, Jorgensen SJ, O'Sullivan JB, et al. Juvenile survival, competing risks, and spatial variation in mortality risk of a marine apex predator. *J Appl Ecol*. 2018; 55: 2888–2897. <https://doi.org/10.1111/1365-2664.13158>

As the petitioner is undoubtedly aware, gillnet fishing is banned in state waters and therefore the proposed MPA would have no impact on the gillnet fishery or likely the mortality risk to great white sharks.

The petitioner notes the location's popularity with recreational lobster divers and the likely opposition from stakeholders who would oppose the additional loss of access. The mortality risk to great white sharks from the recreational lobster fishery is zero, similar to the risk from spearfishing, yet the petitioner seeks to eliminate access entirely without providing any scientific rationale for the closure. As a result, we request that the Commission deny this petition.

Petition 2023-31MPA: *Reclassify Drakes Estero SMCA to an SMR and combine with Estero de Limantour SMR as a single SMR:*

We recommend referring this petition to the Department of Fish & Wildlife for review and recommendation but encourage the Commission to maintain access for clamming unless there is a clear threat to the fishery or surrounding ecosystem.

It is worth noting that the National Park Service mentions in their comment letter that the area is now Congressionally Designated Wilderness and that "recreational take of shellfish appears to be very rare, [and] requires long kayak trips in wilderness area." Just because something is difficult doesn't mean it should be illegal.

Petition 2023-32MPA: *Reclassify Duxbury Reef SMCA as an SMR and expand northern and southern boundaries*

We recommend that the Commission deny or refer this petition to the Department of Fish & Wildlife for review and recommendation but emphasize maintaining fishing access for local communities at Duxbury Reef. The vast majority of complaints regarding Duxbury reef are related to enforcement and compliance, rather than a scientific justification for eliminating access. Shore fishing is an important past-time for the diverse communities that comprise the North Bay Area, and removing access to a popular fishing destination should not be justified simply based on the actions of a few bad apples.

Petition 2023-33MPA: *Expand the boundaries of five SMRs and one SMCA, and designate a new SMR off Pleasure Point, in Santa Cruz*

We recommend that this petition be denied or referred to the Department of Fish & Wildlife for review and recommendation due to its broad scope and complexity. The petitioner seeks to enhance protections for kelp forests, but does so with an overly broad brush. Rather than advocating for reducing fishing pressure for predators of kelp grazers, like lobster and sheepshead, the petition advocates for the closure of all fishing, including the harvest of grazer species like urchins that have been documented to decimate kelp forests.

The petitioner argues that eliminating fishing pressure within the proposed MPA areas would somehow bolster kelp populations, but the claim is not well documented by scientific research in this petition. A noteworthy case study, by comparison, is the ongoing Tanker's Reef kelp restoration project, where volunteers have been culling purple urchins within study plots and tracking kelp recovery within the study area and a control site nearby. The initial data for the last three years shows a clear correlation between the removal of purple urchins and kelp recovery in the study plot with no kelp recovery in the adjacent control where urchins were not removed. Fishing is permitted in the Tanker's reef area, however, in adjacent MPA's that have not permitted active restoration and where fishing is not allowed, urchin barons persist and kelp recovery remains minimal.

Kelp forest health and resiliency is a complex and multi-variable equation that can be impacted by numerous factors including water temperature, disease, pollution, algal blooms, wave energy, commercial harvest and more. We support efforts to restore kelp forests across the coast and recognize the role they play in the overall ecosystem health of fisheries, especially the abalone fishery that remains closed until 2026. We urge caution, however where broad fishing closures are enacted in the attempt to solve a problem that requires a more nuanced and carefully crafted multidisciplinary approach.

It should also be noted that the petitioner indicates support for recreational hook and line fishing and spearfishing as an acceptable alternative in several of the MPAs referenced in the petition.

Petition 2023-34MPA: *Reclassify Point Buchon SMCA to an SMR and modify take at Farnsworth Onshore and Offshore SMCAs to only allow recreational spearfishing.*

We recommend that the Commission deny this petition and we emphasize the substantial impacts to current fishing access. The petitioner argues that since the salmon season was closed in 2023 it will likely be closed in perpetuity, which would justify eliminating salmon and albacore fishing access at the Point Buchon SMCA. Salmon populations often decrease during drought years and can rebound with increased precipitation or water allocation as was the case in 2008 and 2009 when the fishery was closed and then reopened. We are cautiously optimistic that the salmon numbers will once again bounce back following the increased precipitation received over the past two years.

In the draft Pathways to 30x30 document, the CNRA writes: “It should be noted that limited-take State MPAs provide an excellent model for other jurisdictions looking to balance biodiversity conservation with sustainable well-managed commercial and recreational fishing.” We feel that reclassifying the Point Buchon SMCA as an SMR and eliminating fishing in this area would be inappropriate; however, we support any attempts to improve enforcement and compliance with existing regulations.

Furthermore, the proposal to modify take at Farnsworth Onshore and Offshore SMCAs would disproportionately impact a broad variety and collection of user groups who may not be physically able or inclined to spearfish. For this reason and the lack of concrete scientific data to justify the additional restrictions, we recommend the Commission deny this petition.

Sincerely,

Devin O’Dea
Backcountry Hunters & Anglers

Wayne Kotow
Coastal Conservation Association California

Keely Hopkins
Congressional Sportsman’s Foundation

Rachel Fischer
National Marine Manufacturers Association

James Stone
Nor-Cal Guides & Sportsman’s Association

Larry Phillips
American Sportfishing Association

February 8, 2024

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

RE: Discussion Item 10 - Regulation change petitions (marine)

Dear President Sklar, Vice President Zavaleta & Commissioners,

As an organization dedicated to ensuring our North American heritage of hunting and fishing in a natural setting with over 350,000 supporters, Backcountry Hunters & Anglers expresses serious concerns regarding several of the petitions currently before the California Fish & Game Commission that would eliminate fishing access along large stretches of the California coast.

The intent of the Marine Life Protection Act (MLPA) and the stewardship of our coastal resources are of paramount importance to California's heritage. However, these laudable goals and conservation benchmarks should not preclude access to harvest coastal foods where state and federal fisheries managers have demonstrated robust and resilient fish stocks without any current threat of overfishing, nor for those species where targeted fishing and active management would benefit the overall ecosystem balance.

There are numerous, seemingly well-intentioned petitions currently before the Fish & Game Commission that seek to preserve California's coastal waters citing anthropogenic impacts to biodiversity and ecosystems, such as pollution, rising sea temperatures, disease, development and fishing. While we support the intent to safeguard our fish stocks, biodiversity, and ecosystem integrity, we strongly disagree with the all-or-nothing approach adopted by many of the petitioners who proffer the wholesale elimination of fishing access without adequate scientific rationale.

Simply put, many of the petitions seek to advance preservation at all costs, pushing for wholesale closures that circumvent the regulatory processes already in place, ultimately bludgeoning access for the diverse angling communities that have revered these coastal traditions for generations.

Shore fishing, diving/spearfishing, kayak/boat fishing and coastal gathering are low impact activities that reflect the broad spectrum of California's diverse community and constitute a valuable resource for individuals across the economic divide to access nature and provide food for their families at the same time. We encourage the Commission and MPA managers to consider the numerous communities that enjoy the state's many sustainable food resources when considering protections and recommendations that might unnecessarily exclude these groups.

It is within this context that we urge the Commission to deny those petitions (outlined in our detailed letter to the Commission on 2/1/24) that would unnecessarily erode our longstanding coastal fishing and foraging traditions.

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2024-02-02 15:55:01.117		Nicholas	Angus						US	Petition Signed
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2024-02-02 13:40:12.057		Richard	Owens						US	Petition Signed
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2024-02-01 19:52:19.6		Allen	Noren						US	Petition Signed
2024-02-01 19:31:26.837		Devin	O'Dea						US	Petition Signed



IN REPLY REFER TO:
2.D. (W3423)

United States Department of the Interior

NATIONAL PARK SERVICE

Channel Islands National Park
1901 Spinnaker Drive
Ventura, California 93001-4354

OFFICIAL ELECTRONIC MAIL SENT VIA EMAIL NO HARD COPY TO FOLLOW

February 9, 2024

Melissa Miller-Henson
Executive Director
Acting Tribal Advisor and Liaison
California Fish and Game Commission
Submitted to: fgc@fgc.ca.gov

Ms. Miller-Henson and Other Commission Members:

For more than two decades, Channel Islands National Park (park) and the State of California have been partners in both establishing and implementing the laws and regulations that protect the waters around and within Channel Islands National Park.

In response to petitions proposed to the California Fish and Game Commission (Commission), the park requests to consult directly with the Commission on any proposals which would change or impact Marine Protected Areas (MPAs) regulations within the boundaries of Channel Islands National Park. The park provides for one of the most significant oceanographic databases in California with 40 years of inventory and monitoring programming and provides direct protection of Marine Protected Areas within park waters. The data created and shared by the park contributed to the original case for establishing Marine Protected Areas.

A Brief History of Channel Islands National Park and Marine Protected Areas

Located off the coast of Southern California, the five Channel Islands within the national park boundary encompass a diverse and unique environment like few places on earth. Isolated from the mainland, the islands and their surrounding waters support sensitive, unique, and rare plants and animals, fragile ecological communities, and sacred cultural sites – some of the oldest known to North America. Channel Islands National Monument was created by presidential proclamation in 1938 and included Anacapa and Santa Barbara Islands. These protections were expanded out to one nautical mile in 1949 based upon a realization of the unique ocean life and underwater resources.

In 1978, the presidentially proclaimed protections for the one mile of water surrounding Anacapa and Santa Barbara Islands was removed in a Supreme Court case, which found: “California, and not the United States, has dominion over the submerged lands and waters within the one-mile belts surrounding Santa Barbara and Anacapa Islands within the Channel Islands National Monument.” (United States v. California, 436 U.S. 32 (1978)).

United States v. California established the clear need for the National Park Service at Channel Islands National Park to work directly with the State of California to research and protect the important waters surrounding the islands. In recognition of the uniqueness and special fragility of these resources, a total

of five of the islands—Anacapa, Santa Cruz, Santa Rosa, San Miguel, and Santa Barbara—and the submerged lands and waters within one nautical mile of each island, were designated by Congress as Channel Islands National Park on March 5, 1980.

In the following years, numerous state and federal regulatory efforts created overlapping and complementary federal and state protections of five northern islands and up to six miles of the surrounding waters. This includes Channel Islands National Park and Channel Islands National Marine Sanctuary, as well as thirteen MPAs. The success of these MPAs largely relies on complementary stewardship and protections.

Current Park Management of Marine Protected Areas

Channel Islands National Park employees perform a variety of functions on and around the islands which support resource stewardship and protections. Scientific research plays a central role in this stewardship.

In 1982, the park initiated the first inventory and monitoring program in the National Park Service, which sought to understand the health of the kelp forest and intertidal marine ecosystems surrounding the islands. This comprehensive database is used in the development of management strategies and actions needed to protect marine resources. The effective model of this program has since been replicated across the country and today, provides one of the most significant oceanographic databases which is used by institutions around the world for research.

The information from the park's inventory and monitoring program, across 70 categories of algae, invertebrates, and fish, was critical in establishing marine protected areas. Currently only about 20% (175-square miles) of waters around the park and sanctuary are set aside as marine reserves. Nearly 80% remains open to fishing. Fifteen percent of all commercial marine fisheries landings in the state come from the waters surrounding the park, an area that makes up about 3% of the California coastline. Management actions grounded in science ensure that decisions are sound and accurately depict current states and possible future effects. Studies conducted five and ten years after the marine protected areas were established show there is higher density of fish which means more marine life inside the marine protected areas versus outside them. Studies also show fish are bigger inside the marine protected areas versus outside them. For example, there are higher densities of California spiny lobster (*Panulirus interruptus*) and larger California sheephead (*Semicossyphus pulcher*) within MPA boundaries.

Another key component of resource stewardship is the day-to-day enforcement of the regulations set forth by rulemaking bodies, such as the California Fish and Game Commission. For this task, Channel Islands National Park established a Marine Protection Branch within its Visitor and Resource Protection Division (law enforcement). Today, that group is comprised of three officers, a Chief Ranger, and four patrol boats.

Interagency coordination and cooperation between the federal and state government in law enforcement is identified within the enabling legislation for Channel Islands National Park in 1980: "The Secretary is authorized and directed to enter into and continue cooperative agreements with the Secretary of Commerce and the State of California for the enforcement of Federal and State laws and regulations on those lands and waters within and adjacent to the park which are owned by the State of California." (16USC 410ff-3)

This congressional intent is carried out today by National Park Service law enforcement rangers who work alongside and in coordination with National Oceanic Atmospheric (NOAA) Administration Office of Law Enforcement officers, California Department of Fish and Wildlife officers, as well as members of the United States Coast Guard (USCG). The coordination between these different entities is crucial for effective and efficient enforcement of regulations and laws. It creates consistent interaction and enforcement postures with the public, allows for personnel pooling through joint patrol efforts, and information sharing on cases.

Law enforcement rangers and wardens are employing technology routinely to improve effectiveness. Systems like the marine monitor radar stations allow officers to determine where boats are in relation to MPAs. It can also establish trends and patterns of use in as well as assist with crime detection and prosecution. Another collaborative effort is compiling the data on where, when, what type and vessel information on fishing violations in and around the California coast. The results so far show that the marine protected areas located Channel Islands National Park and Marine Sanctuary experience a high volume of recreation and commercial fishing and approximately half of the violations within this area are related to MPA regulations. The results also show the highly collaborative nature of the enforcement work being done primarily by NPS law enforcement rangers and state wildlife officers. Through these means one can determine the effectiveness of marine protected areas as well as gain insight into the public's compliance and understanding of the regulations currently in place.

Importantly, all law enforcement within the MPAs relies upon public education and clear understanding of established regulations. Changing those regulations would likely require an educational campaign for those who fish within MPAs.

Conclusion

The February 14th-15th Commission Meeting is quickly approaching and at that meeting the park understands the Commission is scheduled to, "Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings." Within the current proposals, there are more than a dozen changes in regulation or management actions on MPAs within the legislative boundaries of Channel Islands National Park. The park would like to request the Commission engage directly with the park before coming to any decision that would curtail any protections currently in place within park boundaries. Consultation would allow a dialogue around the current efficacy of MPAs within the park boundary, potential management implications and potential impacts to enforcement of new regulations.

In the future and based upon our substantial history of collaboration, we would like to work directly with the Commission to share the body of knowledge and experience developed at Channel Islands National Park when the Commission is considering and assessing petitions or other actions which propose changes to the level of protections afforded to existing Marine Protected Areas within the park's legislated boundary.

Thank you for the opportunity to provide comments to the Commission, and for the long and successful partnership in stewarding resources of the Marine Protected Areas within the boundary of Channel Islands National Park.

Respectfully,

Ethan R. McKinley
Superintendent

From: Douglas McCauley <[REDACTED]>
Sent: Wednesday, February 14, 2024 11:54 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Comment on pelagic fishing in MPAs

Drawing from my experience as a Professor of Marine Biology, my own research on design traits that promote the effectiveness of marine protected areas, and my familiarity with biodiversity and coastal economy trends along the Central Coast, I wish specifically to comment on proposals under discussion to open certain marine protected areas in the Channel Islands to the fishing of pelagic species. I strongly oppose any such changes. Allowing pelagic fishing within marine protected areas would invertedly result in increased take (both purposeful and accidental) of non-target species that would ostensibly be protected. Such unallowed take of species, such as the California sheephead, various rockfish species, and kelp bass, is already high in other Southern California SMCAs. Myriad meta-analysis of attributes that make MPAs most effective find that fully no-take MPAs maximize benefits to biodiversity - and associated benefits to fishers profiting from spillover from the MPAs. Furthermore, in our own recent research, we find that MPAs in Channel Islands benefit constituents of the California economy directly, such as the recreational SCUBA industry that preferentially uses these MPAs. Any changes to the status of these MPAs would be undoing a decade of slowly accruing benefits for California coastal biodiversity and would represent a blow to our diversified state coastal economy.

Thank you for your consideration of my comment.

Regards
Douglas McCauley

Professor
Department of Ecology, Evolution, and Marine Biology
University of California, Santa Barbara

From: Eric Praske <[REDACTED]>
Sent: Thursday, June 27, 2024 04:56 PM
To: FGC <FGC@fgc.ca.gov>
Subject: July MRC comment letter

Good afternoon,

I would like to submit the attached comment letter for consideration at the July MRC meeting. Thank you.

Eric

Dear California Fish and Game Commissioners,

Thank you for the opportunity to comment on the proposed categorization of Marine Protected Area (MPA) petitions.¹ I support the Department of Fish and Wildlife's (DFW) proposed categorization and would like to offer specific comments on three of the petitions.

Petition 2023-22MPA:

I agree with the classification of this petition as a Bin 1 near-term priority with limited controversy. I urge both the DFW and the Fish and Game Commission (FGC) to advance this petition promptly.

Petitions 2023-15MPA and 2023-16MPA:

I support the inclusion of these petitions in Bin 2 due to their highly controversial nature. These petitions aim to weaken protections in State Marine Reserves (SMRs), which form the backbone of California's MPA Network. In my previous letter, I highlighted important considerations regarding the potential for these petitions to compromise MPA enforcement and California's 30x30 initiative.² The Ocean Protection Council's recently released 30x30 Decision Making Framework for Coastal Waters underscores the importance of maintaining strong protections, especially in areas that are already highly protected.³ Granting these petitions would severely undermine the robust protections afforded by SMRs and signal to the fishing community that FGC would entertain future petitions to weaken highly protected areas. I strongly urge the FGC to adopt a firm position that any petitions aiming to weaken protections in SMRs will not be granted.

Thank you for considering my comments. I look forward to closely following the MPA petition review process.

Sincerely,



Eric Praske
Laguna Beach

¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=223591&inline>

² Significant Comments Received for the February 14-15, 2024 Commission Meeting Related to Agenda Item 10, Exhibit 3, available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=219990&inline>

³ <https://opc.ca.gov/wp-content/uploads/2024/05/Item-7-Exhibit-A-Draft-30x30-Decision-Making-Framework-Coastal-Waters-508.pdf>

From: California Fishermens Resiliency Association <californiafishermensresiliency@gmail.com>

Sent: Wednesday, July 3, 2024 06:44 PM

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

Cc: [REDACTED] Steve Scheiblaue

<[REDACTED]>; Dave Colker

<[REDACTED]>; Jake Mitchell <[REDACTED]>;

Subject: MPA Petitions Support/Object

CALIFORNIA FISHERMEN'S RESILIENCY ASSOCIATION

1118 6th St.
Eureka, CA 95501

California Fish and Game Commission
PO Box 944209
1416 Ninth Street Suite 1320
Sacramento, California 94244-2090

July 3, 2024

Re: MPA Petitions/Support/Object

Commissioners:

The California Fisherman's Resiliency Association (CFRA) expresses its support for the following Marine Protected Area (MPA) petitions:

2023 - 14 MPA
2023 - 15 MPA
2023 - 16 MPA
2023 - 18 MPA
2023 - 30 MPA

Our support is based on research conducted by the University of Washington (sustainable fisheries- us.org) which exactly states that MPA's have no positive affect on threats to marine life posed by ocean acidification, global warming, coastal development, terrestrial and urban run-off and human pollution of the world environment. "Recent reviews of the extensive MPA network in California have concluded there is no evidence for a regional increase in biodiversity, or targeted fish abundance, nor is there evidence for MPA's providing climate resiliency"

We provide no support for the following MPA petitions:

2023 - 19 MPA
2023 - 20 MPA
2023 - 21 MPA
2023 - 22 MPA
2023 - 23 MPA
2023 - 24 MPA
2023 - 25 MPA
2023 - 26 MPA
2023 - 28 MPA
2023 - 29 MPA
2023 - 31 MPA
2023 - 32 MPA
2023 - 33 MPA
2023 - 34 MPA

Thank you for this opportunity to comment.

Ken Bates, Executive Director
California Fishermen's Resiliency Association Member Associations

Crescent City Commercial Fishermen's Association
Trinidad Bay Fishermen's Association
Shelter Cove Fishermen's Preservation, Inc.
Salmon Troller's Marketing Association of Noyo
Bodega Bay Commercial Fishermen's Association
San Francisco Crab Boat Owners Association
Half Moon Bay Commercial Fishermen's Association
The Alliance of Communities for Sustainable Fisheries
Commercial Fishermen of Santa Barbara
Santa Cruz Commercial Fishermen's Association
Pacific Coast Federation of Fishermen's Associations

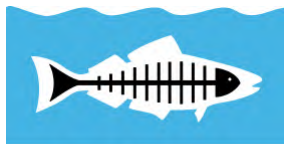
Cc: Dave Colker
Peter Halmay
Steve Scheiblauber
Jake Mitchell

From: Emily Parker <[REDACTED]>
Sent: Friday, July 5, 2024 04:41 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Public Comment on FGC MRC July Agenda Item #2

Good Afternoon,

Please accept the attached letter as public comment from NGOs on the Fish and Game Commission Marine Resources Committee July Meeting Agenda Item #2: Marine protected area (MPA) regulation change petitions evaluation process. Please feel free to reach out with any questions.

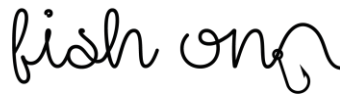
Best,
Emily



Heal the Bay

EMILY PARKER | COASTAL AND MARINE SCIENTIST
She/Her/Hers ([What does this mean?](#))
[Heal the Bay](#)
1444 9th Street
Santa Monica, CA 90401
[REDACTED]





July 5, 2024

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

Submitted electronically via fgc@fgc.ca.gov

RE: Comments on Fish and Game Commission July 17-18, 2024 Marine Resources Committee Agenda Item 2 - MPA Petition Review Process

Dear President Murray and Honorable Commissioners:

The undersigned organizations are dedicated to ocean protection in California and have decades of combined experience in marine protected area (MPA) management, research, compliance, education, and outreach. We applaud the Fish and Game Commission's (FGC) commitment to meeting the goals of the Marine Life Protection Act (MLPA) through support of the Marine Protected Area (MPA) Network, including adaptive management as part of the decadal management review. As the FGC and California Department of Fish and Wildlife (CDFW) begin evaluating petitions to modify California's MPA Network, our organizations respectfully offer the following comments on agenda item 2 (Marine protected area (MPA) regulation change petitions evaluation process) of the July 17-18 Marine Resources Committee meeting.

Support for the Petition Binning Outcome and Transparent Process

We would like to first extend our sincere gratitude to CDFW staff for publishing the [draft binning document](#) far in advance of the July MRC meeting. Access to materials far in advance supports public engagement and promotes equity by allowing ample time for review and preparation. We appreciate the transparency in presenting the justifications for the Bin 1 petitions as well as the initial assessment of the Bin 2 petitions. This openness is crucial for maintaining public trust and ensuring that all stakeholders have a clear understanding of the decision-making process. Overall, we are in general agreement with the current binning outcomes for the MPA petitions. The criteria used to classify the petitions are thorough and well-founded. Specifically, we support the inclusion of certain Bin 1 petitions that align with the objectives of the MLPA and the goals of maintaining and enhancing marine protections across the Network.

Petition Evaluation Must be Rooted in Science

We firmly believe that the scientific merit of a petition should be the primary factor in its evaluation, regardless of whether the petition is considered controversial. As both CDFW and FGC have previously emphasized, modifications to the network should be scientifically driven. We are wary of using controversy as a key metric for evaluating petitions and urge that the weight of this particular criterion be reconsidered and that the focus of petition evaluation be concentrated on scientific rigor and broad community engagement. It is essential that modifications to the MPA Network are grounded in robust scientific evaluation and driven by data that reflect the current and anticipated future conditions of our oceans. This will require consideration of both local and regionally relevant data and forecasts. Equally important is the incorporation of community input, as local stakeholders offer invaluable perspectives and knowledge that can enhance the effectiveness and acceptance of management decisions.

As we have stated in prior communication, **our organizations strongly oppose any proposals that would weaken the MPA Network** including: 1) Petition 2023-14MPA by David Goldberg of the California Sea Urchin Commission to allow commercial take of sea urchins in 9 SMCAs, 2) Petition 2023-15MPA by Blake Hermann to reclassify three SMRs in the northern Channel Islands, Santa Barbara County, as SMCAs and allow either the limited take of highly migratory species and possession of coastal pelagic species, or allow the take of pelagic finfish, and 3) Petition 2023-16MPA by Richard Ogg to reclassify Stewarts Point and Bodega Head SMRs and SMCAs to allow commercial take of salmon by trolling.

Petitions that would result in a net loss of protection should not be considered, as they contradict the foundational principles of the MLPA. Given the limited time and resources available for the adaptive management process, it is essential to prioritize petitions that strengthen or maintain the network rather than those that would undermine it. We would like to affirm statements made by President Murray and Commissioner Sklar during previous FGC MRC meetings regarding the policy direction of ensuring no net weakening of the MPA Network as a result of this petition process.

Petition Evaluation Must be Prompt and Consider Numerous Threats

The adaptive management process must consider historical, scientific, and future contexts. While historical context is important, it is critical to acknowledge that our oceans are undergoing significant changes and to acknowledge the communities absent from the initial implementation of the MLPA. Adapting to these changes and including diverse voices is critical and consistent with the goals of the MLPA. From a scientific perspective, petition evaluation must account for numerous threats to ocean health, particularly the climate crisis. Rising ocean temperatures, acidification, and other climate-related threats are putting unprecedented pressure on our marine ecosystems. Due to these pressing and immediate stressors, we need to examine the current network with respect to its resilience to climate change and ensure that changes to its design help to enhance both climate and ecological resilience. It would also be prudent to move forward with necessary adaptive management changes within a reasonable time frame. **We urge CDFW to complete the Bin 1 review promptly and proceed to the evaluation of Bin 2 petitions without delay.**

Questions for the Marine Resources Committee

We have several questions that may need further discussion outside this letter but are critical for understanding the overall petition evaluation process:

- What does obtaining additional policy guidance entail?
- How would clarification from petitioners help inform the decision-making process?
- While we recognize that Bin 1 petitions are those that can be evaluated in the near term and meet specific criteria, it appears that only petitions likely to be approved were included. Why were certain petitions that could be simple denials not included in Bin 1?
- When will updates be provided regarding the information gathered about Bin 2 petitions?
- What is the timeline for decisions on Bin 1 petitions?

In conclusion, we once again stress the urgency of completing the Bin 1 petition review and moving forward to the Bin 2 petition evaluation. The health of our marine environments cannot afford delays. We sincerely thank the FGC and CDFW for their continued dedication to the protection and management of California's MPA Network. The adaptive management of our MPAs is more critical than ever, especially in the face of the escalating climate crisis. Adaptive management allows us to respond to these changes in real-time, ensuring that our MPAs can continue to provide vital ecological, economic, and social benefits. We again thank you for this opportunity to comment and look forward to discussing the MPA petition binning outcomes at the upcoming July MRC meeting.

Sincerely,

Emily Parker
Coastal and Marine Scientist
Heal the Bay

Rikki Eriksen, PhD
Marine Spatial Ecologist
California Marine Sanctuary Foundation

Laura Deehan
State Director
Environment California

Angela Kemsley
Director of Conservation Impact
WILDCOAST

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

Sandy Aylesworth
Director, Pacific Initiative
Natural Resources Defense Council

Anupa Asokan
Founder and Director
Fish On

Tomas Valadez
CA Policy Associate
Azul

Ray Hiemstra
Associate Director
Orange County Coastkeeper

Laura Walsh
California Policy Manager
Surfrider Foundation

From: Bryant Irawan <[REDACTED]>
Sent: Monday, July 15, 2024 11:12 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Against 2023-15MPA

Hi FGC,

I am a Santa Cruz resident who often dives in the Channel Islands and want to express my disagreement with the proposal.

Opening up these Marine Protected Areas (MPAs) to limited take, particularly of pelagic finfish and highly migratory species, could have significant environmental consequences. Pelagic species like tuna, swordfish, and marlin play critical roles in marine ecosystems, and allowing their targeted fishing within the MPAs could disrupt their populations and ecosystem dynamics. This highlights the importance of maintaining strict protections within MPAs to safeguard pelagic species and preserve marine biodiversity.

Enforcing fishing regulations within remote MPAs, such as those proposed for modification, presents significant challenges that will be **impossible to overcome**. The vast distance from the mainland makes monitoring for the type of fishing being conducted in an MPA impossible. By the time illegal fishing activity is detected, reaching the remote location and confirming the violation would be logistically complex and time-consuming. Illegal parties would be able to have plenty of time to switch fishing methods or flee. This highlights the impracticality of enforcing regulations in such remote and inaccessible marine environments, underscoring the importance of maintaining robust protections within MPAs to deter illegal fishing activities.

Thanks,
Bryant Irawan

From: jasonma <[REDACTED]>
Sent: Monday, July 15, 2024 01:00 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Fisherman against 2023-15MPA

Hi FGC,

I'm Jason and I'm a recreational fisherman from Ventura. I'd like to voice my opinion against the proposal.

Opening up MPAs to fishing contradicts the primary conservation goals for which they were established. The original intentions behind creating these MPAs were to protect and conserve local non-pelagic species and their habitats. Allowing fishing activities within these areas undermines these conservation efforts and compromises the effectiveness of the MPAs in safeguarding marine biodiversity. While the proposal argues that Highly Migratory Species (HMS) and Coastal Pelagic Species (CPS) were not explicitly referenced in the original declaration of these MPAs, it fails to acknowledge severely declining fishing levels and habitat conditions since the MPA's inception. Over the years, fishing pressure and habitat loss have intensified, necessitating the continuation of strict protections within MPAs to safeguard marine biodiversity.

Thank you for your time,
Jason

From: Rhett B <[REDACTED]>
Sent: Tuesday, July 16, 2024 08:00 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Against petition 2023-15MPA

Hi FGC,

I'm Rhett and I'm a scuba diver from the LA area.

I'd like to write against the petition.

The petition fails to provide adequate scientific justification for the proposed changes. While it argues that limited take of pelagic species significantly impact the MPA ecosystems, it lacks concrete evidence to support this claim. The proposal merely suggests that the impact of fishing on pelagic and highly migratory species (HMS) within MPAs is negligible due to their wide-ranging movements, this assertion relies on inference rather than scientific evidence. Moreover, based on the proposal's own inference, fishermen can already target pelagic and HMS species outside of the MPAs.

Best,
Rhett

From: Blake Hermann <[REDACTED]>

Sent: Tuesday, October 15, 2024 08:14 AM

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

Cc: Ashcraft, Susan@FGC <[REDACTED]>; Wertz, Stephen@Wildlife

<[REDACTED]>; Shuman, Craig@Wildlife

<[REDACTED]>

Subject: Petition2023-15MPA Clarification/Amendment Letter

Hello all,

See attached comment letter containing an update, stakeholder feedback responses, and amendments regarding the petition I submitted requesting allowing limited-take HMS or pelagic fisheries in 3 Channel Islands MPAs. This can be attached at the next FGC, MRC, or both meetings, wherever it is more applicable. This has also been sent to federal staff at NMFS, CINMS, and PFMC to keep everyone involved with this petition's process updated and up to date.

Thank you,

Blake Hermann

Clarification and Amendments Regarding Petition2023-15MPA

Dear Fish and Game Commission, CDFW, CINMS and PFMC staff,

This comment letter serves as an amendment, update, and reply for those interested regarding this Petition2023-15's requesting a change in take access in 3 MPAs at the Channel Islands State/Federal MPA network.

I would first like to thank CDFW, for completing the binning phases of the petition process, and the FGC, and MRC for their supportive efforts in this first-time evaluation process. Nearing a year following public submittal there has been much feedback regarding this petition, both positive and negative in nature, from the public, and both state and federal bodies. This letter will act as a supplemental add-on to the original petition, further clarifying examples that were perhaps not explained well enough by providing some additional stakeholder rationale, input and answers to a some concerns the have been raised. Additionally, this letter contains a few amendments regarding the original petition.

Several discussions with groups or individuals coming from commercial, recreational, conversationalist, and environmental sectors concerning the petition have continued outside of official meetings. More has certainly come to light after submittal that, as the petitioner, I feel should be acknowledged when decisions are finally made.

Commercial Swordfish:

One of the largest conflicts 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, federally authorized deep-set-buoy-gear (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, it normally does not, 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 I believe must 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 (MFDE¹), 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 federal DSBG fishery to operate in or, at the very least retrieve, legally taken swordfish within the 3 requested MPAs because of this gear movement problem. An option can be amended and added onto the original petition if required, but as harpoon and DSBG were included in the original request for allowable methods of take, the individual actions for the gears in each of the three requested MPAs should already exist.

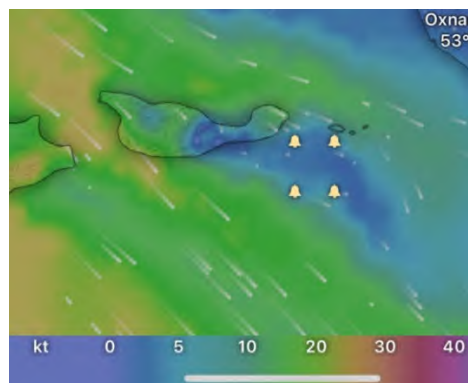


Image depicting average day in the Northern Channel Islands with The Footprint MPA outlined. Displayed wind “lee” for commercial swordfish is predominately around the closure forcing effort and gear interactions with the MPA to be higher (conditions are “fishable” under 10kts, blue color).

Wind model used in the NOAA HRRR model mid-day (12:00) during peak effort time.

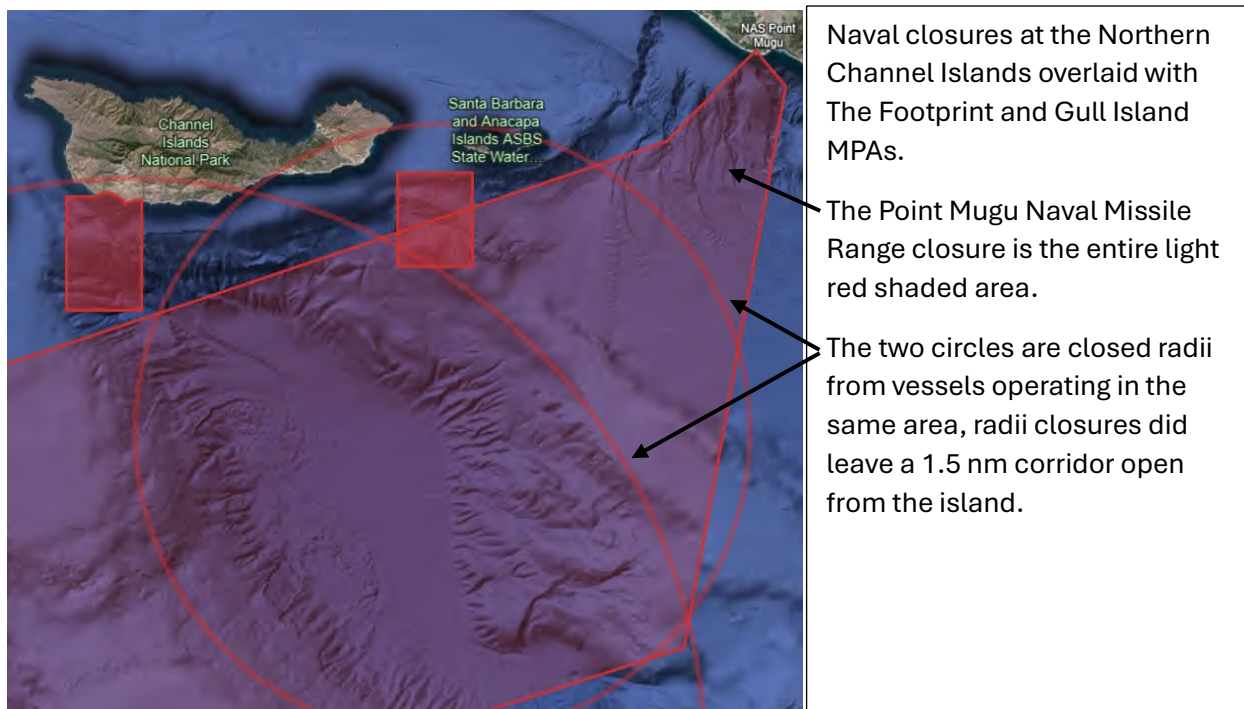
1. MFDE under only swordfish landings from 1/1/2008 to 12/31/2023. The Santa Barbara Port Area was used for the local filters to include Ports around the Channel Islands (petition's area of concern).

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.



Adaptive Management, the MLPA, and the Master Plans:

A general comment of concern has been that the petition attempts to reduce protections of the network, does not align with adaptive management, the MLPA, or MPA Master Plans and should be rejected.

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)² 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. 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, and if this is indeed the case, how lower are these protections in reality?

MPA Master Plans: Appendix G of the 2008 Master Plan³ 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 goals⁴ 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 pelagic⁵. Both FGC comments, and statements from the 2008 and 2016 Master

2. https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FGC§ionNum=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)

Plans support the idea that HMS are both not as affected by these MPAs and that areas allowing take of just HMS be included in the network.

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 more modern evidence and precedent elsewhere in the 40% of the coastal network that is limited take, it is justifiable to reevaluate the Channel Islands Network and adaptively manage it to our current scientific understanding for pelagic/HMS allowed areas.

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.

Included in the original petition was an additional option and sub-option for only “surface fishing methods” and nearshore closures respectively. If the preferred option of full water column access with no nearshore closures is still seen as concerning even with its limited interactions with non-HMS, the water column limiting option and/or nearshore closure sub-option can certainly be used.

Water Column Limited Fisheries (Amendment):

Since submittal, talks with officials revealed rather than using surface fishing methods as the allowed take reason, simply aligning with existing closures such as the GEAs and using rather the restriction of “bottom contact gears” will be better applicable. The new term, “bottom-contact-hook-and-line,” would need to be defined in state codes (along with bottom contact gears) to avoid hook-and-line bottom usage as hook-and-line on its own is not a bottom contact fishery per the only existing federal definitions of bottom contact gears. Restriction of bottom contact gears and additional restriction of bottom-contact-hook-and-line would allow for more selective take of HMS, not affect HMS effort significantly, and better protect local non-HMS from incidental catch. Therefore, it is proposed that the petitions options be slightly amended to allow hook-and-line except that of bottom-contact-hook-and-line, and restrict bottom contact gears, vs in the original petition where the allowing surface fishing methods was mentioned in the options.

Due to the regulatory complexity of this change, new definitions, and more complex gear explanations, it is still the petitioner preference to not restrict take to water column specific

variants of hook-and-line (options 3 and 4 in the petition) but the choice will still remain if the department prefers it for other reasons.

Nearshore Closures (Amendment):

In the original petition there was also the sub-option to include nearshore MPAs at two of the three MPAs mentioned, Gull Island and Santa Barbara Island. The Footprint MPA did not include nearshore option as no section of The Footprint is attached to land or is nearshore. My personal petitioner preference of these nearshore choices is still that they are not needed if the preferred Option 2 is selected, but the choice is there if desired. It has been raised that the original nearshore closure boarder for the Santa Barbara Island MPA in the original petition used the island's 1 nautical mile radius line. This line is not straight, could lead to confusion, and does not align with MPA design criteria of the MLPA (no curves or odd shapes). Therefore, it is now proposed to use a straight line like what is used for all current nearshore closures rather than the original 1 nm line. The coordinates for this line separating the nearshore and offshore regions at Santa Barbara Island MPA will now be the following:

A straight line from 33° 28.500' N. -118° 59.300' W. to 33° 26.500' N. -119° 02.200' W

The choice to make the nearshore closures either stricter in take allowances or into nearshore no-take areas remains the same. Of the two sub-options, the more-strict limited-take choice is still preferred over a no-take area if nearshore MPAs are implemented. For the possible nearshore limited-take region, feedback and an oversight on my own part (leaving out spear) has led to a rework and amendment of the proposed nearshore MPAs allowable methods of take. See amended Table 2, the Table from the original petition, below (red = new language ~~cross~~ = removed language).

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
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.	The 1nm boundary of SBI within the current MPA 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.
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). The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spear is allowed. The commercial take of swordfish by harpoon is allowed. The possession of Coastal Pelagic Species is allowed. (Only needed if HMS option is selected)	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). The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spear is allowed. The commercial take of swordfish by harpoon is allowed. The possession of Coastal Pelagic Species is allowed. (Only needed if HMS option is selected)
Or A no-take region (not preferred)	Or A no-take region (not preferred)

The proposed nearshore regions would now only allow take by easily enforceable, selective, non-hook-and-line methods. Recreational spear of pelagic finfish or HMS, and commercial harpoon swordfish are easily recognizable, completely selective in their methods of take, and offer zero bycatch. The methods would make the more non-pelagic prevalent nearshore regions simple to enforce and significantly mitigate any impacts on non-pelagic species if there are concerns with allowing hook-and-line methods nearshore.

Clarification and Amendment Review:

Clarification: Uncontrollable gear movement of commercial swordfish fisheries (Harpoon and DSBG) poses a problem with existing MPAs, namely those in the original petition due to their offshore expansion into federal waters creating more of an overlap with offshore pelagic/HMS fisheries. Individual actions concerning these methods allowance should be more strongly considered because of this problem and some solution should be reached.

Clarification: Large, periodic naval closures offshore restrict most HMS/pelagic fishing areas local to the southern parts of the Channel Islands when active, increasing congestion of both recreational and commercial fisheries toward the open areas just outside of the MPAs.

Clarification: Petition does in fact conform to the goals of adaptive management per its established definitions, has goals aligned by the MLPA, and both Master Plans outline goals concerning allowable pelagic or HMS take and lack of MPA effects on pelagic and HMS.

Amendment: To better conform to existing federal regulations and to make enforcement easier, the mention of “allowance of surface fishing methods” in Options 3 and 4 of the original petition will be replaced with “restriction of bottom contact gears.” Due to regulatory complexity the restriction of bottom-contact-gears in options 3 and 4, it is still not preferred by the petitioner but is still listed as a choice for the department to pick if desired. Option 2 followed by 1 are still the first and second preference. Bottom contact gears would need to be defined in state regulation as a specific list of gear types/configurations as well as bottom-contact-hook-and-line. The original 2 unamended options and 2 amended options would read:

Option 1 (unchanged): (Petitioner’s 2nd Preferred Option)

- The recreational take of pelagic finfish is allowed.
- The commercial take of pelagic finfish by hook-and-line and swordfish by harpoon is allowed.
- The use of Deep-Set-Buoy-Gear (DSBG) is allowed in federal waters (federal consideration only)

Option 2 (unchanged): (Petitioner’s 1st Preferred Option)

- The recreational take of highly migratory species is allowed.
- The commercial take of highly migratory species by hook-and-line and swordfish by harpoon is allowed.
- The possession of coastal pelagic species is allowed.
- The use of Deep-Set-Buoy-Gear (DSBG) is allowed in federal waters (federal consideration only)

Option 3 (amended): **(Petitioner's 4th Preferred Option)**

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

Option 4 (amended): **(Petitioner's 3rd Preferred Option)**

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

Amendment: To align the proposed nearshore closure of Santa Barbara Island MPA to the required MPA design criteria outlined in the MLPA, the removal of the 1nm line for the proposed nearshore/offshore boarder is replaced with the aforementioned straight line running from 33° 28.500' N. -118° 59.300' W. to 33° 26.500' N. -119° 02.200' W to separate a possible nearshore/offshore State MPA.



Old – Non MLPA conforming



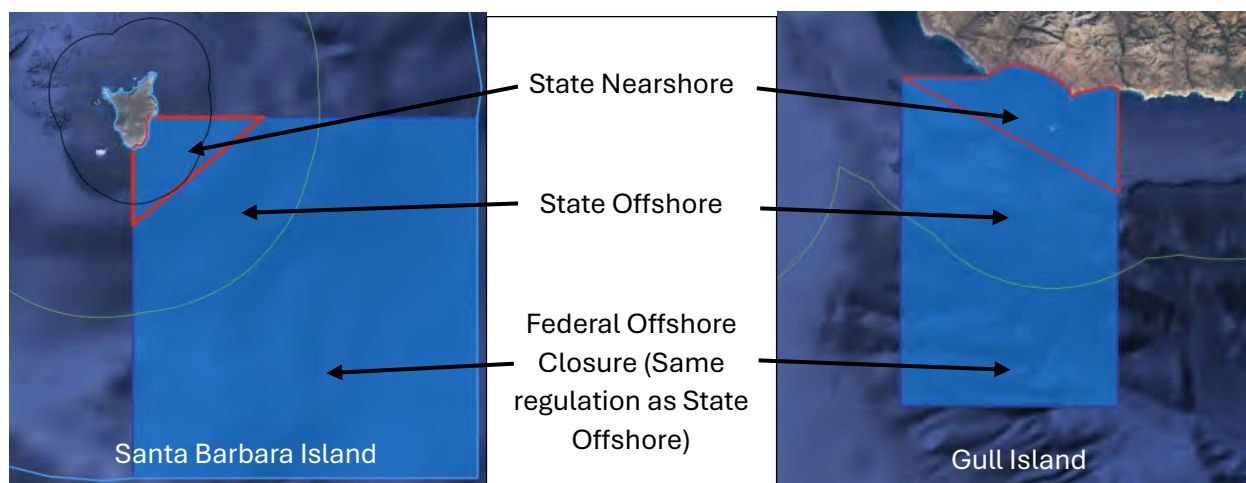
New – Conforms to MLPA design criteria for MPAs

Methods of take in the nearshore regions has also been amended. See the final amended version of table 2 below.

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
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.	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.

<p>Regulation within nearshore area:</p> <p>The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spear is allowed. The commercial take of swordfish by harpoon is allowed. The possession of Coastal Pelagic Species is allowed*. (*Only needed if HMS option is selected) (Preferred)</p> <p>Or</p> <p>A no-take region (not preferred)</p>	<p>Regulation within nearshore area:</p> <p>The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spear is allowed. The commercial take of swordfish by harpoon is allowed. The possession of Coastal Pelagic Species is allowed*. (*Only needed if HMS option is selected) (Preferred)</p> <p>Or</p> <p>A no-take region (not preferred)</p>
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The overall configuration of a possible nearshore/offshore system would involve a nearshore State MPA, an offshore State MPA, and a Federal offshore MPA with the same regulations as the State offshore MPA (DSBG is the exception, being a federally exclusive choice). The nearshore/offshore closure option adds an extra layer of complexity to the system and is not preferred in general, but this amended option would be the best fit if a nearshore region was desired. Below are generated images of possible nearshore/offshore state/federal configurations in the petition.



As of now those are the answers to most of the feedback received, new information that has come to light, and amendments to the original petition.

Thank you,
Blake Hermann
Petitioner (2023-15MPA)

From: Nathan Perez <[REDACTED]>
Sent: Wednesday, October 23, 2024 10:06 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Mlpa

Nathan Perez
Captain F/V Bear Flag 2
Ph: [REDACTED]
E: [REDACTED]

Hello,

My name is Nathan Perez, I participate in the commercial swordfish fishery in Southern California operating FV Bear Flag 2 and participating in the swordfish fishery for over 15 years. I am emailing today to voice my support for Petition 15MPA and call to deny or modify petition 34.

Petition 34 should be disallowed or at the very minimum allow for harpoon swordfish still inside the Farnsworth as it is just as enforceable as recreational spear.

For petition 15, allowing Highly Migratory Species limited take, especially harpoon swordfish and deep-set buoy gear, for commercial fisheries is something we can allow inside of these areas. Allowing this will still protect the nonpelagic fish that benefit more from these areas. Swordfish and other migratory fish do not benefit or provide significant benefits to these areas as they simply pass through, and there is no reason a harpoon boat should be restricted from taking a fish inside of these areas while a longline boat can operate in its entire grounds outside the EEZ, targeting the same fish I will find in the summer when the fish are coastal vs the winter/spring when they are in the longline grounds. These MPAs at the Channel Islands also expand federal and further overlap with our offshore fishery.

The proposed allowable methods for commercial swordfish are highly selective, for harpoon it is 100%, and both harpoon and buoy gear are the most sustainable methods we have for targeting swordfish. Granting selective access to these areas will also allow us to not worry about harpooned or hooked buoy fish swimming gear into the no-take areas which always seems to happen and cause an issue related to retrieving that legally taken fish. This is a problem made worse by these three areas expanding into federal water vs other MPAs that stay more nearshore, away from most swordfish grounds. We occasionally avoid looking in sections of legal water because we know if we hit a fish there the current that day will take it into the closure. That is not fair.

At a time when commercial swordfish is dying due to nets being removed and harpooners and buoy guys having to compete with international longliners and nets from other countries selling cheap fish here locally we need these areas back to be able to keep our clean, and domestic swordfish markets in operation.

Thank you,

Nathan Perez (FV Bear Flag 2)

From: Steve Weiser <[REDACTED]>

Sent: Friday, November 8, 2024 07:48 AM

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

Subject: Mpa closure

My name is Steve Weiser, I run the FV Diva out of the Channel Islands as a harpoon swordfish boat with over 20 years of experience in the fishery. I am emailing today to voice my and my Crew's support of Petition2023-15MPA and lack of support for petition2023-34MPA concerning the possible allowance of harpoon swordfish in a few of the Channel Islands MPAs and closing of the Farnsworth SMCA to everything but recreational spearguns.

We currently have to avoid even open areas surrounding the closures because we worry risking that we hit a fish with a dart in legal water that then swims on the gear into the closure where it becomes illegal to retrieve. This problem is made worse because the Channel Islands MPAs go to 6 miles instead of 3, overlapping more of our offshore fishery. Unlike hook fisheries, a harpoon fish cannot be let go, it is a waste to not be able to retrieve a legally hit fish, so I and the rest of the fleet intentionally go further around the borders when I am fishing to give my hit fish room before possibly moving into the closure. I see the petition asks for other allowances besides harpoon swordfish but at the bare minimum harpoon should be allowed for this gear drift reason, it is a unique case.

Harpoon swordfish is the cleanest method we have for swordfish in the state and after nets are gone, will be only one of the two remaining ways these fish can be commercially targeted along with DSBG. These closures around the islands do little to nothing for swordfish nor does the swordfish have a massive impact on the small ecosystems these MPAs are trying to conserve. Allowing take with harpoon will not affect any of your stated goals for MPAs being meant for more abundance or biodiversity as the fishery takes so little compared to others fished internationally on the same stock of fish as they travel the eastern Pacific Ocean. Additionally, your Master Plan for MPAs specially asks for areas that allow pelagic or highly migratory species to be targeted like swordfish. We do not see any of these areas around the Channel Islands in any place pelagic fish even are. Over 90% of these islands is outright no-take and the two pelagic areas are on the northern side of the islands above Anacapa and Santa Cruz islands, opposite of the warm water southern side where pelagic species actually are.

These areas on the south or the islands are not any better than anywhere else for swordfish or other HMS on the southern side of the islands, the fish follow the current and the breaks, plain and simple. Some days they will be in there, some days they will not be, but having the option to look in there should be considered as these areas are doing nothing for the

fishery as “spillover” is not a thing for species that travel many time the distance of an MPA per day.

In regard to petition 2023-34 MPA, I personally believe that the petition should just be rejected because pelagic species, which have the only species you can take in the Farnsworth besides seabass, are not affecting that area or its local ecosystems like a fish that lives in there protected forever. Any argument that it is an enforcement problem can just be seen in the other half of the MPAs that are limited take zones and have perfect enforcement. What makes Farnsworth different from these other areas? Nothing. Now, if there really was an enforcement problem, which I do not believe there is, enforcing recreational spear is probably more difficult than enforcing commercial harpoon swordfish which is currently allowed in the Farnsworth and should still be allowed regardless of any modification made to the area. Petition 34's final result should be its dismissal or, at the very least, still allowing harpoon swordfish with spear as that is simply the commercial equivalent and just as enforceable.

Thank you,

Steve Weiser and Don Gillispie
F/V Diva

Woodland Construction
23622 Calabasas RD #337
Calabasas, CA 91302

[REDACTED]
[REDACTED]
[REDACTED]

From: Blake Hermann <[REDACTED]>

Sent: Wednesday, February 26, 2025 08:17 AM

To: FGC <FGC@fgc.ca.gov>; Ashcraft, Susan@FGC [REDACTED];
Shuman, Craig@Wildlife [REDACTED]

Subject: Comment on Bin 2 MPA Petition evaluation process

Hello all,

See attached comment letter requesting and supporting previous comments that petition be evaluated under the MPA Master Plan(s), most notably the guiding regional objectives under the MLPA goals from the Master Plans.

Letter additionally breaks down the Master Plan's objectives in the scope of Petition2023-15MPA specifically, highlighting why petition should be considered. This is all referencing the most recent revised version of the petition submitted in January.

Thank you,

Blake Hermann

Petitioner - Petition2023-15MPA

Guiding the Petition process through the MPA Master Plan's Regional Objectives under the MLPA Goals, and Petition 2023-15 MPA's support under said Goals and Objectives

To the FGC and MRC,

The adaptive management process of the MPA network through the petition process has been an all encompassing process stretching nearly two years and has consisted of many meetings with stakeholders from a multitude of backgrounds across the State.

Currently, several stakeholders have differing views on and are determining under what venues to discuss bin 2 petitions. Personally, I do not mind MRC or full commission discussions, but do see benefits to possibly holding discussions at both. This way we could benefit from the more casual open floor of the MRC and still keep all commissioners involved and informed on these petitions to gain the best final actions on these petitions from the full commission.

That being said, one commonality throughout this process from all groups has been the calling for the analysis process to be explicitly guided by the existing MPA Master Plan's (MMP) adaptive management process. This calling has come from all sides, from recreational and commercial fishing organizations such as AllWaters, CFSB, CCA, and the American Sportfishing Anglers (ASA), to environmental NGOs like Azul, Environment California, Environmental Defence Center, the NRDC, and WILDCOAST. The latter eNGOs were among 17 groups who jointly signed and sent a letter to the FGC explicitly stating to guide the process through the MMP and its objectives in January.

The MMPs are a framework that guides the adaptive management process of the MPAs as that was part of their original intention. The process guided by the MMP lays out a clear analysis path through lists of "objectives" that fall under the six broader goals of the MLPA. These objectives under the six MLPA goals are what the MMP uses to determine if an MLPA goal is met, as the objectives are, "more specific and measurable than the broader MLPA goals," according to the MMP. In order to best determine if an MLPA goal is met, we look at these objectives stated under the regional MMP and determine if the objective is satisfied using the best available science/data. This process is laid out in Chapter 4.5 of the 2016 MMP, and the measurable objectives under each MLPA goal can be found in the regional appendices (C-F) in the suitably named "Regional Goals and Objectives" sections of the MMP.

I would not only like to echo all comments from both sides of the aisle to guide the process through the MMP(s) and their objectives, but to also bring up that Petition2023-15MPA is one of, if not, the only petition with explicitly stated support in the MMP objectives (see Goal 2 Objective 4 (2.4) below). This stated support of Petition2023-15MPA is laid out by not only the more-modern 2016 MMP, but even the original MMP from 2008, showing a historic, scientifically based rationale for Petition2023-15MPA, that came after the designation of the Northern Channel Islands Network. This shows our obligation to update this pre-MMP island network to modern standards we see in our coastal network that better follows these underlining MMP objectives.

The remaining sections of this document will go through all of the six goals of the MLPA (bold), the guiding MMP regional objectives under each MLPA goal (numbers), and provide a breakdown response of the specific objective through the scope of Petition2023-15MPA (letters). For context, Petition2023-15MPA is requesting 3 SMRs at the Northern Channel Islands be modified to SMCAs to allow for the limited take of Highly Migratory Species (HMS) or pelagic finfish, listing a variety of different allowable gear options, 6 in total not including additional possible nearshore/offshore MPA configurations. The core rationale of the petition is, we know the benefits of MPAs on HMS/pelagic species are very low compared to the high burden certain local MPA networks, in this case the Channel Islands, place on HMS/pelagic fisheries, and that we see pelagic allowances everywhere else but not in the older Channel Islands network where pelagic allowed areas should arguably be the most prevalent.

MLPA Goal 1. To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.

1. Protect and maintain species diversity and abundance consistent with natural fluctuations, including areas of high native species diversity and representative habitats.
 - a. The three MPAs in the petition and their locations are not intrinsically unique to HMS/pelagic finfish due to their highly migratory nature. The migratory nature of these species and the vast area of water they cover shows clear evidence that any take of HMS or pelagic finfish within these MPAs will not significantly affect HMS or pelagic finfish abundance any more than what existing fishery pressure already exerts on these species outside of the MPAs. Additionally, pelagic and HMS fisheries are all offshore, open-water fisheries, and are non-bottom contact. This means any effect on representative habitats containing a diverse spread of species on bottom reefs or nearshore kelp forests will be minimal due to

fishing simply not occurring there, still protecting those species that benefit from MPAs the most.

We already see this in use outside of the Channel Islands Network in the more-modern coastal network that came under the state driven MLPA implementation process. Nearly 40% of the coastal network allows for some form of limited, mostly pelagic, take and still protects those species and habitats that benefit from the protection, the pre-MMP/MLPA Channel Islands only has 3.5%.

2. Protect areas with diverse habitat types in close proximity to each other.
 - a. As the petition prefers only HMS take being allowed, the alternative being a pelagic finfish allowance, the only habitat type affected by this change will be open water. Pelagics and HMS are open water targeted species, one rarely sees billfish or tunas targeted even remotely nearshore let alone in a kelp forest or shallow reef. The unique habitats inside the three MPAs such as kelp forests or rocky reefs will see little to no change in relative level of protection. Even the bottom areas of the three MPAs, which consists of mostly empty mud flats thousands of feet deep, will see no meaningful change in its protection as nearly all HMS or pelagic effort is done at or near the surface or in the mid-water, rarely deeper than 100ft. If needed, the petition also includes options further restricting bottom contact gears outright, but again HMS and pelagic effort mostly avoids the bottom in general.
3. Protect natural size and age structure and genetic diversity of populations in representative habitats.
 - a. The species that live inside these MPAs year-round that gain the most from them are nearshore species living in the shallow-nearshore sections of the MPAs, or are groundfish frequenting the bottom habitat nearshore and offshore on rocky reefs. This fact is stated in the 2008 MMP appendix G which describes what species benefit the most from MPAs and why. As these non-pelagic, local species are predominantly found in these nearshore habitats, and not in open water where HMS and pelagics are found, all of these local, non-pelagic species can expect their populations and genetic diversities to be unaffected by this change. HMS or pelagic species would of course experience some form of take; however, as previously mentioned, levels of take within these areas would not be any different from the surrounding open area and would not be in levels affecting their population structures within the MPA.

4. Protect biodiversity, natural trophic structure, and food webs in representative habitats.
 - a. The amount of HMS or pelagic finfish in these areas is not expected to be significantly higher than the surrounding open area due to their migratory nature. Because of this, the overall trophic structure and food webs of the area will not be significantly affected as any interactions with these HMS or pelagic species will still be present as they move in and out of the area on the currents. The existing protections on local, non-pelagics will remain, leaving the remaining levels of the web unchanged.

While some argue pelagic fisheries can just work around the closures, around the Channel Islands because of the higher closure rates, the federal offshore expansions, naval closures, and weather restrictions around the islands make pelagic fisheries are significantly more constricted. Allowing limited pelagic access inside these MPAs will benefit the fisheries not because they contain more pelagic or HMS, but because the added total available area is locally significant.
5. Promote recovery of natural communities from disturbances, both natural and human induced, including water quality.
 - a. HMS and pelagic finfish are well managed groups of fish that are in no need of recovery. In fact, the HMS fishery is one state and federal managers are actively trying to grow due to domestic lack of participation. The water quality protections within the three Channel Islands MPAs in the petition will of course still remain even if the petition is accepted in-part or fully. Additionally the Channel Islands National Marine Sanctuary water quality regulations in the entire area in and out of the MPAs will remain in effect.

MLPA 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.
 - a. As mentioned under Goal 1.5a, none of the HMS or pelagic finfish species that would be targeted in these three MPAs are rare, threatened, endangered, depressed, depleted, or overfished. The open water habitats they live inside will still have existing protections on the habitat. Currently, an overwhelming percentage of HMS consumed in this State are longline imports versus our cleaner hook-and-line fleets. Local swordfish and tuna

fishermen locally pick from the same stocks international longline fleets do, taking only a fraction of the stock and offering a superior grade of seafood both commercially and recreationally for personal consumption. Allowing access to these areas offers a way to meaningfully impact local fleets around the Channel Islands by providing them more water to cover while also not significantly impacting the HMS or pelagic stocks which are currently significantly more affected by international fisheries.

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.
 - a. Appendix G of the 2008 MMP breaks down, on a species level, fish that benefit from MPAs the most and fish that benefit the least. The MMP states that, species benefiting from MPAs the most are local, non-pelagic species:

“MPAs are likely to have their greatest direct benefits on residential species. In general, MPAs offer direct protection to less mobile or sedentary species that locally aggregate in specific habitats (e.g., many of the rockfish species).” -Appendix G of the 2008 MMP

These local, non-pelagic species would still be protected even if this petition was accepted, still allowing for these species to benefit the most from the MPAs, and retain populations of large, mature individuals. The 2008 MMP additionally states that HMS and pelagic finfish are species that receive less if any benefits from MPAs due to sheer amount of water they cover:

“Species with a strong tendency to move will not benefit significantly from the establishment of MPAs [...] Direct benefits of MPAs are expected to be much reduced for highly migratory species (e.g., swordfish, tunas, some sharks) that likely spend relatively little time inside local coastal MPAs. Protection of these mobile species and their contributions to local marine ecosystems may best be addressed by larger-scale regulatory measures.” -Appendix G of the 2008 MMP

With the above guiding information, there is no scientifically supporting rationale to leave the three MPAs in Petition2023-15MPA completely closed to pelagics or HMS. Rather, due to the area traveled by HMS or pelagic finfish, best protective practices are seasonal restrictions, and

size/length requirements, something we already use Stateside with pelagic finfish and federally with HMS. The primary driver this petition only applies to three MPAs and not others was, unlike other no-take areas, pelagic or HMS can more than reasonably be targeted whilst meeting our protection goals in these three MPAs specifically (see Goal 2.4a below). For example, there is no reason to request pelagic or HMS access in MPAs simply too far offshore due to lack of total effort or areas too nearshore that would reasonably never offer significant amounts of pelagic or HMS opportunities because they are too shallow.

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.
 - a. As mentioned above in Goal 2.2a those species “likely to benefit from MPAs,” non-pelagics/groundfish, will continue to be protected including their breeding, spawning, foraging, rearing and nursery areas, including other areas where species congregate, kelp forests/rocky reefs. These respective habitats will also see little to no effect as pelagic or HMS fishing efforts rarely overlap nearshore areas, shallow, or deep water reefs. These protections still being in effect will allow individuals to grow and mature, increasing local reproduction of the species.
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.
 - a. This MMP objective displays the central ideas of Petition2023-15MPA, clearly stating areas like those requested in the petition be provided. The Channel Islands MPAs (which contain the three MPAs in the petition) are the oldest in the modern network and expand the furthest offshore, yet they provide the least amount of pelagic allowance in the State. The original intentions for these MPAs was protecting local, non-pelagic species, namely groundfish. The Footprint Reserve is a glowing example of this, disconnected from any mainland or island and over a deepwater reef that once was a groundfish fishing area. The MPA went in to specifically rebuild overfished groundfish populations, yet it provides no pelagic allowance. In fact, the Footprint is the only MPA in the State that is disconnected from land that does not have any type of limited pelagic allowance.

Broadly speaking, the Channel Islands network exceeds the State Network in terms of percent area in MPAs, 21% of island waters are protected compared to the State as a whole which has 16% of its waters protected. The Channel Islands are also the only network of MPAs in the State that extend 6 nautical miles offshore, twice the normal 3 nm distance offshore we see. This offshore expansion interferes more with HMS/pelagic fisheries compared to the other State MPAs that are more nearshore.

One would assume that with the higher percent of protection locally and twice the offshore interference that reasonable amounts of pelagic or HMS access would be given, yet the Channel Islands network offers the least pelagic access in the entire MPA network. Where 40% of the State MPAs have some form of pelagic allowance the Channel Islands network only provides 3.5%. While these protections were justifiable over 20 years ago when MPAs were newer, the coastal network didn't exist, the MMPs didn't exist, and less was known about MPAs and pelagic species; the two more-modern MMPs and this objective specifically are glowing examples of why we must adaptively manage the network and provide reasonable amounts of pelagic access where it is realistic as touched on above in Goal 2.2a.

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

1. Sustain or enhance cultural, recreational, and educational experiences and uses (for example, by improving catch rates, maintaining high scenic value, lowering congestion, increasing size or abundance of species, and protecting submerged sites).
 - a. The allowance of this petition would certainly provide decongestion of HMS or pelagic fishing areas, especially around Santa Cruz Island during Naval Activity days when most areas beyond 3nm of the island are closed and pelagic opportunity is extremely limited. Catch rates would increase relatively proportional to the included area as the MPAs do not hold significantly more or less HMS or pelagic finfish than the already open waters do. Scenic value of land based and submerged sites would not change, as HMS or pelagic fishing activity has little to no bottom contact interference and is done offshore away from the more biodiverse nearshore areas. Lastly, as mentioned, the size and abundance of local species will not change as they will still be protected, even the size and

abundance of HMS or pelagics should not vary beyond normal fluctuations due to the species covering so much area.

2. Provide opportunities for scientifically valid studies, including studies on MPA effectiveness and other research that benefits from areas with minimal or restricted human disturbance.
 - a. Within the three MPAs the petition looks at there are currently no scientific studies occurring in the midwater where limited take will be present. Occasional bottom surveys of deep water reefs occur inside and outside of these MPAs and the broader Channel Islands; however, a pelagic allowance will not affect these ROV trips or the abundance/diversities of species researchers observe on said trips (we already interact with them when they are outside of the MPAs).
3. Provide opportunities for collaborative scientific monitoring and research projects that evaluate MPAs that promote adaptive management and link with fisheries management, seabird and mammals information needs, classroom science curricula, cooperative fisheries research and volunteer efforts, and identifies participants.
 - a. If granted, this petition does open some doors for scientific monitoring of an area previously closed to everything being opened to HMS or pelagic finfish. This information could be used as part of future adaptive management cycles of the network. While ties between MPAs and fishery management still do exist, these ties have decreased in the pelagic arena for smaller MPAs and nearshore MPA networks, which is what we currently have. The key reason for this is in order for an MPA to have impact on HMS it would have to cover significant amounts of offshore ocean over multiple jurisdictions and international waters, not the nearshore waters most of our network covers. Enforcement alone of an area of that size is simply unreasonable which is why HMS fisheries are managed under size, quantity, and quota limits, not MPAs.

MLPA Goal 4. To protect marine natural heritage, including protection of representative and unique marine life habitats in South Coast California waters, for their intrinsic value.

1. Include within MPAs key and unique habitats identified by the SAT for this region.
 - a. The SAT identified several key and unique habitats to be included in the Southern California section. All of these habitats concern unique bottom structures or substrates and nearshore features like kelp forests. The primary habitat HMS fishing will occur is away from these habitats in open

water. Any of these unique habitats will still remain protected as HMS or pelagic effort never occurs there enough.

2. Include and replicate, to the extent possible [practicable], representatives of all marine habitats identified in the MLPA or the California Marine Life Protection Act Master Plan for Marine Protected Areas across a range of depths.
 - a. This object mirrors the previous Goal 4.1 and requests protections exist across the listed unique habitats in a variety of depth ranges. The three MPAs in Petition2023-15MPA will still have the same protections on the habitat and local, non-pelagic species that live in said habitat.

MLPA Goal 5. To ensure that South Coast California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.

1. Minimize negative socioeconomic impacts and optimize positive socioeconomic impacts for all users including coastal dependent entities, communities, and interests, to the extent possible, and if consistent with the MLPA and its goals and guidelines.
 - a. Opening these areas, to the requested levels of HMS or pelagic take the petition requests, would minimize the negative socioeconomic impacts these areas currently have while they are no-take. While total take of HMS will not increase by magnitudes, allowance of HMS take inside of the three MPAs will offer alternatives to fishermen on poor weather days due to the MPAs covering most of the consistently calm waters around the Channel Islands. This will not only help to increase local and cleaner commercial fisheries, but also offer benefits to recreational pelagic fisheries, especially catch-and-release marlin fisheries. All of this could be accomplished whilst still meeting the objectives of the MMP and protecting the species that these MPAs are meant for.
2. Provide opportunities for interested parties to help develop objectives, a long-term monitoring plan that includes standardized biological and socioeconomic monitoring protocols, a long-term education and outreach plan, and a strategy for MPA evaluation.
 - a. This objective is somewhat out of the scope of Petition2023-15MPA in this analysis; however, any possible long term monitoring of the MPAs after a change like this is encouraged to validate the claims made in this petition, and that what we see as an effect of making this change is what we expect.

3. Effectively use scientific guidelines in the California Marine Life Protection Act Master Plan for Marine Protected Areas.
 - a. I urge the department and commission to follow these guidelines and MMP objectives for this petition process, as their is their entire purpose, and to understand that Petition2023-15MPA does in fact have explicit support from the MMP and by extension the MLPA. This analysis is meant to show that Petition2023-15MPA is adhering to most, if not all, of these scientific guidelines/objectives.
4. Ensure public understanding of, compliance with, and stakeholder support for MPA boundaries and regulations.
 - a. While any limited-take area offers more complexity than a completely open or closed area, similar existing MPAs in the State that allow for pelagic take show the public can understand and follow regulations allowing take of a set list of species, pelagic finfish or HMS. Outside of MPAs, groundfish exclusion areas (GEAs), established federally, also mirror this petition by restricting only non-pelagic species take (groundfish take) but still allowing for all pelagic take displaying public understanding and enforcement feasibility.

It goes without saying that among those that frequent the Channel Islands offshore areas for pelagic species, a petition like this has complete public support. I have been on the water around these islands for 25 years, and was a part of the first generation of anglers to grow up with these MPAs in effect. Throughout these years the call to allow pelagic access in these areas has existed throughout the local community, and without this call, this massive community driven consensus, this petition would have never existed.

There are some who oppose this petition, there always will be; however, one thing I have yet to receive is a scientifically based reason for these areas to remain closed to HMS or pelagic species, all rational has been emotional. While there are research studies that show massive MPAs, those that rival the size of this State in area, may offer some benefits to pelagics, our Network simply does not and cannot accommodate that type of scale. In fact, a denied petition in 2020 by this Commission explicitly stated that on the record, when a petition requested an MPA be made for an HMS (white sharks) this commission's reply was to deny it because, "MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species." This precedent has been set

multiple times, there is no reason to not apply it to a set of MPAs that were made before it all, this is a textbook example of adaptive management.

5. Include simple, clear, and focused site-specific objectives/rationales for each MPA and ensure that site-level rationales for each MPA are linked to one or more regional objectives.
 - a. The founding reasons for these MPAs at the Channel Islands in 2002 was the idea to protect our local, non-pelagic species, mainly groundfish at the time. These ideas are still reiterated today in the MPA summaries of all three of these MPAs, the focus on non-pelagic local species, birds, and mammals is clear. While the existing protections certainly can continue to accomplish that objective, Petition2023-15MPA offers a way we can both meet those same goals, and allow for some reasonable forms of take for pelagic species as we see elsewhere in the more modern MPA network. The rationales laid out in this document are evidence that under Petition2023-15MPA's changes we can still meet the same regional objectives we currently meet, plus those revolving around reasonable levels of pelagic take. These additional met objectives, and lower economic impacts make this petition one that arguably helps strengthen the overall network, not weaken it.

MLPA Goal 6. To ensure that the South Coast's MPAs are designed and managed, to the extent possible, as a component of a statewide network.

1. Provide opportunities to promote a process that informs adaptive management and includes stakeholder involvement for regional review and evaluation of management effectiveness to determine if regional MPAs are an effective component of a statewide network.
 - a. We are currently in this adaptive management process as a result of the DMR which includes stakeholder involvement at Commission and MRC meetings discussing this and other MPA adaptive management petitions. While I wish official meetings could be held regionally for petitions I understand that is not doable for this specific process. That being said, unofficial meetings where locals attended (clubs, organizations, MPA Collaboratives) feedback on this petition was overwhelmingly positive.
2. Provide opportunities to coordinate with future MLPA regional stakeholder groups in other regions to ensure that the statewide MPA network meets the goals of the MLPA.

- a. This is already being done at the full commission and MRC levels where stakeholders across the State voice thoughts on regional MPA petitions. Stakeholder support for a petition like this is what one would generally expect, local fisheries/community support, statewide support from fisheries groups/organizations, and statewide lack of support from environmental organizations. It should again be mentioned that supporting reasons for petition2023-15MPA and how it is supported by both the objective and goals of the MMP and MLPA respectively, is the purpose of this document.
3. Ensure ecological connectivity within and between regional components of the statewide network.
 - a. The Channel Islands network is unique in that it is partially isolated from the Coastal MPA network. That being said, connectivity will still be occurring under an accepted petition in part or full as existing protections on species that actually benefit from these MPAs and their habitats will still remain protected. This will keep local species connectivity as strong as it has been under the current network. Pelagic species will still have local MPAs that are no-take at all four islands, in the border network, and far offshore (but still inside the EEZ) where little or no pressure exists on them.
4. Provide for protection and connectivity of habitat for those species that utilize different habitats over their lifetime.
 - a. As mentioned in several of the above objectives, those species that utilize different habitats over their lifetime are primarily local, non-pelagic species. These species will remain completely protected. Pelagic and especially HMS are species that are in the open water, pelagic region their entire lives, from egg to maturity. All of the species proposed for limited take in Petition2023-15MPA have very limited, if any, interactions or movements between different habitats explicitly due to their life cycles.

The above analysis of the MPA Master Plan's objective based analysis process for adaptive management changes to the MPA network clearly shows that Petition2023-15MPA is supported by the MMP and the MLPA. Not only are there guiding objectives of the 2016 and 2008 MMPs that outright say we must provide areas for pelagic take and that pelagic species are less affected by MPAs, but here we have the Channel Islands network of MPAs that came into effect prior to any MMP providing almost no limited pelagic areas, nothing comparable to what we see in the more-modern coastal network that was guided by the MMP. This is a glowing example of the need for adaptive management in lieu of guiding management documents, CDFW

and FGC statements on previous petitions, and actual MPA implementations from the coastal MLPA that are based on our more-modern data and scientifically based evidence and outlook on MPAs. If I could only say one thing about this petition it would be: we can have pelagic allowed areas and our local protections without weakening the network just like we already have everywhere else. Please consider granting this petition.

Thank you,
Blake Hermann
Petitioner - Petition2023-15MPA

From: Blake Hermann <[REDACTED]>
Sent: Friday, May 2, 2025 10:28 AM
To: FGC <FGC@fgc.ca.gov>; Ashcraft, Susan@FGC <[REDACTED]>;
Shuman, Craig@Wildlife <[REDACTED]>
Cc: Newell, Caroline-Contractor@FGC <[REDACTED]>; Gonzales,
Kara@Wildlife <[REDACTED]>
Subject: Petition2023-15MPA-AM2 MLPA LOP Breakdown and option preference
refinement

Hello all,

This comment is intended primarily for the **July MRC** meeting, but can be tagged in June/August's FGC as well, similar to the MMP analysis. This is an early submission.

See attached analysis document applying the MLPA LOP framework on Petition 15, LOPs were confirmed by the Department. The goal here being to display all options for consideration. Showing those options that maintain MPA network connectivity under this framework (not reducing network protections), those that do reduce connectivity (reducing network protections), and, most importantly, why on an LOP and sizing basis. Working through this framework allowed myself to and will allow stakeholders to view all options and their LOP rankings in their entirety and understand why they are ranked that way under the LOP framework. The conclusion of this framework application being that there are preferred pathways for Petition 15 that grant limited access to pelagic/HMS fisheries while maintaining the existing levels of MPA connectivity the network has today, not reducing overall network protections.

Thank you,

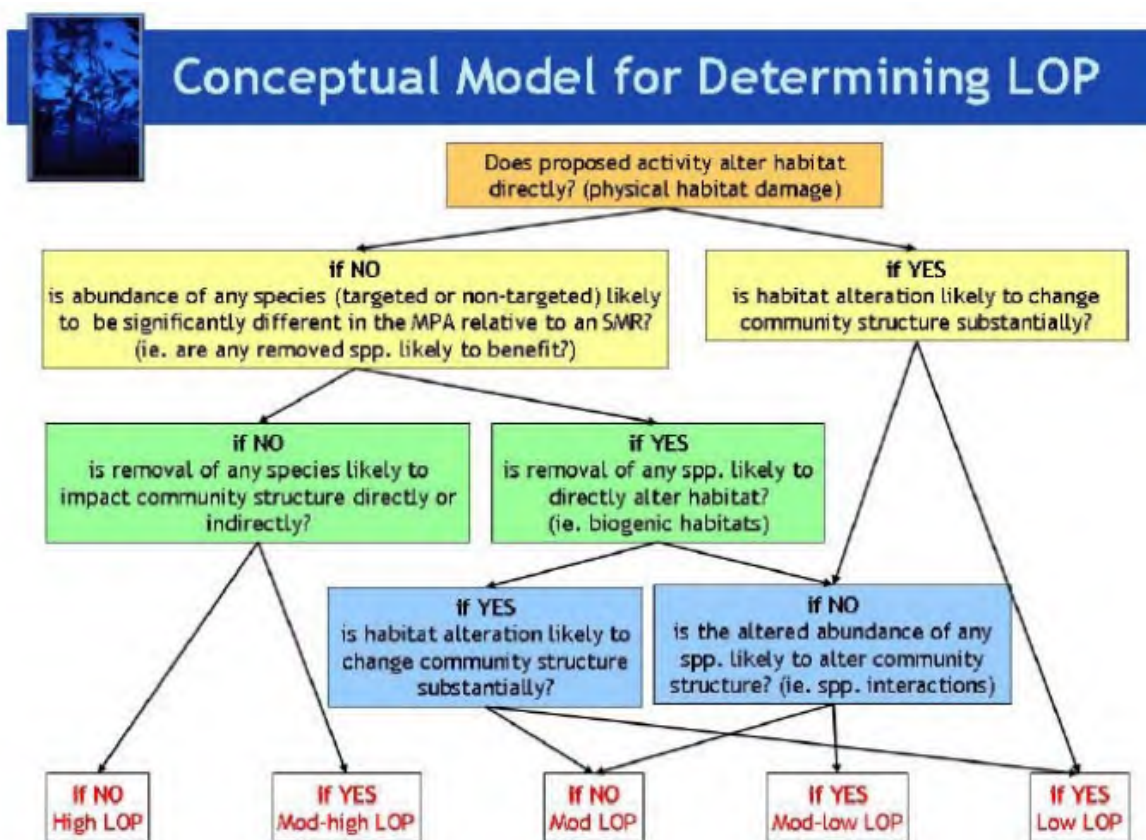
Blake Hermann
Petitioner: Petition2023-15MPA-AM2

Petition2023-15MPA's Levels of Protection (LOP) analysis

Dear Fish and Game Commission Commissioners, MRC, Department and Commission Staff,

Continuing down the adaptive management process of the MPA network, this comment letter serves to look at Petition2023-15MPA-AM2 through the lens of the MLPA's original levels of protection (LOP) and MPA sizing analysis documentation. This letter can be considered similarly to a previous letter submitted looking at the same petition through the lens of the MLPA MPA Master Plan (MMP) submitted at the March 2025 MRC Meeting. It can be seen as a petition analysis document that helps guide final recommendations through an attempt to objectively apply said framework, the LOP framework, on the petition to better refine final outcomes and preferred final options. CDFW's own analysis, though SeaSketch, somewhat mirrors this document, and its application of this framework. This letter serves as a way to shed a more detailed light on the specifics of the protection, sizing, and connectivity requirements for the MPA network under this petition. All framework analysis assignments to the MPAs in Petition2023-15MPA-AM2 in this document were verified by CDFW and should also be viewable on SeaSketch by the time this analysis is published publicly.

Attached below is the conceptual model for determining an LOP in the southern bioregion and the fishing activity chart assigning general LOPs to specific gear types and depth ranges for the southern region. These are the guiding framework pathways for the MLPA in this regard.

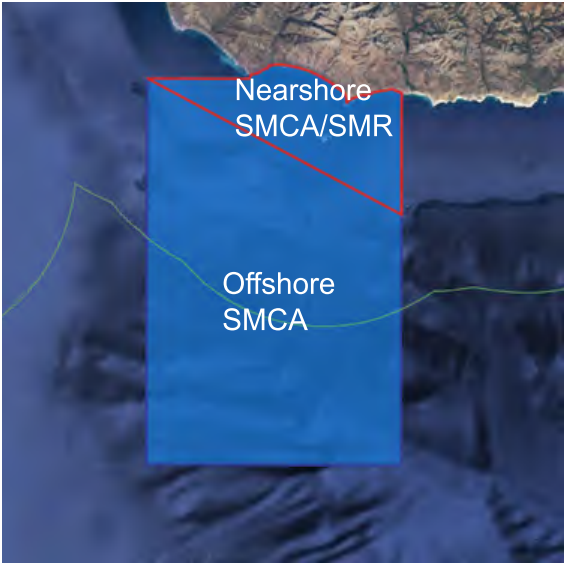
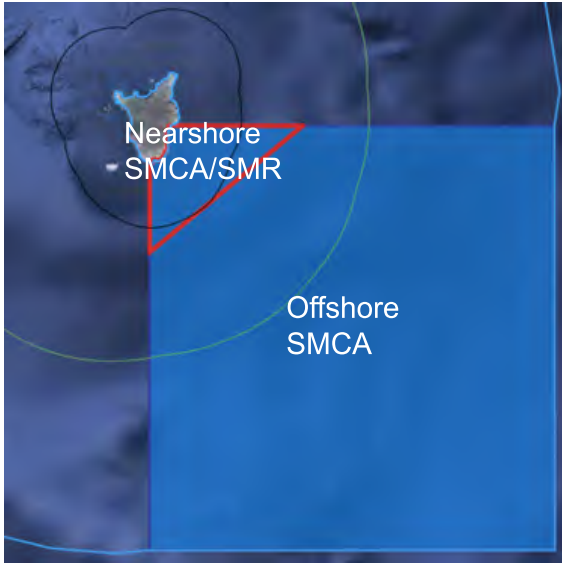


	Level of Protection	MPA Types	Activities associated with this protection level
	Very high	SMR	No take
	High	SMCA	Coastal pelagic finfish and bonito (pelagic seine, dip net); pelagic finfish, bonito and white seabass (spearfishing); market squid (pelagic seine, dip net); jumbo squid (H&L-squid jigs); swordfish (harpoon); In water depth > 50m: pelagic finfish, bonito and white seabass (H&L);
	Mod-high	SMCA	Pier fishing (H&L, hoop-net); halibut (spearfishing); catch and release (H&L-surface gear, single barbless hooks, and artificial lures) In water depth <10m: Catch and release (H&L-single barbless hooks and artificial lures) In water depth 30<50m on mainland: pelagic finfish, bonito and white seabass (H&L, surface gear only);
	Moderate	SMCA SMP	spot prawn (trap); sea cucumber (diving); grunion (hand harvest); giant kelp (hand harvest); clams (hand harvest);
	Mod-low	SMCA SMP	Shore fishing (H&L, hoop net); kelp bass, barred sand bass, lingcod, cabezon, and rockfish (H&L, spearfishing); sheephead (H&L, spearfishing, trap); spotted sand bass and halibut (H&L); lobster (trap, hoop net, diving); urchin (diving); rock crab and Kellet's whelk (trap); catch and release (H&L-general) In water depth <10m: Catch and release (H&L-single barbless hooks and artificial lures) In water depth <50m at islands and <30m on mainland: pelagic finfish, bonito and white seabass (H&L);
	Low	SMCA SMP	Rock scallop (diving); mussels (hand harvest); giant kelp (mechanical harvest); marine algae other than giant and bull kelp (hand harvest);

Images 1 and 2: Conceptual LOP model from the MLPA process and specific activities assigned LOPs for the Southern Bioregion specifically.

Peititon2023-15MPA-AM2 contains 3 primary gear allowance options for 2 subsets of pelagic species, pelagic finfish and HMS. This leads to the current six proposed main options on the table. In addition to the six “gear options,” there exists options to create nearshore/offshore MPAs at two of the three MPAs in the petition, Gull Island, and Santa Barbara Island (SBI). These nearshore MPAs would have stricter take regulations or have no-take at all in the nearshore areas where more non-pelagic bycatch exists and could be affected (nearshore coordinates and images on next page).

For any options creating a new nearshore/offshore MPA “cluster,” MLPA definitions state MPA clusters have their total size, nearshore area plus offshore area, counted toward the minimum sizing requirement of 9 square miles for the southern region. If sizing is met, both nearshore and offshore areas must have an LOP of at least moderate high (mod-high) in their respective areas to count toward connectivity (per SeaSketch and Staff). At Gull Island the nearshore MPA would be 5.9 square miles and offshore 14 for a total of 19.9 square miles. At Santa Barbara Island the nearshore MPA would be 3 square miles and offshore 9.8 for a total of 12.8 square miles. Both clusters exceed the minimum 9 square miles requirement; therefore, if both nearshore and offshore areas of each cluster at Gull Island and SBI meet at least a mod-high LOP, the existing MPA connectivity these areas have today will still be in effect after changes are made, not reducing network connectivity or protections like some argue.

Current proposed Coordinates and options for the Nearshore limited take (SMCA) or no take (SMR) areas at the Gull Island and Santa Barbara Island MPAs	
Gull Island Nearshore MPA	Santa Barbara Island Nearshore MPA
<p>The nearshore-offshore border 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.</p> <p>Regulation options within nearshore area:</p> <p>Take of pelagic finfish or HMS (option dependent) via recreational spearfishing and commercial harpoon swordfish.</p> <p>Or</p> <p>A no-take region</p>	<p>The nearshore-offshore border 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.</p> <p>Regulation options within nearshore area:</p> <p>Take of pelagic finfish or HMS (option dependent) via recreational spearfishing and commercial harpoon swordfish.</p> <p>Or</p> <p>A no-take region</p>
 <p>This map shows the Gull Island MPA. A red line delineates the 'Nearshore SMCA/SMR' area, which is a small triangular region adjacent to the island. The larger area to the south and west is labeled 'Offshore SMCA' and is shaded in blue. The background is a satellite image of the ocean and coastline.</p>	 <p>This map shows the Santa Barbara Island MPA. A red line delineates the 'Nearshore SMCA/SMR' area, which is a small triangular region adjacent to the island. The larger area to the south and west is labeled 'Offshore SMCA' and is shaded in blue. The background is a satellite image of the ocean and coastline.</p>

In total, this means there are up to sixteen possible outcomes, per MPA, at the two MPAs containing possible nearshore/offshore configurations, Gull Island and SBI (see Chart 1 below). For the Footprint MPA, there are only the six main options because there are no proposed nearshore configurations due to the MPA being entirely offshore and covering only waters >50m (the published MPA data sheet states the shallowest zone is 171ft (52m)).

Six Primary Options (Peititon2023-15MPA-AM2)

1. Pelagic Finfish:
H&L, spear, harpoon

2. HMS: H&L, spear,
harpoon

3. Pelagic Finfish:
H&L (no bottom
contact), spear,

4. HMS: H&L (no
bottom contact),
spear, harpoon

5*. Pelagic Finfish:
spear, harpoon

6*. HMS: spear,
harpoon

No Nearshore
SMCA/SMR

Nearshore SMCA:
spear, harpoon

Nearshore SMR:
No take

Three Possible Nearshore Options at Gull Island and Santa Barbara Island MPAs (Peititon2023-15MPA-AM2)

Hook-and-line (H&L) take under all options currently include recreational and commercial H&L take.

Options 3 and 4 also allow possession only of coastal pelagic species (CPS) which would be for baitfish for H&L use.

Spear and harpoon gears are recreational and commercial only, respectively.

*: Options 5 and 6 do not include the nearshore SMCA option as they would have the same take regulations and therefore be redundant leaving 16 total possible configurations.

The goal of Petition2023-15MPA-AM2 is to allow for reasonable levels of HMS or pelagic take that does not affect MPA connectivity and is supported by the MLPA MPA Master Plan (MMP). The MMP analysis of the petition submitted in March 2025 showed that this petition's changes are still supported by the MMP/MLPA. This breakdown now takes a look at the LOP tiers and sizing requirements supplied by the MLPA SAT that determine MPA connectivity. As mentioned, the MLPA states that any reduction below moderate-high (mod-high) LOP loses connectivity. This is not ideal for an outcome of this petition, even though we have SMCAs today that are below that LOP.

At a glance, applying the conceptual LOP model for all of the petition options one can see that we are likely dealing with the high or mod-high LOPs as proposed methods are not altering any habitat, and the abundance of pelagic or HMS are not going to be any different inside the MPA versus the surrounding area. Generally, community structure is not significantly affected by a pelagic finfish allowance, even more so with an HMS allowance, but for now let's assume either could be the case. Using this rationale on the conceptual model we can immediately see that at the worst case we are in a mod-high LOP, a good start.

That being said, as this petition deals with Channel Islands MPAs, LOPs become more strict with the islands, so we need to look at the specific activity chart to understand the lowest LOPs for each option in order to find the best possible final outcome that balances LOP and reasonable take allowances. Broadly speaking, this petition places three gear types on the table in its six options: hook-and-line, spear, and harpoon swordfish. Applying these three gear types to the activity chart we can see that LOPs for spear of pelagic finfish or HMS, and harpoon of swordfish are all high LOPs. The main conflict comes with a hook-and-line allowance at the islands where hook-and-line of pelagic or HMS is either a high LOP if waters are deeper than 50 meters, or a mod-low LOP if they are shallower than 50 meters, this is a major swing in LOP and would lose connectivity in two of the three MPAs in the petition if mod-low is assigned, Gull Island and SBI. The Footprint will have a high LOP no matter what option is selected as it is entirely deeper than 50m. While it was and still is the intent of this petition that any possible limited take allowance for pelagic finfish or HMS is done offshore and deeper than 50m, the "worst case" must be applied when determining an LOP for the two MPAs that are shallower than 50m. However, the petition does provide a "fix" to maintain a high LOP at minimum at Gull Island and SBI, nearshore SMCAs or SMRs. The following chart breaks down these options at each MPA, assigns it the worst case LOP, and gives a brief explanation as to the LOP ranking. Note that Gull island and SBI MPAs are bundled together as their respective LOP rankings and explanations are the same and have the same rationale.

Note: For users that have viewed the petition on SeaSketch, the nearshore SMCA option is displayed at Gull Island and SBI as it has "less protection" than a nearshore SMR. While either a nearshore SMCA or SMR maintain connectivity, the SMCA was selected as it would be the "largest change" to the area and was technically the preferred option in the petition. The nearshore SMR option is certainly still available, but as only one option could be displayed on SeaSketch the SMCA was selected by CDFW for that reason.

Petition2023-15MPA-AM2 The Footprint MPA: Option LOPs		
Option and Take Allowances	Nearshore Option	LOP and Explanation
Option 1: Take of pelagic finfish is allowed via H&L, recreational spear, and commercial harpoon swordfish.	The Footprint MPA contains no nearshore options as it is entirely offshore and deeper than 50m.	High: Regardless of the decided on option, in the case of the LOP activity chart and framework, a high LOP is assigned to the entire footprint MPA. The three gear methods provided in all options, H&L, spear, and harpoon swordfish would all be done in waters deeper than 50m for either pelagic finfish or HMS. All methods have a high LOP rank in this case and in this depth range.
Option 2: Take of HMS is allowed via H&L, recreational spear, and commercial harpoon swordfish. CPS possession (for baitfish)		
Option 3: Take of pelagic finfish is allowed via H&L, recreational spear, and commercial harpoon swordfish. Use of bottom-contact gear is restricted.		
Option 4: Take of HMS is allowed via H&L, recreational spear, and commercial harpoon swordfish. Use of bottom-contact gear is restricted. CPS possession (for baitfish)		
Option 5: Take of pelagic finfish is allowed by spear, and harpoon swordfish.		
Option 6: Take of HMS is allowed by spear, and harpoon swordfish.		

Petition2023-15MPA-AM2 Gull Island and Santa Barbara Island MPAs: Option LOPs		
Option and Take Allowances	Nearshore Option	LOP and Explanation
Option 1: Take of pelagic finfish is allowed via H&L, recreational spear, and commercial harpoon swordfish.	No Nearshore MPA	Mod-low: Allowance of H&L take of pelagic finfish in the whole MPA technically allows for possible H&L take in waters shallower than 50m. Even if the possibility is low the chance exists and a mod-low LOP is assigned.
	Nearshore SMCA: Pelagic finfish take by spear, and harpoon swordfish Offshore SMCA: Option 1 allowances	High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m. The nearshore allowable methods of spear and harpoon are high LOPs nearshore and offshore, and the H&L allowance is now a high LOP as its pelagic finfish allowance is exclusively in waters deeper than 50m.
	Nearshore SMR: No take Offshore SMCA: Option 1 allowances	Very High/High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m and would be entirely closed to fishing (no-take), a very high LOP. The allowed H&L, spear, and harpoon gears in the offshore SMCAs are all in waters deeper than 50m, a high LOP.
Option 2: Take of HMS is allowed via H&L, recreational spear, and commercial harpoon swordfish. CPS possession (for baitfish)	No Nearshore MPA	Mod-low: Allowed H&L take of HMS in the whole MPA technically allows for possible H&L take in waters shallower than 50m. Even if the possibility is even lower than pelagic finfish chances the chance exists so a mod-low LOP is assigned.

	<p>Nearshore SMCA: HMS take by spear, and harpoon swordfish</p> <p>Offshore SMCA: Option 2 allowances</p>	<p>High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m. The nearshore allowable methods of spear and harpoon are high LOPs nearshore and offshore, and the H&L allowance is now a high LOP as its HMS allowance is exclusively in waters deeper than 50m</p>
	<p>Nearshore SMR: No take</p> <p>Offshore SMCA: Option 2 allowances</p>	<p>Very High/High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m and would be entirely closed to fishing (no-take), a very high LOP.</p> <p>The allowed H&L, spear, and harpoon gears in the offshore SMCA are all in waters deeper than 50m, a high LOP.</p>
<p>Option 3: Take of pelagic finfish is allowed via H&L, recreational spear, and commercial harpoon swordfish. Use of bottom-contact gear is restricted.</p>	<p>No Nearshore MPA</p>	<p>Mod-low: Allowed H&L take of pelagic finfish in the whole MPA technically allows for possible H&L take in waters shallower than 50m. It is not stated in the LOP chart that a no-bottom-contact H&L allowance prevents a mod-low LOP but compared to options without the no-bottom-contact clause this offers some level of higher protections.</p>
	<p>Nearshore SMCA: Pelagic finfish take by spear, and harpoon swordfish</p> <p>Offshore SMCA: Option 3 allowances</p>	<p>High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m. The nearshore allowable methods of spear</p>

		and harpoon are high LOPs nearshore and offshore, and the H&L allowance is now a high LOP as its pelagic finfish allowance is exclusively in waters deeper than 50m.
	<p>Nearshore SMR: No take</p> <p>Offshore SMCA: Option 3 allowances</p>	<p>Very High/High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m and would be entirely closed to fishing (no-take), a very high LOP.</p> <p>The allowed H&L, spear, and harpoon gears in the offshore SMCA are all in waters deeper than 50m and are non-bottom-contact, a high LOP.</p>
<p>Option 4: Take of HMS is allowed via H&L, recreational spear, and commercial harpoon swordfish. Use of bottom-contact gear is restricted. CPS possession (for baitfish).</p>	No Nearshore MPA	<p>Mod-low: Allowed H&L take of HMS in the whole MPA technically allows for possible H&L take in waters shallower than 50m. It is not stated in the LOP chart that a no-bottom-contact H&L allowance prevents a mod-low LOP but compared to options without the no-bottom-contact clause this offers some level of more protections and is even more restrictive to HMS only.</p>
	<p>Nearshore SMCA: HMS take by spear, and harpoon swordfish</p> <p>Offshore SMCA: Option 4 allowances</p>	<p>High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m. The nearshore allowable methods of spear and harpoon are high LOPs nearshore and offshore, and the H&L allowance is now a high LOP as its HMS allowance is exclusively in waters deeper than 50m.</p>

	<p>Nearshore SMR: No take</p> <p>Offshore SMCA: Option 4 allowances</p>	<p>Very High/High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m and would be entirely closed to fishing (no-take), a very high LOP.</p> <p>The allowed H&L, spear, and harpoon gears in the offshore SMCAs are all in waters deeper than 50m, are non-bottom-contact, and only allow for HMS take, a high LOP.</p>
Option 5: Take of pelagic finfish is allowed by spear, and harpoon swordfish.	No Nearshore MPA	<p>High: As this option removes the H&L allowances and only allows pelagic finfish spearfishing or harpoon swordfish take, the entire MPA across its full depth ranges gets a high LOP.</p>
	<p>Nearshore SMCA: Pelagic finfish take by spear, and harpoon swordfish</p> <p>Offshore SMCA: Option 5 allowances</p>	<p>Redundant: Not needed as nearshore SMCA would have the same regulations as offshore. (Still high LOP)</p>
	<p>Nearshore SMR: No take</p> <p>Offshore SMCA: Option 5 allowances</p>	<p>Very High/High: Same spear and harpoon allowable methods but restricted to offshore SMCA only for pelagic finfish. Nearshore would be no-take, a very high LOP, while offshore would have the spear and harpoon allowances, a high LOP.</p>

Option 6: Take of HMS is allowed by spear, and harpoon swordfish.	No Nearshore MPA	High: As this option removes the H&L allowances and only allows HMS spearfishing or harpoon swordfish take, the entire MPA across its full depth ranges gets a high LOP.
	Nearshore SMCA: HMS take by spear, and harpoon swordfish Offshore SMCA: Option 6 allowances	Redundant: Not needed as nearshore SMCA would have the same regulations as offshore. (Still high LOP)
	Nearshore SMR: No take Offshore SMCA: Option 6 allowances	Very High/High: Same spear and harpoon allowable methods but restricted to offshore SMCA only for HMS. Nearshore would be no-take, a very high LOP, while offshore would have the spear and harpoon allowances, a high LOP.

Working through this framework we gain an unbiased analysis of the proposed option combinations to see which are most viable. Balancing the assigned LOPs of each option and the support of the MLPA and its MPA Master Plan, with fisheries access is and should be a key goal here. Using this framework we can see there are several viable options meeting a high LOP and in some cases a high/very high LOP in all three existing MPAs preserving any connectivity they already have if they meet MPA sizing requirements, which Gull Island and SBI do. We can also see that there are options that result in a moderate-low LOP, losing connectivity regardless of size. These mod-low options are exclusive to options regarding the two MPAs attached to the islands, Gull Island and SBI and allowing hook-and-line take of HMS or pelagic finfish nearshore (<50m). All of these problems can be resolved by deploying the nearshore SMCA or SMR options which both restrict hook-and-line take <50m making the nearshore and offshore MPAs a “cluster” with high LOPs at least, or high/very high if the nearshore SMR and offshore SMCA is used, maintaining network connectivity.

Analysis Outcomes:

As a result of this analysis, while all of the above options are still in Peititon2023-15MPA-AM2, to preserve biological connectivity between the MPA network it is best to consider only those options with high or high/very high LOPs for final action. This means, for The Footprint MPA, all options are still available, six in total, with the same preference structure in the petition. This is because no matter the option selection The Footprint MPA will have a high LOP.

For the Gull Island MPA and Santa Barbara Island MPA, it is requested to less-consider all option configurations that result in a below moderate-high LOP, and to select either a nearshore SMCA or SMR to better protect nearshore species and to maintain a high LOP in each MPA cluster under the preferred options that allow H&L access for pelagic finfish or HMS. This can be done by leaving the 6 primary options in, applying them to the offshore SMCA only, and having either a nearshore SMCA or SMR go in with no H&L allowance. It was preferred in the petition that this be a nearshore SMCA, but a nearshore SMR is certainly still an available choice due to an SMR offering possibly better nearshore enforcement. Any of the six main options can still be applied in the offshore SMCA and have a high LOP, resulting in MPA clusters at Gull Island and SBI that are of sufficient size and LOP to maintain the connectivity they already have, exceeding the minimum LOP requirement by one whole tier. The preference structure for the offshore SMCAs is the same order as stated in the current petition.

In closing, I would like to thank all staff members that were able to supply the original MLPA LOP and sizing documents for this analysis, and the SeaSketch team/CDFW for developing such an intuitive application for the public to look at these petitions. Hopefully, this individual analysis allows all to better grasp Petition2023-15MPA-AM2's requests, and better understand how these options do have paths to retain, not reduce, our MPA networks's existing protections while allowing reasonable levels of access as well.

Thank you,
Blake Hermann
Petitioner - Petition2023-15MPA-AM2



CMSF CALIFORNIA
MARINE
SANCTUARY
FOUNDATION



Heal the Bay



Santa Barbara
CHANNELKEEPER®



**ORANGE COUNTY
COASTKEEPER®**

July 31, 2025

Erika Zavaleta
California Natural Resources Headquarters Building
715 P Street, 2nd Floor
Sacramento, CA 95814

Re: Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Dear President Zavaleta and Honorable Commissioners:

We would like to begin by thanking the Marine Resource Committee, the full Fish and Game Commission (FGC) and California Department of Fish and Wildlife (CDFW) for their dedication to the adaptive management process of California's MPA network. As the FGC and CDFW continue reviewing the Marine Protected Area (MPA) petitions, we ask that you consider the below arguments against specific petitions looking to weaken the MPA network. Specifically, the requests of petition 2023-14 MPA to open nine MPAs along the coast to commercial urchin fishing and petition 2023-15 MPA to allow some form of take of highly

migratory species, coastal pelagic species, and/or pelagic finfish at three MPAs at the Channel Islands.

I. The FGC and CDFW Should Reject PETITION 2023-14MPA- Opening Sea Urchin Harvest to Commercial Fishermen Within Existing Marine Protected Areas.

The decline of kelp forest ecosystem is due to many factors, including a significant increase in purple urchins, which leads to urchin barrens where vibrant kelp forests once existed. Petition 2023-14 MPA requests that nine existing MPAs from the North to the South Coast be opened for commercial urchin fishing for economic reasons. We request that the FGC and CDFW reject this petition to open multiple State Marine Conservation Areas (SMCAs) (Double Cone Rock SMCA, Sea Lion Cove SMCA, Stewart’s Point SMCA, Salt Point SMCA, Naples SMCA, Anacapa Island SMCA, Point Dume SMCA, Point Vicente SMCA (no-take), Swami’s SMCA) to allow commercial take of sea urchins to aid in kelp forest restoration. First, any benefits of this petition are outweighed by the considerable costs to the MPA goals and environment of allowing commercial urchin fishing in MPAs. Second, the lack of clarity by the petitioner as to which species of urchin would be commercially fished is concerning. Third, using SeaSketch to determine habitat connectivity under the petitioners’ request would see the loss in connectivity in multiple habitats.

A. Benefits and Cost Synthesis

The benefits and costs of harvesting sea urchins within MPAs in California are complex, involving ecological, economic, and management trade-offs. Here is a synthesis of key points.

- 1) **Scientific Disagreement and Uncertainty:** The trophic dynamics of predator-prey relationships for urchins within California are poorly understood and vary region to region. In Northern California, where purple urchin overpopulation has devastated kelp forests (creating “urchin barrens”), targeted harvesting has been used to aid kelp recovery. Projects like the Giant Kelp Restoration Project involved culling urchins, which allowed kelp to regrow in some areas. However, this project was highly restricted and regulated to minimize damage to the ecosystem while targeting the purple urchin using trained divers. The challenges and importance of regulating harvest within MPAs have been researched in the Mediterranean, with similar findings for the need to restrict and oversee any management interventions such as this.¹
- 2) **Ecological Disruption:** MPAs are designed to protect trophic cascades, where predators (e.g., lobsters, sheephead, sea otters) control urchin populations, indirectly safeguarding kelp forests. Harvesting urchins—or their predators—can disrupt this balance, leading to kelp loss and habitat degradation. Currently, within California there is scientific uncertainty about the conditions under which urchin harvest will benefit or harm the marine ecosystem.²

¹ <https://peerj.com/articles/12971/>

² <https://pmc.ncbi.nlm.nih.gov/articles/PMC11635138/>; <https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2022.987242/full>

- 3) **Undermines MPA Goals:** Studies in Sardinia found that allowing urchin harvest in MPAs led to population declines, especially where natural predation was already high. Restricted harvest sites, which were highly managed and restricted, had the lowest urchin densities, suggesting cumulative pressures harm recovery.³ Prohibiting any type of harvest – including sea urchins- has been effective in California.⁴
- 4) **Short term economic gains over long term ecosystem protection:** The rationale for the petition is rooted in the desire of commercial fishermen- primarily in Southern California- who want to harvest sea urchins arguing that MPAs cause economic hardship. MPAs were established to prioritize biodiversity over short-term fisheries gains, as kelp forests support hundreds of species and mitigate climate impacts.⁵ The long-term benefits from protection far exceed short term loss for a handful of fishermen, MPAs are not just conservation tools—they are **investments in sustainable fisheries**.

B. The Petition is Not Supported and Does Not Specify Which Species of Urchin is Included

As the petition reads, the take allowance is for ALL allowed sea urchin species and does not make the distinction of which species would be targeted to benefit kelp forests. According to CDFW, three sea urchin species have been the main species landed across the state. The red, purple, and white sea urchin are the primary species historically caught in California waters, with red urchins being the dominant species caught and sold (Table 1). From January 31, 1980, to December 31, 2024, the total purple urchin landings out of all sea urchin landings (Table 1) accounted for less than one percent of the total catch. The petitioner does not indicate if the allowance for commercial take of sea urchins would be for a specific species or all.

Species Name	Pounds	Value
Sea urchin, red	774,479,211	\$429,008,941
Sea urchin, purple	2,043,647	\$2,928,395
Sea urchin, white	53,647	\$207,324
Total	776,576,511	\$432,144,719

Table 1. Sea Urchins landed from January 31, 1980, to December 31, 2024.

It is our understanding that much of the commercial urchin fishery is focused on red urchins (Table 1), but it is the abundance of purple urchins that has contributed to the kelp decline⁶ cited in the petition. Paired with the lack of a commercial market for purple urchin, sea urchins collected from barren areas are unlikely to meet the quality standards to be commercially viable. The petitioner’s argument for opening the forementioned MPAs to be sustainable

³ <https://pmc.ncbi.nlm.nih.gov/articles/PMC8908888/>

⁴ <https://pmc.ncbi.nlm.nih.gov/articles/PMC11635138/>

⁵ <https://caseagrant.ucsd.edu/news/examining-climate-wins-marine-protected-areas>

⁶ Smith, J. G., et al. (2021). Behavioral responses across a mosaic of ecosystem states restructure a sea otter–urchin trophic cascade. *Proceedings of the National Academy of Sciences*, 118(11), e2012493118.

additions to the commercial fishery is not supported. Additionally, the petitioners did not provide any supporting data for the claim that these nine MPAs have had a significant negative impact on the urchin fishery, nor data on urchin abundance within these MPAs that could be used to do a cost-benefit analysis.

Urchin culling is one method that has had small trials along the California coast to determine effectiveness of direct removal on improving kelp forest density. It was named as a potential tool in the 2022 report “Restoration of North Coast Bull Kelp Forests: A Partnership Based Approach.”⁷ However, the report also found that scaling up this process would face challenges. Specifically, the costs to go to the sites and remove the urchins would be, “most effective in areas where there is already an established commercial red urchin fishing fleet”⁸ Additionally, the report indicates that reducing and **maintaining** low urchin levels is imperative to maintain kelp ecosystem recovery. The long-term socio-economic effectiveness of urchin culling is low, as the costs to start and continue removal efforts increase the further the site is from shore and/or a red urchin port, as well as the lack of viable commercial purple urchin that live inside urchin barrens. It is difficult to say whether opening identified MPAs in this petition would benefit the commercial purple or red urchin fishery.

C. Habitat Connectivity

We utilized the data layers on the recently released tool via SeaSketch to see which habitats will lose connectivity based on the petitioners desired changes to the MPA Network. Of the listed MPAs, Point Dune SMCA, Swamis SMCA, and Point Vicente SMCA would no longer have adequate protections to maintain habitat connectivity for beach, rock, kelp, and soft substrate (0-30m) habitat. The other six MPAs do not have a high enough level of protection to count towards the habitat spacing report.

Accordingly, the petition should be rejected.

II. The FGC and CDFW Should Reject PETITION 2023-15MPA - Opening Channel Islands MPAs to Allow Take of Highly Migratory Species.

This petition requests opening existing no take reserves—the cornerstone of the MPA Network—to commercial fishing for pelagic species, which encompasses a wide range of species,⁹ such as sharks, bill fish, tuna, and mahi mahi in Southern California. The Channel Islands State Marine Reserves (SMRs), and Federal Marine Reserves (FMRs) are among the biggest, oldest and most effective MPAs in the country. Petition 2023-15MPA does not support the goals identified during the planning process for the Channel Islands MPAs, and we therefore request that the FGC and CDFW reject the petition to reclassify three SMRs (Footprint SMR,

⁷ <https://www.reefcheck.org/wp-content/uploads/2022/06/Restoration-of-Northern-California-bull-kelp-RCF-final-report-to-OPC.pdf>

⁸ Ward, M., et al. Restoration of North Coast Bull Kelp Forests: A Partnership Based Approach. Reef Check Foundation, Marina del Rey, CA, April 2022.

⁹ <https://www.ecfr.gov/current/title-50/chapter-VI/part-660/subpart-K>

Gull Island SMR, Santa Barbara Island SMR) in the Northern Channel Islands (NCIs) as SMCAs.

Established in 2003 after the Channel Islands National Marine Sanctuary (CINMS) Advisory Council (SAC), the Marine Reserves Working Group (MRWG) came up with goals for MPAs at the Channel Islands. The MRWG's goals stated the following:

(1) Ecosystem Biodiversity Goal: To protect representative and unique marine habitats, ecological processes, and populations of interest; (2) Socio-Economic Goal: To maintain long-term socioeconomic viability while minimizing short-term socioeconomic losses to all users and dependent parties; (3) Sustainable Fisheries Goal: To achieve sustainable fisheries by integrating marine reserves into fisheries management; (4) Natural and Cultural Heritage Goal: To maintain areas for visitor, spiritual, and recreational opportunities which include cultural and ecological features and their associated values; and (5) Education Goal: To foster stewardship of the marine environment by providing educational opportunities to increase awareness and encourage responsible use of resources.¹⁰

We utilized the goals and reasonings from the “Final 2002 Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary” as the Channel Islands state and federal MPAs pre-date the Marine Life Protection Act and subsequent establishment of the statewide MPA network. Approval of this petition would be inconsistent with these goals for the following reasons.

A. MRWG Goal - Ecosystem Biodiversity

The establishment of the Channel Islands MPAs was, “To protect representative and unique marine habitats, ecological processes, and populations of interest,” which has translated to the goals and intent of the statewide MPA Network. Past petitions requesting to establish MPAs to protect a singular species have been denied by the FGC. For example, in 2020-2021 the FGC denied a petition requesting for the creation of an MPA for White Sharks near Carpinteria reasoning, “MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species.”¹¹ The intent of California MPAs remains to protect all aspects of an ecosystem (ecosystem-wide protection), not one species. Consequently, opening an MPA for one species should also be rejected.

The petitioner makes the argument that opening Footprint SMR, Gull Island SMR, Santa Barbara Island SMR to fishing pressure would have no significant impact on non-migratory species within the MPAs. However, the increase in boat traffic through the previously closed areas would introduce noise pollution, potential derelict fishing gear, water pollution, etc. The

¹⁰ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

¹¹ California Department of Fish and Wildlife (2022). Decadal Management Review: Appendix G Supplemental Tables.

added complexities in the individual MPAs regulations will also increase the hardship on enforcement. Additionally, the same reasons cited to open these MPAs to highly migratory species are also the reasons why we believe it is unnecessary to do so.

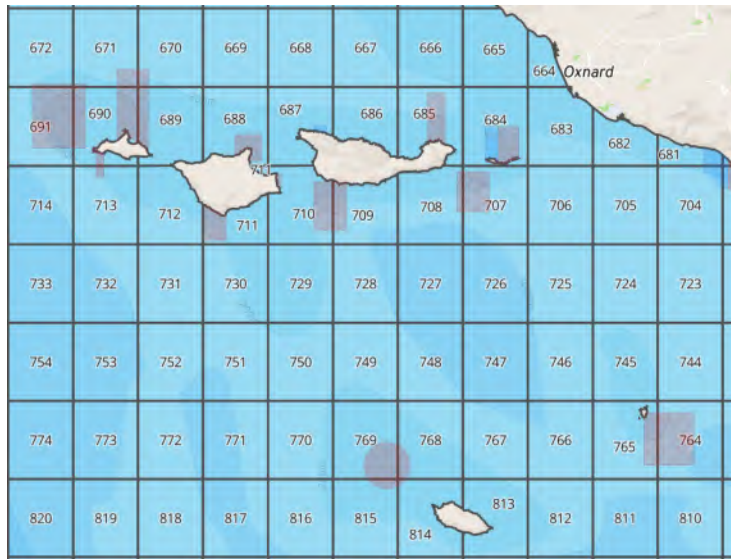


Figure 1. Seasketch Map using layers “Commercial Fishing Blocks” and “Existing Marine Protected Areas (MPAs)”

1. Reasons Why MPAs Protect Highly Migratory Species

Protecting highly migratory species (HMS) like tunas, sharks, and billfish in California waters plays a critical role in maintaining healthy marine ecosystems through trophic cascades, nutrient cycling, and habitat connectivity.

Strategically placed MPAs can protect critical habitats (e.g., spawning grounds, migration corridors) and reduce fishing pressure, such as the ones included in this petition.¹² A sharp decline of large pelagic fish (species such as sharks, swordfishes, marlins, and tuna) that roam the open sea and play vital roles as predators leads to impacts on local, regional and large-scale ecosystem dynamics. Fishing undermines MPA effectiveness which leads to target species depletion, leading to their inability to recover even within MPAs. The risk of bycatch on unintended species is high and unaccounted for, leading to ineffectiveness of the local MPA for all other components of the ecosystem.

2. Maintaining Trophic Balance (Top-Down Control)

- **Predator-prey dynamics:** HMS like bluefin tuna, mako sharks, and swordfish are apex predators that regulate mid-level species (e.g., squid, small fish). Their decline can trigger population explosions of prey species, disrupting food webs. For example, overfishing

¹² <https://www.sciencedirect.com/science/article/abs/pii/S0308597X18301866?via%3Dihub>.

sharks in Southern California has been linked to increased cephalopod (squid/octopus) populations, which then overconsume shellfish and crustaceans.^{13,14}

- **Nutrient Cycling:** Migratory species transport nutrients across vast distances. When they feed in deep waters and excrete near the surface, they fertilize phytoplankton (the base of the marine food web), delivering valuable nutrients to MPAs. In addition, highly migratory species such as tunas and billfish contribute to the “biological carbon pump” by moving nutrients vertically, as part of benthic pelagic linkages, which enhances ocean productivity.
- **Protecting Spawning & Nursery Grounds:** Many HMS rely on offshore areas such as the MPAs for spawning and recruitment areas. The loss of protection not only may reduce recruitment success of the targeted HMS, but also loss of food sources for non-targeted species such as sea birds and rockfish. Consequently, the habitat health of these areas for non-HMS will be degraded.
- **Reducing Bycatch & Ecosystem Damage:** HMS fisheries (e.g., longlines, drift gillnets) often catch non-target species, including threatened and endangered species (leatherback turtles, short-tailed albatross). Furthermore, bycatch often includes species that are key ecosystem engineers (e.g., giant sea bass, which maintain kelp forest health).

Protecting HMS isn’t just about saving iconic species—it’s about **preserving the ocean’s “circulatory system.”** Their migrations connect distant ecosystems, making them indispensable to California’s marine biodiversity.

B. MRWG Goals - Socio-Economic & Sustainable Fisheries

Under the socio-economic and sustainable fisheries goals established by the MRWG, the petitioners request to reclassify select MPAs to alleviate negative impacts on the fisheries for listed highly migratory species¹⁵ would undo the achievements the MPAs have reached. The long-term benefits of maintaining the current level of protection have proven to outweigh the short-term socioeconomic losses that came with establishing the MPAs. For example, the establishment of the MPAs at the NCIs has seen an increase in landings of shark and tuna species

¹³ <https://www.sciencedirect.com/science/article/abs/pii/S0165783698001787>

¹⁴ <https://oceanrep.geomar.de/id/eprint/53785/1/4444.pdf>

¹⁵ 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*).

within the CINMS blocks¹⁶ used in Figure 2. ¹⁷ Pre-MPAs (1998-2002), the total value landed for the MPA fishing blocks within the CINMS was 2.899% and the total pounds landed was 4.030%. Post-MPAs (2020-2024), the total value landed for the MPA fishing blocks within the CINMS was 28.980% and the total pounds landed was 45.962%. By pounds and by value, there has been an increase in economic success that followed the establishment of the CINMS MPAs, indicating that opening the MPAs will not necessarily increase the benefit to the HMS fisheries. The return of many species, not just tuna and sharks, cannot be proven to have benefited solely from the establishment of the MPAs. However, the increase in population was and is likely amplified and supported by the MPA network.

¹⁶ See Figure 1 for reference to the fishing blocks used in the analysis.

¹⁷ Displays percentage values calculated by dividing the MPA petition fishing blocks by the CINMS fishing blocks. This was done to assess the economic impacts locally versus comparing the MPA petition fishing blocks to the entire state.

Block ID	Total Pounds	Total Value
707	\$869	\$4,537
708	\$4,480	\$15,767
709	\$3,624	\$16,934
710	\$4,813	\$6,555
764	\$543	\$2,632
765	\$2,598	\$14,079
683	\$16,619	\$23,693
684	\$1,814	\$3,364
685	\$2,809	\$6,680
686	\$1,312	\$3,564
687	\$1,476	\$3,454
688	\$7,233	\$9,766
689	\$2,175	\$4,742
690	\$2,224	\$3,346
691	\$518	\$943
706	Confidential	
711	\$2,889	\$6,868
712	\$1,816	\$3,518
713	\$0	\$0
744	\$598	\$1,199
745	Confidential	
Total Petition 2023-15*	\$16,927	\$60,505
Total CINMS**	\$58,409	\$131,642
Total All Blocks	\$8,849,117	\$13,908,685
Petition/All	0.191%	0.435%
CINMS/All	0.660%	0.946%
Petition/CINMS***	28.980%	45.962%

Table 2.¹⁸ Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 2020- Dec 31, 2024.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks.

¹⁸ Note “confidential” is data withheld by CDFW.

Block ID	Total Pounds	Total Value
707	\$1008	\$1279.25
708	\$2395.9	\$2626.375
709		Confidential
710	\$4116.6	\$3863.85
764		Confidential
765		Confidential
683	\$137,641	\$54,943
684	\$5,202	\$5,709
685	\$13,302	\$12,537
686	\$6,648	\$8,923
687	\$7,983	\$8,005
688	\$47,129	\$56,320
689	\$5,949	\$5,380
690	\$6,978	\$10,696
691	\$0	\$0
711	\$14,381	\$17,448
712	\$2,009	\$1,149
713	\$4,705	\$3,895
744	\$0	\$0
745		Confidential
Total Petition 2023-15*	\$7520.5	\$7769.475
Total CINMS**	\$259446.93	\$192775.2925
Total All Blocks	32,150,483	\$22,954,516
Petition/All	0.0234%	0.0338%
CINMS/All	0.807%	0.840%
Petition/CINMS***	2.899%	4.030%

Table 3. Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 1998- Dec 31, 2002.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks.

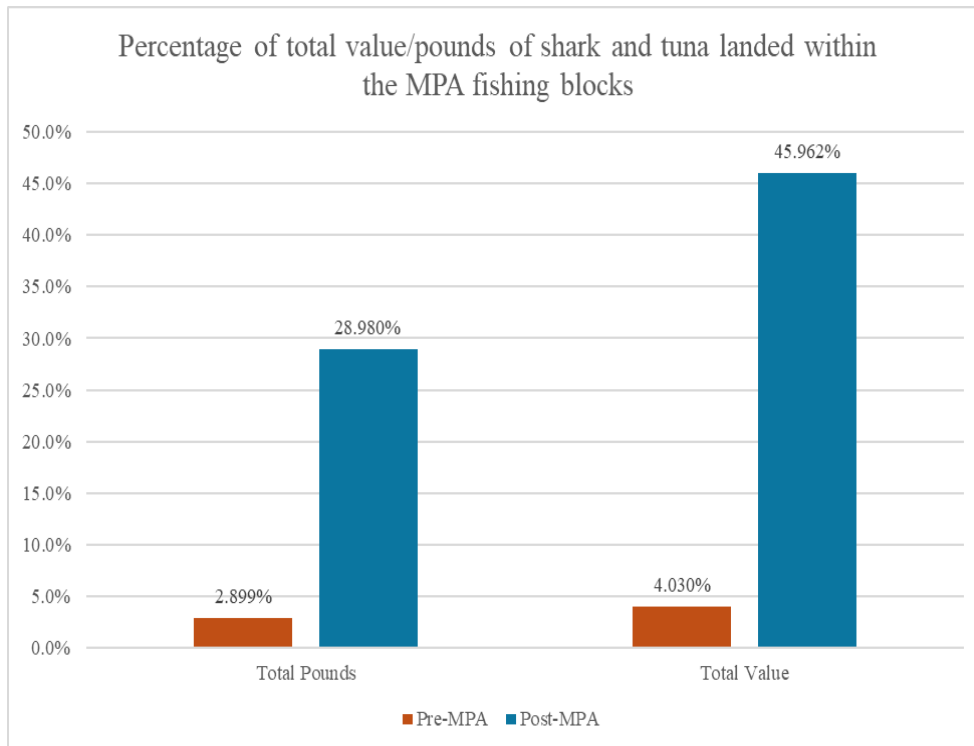


Figure 2. Comparison of Pre-MPA (Jan 1st, 1998- Dec 31st, 2002) and Post-MPA (Jan 1st, 2020- Dec 31st, 2024) total value and total weight by pounds of shark and tuna species landed within the MPA blocks compared to the CINMS fishing blocks.

C. MRWG Goals - Natural and Cultural Heritage & Education

An integral component of the CINMS MPAs and the statewide MPA Network is the inclusion of humans. The areas are not only to help conservation and enhance fisheries management, but to provide areas for spiritual, educational, and recreational opportunities.¹⁹ A 2024 survey²⁰ revealed that 81% of Californians favor expanding MPAs to protect fish, wildlife, and their habitat off the state's coast. Protecting California waters is not only important for the species living in those environments, but also for California ocean users which include non-consumptive uses like beach going, whale watching, photography, surfing, scuba diving, and boating. The Natural and Cultural Heritage Goal and Education goals are intended to maintain areas in the marine environment that give an opportunity to experience healthier marine ecosystems and understand what our ocean may have looked like historically. The petitioners request to open three highly protected MPAs does not support these goals.

¹⁹ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

²⁰ <https://www.ppic.org/publication/ppic-statewide-survey-californians-and-the-environment-july-2024/>

III. CONCLUSION

As California's ocean faces a growing suite of threats from climate change and other human uses, we urge the Commission and CDFW to use its authority to strengthen the MPA network to ensure adequate representation of all key habitats in MPAs so that California's MPA network remains an effective ecosystem-based approach for resilience into the future. To help ensure the network's health rejecting both petition 2023-14 MPA and petition 2023-15 MPA is necessary. Once again, we would like to thank both FGC and CDFW for their dedication to the adaptive management process of California's MPA network.

Sincerely,

Azsha Hudson
Marine Conservation Analyst & Program Manager
Environmental Defense Center

Rikki Eriksen
Marine Ecologist
California Marine Sanctuary Foundation

Tomas Valadez
California Policy Manager
Azul

Ray Hiemstra
Associate Director of Policy and Projects
Orange County Coastkeeper

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

Katie O'Donnell
US Ocean Conservation Manager
WILDCOAST

Zoe Collins
Marine Protected Area Program Coordinator
Heal the Bay

Penny Owens
Education & Community Outreach Director
Santa Barbara ChannelKeeper

From: Blake Hermann <[REDACTED]>

Sent: Thursday, September 25, 2025 7:27 AM

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

Cc: Ashcraft, Susan@FGC <[REDACTED]>; Miller-Henson, Melissa@FGC

<[REDACTED]>; Shuman, Craig@Wildlife

<[REDACTED]>; Newell, Caroline-Contractor@FGC

<[REDACTED]>

Subject: Petition2023-15 comment reply

Hello,

Hope all is going well. Please see attached comment letter for next meeting replying to a letter submitted by 8 eNGOs on Petition2023-15MPA in August. My comments address severe data gaps and severe factual inaccuracies I am disappointed to see in the original letter on Petition2023-15MPA. I felt this must be noted in this process to avoid any future comments restating these data and factual inaccuracies about Petition2023-15MPA. Letter also provides rebuttals to additional claims, and provides unedited data direct from NOAA/NMFS that objectively support petition claims.

Thank you,

Blake H.

The Following is a rebuttal letter to the comments submitted by 8 eNGOs at a previous FGC meeting pertaining to Petition 2023-15MPA. This comment will follow the original comment, provide live counter comments to the arguments presented and provide important contextual data direct from NMFS. This comment is to further elaborate on Patition2023-15MPA and express my concerns that those groups presenting this past comment were misinformed on some of the petition contents and or did not read the petition in its entirety as to what it is requesting.

This is not intended to demean the opinions of those against the petition in any way, but is meant to show, with the broader data, that what the petition requests is not unreasonable, is supported by the MLPA, and are aligned state/federal objectives during this adaptive management process.

For context, the sections of the original comment pertaining to a different petition (Petition2023-14MPA) were removed. Any sections containing counter arguments will be red.

This comment aims to show/reiterate:

- The Petition, if granted will not weaken the MPA network and its connectivity goals for protecting local ecosystems
- The Channel Islands are the most justifiable location to allow for limited pelagic or HMS from both a current network design standpoint and a geospatial standpoint
- The petition does not request any commercial take beyond basic hook-and-line (no net or longline) and has options removing hook-and-line entirely
- The MLPA supports these changes and MRWG goals will still be preserved
- True catch data of HMS clearly shows what little relative impact our MPAs have on the species compared to the larger impacts on local, sustainable fisheries

[Start of Original Comment]



Heal the Bay



CMSF CALIFORNIA
MARINE
SANCTUARY
FOUNDATION



Heal the Bay



Santa Barbara
CHANNELKEEPER®



**ORANGE COUNTY
COASTKEEPER®**

July 31, 2025

Erika Zavaleta
California Natural Resources Headquarters Building
715 P Street, 2nd Floor
Sacramento, CA 95814

Re: Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Dear President Zavaleta and Honorable Commissioners:

We would like to begin by thanking the Marine Resource Committee, the full Fish and Game Commission (FGC) and California Department of Fish and Wildlife (CDFW) for their dedication to the adaptive management process of California's MPA network. As the FGC and CDFW continue reviewing the Marine Protected Area (MPA) petitions, we ask that you consider the below arguments against specific petitions looking to weaken* the MPA network. Specifically, the requests of petition 2023-14 MPA to open nine MPAs along the coast to commercial urchin fishing and petition 2023-15 MPA to allow some form of take of highly

migratory species, coastal pelagic species, and/or pelagic finfish at three MPAs at the Channel Islands.

*Regarding the "weakening" of the MPA network. It has been made clear since petition submission that the objective of Petition 2023-15MPA is to still allow high ecosystem level protections in parallel with a limited take of HMS allowance. This is supported by the Department SeaSketch analysis verifying that the preferred changes of the petition result in MPAs with "high levels of protection that still maintain connectivity." The end result being a network that is just as protected on an ecosystem level that also gives limited and reasonable take of HMS with sustainable fishing methods. This is all publicly verifiable over SeaSketch.

I. The FGC and CDFW Should Reject PETITION 2023-15MPA - Opening Channel Islands MPAs to Allow Take of Highly Migratory Species.

This petition requests opening existing no take reserves—the cornerstone of the MPA Network—to commercial fishing for pelagic species, which encompasses a wide range of species,⁹ such as sharks, bill fish, tuna, and mahi mahi in Southern California. The Channel Islands State Marine Reserves (SMRs), and Federal Marine Reserves (FMRs) are among the biggest, oldest and most effective MPAs in the country. Petition 2023-15MPA does not support the goals identified during the planning process for the Channel Islands MPAs, and we therefore request that the FGC and CDFW reject the petition to reclassify three SMRs (Footprint SMR, Gull Island SMR, Santa Barbara Island SMR) in the Northern Channel Islands (NCIs) as SMCAs.

⁹ <https://www.ecfr.gov/current/title-50/chapter-VI/part-660/subpart-K>

The commercial fishing the petition requests are harpoon swordfishing, the most sustainable and clean form of commercial swordfish on the planet, and basic hook-and-line fishing, akin to normal sportfishing methods. There are no net or longline style requests, unlike what is claimed in this letter. The HMS realistically present around the Northern Channel Islands that are available for commercial or sport take would be Bluefin tuna, Swordfish, and mako sharks, with others like mahi mahi or yellowfin rarely present during strong El Nino events. Striped Marlin would be targeted for catch and release by sport boats.

The fact that the NCI MPAs are the oldest in the network justify them the most to be looked at for adaptive management purposes. This is especially the case for pelagic/HMS allowed areas because the NCI MPAs see little to no pelagic or HMS allowed areas compared to the remainder of the state network made after the NCI process. The NCI MPAs are held to the same standards as the other MPAs in the modern network and are governed by the MPA Master Plans which clearly state to have pelagic allowed regions in the regional objectives (goals) of the Master plans. As the NCI MPAs were designated before any of these guiding documents and contain noticeably low levels of pelagic allowed areas compared to everywhere else it is more than reasonable to consider this adaptive management measure to update the NCI MPAs to the same standards we see elsewhere in the network.

Established in 2003 after the Channel Islands National Marine Sanctuary (CINMS) Advisory Council (SAC), the Marine Reserves Working Group (MRWG) came up with goals for MPAs at the Channel Islands. The MRWG's goals stated the following:

(1) Ecosystem Biodiversity Goal: To protect representative and unique marine habitats, ecological processes, and populations of interest; (2) Socio-Economic Goal: To maintain long-term socioeconomic viability while minimizing short-term socioeconomic losses to all users and dependent parties; (3) Sustainable Fisheries Goal: To achieve sustainable fisheries by integrating marine reserves into fisheries management; (4) Natural and Cultural Heritage Goal: To maintain areas for visitor, spiritual, and recreational opportunities which include cultural and ecological features and their associated values; and (5) Education Goal: To foster stewardship of the marine environment by providing educational opportunities to increase awareness and encourage responsible use of resources.¹⁰

We utilized the goals and reasonings from the “Final 2002 Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary” as the Channel Islands state and federal MPAs pre-date the Marine Life Protection Act and subsequent establishment of the statewide MPA network. Approval of this petition would be inconsistent with these goals for the following reasons.

The fact that the original process and working groups were designated the Marine Reserves Working Group displays the shift between the NCI and more modern MLPA processes. Both focus on ecosystem protections but the NCI process, being first, is naturally reserve heavy, as the island network was the first of its kind to go in. Now that we have a broader state network, and a better understanding of MPAs and pelagic fisheries we can justifiably partially open some NCI reserves to HMS like we clearly see in the rest of the network that is based on more-modern data.

A. MRWG Goal - Ecosystem Biodiversity

The establishment of the Channel Islands MPAs was, “To protect representative and unique marine habitats, ecological processes, and populations of interest,” which has translated to the goals and intent of the statewide MPA Network*. Past petitions requesting to establish MPAs to protect a singular species have been denied by the FGC. For example, in 2020-2021 the FGC denied a petition requesting for the creation of an MPA for White Sharks near Carpentry reasoning, “MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species.”¹¹ The intent of California MPAs remains to protect all aspects of an ecosystem (ecosystem-wide protection), not one species. Consequently, opening an MPA for one species should also be rejected**.

*The original goals of the NCI were largely applied to the state network that came after the NCI MPA designation process. Both networks' objectives were to protect ecosystems. Ecosystem level protection was defined under the level of protection and MPA connectivity frameworks that came after the NCI process, and while both networks accomplish the same general goals, look at the vast differences in pelagic allowances between them. Clearly if the more-modern coastal network made 40% of its areas limited take for mostly pelagic fish and maintains ecosystem level protection the NCI MPAs can be revisited and reconsidered in light of this change in MPA management

and HMS fisheries. Under the petition's preferred changes there are no resulting changes in connectivity as MPA's all retain their high levels of protection. This is because pelagic and especially HMS fishing activity, under sustainable and clean fishing methods, do not impact the essential local ecosystems the MPAs are primarily intended for, as interactions between pelagic fisheries and homebody species like groundfish or bass are next to impossible. For fisheries like spear or harpoon they are impossible unless the angler knowingly breaks the law. Department frameworks like the LOPs and connectivity requirements for ecosystem protection are clear, under an accepted petition, the ecosystem is still more than protected and connectivity preserved..

****As mentioned above, ecosystem level protections are a key in this process. It is unfavorable to propose changes that reduce network connectivity by introducing fishing methods that are either too intensive, or take species the MPA network works best for, petition2023-15MPA does not remove ecosystem level protections or any network connectivity.**

The commission's decision to not grant a new MPA for Great White Sharks on the grounds that they are an HMS and are not affected by MPAs meaningfully enough on their own to justify an MPA is a prime example on why the petition should be allowed and sets a clear precedent, HMS are not meaningfully affected by MPAs. This fact is already supported by both 2008 and 2016 MMPs. Following that precedent we can still protect other species in these areas (non-HMS) and allow take of HMS while still protecting the local ecosystem, this is exactly what Petition2023-15MPA proposes. If "MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species," then we surely can allow for HMS take in a sector of the network that currently allows 10x less pelagic allowed areas (by relative percentage) and still protect the local ecosystem the HMS are just passing through. The logic of opening an MPA to specifically HMS is clearly supported by this so long as the ecosystem the MPA is aiming to protect remains protected, and under the LOP and Seasketch connectivity guidelines it all is still protected under an accepted petition.

¹⁰ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

¹¹ California Department of Fish and Wildlife (2022). Decadal Management Review: Appendix G Supplemental Tables.

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

The petitioner makes the argument that opening Footprint SMR, Gull Island SMR, Santa Barbara Island SMR to fishing pressure would have no significant impact on non-migratory species within the MPAs. However, the increase in boat traffic through the previously closed areas would introduce noise pollution, potential derelict fishing gear, water pollution, etc. The added complexities in the individual MPAs regulations will also increase the hardship on enforcement. Additionally, the same reasons cited to open these MPAs to highly migratory species are also the reasons why we believe it is unnecessary to do so.

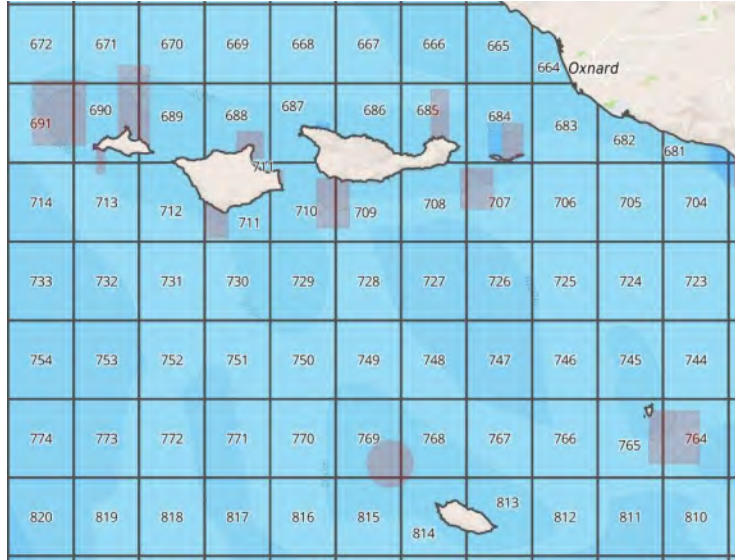
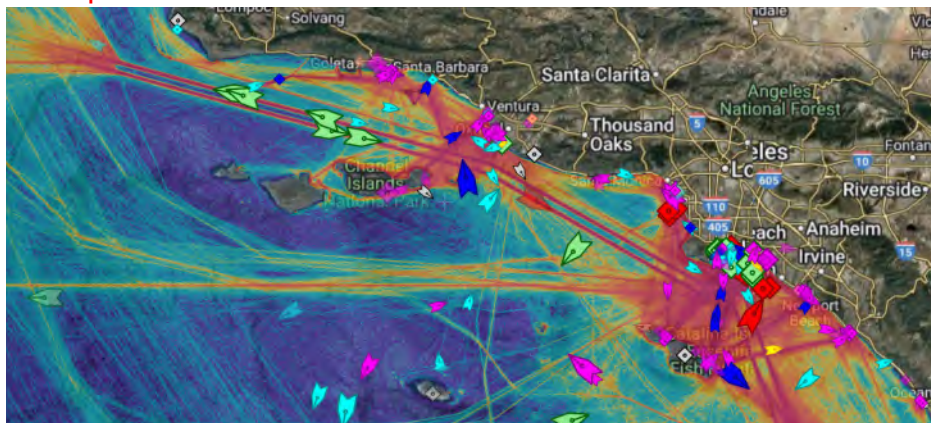


Figure 1. Seasketch Map using layers “Commercial Fishing Blocks” and “Existing Marine Protected Areas (MPAs)”

Regarding “noise pollution” in MPAs. See attached heat map image of boat traffic tracked via AIS in the SCB. Pelagic effort on the southern side of the 4 northern NCI in the normal pelagic fishing grounds shows very low traffic saturation (blue/green). The opening of the three MPAs in question will not see a shift in intense traffic as there is no clear higher level of traffic outside of the proposed areas vs inside along the south side of the 4 northern islands in the pelagic fishing grounds. Essentially there are no clear “traffic boundaries” for MPA as there is clearly not less traffic inside of them. Regarding “noise pollution” in general the Scorpion SMR and Anacapa MPAs actually see some of the most traffic and therefore “noise pollution” yet there have been no alarms raised there. That being the case there should be no concern for noise if some fishing is allowed in the three proposed MPAs as any traffic would be minimal relative to apparent noise present in several no-take and limited take areas elsewhere.



Regarding lost fishing gear, as the proposed methods involve pelagic/HMS fisheries that are all non-bottom contact in general the risk of gear being snagged or abandoned are low for hook-and-line which would consist mainly of troll or surface casting methods for tuna or billfish, which again, is minimal in its gear loss rates compared to bottom fishing. Harpoon and spear gears are also relatively never lost, and have minimal footprints compared to H&L as neither are deployed until a fish is taken.

Regarding water pollution, the act of fishing in these areas specifically for HMS does not create additional risks to water pollution that ordinarily exist when fishing for HMS outside of these areas. The “threat” of pollution exists in the surrounding area regardless of if they are open or not.

Added allowances in MPAs always makes enforcement more difficult. However, if enforcement has no issue enforcing the remainder of the MPA network that is already 40% limited take, which it claims it has no problems. The same areas at the NCI should pose no difference in how the areas are enforced. Speaking to the local wardens when out on the water and those at state offices also confirmed this claim.

1. Reasons Why MPAs Protect Highly Migratory Species

Protecting highly migratory species (HMS) like tunas, sharks, and billfish in California waters plays a critical role in maintaining healthy marine ecosystems through trophic cascades, nutrient cycling, and habitat connectivity.

Strategically placed MPAs can protect critical habitats (e.g., spawning grounds, migration corridors) and reduce fishing pressure, such as the ones included in this petition.¹² A sharp decline of large pelagic fish (species such as sharks, swordfishes, marlins, and tuna) that roam the open sea and play vital roles as predators leads to impacts on local, regional and large-scale ecosystem dynamics. Fishing undermines MPA effectiveness which leads to target species depletion, leading to their inability to recover even within MPAs. The risk of bycatch on unintended species is high and unaccounted for, leading to ineffectiveness of the local MPA for all other components of the ecosystem.

¹² <https://www.sciencedirect.com/science/article/abs/pii/S0308597X18301866?via%3Dihub>.

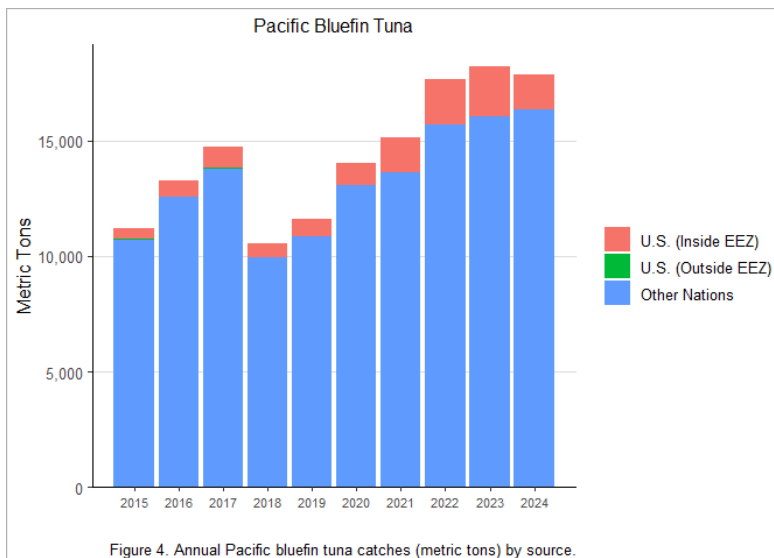
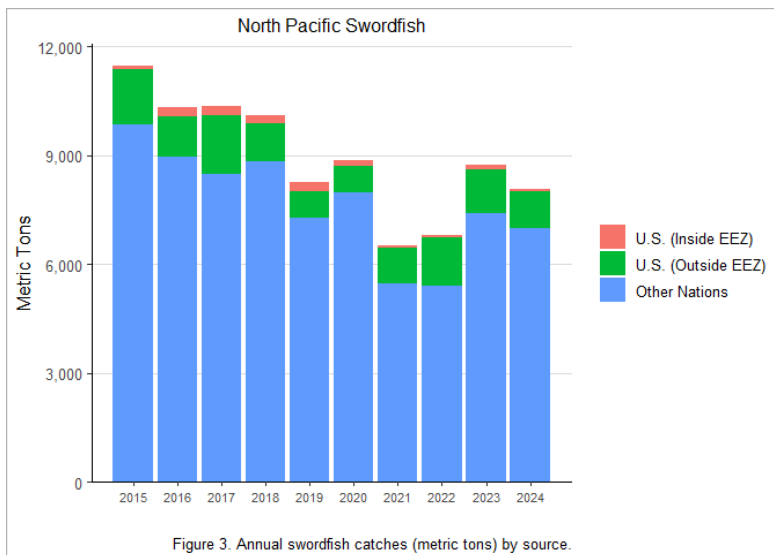
MPAs do protect HMS when they do pass through; however, if that protection actually helps the species is what is up to debate. Stating “Strategically placed MPAs can protect critical habitats (e.g., spawning grounds, migration corridors) and reduce fishing pressure, such as the ones included in this petition,¹²” inherently poses this question of can it make a difference? Considering 40% of the remaining network has a limited pelagic allowance suggests that an allowance at the NCI which lacks said allowance is justifiable. In the MLPA it was determined HMS/pelagic species we not meaningfully affected enough. Today, in the cited ScienceDirect article, it concludes, “We conclude that (1) many species with known migration routes, aggregating behavior, and philopatry can benefit from spatial protection; but (2) spatial protection alone is insufficient and should be integrated with effective fisheries management to protect and rebuild stocks of highly migratory species.” This conclusion is clear, while some benefits may exist, the MPA benefits alone are insufficient, essentially restating what was already known during the MLPA, our small sized network (relatively speaking on the HMS scale) does not

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

really affect them. Therefore we can allow reasonable take of HMS or pelagic while still protecting our ecosystems. While there are possible MPA benefits to species in certain cases these benefits along from MPAs are still insufficient for HMS that span the globe, far exceeding our MPA boundaries. This is why we have actual pelagic fishery management measures with seasons and quotas for HMS compared to MPAs that may or may not contain them at a given time.

It should be especially noted that per the NMFS provided global catch data located at the end of this analysis for the two most relevant HMS in this petition, swordfish and bluefin tuna, the entire fraction of taken fish inside of domestic waters as a whole on the west coast is a drop in the bucket to what is taken internationally from the same stocks. As these fish migrate into international waters in the winter/spring for 6-8 months, they are simply hit with significantly higher levels of take on pelagic longline. Simply put, our local HMS fisheries do nothing compared to international longline fleets that take a bulk of the same HMS that we attempt to protect with local MPAs. Because of this, we must give local, cleaner fleets the most opportunity to provide what they can by allowing take in these areas that are largely not helping the HMS that pass through.



July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Snapshots of total landings of swordfish and bluefin tuna (recreational and commercial combined) provided directly by NMFS. Our entire recreational and commercial landing totals locally are represented by the orange/beige boxes. In international waters US vessel take is green, and remaining international take blue. The results are quite clear, locally (inside of 250 nautical miles) our fleets take small fractions of these species stocks. You can barely even see the swordfish we take locally along the entire coast, let alone at the NCI. Any protections these HMS may have locally are negligible in this regard and access should be granted in areas that can accommodate some level of local take in a region of the MPA network that came before all the Master Plans that laid this information out.

2. Maintaining Trophic Balance (Top-Down Control)

- **Predator-prey dynamics:** HMS like bluefin tuna, mako sharks, and swordfish are apex predators that regulate mid-level species (e.g., squid, small fish). Their decline can trigger population explosions of prey species, disrupting food webs. For example, overfishing sharks in Southern California has been linked to increased cephalopod (squid/octopus) populations, which then overconsume shellfish and crustaceans.^{13,14}
If any overfishing exists on these stocks that are domestically and internationally recognized as “not overfished” by NOAA and IATTIC, the “overfishing” occurs in international waters on the pelagic longlines that take an overwhelming majority of the stock. (See NMFS catch data above (charts) and at the end of the document (full report))
- **Nutrient Cycling:** Migratory species transport nutrients across vast distances. When they feed in deep waters and excrete near the surface, they fertilize phytoplankton (the base of the marine food web), delivering valuable nutrients to MPAs. In addition, highly migratory species such as tunas and billfish contribute to the “biological carbon pump” by moving nutrients vertically, as part of benthic pelagic linkages, which enhances ocean productivity.
Nutrient cycling will continue to occur regardless if these areas are open or not. A fish excrement occurring inside or outside of an MPA participates in this cycle. If the concern is less fish will be doing it, again reference the international longline vs inside EEZ catch data on fisheries meaningfully affecting the global stock (the northeastern pacific stock of billfish and tuna).
- **Protecting Spawning & Nursery Grounds:** Many HMS rely on offshore areas such as the MPAs for spawning and recruitment areas. The loss of protection not only may reduce recruitment success of the targeted HMS, but also loss of food sources for non-targeted species such as sea birds and rockfish. Consequently, the habitat health of these areas for non-HMS will be degraded.
It has been well established that both billfish and tuna visit the Southern California Bight (SCB) to feed, not spawn. Spawning occurs hundreds of miles offshore outside the reach of any of our local MPAs in warmer waters. The idea of protecting nursery grounds follows the same logic of an MPAs effect on an HMS, fully grown or still growing, our local MPAs have little effect.
- **Reducing Bycatch & Ecosystem Damage:** HMS fisheries (e.g., longlines, drift gillnets) often catch non-target species, including threatened and endangered species (leatherback turtles, short-tailed albatross). Furthermore, bycatch often includes species that are key ecosystem engineers (e.g., giant sea bass, which maintain kelp forest health).
This is the only point I, as the petitioner, take personal offense to. The petition is very clear in the methods it proposed being allowed: recreational spear, commercial harpoon, and general hook-and-line. Nowhere is there mention of allowing gill net or longline methods, longline is not even allowed within 220 miles of land. Harpoon swordfish and recreational spear are quite literally zero-bycatch fisheries and pelagic hook-and-line has minimal bycatch at best. To insinuate that bycatch is a potential major issue here, especially for something like giant seabass or endangered seabirds/turtles is factually incorrect, and makes myself question the fact if the accusers either did not understand or did not read the petition in its entirety before commenting this unfounded allegation.

Protecting HMS isn't just about saving iconic species—it's about **preserving the ocean's "circulatory system."** Their migrations connect distant ecosystems, making them indispensable to California's marine biodiversity.

It is well established that the protections HMS receive while passing through these MPAs on the currents are minimal at best. An allowance in these three areas will not revolutionize the fishery by any means, it would just give more area back for anglers to try to find HMS inside of. For a set of species (HMS) that are predominantly taken far offshore on longline, there should be no reason to allow this small level of additional take locally in areas that offer fishable conditions. We already do this everywhere else in the more modern network, we must now do the same at the NCI where this was overlooked.

B. MRWG Goals - Socio-Economic & Sustainable Fisheries

Under the socio-economic and sustainable fisheries goals established by the MRWG, the petitioners request to reclassify select MPAs to alleviate negative impacts on the fisheries for listed highly migratory species¹⁵ would undo the achievements the MPAs have reached. The long-term benefits of maintaining the current level of protection have proven to outweigh the short-term socioeconomic losses that came with establishing the MPAs. For example, the establishment of the MPAs at the NCIs has seen an increase in landings of shark and tuna species within the CINMS blocks¹⁶ used in Figure 2. ¹⁷ Pre-MPAs (1998-2002), the total value landed for the MPA fishing blocks within the CINMS was 2.899% and the total pounds landed was 4.030%. Post-MPAs (2020-2024), the total value landed for the MPA fishing blocks within the CINMS was 28.980% and the total pounds landed was 45.962%. By pounds and by value, there has been an increase in economic success that followed the establishment of the CINMS MPAs, indicating that opening the MPAs will not necessarily increase the benefit to the HMS fisheries. The return of many species, not just tuna and sharks, cannot be proven to have benefited solely from the establishment of the MPAs. However, the increase in population was and is likely amplified and supported by the MPA network.

¹³ <https://www.sciencedirect.com/science/article/abs/pii/S0165783698001787>

¹⁴ <https://oceanrep.geomar.de/id/eprint/53785/1/4444.pdf>

¹⁵ 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*).

¹⁶ See Figure 1 for reference to the fishing blocks used in the analysis.

¹⁷ Displays percentage values calculated by dividing the MPA petition fishing blocks by the CINMS fishing blocks. This was done to assess the economic impacts locally versus comparing the MPA petition fishing blocks to the entire

Block ID	Total Pounds	Total Value
707	\$869	\$4,537
708	\$4,480	\$15,767
709	\$3,624	\$16,934
710	\$4,813	\$6,555
764	\$543	\$2,632
765	\$2,598	\$14,079
683	\$16,619	\$23,693
684	\$1,814	\$3,364
685	\$2,809	\$6,680
686	\$1,312	\$3,564
687	\$1,476	\$3,454
688	\$7,233	\$9,766
689	\$2,175	\$4,742
690	\$2,224	\$3,346
691	\$518	\$943
706	Confidential	
711	\$2,889	\$6,868
712	\$1,816	\$3,518
713	\$0	\$0
744	\$598	\$1,199
745	Confidential	
Total Petition 2023-15*	\$16,927	\$60,505
Total CINMS**	\$58,409	\$131,642
Total All Blocks	\$8,849,117	\$13,908,685
Petition/All	0.191%	0.435%
CINMS/All	0.660%	0.946%
Petition/CINMS***	28.980%	45.962%

Table 2.¹⁸ Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 2020- Dec 31, 2024.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks.

(See end of data)

¹⁸ Note “confidential” is data withheld by CDFW.

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

	Block ID	Total Pounds	Total Value
	707	\$1008	\$1279.25
	708	\$2395.9	\$2626.375
	709		Confidential
	710	\$4116.6	\$3863.85
	764		Confidential
	765		Confidential
	683	\$137,641	\$54,943
	684	\$5,202	\$5,709
	685	\$13,302	\$12,537
	686	\$6,648	\$8,923
	687	\$7,983	\$8,005
	688	\$47,129	\$56,320
	689	\$5,949	\$5,380
	690	\$6,978	\$10,696
	691	\$0	\$0
	711	\$14,381	\$17,448
	712	\$2,009	\$1,149
	713	\$4,705	\$3,895
	744	\$0	\$0
	745		Confidential
Total Petition 2023-15*		\$7520.5	\$7769.475
Total CINMS**		\$259446.93	\$192775.2925
Total All Blocks		32,150,483	\$22,954,516
Petition/All		0.0234%	0.0338%
CINMS/All		0.807%	0.840%
Petition/CINMS***		2.899%	4.030%

Table 3. Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 1998- Dec 31, 2002.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks

(See end of data).

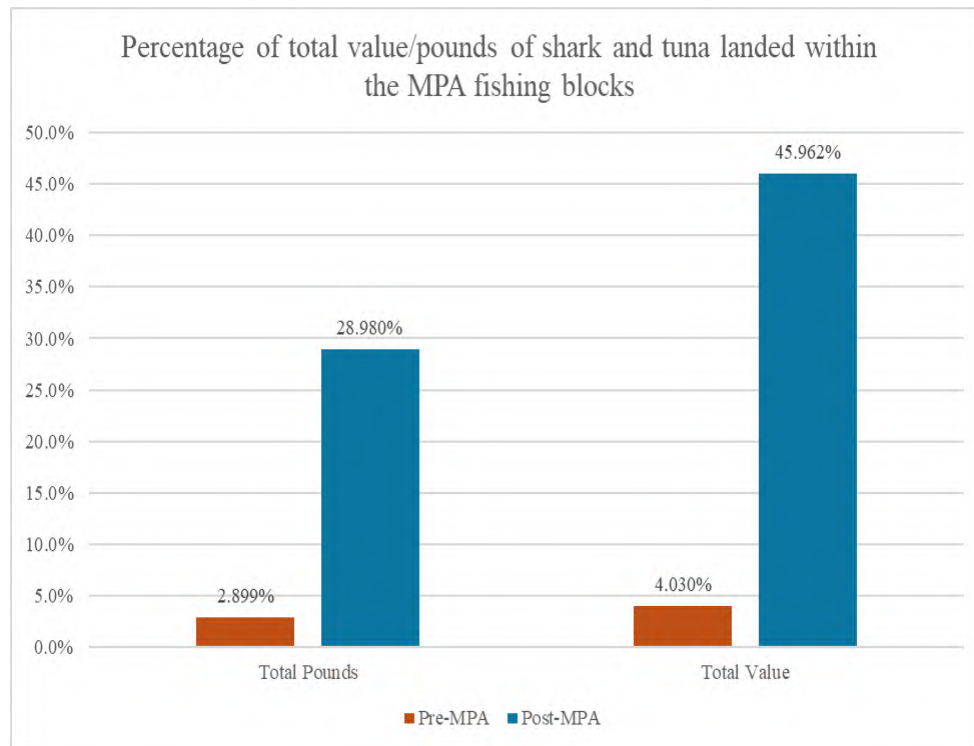


Figure 2. Comparison of Pre-MPA (Jan 1st, 1998- Dec 31st, 2002) and Post-MPA (Jan 1st, 2020- Dec 31st, 2024) total value and total weight by pounds of shark and tuna species landed within the MPA blocks compared to the CINMS fishing blocks.

There are several concerns this data brings to light.

-The lack of HMS filtering making the “shark” category count the hundreds of thousands of pounds of non-pelagic sharks landed at the islands in the early 2000s by gillnet (brown, angel, smoothhound, leopard, and soupfin sharks all fall into non-pelagic categories). This significantly skews the data to show less relative percent of species that are not even HMS or pelagic being taken in the CINMS, not adjacent to MPAs.

-The comparison of pre and post MLPA data where half the block data for pre-MLPA is allegedly confidential sways results very positively in the arguments favor on a percent basis, where the true values are certainly much closer.

-Plugging in the same parameters (non-pelagic sharks included and not included) in the MFDE yields significantly different numbers and non-confidential values where confidential values allegedly were in the early 2000s for blocks 709, 764, and 765.

-The lack of billfish (swordfish) in the landing analysis which would locally see the largest amount of relative take.

C. MRWG Goals - Natural and Cultural Heritage & Education

An integral component of the CINMS MPAs and the statewide MPA Network is the inclusion of humans. The areas are not only to help conservation and enhance fisheries management, but to provide areas for spiritual, educational, and recreational opportunities.¹⁹ A 2024 survey²⁰ revealed that 81% of Californians favor expanding MPAs to protect fish, wildlife, and their habitat off the state’s coast. Protecting California waters is not only important for the species living in those environments, but also for California ocean users which include non-consumptive uses like beach going, whale watching, photography, surfing, scuba diving, and boating. The Natural and Cultural Heritage Goal and Education goals are intended to maintain

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

areas in the marine environment that give an opportunity to experience healthier marine ecosystems and understand what our ocean may have looked like historically. The petitioners request to open three highly protected MPAs does not support these goals.

Regarding these 3 MPAs in the specific petition, none see any relative non-consumptive use. Due to their offshore natures we see zero beachgoing, or surfing. Limited to no whale watching or scuba diving occurs in these MPAs due to more favorable regions that are nearshore (scuba) or in the northern santa barbara channel (whale watching). All mentioned activities are unaffected by a change such as this for pelagic species as well.

¹⁹ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

²⁰ <https://www.ppic.org/publication/ppic-statewide-survey-californians-and-the-environment-july-2024/>

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

II. CONCLUSION

As California's ocean faces a growing suite of threats from climate change and other human uses, we urge the Commission and CDFW to use its authority to strengthen the MPA network to ensure adequate representation of all key habitats in MPAs so that California's MPA network remains an effective ecosystem-based approach for resilience into the future. To help ensure the network's health rejecting both petition 2023-14 MPA and petition 2023-15 MPA is necessary. Once again, we would like to thank both FGC and CDFW for their dedication to the adaptive management process of California's MPA network.

Sincerely,
~~Azsha Hudson~~
~~Marine Conservation Analyst & Program Manager~~
~~Environmental Defense Center~~

~~Rikki Eriksen~~
~~Marine Ecologist~~
~~California Marine Sanctuary Foundation~~

~~Tomas Valadez~~
~~California Policy Manager~~
~~Azul~~

~~Ray Hiemstra~~
~~Associate Director of Policy and Projects~~
~~Orange County Coastkeeper~~

~~Ashley Eagle-Gibbs, Esq.~~
~~Executive Director~~
~~Environmental Action Committee of West Marin (EAC)~~

~~Katie O'Donnell~~
~~US Ocean Conservation Manager~~
~~WILDCOAST~~

~~Zoe Collins~~
~~Marine Protected Area Program Coordinator~~
~~Heal the Bay~~

~~Penny Owens~~
~~Education & Community Outreach Director~~
~~Santa Barbara ChannelKeeper~~

Signatures crossed out as this is not their direct comment.

[End of Original Comment]

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

[NMFS Data report. The report will not be in **red** but additional comments will be.]

HMS Catches by Area

NMFS West Coast Region

05 September 2025

The goal of this data summary is to compare catches of key highly migratory species (HMS) within the U.S. West Coast Exclusive Economic Zone (EEZ; meaning Federal waters offshore of California, Oregon, and Washington) to catches outside the EEZ. Catches outside the EEZ include U.S. vessels fishing on the high seas as well as catches by foreign fleets who fish on the same stocks. Data are presented for the past ten years, 2015-2024.

The species included are North Pacific albacore, bluefin tuna, and swordfish.

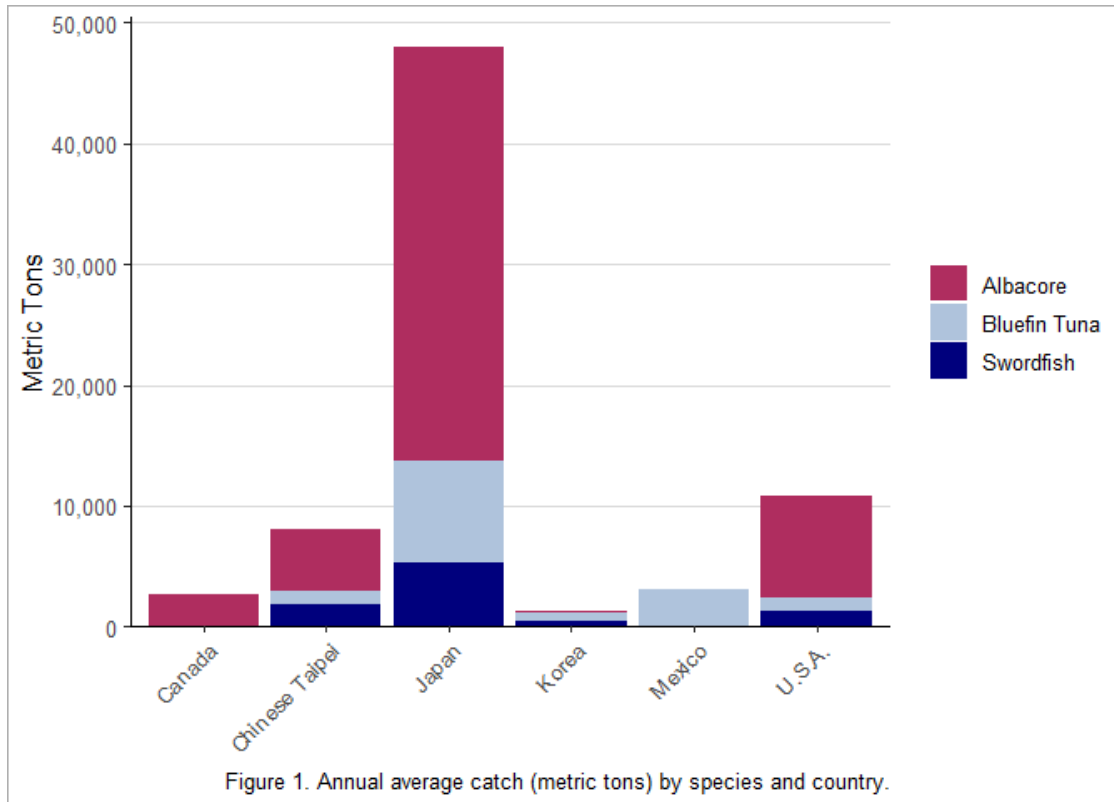
The source for these data are the annual **catch tables** published by the International Scientific Committee for Tuna and Tuna-like Species (ISC).

The primary species to be looked at through the petition lens are Bluefin Tuna and Swordfish as those two species would experience the highest levels of sport and commercial effort take in these areas if the petition is allowed. Striped marlin would see the highest sport effort overall, but that is all primarily catch and release.

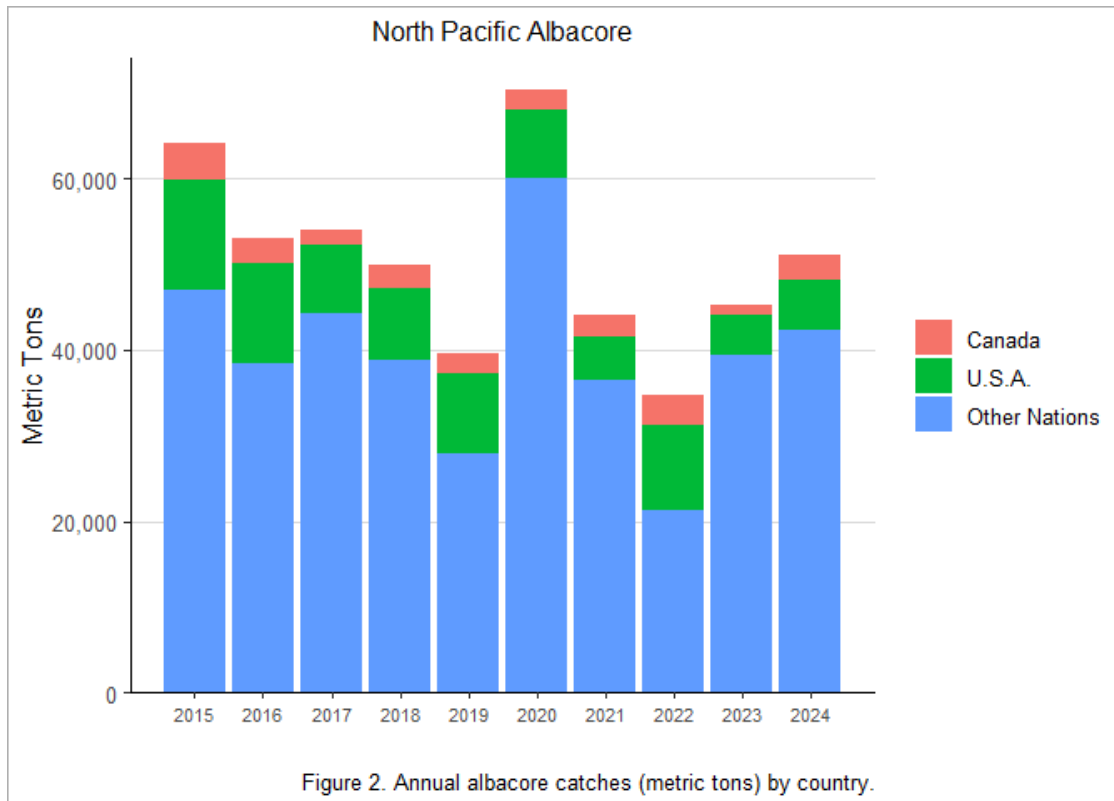
July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

This chart, which appears in the Pacific Fishery Management Council's annual HMS SAFE reports, shows total catch of each species by countries which harvest North Pacific stocks of HMS.



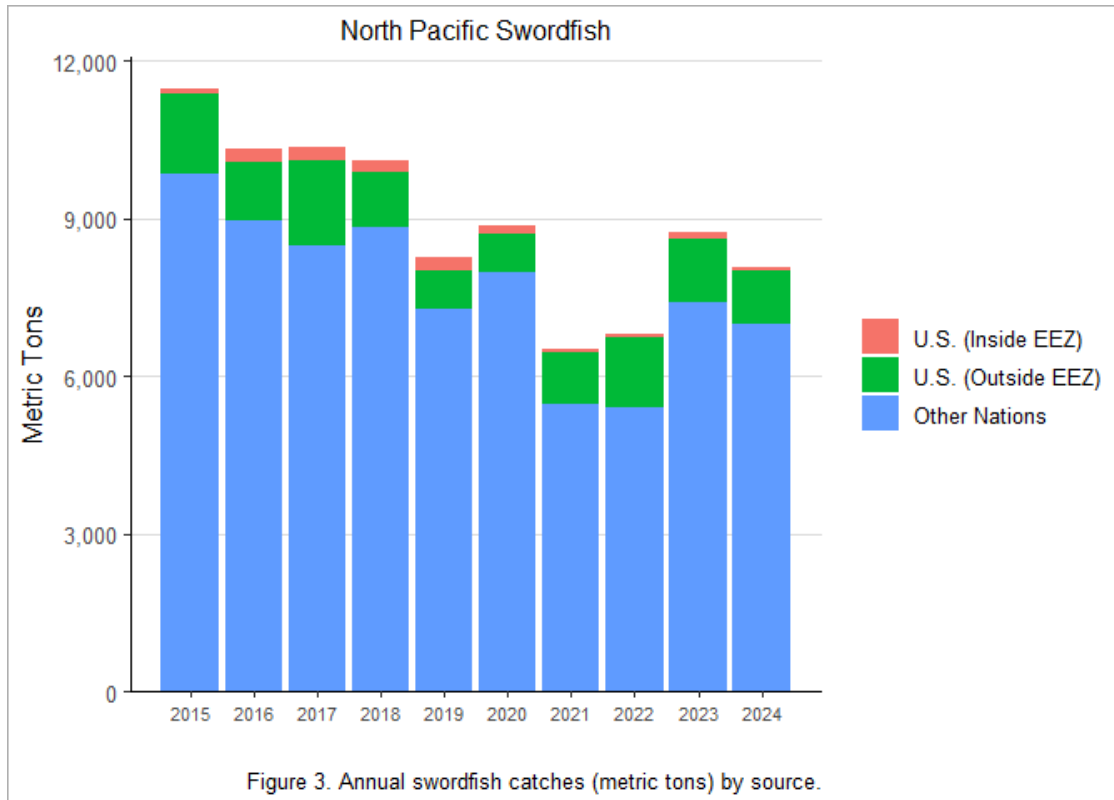
The following chart focuses on albacore, displaying catch by each country over the past 10 years. Note that in past years the U.S. and Canada have utilized a reciprocal access treaty allowing each country to fish and land in the other's EEZ. Therefore the catches by U.S.A. and Canada both may occur in the U.S. EEZ or in Canadian waters.



July 31, 2025

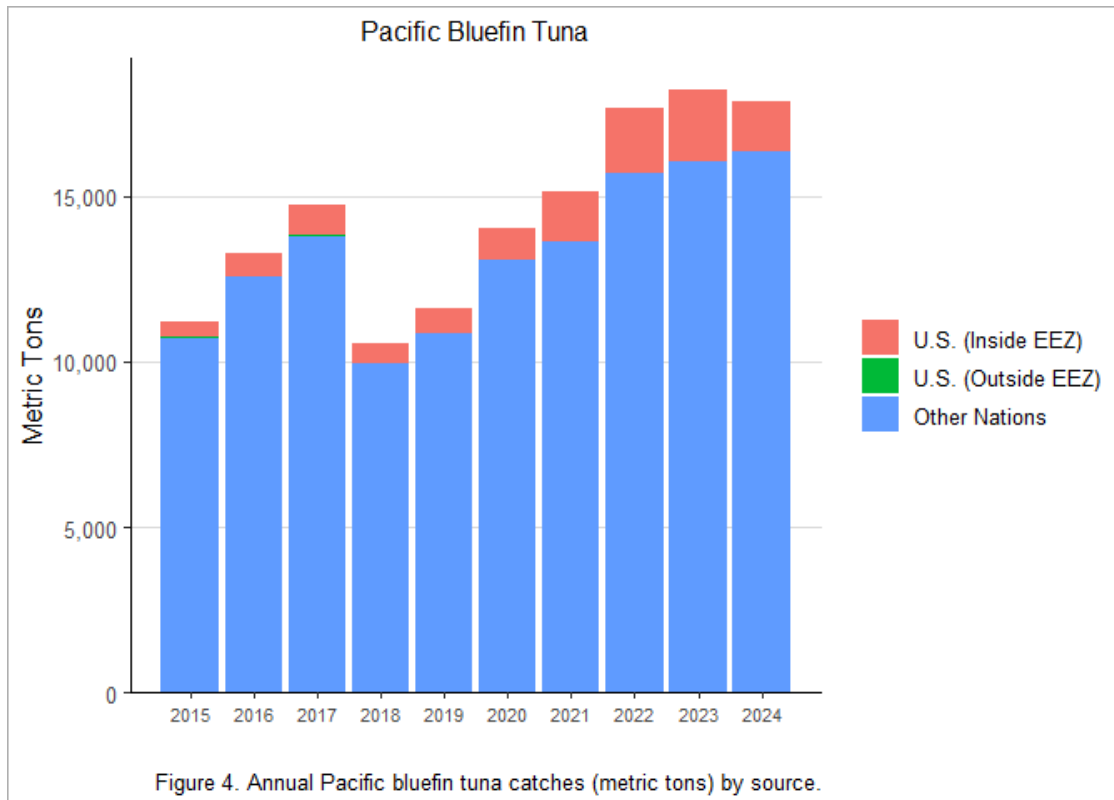
Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

The following chart focuses on swordfish. For U.S. fisheries, longline gear fishes outside the U.S. West Coast EEZ, while other gears (DSBG, harpoon, hook-and-line, and DGN) fish inside the EEZ.



Note that locally with harpoon, hook-and-line, DSBG, and gill net fisheries we locally take extremely little swordfish relative to what is taken from the stock each year, you can barely see what our local fisheries take. Of all these local fisheries, gill net is the traditionally highest yield fishery for swordfish. As this method is not allowed in the petition, only harpoon and hook-and-line are, we can clearly infer from the NMFS data that any additional swordfish taken in these areas will not affect the stock at all, and relatively speaking, are negligible in the grand scheme of things.

The following chart focuses on Pacific bluefin tuna. Almost all U.S. catches of domestically caught bluefin are from gears which fish inside the EEZ (purse seine, hook-and-line, and DGN). Also included are sport fishing catches by U.S. recreational boats, which comprise the majority of U.S. bluefin catch in recent years. A small amount of bluefin is also caught incidentally by longliners fishing outside the EEZ.



Bluefin tuna sees a higher level of relative take than swordfish when it comes to local fisheries. As the data mentions, of what is taken locally a majority is sportfishing. Sportfishing of bluefin tuna would be allowed under the petition however the added area relative to the entire coast's level of take is extremely small. Any additional level of take would still see our local take levels remain well in the minority of what is taken globally.

Everything in this summary should be cited as follows:

International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC). 2024 annual catch tables. Available from: https://isc.fra.go.jp/fisheries_statistics/index.html. Accessed on: September 2, 2025. Data summary and visualization provided by National Marine Fisheries Service (NMFS) West Coast Region staff. All data are subject to updates and corrections.

Overall, what the data shows is clear, what is taken locally is relatively very little to what is taken globally from these HMS stocks, especially for swordfish. Under an accepted petition the level of take locally even if it rises would be insignificant to the scale that these HMS are currently being taken at.

Thank you,
 Blake Hermann
 Petitioner Petition2023-15MPA

FGC@FGC

From: Azsha Hudson <ahudson@environmentaldefensecenter.org>
Sent: Friday, October 3, 2025 11:54 AM
To: FGC
Cc: Samantha Murray; fgcericsklar@gmail.com; commissioner.zavaleta@gmail.com; commissionerdariusanderson@gmail.com; jhostler@trinidadrancheria.com; Maggie Hall
Subject: Submission for FGC Supplemental Deadline
Attachments: 2025_10_02_Clarification re Petitioner 2023-15MPA_FINAL.pdf; 2025_07_25_MRC Opposed re MPA Petitions_FINAL.pdf

Hello,

Please see the attached letters for the upcoming Oct 8-9 FGC meeting.

Please note that one of the letters dated July 25th, was previously sent in July for the July MRC meeting. The second Dated for October is a clarification to a recently submitted rebuttal letter from the Petitioner for 2023-15MPA.

Thank you.



AZSHA HUDSON (she/her/hers)
MARINE CONSERVATION ANALYST & PROGRAM
MANAGER
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Santa Barbara, CA 93101
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We recognize that EDC sits on occupied, unceded, stolen lands of the Chumash Peoples, on Shmuwich Territory, who have called this area home for time immemorial. We commit today to make space to elevate indigenous voices and support our local Chumash and indigenous communities in our work to protect our environment.

CONFIDENTIALITY NOTE: The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and maybe legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is

strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

July 31, 2025

Erika Zavaleta
California Natural Resources Headquarters Building
715 P Street
2nd Floor
Sacramento, CA 95814

Re: Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Dear President Zavaleta and Honorable Commissioners:

We would like to begin by thanking the Marine Resource Committee, the full Fish and Game Commission (FGC) and California Department of Fish and Wildlife (CDFW) for their dedication to the adaptive management process of California's MPA network. As the FGC and CDFW continue reviewing the Marine Protected Area (MPA) petitions, we ask that you consider the below arguments against specific petitions looking to weaken the MPA network. Specifically, the requests of petition 2023-14 MPA to open nine MPAs along the coast to commercial urchin fishing and petition 2023-15 MPA to allow some form of take of highly migratory species, coastal pelagic species, and/or pelagic finfish at three MPAs at the Channel Islands.

I. The FGC and CDFW Should Reject PETITION 2023-14MPA- Opening Sea Urchin Harvest to Commercial Fishermen Within Existing Marine Protected Areas.

The decline of kelp forest ecosystem is due to many factors, including a significant increase in purple urchins, which leads to urchin barrens where vibrant kelp forests once existed. Petition 2023-14 MPA requests that nine existing MPAs from the North to the South Coast be opened for commercial urchin fishing for economic reasons. We request that the FGC and CDFW reject this petition to open multiple State Marine Conservation Areas (SMCAs) (Double Cone Rock SMCA, Sea Lion Cove SMCA, Stewart's Point SMCA, Salt Point SMCA, Naples SMCA, Anacapa Island SMCA, Point Dume SMCA, Point Vicente SMCA (no-take), Swami's SMCA) to allow commercial take of sea urchins to aid in kelp forest restoration. First, any benefits of this petition are outweighed by the considerable costs to the MPA goals and environment of allowing commercial urchin fishing in MPAs. Second, the lack of clarity by the petitioner as to which species of urchin would be commercially fished is concerning. Third,

using SeaSketch to determine habitat connectivity under the petitioners' request would see the loss in connectivity in multiple habitats.

A. Benefits and Cost Synthesis

The benefits and costs of harvesting sea urchins within MPAs in California are complex, involving ecological, economic, and management trade-offs. Here is a synthesis of key points.

- 1) **Scientific Disagreement and Uncertainty:** The trophic dynamics of predator-prey relationships for urchins within California are poorly understood and vary region to region. In Northern California, where purple urchin overpopulation has devastated kelp forests (creating “urchin barrens”), targeted harvesting has been used to aid kelp recovery. Projects like the Giant Kelp Restoration Project involved culling urchins, which allowed kelp to regrow in some areas. However, this project was highly restricted and regulated to minimize damage to the ecosystem while targeting the purple urchin using trained divers. The challenges and importance of regulating harvest within MPAs have been researched in the Mediterranean, with similar findings for the need to restrict and oversee any management interventions such as this.¹
- 2) **Ecological Disruption:** MPAs are designed to protect trophic cascades, where predators (e.g., lobsters, sheephead, sea otters) control urchin populations, indirectly safeguarding kelp forests. Harvesting urchins—or their predators—can disrupt this balance, leading to kelp loss and habitat degradation. Currently, within California there is scientific uncertainty about the conditions under which urchin harvest will benefit or harm the marine ecosystem.²
- 3) **Undermines MPA Goals:** Studies in Sardinia found that allowing urchin harvest in MPAs led to population declines, especially where natural predation was already high. Restricted harvest sites, which were highly managed and restricted, had the lowest urchin densities, suggesting cumulative pressures harm recovery.³ Prohibiting any type of harvest – including sea urchins- has been effective in California.⁴
- 4) **Short term economic gains over long term ecosystem protection:** The rationale for the petition is rooted in the desire of commercial fishermen- primarily in Southern California- who want to harvest sea urchins arguing that MPAs cause economic hardship. MPAs were established to prioritize biodiversity over short-term fisheries gains, as kelp forests support hundreds of species and mitigate climate impacts.⁵ The long-term benefits from protection far exceed short term loss for a handful of fishermen, MPAs are not just conservation tools—they are **investments in sustainable fisheries**.

¹ <https://peerj.com/articles/12971/>

² <https://pmc.ncbi.nlm.nih.gov/articles/PMC11635138/>; <https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2022.987242/full>

³ <https://pmc.ncbi.nlm.nih.gov/articles/PMC8908888/>

⁴ <https://pmc.ncbi.nlm.nih.gov/articles/PMC11635138/>

⁵ <https://caseagrant.ucsd.edu/news/examining-climate-wins-marine-protected-areas>

B. The Petition is Not Supported and Does Not Specify Which Species of Urchin is Included

As the petition reads, the take allowance is for ALL allowed sea urchin species and does not make the distinction of which species would be targeted to benefit kelp forests. According to CDFW, three sea urchin species have been the main species landed across the state. The red, purple, and white sea urchin are the primary species historically caught in California waters, with red urchins being the dominant species caught and sold (Table 1). From January 31, 1980, to December 31, 2024, the total purple urchin landings out of all sea urchin landings (Table 1) accounted for less than one percent of the total catch. The petitioner does not indicate if the allowance for commercial take of sea urchins would be for a specific species or all.

Species Name	Pounds	Value
Sea urchin, red	774,479,211	\$429,008,941
Sea urchin, purple	2,043,647	\$2,928,395
Sea urchin, white	53,647	\$207,324
Total	776,576,511	\$432,144,719

Table 1. Sea Urchins landed from January 31, 1980, to December 31, 2024.

It is our understanding that much of the commercial urchin fishery is focused on red urchins (Table 1), but it is the abundance of purple urchins that has contributed to the kelp decline⁶ cited in the petition. Paired with the lack of a commercial market for purple urchin, sea urchins collected from barren areas are unlikely to meet the quality standards to be commercially viable. The petitioner’s argument for opening the forementioned MPAs to be sustainable additions to the commercial fishery is not supported. Additionally, the petitioners did not provide any supporting data for the claim that these nine MPAs have had a significant negative impact on the urchin fishery, nor data on urchin abundance within these MPAs that could be used to do a cost-benefit analysis.

Urchin culling is one method that has had small trials along the California coast to determine effectiveness of direct removal on improving kelp forest density. It was named as a potential tool in the 2022 report “Restoration of North Coast Bull Kelp Forests: A Partnership Based Approach.”⁷ However, the report also found that scaling up this process would face challenges. Specifically, the costs to go to the sites and remove the urchins would be, “most effective in areas where there is already an established commercial red urchin fishing fleet”⁸ Additionally, the report indicates that reducing and **maintaining** low urchin levels is imperative to maintain kelp ecosystem recovery. The long-term socio-economic effectiveness of urchin

⁶ Smith, J. G., et al. (2021). Behavioral responses across a mosaic of ecosystem states restructure a sea otter–urchin trophic cascade. *Proceedings of the National Academy of Sciences*, 118(11), e2012493118.

⁷ <https://www.reefcheck.org/wp-content/uploads/2022/06/Restoration-of-Northern-California-bull-kelp-RCF-final-report-to-OPC.pdf>

⁸ Ward, M., et al. Restoration of North Coast Bull Kelp Forests: A Partnership Based Approach. Reef Check Foundation, Marina del Rey, CA, April 2022.

culling is low, as the costs to start and continue removal efforts increase the further the site is from shore and/or a red urchin port, as well as the lack of viable commercial purple urchin that live inside urchin barrens. It is difficult to say whether opening identified MPAs in this petition would benefit the commercial purple or red urchin fishery.

C. Habitat Connectivity

We utilized the data layers on the recently released tool via SeaSketch to see which habitats will lose connectivity based on the petitioners desired changes to the MPA Network. Of the listed MPAs, Point Dune SMCA, Swamis SMCA, and Point Vicente SMCA would no longer have adequate protections to maintain habitat connectivity for beach, rock, kelp, and soft substrate (0-30m) habitat. The other six MPAs do not have a high enough level of protection to count towards the habitat spacing report.

Accordingly, the petition should be rejected.

II. The FGC and CDFW Should Reject PETITION 2023-15MPA - Opening Channel Islands MPAs to Allow Take of Highly Migratory Species.

This petition requests opening existing no take reserves—the cornerstone of the MPA Network—to commercial fishing for pelagic species, which encompasses a wide range of species,⁹ such as sharks, bill fish, tuna, and mahi mahi in Southern California. The Channel Islands State Marine Reserves (SMRs), and Federal Marine Reserves (FMRs) are among the biggest, oldest and most effective MPAs in the country. Petition 2023-15MPA does not support the goals identified during the planning process for the Channel Islands MPAs, and we therefore request that the FGC and CDFW reject the petition to reclassify three SMRs (Footprint SMR, Gull Island SMR, Santa Barbara Island SMR) in the Northern Channel Islands (NCIs) as SMCAs.

Established in 2003 after the Channel Islands National Marine Sanctuary (CINMS) Advisory Council (SAC), the Marine Reserves Working Group (MRWG) came up with goals for MPAs at the Channel Islands. The MRWG's goals stated the following:

(1) Ecosystem Biodiversity Goal: To protect representative and unique marine habitats, ecological processes, and populations of interest; (2) Socio-Economic Goal: To maintain long-term socioeconomic viability while minimizing short-term socioeconomic losses to all users and dependent parties; (3) Sustainable Fisheries Goal: To achieve sustainable fisheries by integrating marine reserves into fisheries management; (4) Natural and Cultural Heritage Goal: To maintain areas for visitor, spiritual, and recreational opportunities which include cultural and ecological features and their associated values; and (5) Education Goal: To foster stewardship of the marine environment by providing

⁹ <https://www.ecfr.gov/current/title-50/chapter-VI/part-660/subpart-K>

educational opportunities to increase awareness and encourage responsible use of resources.¹⁰

We utilized the goals and reasonings from the “Final 2002 Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary” as the Channel Islands state and federal MPAs pre-date the Marine Life Protection Act and subsequent establishment of the statewide MPA network. Approval of this petition would be inconsistent with these goals for the following reasons.

A. MRWG Goal - Ecosystem Biodiversity

The establishment of the Channel Islands MPAs was, “To protect representative and unique marine habitats, ecological processes, and populations of interest,” which has translated to the goals and intent of the statewide MPA Network. Past petitions requesting to establish MPAs to protect a singular species have been denied by the FGC. For example, in 2020-2021 the FGC denied a petition requesting for the creation of an MPA for White Sharks near Carpinteria reasoning, “MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species.”¹¹ The intent of California MPAs remains to protect all aspects of an ecosystem (ecosystem-wide protection), not one species. Consequently, opening an MPA for one species should also be rejected.

The petitioner makes the argument that opening Footprint SMR, Gull Island SMR, Santa Barbara Island SMR to fishing pressure would have no significant impact on non-migratory species within the MPAs. However, the increase in boat traffic through the previously closed areas would introduce noise pollution, potential derelict fishing gear, water pollution, etc. The added complexities in the individual MPAs regulations will also increase the hardship on enforcement. Additionally, the same reasons cited to open these MPAs to highly migratory species are also the reasons why we believe it is unnecessary to do so.

¹⁰ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

¹¹ California Department of Fish and Wildlife (2022). Decadal Management Review: Appendix G Supplemental Tables.

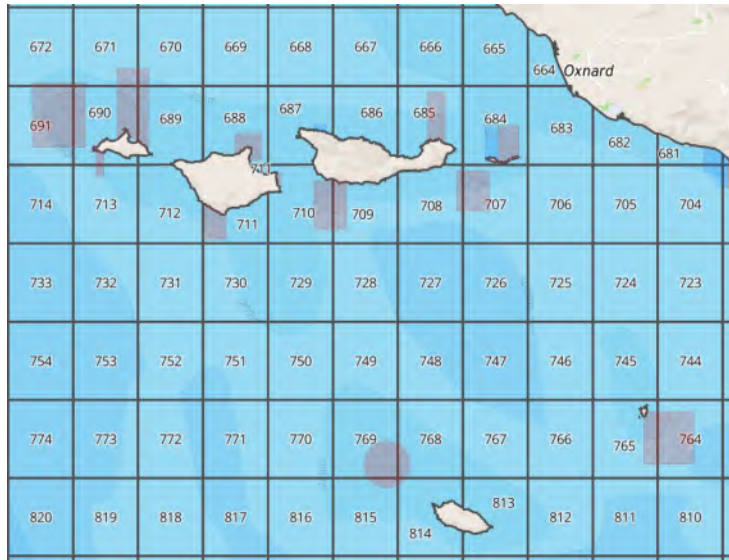


Figure 1. Seasketch Map using layers “Commercial Fishing Blocks” and “Existing Marine Protected Areas (MPAs)”

1. Reasons Why MPAs Protect Highly Migratory Species

Protecting highly migratory species (HMS) like tunas, sharks, and billfish in California waters plays a critical role in maintaining healthy marine ecosystems through trophic cascades, nutrient cycling, and habitat connectivity.

Strategically placed MPAs can protect critical habitats (e.g., spawning grounds, migration corridors) and reduce fishing pressure, such as the ones included in this petition.¹² A sharp decline of large pelagic fish (species such as sharks, swordfishes, marlins, and tuna) that roam the open sea and play vital roles as predators leads to impacts on local, regional and large-scale ecosystem dynamics. Fishing undermines MPA effectiveness which leads to target species depletion, leading to their inability to recover even within MPAs. The risk of bycatch on unintended species is high and unaccounted for, leading to ineffectiveness of the local MPA for all other components of the ecosystem.

2. Maintaining Trophic Balance (Top-Down Control)

- **Predator-prey dynamics:** HMS like bluefin tuna, mako sharks, and swordfish are apex predators that regulate mid-level species (e.g., squid, small fish). Their decline can trigger population explosions of prey species, disrupting food webs. For example, overfishing sharks in Southern California has been linked to increased cephalopod (squid/octopus) populations, which then overconsume shellfish and crustaceans.^{13,14}

¹² <https://www.sciencedirect.com/science/article/abs/pii/S0308597X18301866?via%3Dihub>.

¹³ <https://www.sciencedirect.com/science/article/abs/pii/S0165783698001787>

¹⁴ <https://oceanrep.geomar.de/id/eprint/53785/1/4444.pdf>

- **Nutrient Cycling:** Migratory species transport nutrients across vast distances. When they feed in deep waters and excrete near the surface, they fertilize phytoplankton (the base of the marine food web), delivering valuable nutrients to MPAs. In addition, highly migratory species such as tunas and billfish contribute to the “biological carbon pump” by moving nutrients vertically, as part of benthic pelagic linkages, which enhances ocean productivity.
- **Protecting Spawning & Nursery Grounds:** Many HMS rely on offshore areas such as the MPAs for spawning and recruitment areas. The loss of protection not only may reduce recruitment success of the targeted HMS, but also loss of food sources for non-targeted species such as sea birds and rockfish. Consequently, the habitat health of these areas for non-HMS will be degraded.
- **Reducing Bycatch & Ecosystem Damage:** HMS fisheries (e.g., longlines, drift gillnets) often catch non-target species, including threatened and endangered species (leatherback turtles, short-tailed albatross). Furthermore, bycatch often includes species that are key ecosystem engineers (e.g., giant sea bass, which maintain kelp forest health).

Protecting HMS isn’t just about saving iconic species—it’s about **preserving the ocean’s “circulatory system.”** Their migrations connect distant ecosystems, making them indispensable to California’s marine biodiversity.

B. MRWG Goals - Socio-Economic & Sustainable Fisheries

Under the socio-economic and sustainable fisheries goals established by the MRWG, the petitioners request to reclassify select MPAs to alleviate negative impacts on the fisheries for listed highly migratory species¹⁵ would undo the achievements the MPAs have reached. The long-term benefits of maintaining the current level of protection have proven to outweigh the short-term socioeconomic losses that came with establishing the MPAs. For example, the establishment of the MPAs at the NCIs has seen an increase in landings of shark and tuna species within the CINMS blocks¹⁶ used in Figure 2. ¹⁷ Pre-MPAs (1998-2002), the total value landed

¹⁵ 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*).

¹⁶ See Figure 1 for reference to the fishing blocks used in the analysis.

for the MPA fishing blocks within the CINMS was 2.899% and the total pounds landed was 4.030%. Post-MPAs (2020-2024), the total value landed for the MPA fishing blocks within the CINMS was 28.980% and the total pounds landed was 45.962%. By pounds and by value, there has been an increase in economic success that followed the establishment of the CINMS MPAs, indicating that opening the MPAs will not necessarily increase the benefit to the HMS fisheries. The return of many species, not just tuna and sharks, cannot be proven to have benefited solely from the establishment of the MPAs. However, the increase in population was and is likely amplified and supported by the MPA network.

¹⁷ Displays percentage values calculated by dividing the MPA petition fishing blocks by the CINMS fishing blocks. This was done to assess the economic impacts locally versus comparing the MPA petition fishing blocks to the entire state.

Block ID	Total Pounds	Total Value
707	\$869	\$4,537
708	\$4,480	\$15,767
709	\$3,624	\$16,934
710	\$4,813	\$6,555
764	\$543	\$2,632
765	\$2,598	\$14,079
683	\$16,619	\$23,693
684	\$1,814	\$3,364
685	\$2,809	\$6,680
686	\$1,312	\$3,564
687	\$1,476	\$3,454
688	\$7,233	\$9,766
689	\$2,175	\$4,742
690	\$2,224	\$3,346
691	\$518	\$943
706	Confidential	
711	\$2,889	\$6,868
712	\$1,816	\$3,518
713	\$0	\$0
744	\$598	\$1,199
745	Confidential	
Total Petition 2023-15*	\$16,927	\$60,505
Total CINMS**	\$58,409	\$131,642
Total All Blocks	\$8,849,117	\$13,908,685
Petition/All	0.191%	0.435%
CINMS/All	0.660%	0.946%
Petition/CINMS***	28.980%	45.962%

Table 2.¹⁸ Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 2020- Dec 31, 2024.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks.

¹⁸ Note “confidential” is data withheld by CDFW.

Block ID	Total Pounds	Total Value
707	\$1008	\$1279.25
708	\$2395.9	\$2626.375
709		Confidential
710	\$4116.6	\$3863.85
764		Confidential
765		Confidential
683	\$137,641	\$54,943
684	\$5,202	\$5,709
685	\$13,302	\$12,537
686	\$6,648	\$8,923
687	\$7,983	\$8,005
688	\$47,129	\$56,320
689	\$5,949	\$5,380
690	\$6,978	\$10,696
691	\$0	\$0
711	\$14,381	\$17,448
712	\$2,009	\$1,149
713	\$4,705	\$3,895
744	\$0	\$0
745		Confidential
Total Petition 2023-15*	\$7520.5	\$7769.475
Total CINMS**	\$259446.93	\$192775.2925
Total All Blocks	32,150,483	\$22,954,516
Petition/All	0.0234%	0.0338%
CINMS/All	0.807%	0.840%
Petition/CINMS***	2.899%	4.030%

Table 3. Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 1998- Dec 31, 2002.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks.

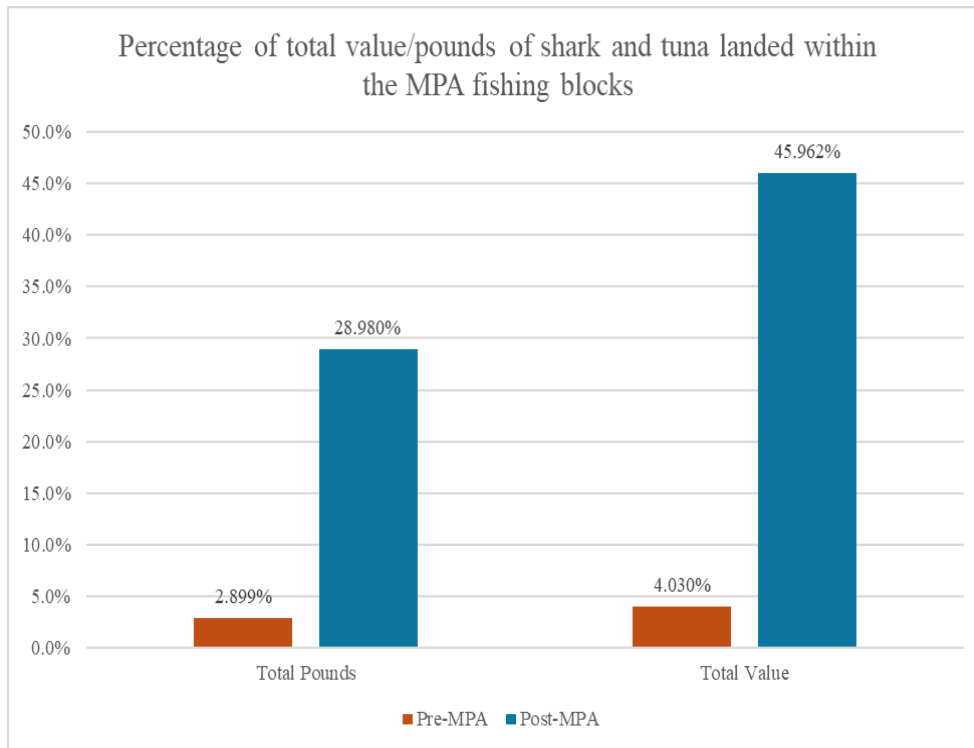


Figure 2. Comparison of Pre-MPA (Jan 1st, 1998- Dec 31st, 2002) and Post-MPA (Jan 1st, 2020- Dec 31st, 2024) total value and total weight by pounds of shark and tuna species landed within the MPA blocks compared to the CINMS fishing blocks.

C. MRWG Goals - Natural and Cultural Heritage & Education

An integral component of the CINMS MPAs and the statewide MPA Network is the inclusion of humans. The areas are not only to help conservation and enhance fisheries management, but to provide areas for spiritual, educational, and recreational opportunities.¹⁹ A 2024 survey²⁰ revealed that 81% of Californians favor expanding MPAs to protect fish, wildlife, and their habitat off the state's coast. Protecting California waters is not only important for the species living in those environments, but also for California ocean users which include non-consumptive uses like beach going, whale watching, photography, surfing, scuba diving, and boating. The Natural and Cultural Heritage Goal and Education goals are intended to maintain areas in the marine environment that give an opportunity to experience healthier marine ecosystems and understand what our ocean may have looked like historically. The petitioners request to open three highly protected MPAs does not support these goals.

III. CONCLUSION

¹⁹ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

²⁰ <https://www.ppic.org/publication/ppic-statewide-survey-californians-and-the-environment-july-2024/>

July 3, 2025

Agenda Item 10 re General Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Page 12 of 12

As California's ocean faces a growing suite of threats from climate change and other human uses, we urge the Commission and CDFW to use its authority to strengthen the MPA network to ensure adequate representation of all key habitats in MPAs so that California's MPA network remains an effective ecosystem-based approach for resilience into the future. To help ensure the network's health rejecting both petition 2023-14 MPA and petition 2023-15 MPA is necessary. Once again, we would like to thank both FGC and CDFW for their dedication to the adaptive management process of California's MPA network.

Sincerely,



October 3, 2025

Erika Zavaleta, President
California Fish and Game Commission
California Natural Resources Headquarters Building
715 P Street, 2nd Floor
Sacramento, CA 95814

Re: Clarification to Letter 'Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA' and rebuttal from Petitioner re Petition 2023- 15MPA

Dear President Zavaleta and Honorable Commissioners:

The following information is submitted to clarify the framing and content of the letter of support submitted by the Environmental Defense Center (EDC) on July 31, 2025, titled 'Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA' (July letter). This letter is submitted because the petitioner of petition 2023-15MPA submitted a letter to the Fish and Game Commission in late September 2025, concerning EDC's data collection and other issues. Specifically, the clarifications included in this letter concern Section 2 of the July letter,

October 3, 2025

Re: Clarification to Letter ‘Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA’ and rebuttal from Petitioner re Petition 2023- 15MPA

Page 2 of 7

titled ‘The FGC and CDFW Should Reject PETITION 2023-15MPA - Opening Channel Islands MPAs to Allow Take of Highly Migratory Species.’

As explained below, EDC appropriately collected data from the agency’s Marine Fisheries Data Explorer in conducting our evaluation of petition 2023-15MPA. In addition, EDC did not single out gear types in our analysis of whether MPAs benefit fisheries.

I. The FGC Marine Fisheries Data Explorer Breakdown

A. Framing of EDC’s Analysis

The goal of the analysis conducted for the July letter was to determine if the establishment of Marine Protected Areas (MPAs) in California had tangible improvements to fish landings. We set the time frames for pre and post MPA establishment to reflect this intent, utilizing the shark and tuna species filter as an example, as stated on page 7 under section B, “For example, the establishment of the MPAs at the NCIs has seen an increase in landings of shark and tuna species within the CINMS blocks...”. The analysis was not specifically targeted at pelagic vs non-pelagic species, rather we investigated whether there is a benefit to MPAs that has impacted the amount of catch in the area.

B. EDC Process for Data Collection

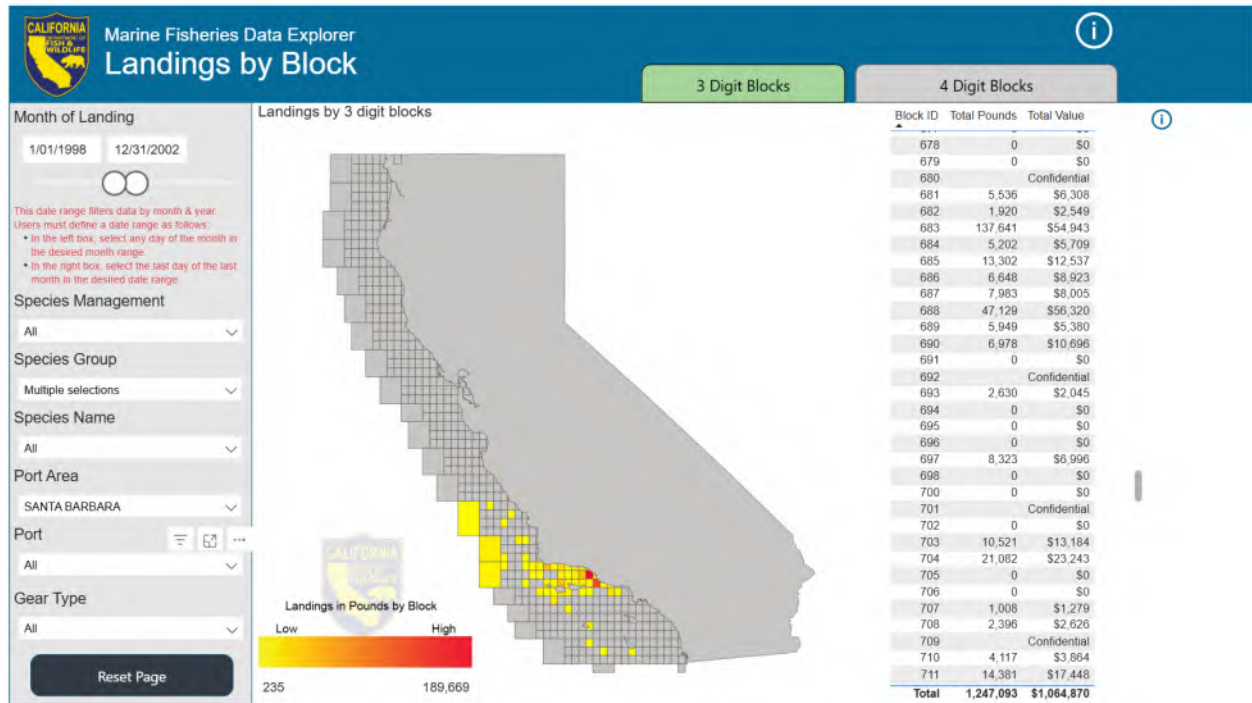
The following steps describe EDC’s approach to data collection underlying the letter.

1. Access the Marine Fisheries Data Explorer:
<https://wildlife.ca.gov/Conservation/Marine/Data-Management-Research/MFDE>
2. Under “Visualize”(the first box on the left), select “Landings by Block” (second link)
3. Change the parameters to fit the target time frame, location, and species
 - a. Species management – N/A
 - b. Species Group – Shark and tuna
 - c. Species Name – N/A
 - d. Port Area – Santa Barbara
 - e. Port – N/A
 - f. Gear Type – N/A
4. Data explored will produce a table on the right hand side (refer to below screenshots captured on October 1, 2025)

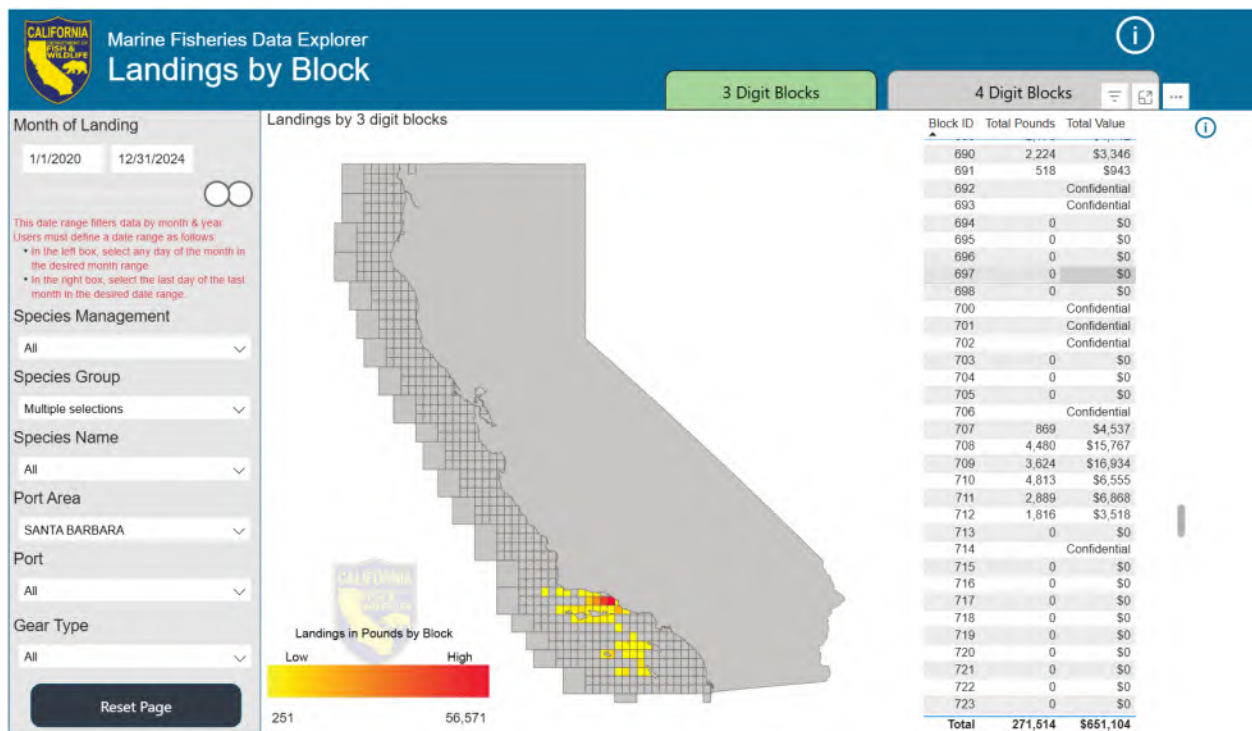
October 3, 2025

Re: Clarification to Letter 'Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA' and rebuttal from Petitioner re Petition 2023- 15MPA

Page 3 of 7



Screenshot of data from CA Department of Fish and Wildlife: Marine Fisheries Data Explorer. For the timeframe of Jan 1, 1998- Dec 31, 2002, species selected are sharks and tuna.



Screenshot of data from CA Department of Fish and Wildlife: Marine Fisheries Data Explorer. For the timeframe of Jan 1, 2020- Dec 31, 2024, species selected are sharks and tuna.

October 3, 2025

Re: Clarification to Letter 'Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA' and rebuttal from Petitioner re Petition 2023- 15MPA

Page 4 of 7

C. Comparison of Data Collected for the July Letter

The following tables were populated by data directly downloaded from the Marine Fisheries Data Explorer for the July letter and this letter (pulled on October 1, 2025). The petitioner states that the data is “allegedly confidential,” leading to results that are swayed to fit our specific narrative. The petitioner does not supply any data from the Marine Fisheries Data Explorer to showcase the discrepancy in data. Additionally, it is listed on the Marine Fisheries Data Explorer User Guide: Confidential Data¹ that:

Pursuant to California Fish and Game Code Section 8022, commercial landings data is considered confidential. Landings data in the MFDE, is therefore summarized and presented so as not to disclose data from an individual or business. Landings data marked as “Confidential” in the MFDE indicates there was insufficient data to summarize and maintain confidentiality.

On October 1, 2025, we again pulled the below data from the Marine Fisheries Data Explorer to determine if there were any changes to the data after submission of the July letter. As apparent in the tables below, there has been no change to the data from July to October, and therefore no change to the analysis EDC conducted.

¹ <https://wildlife.ca.gov/Conservation/Marine/Data-Management-Research/MFDE/User-Guide>

October 3, 2025

Re: Clarification to Letter ‘Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA’ and rebuttal from Petitioner re Petition 2023- 15MPA

Page 5 of 7

Please see the table comparing values for 1998-2002 below.²

	July letter submission data		October 1, 2025 data collection	
<i>Block ID</i>	Total Pounds	Total Value	Total Pounds	Total Value
707	1008	\$1,279.25	1,008	\$1,279
708	2395.9	\$2,626.38	2,396	\$2,626
709		Confidential		Confidential
710	4116.6	\$3,863.85	4,117	\$3,864
764		Confidential		Confidential
765		Confidential		Confidential
683	137641	\$54,943	137,641	\$54,943
684	5202	\$5,709	5,202	\$5,709
685	13302	\$12,537	13,302	\$12,537
686	6648	\$8,923	6,648	\$8,923
687	7983	\$8,005	7,983	\$8,005
688	47129	\$56,320	47,129	\$56,320
689	5949	\$5,380	5,949	\$5,380
690	6978	\$10,696	6,978	\$10,696
691	0	\$0	0	\$0
711	14381	\$17,448	14,381	\$17,448
712	2009	\$1,149	2,009	\$1,149
713	4705	\$3,895	4,705	\$3,895
744	0	\$0	0	\$0
745		Confidential		Confidential
<i>Total Petition 2023-15*</i>	7520.5	\$7,769.48		
<i>Total CINMS**</i>	259446.93	\$192,775.29		
<i>Total All Blocks</i>	32,150,483	\$22,954,516		
<i>Petition/All</i>	0.02%	0.03%		
<i>CINMS/All</i>	0.81%	0.84%		
<i>Petition/CINMS***</i>	2.90%	4.03%		

² Please note that the values under “Total pounds” on the July letter were labeled as a currency which is incorrect, however that does not change the results.

October 3, 2025

Re: Clarification to Letter ‘Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA’ and rebuttal from Petitioner re Petition 2023- 15MPA

Page 6 of 7

Please see the table comparing values for 2020-2024 below.³

2020- 2024 Table

<i>Block ID</i>	July letter submission data		October data collection	
	Total Pounds	Total Value	Total Pounds	Total Value
707	869	\$4,537	869	\$4,537
708	4480	\$15,767	4,480	\$15,767
709	3624	\$16,934	3,624	\$16,934
710	4813	\$6,555	4,813	\$6,555
764	543	\$2,632	543	\$2,632
765	2598	\$14,079	2,598	\$14,079
683	16619	\$23,693	16,619	\$23,693
684	1814	\$3,364	1,814	\$3,364
685	2809	\$6,680	2,809	\$6,680
686	1312	\$3,564	1,312	\$3,564
687	1476	\$3,454	1,476	\$3,454
688	7233	\$9,766	7,233	\$9,766
689	2175	\$4,742	2,175	\$4,742
690	2224	\$3,346	2,224	\$3,346
691	518	\$943	518	\$943
706		Confidential		Confidential
711	2889	\$6,868	2,889	\$6,868
712	1816	\$3,518	1,816	\$3,518
713	0	\$0	0	\$0
744	598	\$1,199	598	\$1,199
745		Confidential		Confidential
<i>Total Petition 2023-15*</i>	16927	\$60,505		
<i>Total CINMS**</i>	58409	\$131,642		
<i>Total All Blocks</i>	8849117	\$13,908,685		
<i>Petition/All</i>	0.19%	0.44%		
<i>CINMS/All</i>	0.66%	0.95%		
<i>Petition/CINMS***</i>	28.98%	45.96%		

³ Please note that the values under “Total pounds” on the July letter were labeled as a currency which is incorrect, however that does not change the results.

October 3, 2025

Re: Clarification to Letter 'Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA' and rebuttal from Petitioner re Petition 2023- 15MPA

Page 7 of 7

II. Gear Type Request of the Petitioner

The petitioner also claims that we misconstrued the gear type allowance listed in petition 2023-15MPA. In the July letter the only reference to longlines and drift gillnets was as an example of bycatch offenders found on page 7, section 2.A.2. Nowhere else in section 2 (addressing petition 2023-15MPA) did we list a gear type; instead, the arguments made in the letter center around our opposition to the weakening of these MPAs, which for twenty years have been allowed to heal without extractive practices.

III. Conclusion

Accordingly, we respectfully request that the Commission consider the points previously articulated in EDC's letters, which are appropriately supported by relevant data. Please do not hesitate to let us know if you have any questions or would like additional information.

Sincerely,

Azsha Hudson
Marine Conservation Analyst & Program Manager
Environmental Defense Center

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

Ray Hiemstra
Associate Director of Policy and Projects
Orange County Coastkeeper

Katie O'Donnell
US Ocean Conservation Manager
WILDCOAST

Tomas Valadez
California Policy Manager
Azul



Planning and Development

Lisa Plowman, Director
Jeff Wilson, Assistant Director
Elise Dale, Assistant Director

Dear Ms. Miller-Henson,

As Secretary of the Santa Barbara County Fish and Wildlife Commission, I am submitting the attached letter containing formal comments regarding the current Marine Protected Area (MPA) petitions under consideration. This letter reflects the collective position of the full Commission, which includes signatures from all nine appointed members, representing diverse stakeholder groups within Santa Barbara County.

Our Commission has thoroughly reviewed the details of Petitions 2023-14MPA, 2023-15MPA-AM, 2023-18MPA, 2023-28MPA-AM, 2023-29MPA-AM, and 2023-33MPA-AM. As outlined in the attached document, our positions and recommendations were developed through numerous public meetings and extensive local input, based on decades of combined experience in fish and wildlife matters across the county.

We appreciate the opportunity to contribute to the discussion surrounding MPA management and thank the California Fish and Game Commission for its continued commitment to public engagement and science-informed decision-making. Should you or your staff require any further clarification or supporting materials, please do not hesitate to contact me directly.

Sincerely,

Secretary, Santa Barbara County Fish and Wildlife Commission

Phone: 805-934-6297

Email: castrot@countyofsb.org





Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

October 20, 2025

To: Ms. Melissa Miller-Henson

Executive Director

California Fish and Game Commission

715 "P" St. 16th Floor Sacramento, CA 95814

From: Santa Barbara County Fish and Wildlife Commission

c/o Santa Barbara County Planning and Development

624 W. Foster Road. Santa Maria, CA 93455

Dear Ms. Miller-Henson,

The Santa Barbara Fish and Wildlife Commission is a county commission consisting of nine members appointed by the Santa Barbara County Board of Supervisors. The commission, among other things, aids the county board on active fish and wildlife related matters with our combined hundreds of years of local fish and wildlife experience between our fellow commissioners.

This comment letter serves to provide our input regarding the current MPA petitions requesting changes be made to the MPA network specifically around the Santa Barbara Channel and Channel Islands. We feel our county fish and wildlife commission's input on the MPA petition process may prove especially valuable due to our local experiences and local understanding of the ecosystem, as well as our variety of backgrounds, consisting of non-consumptive users, fishermen, and biological scientists. This letter serves as a culmination of many public meetings learning about the MPA petitions that have been proposed as well as fellow commissioners observations being involved in local discussions about the petitions outside of official meetings to gauge public input and sentiment. This county commission appreciates the opportunity to provide the following feedback on these local MPA petitions.

Petition2023-14MPA

Petition2023-14MPA requests changes to several State Marine Conservation Areas (SMCAs), one of which, the Naples SMCA, is within the County. Generally, SMCAs already allow for some form of limited take, this petition requests adding commercial take of sea urchins to the allowable methods list inside of the SMCAs in the petition.

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Sea urchins are primarily taken commercially and are a core part of the County's commercial fishing sector. Urchins, and their tendency to graze on the root systems of local kelp forests, have recently posed problems with kelp rebuilding efforts after El Niños in the 2010's reduced kelp forest size noticeably. Local fishermen cite urchin barrens inside of MPAs that cannot be touched and continue to spread to the surrounding area with no possible measures existing to remove the main mass from the MPA.

Recommendation: While cases may vary across different MPAs and counties, for the above reasons, this commission finds it reasonable to allow the proposed change and supports the petition for allowed sea urchin take at the Naples SMCA to help facilitate kelp forest regrowth. We kindly recommend this change be allowed at Naples.

Petition2023-15MPA-AM

Petition2023-15MPA requests changes to three joint State and Federal Marine Reserves (SMRs/FMRs), all of which, the Footprint SMR/FMR, Gull Island SMR/FMR, and Santa Barbara Island SMR/FMR, border the county. These MPAs, and others around the Channel Islands, are unique to the State network in that they were established through a joint process between State and Federal agencies before the coastal MLPA under the CINMS. The resulting network was a series of state and federal MPAs at the Channel Islands that covers federal water up to 6 nautical miles from the islands. All SMRs and FMRs the petition addresses are currently no-take areas.

The petition requests changing these areas to joint State and Federal Marine Conservation Areas, SMCAs and FMCAs, and proposes several options that allow for various forms of the limited take of pelagic finfish or highly migratory species recreationally and commercially. In addition, the petition provides possible sub-divisions of the Gull Island and Santa Barbara Island State MPAs into nearshore and offshore areas, similar to other State MPAs elsewhere. The primary arguments of the petition are the minimal impact pelagic fishing effort has on the local MPA ecosystem and goals, and the support of pelagic areas in the State's MPA Master Plans and other documents seen in the broader coastal network but apparent lack thereof in the pre-Master Plan Channel Islands network.

Several members of this commission were part of the original process at the Channel Islands over 20 years ago and the southern MLPA in 2012. We all understand that the primary factor for the MPA implementation at these island sites offshore was to originally protect species like groundfish and structure groundfish live on to rebuild overfished populations at the time. While MPA goals have changed since the 2000s, this fact is still key to understanding why these areas are the way they are today.

Pelagic fish, and the methods used to target them, are predominantly fished near the surface of the water column, offshore, and off the bottom. This type of effort avoids the nearshore or offshore rocky-bottom ecosystems local nearshore species or groundfish are predominantly found in. In addition, the pelagic species that would be taken in these areas are significantly less affected by these MPAs and the broader network due to them being very mobile, their relative abundance is not concentrated in an MPA compared to out of one. The MPA Master Plans from 2008 and 2016 discuss this, citing the lower effects that MPAs have on pelagic species and the need to have areas that allow for some form of limited pelagic take, aligning the petitioner's arguments with the Master Plans. In addition, the petition does point out an imbalance in pelagic allowed areas between the MLPA's coastal implementation phases that came after the first MPA Master Plan in 2008 and the Channel Islands Network implementation that came well before the first MPA Master Plan in the early 2000's.

Outside the Channel Islands, in the coastal network that came afterwards, most MPAs that overlap deeper waters pelagic species pass through allow for some form of take of pelagic finfish. Observing the Channel Islands, we can see a significantly higher overlap with offshore waters, namely due to the federal sections

of these MPAs. However, even with this significantly larger offshore encroachment, almost no pelagic allowed areas exist. Whether this difference was due to the Channel Islands process pre-dating the coastal process and the 2008 MPA Master Plan's outlook on pelagic species is up to debate, but the fact of the matter is the difference is noticeably present, and for no abundantly clear reason.

Recommendation: The subject of island MPAs allowing pelagic take, specifically these three, has been raised by the public several times prior at our meetings, and local MPA collaboratives our commissioners have attended. For these reasons, and those above, this commission supports this petition, and believes it should be accepted by the State Commission through one of the proposed "options" the petition lists that best fits the existing network.

Petition2023-18MPA

Petition2023-18MPA requests multiple changes to a variety of coastal and island MPAs within the county. Some of the changes are listed as "non-regulatory requests" by the Department while others make modifications to, or remove existing MPAs. All but one of the MPAs in the petition are within the County, they are the: Vandenberg SMR, Point Conception SMR, Kashtayit SMCA, Campus Point SMCA, and San Miguel Island Special Closure.

Of the changes, the proposal at Vandenberg SMR and San Miguel Island Special Closure are the two MPAs that would have the largest regulatory changes. At Vandenberg the petition requests a coastal SMCA be made that allows for only shore-based fishing by hook-and-line, citing an equity and enforcement concern between military base personnel and members of the public. Because military personnel are allowed to fish the shore of the SMR while members of the public outside the base cannot due to the SMR, both the equity and enforcement concerns are certainly present and should be addressed. The proposed solution of a shore based SMCA does seem to be a reasonable way to correct this problem.

At San Miguel and Anacapa (outside of the county) the petition requests the Special Closure(s) be removed in its entirety citing its original goal being to reduce disturbance to pinniped rookeries and seabird populations has been far exceeded and better methods have been developed on-site.

The remaining MPA requests are non-regulatory and include supported use for M2 radar monitoring at Point Conception SMR for better enforcement, a refined regulatory language for allowances at the Kashtayit SMCA, and using the color red instead of purple for distinguishing the Campus Point No-Take SMCA.

Recommendation: This commission finds all of the above modifications and requests more than reasonable, gives its support for them all. We recommend the FGC accept the petition in full.

Petition2023-28MPA-AM

Petition2023-28MPA requests to create a new MPA around Point Sal, designating it the Point Sal SMCA or a Tribally named SMCA, and listing it as a limited-take area with only an exception of a shore based finfish take allowance and tribal take allowance. The petitions driving reasons for the new MPA are that the area is ecologically significant in terms of local upwelling and relative to the landings that occur there the area is a small fraction of the State's commercial output, under 1%. The petition also cites tribal inclusivity and significance in the area as justification for its closure.

While the petition is accurate in the broader economic analysis, locally Point Sal is a very important area for both recreational and commercial operations out of Port San Luis (Avila), the local port to Point Sal.

Point Sal, and its surrounding waters, are essential for year-round and seasonal fisheries such as salmon, dungeness crab, groundfish, and halibut. This new MPA in addition to the existing network will significantly affect the local port's economic health due to Point Sal's being a significant fishing area for local commercial and recreational anglers. Namely, crab and groundfish boats out of Avila would be significantly affected by this change as per their testimony, over half their time is spent in the proposed area.

Recommendation: While the shore-based allowance is a welcome allowance, we believe this is still too costly on the local economy of Avila and its recreational and commercial fisheries to warrant its allowance. For this reason this commission has decided to be against this petition, and recommends the FGC deny it.

Petition2023-29MPA-AM

Petition2023-29MPA requests to create a new MPA around Carpinteria, designating it the Mishopshno SMCA. The petition asks to make take regulations for the area the same as the Point Sal petition, with an allowance of shore fishing of finfish and a tribal exception for those in the federally recognized Santa Ynez Band of Chumash Indians which would be able to still use tribal take methods inside of the SMCA. The proposed area's size was reduced when the petition was amended to include the shore allowance.

The petition's primary reasons for this MPA include this tribal allowance and co-management model along with the added reasons of MPA connectivity, spacing, and protecting juvenile great white shark nursery grounds. While this commission does agree that Tribal inclusion is a warranted piece of MPA and coastal management, we do not believe that a new MPA altogether is needed to accomplish this. MPAs across the coast can be modified themselves to allow for such co-management but the existing area offshore Carpinteria is currently open to the entire public, Tribes included.

Carpinteria's coast has been the subject of several MPA proposals over the years. During the MLPA the same area was looked into but was ultimately not selected, trading off two other SMCAs instead of establishing one at Carpinteria in a separate MLPA planning alternative. In 2020 this commission also followed a similar MPA petition in a smaller area to the current proposal that similarly advocated to protect juvenile great white sharks. That petition was ultimately rejected by CDFW due to the larger footprint white sharks, a pelagic species, covered relative to the coast of Carpinteria/California in general, and we believe the same reasons from 2020 are still relevant in 2024 against the petitioner's arguments.

Additionally, it should be said that Carpinteria Reef, the reef that would be almost entirely inside the MPA, is one of the last open reef areas to the fishing community. Removing this reef will see the end of local fishing access to coastal reefs, forcing anglers to travel further, coastally or to the islands, and burning more fuel to have similar opportunities. Commercial members of this commission are concerned for the areas of the proposed MPA that overlap the state halibut trawl grounds. These grounds are minimal already and have been reduced continuously over the years. This proposed MPA would cut a significant portion of the current open trawl area harming this unique fishery that the commission has repeatedly stated is well managed. Lastly, there is an overwhelming amount of public outcry on this petition specifically citing lost access to one of the last open reefs on the coast by boat and especially kayak.

Recommendation: For all of these reasons this commission has decided to be against this petition, and requests the FGC deny it.

Petition2023-33MPA-AM

Petition 2023-33 MPA requests for multiple MPA expansions and one MPA creation throughout the California coast, of which, three MPA expansions are within Santa Barbara at the Point Conception SMR, the Gull Island SMR, and the South Point SMR. Of the three expansions the South Point SMR expansion would be the largest, including all of the southwest side of Santa Rosa Island in the MPA and adding over 27.5 square miles to the SMR. This is followed by Point Conception SMR's expansion eastward adding over 14 more square miles to the SMR, and lastly by Gull Island SMR's smaller northward expansion adding over 1.5 square miles to the closure.

The driving force behind Petition 2023-33 MPA is kelp restoration. The petition claims growing these MPAs would allow for the now protected areas to rebuild their kelp forests under no fishing pressure which would also mean less traffic in general. Kelp restoration is a very important subject in Santa Barbara County as several sectors, consumptive and non-consumptive, depend on healthy levels of kelp for commercial and recreational use. That being said, this commission believes removing fishing access in these areas will do little to nothing to promote kelp regrowth and more-likely prevent kelp rebuilding projects (seeding, artificial reefs, and sea urchin removal programs) from directly assisting in the rebuilding of our kelp forests. Besides fishing, factors such as water quality, water temperature, storms, and swell need to be considered as larger drivers of kelp loss, not larger closed areas. There are several active projects locally and statewide dedicated to kelp rebuilding, none of which remove fishing access from areas in order to rebuild the kelp because there is no reason to. We believe the same applies in the areas this petition looks at. There are no reasons these specific areas need a fishing closure to help kelp forests regrow; therefore, there is no justification for their expansion, especially into waters predominantly too deep for kelp to root and grow. Similar to petition 29, there has been specific public outcry against this petition for all of the above reasons at MPA collaboratives, and public meetings.

Recommendation: For these reasons this commission has decided to be against this petition and recommends the FGC deny it.

Signed, the Santa Barbara County Fish and Wildlife Commission,

Phil Beguhl (Chair) - 2nd District

Scott Cooper (Vice Chair) - 3rd District

Frank Abatemarco - 1st District

Chad Thomas - 4th District

David Morgan - 5th District

Jeff Landers - Santa Maria Sportsman's Association Representative

Whitney Uyeda - Santa Barbara Sport Fishing Representative

Jeff Maassen - Commercial Fisherman Representative

Steve Adam - Santa Ynez Valley Pistol and Bow Club Representative

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