

California Department of Fish and Wildlife's Evaluation of 2023 Decadal Management Review Marine Protected Area Petition:

Modify Allowed Uses at Several Santa Barbara Channel MPAs and Special Closures: Vandenberg SMR, Kashtayit SMCA, and San Miguel and Anacapa Special Closures (2023-18MPA)



I. PETITION SUMMARY

CFG Tracking Number	2023-18MPA
Petition Contact/Affiliation	Greg Helms, Ocean Conservancy
Number of Proposed Actions	7
Affected MPAs	Vandenberg and Point Conception SMRs, Kashtayit and Campus Point SMCAs, and San Miguel Island and Anacapa Island Special Closures
Petition Summary	Multiple action items to modify allowed uses at several Santa Barbara Channel MPAs
Link to StoryMap page	2023-18MPA



II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

Note: If a change to the Marine Protected Area (MPA) regulations is not needed to address the proposed change, California Department of Fish and Wildlife (CDFW) did not evaluate the proposed change using the framework. However, CDFW may recommend an alternative pathway to achieving the desired outcome of the proposed change.

Petition Action ID and Proposed Action	Petitioner’s Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
<p>2023-18MPA_1 Redesignate a portion of Vandenberg State Marine Reserve (SMR) to create a narrow State Marine Conservation Area (SMCA) alongshore for the entire length of Vandenberg SMR that allows recreational shore fishing for finfish by hook-and-line.</p>	<p>The petitioner’s stated reason for the proposed change is that, “An equity concern has arisen due to the SMR restrictions not being applied to Vandenberg Space Force personnel and dependents, in contrast to non-military residents at nearby Surf Beach who must comply.”</p>	<p>Deny. The proposed change is inconsistent with the original goals and intent of this MPA. Vandenberg SMR serves as a core component, or “backbone,” of the state’s ecologically connected MPA Network. Redesignating any portion of this SMR to an SCMA would result in the MPA no longer meeting Science Advisory Team (SAT) criteria for a habitat replicate of nearshore habitats. This would result in a gap in replication of nearshore habitats and would undermine the MPA’s role in maintaining ecological connectivity within the MPA Network. Given the importance of Vandenberg SMRs’ role in providing a nearshore habitat replicate, changes to this MPA would require compelling evidence of need. There was insufficient evidence to demonstrate a need that would justify compromising the connectivity of the MPA Network.</p>

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<p>2022-04 Redesignate a portion of Vandenberg SMR to create a small SMCA that allows shore fishing on the one half mile stretch of beach known as Surf Beach.</p>	<p>The petitioner’s stated intent for the proposed change is to allow for families to once again fish for subsistence, and/or provide a low cost/no-cost recreational alternative for the residents of Lompoc and the surrounding area.</p>	<p>Deny. See 2023-18MPA_1.</p>
<p>2023-18MPA_2 Provide continued support for Marine Monitor (M2) radar, ground-truthing, and agency coordination at Point Conception SMR.</p>	<p>The petition states that there is high vessel activity in the remote Pt. Conception SMR, which is a challenge for enforcement, and that M2 radar monitoring system may help address enforcement challenges.</p>	<p>Support, with alternative pathway. Monitoring and enforcement are essential components of managing the MPA Network. CDFW values M2 monitoring and supports the collaborative use of resources to continue to support its use in the MPA Network. This proposed action would not require a change to the MPA regulations to implement and was not evaluated further.</p>

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<p>2023-18MPA_3 At Kashtayit SMCA, simplify take regulations to: “Recreational take of finfish, invertebrates (except rock scallops and mussels), and giant kelp by hand harvest is allowed.”</p>	<p>The petition states that, “[local stakeholders] (including enforcement partners) report visitors, along with those working to improve compliance, have difficulty interpreting the existing regulatory language for the SMCA due to its length and parenthetical exceptions.”</p>	<p>Deny. The proposed change would change the intent of the regulations and reduce protections for giant kelp, rock scallops, and mussels, which were intentionally added in the Marine Life Protection Act (MLPA) Initiative planning process for Kashtayit SMCA. The proposed change does not advance adaptive management recommendations from the Decadal Management Review and does not address a current or emerging MPA management challenge, including an enforcement challenge.</p>
<p>2023-18MPA_4 Change color of No-take Campus Point SMCA from purple to red on maps</p>	<p>The petition states that depicting this No-take SMCA in red, consistent with SMRs, is likely a clearer indication that the MPA is a No-take area.</p>	<p>Support, with alternative pathway. Outreach and education are essential components of MPA management. This proposed action was in Bin 1, and the California Fish and Game Commission (CFGC) supported it with an alternative pathway. Please see the memo regarding the status of implementation.</p> <p>This proposed action would not require a change to the MPA regulations to implement and was not evaluated further.</p>

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<p align="center">Petition Action ID and Proposed Action</p>	<p align="center">Petitioner’s Stated Rationale and Brief Justification for Proposed Actions</p>	<p align="center">CDFW Recommendation and Brief Justification</p>
<p>2023-18MPA_5 Eliminate pinniped special closure at San Miguel Island</p>	<p>The petition states that strong and stable pinniped populations negate the continued need for the Special Closure.</p>	<p>Deny. The proposal to abolish the San Miguel Island and Anacapa Island Special Closures and to reduce the size of the California brown pelican fledgling area within the Anacapa Island Special Closure does not address a current MPA management challenge and would conflict with the original intent of these protections. These areas were established prior to MPA implementation in the northern Channel Islands to safeguard highly sensitive seabird and pinniped populations. Given ongoing sensitivity of these animals to human disturbance and natural population fluctuations, there is a continued need for these special closures.</p>
<p>2023-18MPA_6 Reduce the size of the brown pelican Anacapa Island Special Closure regulations to allow boat access to Frenchy’s Cove</p>	<p>The petition states that boundaries of the brown pelican fledgling area of Anacapa Island Special Closure interfere with the intended allowance for boat landing at Frenchy’s Cove.</p>	<p>Deny. See 2023-18MPA_5.</p>

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<p>2023-18MPA_7 Reassess and consider removing the following special closure at Anacapa Island: "No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands"</p>	<p>The petition states that the overlapping conservation zones are visually confusing and the broader full island seabird closure is based on depth along a steep, cliffside seabed area that is difficult to comply with and enforce.</p>	<p>Deny. See 2023-18MPA_5.</p>

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW’s outreach to all California Native American tribes¹ (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

Tribal Components Questions	Answer and Explanation
<p>Was the petition submitted by a California Native American tribe, representative designated by a tribe or tribal organization, or have a tribal co-sponsor? If yes,</p> <ul style="list-style-type: none"> a. Does the proposed change explicitly aim to advance tribal co-management, subsistence harvesting, stewardship, and/or provide a tribal benefit through recognizing the cultural significance of an area? b. Is the proposed regulatory change explicitly linked to a tribe or tribes? (i.e. tribal exemption, tribal take only MPA, or new MPA for co-management). 	<p>No, this petition was not submitted by a tribe or representative designated by a tribe and does not have a tribal co-sponsor.</p>

¹ California Native American tribe is the preferred term to use per the Governor’s Office of Tribal Affairs when generally mentioning tribes of California, both federally and non-federally recognized.

IV. PETITION EVALUATION

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-18MPA_1 VANDENBERG SMR PARTIAL RECLASSIFICATION TO AN SMCA

The petitioner requests that an alongshore strip of the Vandenberg State Marine Reserve (SMR) on the central coast be redesignated to a State Marine Conservation (SMCA) to allow shore-based hook-and-line fishing for finfish. The request is framed as a partial reclassification intended to address concerns related to, “the SMR restrictions not being applied to Vandenberg Space Force Base (SFB) personnel and dependents, in contrast to non-military residents at nearby Surf Beach who must comply.” The Vandenberg SMR is adjacent to Vandenberg SFB, and much of the shoreline abutting the SMR lies within or immediately adjacent to base property. The petitioner states that, “the concern could be addressed through equally enforcing no-take regulations throughout this SMR, but that such enforcement may be infeasible.” The petitioner proposes that establishing a 100-meter zone inshore of the existing SMR that allows hook-and-line fishing for finfish along the coastal dimension of the existing MPA would allow regulations to be enforced more equitably across military and civilian populations.

In addition to this petition, CFGC received a similar petition in 2022 (2022-04) from the City of Lompoc, which neighbors Vandenberg SFB and SMR. That petition was deferred pending completion of the Decadal Management Review (DMR). Petition 2022-04 requests that a half-mile onshore portion of the Vandenberg SMR at Surf Beach be redesignated to an SMCA to allow recreational shore fishing, including allowing take of “Sand Perch and/or similar species and take of Sand Crabs” for bait. The petition from the City of Lompoc states that, “[Implementation of Vandenberg SMR] has placed a great hardship upon the City, in terms of family subsistence, as well as creating a negative financial impact on the City of Lompoc due to a reduction in tourism related revenues.” The City further states that Surf Beach previously provided a low- or no-cost recreational activity.

Due to the similar nature of these two proposed changes to Vandenberg SMR, CDFW evaluated petition 2022-04 (proposed Surf Beach SMCA) alongside the 2023-18MPA (proposed onshore strip SMCA).

CDFW finds the proposals in both petitions:

- Are inconsistent with the goals of the Vandenberg SMR, as defined during the MLPA Initiative planning process,
- Do not align with the original intent of the MPA,
- Do not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

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Both proposed changes, the shoreline ribbon SMCA and the Surf Beach SMCA, are inconsistent with the goals Vandenberg SMR was designed to meet during the MLPA Initiative planning process. These goals, which remain relevant today, include to:

“Provide for complete protection of a diverse area containing shallow hard and soft habitats, kelp beds, and associated fish and invertebrate, while benefiting from protection provided by an existing state marine reserve and restrictions on vessel traffic, including fishing vessels, due to the presence of Vandenberg Air Force Base. This area is important to the formation of an ecologically sound MPA Network component, by linking these habitats to similar habitats in other parts of the region.”

Vandenberg SMR was designed to replicate sandy beach, rocky intertidal, and shallow hard and soft bottom habitats within an SMR (Goal 4) and enhance the reproductive capacity of nearshore and midwater fish and invertebrate species (Goal 2); the lee of Point Arguello is likely larval retention area (Ohashi and Wang 2004, White et al. 2019).

Vandenberg SMR, like other SMRs, serves as a core component, or “backbone,” of the state’s ecologically connected MPA Network. Redesignating any portion of this SMR to an SCMA would result in the MPA no longer meeting Science Advisory Team (SAT) criteria for a backbone MPA (i.e., a habitat replicate). SAT guidelines require that MPAs that contribute to habitat replication be at least 9 square miles in area and have at least a Moderate-high level of protection (LOP). Allowing shore-based hook-and-line fishing would reduce the LOP of that area to Moderate-low. While the remaining portion of Vandenberg SMR would maintain an LOP of Very High, it would no longer contribute to replication goals of key nearshore habitats. Therefore, this proposed change would create a gap between hard and soft bottom (0-30 m) nearshore habitat replicate MPAs, as without replication at Vandenberg SMR, the spacing between replicate MPAs would exceed 62 mile SAT guidelines. As a result, both proposed options would result in the nearshore portion of the MPA losing status as a habitat replicate, which has the potential to compromise ecological connectivity objectives for the MPA Network and the overall Network design (see response to Question 9 for additional information).

The petitions would also increase regulatory complexity in an area that already presents enforcement challenges, thereby increasing the likelihood of non-compliance with both state and federal regulations. In addition to there being no public access along the portion of beach within the military base, there are two species in the area facing threats from habitat loss and human disturbance. Southern California steelhead (*Oncorhynchus mykiss*) is listed as Endangered (NMFS 1997), and western snowy plover (*Anarhynchus*

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*nivosus*²) is listed as Threatened (USFWS 1993) under the federal Endangered Species Act (ESA). Southern California steelhead was also listed as Endangered in 2024 under the California Endangered Species Act (CESA). Vandenberg SMR protects the mouth of the Santa Ynez River, a historically significant spawning and nursery area for Southern California steelhead that once supported the largest steelhead run in southern California (Busby et al. 1996). MPAs near river mouths provide important benefits for steelhead where they aggregate prior to upstream spawning (Simenstad & Cordell 2000). Reducing protections alongshore could adversely affect returning steelhead and ongoing steelhead restoration efforts. In addition, seasonal closures are in place on the beach and dunes to protect snowy plovers, including a seven-month closure from March through the end of September that restricts public access to the north and south of Surf Beach. This area is also highly frequented by white shark (*Carcharodon carcharias*), which are fully protected in California waters. As such, granting either proposal would likely require additional regulatory language to restrict gear types and shore-based shark fishing to limit white shark fishery interactions. Thus, the proposed changes to partially redesignate Vandenberg SMR are anticipated to present enforcement feasibility challenges due to increasing regulatory complexity and the introduction of potential conflicts with steelhead and snowy plover restoration and recovery efforts.

Petition 2022-04 would present further enforcement challenges because the western snowy plover closure boundaries are temporary and can move from year to year; there are large, dynamic dunes that limit the visibility of any landmarks, and the dunes are not conducive to installation of permanent signage. Consequently, there are no prominent, permanent landmarks or geological features to utilize for boundaries for a SMCA at Surf Beach. The lack of visual boundaries for shore-based fishers would limit public understanding and increase enforcement challenges. The requested take allowance of, "Sand Perch and/or similar species and take of sand crabs" to use for bait would increase regulatory complexity and enforcement burden. For example, allowing take of sand crabs would allow digging that could disguise take of other invertebrates such as Pismo clams, making it difficult to gauge compliance at a distance.

Given all of these considerations, redesignation of any portion of Vandenberg SMR as an SMCA to allow shore fishing would require compelling evidence of need. Petition 2023-18MPA states the need for the proposed change is because the SMR restrictions are only being enforced for non-military personnel and are not being applied to Vandenberg Space Force personnel and dependents. CDFW's Marine Enforcement District (MED) currently enforces the regulations at Vandenberg SMR regardless of an individual's

² This is the updated scientific name for western snowy plover; however, the U.S. Fish and Wildlife Service has continued to use the scientific name *Charadrius nivosus nivosus* for the listed entity until publication of a rule revising the name on the list of endangered and threatened species.

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affiliation with the Space Force, and communicates this to enforcement partners. Although the petitioner asserts a shoreline ribbon would, “improve equitable access” for non-military personnel to fish, the change would not result in equitable fishing access because most of the proposed shoreline ribbon lies within Vandenberg SFB and would still be inaccessible to the public. The change in Petition 2023-18MPA would provide increased access to shore fishing for finfish for both military personnel and the public specifically at Surf Beach (a stretch of approximately 0.5 miles), which would be open year-round to fish. Outside of snowy plover nesting season, the public would be able to access slightly more of the beach area near the base (e.g., Ocean Beach) in addition to Surf Beach, but would still be limited in beach access because of the base boundaries to the north and south. Redesignating only the Surf Beach portion of the SMR as an SMCA (as requested in Petition 2022-04) would provide the public and base personnel equal access to shore fishing. Surf Beach is adjacent to the base and is approximately nine miles from the City of Lompoc and has lower barriers to access than other nearby beaches; it has free parking, does not require base access, and is not subject to seasonal snowy plover closures.

CDFW carefully considered the statements in the City of Lompoc’s petitions, including that, “the City of Lompoc is a regionally isolated community and is also recognized as a disadvantaged community,” and that opening Surf Beach, “would allow for families to once again fish for subsistence.” Considering Vandenberg SMR, the closest accessible areas to Vandenberg SFB and the City of Lompoc where fishing is allowed are Rancho Guadalupe Dunes Preserve to the north and Jalama Beach County Park to the south, which are accessible by car but are 35 and 20 miles away respectively (Patsch and Reineman 2023). Although there are recreational opportunities within Vandenberg SMR, fishing is prohibited. Given the limited information in the petition, the data readily available to CDFW, and the evaluation timeline, CDFW was unable to determine whether Vandenberg SMR is affecting access to subsistence fishing for a historically marginalized or underserved community (see response to Question 14 in Attachment 1). One of the Justice, Equity, Diversity, and Inclusion recommendations of the DMR is to, “Evaluate the accessibility of MPAs to various community groups.” This evaluation could include an assessment of the communities near the City of Lompoc, identify potential regional equity and access issues in the MPA Network, and identify potential solutions. This evaluation was not feasible within the constraints of the petition evaluation process and implementing a site-specific redesignation without this assessment would be premature.

In summary, changes to California’s MPA Network are subject to a deliberately high threshold, reflecting the Network’s science-based design, its long-term conservation objectives, and the need to maintain ecological connectivity and consistency across regions. This threshold is particularly high for SMRs due to their critical role as a

backbones of the MPA network through their contribution to habitat replication and connectivity and for protecting sensitive species and habitats. As documented above, any redesignation of this SMR would require compelling justification and evidence that the proposed change would advance the goals of the MPA Network while avoiding adverse ecological, enforcement, and equity outcomes. CDFW's evaluation did not find compelling justification and evidence to warrant recommending granting either petition's proposal.

RECOMMENDATION FOR 2023-18MPA_1

Given these considerations, and the information in the evaluation below, **CDFW recommends CFGC DENY:**

- Petition action **2023-18MPA_1**, Redesignate a portion of Vandenberg SMR to create a narrow SMCA alongshore for the entire length of Vandenberg SMR that allows recreational shore fishing for finfish by hook-and-line, and
- Petition **2022-04**, Redesignate a portion of Vandenberg SMR at Surf Beach to an SMCA that allows recreational shore fishing.

EVALUATION NARRATIVE FOR 2023-18MPA_2 PROVIDE CONTINUED SUPPORT FOR MARINE MONITOR (M2) RADAR, GROUND-TRUTHING, AND AGENCY COORDINATION AT POINT CONCEPTION SMR

The petition states that there is high vessel activity in the remote Pt. Conception SMR, which is a challenge for enforcement, and that M2 radar monitoring system may help address enforcement challenges. Monitoring and enforcement are essential components of managing the MPA Network. CDFW supports non-regulatory measures to address illegal fishing, including enhanced surveillance tools like M2 radar, to reduce unintentional noncompliance, and ensuring sufficient resources for enforcement. However, implementing this proposed action would not require a change to the MPA regulations.

RECOMMENDATION FOR 2023-18MPA_2

Given these considerations, the proposed change was not evaluated further and, **CDFW recommends CFGC support the petition action 2023-18MPA_2 with an alternative pathway.**

EVALUATION NARRATIVE FOR 2023-18MPA_3 KASHTAYIT TAKE CHANGE

The petitioner has requested to change the take regulations for Kashtayit State Marine Conservation Area (SMCA) to: “Recreational take of finfish, invertebrates (~~except rock scallops and mussels~~), and giant kelp (*Macrocystis pyrifera*) ~~by hand harvest~~ is allowed.”

The petitioner seeks this change to enhance clarity and understanding of the regulations because, “[local stakeholders] (including enforcement partners) report visitors, along with those working to improve compliance, have difficulty interpreting the existing regulatory language for the SMCA due to its length and parenthetical exceptions.”

CDFW finds the proposed change:

- Is inconsistent with the goals of the Kashtayit SMCA, as defined during the MLPA Initiative planning process,
- Does not align with the original intent of the MPA,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

The proposed change would simplify the regulations, but it would also change the intent of the regulations and eliminate provisions that are in place to protect giant kelp, rock scallops and mussels, and habitat in this MPA. Minimizing take of these species to protect their local abundance and their role in the ecosystem was an intentional choice at the time the MPA was designed. The Kashtayit SMCA was intended to allow low-impact recreational take, especially take in line with traditional Chumash practices (MLPA 2009a).

During the MLPA Design Process, the Blue Ribbon Task Force (BRTF) intentionally excluded take of rock scallops and mussels from the list of allowed invertebrates and limited take of giant kelp to recreational harvest by hand. This alternative was supported by the South Coast Regional Stakeholder Group and subsequently adopted by CFGC. The exclusion of rock scallops and mussels was an intentional decision to protect the local abundance of these species as well as their ecosystem service as habitat-forming species. Mussels and giant kelp create physical structure which provides habitat for other species (Cameron et al. 2024, Teagle et al. 2017). People harvesting rock scallops and mussels can also use tools that damage the substrate during harvest, which can result in permanent habitat loss (CDFG 2001, MLPA 2010). For these reasons, the BRTF recommended the alternative excluding rock scallops and mussels from the allowed take at Kashtayit SMCA.

The BRTF also considered options for commercial and recreational take, and the methods for take of giant kelp (hand harvest and mechanical harvest) when developing

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recommendations for the regulations throughout the MPA Network. The decision to only allow recreational take of giant kelp by hand harvest in Kashtayit SMCA was intentional. Hand harvest of giant kelp removes smaller patches of giant kelp canopy at or near the surface compared to mechanical harvest. Mechanical harvest of giant kelp significantly alters the abundance of giant kelp relative to hand harvest, by removing large amounts of giant kelp canopy to a depth of approximately four feet, which can remove important canopy habitat and alter kelp forest communities (MLPA 2009b, MLPA 2010). Although it is unlikely that a recreational user would choose to mechanically harvest kelp given the current harvest regulations (10 pounds wet weight, tit 14 Cal. Code Regs. § 30.00), the proposed change would allow for mechanical kelp harvest in Kashtayit SMCA, which conflicts with the original intent of the MPA.

Additionally, the proposed change would make the Kashtayit SMCA regulations inconsistent with all other instances of recreational kelp harvest as an allowed use in the MPA regulations, which specify, “by hand” or “hand harvest.” Mechanical harvest is associated with commercial kelp harvest in the MPA regulations and there are additional provisions in the commercial kelp harvest regulations (tit 14 Cal. Code Regs. § 165 and § 165.5) associated with mechanical harvest. It is likely the recreational bag limit for kelp harvest would serve as a de facto limit on the harvest method to hand only. However, would result in inconsistencies with all other allowances for recreational take of kelp in the MPA regulations, which could lead to confusion and enforcement challenges.

CDFW did not find information to support that the current regulations cause an enforcement challenge at Kashtayit SMCA or that the proposed change would address an MPA management challenge or would benefit the MPA or the MPA Network. Although the proposed change would simplify the regulations, there is no information to justify removing the existing protections for giant kelp or rock scallops and mussels from Kashtayit SMCA. Improving signage and outreach efforts for the current regulations could be just as effective, or more effective, than a regulatory change.

RECOMMENDATION FOR 2023-18MPA_3

Given these considerations, and the information in the evaluation below, **CDFW recommends CFGC DENY the petition action 2023-18MPA_3:**

- Simplify take regulations at Kashtayit SMCA to: “Recreational take of finfish, invertebrates (except rock scallops and mussels), and giant kelp by hand harvest is allowed.”

EVALUATION NARRATIVE FOR 2023-18MPA_4 CHANGE COLOR OF NO-TAKE CAMPUS POINT SMCA FROM PURPLE TO RED ON MAPS

The petition states that depicting this No-take SMCA in red, consistent with SMRs, is likely a clearer indication that the MPA is a No-take area. Outreach and education are essential components of MPA management. This proposed action was in Bin 1, and CFGC supported it with an alternative pathway (CDFW 2025). This proposed action would not require a change to the MPA regulations to implement.

RECOMMENDATION FOR 2023-18MPA_4

Given these considerations, the petition action was not evaluated further and **CDFW recommends CFGC support petition action 2023-18MPA_4 with an alternative pathway.**

EVALUATION NARRATIVE FOR 2023-18MPA_5-7 SPECIAL CLOSURES

The petitioner has requested (1) the removal of San Miguel Island Special Closure, (2) the reduction in size of the brown pelican (*Pelecanus occidentalis*) fledgling area of Anacapa Island Special Closure, and (3) the removal of the Anacapa Island Special Closure, all within the Channel Islands National Marine Sanctuary. The petitioner states, “with a NMFS marine mammal station equipped with M2 radar onsite and large, stable pinniped populations present in this zone...consider whether the Special Closure remains a necessary sub-component of MPA design.” The petitioner additionally states the boundary of the brown pelican fledgling area of the Anacapa Island Special Closure, “has interfered with the intended allowance for vessels to land safely at Frenchy’s Cove,” and that the Anacapa Island Special Closure, as a whole, “is based on depth along a steep, cliffside seabed area that is difficult to comply with and enforce.” The petitioner states that, “given the extensive MPA and closure complex established to protect marine life including seabirds,” the Anacapa Island Special Closure is not needed. However, given the information provided, the petitioner’s stated solutions could not be substantiated as relevant or necessary, and CDFW’s evaluation finds the proposed change:

- Is inconsistent with the intent of these special closures, as defined during the Northern Channel Islands MPA planning process and subsequent MLPA Initiative planning process,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

Before the Northern Channel Islands MPA planning process, protections for birds and pinnipeds in these areas were already in place in the form of ecological reserves. During

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the Northern Channel Islands MPA planning process, these special closures were intentionally designed to provide additional spatial protections in areas where specific wildlife species were highly vulnerable to disturbance. Around the Channel Islands, these closures serve a targeted conservation purpose beyond the broader protections of the MPA Network. Frenchy's Cove is a popular recreational and fishing destination on the western islet of Anacapa Island that includes a small beach and tidepools and is situated within both the island-wide nearshore Anacapa Special Closure and the larger Anacapa SMCA. Anacapa Island Special Closure, which prohibits the use of nets or traps within waters less than 20 feet deep around the island, was established primarily to protect feeding and roosting seabirds, including the California brown pelican. Within Anacapa Island Special Closure is the brown pelican fledgling area, designated from the mean high tide mark seaward to a water depth of 20 fathoms (120 feet) on the north side of West Anacapa Island, including Frenchy's Cove. The west and east borders of the brown pelican fledgling area are the west end of the beach at Frenchy's Cove and Portuguese Rock, which is approximately 0.8 miles to the east of the beach. The area prohibits public entry into the area from January 1 through October 31 to protect nesting birds, nests, and fledglings during brown pelican nesting season. Similarly, the San Miguel Island Special Closure provides critical protection for pinniped haul-out and breeding sites, one of the few such pinniped-focused closures in California. Subsequent to the Northern Channel Island MPA planning process, and during the MLPA Initiative planning process in the South Coast Region, these two special closures were left unchanged. Since that time, NOAA Sanctuaries has not indicated a change of intent regarding the protection status of these areas.

Pinniped populations at San Miguel Island fluctuate naturally due to factors such as domoic acid exposure and shifts in prey distribution. Given this variability, maintaining consistent spatial protections remains important to reduce human-related stressors that can compound natural population pressures. Although California sea lion populations have increased from historical lows (Carretta et al. 2019), current evidence does not demonstrate that pinnipeds at San Miguel Island, nor nesting seabirds at Anacapa Island, no longer require the protections provided by existing seasonal closures. The Channel Islands National Marine Sanctuary Condition Report (ONMS 2019) states that many living resources around the northern Channel Islands have shown stabilization or improvement since 2009. Making large changes to these areas may compromise this trend. At the time of the Northern Channel Islands MPA planning process, six species of pinnipeds were documented as having historically occurred in the northern Channel Islands, including four Otariids and two Phocids; two species, Steller sea lion (*Eumetopias jubata*), and Guadalupe fur seal (*Arctocephalus townsendi*) were identified as having occurred in the Sanctuary and were listed as threatened under the Endangered Species Act (NMFS 1985, 1990). Currently, the western distinct population segment of Steller sea lion is listed under the ESA as endangered and Guadalupe fur seal is listed under the ESA

as threatened. Thus, the protection offered to these and other pinnipeds by the San Miguel Special Closure remains relevant today.

Similarly, at the time of the Northern Channel Islands MPA planning process, the California brown pelican was listed as endangered the federal and California Endangered Species Acts. The California brown pelican's delisting under both acts in the late 2000s was followed by a period of prey scarcity and associated die-offs, underscoring the ongoing fragility of this species. The petitioner asserts that reducing the brown pelican closure at Anacapa Island to allow boat access to Frenchy's Cove reflects, "Regional Stakeholder Group (RSG) intent." However, no documentation has been provided to substantiate this claim, nor is such intent reflected in the historical MLPA record. It is important to clarify that seasonal boat access to Frenchy's Cove Beach in December and November on the west side of the cove was approved during the MLPA Initiative planning process and remains in effect today. Nesting and roosting seabirds are highly sensitive to human disturbance. The presence of vessels, as well as associated noise, lights, and fishing activity, can disrupt essential behaviors such as feeding, resting, or breeding (Wright et al. 2007). Brown pelicans are especially vulnerable to disturbance during the nesting season and depend on access to forage fishes like Pacific sardine (*Sardinops sagax*) and Northern anchovy (*Engraulis mordax*). Given that California brown pelicans are extremely sensitive to human disturbance and that their population dynamics are closely tied to fluctuations in forage fish prey availability and broader oceanic conditions, the protection offered by the Anacapa Island Special Closures are still relevant today.

The petitioner asserts that the eastern boundary of Anacapa Island Special Closure for brown pelican fledglings was intended by the Regional Stakeholder Group to allow boater access to a beach that is currently within the special closure. The public currently has access to the beach at Frenchy's Cove from the north seasonally for the months of November and December. Anacapa Island Special Closure has historically protected pelican fledglings since before CFGC adopted the Channel Islands MPAs in 2002. In the 2002 rulemaking, the eastern boundary of the Anacapa Island Special Closure was generally described as 345° magnetic off the western edge of Frenchy's Cove. In 2005, CFGC adopted a regulatory cleanup package where the Special Closure's language was moved from being within the specific MPAs sub-section to its own sub-section and the Special Closure received discrete coordinates for the boundaries. The eastern boundary of the Anacapa Island Special Closure aligned with the two MPAs at Anacapa Island via a line extending 000° True off the western edge of Frenchy's Cove (34° 00.4' N. lat. 119° 24.6' W. long., CFGC 2002a). During the MLPA planning process, the rulemaking made the boundaries more precise by including two additional decimal places (which defined the eastern boundary at 119° 24.600'). In 2015, CFGC adopted a rulemaking package that included additional boundary cleanups for the MPA Network, and they did not identify the

need to further adjust the boundary (CDFW 2015). The current boundaries, including the eastern boundary, align with the SAT guidelines, and are where they were intended to be. Any modification to these closures would require close coordination and agreement with federal partners, including agencies responsible for managing federally protected and listed species. Reducing protections at this time would be inconsistent with federal and state conservation mandates and ongoing collaborative efforts to safeguard vulnerable wildlife populations. The consequences of further boundary changes (e.g., negative impacts to pelicans and pinnipeds, public understanding, compliance, and enforcement) outweigh any potential benefits from improving public access.

RECOMMENDATION FOR 2023-18MPA_5, _6, and _7

Given these considerations, and the information in the evaluation below, **CDFW recommends CFGC DENY proposed actions:**

- **2023-18MPA_5**, Eliminate pinniped special closure at San Miguel Island,
- **2023-18MPA_6**, Reduce the size of the brown pelican Anacapa Island Special Closure regulations to allow boat access to Frenchy's Cove, and
- **2023-18MPA_7**, Reassess and consider removing the following special closure at Anacapa Island: "No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands"

EVALUATION QUESTIONS

2023-18MPA_1: REDESIGNATE A PORTION OF VANDENBERG SMR TO CREATE A NARROW SMCA ALONGSHORE FOR THE ENTIRE LENGTH OF VANDENBERG SMR THAT ALLOWS RECREATIONAL SHORE FISHING FOR FINFISH BY HOOK-AND-LINE.

QUESTION 1: DOES THE PROPOSED CHANGE SUPPORT THE MPA NETWORK IN MEETING ONE OR MORE OF THE MLPA GOALS AND ALIGN WITH MPA MASTER PLAN ADAPTIVE MANAGEMENT OBJECTIVES?

The MLPA Goals and Master Plan objectives are inextricably linked and act as the foundational tools that CDFW utilizes for effective adaptive management of the MPA Network. Individual MPAs in the Network were not necessarily designed to address all six Goals of the MLPA but instead act as an important component of a functioning Network that was designed to holistically address the MLPA Goals. As such, CDFW has evaluated this action within the broader adaptive management framework and how the proposed action may or may not align with the MLPA Goals/Master Plan objectives and advance

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MPA Network management. See Question 1 of Attachment 1 for the MLPA Goals and Master Plan objectives.

The proposed changes (petition 2023-18MPA_1 and 2022-04) do not support the MPA Network in meeting MLPA Goals, do not align with the MPA Master Plan adaptive management objectives, and thus do not advance management of the MPA Network. Vandenberg SMR was designed to meet MLPA Goals 1, 2, 3, 4, and 5.

The proposed changes in petitions 2023-18MPA and 2022-04 to redesignate a portion of this SMR to an SMCA to allow recreational take of fish is inconsistent with the goals of this MPA as defined during the MLPA MPA planning process and presented to CFGC when the resulting MPAs were adopted into regulation. These goals in part include: to “Protect area with high marine bird, marine mammal, fish, and invertebrate species diversity and abundance,” to “protect natural age and size structure of Nearshore Fishery Management Plan species which occur within the central coast,” to “protect ecosystem structure and functions in representative shallow habitat in southern end of central coast,” to “help protect marine bird and marine mammal species of concern by protecting forage base adjacent to colonies and rookeries,” and to “replicate with a state marine reserve the same range of habitats found at fished sites at Point Sal.”

Granting this petition to redesignate a portion of this SMR would interfere with Vandenberg SMR’s ability to meet these goals. Allowing take of finfish in a sandy beach habitat would cause the natural structure and function of the population of those fishes at the site to not be preserved. Both proposed options would result in the portion of the MPA the petitioners wish to redesignate having its LOP reduced from the current Very High to Moderate-low, which would result in this MPA losing its status as a habitat replicate for key nearshore habitats. The changes to the MPA would change the design, which could interfere with larval connectivity, particularly as the lee of Point Arguello (where Vandenberg SMR is located), is a likely larval retention area (Ohashi and Wang 2004, White et al. 2019). Furthermore, Vandenberg SMR protects the mouth of the Santa Ynez River, a historically significant spawning and nursery area for Southern California steelhead (Busby et al. 1996), which once supported the largest steelhead run in Southern California. MPAs near river mouths can provide important benefits for steelhead where they aggregate prior to upstream spawning (Simenstad & Cordell 2000).

Although redesignating a portion of Vandenberg SMR at Surf Beach to allow shore-based hook-and-line fishing aligns with MLPA Goal 3, “Improve recreational, educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity,” this SMR was already designed to meet Goal 3 by improving study opportunities. It was designed to encompass an existing PISCO monitoring site, a Multi-

Agency Rocky Intertidal Network (MARINE) monitoring site, and a Point Blue Conservation Science study site, and was designed to serve as an unfished reference location (i.e., same range of habitats) to fished sites at Point Sal (MLPA 2006a).

QUESTION 2A: DOES THE PROPOSED CHANGE ADVANCE ADAPTIVE MANAGEMENT RECOMMENDATIONS IN THE DECADAL MANAGEMENT REVIEW?

No. The proposed changes (2023-18MPA_1 and 2022-04) do not advance adaptive management recommendations from the Decadal Management Review (DMR). See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management Recommendations.

QUESTION 2B: IF NOT, DOES THE PROPOSED CHANGE ADDRESS A CURRENT OR EMERGING MPA MANAGEMENT CHALLENGE?

No. The creation of an alongshore ribbon SMCA or Surf Beach SMCA would create MPA management challenges, such as enforcement challenges (see Question 11), and compromise network connectivity (see Question 9).

Both petitioners state that the proposed changes would benefit equity of access to coastal resources in this area. Advancing justice, equity, diversity, and inclusion is a priority for CDFW and is beneficial for adaptively managing the MPA Network. Petition 2023-18MPA_1 asserts that the proposed changes would result in equitable access to shore fishing because the regulations are not currently being enforced consistently for military and non-military personnel. However, CDFW MED enforces the Vandenberg SMR regulations regardless of affiliation with Vandenberg SFB or other facets of the military. Redesignating an alongshore ribbon of this SMR, as proposed in 2023-18MPA_1, would not increase equitable access to the area because most of the alongshore ribbon is contained within the Vandenberg SFB, which is not accessible to the public.

In Petition 2022-04, the City of Lompoc states, “the City of Lompoc is a regionally isolated community and is also recognized as a disadvantaged community,” and that opening Surf Beach “would allow for families to once again fish for subsistence.” Redesignating the Surf Beach portion of Vandenberg SMR to an SMCA, as proposed by Petition 2022-04, would create an SMCA that could be equally accessed by base personnel and the public. However, based on the information available, CDFW was not able to determine whether the proposed change would advance justice or equitable access to fishing for a disadvantaged community (see Question 14). The outcomes from completing DMR recommendation 8, “Evaluate the accessibility of MPAs to various community

groups,” could help address this question. However, CDFW has not started working on this DMR recommendation.

QUESTION 3: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING CFGC NON-MPA REGULATIONS, PERMITS, OR LEASES (E.G., KELP LEASES, AQUACULTURE LEASES, EXPERIMENTAL FISHING PERMITS)?

No. CDFW does not anticipate that CFGC would need to make conforming changes to other regulations, permits, or leases in response to the proposed change to these MPA regulations.

QUESTION 4: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING REGULATIONS, PERMITS, LEASES, OR MANAGEMENT ACTIVITIES OF ANY OTHER AGENCY OR ENTITY?

Yes. Vandenberg SFB enforces annual seasonal restrictions and partial closures at Surf, Wall, and Minuteman beaches to protect the threatened western snowy plover during its nesting season (7 months, March 1 through Sept. 30, U.S. Space Force n.d.a., n.d.b.). The closures are federally mandated under the Endangered Species Act to protect the plover’s nesting habitat and allow chicks to fledge. A section of Surf Beach usually remains open to the public, but visitors must stay out of posted, fenced-off nesting areas. Thus, both proposals would interact with this protection and have the potential to impact management activities.

NOAA Fisheries is responsible for implementing the Endangered Species Act for southern California steelhead. NOAA also collaborates with CDFW’s Fisheries Branch on the California Monitoring Plan (Adams et al. 2011, Boughton et al. 2022). The California Monitoring Plan is designed to inform salmon and steelhead recovery, conservation, and management activities. The Santa Ynez River mouth, an historically important location for adult steelhead returning to spawn, is located within Vandenberg SMR just south of the Vandenberg SFB. Fishing is closed for steelhead in the Santa Ynez River. Opening shore-based hook-and-line fishing within Vandenberg SMR has the potential to interact with this protection (i.e., steelhead returning to spawn at the river mouth) and would introduce confounding factors into ongoing monitoring efforts. Southern California steelhead are listed as Endangered under the federal ESA and CESA.

In 2024, a 2019 State Water Resources Control Board order was upheld that required the U.S. Bureau of Reclamation (Reclamation) to study steelhead passage around Bradbury Dam on the Santa Ynez River. The order to comply with state law, which includes evaluating options like fish ladders, etc. to help steelhead access critical upstream spawning and rearing habitats, gave 24 months for Reclamation to complete the study. Opening shore-based hook-and-line fishing within Vandenberg SMR has the potential to

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interact with adult steelhead returning to the river to spawn and the success of future upstream habitat restoration efforts.

Since the establishment of Vandenberg SMR, the Chumash Heritage National Marine Sanctuary was established, which encompasses the MPA. Any regulatory changes to Vandenberg SMR may require CFGC to consult with Sanctuary staff.

There are State Lands Commission leases and Bureau of Ocean Energy Management pipelines that overlap with this SMR, but we do not anticipate they would be affected by this proposed change, as they are related to offshore oil and gas activities.

County of Santa Barbara Parks Division manages portions of the beach and Ocean Park, a park on the shoreline at Surf Beach. County Rangers support enforcement of the snowy plover closures. They may experience impacts associated with increased visitation and may need additional resources to support management activities.

County of Santa Barbara Public Works maintains restroom and park structures at Surf Beach and Ocean Park. They may experience impacts associated with increased visitation and may need additional resources to support management activities.

Southern Pacific Railroad operates the Lompoc Surf Train Station, which is directly adjacent to surf beach, as well as the associated parking lot and leased area for the tracks.

If 2023-18MPA_1 is approved, a pathway to the beach would have to be created as currently there is no safe passage from Ocean Park to the beach, in part due to the train tracks. This would require coordination with many entities, including the Coastal Commission, Southern Pacific Railroad, County of Santa Barbara Parks Division, and County of Santa Barbara Public Works.

This list may not be exhaustive. The proposed change may have the potential to affect existing regulations, permits, leases, or management activities of Tribal governments, other agencies, and entities not identified here.

QUESTION 5: ARE THERE SIGNIFICANT INFORMATION GAPS THAT NEED TO BE FILLED TO INFORM THE EVALUATION OF THE PROPOSED CHANGE?

Yes. CDFW has adequate information to evaluate and make a recommendation on both proposals. When evaluating the petitions, CDFW reviewed the information in the petitions as well as information including but not limited to:

- The petition from the City of Lompoc, which speaks to the rationale for the proposed change,

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- The location of Vandenberg Space Force Base and its annual beach closures (U.S. Space Force n.d.a. and n.d.b.),
- The California Coastal Access, Facilities, Amenities, and Parking Dashboard (Patsch and Reineman 2023),
- California Marine Life Protection Act Initiative Central Coast Project Side-by-Side Comparison of Proposed MPA Packages 1, 2R and 3R (MLPA 2006b), and
- CFGC Preferred Alternative for Implementation of the MLPA in the Central California Coast Region (MLPA 2006a).

Given the limited information in the petitions, the data readily available to CDFW, and the evaluation timeline, CDFW was unable to analyze determine whether Vandenberg SMR is affecting access to subsistence fishing for a historically marginalized or underserved community (See response to Question 14 in Attachment 1). One of the Justice, Equity, Diversity, and Inclusion recommendations of the DMR is to “Evaluate the accessibility of MPAs to various community groups.” This evaluation could include an assessment of the communities near the City of Lompoc, identify potential regional equity and access issues in the MPA Network, and identify potential solutions. This evaluation was not feasible within the constraints of the petition evaluation process and implementing a site-specific redesignation without this assessment would be premature.

QUESTION 6: ARE THERE SIGNIFICANT MANAGEMENT GAPS THAT NEED TO BE FILLED TO INFORM THE EVALUATION OF THE PROPOSED CHANGE?

No. CDFW has sufficient management information to proceed with the evaluation of this proposed change, including the foundational principles and information on the management of habitat and species present in the area of the MPA.

QUESTION 7A: WAS THE PROPOSED CHANGE CONSIDERED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

No. During the Central Coast MLPA Initiative planning process, the three alternatives designed by the Regional Stakeholder Group (RSG) maintained and expanded the pre-existing Vandenburg SMR into one SMR or two larger SMRs (MLPA 2006b). An SMCA that allowed recreational fishing within Vandenberg SMR was never considered; however, options 2R and 3R included two separate SMRs that were north and south of Surf Beach. Proposals 2R and 3R both protected the Santa Ynez river mouth, but they would have had an area in between them (including Surf Beach) where commercial and recreational fishing would have been permitted, including hook-and-line fishing from shore.

QUESTION 7B: IS THERE NEW INFORMATION AVAILABLE, CHANGING CONDITIONS SINCE THE MLPA IMPLEMENTATION PHASE, AND/OR INFORMATION PRESENTED IN THE DMR THAT WARRANTS REEVALUATION OF THE PROPOSED CHANGE?

No. The information that the petitioners cite as warranting reevaluation is:

- For 2023-18MPA_1: Inequitable enforcement of SMR regulations between base personnel and non-base personnel since the establishment of the SMR.
 - CDFW MED enforces Vandenberg SMR's regulations regardless of any individual's affiliation with Vandenberg SFB.
- For 2022-04: Loss of valuable opportunities to subsistence fish and recreate, and negative financial impacts to the community from loss of fishing tourism.
 - The petitioner states these impacts but does not include any data or supplemental information to validate this assertion. As stated above, one of the recommendations in the DMR is to "Evaluate the accessibility of MPAs to various community groups." This evaluation could include an assessment of the communities near the City of Lompoc, identify potential regional equity and access issues in the MPA Network, and identify potential solutions. This type of evaluation for the City of Lompoc was not feasible within the constraints of the petition evaluation process and implementing a site-specific redesignation without this assessment would be premature.

QUESTION 8: IF THE PROPOSED CHANGE AFFECTS AN EXISTING MPA, DOES THE PROPOSED CHANGE ALIGN WITH THE ORIGINAL INTENT OF THE MPA IDENTIFIED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

No. Opening this area to take, as proposed by the petitioner or as proposed by the City of Lompoc in Petition 2022-04, conflicts with the intent of Vandenberg SMR. The MPA was designed as an SMR with the intent of meeting several Central Coast Regional Goals, all of which are still relevant today:

- Protect area with high marine bird, mammal, fish, and invertebrate species diversity and abundance. (Goal 1),
- Protect communities associated with an area that has unique oceanographic conditions in a transition zone near a biogeographical regional boundary, including sandy beach, rocky intertidal, kelp forest, and hard and soft bottom habitat, and near each other. (Goal 1),
- Protect natural age and size structure of CDFW Nearshore Fishery Management Plan species that occur within the central coast. (Goal 1),

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- Protect trophic structure and food web in an area representative of shallow habitats south of Morro Bay. (Goal 1),
- Protect ecosystem structure and functions in representative shallow habitat in southern end of central coast. (Goal 1),
- Increase ecological benefits to an area containing a mosaic of shallow hard and soft bottom habitats through the expansion of an existing state marine reserve. (Goal 1),
- Help protect marine bird and marine mammal species of concern by protecting the forage base adjacent to colonies and rookeries. (Goal 2),
- Protect larval sources and enhance reproductive capacity of benthic fishes, invertebrates, and coastal pelagic finfish. (Goal 2),
- Establish a state marine reserve which encompasses an existing PISCO monitoring site, a Multi-Agency Intertidal Network (MARINe) monitoring site, and a Point Blue Conservation Science study site. (Goal 3),
- Replicate with a state marine reserve the same range of habitats found at fished sites at Point Sal. (Goal 3),
- Include and replicate within a state marine reserve sandy beach, rocky intertidal, and shallow hard and soft bottom habitats. (Goal 4), and
- Establish a state marine reserve that meets preferred Master Plan Framework scientific guidelines for size. (Goal 5).

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

No. The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 9 square miles and meet one of the three highest LOPs (i.e., Very High, High, or Moderate-high) to contribute to ecological goals such as habitat replication and representation. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

Only MPAs that encompass the full range of depths from 0-30 m are likely to include the complete suite of biodiversity associated with these nearshore habitats. For this reason, the SAT only considers those MPAs or MPA clusters that encompass the entire depth zone,

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from the shoreline to 30 m depth, to contribute toward representation of nearshore habitats (0-30 m rock, 0-30 m soft bottom, and kelp) in the MPA Network. In cases where the 0-30 m depth zone is split across multiple MPAs with different levels of protection, these nearshore habitats are evaluated at the lowest LOP afforded within the 0-30 m depth zone. For example, shoreline or “ribbon” MPAs that confine uses to a narrow band along the shoreline may lower the LOP afforded to the shallowest portion of the 0-30 m depth zone and alter the unique marine communities specific to this depth zone. Furthermore, take activities allowed within the ribbon MPA may alter the abundances of species across the entire 0-30 m zone if the species utilize a range of depths either through movement of individuals or through seasonal or ontogenetic shifts in habitat use. Thus, in the case of an MPA configuration that includes an offshore MPA with a higher LOP and a nearshore ribbon MPA with a lower LOP, representation of nearshore (0-30 m) habitats will be assessed at the lower LOP assigned to the ribbon MPA.

Vandenberg SMR currently meets both minimum criteria and thus currently contributes to foundational ecological network objectives. It contributes to habitat replication for kelp, beach, rocky intertidal, hard substrate (0-30 m depth), and soft substrate (0-30 and 30-100 m depths) habitats. See Table 1 for more information on habitat in Vandenberg SMR.

Reclassifying the SMR’s alongshore span (2023-18MPA_1) or a portion within the SMR (2022-04) to an SMCA to allow shore-based hook-and-line fishing would reduce the LOP of the redesignated portion of the MPA from Very High to Moderate-low. Additional take allowances (e.g., sand crab for bait) would further reduce the LOP. Both proposed changes would also decrease habitat replication and representation, increase spacing between habitat types (namely, kelp, beach, rocky intertidal, and hard and soft substrate from 0 to 30 m depth), and diminish the Network’s overall ability to meet MLPA Goals.

Thus, granting either proposal has the potential to compromise Vandenberg SMR’s ability to serve its intended function in the MPA Network. As such, implementation would not improve the design of this MPA or the MPA Network, nor would it enhance alignment with MPA science guidelines.

QUESTION 10A: DOES THE PROPOSED CHANGE ALIGN WITH CDFW FEASIBILITY GUIDELINES?

No. Both proposals (2023-18MPA_1 or 2022-04) would not align with Feasibility Guidelines related to Take Regulations, MPA Boundaries, MPA Types, Awkward Shapes and Wedges, and MPA Cluster Orientation. Non-adherence with these guidelines impacts enforceability. See Question 10a of Attachment 1 for CDFW Feasibility Guidelines.

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This area is highly frequented by white shark (*Carcharodon carcharias*), which are fully protected in California waters. As such, granting either proposal may require additional regulatory language to restrict gear types and shore-based shark fishing to limit white shark fishery interactions. The requested take allowance of, “Sand Perch and/or similar species and take of sand crabs” to use for bait would also increase regulatory complexity. These could lead to conflict with feasibility criteria related to Take Regulations, which state that complex regulations such as “those which preclude some uses while allowing other uses that are very similar” or “those which include technical or complex prohibitions” should be avoided.

The offshore ribbon boundary requested in this petition (2023-18MPA_1) would conflict with guidance to avoid curved or undulating lines and not straight lines of latitude or longitude and to “avoid using depth contours and distance offshore.” Additionally, a shore-based fishing allowance within an existing SMR conflicts with guidance that “take regulations proposed for an MPA should reflect the proposed MPA type.” It also conflicts with “Multiple zoning” guidance that MPAs should avoid abrupt transitions from highly protected areas to areas of relatively little protection (i.e., Moderate-low or Low LOPs). Guidance on multiple zoning states, “Problems are likely to occur when confusing differences in regulations occur over small spatial areas. This can lead to unintentional infractions and can reduce public understanding,” and “Three particular types of multiple zoning that should be avoided are the creation of “doughnut zones” [as proposed in Petition 2022-04], L-shaped MPAs, and “ribbons” [as proposed in Petition. 2023-18MPA].”

Finally, creating different regulations or classifications that share a boundary are referred to as a “cluster.” Thus, both petition proposals would result in a cluster oriented east/west (or an east/west portion of the MPA), which conflicts with guidance to orient MPA clusters in an alongshore arrangement (stacked north/south).

QUESTION 10B: IF NOT, IS THERE A RATIONALE FOR MOVING FORWARD WITH THE PROPOSED CHANGE OR AN ALTERNATIVE THAT COULD MEET THE INTENT BUT BETTER ALIGN WITH FEASIBILITY GUIDELINES?

No. There is no rationale for moving forward with either petition (2023-18MPA_1 or 2022-04) or an alternative.

QUESTION 11: DOES THE PROPOSED CHANGE MAINTAIN OR IMPROVE ENFORCEABILITY OF MPA REGULATIONS?

No. The proposed changes in both petitions (i.e., Reclassifying all or part of the SMR’s alongshore span to an SMCA that allows shore-based hook-and-line fishing) do not maintain or improve enforceability of these MPA regulations. The proposal in both petitions (2023-18MPA_1 and 2022-04) has the potential to increase complexity of

enforcement by having different MPA classifications with different regulations in close proximity.

Allowing take of “Sand Perch and/or similar species and take of Sand Crabs” as proposed by petition 2022-04 would increase enforcement burden. Allowing take of specific surf species but not other species of fish would increase enforcement burden as it would require CDFW MED to enforce specific individual behaviors. Allowing take of sand crabs would allow digging that could disguise take of other invertebrates such as Pismo clams, making it difficult to gauge compliance at a distance. Additionally, white shark, which are fully protected in California, frequent the area. Granting either petition would likely require additional regulatory language to restrict gear types and shore-based shark fishing to limit white shark fishery interactions, which could further add to enforcement complexity.

Both proposals have the potential to further complicate enforcement due to the lack of existing permanent onshore landmarks to inform boundaries at the site, including boundaries for Vandenberg SFB and the western snowy plover closure. This has the potential to increase unintentional noncompliance by users.

Finally, the two proposals deviate from several CDFW Feasibility Guidelines, which also could decrease enforceability of MPA regulations (see Question 10 for more information on the Feasibility guidelines and concerns related to regulatory complexity).

QUESTION 12: DOES THE PROPOSED CHANGE SIMPLIFY REGULATORY LANGUAGE OR ENHANCE PUBLIC UNDERSTANDING WITHOUT CHANGING THE INTENT OF THE MPA?

No. The proposal in both petitions (2023-18MPA_1 or 2022-04) would not simplify regulatory language or enhance public understanding, and both would change the intent of the MPA.

QUESTION 13: DOES THE PROPOSED CHANGE MAINTAIN OR ENHANCE PROTECTION OF MARINE RESOURCES?

No. Petition 2023-18MPA_1 would reduce protection for marine resources by allowing shore-based hook-and-line fishing. Petition 2022-04 would reduce protection for marine resources by allowing take of “Sand Perch and/or similar species and take of Sand Crabs” for bait on a half-mile onshore portion of the Vandenberg SMR at Surf Beach. Either option would allow take in what is currently a No-take SMR and therefore lower the overall LOP from Very High to Moderate-low in that portion of the MPA (see Question 9 on how each proposal conflicts with MPA science guidelines).

Two species in the area, southern California steelhead and western snowy plover, are listed as Endangered and Threatened, respectively, under the federal Endangered Species Act. Southern California steelhead are also listed as Endangered under CESA. Both proposals have the potential to reduce protection and impact ongoing monitoring and restoration efforts for these sensitive species (see Question 4 for potential interactions with non-FGC management and activities). Additionally, white shark, which are fully protected in California, frequent the area. Granting either petition would likely introduce the potential for damage to white sharks via interactions with fishing gear and would require additional regulatory language to restrict gear types and shore-based shark fishing to limit white shark fishery interactions.

Redesignating the whole sandy beach portion of Vandenberg SMR would significantly reduce protections for the sandy beach ecosystem therein and also reduce replication for that type of ecosystem in the MPA Network. Additionally, redesignating the whole alongshore portion of Vandenberg SMR would include redesignating the area around the Santa Ynez River mouth, one of the ecological resources this MPA was designed to protect.

QUESTION 14: DOES THE PROPOSED CHANGE PROVIDE MORE EQUITABLE ACCESS OPPORTUNITIES (E.G., FISHING, EDUCATIONAL, AND/OR OTHER RECREATIONAL OPPORTUNITIES) FOR TRADITIONALLY UNDERSERVED OR MARGINALIZED COMMUNITIES?

Petition 2023-18MPA states that this proposed change would be for the purpose of equity and access. The City of Lompoc states in petition 2022-04 that their community is disadvantaged, and that access to no or low-cost opportunities to recreate and subsistence fish would benefit their community. CDFW reviewed available data and conducted an initial assessment, but there is a need to conduct a broader assessment to determine if the change would maintain or enhance access (e.g., fishing, educational, and/or other recreational opportunities) for traditionally underserved or marginalized communities. See Question 14 of Attachment 1.

QUESTION 15: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT CONSUMPTIVE AND/OR NON-CONSUMPTIVE ACTIVITIES? IF SO, HOW?

Yes. Proposals in both petitions (2023-18MPA_1 and 2022-04) would allow recreational shore-based hook-and-line fishing in an MPA that is currently closed to all fishing. Consumptive use by recreational and/or subsistence anglers would be expected to increase, particularly for residents of Lompoc, given it is the closest city.

It is unknown if or how existing long-term MPA monitoring, a non-consumptive activity, would be affected.

QUESTION 16: IS THE PROPOSED CHANGE CONSISTENT WITH CFGC JUSTICE, EQUITY, DIVERSITY AND INCLUSION POLICY?

See Question 16 of Attachment 1.

QUESTION 17: IS THE PROPOSED CHANGE CONSISTENT WITH CFGC COASTAL FISHING COMMUNITIES POLICY?

The proposed change would increase fishing access for the recreational fishing community, particularly for Lompoc residents (~9 mi from area of proposed change). However, impact to nearest fishing community port of Santa Barbara (located >50 mi from area of proposed change) is anticipated to be unlikely. See Question 17 of Attachment 1 for additional context on CFGC's response.

QUESTION 18: DOES THE PROPOSED CHANGE INTERACT WITH OR HAVE THE POTENTIAL TO AFFECT PROPOSED CHANGES IN OTHER 2023 MPA PETITIONS?

No. This petition does not directly interact with any other proposed changes in other 2023 MPA petitions. However, both petitions (2023-18MPA_1 and 2022-04) have potential to indirectly interact with 2023-28MPA, which proposes a new SMCA at Point Sal. That petition would create a protected area around the closest coastal access point north of Vandenberg SMR and Vandenberg SFB. The petitioner for that petition proposes an SMCA at Point Sal which would allow tribal take and recreational take of finfish by hook-and-line from shore. Additionally, one of Vandenberg SMR's objectives established during the Central Coast MLPA Initiative planning process was to "Replicate with a state marine reserve the same range of habitats found at fished sites at Point Sal."

2023-18MPA_3: AT KASHTAYIT SMCA, SIMPLIFY TAKE REGULATIONS TO: "RECREATIONAL TAKE OF FINFISH, INVERTEBRATES (EXCEPT ROCK SCALLOPS AND MUSSELS), AND GIANT KELP BY HAND HARVEST IS ALLOWED."

QUESTION 1: DOES THE PROPOSED CHANGE SUPPORT THE MPA NETWORK IN MEETING ONE OR MORE OF THE MLPA GOALS AND ALIGN WITH MPA MASTER PLAN ADAPTIVE MANAGEMENT OBJECTIVES?

The MLPA Goals and Master Plan objectives are inextricably linked and act as the foundational tools that CDFW utilizes for effective adaptive management of the MPA Network. Individual MPAs in the Network were not necessarily designed to address all six Goals of the MLPA but instead act as an important component of a functioning network that was designed to holistically address the MLPA Goals as a whole. As such, CDFW has evaluated this action within the broader adaptive management framework and how the proposed action may or may not align with the MLPA Goals/Master Plan objectives and

advance MPA Network management. See Question 1 of Attachment 1 for the MLPA Goals and Master Plan objectives.

This proposed change, to allow take of mussels and rock scallops and recreational mechanical harvest of giant kelp at Kashtayit SMCA, would not advance management of the MPA Network. The proposed change is inconsistent with the goals of these MPAs defined during the MLPA Initiative planning process and presented to CFGC when the resulting MPAs were adopted into regulation. This MPA was designed to meet MLPA Goals 3, 5, and 6. The proposed change would reduce this MPA's ability to meet some of those goals.

Changing these regulations would reduce the MPA's ability to meet MLPA Goal 3 because it would increase human disturbance and be inconsistent with protecting biodiversity. Mussels and giant kelp are structure-forming species that are important to the formation of marine ecosystems because the structures they form create secondary habitat for other species (Teagle et al. 2017, Cameron et al. 2024; MLPA 2010). Allowing or increasing take of mussels and giant kelp could reduce habitat availability for other species in the ecosystem, potentially reducing the biodiversity of the ecosystem.

The proposed change would also reduce the MPA's ability to meet MLPA Goal 5 as the MPA would no longer meet the clearly defined objectives established during the MLPA MPA design process. Kashtayit SMCA was intended to allow low-impact recreational take, especially take in line with traditional Chumash practices. The proposed change would increase the impact of take, which is inconsistent with this objective, and the intended goals of this MPA as designed in the planning process (MLPA, 2009a). Additionally, the proposed change to allow mechanical take in addition to hand harvest of giant kelp has an increased impact on the environment, as outlined in the MLPA (2009b).

The proposed change is not expected to affect the MPA's ability to meet MLPA Goal 6. Kashtayit SMCA does not currently meet size or protection thresholds to count towards network connectivity. This proposed change would not change that.

The proposed change would also conflict with the MPA Master Plan adaptive management objective to "Protect the structure and function of marine ecosystems." Increasing the take allowance and reducing protections for rock scallops and mussels and potentially giant kelp has the potential for impacts to the larger ecosystem. As mentioned above, mussels and giant kelp are structure-forming species that create habitat. Take of these species could lead to habitat loss due to damage to the physical environment during harvest or the loss of these species' function in the ecosystem as habitat-forming species. For example, take of scallops can damage substrate, as one

method of take requires prying them off the rock with an abalone iron (CDFG 2001). Therefore, allowing take would interfere with the structure and function of the ecosystem.

QUESTION 2A: DOES THE PROPOSED CHANGE ADVANCE ADAPTIVE MANAGEMENT RECOMMENDATIONS IN THE DECADAL MANAGEMENT REVIEW?

No. The change proposed in this petition does not advance any of the adaptive management recommendations in the Decadal Management Review. See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management Recommendations.

QUESTION 2B: IF NOT, DOES THE PROPOSED CHANGE ADDRESS A CURRENT OR EMERGING MPA MANAGEMENT CHALLENGE?

No. The proposed change would not address a current or emerging MPA management challenge or advance management of the MPA Network. Although the proposal aims to simplify regulatory language, and clear understandable regulatory language is a goal of management, the ecological costs outweigh any potential benefits. Improving signage and outreach efforts for the current regulations could be just as effective, or more effective, than a regulatory change.

QUESTION 3: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING CFGC NON-MPA REGULATIONS, PERMITS, OR LEASES (E.G., KELP LEASES, AQUACULTURE LEASES, EXPERIMENTAL FISHING PERMITS)?

Yes. CFGC manages kelp harvest in the state and uses spatial units called Administrative Kelp Beds to track commercial kelp harvest. Kashtayit SMCA is located within the area designated as Administrative Kelp Bed 31. Two different commercial entities have a CFGC approved kelp harvest plan for mechanical harvest of giant kelp in Administrative Kelp Bed 31, but not within Kashtayit SMCA. While the change proposed, if granted, would technically allow either mechanical or hand harvest within Kashtayit SMCA, it would still be limited to recreational harvest of giant kelp and subject to current bag limits. Although it is unlikely recreational harvesters would use mechanical means given the current bag limit (10 pounds per person per day), the proposed change would theoretically allow for recreational mechanical harvest. Commercial harvest of giant kelp by hand or mechanical means would still be prohibited within Kashtayit SMCA. The proposed change would require additional outreach and coordination with commercial and recreational kelp harvesters to ensure the change in regulations is adequately understood.

QUESTION 4: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING REGULATIONS, PERMITS, LEASES, OR MANAGEMENT ACTIVITIES OF ANY OTHER AGENCY OR ENTITY?

Yes. This MPA is adjacent to Gaviota State Park. Any changes made to regulations in this area may require consultation or coordination with State Parks.

Since the establishment of this MPA, the Chumash Heritage National Marine Sanctuary was established, which encompasses this MPA. Any changes to this MPA may require consultation or coordination with sanctuary staff.

There is a State Lands Commission lease for the Gaviota Pier, but we do not anticipate that this proposed change would interact with that lease.

This list may not be exhaustive. The proposed change may have the potential to affect existing regulations, permits, leases, or management activities of tribal governments, other agencies, and entities not identified here.

QUESTION 5: ARE THERE SIGNIFICANT INFORMATION GAPS THAT NEED TO BE FILLED TO INFORM THE EVALUATION OF THE PROPOSED CHANGE?

No. CDFW has adequate information to evaluate and make a recommendation on this proposal. When evaluating this petition, CDFW reviewed the information in the petition as well as information including but not limited to:

- The MLPA designation documents, which indicate the intent behind the allowed activities in the Kashtayit SMCA (MLPA 2009a),
- Scientific research on the ecosystem role of mussels and kelp as ecosystem-forming species (Teagle et al. 2017, Cameron et al. 2024), and
- The intent of the designers of this MPA from the original MLPA planning process (MLPA 2009b, MLPA 2010).

The information in the petition and other information CDFW reviewed did not demonstrate that the proposed change is relevant to MPA adaptive management or that a change to the MPA regulations is warranted.

QUESTION 6: ARE THERE SIGNIFICANT MANAGEMENT GAPS THAT NEED TO BE FILLED TO INFORM THE EVALUATION OF THE PROPOSED CHANGE?

No. CDFW has sufficient management information to proceed with the evaluation of this proposed change.

QUESTION 7A: WAS THE PROPOSED CHANGE CONSIDERED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

Yes. Prior to the establishment of Kashtayit SMCA, this area was Refugio SMCA,³ which allowed among other things, recreational take of rock scallops and mussels. These changes to the Refugio SMCA language were considered by the BRTF, and vetted through the Regional Stakeholder Group, and the language was identified in the MLPA South Coast Integrated Preferred Alternative, which was adopted by CFGC for Kashtayit SMCA. During the MLPA planning process, the BRTF recommended an alternative to update the take allowances to protect the local abundance of rock scallops, mussels, and giant kelp, and exclude harvest of rock scallops and mussels because of the potential to damage the rocks or other substrate during harvest, which can alter community structure and result in permanent habitat loss. Additionally, the integrated preferred alternative included recreational take of giant kelp by hand. During the MLPA planning process, the BRTF carefully selected commercial or recreational take of kelp, and mechanical and/or hand harvest of kelp for each MPA based on the MPA-specific goals. The BRTF highlighted that mechanical harvest of giant kelp has greater impacts to kelp abundance, kelp canopy, and kelp ecosystems than hand harvest (MLPA 2009b). Every occurrence of recreational take of kelp in the MPA regulations specifies “by hand” or “hand harvest;” mechanical harvest of kelp is associated with commercial take in the MPA regulations and commercial kelp regulations (Cal. Code Regs. Section 165 and 165.5). The inclusion of “giant kelp by hand” in the Kashtayit SMCA regulations is intentional.

QUESTION 7B: IS THERE NEW INFORMATION AVAILABLE, CHANGING CONDITIONS SINCE THE MLPA IMPLEMENTATION PHASE, AND/OR INFORMATION PRESENTED IN THE DMR THAT WARRANTS REEVALUATION OF THE PROPOSED CHANGE?

No. There is no new information that warrants reevaluation of the proposed change.

³ Refugio SMCA: “Prohibits all recreational take except for chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels, worms, and finfish. Prohibits all commercial take except for algae (except giant kelp and bull kelp); crabs, ghost shrimp, jackknife clams, sea urchins, worms, and finfish.”

QUESTION 8: IF THE PROPOSED CHANGE AFFECTS AN EXISTING MPA, DOES THE PROPOSED CHANGE ALIGN WITH THE ORIGINAL INTENT OF THE MPA IDENTIFIED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

No. This proposed change does not align with the original intent of the MPA identified during the MLPA Initiative planning process. This MPA was intended to allow low-impact recreational take, especially take in line with traditional Chumash practices (MLPA 2009a). The proposed change would increase take allowance and reduce protections for rock scallops, mussels, and potentially giant kelp. The proposed change could lead to permanent habitat loss due to damage to the physical environment during harvest of rock scallops and mussels, which support the broader ecosystem as structure-forming species that create habitat for other species. Additionally, throughout the MPA regulations, “hand harvest” is specified for recreational take of *Macrocystis*. This was an intentional decision during the MLPA planning process. Although it is unlikely recreational harvesters would use mechanical harvest for the current 10 pound bag limit, the proposed change does not align with the original intent of the MPA and would introduce regulatory inconsistency in the MPA regulations. The proposed change would also increase impacts on the ecosystem and conflict with the low-impact take envisioned during the planning process.

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

No. The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 9 square miles and meet one of the three highest LOPs (i.e., Very High, High, or Moderate-high) to contribute to ecological goals such as habitat replication and representation. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

Kashtayit SMCA does not currently meet the minimum criteria for LOP or size. Because the proposal to change the regulations would not increase the size and would, in fact, decrease the LOP of this MPA, implementation would not enhance alignment with MLPA Science Guidelines. Rather, the proposed change would compromise the design of Kashtayit SMCA and would not improve the MPA Network design.

QUESTION 10A: DOES THE PROPOSED CHANGE ALIGN WITH CDFW FEASIBILITY GUIDELINES?

Yes. The Take Regulations section of the Feasibility Guidelines stipulates that complex regulations should be avoided, including those that preclude some uses while allowing other uses that are very similar. The change proposed in this petition may improve alignment with the Take Regulations section in the Feasibility Guidelines by reducing the complexity of the Kashtayit SMCA regulations. See Question 10a of Attachment 1 for CDFW Feasibility Guidelines.

QUESTION 10B: IF NOT, IS THERE A RATIONALE FOR MOVING FORWARD WITH THE PROPOSED CHANGE OR AN ALTERNATIVE THAT COULD MEET THE INTENT BUT BETTER ALIGN WITH FEASIBILITY GUIDELINES?

Not applicable.

QUESTION 11: DOES THE PROPOSED CHANGE MAINTAIN OR IMPROVE ENFORCEABILITY OF MPA REGULATIONS?

In general, reducing complexity of the take allowances in the MPA could improve enforceability after a period of outreach and education associated with the regulatory change. However, the proposed change would result in unique regulations for recreational kelp harvest in Kashtayit SMCA that would be inconsistent with all other recreational take of kelp in the MPA regulations, which may present an enforcement challenge.

QUESTION 12: DOES THE PROPOSED CHANGE SIMPLIFY REGULATORY LANGUAGE OR ENHANCE PUBLIC UNDERSTANDING WITHOUT CHANGING THE INTENT OF THE MPA?

No. Although the change proposed in this petition makes the regulatory language simpler, the simplifying change has a substantive effect. This would change the intent of the MPA by increasing types and methods of allowable take, which conflicts with the original intent.

QUESTION 13: DOES THE PROPOSED CHANGE MAINTAIN OR ENHANCE PROTECTION OF MARINE RESOURCES?

No. The proposed change would reduce protection for marine resources by allowing take of resources which are currently protected, including rock scallops, mussels, and giant kelp. Furthermore, this change might have compounding effects on marine resources, as removal of habitat structure (damage caused to hard substrate when harvesting rock scallops and mussels), including biogenic habitat (removal of scallops, mussels, and giant kelp), affects community structure and function (Teagle et al. 2017, Cameron et al. 2024).

QUESTION 14: DOES THE PROPOSED CHANGE PROVIDE MORE EQUITABLE ACCESS OPPORTUNITIES (E.G., FISHING, EDUCATIONAL, AND/OR OTHER RECREATIONAL OPPORTUNITIES) FOR TRADITIONALLY UNDERSERVED OR MARGINALIZED COMMUNITIES?

See Question 14 of attachment 1.

QUESTION 15: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT CONSUMPTIVE AND/OR NON-CONSUMPTIVE ACTIVITIES? IF SO, HOW?

Yes. If granted, the proposed change would likely increase take of rock scallops and mussels in the SMCA.

QUESTION 16: IS THE PROPOSED CHANGE CONSISTENT WITH CFGC JUSTICE, EQUITY, DIVERSITY AND INCLUSION POLICY?

See Question 16 of Attachment 1.

QUESTION 17: IS THE PROPOSED CHANGE CONSISTENT WITH CFGC COASTAL FISHING COMMUNITIES POLICY?

The proposed change attempts to reduce regulatory complexity for the recreational fishing community. This would advance the CFC policy commitment to "increasing understanding and compliance and reducing enforcement burdens." However, impact on a nearby coastal fishing community (Santa Barbara, ~20 nautical miles south from area of proposed change) is anticipated to be unlikely. See Question 17 of Attachment 1 for additional context on CFGC's response.

QUESTION 18: DOES THE PROPOSED CHANGE INTERACT WITH OR HAVE THE POTENTIAL TO AFFECT PROPOSED CHANGES IN OTHER 2023 MPA PETITIONS?

Yes. Petitions 2023-19MPA (SYBCI, Chitqawi) and 2023-20MPA (SYBCI, Point Buchon) are proposing to use current Kashtayit SMCA regulations and the tribal take exemption for Santa Ynez Band of Chumash Indians in new or amended MPAs.

2023-18MPA_5-7: ELIMINATE SAN MIGUEL ISLAND AND ANACAPA ISLAND SPECIAL CLOSURES, REDUCE THE SIZE OF THE BROWN PELICAN FLEDGLING AREA AT ANACAPA ISLAND

QUESTION 1: DOES THE PROPOSED CHANGE SUPPORT THE MPA NETWORK IN MEETING ONE OR MORE OF THE MLPA GOALS AND ALIGN WITH MPA MASTER PLAN ADAPTIVE MANAGEMENT OBJECTIVES?

Goals of the MLPA are specific to MPAs and do not apply to the MPA Network's special closures, which were areas adopted by CFGC and prohibit access or restrict boating

activities in waters adjacent to sea bird rookeries or marine mammal haul-out sites. While special closures are not MPAs, they do support MLPA Goals by protecting marine life, and the abolishment or reduction of these special closures would not contribute to the Goals of the MLPA. See Question 1 of Attachment 1 for the MLPA Goals and Master Plan objectives.

QUESTION 2A: DOES THE PROPOSED CHANGE ADVANCE ADAPTIVE MANAGEMENT RECOMMENDATIONS IN THE DECADAL MANAGEMENT REVIEW?

No. The proposed change does not advance adaptive management recommendations from the Decadal Management Review. See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management Recommendations.

QUESTION 2B: IF NOT, DOES THE PROPOSED CHANGE ADDRESS A CURRENT OR EMERGING MPA MANAGEMENT CHALLENGE?

No. The proposed change does not address a current or emerging MPA management challenge. The petitioner's stated intent for the proposed changes is to remove protection for pinnipeds and seabirds, pointing to recovered pinniped populations and that Anacapa Island SMCA and SMR already provide protection for seabirds, making the closures unnecessary. However, the petition does not provide any evidence to indicate the special closures are unnecessary. Additionally, the petitioner asserts the original intent at Anacapa Island during the planning process was to allow boating access at Frenchy's Cove. Boating access was discussed during the Northern Channel Islands MPA planning process and access is allowed seasonally at Frenchy's Cove. There is no new information that points to a need for reducing the size of the brown pelican special closure to increase boating access.

QUESTION 3: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING CFGC NON-MPA REGULATIONS, PERMITS, OR LEASES (E.G., KELP LEASES, AQUACULTURE LEASES, EXPERIMENTAL FISHING PERMITS)?

No. CDFW does not anticipate that CFGC would need to make conforming changes to other regulations, permits, or leases in response to the proposed change to these MPA regulations.

Additionally, in 2014 a petition was submitted to evaluate use of special closures in the Central Coast Region; however, the action was dropped after the petitioner failed to follow up on a revised and refined proposal through stakeholder and agency workgroup effort (see CDFW 2022, Appendix G, Table 3).

QUESTION 4: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING REGULATIONS, PERMITS, LEASES, OR MANAGEMENT ACTIVITIES OF ANY OTHER AGENCY OR ENTITY?

Yes. The three northern Channel Islands special closures overlap with the Channel Islands National Marine Sanctuary. Any modifications to or removal of the special closures would affect federal management and research efforts and would require consultation with the Office of the National Marine Sanctuary and National Park Service. The special closure on San Miguel Island and the two special closures on Anacapa Island provide a buffer zone between human activity and marine mammal haul-out and sea bird nesting sites. Additional federal enforcement may be required to further monitor and enforce issues related to the Marine Mammal Protection Act and the Migratory Bird Treaty Act should these special closures be removed or modified.

This list may not be exhaustive. The proposed change may have the potential to affect existing regulations, permits, leases, or management activities of Tribal governments, other agencies, and entities not identified here.

QUESTION 5: ARE THERE SIGNIFICANT INFORMATION GAPS THAT NEED TO BE FILLED TO INFORM THE EVALUATION OF THE PROPOSED CHANGE?

No. CDFW has adequate information to evaluate and make a recommendation on this proposal. When evaluating this petition, CDFW reviewed the information in the petition as well as supplemental information, including but not limited to:

- History of the Community-Based Process on Marine Reserves at the Northern Channel Islands National Marine Sanctuary 1999-2001 (MRWG 2002),
- The CEQA documents that accompanied the original rulemaking establishing these MPAs (CDFG 2002a & 2002b),
- The Channel Islands National Marine Sanctuary Condition Report (ONMS 2019),
- NOAA Fisheries California sea lion census data (NMFS 2019),
- NOAA's final rule on the marine reserves inside the Northern Channel Islands National Marine Sanctuary (NOAA 2007)

This information, along with other information CDFW reviewed, did not demonstrate that the proposed change would advance MPA adaptive management or that a change in MPA regulations is warranted.

QUESTION 6: ARE THERE SIGNIFICANT MANAGEMENT GAPS THAT NEED TO BE FILLED TO INFORM THE EVALUATION OF THE PROPOSED CHANGE?

No. CDFW has sufficient management information to proceed with the evaluation of this proposed change.

QUESTION 7A: WAS THE PROPOSED CHANGE CONSIDERED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

Yes. During the Northern Channel Islands MPA planning process, the San Miguel Special Closure replaced the existing San Miguel Island Ecological Reserve, which incorporated the reserve's existing restrictions on boating and access to continue protections for pinnipeds to haul out (CDFG 2002b, Appendix 4). Similarly, the Anacapa Island Special Closure replaced the existing Anacapa Island Ecological Reserve, which also incorporated the existing provision for no net or trap to be used in waters less than 20 feet deep, as well as the brown pelican fledgling area (CDFG 2002b, Appendix 4). This smaller area within the island-wide Anacapa Island Special Closure prohibits public access from January 1 through October 31 to protect nesting birds, nests, and fledglings during brown pelican nesting season. Subsequently, during the MLPA Initiative planning process, and following CFGC guidance, both the San Miguel and Anacapa Island Special Closures were incorporated without modification into South Coast MPAs (CFGC 2002b). Thus, the areas within the affected Special Closures were evaluated and retained through both the Channel Islands and MLPA Initiative planning processes.

QUESTION 7B: IS THERE NEW INFORMATION AVAILABLE, CHANGING CONDITIONS SINCE THE MLPA IMPLEMENTATION PHASE, AND/OR INFORMATION PRESENTED IN THE DMR THAT WARRANTS REEVALUATION OF THE PROPOSED CHANGE?

No. There is no new information or changed conditions that warrants reevaluating or modifying these special closures. The petitioner points to recovered pinniped populations and that Anacapa Island SMCA and SMR already provide protection for seabirds, making the San Miguel and Anacapa Island special closures unnecessary. Although some populations have increased since the closures were designated, sufficient evidence was not presented to justify removing or modifying the protections currently in place. See the response to Question 8 for more information on original intent identified during the implementation process of the MPAs around the Northern Channel Islands.

QUESTION 8: IF THE PROPOSED CHANGE AFFECTS AN EXISTING MPA, DOES THE PROPOSED CHANGE ALIGN WITH THE ORIGINAL INTENT OF THE MPA IDENTIFIED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

No. Reducing or abolishing these special closures would conflict with the intent of their establishment. Special closures serve to buffer and provide additional protection from the impacts of human disturbance for sea birds, marine mammals, and other marine life. San Miguel Island Special Closure protects some of the largest seal and sea lion

rookeries along the west coast of the United States. The Anacapa Island Special Closure protects nesting seabirds year-round, with an additional seasonal brown pelican fledgling area that is designated from the mean high tide mark seaward to a water depth of 20 fathoms (120 feet) on the north side of West Anacapa Island. This seasonal closure allows protection for brown pelicans during nesting season (from January 1 through October 31), while allowing boat access during less sensitive times of the year.

During the Northern Channel Islands MPA planning process, the California brown pelican and Northern fur seal (*Callorhinus ursinus*) were identified as species of interest for consideration by the Marine Reserves Working Group. Additionally, Steller sea lion and Guadalupe fur seal were identified as having occurred in the Channel Islands National Marine Sanctuary and were listed as threatened under the Endangered Species Act (NMFS 1985, 1990). Currently, the western distinct population segment of Steller sea lion is listed under the ESA as endangered and Guadalupe fur seal is listed under the ESA as threatened (NMFS 1985, 1990). Though the California brown pelican was delisted under the ESA in 2009, they are extremely sensitive to human disturbance. Thus, the protection offered by the San Miguel Island and Anacapa Island special closures is still relevant today.

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

No. The MPA science guidelines only apply to MPAs. The proposals to eliminate, reduce, or remove special closures would not improve the design of the MPA Network or enhance alignment with MPA Science Guidelines. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

QUESTION 10A: DOES THE PROPOSED CHANGE ALIGN WITH CDFW FEASIBILITY GUIDELINES?

Not applicable. CDFW Feasibility Guidelines only apply to MPAs and the proposed change does not apply to an MPA. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

QUESTION 10B: IF NOT, IS THERE A RATIONALE FOR MOVING FORWARD WITH THE PROPOSED CHANGE OR AN ALTERNATIVE THAT COULD MEET THE INTENT BUT BETTER ALIGN WITH FEASIBILITY GUIDELINES?

Not applicable. CDFW Feasibility Guidelines only apply to MPAs and the proposed change does not apply to an MPA.

QUESTION 11: DOES THE PROPOSED CHANGE MAINTAIN OR IMPROVE ENFORCEABILITY OF MPA REGULATIONS?

2023-18MPA_5&6:

No. The proposed change would not maintain or enhance enforceability, as compliance is not a concern at these two closures.

2023-18MPA_7:

No. The proposed change would not enhance enforceability. Enforcement officer observations indicate that traps at this location are not typically set shallower than 20 feet deep. Traps that are found in shallow depths in this area are reported to be associated with inclement weather.

QUESTION 12: DOES THE PROPOSED CHANGE SIMPLIFY REGULATORY LANGUAGE OR ENHANCE PUBLIC UNDERSTANDING WITHOUT CHANGING THE INTENT OF THE MPA?

No. The petitioner asserts the guiding rationale for eliminating the special closures at Anacapa and San Miguel islands “simplifies regulatory language”; however, proposed action changes the intent of the regulations. Improved public understanding could instead be achieved through enhanced outreach and education.

QUESTION 13: DOES THE PROPOSED CHANGE MAINTAIN OR ENHANCE PROTECTION OF MARINE RESOURCES?

No. The proposed elimination and/or reduction in size of the Anacapa and San Miguel Island Special Closures decreases protection for marine resources, particularly by reducing nesting and fledgling habitat for the California brown pelican and haul out sites for two pinniped species, Stellar sea lion and Guadalupe fur seal, which are currently listed under the ESA as endangered and threatened, respectively (NMFS 1985, 1990).

QUESTION 14: DOES THE PROPOSED CHANGE PROVIDE MORE EQUITABLE ACCESS OPPORTUNITIES (E.G., FISHING, EDUCATIONAL, AND/OR OTHER RECREATIONAL OPPORTUNITIES) FOR TRADITIONALLY UNDERSERVED OR MARGINALIZED COMMUNITIES?

See Question 14 of Attachment 1.

QUESTION 15: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT CONSUMPTIVE AND/OR NON-CONSUMPTIVE ACTIVITIES? IF SO, HOW?

Yes. The proposed change (i.e. elimination of a special closure and/or changing its boundaries) is expected to increase boating (non-consumptive) and fishing (consumptive) activities in the affected areas. It also has the potential to impact any

existing research and monitoring (non-consumptive) of California brown pelican and pinniped populations at either Anacapa Island Special Closure, San Miguel Island Special Closure, or both.

QUESTION 16: IS THE PROPOSED CHANGE CONSISTENT WITH THE CFGC JUSTICE, EQUITY, DIVERSITY AND INCLUSION POLICY?

See Question 16 of Attachment 1.

QUESTION 17: IS THE PROPOSED CHANGE CONSISTENT WITH THE CFGC COASTAL FISHING COMMUNITIES POLICY?

The following analyses were prepared by CFGC staff. See Question 17 of Attachment 1 for additional context on CFGC's responses.

2023-18MPA_5: Eliminate pinniped Special Closure at San Miguel Island

The proposed change attempts to reduce regulatory complexity, particularly for boat-based fishing participants homeported to the coastal fishing communities of:

- Santa Barbara (~ 55 n mi from area of proposed change), and
- Channel Islands Harbor (Oxnard, ~60 n mi away from area of proposed change).

This proposed change could advance the CFC policy by potentially increasing understanding of regulations.

2023-18MPA_6: Reduce the size of the brown pelican Anacapa Island Special Closure to allow boat access to Frenchy's Cove

The proposed change would increase fishing and safe harbor access, particularly for boat-based fishing participants homeported in the coastal fishing communities of:

- Channel Islands Harbor (Oxnard),
- Ventura Harbor (~10 n mi away from area of proposed change), and/or
- Santa Barbara (~25 n mi area of proposed change).

Frenchy's Cove is a key anchorage on the island's north side that provides some protection from the west wind and swell; the next-nearest protected anchorage is ~10 n mi eastward, at Santa Cruz Island. Opening access for the 10 months currently closed may support safe anchorage for commercial fishing vessels that homeport in Oxnard, Santa Barbara, and/or Ventura.

2023-18MPA_7: Reassess and consider removing the following Special Closure at Anacapa Island: "No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands"

Impacts, if any, would be most relevant for net and trap fishery participants homeported in fishing communities of:

- Channel Islands Harbor (Oxnard),
- Ventura Harbor (~10 nm away from area of proposed change), and/or
- Santa Barbara (~25 nm area of proposed change).

Further input directly from those communities would be needed to clarify potential impacts.

QUESTION 18: DOES THE PROPOSED CHANGE INTERACT WITH OR HAVE THE POTENTIAL TO AFFECT PROPOSED CHANGES IN OTHER 2023 MPA PETITIONS?

Yes. The proposed action 2023-18MPA_6 (Reduce the size of the brown pelican Anacapa Island Special Closure to allow boat access to Frenchy's Cove) would be moot if the closure was abolished as per proposed action 2023-18MPA_7 (Reassess and consider removing the following Special Closure at Anacapa Island: "No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands"). There are also potential contraindications between both of these proposed actions and options stated in petition 2023-27MPA (amend existing Anacapa SMCA, evaluating three options (solutions) and choose the one that best protects the eelgrass meadow while allowing for community access), and 2023-34 (allow commercial take of sea urchins in nine State Marine Conservation Areas, including Anacapa Island SMCA) which could also affect the Anacapa Island Special Closure.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

Table 1. MPA attributes (area, LOP, depth range, and habitat extent) of the existing Vandenberg SMR, as well as the nearshore and offshore MPAs proposed in 2023-18MPA_1 (A) and 2022-04 (B). A dash (–) indicates that the MPA does not contain the habitat type. Habitat extent may be reported in linear miles or square miles, depending on data availability and Science Advisory Team (SAT) guidance.

Values shown in **bold** indicate that the MPA attribute meets the relevant science guideline established by the SAT during the MLPA Initiative planning process. An MPA contributes to habitat replication only if it first meets the minimum size (>9 sq mi) and LOP (Very High, High, or Moderate-High) criteria (i.e., first two rows must be bold).

	Existing	Offshore SMR (A)	Nearshore SMCA (A)	Offshore SMR (B)	Nearshore SMCA (B)
MPA Area (sq mi)	32.91	31.83	1.08	32.88	0.03
Level of Protection	Very High	Very High	Moderate-Low	Very High	Moderate-Low
Min Depth (m)	0	0	0	0	0
Max Depth (m)	42.0	42.0	8.2	42.0	5.3
Eelgrass (sq mi)	–	–	–	–	–
Kelp (mi)	1.28	1.28 ^a	–	1.28	–
Beach (mi)	13.19	–	13.19	12.73	0.42
Rocky Intertidal (mi)	9.99	–	9.99	9.99	–
Estuaries (sq mi)	1e-3	–	1e-3	1e-3	–
Hard Substrate					
0-30 m (mi)	2.18	2.18 ^a	–	2.18	–
30-100 m (sq mi)	0.04	0.04	–	0.04	–
100-200 m (sq mi)	–	–	–	–	–
>200 m (sq mi)	–	–	–	–	–
Soft Substrate					
0-30 m (mi)	12.04	12.04 ^a	–	12.04	–
30-100 m (sq mi)	8.85	8.85	–	8.85	–
100-200 m (sq mi)	–	–	–	–	–
>200 m (sq mi)	–	–	–	–	–

^a Would not count towards habitat replication despite meeting the minimum size because the MPA does not encompass the full 0-30 m depth range

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