

Staff Summary for May 5-6, 2026

14. Marine Protected Area (MPA) Petition 2023-15MPA_AM2**Today's Item****Information** **Action**

Receive a presentation from the petitioner, followed by public comment and discussion for Petition 2023-15MPA_AM2: *Request to change the classification of Footprint State Marine Reserve (SMR), Santa Barbara Island SMR, and Gull Island SMR to State Marine Conservation Areas (SMCAs) to allow take of pelagic finfish species through one of several options.*

Summary of Previous/Future Actions

- Received 20 MPA petitions; referred to the Marine Resources Committee and the Department for review December 2023; February 2024
- Granted or denied all individual actions in the 5 “bin 1” MPA petitions December 2024
- Received Department bin 2 petition evaluations for 10 non-tribally led or co-led petitions April 15-16, 2026
- Received petitioners’ presentation and discussed region-specific petitioned actions in bin 2 MPA petitions from Del Norte through Monterey counties April 21, 2026
- **Today, receive petitioners’ presentation and discuss bin 2 MPA petitions from San Luis Obispo through Santa Barbara counties, northern Channel Islands, and Santa Barbara Island** **May 5-6, 2026**
- Receive petitioners’ presentation and discuss bin 2 MPA petitions from Los Angeles through San Diego counties and Catalina Island May 19, 2026
- Receive Department bin 2 evaluations for 5 tribally led or co-led petitions Date to be determined

Background

In November 2023, the Commission received Petition 2023-15MPA, alongside 19 other petitions proposing changes to the state’s MPA network and management program. In February 2024, the Commission referred all MPA petitions to the Department for its evaluation and recommendation, while developing and updating guidance over time.

For detailed background information and key documents related to the process leading to this stage — including the companion document to the Department’s evaluations for non-tribally led or co-led petitions, the Department’s evaluations presentation, and a letter from the California Ocean Protection Council providing input to complement the Department’s evaluations — see the [Introduction to Bin 2 MPA Petitions and Evaluations](#).

Petition Amendments

Bin 2 petitioners were provided until March 2025 to submit formal amendments to their original petitions for inclusion in the Department’s evaluation. This petition was formally amended

Staff Summary for May 5-6, 2026

(AM1 and AM2) by the March 2025 deadline (see Petition 2023-15MPA_AM2 in Exhibit 1). The amendments offered modified take combinations to align with federal essential fish habitat gear restrictions, offer simplified take combinations, remove gear type disallowed in state waters and account for feasibility guidelines. In later correspondence, the petitioner requested that the Department only evaluate the options that would maintain a high level of protection in the MPAs.

Overview of Actions in Petition 2023-15MPA_AM2 Relevant to This Region

This petition, submitted by Blake Hermann, proposes to reclassify three SMRs as SMCAs to allow take of pelagic and/or highly migratory species (HMS); all of the proposed changes are located in this region (action numbers from the Department's evaluation are included for reference):

- Action 1. Reclassify Footprint SMR to SMCA to allow either the limited take of HMS and possession of coastal pelagic species, or the take of pelagic finfish via six options. Options include various combinations of methods of take, including hook-and-line, spear, harpoon (swordfish only), and options to prohibit "bottom-contact gear" (see petition for specific options).
- Action 2. Reclassify Gull Island SMR to an SMCA (or an inshore SMCA or SMR with an offshore SMCA) to allow either the limited take of HMS and possession of coastal pelagic species, or the take of pelagic finfish via six options. Options include various combinations of methods of take, including hook-and-line, spear, harpoon (swordfish only), and options to prohibit "bottom-contact gear" (see petition for specific options).
- Action 3. Reclassify Santa Barbara Island SMR to an SMCA (or an inshore SMCA or SMR with an offshore SMCA) to allow either the limited take of HMS and possession of coastal pelagic species, or the take of pelagic finfish via six options. Options include various combinations of methods of take, including hook-and-line, spear, harpoon (swordfish only), and options to prohibit "bottom-contact gear" (see petition for specific options).

Note that the petitioner also submitted a petition to the National Oceanographic and Atmospheric Administration (NOAA) Channel Islands National Marine Sanctuary to reclassify the SMR extensions into federal waters (known as federal marine reserves) as federal marine conservation areas.

Stated Intent

In summary, the petitioner explains that HMS and pelagic finfish, including swordfish, were not intended to be protected by these MPAs and that allowing take of these species would provide economically beneficial and sustainable commercial fishing opportunities while minimally impacting the ecosystem due to the selective nature of the proposed gear. They state that, "The allowance of limited pelagic or highly migratory take in these areas falls in line with the adaptive management measures set forth in the [2023 MPA] Decadal Management Review (DMR) and reinforced by the Marine Resource [Committee's] near-term [DMR] recommendations. The further highlights that "...the proposed changes also fall in line with the

Staff Summary for May 5-6, 2026

MPA Master Plan science guidelines [for high level-of-protection MPAs], and align with FGC comments on previous change request petitions.” See Exhibit 1 for more details.

Public Comments

The Commission has received public comments on MPA petitions continuously since petitions were submitted in late 2023. Staff has compiled into a single packet the comments received for this petition that were included in committee or Commission meeting binders or supplemental handouts from the December 2023 through April 2026 Commission meetings (Exhibit 2). Comments received after the April 2026 Commission meeting but before this meeting’s comment deadline are included as exhibits to this staff summary.

Petition Evaluations

On March 20, 2026, the Department publicly released its [evaluations and recommendations for the ten petitions that were not tribally led or co-led](#), including for Petition 2023-15MPA_AM2 (Exhibit 3). The Department also released a [companion document](#), to offer essential context that is intended to be reviewed before the individual petition evaluations.

In addition, on March 20, 2026 the [California Ocean Protection Council \(OPC\), in its role as policy lead for the MPA network, sent a letter to the Commission](#) outlining its overarching perspectives on the MPA petitions, including the tribally led and co-led petitions (see [OPC news release, dated March 20, 2026](#)). OPC indicated that it plans to provide more detailed input on the bin 2 petitions using a policy lens, intended to complement the Department’s evaluations. OPC now anticipates transmitting its evaluation for consideration at the June 2026 Commission meeting.

Today’s Meeting

Today, the petitioner will present Petition 2023-15MPA_AM2 and describe any proposed changes since the March 2025 amendment deadline. This meeting provides petitioners an opportunity to engage in dialogue with the Commission alongside robust public participation.

All meeting participants are encouraged to review the [Regional Meeting Expectations and Guidelines](#) (included in the agenda) as a reference for engaging in today’s meeting.

Significant Public Comments

1. An organization representing commercial fishermen, industry partners, and others dependent upon access to California’s coastal resources supports the proposed changes. The organization emphasizes that the petition would help to maintain economic stability of commercial fishermen without undermining conservation objectives for the MPAs, as the target species are highly mobile and therefore are species less likely to benefit from static MPA boundaries. (Exhibit 4)
2. A recreational angler and diver from northern California who frequently recreates on the central California coast shares appreciation for increased opportunities for access this petition would provide, but expresses wariness about the potential need to trade access elsewhere in the network to balance the proposed change. Overall, they support the Department’s recommendation to deny the petition. (Exhibit 5)

Staff Summary for May 5-6, 2026

Recommendation

Commission staff: Based on the day's discussion, consider what additional information, if any, will be needed to inform a decision on the petition.

Department: Deny all petition actions, for the reasons detailed in Exhibit 3. In summary:

- The proposed change to reclassify Footprint SMR [and] Federal Marine Reserve to an SMCA [and] Federal Marine Conservation Area to allow use of deep set buoy gear (DSBG), commercial take of swordfish by harpoon, and various combinations of other recreational and/or commercial take, does not advance adaptive management recommendations from the Decadal Management Review or address a current or emerging MPA management challenge.
- Furthermore, the change would conflict with the original goals of these MPAs, create enforcement feasibility issues, and require coordination and a corresponding rulemaking with the NOAA Channel Islands National Marine Sanctuary (CINMS).
- To date, CINMS has not indicated to the Department that protection level modifications appear needed in order to better support the goals established for these MPAs.
- There is not sufficient evidence to demonstrate that the proposed change would advance MPA adaptive management or that a change in MPA regulations is warranted.

Exhibits

1. [Petition 2023-15MPA_AM2](#), received November 22, 2023, first amended January 9, 2025, and again amended March 14, 2025
2. [Packet of comments](#), received November 2023 through April 16, 2026
3. [Department evaluation of Petition 2023-15MPA_AM2](#), received March 20, 2026
4. [Letter from David Colker, Executive Director, Ventura County Commercial Fishermen's Association](#), received April 21, 2026
5. [Email from Rick Duenas](#), received April 22, 2026

Motion (N/A)



Petition2025-15MPA Amendment Cover Message

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

Petition actions being revised:

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

Additional stakeholder feedback/rationale being added:

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



Tracking Number: (2023-15MPA_AM2)

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

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

SECTION I: Required Information.

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

1. Person or organization requesting the change (Required)

Name of primary contact person: Blake Hermann

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

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

- Fish and Game Code (FGC) Division 1, Chapter 2, Sections 200, 205c, 265, and 399
- Fish and Game Code (FGC) Division 2, Chapter 5, Sections 1590 and 1591
- Fish and Game Code (FGC) Division 3, Chapter 10.5, Sections 2860 and 2861
- Fish and Game Code (FGC) Division 6, Chapter 6, Section 6750
- Public Resource Code (PRC) Division 27, Chapter 7, Sections 36725(a) and 36725(e)

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

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

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



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

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

Option 2: Elevated protections in species selectivity (1st preferred option):

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

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

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

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

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

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

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

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

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

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

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

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

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



- The commercial take of swordfish by harpoon is allowed.

Deep-Set-Buoy-Gear (DSBG):

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

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

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

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

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

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

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

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

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

The Problem:

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

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

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



Summary of the reasons for change:

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

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

If implemented the resulting changes may have the following effects:

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

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

SECTION II: Optional Information

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

6. **Category of Proposed Change**

- Sport Fishing
- Commercial Fishing
- Hunting



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

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

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

Add New Title 14 Section(s):

Repeal Title 14 Section(s):

*See Document 20 for State and Federal Code modifications example

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

Or Not applicable.

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

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

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

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

Why Change These MPAs?

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

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

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



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

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

The First California MPAs:

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

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

MPA Intentions - Focus on Local Non-Pelagic Species:

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

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



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

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

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

Proposed Changes Effect on the Original MPA Intentions:

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

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



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

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

Following MPA Reports, The Need for Adaptive Management:

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

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

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

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

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

Pursuing Equitable Policy Through Modernized SMCAs:

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

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



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

The Channel Islands network of MPAs covers 21% (318 mi²) of the total sanctuary waters. Compared to the 16% of state waters currently protected under the network, this means there is a 31% increase in protected areas around the Channel Islands than the rest of the state.

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

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

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

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

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

Enforcement Analysis:

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



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

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

Mass Public Support:

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

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

Included Stakeholder feedback and additional information (added January 2025)

Commercial Swordfish:

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



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

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

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

This problem is compounded in the commercial swordfish fishery due to the fishery's reliance on calm waters to eyeball or locate a basking swordfish. Of the northern Channel Islands one MPAs in particular, The Footprint, sits in the lee of the islands, the place where the islands act as a physical weather barrier from the normal westerly wind and swell. This calm section was historically important and remains an essential area to the swordfish fishery more than other fisheries because of its reliance on spotting vs hooking a fish. These weather pockets force the fishery to operate in the lee area regardless of the MPA's presence. The result is a higher effort around the MPA, not because there is any more swordfish there than other places, but because that is the only zone that has fishable conditions most days at the Northern Channel Islands. This closer proximity to the MPA due to weather leads to higher chances of interactions where legally taken fish tow gear into the closures as mentioned above. We can see this higher landing rate and therefore higher chance of interactions by observing commercial block catch data showing the blocks containing and surrounding the Footprint, blocks 707 and 708 are especially productive due to the calmer waters. These two blocks alone captured 2.82% of state swordfish landings, locally comprising 15.63% of the swordfish produced by the Santa Barbara Port Area over the last 18 years (MFDE¹), particularly high values for an HMS.

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

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

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

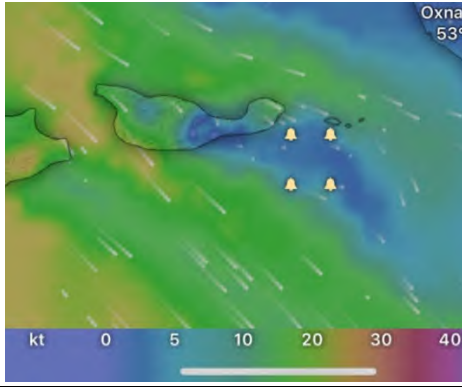


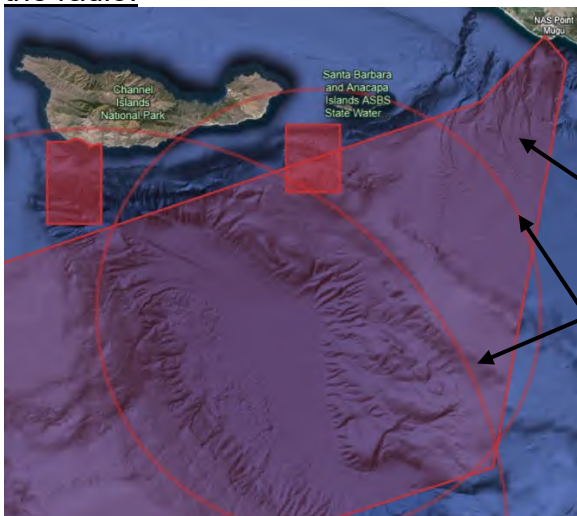
Image depicting average day in the Northern Channel Islands with The Footprint MPA outlined. Displayed wind “lee” for commercial swordfish is predominately around the closure forcing effort and gear interactions with the MPA to be higher (conditions are “fishable” under 10kts, blue color). Wind model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

Local Naval Closures:

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

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

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



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

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

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



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

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

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

MPA Master Plans: Appendix G of the 2008 Master Plan³ discusses the idea of species affected by MPAs, mentioning pelagic and HMS groups are overall less affected. Additionally, as the original petition mentions, the current 2016 MPA Master Plan for the southern section outlines within its goals⁴ that areas of protection providing limited pelagic take or HMS take be provided. This is something we do not see around the Channel Islands in nearly comparable amounts to the rest of the state network, this effect is worsened by the federal expansions at the Channel Islands encroaching more into offshore waters where more pelagic fishing occurs. Previous FGC MPA discussions provided additional input on MPAs and HMS interactions where the commission stated that MPAs are intended to protect (local) ecosystems, not individual species, especially those that are highly mobile or pelagic⁵. Both FGC comments, and statements from the 2008 and 2016 Master Plans support the idea that pelagic finfish and HMS are both not as affected by these MPAs and that areas allowing take of just pelagic finfish or HMS be included in the network.

2. https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=FGC§ionNum=2852.

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

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

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



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

Kelp Restoration and Climate Resiliency:

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

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

The four Options Breakdown including Stock and Fishery Analysis:

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

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

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

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



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

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

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

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

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

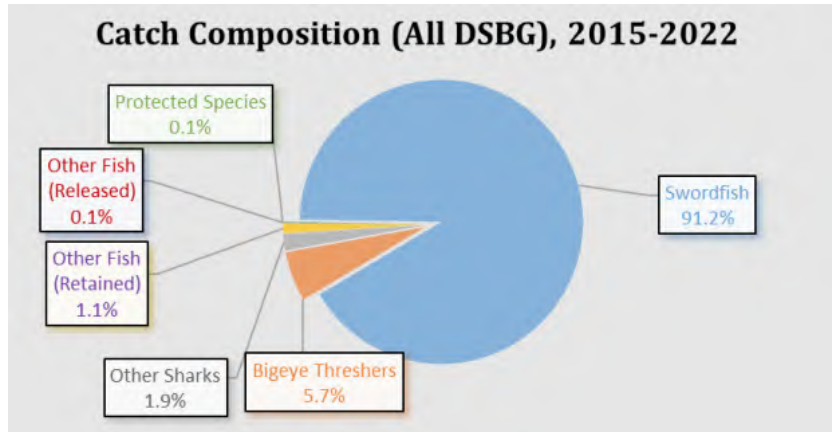
Along with deep drop methods, and in the spirit of fairness to the commercial fleets, ~~Options 1 and 2 would also allow~~ the use of standard-deep-set-buoy-gear (DSBG) ~~in the federal waters only of the proposed limited take areas (as it is currently primarily fished)~~ is proposed in this petition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



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

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

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



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

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

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



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

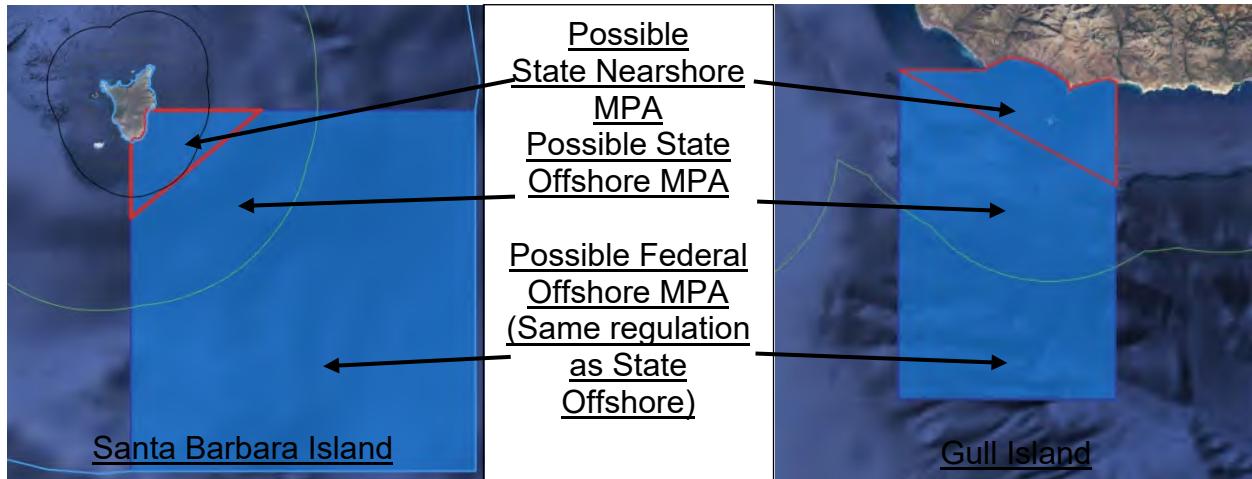
In addition to the ~~four~~ main options, there exists the isolated action for DSBG and a final choice of adding a nearshore closure to the Gull Island and SBI zones with more selective or no fishing methods being allowed. The selected limited take option would then be implemented outside of this boundary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

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



Table 2: Proposed Coordinates and options for the Nearshore limited or no take areas for Gull Island and Santa Barbara Island	
Gull Island Nearshore MPA	Santa Barbara Island Nearshore MPA
<p>33° 58.000' N. lat. 119° 53.000' W. long, and 33° 55.800' N. lat. 119° 48.000' W. long Regulation within nearshore area: Recreational and commercial take of (pelagic finfish or HMS, depending on the state's choice) is allowed via surface casting, kite fishing, and surface trolling. The commercial take of swordfish by harpoon is allowed. (preferred)</p> <p>Or</p> <p>A no take region (not preferred)</p>	<p>The 1nm boundary of SBI within the current MPA Regulation within nearshore area: Recreational and commercial take of (pelagic finfish or HMS, depending on the state's choice) is allowed via surface casting, kite fishing, and surface trolling. The commercial take of swordfish by harpoon is allowed. (preferred)</p> <p>Or</p> <p>A no take region (not preferred)</p>

Table 2: Proposed Coordinates and options for the Nearshore limited or no take areas for Gull Island and Santa Barbara Island (Amended)	
Gull Island Nearshore MPA	Santa Barbara Island Nearshore MPA
<p><u>The nearshore-offshore boarder would be bound by a straight line running from 33° 58.000' N. lat. 119° 53.000' W. long, to 33° 55.800' N. lat. 119° 48.000' W. long, within the existing MPA.</u> <u>Regulation within nearshore area:</u> <u>The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spearfishing is allowed.</u> <u>The commercial take of swordfish by harpoon is allowed.</u> <u>The possession of Coastal Pelagic Species is allowed*. (*Only needed if HMS option is selected)</u> (Preferred Choice)</p> <p>Or</p> <p>A no-take region (not preferred)</p>	<p><u>The nearshore-offshore boarder would be bound by a straight line running from 33° 28.500' N. -118° 59.300' W. to 33° 26.500' N. -119° 02.200' W within the existing MPA.</u> <u>Regulation within nearshore area:</u> <u>The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spearfishing is allowed.</u> <u>The commercial take of swordfish by harpoon is allowed.</u> <u>The possession of Coastal Pelagic Species is allowed*. (*Only needed if HMS option is selected)</u> (Preferred Choice)</p> <p>Or</p> <p>A no-take region (not preferred)</p>



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

The Most Requested Option and Closing Remarks:

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

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

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



Remaining Supporting Documents and Sources:

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





Dear FGC,

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

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

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

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

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

Sincerely,

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

Santa Monica Seafood
 Ocean Pride Seafood
 Santa Barbara Fish Market

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

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



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

Footprint State Marine Reserve

The Footprint SMR is located in open waters in the passage south of Santa Cruz and Anacapa Islands. The Footprint SMR is 28.6 nm², **6.4 square nautical miles of which would be within State waters and the rest** entirely within Federal waters. It is described and analyzed here as a part of the entire recommendation, but not the decision before the Fish and Game Commission. The majority of the proposed Footprint SMR is sand or gravel between 90-900 ft. The Footprint includes several submerged rocky features, including pinnacles and submarine canyons that once supported large population of numerous rockfish species. Today, the rockfish populations around the Footprint are severely depleted from intensive recreational and commercial fishing in the region. Although populations are depleted, the habitat supports a variety of species, including bocaccio and cowcod, both recognized as overfished by the PFMC. Fish populations in the vicinity of the Footprint are likely to respond to protection within a reserve through increased density, individual size, and reproductive potential.



Gull Island, Santa Cruz Island State Marine Reserve

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

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

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

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

5-27

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



Santa Barbara Island State Marine Reserve

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

5-22

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

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

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

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



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

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

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

Footprint State Marine Reserve
Southern California - Established January 2012

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

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

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

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

Quick Facts: Footprint State Marine Reserve

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

ENTRY
O.K.

Non-Consumptive
Activities

No Fishing

No Collecting

Further Information:

- MPA Website: www.wildlife.ca.gov/MPAs
- MPA and Sportfishing Interactive Map: www.wildlife.ca.gov/OceanSportfishMap
- Email: AskMarine@wildlife.ca.gov

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

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

**CALIFORNIA
MARINE
PROTECTED
AREAS**



Gull Island State Marine Reserve Southern California - Established January 2012



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

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

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

Why was this location chosen for a state marine reserve?

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

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

Quick Facts: Gull Island State Marine Reserve

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



Further Information:

- MPA Website: www.wildlife.ca.gov/MPAs
- MPA and Sportfishing Interactive Map: www.wildlife.ca.gov/OceanSportfishMap
- Email: AskMarine@wildlife.ca.gov

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



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



Santa Barbara Island State Marine Reserve Southern California - Established January 2012



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

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

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

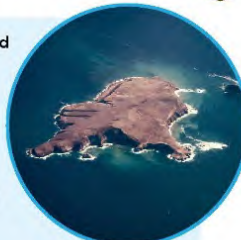
Why was this location chosen for a state marine reserve?

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

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

Quick Facts: Santa Barbara Island State Marine Reserve

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



Further Information:

- MPA Website: www.wildlife.ca.gov/MPAs
- MPA and Sportfishing Interactive Map: www.wildlife.ca.gov/OceanSportfishMap
- Email: AskMarine@wildlife.ca.gov

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



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





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

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

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

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

Appendix G: Decadal Management Review Supplemental Tables
Table with 5 columns: ACTION TYPE, YEAR, REQUEST, RATIONALE, ADAPTIVE MANAGEMENT ACTION TAKEN. Rows include petitions denied in 2020 regarding surfboard fishing, shark nursery grounds, and invasive species.





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

Regulatory and Review Framework


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

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

SPECIES DIRECTORY

Pacific Bluefin Tuna

Overview | Seafood | Management | Resources




Pacific Bluefin Tuna
Thunnus orientalis

Also Known As
Northern bluefin tuna, Tuna, Bluefin tuna


Quick Facts

REGION Pacific Islands, West Coast


 FISHWATCH
U.S. SEAFOOD FACTS


About the Species


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




School of bluefin tuna. Credit: NOAA Fisheries

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

 **Fishing Rate**
Not subject to overfishing.

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

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

Population Status

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

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




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

SPECIES DIRECTORY

North Pacific Swordfish

Overview | Seafood | Resources

North Pacific Swordfish
Xiphias gladius



Also Known As
Breadbill swordfish, Espada, Emperado, A'u, Makajiki, Shuzome


Quick Facts

REGION Pacific Islands, West Coast

FISHWATCH
U.S. SEAFOOD FACTS

About the Species

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



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

Population
The stocks are **not overfished**.

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

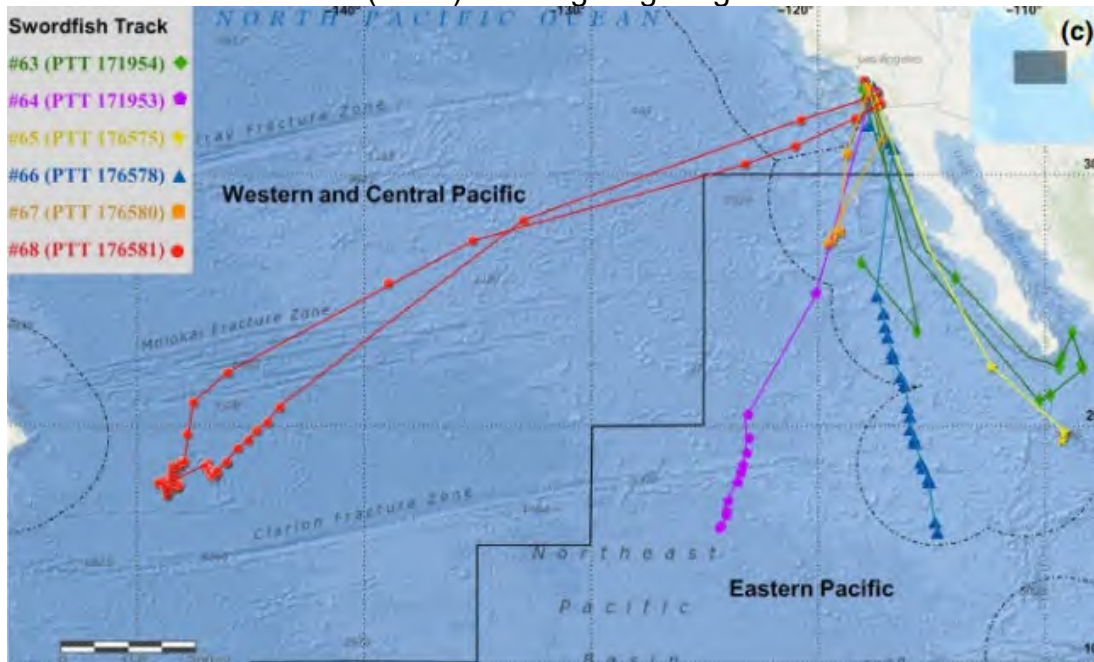
Habitat Impacts
Fishing gear used to catch Pacific swordfish rarely contacts the seafloor so habitat impacts are **minimal**.

Bycatch
Regulations are in place to minimize bycatch.

Population Status

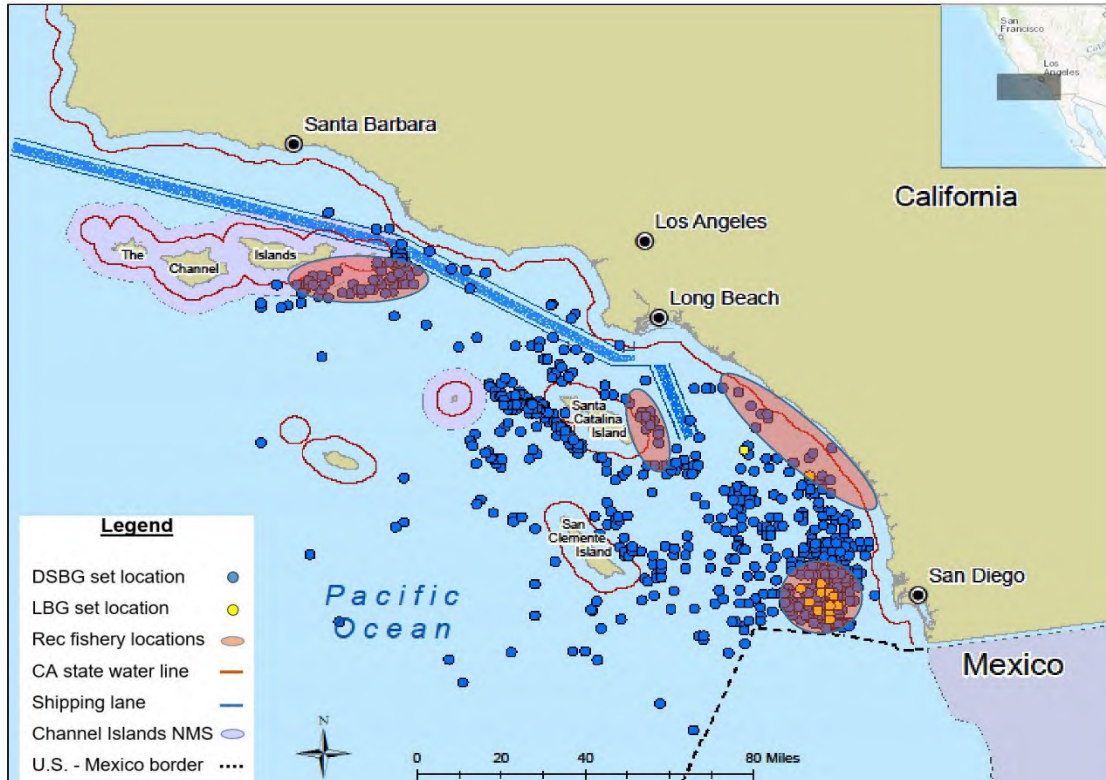
- There are two stocks of North Pacific swordfish: the Eastern Pacific Ocean stock and the Western and Central North Pacific Ocean stock. According to the most recent stock assessments:
 - The Eastern Pacific Ocean stock is not overfished but is subject to overfishing (2014 stock assessment). Summary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

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

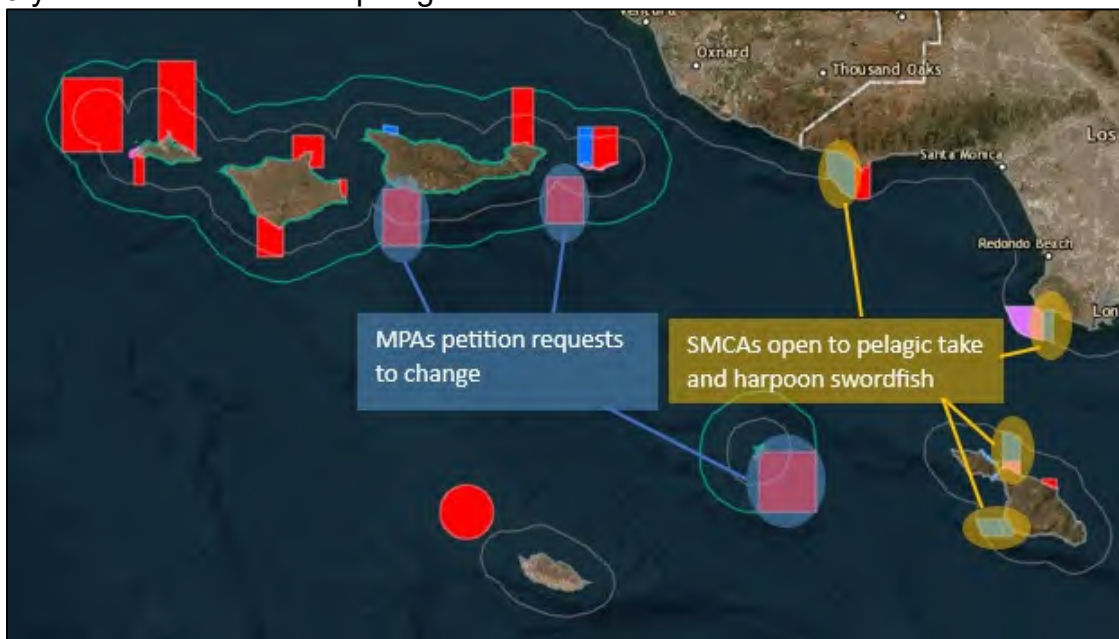




Document 16: DSBG and deep drop fishery efforts map displaying the wide area HMS fishing activity covers, and lack of northern Santa Cruz and Anacapa island efforts, where the only 2 SMCA are located.



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

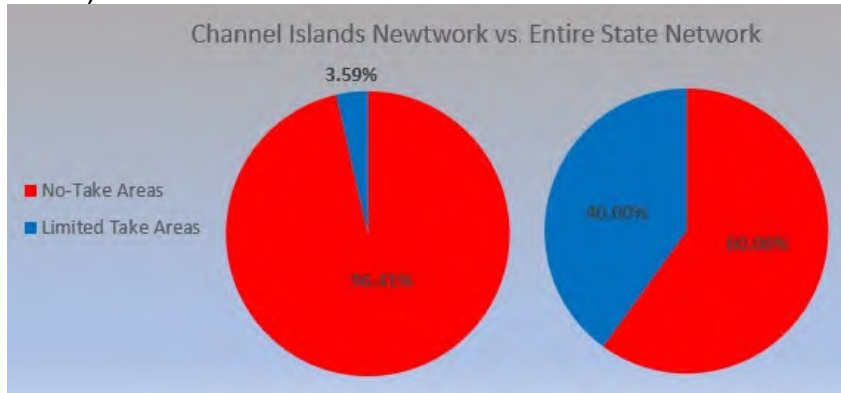




Document 18: Definition of State Marine Conservation Areas per California Code of Regulations Title 14 Section 632(a)(1)(C). The recommended change would make these MPAs effectively SMCAs and MCAs with limited HMS take and CPS possession.

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

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



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

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

State and Federal Definition Modifications-

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

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

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



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

State MPA Modifications-

Amend: 14 CCR § 632 (b) (109)

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

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

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

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

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

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

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

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

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

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

Amend: 14 CCR § 632 (b) (114)

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

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

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

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

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

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

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

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

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



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

Amend: 14 CCR § 632 (b) (116)

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

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

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

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

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

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

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

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

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

Federal Modifications-

Amend: 15 CFR 922.73(b):

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

(b.1). Anacapa Island Marine Conservation Area

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

(i) Recreational fishing for pelagic finfish; or

(ii) Commercial and recreational fishing for lobster.

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

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

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



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

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

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

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

(b.3) Footprint Marine Conservation Area

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

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

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

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

(b.4) Santa Barbara Island Marine Conservation Area

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

B.6. Footprint Marine Reserve



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

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

Table B-6—Footprint Marine Reserve

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

B.5. Anacapa Island Marine Reserve

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

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

Table B-5—Anacapa Island Marine Reserve

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



Point	Latitude	Longitude
5	34.08330 ° N	119.41000 " W

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

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

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

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

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

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

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

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

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

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

Point	Latitude	Longitude
1	33.86195 ° N	119.80000 " W



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

C.3. Footprint Marine Conservation Area

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

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

Table B–6—Footprint Marine Conservation Area

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

C.4. Santa Barbara Island Marine Conservation Area

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

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

Table B–8—Santa Barbara Island Marine Conservation Area

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



Links to data sources:

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

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

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

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

| None to my knowledge. |

SECTION 3: FGC Staff Only

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

FGC staff action:

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

Tracking Number

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

Meeting date for FGC consideration: _____ |



FGC action:

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

Tracking Number: (2023-15MPA)

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

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

SECTION I: Required Information.

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

1. Person or organization requesting the change (Required)

Name of primary contact person: Blake Hermann

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

The Problem:

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

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

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

Summary of the reasons for change:

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

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

If implemented the resulting changes may have the following effects:

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



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

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

SECTION II: Optional Information

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

6. Category of Proposed Change

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

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

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

*See Document 20 for State and Federal Code modifications example

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

Or Not applicable.

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

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

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

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



Why Change These MPAs?

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

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

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

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

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

The First California MPAs:

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

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



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

MPA Intentions - Focus on Local Non-Pelagic Species:

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

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

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

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

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

Proposed Changes Effect on the Original MPA Intentions:

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



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

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

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

Following MPA Reports, The Need for Adaptive Management:

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

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

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

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



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

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

Pursuing Equitable Policy Through Modernized SMCAs:

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

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

The Channel Islands network of MPAs covers 21% (318 mi²) of the total sanctuary waters. Compared to the 16% of state waters currently protected under the network, this means there is a 31% increase in protected areas around the Channel Islands than the rest of the state.

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

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

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



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

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

Enforcement Analysis:

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

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

Mass Public Support:

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

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



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

The 4 Options Breakdown including Stock and Fishery Analysis:

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

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

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

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

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



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

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

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

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

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

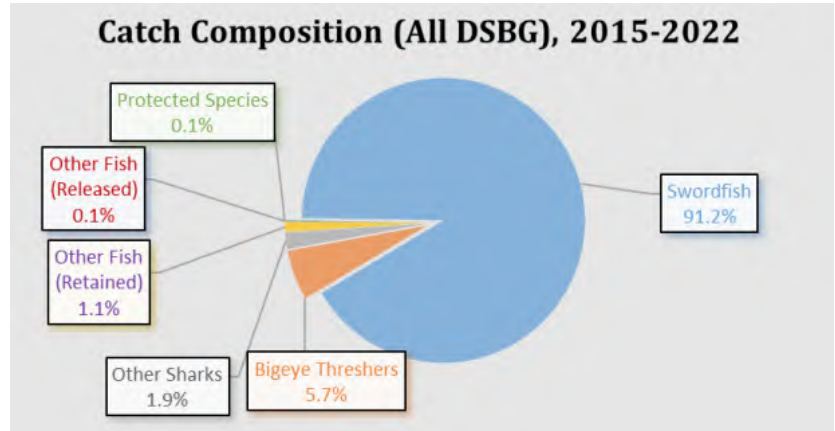


Looking at the data we can see that from 2015-2022, DSBG captured 91.2% swordfish, and a 96.9% mix of swordfish and thresher shark (another HMS). Of the “other sharks” and “other fish” most of these species were a mix of other pelagics (i.e., mako sharks, opah, and escolar). This means that nearly 99.8%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

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

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

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



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

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



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

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

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

Table 2: Proposed Coordinates and options for the Nearshore limited or no take areas for Gull Island and Santa Barbara Island	
Gull Island Nearshore MPA	Santa Barbara Island Nearshore MPA
33° 58.000' N. lat. 119° 53.000' W. long, and 33° 55.800' N. lat. 119° 48.000' W. long	The 1nm boundary of SBI within the current MPA
Regulation within nearshore area:	Regulation within nearshore area:
Recreational and commercial take of (pelagic finfish or HMS, depending on the state’s choice) is allowed via surface casting, kite fishing, and surface trolling. The commercial take of swordfish by harpoon is allowed. (preferred)	Recreational and commercial take of (pelagic finfish or HMS, depending on the state’s choice) is allowed via surface casting, kite fishing, and surface trolling. The commercial take of swordfish by harpoon is allowed. (preferred)
Or	Or
A no-take region (not preferred)	A no-take region (not preferred)



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

The Most Requested Option and Closing Remarks:

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

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

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

Remaining Supporting Documents and Sources:

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



CHANNEL COAST MARINE





Dear FGC,

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

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

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

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

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

Sincerely,

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

Santa Monica Seafood
Ocean Pride Seafood
Santa Barbara Fish Market

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

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



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

Footprint State Marine Reserve

The Footprint SMR is located in open waters in the passage south of Santa Cruz and Anacapa Islands. The Footprint SMR is 28.6 nm², **6.4 square nautical miles of which would be within State waters and the rest** entirely within Federal waters. It is described and analyzed here as a part of the entire recommendation, but not the decision before the Fish and Game Commission. The majority of the proposed Footprint SMR is sand or gravel between 90-900 ft. The Footprint includes several submerged rocky features, including pinnacles and submarine canyons that once supported large population of numerous rockfish species. Today, the rockfish populations around the Footprint are severely depleted from intensive recreational and commercial fishing in the region. Although populations are depleted, the habitat supports a variety of species, including bocaccio and cowcod, both recognized as overfished by the PFMC. Fish populations in the vicinity of the Footprint are likely to respond to protection within a reserve through increased density, individual size, and reproductive potential.



Gull Island, Santa Cruz Island State Marine Reserve

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

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

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

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

5-27

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



Santa Barbara Island State Marine Reserve

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

5-22

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

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

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

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



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

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

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

Footprint State Marine Reserve
Southern California - Established January 2012

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

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

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

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

Quick Facts: Footprint State Marine Reserve

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

Further Information:

- MPA Website: www.wildlife.ca.gov/MPAs
- MPA and Sportfishing Interactive Map: www.wildlife.ca.gov/OceanSportfishMap
- Email: AskMarine@wildlife.ca.gov

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

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



Gull Island State Marine Reserve Southern California - Established January 2012



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

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

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

Why was this location chosen for a state marine reserve?

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

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



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



Quick Facts: Gull Island State Marine Reserve

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



Further Information:

- MPA Website: www.wildlife.ca.gov/MPAs
- MPA and Sportfishing Interactive Map: www.wildlife.ca.gov/OceanSportfishMap
- Email: AskMarine@wildlife.ca.gov

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

Santa Barbara Island State Marine Reserve Southern California - Established January 2012



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

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

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

Why was this location chosen for a state marine reserve?

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

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



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



Quick Facts: Santa Barbara Island State Marine Reserve

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



Further Information:

- MPA Website: www.wildlife.ca.gov/MPAs
- MPA and Sportfishing Interactive Map: www.wildlife.ca.gov/OceanSportfishMap
- Email: AskMarine@wildlife.ca.gov

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



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

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

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

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

Appendix G: Decadal Management Review Supplemental Tables



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



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

Regulatory and Review Framework


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

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

SPECIES DIRECTORY

Pacific Bluefin Tuna

Overview | Seafood | Management | Resources



Pacific Bluefin Tuna
Thunnus orientalis

Also Known As
Northern bluefin tuna, Tuna, Bluefin tuna


Quick Facts

REGION Pacific Islands, West Coast

FISHWATCH
U.S. SEAFOOD FACTS

About the Species

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



School of bluefin tuna. Credit: NOAA Fisheries

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

Fishing Rate
Not subject to overfishing.

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

Bycatch
Regulations are in place to minimize bycatch.

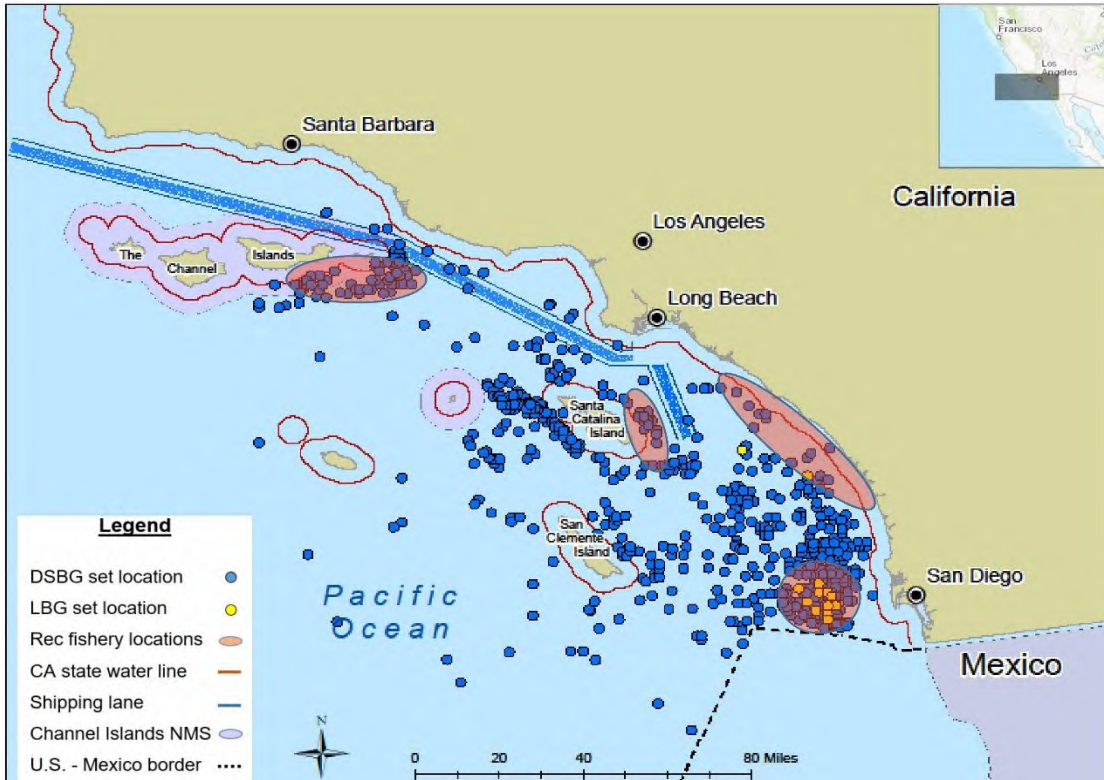
Population Status

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

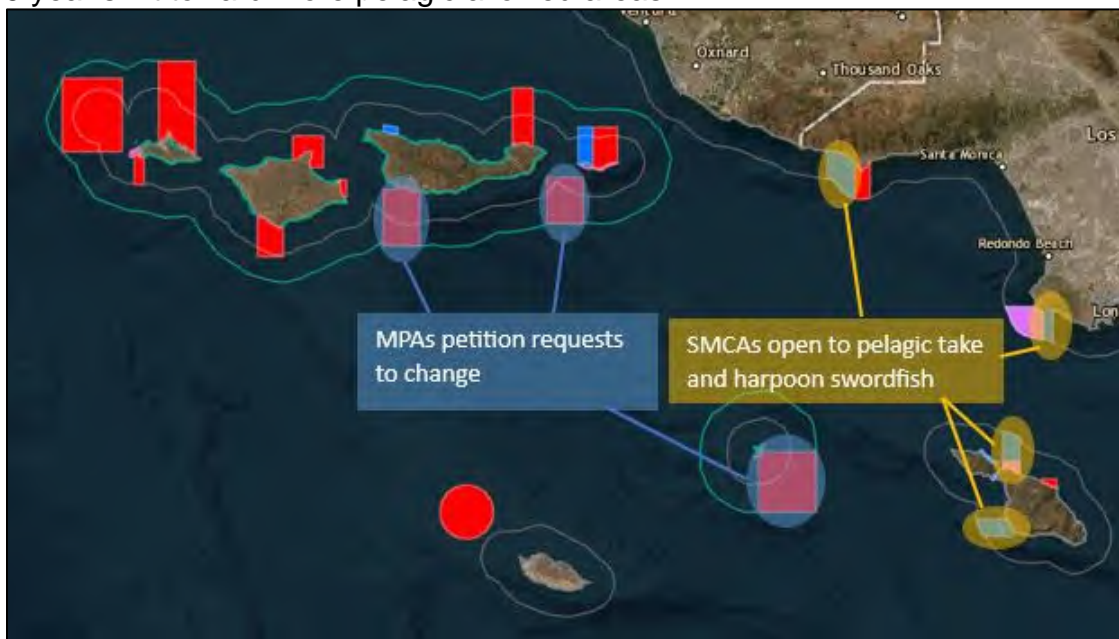
- The average annual bluefin landings by U.S. commercial vessels fishing in the eastern Pacific Ocean represent only 2 percent of the average annual landings from all fleets fishing there.



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



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

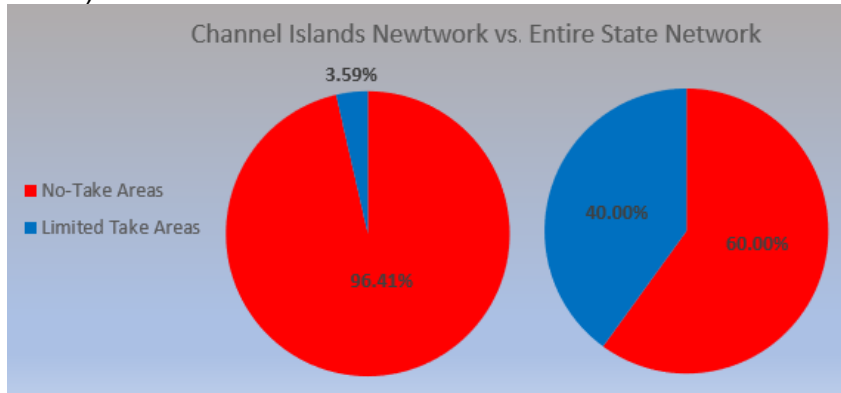




Document 18: Definition of State Marine Conservation Areas per California Code of Regulations Title 14 Section 632(a)(1)(C). The recommended change would make these MPAs effectively SMCAs and MCAs with limited HMS take and CPS possession.

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

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



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

State and Federal Definition Modifications-

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

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

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



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

State MPA Modifications-

Amend: 14 CCR § 632 (b) (109)

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

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

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

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

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

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

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

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

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

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

Amend: 14 CCR § 632 (b) (114)

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

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

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

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

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

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

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

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

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



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

Amend: 14 CCR § 632 (b) (116)

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

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

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

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

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

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

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

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

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

Federal Modifications-

Amend: 15 CFR 922.73(b):

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

(b.1). Anacapa Island Marine Conservation Area

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

(i) Recreational fishing for pelagic finfish; or

(ii) Commercial and recreational fishing for lobster.

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

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

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



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

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

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

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

(b.3) Footprint Marine Conservation Area

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

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

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

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

(b.4) Santa Barbara Island Marine Conservation Area

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

B.6. Footprint Marine Reserve



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

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

Table B-6—Footprint Marine Reserve

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

B.5. Anacapa Island Marine Reserve

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

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

Table B-5—Anacapa Island Marine Reserve

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



Point	Latitude	Longitude
5	34.08330 ° N	119.41000 " W

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

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

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

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

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

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

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

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

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

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

Point	Latitude	Longitude
1	33.86195 ° N	119.80000 " W



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

C.3. Footprint Marine Conservation Area

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

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

Table B–6—Footprint Marine Conservation Area

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

C.4. Santa Barbara Island Marine Conservation Area

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

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

Table B–8—Santa Barbara Island Marine Conservation Area

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



Links to data sources:

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

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

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

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

None to my knowledge. |

SECTION 3: FGC Staff Only

Date received: |11/22/23. |

FGC staff action:

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

Tracking Number

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

Meeting date for FGC consideration: _____ |

FGC action:



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

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

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

California Fish and Game Commission



Compilation of Public Comments on Petition 2023-15MPA_AM2

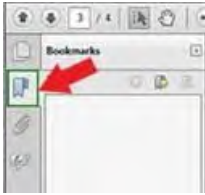
This PDF file compiles public comments that were included as exhibits in meeting materials and supplemental handouts for Commission and Marine Resources Committee (MRC) meetings since November 2023. Additional exhibits and supplemental handouts will be added after each Commission meeting, including those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

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

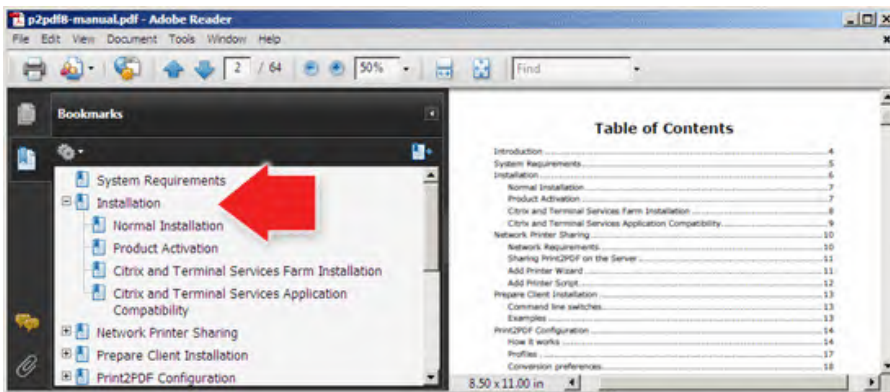
Last updated: through April 21, 2026 FGC


EASY GUIDE TO USING THE PACKET

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



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



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

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

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

Thank you,
Blake Hermann

Dear Commission,

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

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

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

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

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

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

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

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

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

Thank you for your consideration,

Blake Hermann

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

To whom it may concern,
If anything this petition may have some success in informing the Wardens w/ their continued lack of knowledge w/ the Harpoon fishery . Trust me I know and so does Officer Sean Stanton.
Focus your time and our taxpayer money on proper enforcement that make's a difference towards conservation . Patrolling imaginary borders and buffer zones makes no sense w/ anything swordfish .
There are no fences for Xiphias gladius .
Pass this petition .

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

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

Hello,

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

Eric Praske

Dear California Fish and Game Commissioners,

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

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


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

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

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

Thank you for your attention to this matter.

Sincerely,



Eric Praske

Laguna Beach

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

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

² <https://protectedseas.net/>

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

Hi Susan and Commission staff,

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

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

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

Thank you,
Aubrie

Aubrie Fowler (she/her)
South Coast Specialist
[MPA Collaborative Network](#)
cell: [REDACTED]
[Sign-up for our Quarterly Newsletter](#)
[Find and join your local Collaborative](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cell: K138

Note: was not sure about this categorization

-MPA Collaborative

Submitted via email: 2/1/2024

To: California Fish and Game Commission

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

Recommendation: DENY PETITION

Ecological Importance of the Channel Islands

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

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

Background

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

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

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

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

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

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

Importance of No-Take Marine Reserves

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

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

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

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

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

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

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

⁴ Fish and Game Code Section 2857 (c).

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

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

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

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

Adaptive Management

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

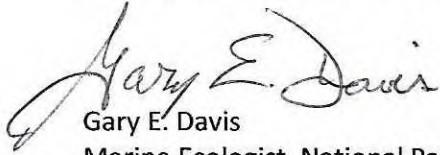
The claim by the petitioners that the proposed changes would provide research opportunities to determine the effects of proposed fishing activity belies the earlier claim that new fishing activity would have no significant impact.

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

⁶ Fish and Game Code Section 2852.

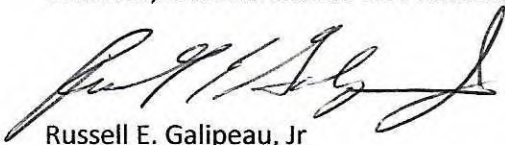
Conclusion

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



Gary E. Davis

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



Russell E. Galipeau, Jr

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



**BACKCOUNTRY
HUNTERS & ANGLERS**
CALIFORNIA



February 8, 2024

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



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

Dear President Sklar, Vice President Zavaleta & Commissioners,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We recommend the Commission deny this petition.

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

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

We recommend the Commission deny this petition.

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

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

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

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

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

We recommend the Commission deny this petition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We recommend the Commission deny this petition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Devin O’Dea
Backcountry Hunters & Anglers

Wayne Kotow
Coastal Conservation Association California

Keely Hopkins
Congressional Sportsman’s Foundation

Rachel Fischer
National Marine Manufacturers Association

James Stone
Nor-Cal Guides & Sportsman’s Association

Larry Phillips
American Sportfishing Association

February 8, 2024

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

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

Dear President Sklar, Vice President Zavaleta & Commissioners,

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

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

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

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

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

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

Date	Prefix	First	Last	Title	Address	City	State	Zip	Country	Action Taken
2024-02-09 00:56:52.913		George	Day						US	Petition Signed
2024-02-09 00:42:11.303		Mark	Ginsberg						US	Petition Signed
2024-02-09 00:28:34.06		Ryan	Murray						US	Petition Signed
2024-02-09 00:14:18.207		Vincent	Doyle						US	Petition Signed
2024-02-08 23:10:18.873		Steve	Rodriguez quijano						US	Petition Signed
2024-02-08 22:52:30.193		Darrin	Gambelin			San Mateo	CA		US	Petition Signed
2024-02-08 22:33:50.663		Mark	Sanders						US	Petition Signed
2024-02-08 21:30:32.08		Tim	McPherson						US	Petition Signed
2024-02-08 21:26:32.267		Donna	Butler						US	Petition Signed
2024-02-08 21:09:16.39		Julian	escalera						US	Petition Signed
2024-02-08 18:30:10.123		Chris	DeHaven						US	Petition Signed
2024-02-08 18:15:57.91		Daniel	Marthey						US	Petition Signed
2024-02-08 18:04:03.19		Matthew	DeAmico						US	Petition Signed
2024-02-08 17:05:41.52		Tim	Harris						US	Petition Signed
2024-02-08 16:04:04.57		Dana	Wilburn						US	Petition Signed
2024-02-08 14:33:46.347		Robert	Del secco						US	Petition Signed
2024-02-08 14:26:31.143		Domingo	Escamilla III						US	Petition Signed
2024-02-08 13:27:58.967		Tim	Martin						US	Petition Signed
2024-02-08 13:24:19.56		Kyle	Pruett						US	Petition Signed
2024-02-08 12:43:45.757		John	Mattimoe						US	Petition Signed
2024-02-08 11:50:07.073		Robert	Moore			Wake Forest	NC		US	Petition Signed
2024-02-08 11:41:11.183		Gage	Smolko						US	Petition Signed
2024-02-08 11:16:29.523		Jacob	Pickett						US	Petition Signed
2024-02-08 10:38:39.953		roger	lees						US	Petition Signed
2024-02-08 09:44:48.333		Alin	Iacob						US	Petition Signed
2024-02-08 09:41:02.807	Mr.	Stone	Miller			Indianapolis	IN		US	Petition Signed
2024-02-08 09:02:19.913		John	Logan			Chico	CA		US	Petition Signed
2024-02-08 08:24:12.98		Andrew'	Collins						US	Petition Signed
2024-02-08 07:29:39.647		Michael	Chastain						US	Petition Signed
2024-02-08 01:25:33.743		Brian	Crawford						US	Petition Signed
2024-02-08 01:04:24.787		Kris	Green						US	Petition Signed
2024-02-08 01:03:22.4		Lance	Bauer						US	Petition Signed
2024-02-08 00:46:49.423		Reid	Coultas						US	Petition Signed
2024-02-08 00:23:25.5		Wesley	Vetter			Corte Madera	CA		US	Petition Signed
2024-02-08 00:04:40.683		Richard	Koziol						US	Petition Signed
2024-02-07 23:12:25.23		Erik	Rivas						US	Petition Signed
2024-02-07 23:03:48.227		Jason	McKay						US	Petition Signed
2024-02-07 22:48:43.453		Jason	Hohlt						US	Petition Signed
2024-02-07 22:47:38.227		Eric	Shipley						US	Petition Signed
2024-02-07 22:45:00.32		Richard	Estes						US	Petition Signed
2024-02-07 22:28:52.857		Michael	Sugar						US	Petition Signed
2024-02-07 22:24:02.453		Manuel	Gil						US	Petition Signed
2024-02-07 22:23:34.157		Kyle	Carroll						US	Petition Signed
2024-02-07 21:59:09.033	Mr.	Ed	Fiedler			Austin	TX		US	Petition Signed
2024-02-07 21:33:02.84		Wes	Smith						US	Petition Signed
2024-02-07 21:31:05.667		Edgar	Albarracin						US	Petition Signed
2024-02-07 20:52:30.057		Jeffrey	White						US	Petition Signed
2024-02-07 20:00:12.467		Stephen	Duke						US	Petition Signed
2024-02-07 19:56:31.663		Collin	Ewing						US	Petition Signed
2024-02-07 18:59:25.567		Joshua	Ott						US	Petition Signed
2024-02-07 18:23:11.943		Mary Ann	Viveros			Mayfield Hts.	OH		US	Petition Signed
2024-02-07 18:18:48.657		David	Valle						US	Petition Signed

2024-02-07 16:52:22.8	Mr.	Robert	Mowen			Clear Spring	MD		US	Petition Signed
2024-02-07 16:43:06.197		Christopher	Morrison						US	Petition Signed
2024-02-07 16:41:02.873		Timothy	Crush						US	Petition Signed
2024-02-07 16:38:30.61		Bryan	Thompson						US	Petition Signed
2024-02-07 16:24:15.533		Ryan	McWilliams						US	Petition Signed
2024-02-07 16:20:00.137		Rick	Ammerman						US	Petition Signed
2024-02-07 16:13:52.693	Mr.	Bruce	Williams			Bandon	OR		US	Petition Signed
2024-02-07 15:56:35.417		Charles	Pugh						US	Petition Signed
2024-02-07 15:55:00.86		Everett	Allan						US	Petition Signed
2024-02-07 15:54:42.383		Justin	Martin						US	Petition Signed
2024-02-07 15:34:04.533		Michael	Derrig						US	Petition Signed
2024-02-07 15:33:15.917		Robert	Brusavich						US	Petition Signed
2024-02-07 15:16:51.377		Donald	Ahlschlager			Underwood	MN		US	Petition Signed
2024-02-07 15:16:24.077	Mr.	Daniel	Fernandez			Salinas	CA		US	Petition Signed
2024-02-07 15:15:28.717		Gary	Applebee						US	Petition Signed
2024-02-07 15:14:02.737		Tom	Mopas						US	Petition Signed
2024-02-07 15:09:56.223		Brian	Bonesteel						US	Petition Signed
2024-02-07 14:48:18.43		Jeffery	Druckenmiller						US	Petition Signed
2024-02-07 14:46:57.947		Shawn	Andreatta						US	Petition Signed
2024-02-07 14:44:10.777		Steve	Popper						US	Petition Signed
2024-02-07 14:41:53.697		Mark	Thompson						US	Petition Signed
2024-02-07 14:36:27.69		Sam	Thompson						US	Petition Signed
2024-02-07 14:33:19.19		Frank	Thacker						US	Petition Signed
2024-02-07 14:30:25.737		Jeffrey	Phillips						US	Petition Signed
2024-02-07 14:19:39.017		kaven	myers						US	Petition Signed
2024-02-07 14:13:25.997		Alexander	Delisle						US	Petition Signed
2024-02-07 14:10:45.87		Helmut	Gareis						US	Petition Signed
2024-02-07 13:59:41.177		Gracee	Hamilton			Eau Claire	WI		US	Petition Signed
2024-02-07 13:50:21.237		Clint	Frady			Reno	NV		US	Petition Signed
2024-02-07 13:40:31.47		Jason	Bickford						US	Petition Signed
2024-02-07 13:38:03.147		Brent	Taft						US	Petition Signed
2024-02-07 13:31:45.813		Sam	Landrum			Sacramento	CA		US	Petition Signed
2024-02-07 13:30:19.807	Mr.	Shawn	Hauptman			Sacramento	CA		US	Petition Signed
2024-02-07 13:29:40.317		John	Cooper						US	Petition Signed
2024-02-07 13:26:50.6	Ms.	Rochelle	Gravance			Columbus	MT		US	Petition Signed
2024-02-07 13:26:29.103		Jeremy	Olmscheid			Albany	MN		US	Petition Signed
2024-02-07 13:23:29.913		Zachary	Brady						US	Petition Signed
2024-02-07 13:21:14.497	Mr.	Jeremy	Meshew			Gobles	MI		US	Petition Signed
2024-02-07 13:19:49.873		John	Eggers						US	Petition Signed
2024-02-07 13:18:18.17		Ken	Porter						US	Petition Signed
2024-02-07 13:18:01.783		Jessica	Valentin						US	Petition Signed
2024-02-07 13:14:36.687	Mr.	James	Childress			Morgantown	KY		US	Petition Signed
2024-02-07 13:06:01.387		Nick	Neverisky						US	Petition Signed
2024-02-07 13:00:30.55		Charles	Clayton						US	Petition Signed
2024-02-07 12:42:39.177		Ryan	Sampson						US	Petition Signed
2024-02-07 12:09:45.937		Tait	Gota						US	Petition Signed
2024-02-07 12:07:32.37		Jorge	Corona						US	Petition Signed
2024-02-07 12:06:22.803		Danny	Felix						US	Petition Signed
2024-02-07 11:34:55.863		Terry	Schmidt						US	Petition Signed
2024-02-07 11:18:44.323		Tim	Hacker						US	Petition Signed
2024-02-07 09:50:04.153		Daniel	Kim						US	Petition Signed
2024-02-07 08:35:27.967		Nicole	Johnson						US	Petition Signed
2024-02-07 02:26:38.997		Ethan	Nash						US	Petition Signed

2024-02-07 01:38:59.427		Meghan	Bodjanac						US	Petition Signed
2024-02-07 01:22:30.553		Alex	Birkhofer						US	Petition Signed
2024-02-07 01:13:14.493		Tyler	Reist						US	Petition Signed
2024-02-07 01:05:08.047		Jesse	Phelps						US	Petition Signed
2024-02-07 00:48:48.113		Justin	Payton						US	Petition Signed
2024-02-07 00:48:07.717		Jon	Cook						US	Petition Signed
2024-02-07 00:42:13.463		Joshua	Marberry						US	Petition Signed
2024-02-07 00:25:58.217		Blake	Deering						US	Petition Signed
2024-02-07 00:25:57.153		Kim	Andrew						US	Petition Signed
2024-02-07 00:16:07.467		Bryan	Jessop						US	Petition Signed
2024-02-07 00:13:31.42		Santiago	Ramirez						US	Petition Signed
2024-02-07 00:02:53.417		Eric	Mann						US	Petition Signed
2024-02-06 23:52:53.24		Craig	Torda						US	Petition Signed
2024-02-06 23:48:16.81		Stephen	Konig						US	Petition Signed
2024-02-06 23:47:39.043		Yiheng	Feng						US	Petition Signed
2024-02-06 23:30:28.58		Jacob	Sanchez						US	Petition Signed
2024-02-06 23:24:58.29		Rachael	Mendez						US	Petition Signed
2024-02-06 23:21:13.883		Ernest	Almaraz						US	Petition Signed
2024-02-06 23:18:35.523		Michal	Staninec						US	Petition Signed
2024-02-06 23:18:19.403		George	Wight						US	Petition Signed
2024-02-06 23:08:08.18		Paul	Rodriguez						US	Petition Signed
2024-02-06 22:59:47.283		Ron	Groat						US	Petition Signed
2024-02-06 22:46:13.777		Travis	Woolem						US	Petition Signed
2024-02-06 22:43:35.74		Brandon	Wahlers						US	Petition Signed
2024-02-06 22:31:04.18		Hector	Uribe						US	Petition Signed
2024-02-06 22:31:00.077		Gabriel	Angel						US	Petition Signed
2024-02-06 22:29:37.493		Colin	Murphy						US	Petition Signed
2024-02-06 22:28:42.567		David	Clutts						US	Petition Signed
2024-02-06 22:28:22.03		Art	Garcia						US	Petition Signed
2024-02-06 22:27:16.673		Hannah	Moore						US	Petition Signed
2024-02-06 22:26:27.623		Justin	Moore						US	Petition Signed
2024-02-06 22:25:31.447		Anton	Kamby						US	Petition Signed
2024-02-06 22:19:05.267		Nathan	Love						US	Petition Signed
2024-02-06 22:10:02.02		Aaron	Koseba						US	Petition Signed
2024-02-06 21:58:17.843		James	Russell						US	Petition Signed
2024-02-06 21:55:48.797		Michael	Raabe						US	Petition Signed
2024-02-06 21:55:31.353		Karl	Tyczynski						US	Petition Signed
2024-02-06 21:41:16.223		Ted	Torgerson						US	Petition Signed
2024-02-06 21:13:18.143		Richard	Coots						US	Petition Signed
2024-02-06 20:43:42.677		Bill	Cave						US	Petition Signed
2024-02-06 20:40:45.01		R Michael	Wilkinson						US	Petition Signed
2024-02-06 20:37:29.073		Neil	Blomquist			SEBASTOPOL	CA		US	Petition Signed
2024-02-06 19:45:48.477		Steven	Wylie						US	Petition Signed
2024-02-06 19:36:33.647		Robert	Hensley						US	Petition Signed
2024-02-06 18:27:29.883		Kevin	Engstrom						US	Petition Signed
2024-02-06 18:25:22.76		Fernando	Guillen			Anaheim	CA		US	Petition Signed
2024-02-06 16:41:32.783		Cal	Straub						US	Petition Signed
2024-02-06 16:07:35.737		Robert	Leih						US	Petition Signed
2024-02-06 15:59:11.313		jacob	cheek						US	Petition Signed
2024-02-06 15:57:15.343		Chad	Mahalich						US	Petition Signed
2024-02-06 15:56:55.95		Ed	Pena						US	Petition Signed
2024-02-06 15:55:20.943		Christine	Van peurse						US	Petition Signed
2024-02-06 15:50:14.67		john	kern						US	Petition Signed

2024-02-06 14:59:11.993		David	Cruze					US	Petition Signed
2024-02-06 14:59:08.457		Mark	Milani					US	Petition Signed
2024-02-06 14:57:48.367		Linda	Milani					US	Petition Signed
2024-02-06 14:57:37.017		Kevin	Milani					US	Petition Signed
2024-02-06 14:56:17.723		Matthew	Van Peurse					US	Petition Signed
2024-02-06 14:54:08.027		Kevin	Milani					US	Petition Signed
2024-02-06 14:52:12.663		Keaone	Stephens					US	Petition Signed
2024-02-06 13:53:13.577		Megan	Kapalla					US	Petition Signed
2024-02-06 13:11:37.763		Bill	Waddle					US	Petition Signed
2024-02-06 13:10:55.767		William	Waddle					US	Petition Signed
2024-02-06 13:03:56.36		Dennis	Elliott					US	Petition Signed
2024-02-06 12:59:08.01		Adam	Wood			Lake Forest	CA	US	Petition Signed
2024-02-06 11:56:11.097		Scott	McCulloch					US	Petition Signed
2024-02-06 11:55:20.147		Nicholas	Franco					US	Petition Signed
2024-02-06 11:42:00.463		William	Amstutz					US	Petition Signed
2024-02-06 11:19:15.203		Juan	Chacon					US	Petition Signed
2024-02-06 11:17:19.78		Paul	Shrum					US	Petition Signed
2024-02-06 11:13:52.127		Zachariah	Koski					US	Petition Signed
2024-02-06 10:59:43.553		Dan	Ager					US	Petition Signed
2024-02-06 10:48:12.397		Anthony	D'AMBROSIO					US	Petition Signed
2024-02-06 10:42:47.153		Keon	Hessamian					US	Petition Signed
2024-02-06 10:40:29.997		Adam	Heil					US	Petition Signed
2024-02-06 10:22:29.563		Jonathan	Keene					US	Petition Signed
2024-02-06 10:09:14.03		Adam	Doberneck					US	Petition Signed
2024-02-06 10:08:16.16		Daniel	Huttner					US	Petition Signed
2024-02-06 09:38:41.047		Keith	Ziemba					US	Petition Signed
2024-02-06 09:29:41.297		jason	quilici					US	Petition Signed
2024-02-06 09:20:42.84		Matthew	White					US	Petition Signed
2024-02-06 09:18:52.147		John	Reinhardt					US	Petition Signed
2024-02-06 09:18:40.833		Nicholas	Hayes					US	Petition Signed
2024-02-06 08:34:44.223		Jeff	Dyerly					US	Petition Signed
2024-02-06 08:34:38.913		Jeff	O'Brien			El Cajon	CA	US	Petition Signed
2024-02-06 08:20:58.27		Jamie	Morley			Bishop	CA	US	Petition Signed
2024-02-06 03:37:38.083		Seth	Pettit					US	Petition Signed
2024-02-06 02:41:03.593		Michael	Michalak					US	Petition Signed
2024-02-06 01:31:57.063		William D	Lambert					US	Petition Signed
2024-02-06 00:23:23.253		Michelle	Velasquez					US	Petition Signed
2024-02-06 00:18:02.463		Eric	Dahl					US	Petition Signed
2024-02-06 00:11:44.033		Daniel	Sylvester					US	Petition Signed
2024-02-06 00:06:56.907		Peter	Schmidt					US	Petition Signed
2024-02-05 23:50:53.107		Bob	Nelson					US	Petition Signed
2024-02-05 23:27:03.35	Mr.	Christopher	Reiger			Santa Rosa	CA	US	Petition Signed
2024-02-05 23:20:30.843		Fredrick	Robinson					US	Petition Signed
2024-02-05 23:18:20.8		Michael	Snyder					US	Petition Signed
2024-02-05 23:17:47.65		Mark	Hawn					US	Petition Signed
2024-02-05 23:07:45.24		Daniel	Bartee					US	Petition Signed
2024-02-05 22:57:33.25		jeremy	mcmillin					US	Petition Signed
2024-02-05 22:56:46.81		Stan	Perry			San Diego	CA	US	Petition Signed
2024-02-05 22:56:01.86		Dustin	Herrera					US	Petition Signed
2024-02-05 22:44:52.897		Paul	Rodriguez					US	Petition Signed
2024-02-05 22:32:59.22		Daniel	Romo					US	Petition Signed
2024-02-05 22:26:53.147		Mitchell	Riddle					US	Petition Signed
2024-02-05 22:14:29.21		Michael	Schubert			San Anselmo	CA	US	Petition Signed

2024-02-05 21:59:03.873		Jordan	Nim						US	Petition Signed
2024-02-05 21:49:57.96		Daniel	Guentert						US	Petition Signed
2024-02-05 21:44:00.633		Jeffrey	Reed						US	Petition Signed
2024-02-05 21:33:06.14		Jim	Velazquez			San Diego	CA		US	Petition Signed
2024-02-05 21:21:19.297		Reid	Lamson						US	Petition Signed
2024-02-05 21:12:35.05	Mr.	Nick	Zagaris			Auburn	CA		US	Petition Signed
2024-02-05 21:00:30.373		Mike	Gorski						US	Petition Signed
2024-02-05 20:55:46.087		Barbara	Blackamore			Yorba Linda	CA		US	Petition Signed
2024-02-05 20:44:43.82		Susan	Bilhorn						US	Petition Signed
2024-02-05 20:36:44.683		Sebastian	Garcia						US	Petition Signed
2024-02-05 20:32:25.363		Greg	Sepeda			Sacramento	CA		US	Petition Signed
2024-02-05 20:02:26.22		Greg	Zeren						US	Petition Signed
2024-02-05 19:57:11.01		andrew	miller						US	Petition Signed
2024-02-05 19:49:43.753		Dennis	Corvello						US	Petition Signed
2024-02-05 19:47:12.28		Patrick	Stewart						US	Petition Signed
2024-02-05 19:46:24.61		Phil	Reioux						US	Petition Signed
2024-02-05 19:46:02.17		Mel	Lofftus						US	Petition Signed
2024-02-05 19:42:53.637		Rocco	Orsini						US	Petition Signed
2024-02-05 19:33:00.373		Russel	Maridon			Watsonville	CA		US	Petition Signed
2024-02-05 19:23:40.633		Ron	Prevette						US	Petition Signed
2024-02-05 19:19:22.38		Robert	Cable						US	Petition Signed
2024-02-05 19:16:25.36		Simone	Fonseca						US	Petition Signed
2024-02-05 18:58:03.157		Rusty	Alexander						US	Petition Signed
2024-02-05 18:57:24.747		Eric	Clem						US	Petition Signed
2024-02-05 18:53:37.32		Joseph	McNicoll						US	Petition Signed
2024-02-05 18:52:03.88		Walter	Seidenglanz						US	Petition Signed
2024-02-05 18:42:17.28		Adam	Dillavou						US	Petition Signed
2024-02-05 18:37:39.127		Andrew	Harris						US	Petition Signed
2024-02-05 18:37:12.23		Brent	Johnson			Rosamond	CA		US	Petition Signed
2024-02-05 18:36:47.983		Brian	Gothard			Pioneer	CA		US	Petition Signed
2024-02-05 18:34:25.057		Erik	Westerman						US	Petition Signed
2024-02-05 18:32:56.35		Michael	Davis			Altadena	CA		US	Petition Signed
2024-02-05 18:27:16.237		Benjamin	Coleman						US	Petition Signed
2024-02-05 18:23:35.787		Marie	C Brown						US	Petition Signed
2024-02-05 18:22:27.89		John	Maud			Carlsbad	CA		US	Petition Signed
2024-02-05 18:20:34.517		Arthur	Frick						US	Petition Signed
2024-02-05 18:13:53.773		Jeff	Bautista						US	Petition Signed
2024-02-05 18:13:20.05		Fidel	Mercado						US	Petition Signed
2024-02-05 18:10:39.657		Robert	Simi						US	Petition Signed
2024-02-05 18:09:58.84		David	Nezzer						US	Petition Signed
2024-02-05 18:03:00.073		David	Burnside						US	Petition Signed
2024-02-05 18:02:13.29		Terrence	Hopkins						US	Petition Signed
2024-02-05 18:01:00.15		David	Simpson						US	Petition Signed
2024-02-05 17:59:05.693		Robert	Johnson						US	Petition Signed
2024-02-05 17:53:47.687		Aaron	Hurtado						US	Petition Signed
2024-02-05 17:50:21.377		Taylor	Dahlke						US	Petition Signed
2024-02-05 17:47:40.317		Albert	LaShell						US	Petition Signed
2024-02-05 17:43:23.39		Brian	Dotterer						US	Petition Signed
2024-02-05 17:35:29.003		Philip	Benson						US	Petition Signed
2024-02-05 17:30:24.953		Robert	Poortinga						US	Petition Signed
2024-02-05 17:15:59.89		Sandra	Harris						US	Petition Signed
2024-02-05 17:13:07.207		Kyle	Brandt						US	Petition Signed
2024-02-05 17:08:46.353		Matthew	Schafer						US	Petition Signed

2024-02-05 17:03:34.317		Mark	Debasitis						US	Petition Signed
2024-02-05 17:00:23.393		Robert	Meriales						US	Petition Signed
2024-02-05 16:59:40.937		Michael	Fordham						US	Petition Signed
2024-02-05 16:58:15.78		Jamie	Snyder						US	Petition Signed
2024-02-05 16:56:51.77		Jeffrey	Spear			Banning	CA		US	Petition Signed
2024-02-05 16:56:36.61		Garrett	Mann						US	Petition Signed
2024-02-05 16:56:27.427		Eric	Hanson						US	Petition Signed
2024-02-05 16:55:56.143		Evan	Davis						US	Petition Signed
2024-02-05 16:55:41.43		Carson	Dicicco						US	Petition Signed
2024-02-05 16:51:24.707		Jon	McArthur						US	Petition Signed
2024-02-05 16:51:13.203		Gabriel	Thompson						US	Petition Signed
2024-02-05 16:48:28.343		John	Bahorski						US	Petition Signed
2024-02-05 16:46:26.21		SCOTT	EVELD						US	Petition Signed
2024-02-05 16:44:24.037		Ryan	Javier						US	Petition Signed
2024-02-05 16:42:21.76		Zachary	Bowman						US	Petition Signed
2024-02-05 16:40:06.743		Christian	Ruiz						US	Petition Signed
2024-02-05 16:39:19.947		Jeremy	Camacho						US	Petition Signed
2024-02-05 16:33:56.157		Kyle	Frost						US	Petition Signed
2024-02-05 16:33:41.11		Aaron	Deal						US	Petition Signed
2024-02-05 16:33:35.907		John	Kalinowski			RIO DELL	CA		US	Petition Signed
2024-02-05 16:31:18.907		Shaun	Dolan			Lakewood	CA		US	Petition Signed
2024-02-05 16:29:57.6		Benjamin	Woody						US	Petition Signed
2024-02-05 16:29:23.29		Carlos	Perez						US	Petition Signed
2024-02-05 16:24:57.227		Dennis	Davenport						US	Petition Signed
2024-02-05 16:24:24.593		Robert	Ripley						US	Petition Signed
2024-02-05 16:23:41.713		Isa	Dolan						US	Petition Signed
2024-02-05 16:23:25.797		Daniel	Delaney			SACRAMENTO	CA		US	Petition Signed
2024-02-05 16:22:19.39		Stan	Huncilman						US	Petition Signed
2024-02-05 16:20:23.813		Gary	Bennett						US	Petition Signed
2024-02-05 16:19:11.763		Josh	Brann						US	Petition Signed
2024-02-05 16:19:08.64		Christopher	Knutsen						US	Petition Signed
2024-02-05 16:17:33.19		LAWRENCE	MATRAS						US	Petition Signed
2024-02-05 16:16:10.61		Mark	Martin						US	Petition Signed
2024-02-05 16:15:20.363		Gregory	Scoles						US	Petition Signed
2024-02-05 16:14:53.573		KENNETH	MURRAY			Stockton	CA		US	Petition Signed
2024-02-05 16:13:47.013		Daniel	Epperson						US	Petition Signed
2024-02-05 16:11:16.917		James	Reksc						US	Petition Signed
2024-02-05 16:05:00.073		Eric	Gfeller			Riverside	CA		US	Petition Signed
2024-02-05 16:04:32.18		Ryan	Pitts			Carlsbad	CA		US	Petition Signed
2024-02-05 16:04:24.48		Joshua	Martin						US	Petition Signed
2024-02-05 16:03:35.96		William	Murphy						US	Petition Signed
2024-02-05 16:01:27.507		Lawrence	Webster						US	Petition Signed
2024-02-05 16:00:52.377		BRANDON	HATFIELD						US	Petition Signed
2024-02-05 16:00:41.42		James	Peifer						US	Petition Signed
2024-02-05 16:00:23.037		Blake	Anderson						US	Petition Signed
2024-02-05 16:00:20.97		sawyer	fischer						US	Petition Signed
2024-02-05 15:57:43.77		Joseph	Armas						US	Petition Signed
2024-02-05 15:57:21.897		Hutchison	Meltzer						US	Petition Signed
2024-02-05 15:57:11.98		Patrick	Nurisso						US	Petition Signed
2024-02-05 15:57:05.07		Aaron	Jauregui						US	Petition Signed
2024-02-05 15:56:57.14		Daniel	Martinez Muniz						US	Petition Signed
2024-02-05 15:55:32.103		Nicole	Nurisso						US	Petition Signed
2024-02-05 15:54:33.543		Matthew	Nurisso			Belmont	CA		US	Petition Signed

2024-02-05 15:54:10.667		Daniel	Schwartz						US	Petition Signed
2024-02-05 15:53:21.577		Duncan	Barber						US	Petition Signed
2024-02-05 15:53:19.947		Ted	Thomas						US	Petition Signed
2024-02-05 15:53:13.5		Phillip	Wasz						US	Petition Signed
2024-02-05 15:52:54.933		Mike	Potter						US	Petition Signed
2024-02-05 15:51:07.6		Bradford	Hanson						US	Petition Signed
2024-02-05 15:51:04.22		Brian	Andersen						US	Petition Signed
2024-02-05 15:50:46.567		Chase	Mendoza						US	Petition Signed
2024-02-05 15:50:27.62		Michael	Marsden						US	Petition Signed
2024-02-05 15:49:36.357		josh	restad						US	Petition Signed
2024-02-05 15:49:19.257		Daniel	Dwelly						US	Petition Signed
2024-02-05 15:49:18.067		Steve	Vasquez						US	Petition Signed
2024-02-05 15:48:48.247		Joel	Rink						US	Petition Signed
2024-02-05 15:48:34.35		Billy	Patterson						US	Petition Signed
2024-02-05 15:47:02.943		Ryan	Havens						US	Petition Signed
2024-02-05 15:23:24.397		Dain	Verret						US	Petition Signed
2024-02-05 11:51:07.227		James	Galliver						US	Petition Signed
2024-02-05 09:56:05.27		Craig	Jay						US	Petition Signed
2024-02-05 03:43:55.11		Fred	Flores						US	Petition Signed
2024-02-05 02:32:44.073		Nora	Martin-Hall						US	Petition Signed
2024-02-05 00:28:27.217		Chris	Olivolo						US	Petition Signed
2024-02-05 00:28:08.577		Lorenzo	Noto						US	Petition Signed
2024-02-04 21:10:06.577		James	Fey						US	Petition Signed
2024-02-04 21:03:57.02		Dave	Zilch						US	Petition Signed
2024-02-04 20:56:36.923		Matt	Carleton						US	Petition Signed
2024-02-04 19:58:50.267		Sajjad	Shah						US	Petition Signed
2024-02-04 18:57:58.19		Ahmad	Abdeljabbar						US	Petition Signed
2024-02-04 15:50:16.343		Zachary	Seibert						US	Petition Signed
2024-02-04 15:11:37.17		Oliver	Heffron						US	Petition Signed
2024-02-04 15:03:21.603		Monica	Perez						US	Petition Signed
2024-02-04 14:56:42.12		Mark	Antalan						US	Petition Signed
2024-02-04 14:54:20.397		Israel	Palomares						US	Petition Signed
2024-02-04 14:33:32.377		michelle	gracy						US	Petition Signed
2024-02-04 14:06:16.267		Johan	G						US	Petition Signed
2024-02-04 13:45:52.443		Zachery	Ranck						US	Petition Signed
2024-02-04 13:31:21.537		Cody	Jeske						US	Petition Signed
2024-02-04 13:19:35.56		Adolfo	Medrano						US	Petition Signed
2024-02-04 13:16:19.453		Concepcion	Olivares						US	Petition Signed
2024-02-04 12:44:54.5		Noah	Ranck						US	Petition Signed
2024-02-04 11:58:34.803		Jonathan	Howell						US	Petition Signed
2024-02-04 11:34:47.057		Kyle	Soutar						US	Petition Signed
2024-02-04 11:31:34.293		Juanito	Guerrero						US	Petition Signed
2024-02-04 11:16:26.06		Brian	Reagan						US	Petition Signed
2024-02-04 10:52:34.367		Sean	Rubino						US	Petition Signed
2024-02-04 10:50:23.263		Wayne	Haskins						US	Petition Signed
2024-02-04 10:42:16.947		Felipe	Flores						US	Petition Signed
2024-02-04 09:05:17.933		Luke	Holsen						US	Petition Signed
2024-02-04 08:09:46.76		Daniel	McCarty						US	Petition Signed
2024-02-04 03:21:00.19		Tom	Ryugo						US	Petition Signed
2024-02-04 02:08:05.057		Rob	McMahon						US	Petition Signed
2024-02-04 01:22:59.597		Jason	Fitzgibbon						US	Petition Signed
2024-02-04 01:21:34.463		Ed	Hobbs						US	Petition Signed
2024-02-04 00:39:37.56		James	Tregembo						US	Petition Signed

2024-02-03 23:56:53.447		Frank	Cunningham						US	Petition Signed
2024-02-03 22:36:47.323		Kyle	Rempe						US	Petition Signed
2024-02-03 22:13:07.423		Michael	Skehen			Arroyo Grande	CA		US	Petition Signed
2024-02-03 21:04:23.823		Carl	Hancock						US	Petition Signed
2024-02-03 20:34:57.753		Callie	Warne						US	Petition Signed
2024-02-03 20:02:32.65		Harrie	Dennison						US	Petition Signed
2024-02-03 19:52:17.087		Jacob	Jensen						US	Petition Signed
2024-02-03 19:19:31.487		Dale	Parsons						US	Petition Signed
2024-02-03 19:17:18.01		Sterling	Coberly						US	Petition Signed
2024-02-03 19:04:40.757		Reece	Reber						US	Petition Signed
2024-02-03 18:56:03.143		Adam	Bloomer						US	Petition Signed
2024-02-03 18:46:40.147		Jesus	Juarez gama						US	Petition Signed
2024-02-03 18:38:07.283		John	Shimmick						US	Petition Signed
2024-02-03 18:16:11.547		Charles	Stanton						US	Petition Signed
2024-02-03 18:07:46.917		Kenneth	Ply						US	Petition Signed
2024-02-03 17:55:22.687		Cameron	Dobbs						US	Petition Signed
2024-02-03 17:53:51.817		Brian	Phipps						US	Petition Signed
2024-02-03 17:52:10.473		Chase	Ascari						US	Petition Signed
2024-02-03 17:45:34.163		Nestor	Albances						US	Petition Signed
2024-02-03 17:27:50.223		John	Towers						US	Petition Signed
2024-02-03 17:18:03.18		Aaron	Pittman						US	Petition Signed
2024-02-03 16:58:29.703		Christopher	Agacite						US	Petition Signed
2024-02-03 16:44:19.967		David	Rosenthal						US	Petition Signed
2024-02-03 15:48:35.097		Christopher l	Lincoln						US	Petition Signed
2024-02-03 15:41:54.56		Chris	Killen						US	Petition Signed
2024-02-03 14:58:20.36		Ryan	Lamke						US	Petition Signed
2024-02-03 14:00:13.89		Jack	Cliff						US	Petition Signed
2024-02-03 13:27:50.02		Jacob	Sandoval						US	Petition Signed
2024-02-03 13:25:47.0		Daniel	Gross						US	Petition Signed
2024-02-03 13:21:33.573		William	Armstrong						US	Petition Signed
2024-02-03 13:20:41.387		Caleb	Warrick						US	Petition Signed
2024-02-03 13:16:03.28		David	Zachry						US	Petition Signed
2024-02-03 13:15:26.283		Tyler	Blackburn						US	Petition Signed
2024-02-03 13:04:39.467		Ryan	Schultz						US	Petition Signed
2024-02-03 12:59:07.173		Victor	Flores						US	Petition Signed
2024-02-03 12:58:03.97		Jack	Van Nieulande						US	Petition Signed
2024-02-03 12:37:16.943		Trevor	La Presle						US	Petition Signed
2024-02-03 12:35:33.723		Zachary	Matters						US	Petition Signed
2024-02-03 12:13:53.08		Charles	Toney						US	Petition Signed
2024-02-03 11:57:45.247		Mike	Garske						US	Petition Signed
2024-02-03 11:50:06.25		Ismael Max	Villegas						US	Petition Signed
2024-02-03 11:42:34.637		jeff	chisdak						US	Petition Signed
2024-02-03 11:29:37.853		Bryce	Carmehl						US	Petition Signed
2024-02-03 11:23:11.003		Sandra	Sanchez						US	Petition Signed
2024-02-03 10:47:10.197		Ryan	Houge						US	Petition Signed
2024-02-03 10:44:25.037		Jacob	Rantz						US	Petition Signed
2024-02-03 10:43:14.297		David	Allen						US	Petition Signed
2024-02-03 10:39:46.707		Bryan	Maiorca						US	Petition Signed
2024-02-03 10:22:42.447		Evan	Livadas						US	Petition Signed
2024-02-03 10:00:36.227		Steve	Broadley						US	Petition Signed
2024-02-03 09:41:14.653		James	Derington						US	Petition Signed
2024-02-03 09:14:12.427		Ethan	Hall						US	Petition Signed
2024-02-03 09:10:51.607		Ralph	Puett						US	Petition Signed

2024-02-03 08:59:33.513		Trace	Pena						US	Petition Signed
2024-02-03 06:43:50.977		Mike	Barats						US	Petition Signed
2024-02-03 04:27:27.593		Arthur	Frick						US	Petition Signed
2024-02-03 03:29:29.203		Ben	Carter						US	Petition Signed
2024-02-03 03:16:19.52		Philip	Trompke						US	Petition Signed
2024-02-03 02:50:01.12		David	Modena						US	Petition Signed
2024-02-03 02:12:16.923		Andrew	Law						US	Petition Signed
2024-02-03 01:59:51.773		Michael	Hale						US	Petition Signed
2024-02-03 01:28:13.503		Jeff	Kafka						US	Petition Signed
2024-02-03 00:57:44.12		Scott	Brichan						US	Petition Signed
2024-02-03 00:44:29.22		Rosa	Zapata						US	Petition Signed
2024-02-03 00:04:29.733		Adam	Schaar						US	Petition Signed
2024-02-02 23:54:08.423		Daniel	Crouch						US	Petition Signed
2024-02-02 23:42:54.683		Joshua	Mann						US	Petition Signed
2024-02-02 23:37:53.183		Dave	Huebner						US	Petition Signed
2024-02-02 23:35:41.747		John	Aronson						US	Petition Signed
2024-02-02 23:34:49.057		Landon	Baggaley						US	Petition Signed
2024-02-02 23:18:58.11		Patrick	Young						US	Petition Signed
2024-02-02 23:14:05.52		Mark	Walline						US	Petition Signed
2024-02-02 22:31:18.197		Ryan	McGaffin						US	Petition Signed
2024-02-02 22:22:27.137		Timothy	Watson			Middle Grove	NY		US	Petition Signed
2024-02-02 21:27:23.713		Timothy	Padilla						US	Petition Signed
2024-02-02 21:22:05.84		Matthew	Broadley						US	Petition Signed
2024-02-02 21:08:03.4		Ryan	Tracey						US	Petition Signed
2024-02-02 21:05:54.64		Jose	Camarena						US	Petition Signed
2024-02-02 21:04:37.32		Erick	Burres						US	Petition Signed
2024-02-02 21:01:20.403		Adrian	Silveira						US	Petition Signed
2024-02-02 20:58:02.777		Shaun	Ayers						US	Petition Signed
2024-02-02 20:56:18.6		Tom	Stubbs						US	Petition Signed
2024-02-02 20:44:54.14		Rafael	Santillan						US	Petition Signed
2024-02-02 20:42:57.203		Alex	Selman						US	Petition Signed
2024-02-02 20:31:49.4		Zane	Murphy						US	Petition Signed
2024-02-02 20:21:30.41		Jeremy	Kerekes						US	Petition Signed
2024-02-02 20:20:07.45		Eric	Manahan			Hollis	ME		US	Petition Signed
2024-02-02 20:18:56.503		Marcus	LeBlanc			Grover beach	CA		US	Petition Signed
2024-02-02 20:10:44.193		Dave	Gifford						US	Petition Signed
2024-02-02 19:56:09.143		Dave	Rechel						US	Petition Signed
2024-02-02 19:43:54.443		Gabriel	Silveira						US	Petition Signed
2024-02-02 19:43:17.527		Eric	Bodjanac						US	Petition Signed
2024-02-02 19:40:58.32		Jesus	Padiernos						US	Petition Signed
2024-02-02 19:29:09.317		Jaime	Gutierrez						US	Petition Signed
2024-02-02 19:27:36.86		Darren	Gertler						US	Petition Signed
2024-02-02 19:15:32.903		SynKae	NG						US	Petition Signed
2024-02-02 19:15:13.213		Daniel	Silveira						US	Petition Signed
2024-02-02 19:06:32.177		Matthew	Bond						US	Petition Signed
2024-02-02 18:56:00.567		Cole	Pickford						US	Petition Signed
2024-02-02 18:55:34.027		Nick	DeFerrari						US	Petition Signed
2024-02-02 18:43:33.243		Cecilia	Giddings						US	Petition Signed
2024-02-02 18:05:26.83		Isaac	Beck						US	Petition Signed
2024-02-02 17:46:21.643		Clayton	Beaver						US	Petition Signed
2024-02-02 17:45:06.907		Travis	Craven						US	Petition Signed
2024-02-02 17:30:47.033		Eric	Tye						US	Petition Signed
2024-02-02 17:16:16.94		Benjamin	Kaslin						US	Petition Signed

2024-02-02 16:25:01.977		Matt	Rose						US	Petition Signed
2024-02-02 16:10:12.253		Kevin	Vella						US	Petition Signed
2024-02-02 15:56:10.45		Charlie	de la Rosa						US	Petition Signed
2024-02-02 15:55:01.117		Nicholas	Angus						US	Petition Signed
2024-02-02 15:38:15.073		Nick	Ippolito						US	Petition Signed
2024-02-02 15:34:39.867		Artin	Marootian						US	Petition Signed
2024-02-02 14:57:10.573		Sam	Narveson						US	Petition Signed
2024-02-02 14:52:04.667		Jacob	Morris						US	Petition Signed
2024-02-02 14:48:19.837		Jonathan	Hoang						US	Petition Signed
2024-02-02 14:44:36.137		Mitchell	Ward						US	Petition Signed
2024-02-02 14:40:14.187		Logan	Little						US	Petition Signed
2024-02-02 14:29:39.883		Josef	Sanchez						US	Petition Signed
2024-02-02 14:25:41.613		Leif	Bierer						US	Petition Signed
2024-02-02 14:09:39.14		JESSE	STOVALL			Fiddletown	CA		US	Petition Signed
2024-02-02 14:09:23.547		Mike	Costello						US	Petition Signed
2024-02-02 14:03:34.583	Mr.	Hunter	Miller			Kuna	ID		US	Petition Signed
2024-02-02 14:02:35.91		Jordan	Germyn						US	Petition Signed
2024-02-02 13:58:56.873		Gilberto	Garcia						US	Petition Signed
2024-02-02 13:58:51.957		Rod	Kazempour						US	Petition Signed
2024-02-02 13:56:33.713		Andrew	Miller						US	Petition Signed
2024-02-02 13:55:22.597		Micah	Dungey						US	Petition Signed
2024-02-02 13:51:26.967		Jacob	Weber						US	Petition Signed
2024-02-02 13:50:04.897		Chris	Chun						US	Petition Signed
2024-02-02 13:48:43.423		Jerry	Chang						US	Petition Signed
2024-02-02 13:48:06.903		Clayton	Thornton						US	Petition Signed
2024-02-02 13:47:17.947		Christopher	James						US	Petition Signed
2024-02-02 13:45:51.557		John	Phillips						US	Petition Signed
2024-02-02 13:45:40.09		James	Killiany						US	Petition Signed
2024-02-02 13:40:12.057		Richard	Owens						US	Petition Signed
2024-02-02 13:37:41.607	Mr.	Blane	Markham			Carmel	CA		US	Petition Signed
2024-02-02 13:36:49.903		Connor	Weber						US	Petition Signed
2024-02-02 13:35:29.397		Logan	Gillingham						US	Petition Signed
2024-02-02 13:31:21.977		Dennis	Kilian						US	Petition Signed
2024-02-02 13:29:17.553		Daniel	Collins						US	Petition Signed
2024-02-02 13:23:58.117		Phillip	Sanders						US	Petition Signed
2024-02-02 13:17:26.583		Derrick	Kapalla						US	Petition Signed
2024-02-02 13:16:58.097		Craig	Simes						US	Petition Signed
2024-02-02 13:15:13.017		Valerie	Bednarski						US	Petition Signed
2024-02-02 13:14:01.07		Elijah	Black						US	Petition Signed
2024-02-02 13:12:08.623		Philip	Adornato						US	Petition Signed
2024-02-02 13:10:44.163		owen	shapiro						US	Petition Signed
2024-02-02 13:10:37.263		Steve	Dolan						US	Petition Signed
2024-02-02 13:09:39.617		Nick	Garcia						US	Petition Signed
2024-02-01 21:14:07.19		Keynan	Hobbs						US	Petition Signed
2024-02-01 19:52:19.6		Allen	Noren						US	Petition Signed
2024-02-01 19:31:26.837		Devin	O'Dea						US	Petition Signed



United States Department of the Interior

NATIONAL PARK SERVICE

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

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

OFFICIAL ELECTRONIC MAIL SENT VIA EMAIL NO HARD COPY TO FOLLOW

February 9, 2024

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

Ms. Miller-Henson and Other Commission Members:

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

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

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

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

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

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

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

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

Current Park Management of Marine Protected Areas

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

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

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

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

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

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

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

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

Conclusion

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

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

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

Respectfully,

Ethan R. McKinley
Superintendent

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

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

Thank you for your consideration of my comment.

Regards
Douglas McCauley

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

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

Good afternoon,

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

Eric

Dear California Fish and Game Commissioners,

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

Petition 2023-22MPA:

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

Petitions 2023-15MPA and 2023-16MPA:

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

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

Sincerely,



Eric Praske
Laguna Beach

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

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

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

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

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

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

Cc: [REDACTED] Steve Scheiblaue

<[REDACTED]>; Dave Colker

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

Subject: MPA Petitions Support/Object

CALIFORNIA FISHERMEN'S RESILIENCY ASSOCIATION

1118 6th St.
Eureka, CA 95501

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

July 3, 2024

Re: MPA Petitions/Support/Object

Commissioners:

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

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

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

We provide no support for the following MPA petitions:

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

Thank you for this opportunity to comment.

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

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

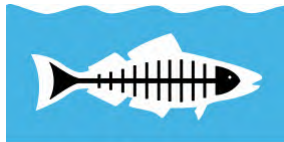
Cc: Dave Colker
Peter Halmay
Steve Scheiblaue
Jake Mitchell

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

Good Afternoon,

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

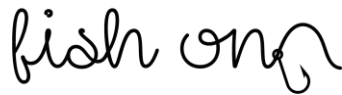
Best,
Emily



Heal the Bay

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





July 5, 2024

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

Submitted electronically via fgc@fgc.ca.gov

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

Dear President Murray and Honorable Commissioners:

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

Support for the Petition Binning Outcome and Transparent Process

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

Petition Evaluation Must be Rooted in Science

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

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

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

Petition Evaluation Must be Prompt and Consider Numerous Threats

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

Questions for the Marine Resources Committee

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

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

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

Sincerely,

Emily Parker
Coastal and Marine Scientist
Heal the Bay

Rikki Eriksen, PhD
Marine Spatial Ecologist
California Marine Sanctuary Foundation

Laura Deehan
State Director
Environment California

Angela Kemsley
Director of Conservation Impact
WILDCOAST

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

Sandy Aylesworth
Director, Pacific Initiative
Natural Resources Defense Council

Anupa Asokan
Founder and Director
Fish On

Tomas Valadez
CA Policy Associate
Azul

Ray Hiemstra
Associate Director
Orange County Coastkeeper

Laura Walsh
California Policy Manager
Surfrider Foundation

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

Hi FGC,

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

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

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

Thanks,
Bryant Irawan

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

Hi FGC,

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

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

Thank you for your time,
Jason

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

Hi FGC,

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

I'd like to write against the petition.

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

Best,
Rhett

From: Blake Hermann <[REDACTED]>

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

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

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

Subject: Petition2023-15MPA Clarification/Amendment Letter

Hello all,

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

Thank you,

Blake Hermann

Clarification and Amendments Regarding Petition2023-15MPA

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

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

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

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

Commercial Swordfish:

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

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

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

Both of these problems are more prevalent around the Channel Islands and the three MPAs mentioned in 2023-15MPA because these MPAs extend an additional 3nm offshore into federal waters, overlapping more with the more offshore swordfish-fishery grounds. Today, retrieving a

dead harpoon fish or fighting/retrieving a hooked fish inside these no-take closures is illegal, something I believe must be resolved some way. This is especially the case for harpoon fish, as unlike DSBG fish that could be cutoff or released with a tag, harpoon fish cannot be let go once hit.

This problem is compounded in the commercial swordfish fishery due to the fishery's reliance on calm waters to eyeball or locate a basking swordfish. Of the northern Channel Islands one MPAs in particular, The Footprint, sits in the lee of the islands, the place where the islands act as a physical weather barrier from the normal westerly wind and swell. This calm section was historically important and remains an essential area to the swordfish fishery more than other fisheries because of its reliance on spotting vs hooking a fish. These weather pockets force the fishery to operate in the lee area regardless of the MPA's presence. The result is a higher effort around the MPA, not because there is any more swordfish there than other places, but because that is the only zone that has fishable conditions most days at the Northern Channel Islands. This closer proximity to the MPA due to weather leads to higher chances of interactions where legally taken fish tow gear into the closures as mentioned above. We can see this higher landing rate and therefore higher chance of interactions by observing commercial block catch data showing the blocks containing and surrounding the Footprint, blocks 707 and 708 are especially productive due to the calmer waters. These two blocks alone captured 2.82% of state swordfish landings, locally comprising 15.63% of the swordfish produced by the Santa Barbara Port Area over the last 18 years (MFDE¹), particularly high values for an HMS.

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

As a result, the FGC, CDFW, PFMC, and CINMS should take this interaction into account in order to better consider the individual actions for allowing the harpoon and federal DSBG fishery to operate in or, at the very least retrieve, legally taken swordfish within the 3 requested MPAs because of this gear movement problem. An option can be amended and added onto the original petition if required, but as harpoon and DSBG were included in the original request for allowable methods of take, the individual actions for the gears in each of the three requested MPAs should already exist.

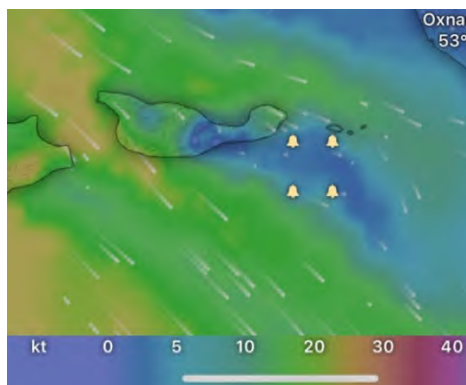


Image depicting average day in the Northern Channel Islands with The Footprint MPA outlined. Displayed wind “lee” for commercial swordfish is predominately around the closure forcing effort and gear interactions with the MPA to be higher (conditions are “fishable” under 10kts, blue color).

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

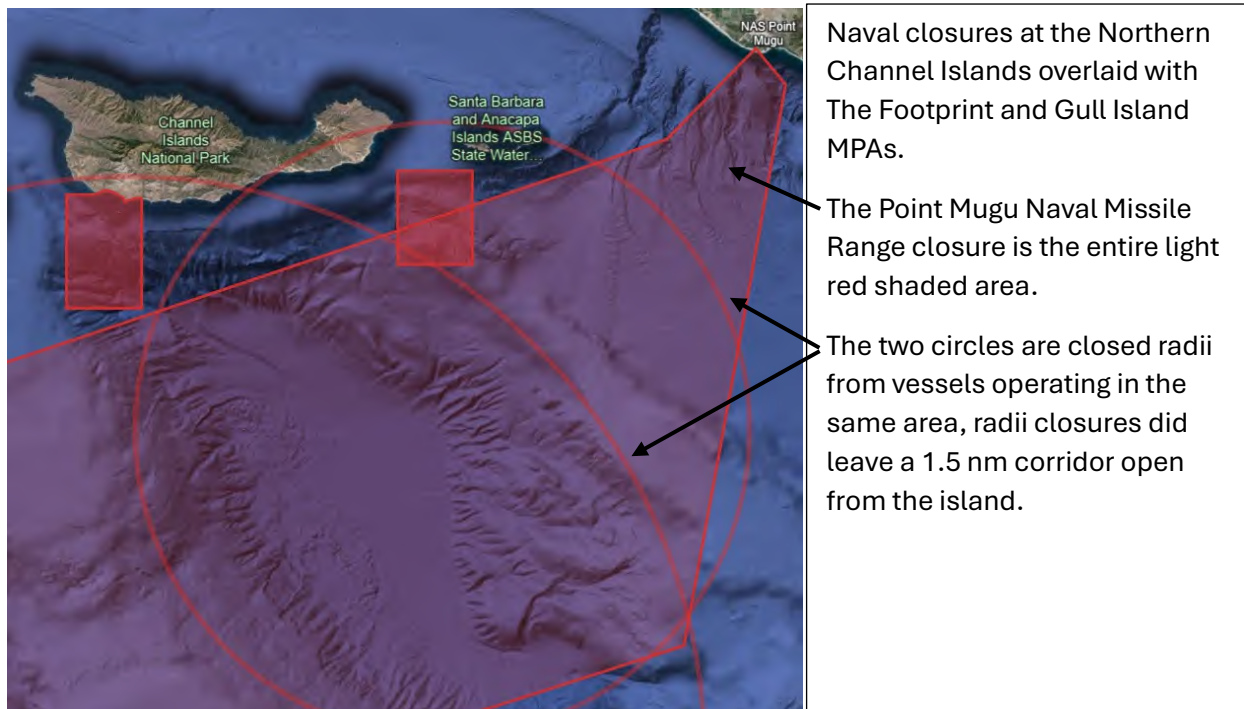
1. MFDE under only swordfish landings from 1/1/2008 to 12/31/2023. The Santa Barbara Port Area was used for the local filters to include Ports around the Channel Islands (petition's area of concern).

Local Naval Closures:

From my talks with general HMS fishermen at as many talks as I could attend locally, the issue of military operations off the southern side of the 4 northern Channel Islands was brought up enough time to look into and warrant discussion. The primary argument brought up is, while HMS cover large areas and are fishable outside of the MPAs, military operations close off most and sometimes all fishable area for HMS around the Channel Islands around the northern Channel Islands for local fleets except small areas largely taken up by the two existing MPAs, The Footprint and Gull Island.

While on the water targeting HMS, I have removed from and forced into a different area where no or less HMS are realistically present (more inshore, into foul weather, or into an MPA). There are two types of naval closures on the southern side of the Channel Islands, total range closures and radius closures. Some days one or the other is active and some days both are active depending on the exercise. The location of closure radiuses from operations does vary, but the missile range closure is constant polygon. This zone covers a large area of offshore waters on the southern side of the islands, where HMS effort locally occurs. Included is an image of the points provided to me by the Naval Warfare Center Pt. Mugu depicting the range closure when they are in a live fire event, shaded in light red. The hollow circles depict radius closures from boat coordinates and restricted distances from said positions are enforced by aircraft. Note, a 1.5 nm corridor from land was still permitted for basic transit, so closures did not go all the way to the island shore. The Footprint and Gull Island MPAs have also been included depicting which areas fall inside and outside the missile range.

Event frequency does vary from 0 to 6 days a week, and closure radiuses from boats change based on the activity and number of vessels participating. Currently the only way of acquiring event data is with direct talks with Naval officers <24hr before an event, and in some cases the day of on the radio.



Adaptive Management, the MLPA, and the Master Plans:

A general comment of concern has been that the petition attempts to reduce protections of the network, does not align with adaptive management, the MLPA, or MPA Master Plans and should be rejected.

Adaptive Management: It should be noted that the adaptive management of the MPA Network is not a one-way street. Adaptive management is defined by Fish and Game Code section 2852(a)² as, “a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning...” It is a practice where, as conditions change or we learn more about something, in this case the MPA network, we actively amend management regulations to reflect what currently is known to be a reasonable management method. That being said, consistently increasing protected areas or the level of protection for all species in an area every management cycle is not the only direction this process is allowed to go in order to manage the network. If sufficient evidence is provided and goals can still be met, adaptive management can certainly be used to decrease restrictions in cases where we still accomplish the same goals, something Petition2023-15MPA claims is possible due to the lack of or how little pelagic/HMS interactions are with MPA goals. If we can still accomplish the stated goals of the network in these specific MPAs while allowing some take of HMS or pelagic species, the network can certainly still be considered improved as a result. The latest example of adaptive management lowering regulation was the repealing of the Cowcod Conservation Areas (CCAs) and implementation of the smaller Groundfish Exclusion Areas (GEAs) after the cowcod population was considered rebuilt and healthy.

The MLPA: The goals of the MLPA and accompanying plans are clear. The largest goal being to preserve local ecosystems, allowing them to grow undisturbed as much as possible by people, resulting in higher levels in local species’ abundance and biodiversity for future generations to observe. From the onset of this petition, it has been a foundational idea that allowing take of pelagic or HMS inside these areas will both, not significantly affect local species abundance or populations, as they would still be protected, and that the HMS populations would not be significantly affected by such a change. The argument of lowering protections in a petition like this is understood at face value, but the goal of the petition is to examine if we can accomplish the same or a satisfactory level of the stated goals under these lower protections, and if this is indeed the case, how lower are these protections in reality?

MPA Master Plans: Appendix G of the 2008 Master Plan³ discusses the idea of species affected by MPAs, mentioning pelagic and HMS groups are overall less affected. Additionally, as the original petition mentions, the current 2016 MPA Master Plan for the southern section outlines within its goals⁴ that areas of protection providing limited pelagic take or HMS take be provided. This is something we do not see around the Channel Islands in nearly comparable amounts to the rest of the state network, this effect is worsened by the federal expansions at the Channel Islands encroaching more into offshore waters where more pelagic fishing occurs. Previous FGC MPA discussions provided additional input on MPAs and HMS interactions where the commission stated that MPAs are intended to protect (local) ecosystems, not individual species, especially those that are highly mobile or pelagic⁵. Both FGC comments, and statements from the 2008 and 2016 Master

2. https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FGC§ionNum=2852.

3. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=113013&inline#:~:text=Species%20with%20a%20strong%20tendency,their%20entire%20range%20of%20movement.>

4. <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=112492&inline> (pg. F-5 (Goal 2, specifically point 4))

5. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=207757&inline> (pg. 9)

Plans support the idea that HMS are both not as affected by these MPAs and that areas allowing take of just HMS be included in the network.

All of the above evidence and precedent came to light after the establishment of the Channel Islands network in 2002, so it is somewhat understandable why the decisions were made back then to leave these areas as no-take zones, we simply did not know as much then as we do now. However, 20 years later with all of this more modern evidence and precedent elsewhere in the 40% of the coastal network that is limited take, it is justifiable to reevaluate the Channel Islands Network and adaptively manage it to our current scientific understanding for pelagic/HMS allowed areas.

Kelp Restoration and Climate Resiliency:

A final comment of concerns mentions granting limited take access to these areas for Pelagic finfish or HMS will negatively impact local species such as groundfish or those important to kelp restoration and therefore climate resiliency, including but not limited to sheephead and spiny lobster.

The preferred option of only allowing take of HMS was preferred with species interactions specifically in mind. The more selective list of HMS avoids pelagic finfish species, like yellowtail, that could be targeted with methods that are more likely to interfere with non-pelagic species (weighted, bottom contact dropper loops). HMS effort for tuna or billfish consists primarily of surface casting a jig/bait, trolling baits on the surface, or fishing in the middle of the water column. It is very unlikely those targeting HMS species this way will have many interactions with non-pelagic species such as groundfish. Additionally, pelagic or HMS fishing is done primarily offshore, away from nearshore kelp ecosystems, and away from nearshore areas spiny lobster and sheephead frequent.

Included in the original petition was an additional option and sub-option for only “surface fishing methods” and nearshore closures respectively. If the preferred option of full water column access with no nearshore closures is still seen as concerning even with its limited interactions with non-HMS, the water column limiting option and/or nearshore closure sub-option can certainly be used.

Water Column Limited Fisheries (Amendment):

Since submittal, talks with officials revealed rather than using surface fishing methods as the allowed take reason, simply aligning with existing closures such as the GEAs and using rather the restriction of “bottom contact gears” will be better applicable. The new term, “bottom-contact-hook-and-line,” would need to be defined in state codes (along with bottom contact gears) to avoid hook-and-line bottom usage as hook-and-line on its own is not a bottom contact fishery per the only existing federal definitions of bottom contact gears. Restriction of bottom contact gears and additional restriction of bottom-contact-hook-and-line would allow for more selective take of HMS, not affect HMS effort significantly, and better protect local non-HMS from incidental catch. Therefore, it is proposed that the petitions options be slightly amended to allow hook-and-line except that of bottom-contact-hook-and-line, and restrict bottom contact gears, vs in the original petition where the allowing surface fishing methods was mentioned in the options.

Due to the regulatory complexity of this change, new definitions, and more complex gear explanations, it is still the petitioner preference to not restrict take to water column specific

variants of hook-and-line (options 3 and 4 in the petition) but the choice will still remain if the department prefers it for other reasons.

Nearshore Closures (Amendment):

In the original petition there was also the sub-option to include nearshore MPAs at two of the three MPAs mentioned, Gull Island and Santa Barbara Island. The Footprint MPA did not include nearshore option as no section of The Footprint is attached to land or is nearshore. My personal petitioner preference of these nearshore choices is still that they are not needed if the preferred Option 2 is selected, but the choice is there if desired. It has been raised that the original nearshore closure boarder for the Santa Barbara Island MPA in the original petition used the island’s 1 nautical mile radius line. This line is not straight, could lead to confusion, and does not align with MPA design criteria of the MLPA (no curves or odd shapes). Therefore, it is now proposed to use a straight line like what is used for all current nearshore closures rather than the original 1 nm line. The coordinates for this line separating the nearshore and offshore regions at Santa Barbara Island MPA will now be the following:

A straight line from 33° 28.500’ N. -118° 59.300’ W. to 33° 26.500’ N. -119° 02.200’ W

The choice to make the nearshore closures either stricter in take allowances or into nearshore no-take areas remains the same. Of the two sub-options, the more-strict limited-take choice is still preferred over a no-take area if nearshore MPAs are implemented. For the possible nearshore limited-take region, feedback and an oversight on my own part (leaving out spear) has led to a rework and amendment of the proposed nearshore MPAs allowable methods of take. See amended Table 2, the Table from the original petition, below (red = new language ~~cross~~ = removed language).

Table 2: Proposed Coordinates and options for the Nearshore limited or no take areas for Gull Island and Santa Barbara Island (Amended)	
Gull Island Nearshore MPA	Santa Barbara Island Nearshore MPA
<p>The nearshore-offshore boarder would be bound by a straight line running from 33° 58.000’ N. lat. 119° 53.000’ W. long, to 33° 55.800’ N. lat. 119° 48.000’ W. long. within the existing MPA.</p> <p>Regulation within nearshore area:</p> <p>Recreational and commercial take of (pelagic finfish or HMS, depending on the state’s choice) is allowed via surface casting, kite fishing, and surface trolling. The commercial take of swordfish by harpoon is allowed. (preferred).</p> <p>The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spear is allowed.</p> <p>The commercial take of swordfish by harpoon is allowed.</p> <p>The possession of Coastal Pelagic Species is allowed. (Only needed if HMS option is selected)</p> <p>Or</p> <p>A no-take region (not preferred)</p>	<p>The 1nm boundary of SBI within the current MPA</p> <p>The nearshore-offshore boarder would be bound by a straight line running from 33° 28.500’ N. -118° 59.300’ W. to 33° 26.500’ N. -119° 02.200’ W within the existing MPA.</p> <p>Regulation within nearshore area:</p> <p>Recreational and commercial take of (pelagic finfish or HMS, depending on the state’s choice) is allowed via surface casting, kite fishing, and surface trolling. The commercial take of swordfish by harpoon is allowed. (preferred).</p> <p>The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spear is allowed.</p> <p>The commercial take of swordfish by harpoon is allowed.</p> <p>The possession of Coastal Pelagic Species is allowed. (Only needed if HMS option is selected)</p> <p>Or</p> <p>A no-take region (not preferred)</p>

The proposed nearshore regions would now only allow take by easily enforceable, selective, non-hook-and-line methods. Recreational spear of pelagic finfish or HMS, and commercial harpoon swordfish are easily recognizable, completely selective in their methods of take, and offer zero bycatch. The methods would make the more non-pelagic prevalent nearshore regions simple to enforce and significantly mitigate any impacts on non-pelagic species if there are concerns with allowing hook-and-line methods nearshore.

Clarification and Amendment Review:

Clarification: Uncontrollable gear movement of commercial swordfish fisheries (Harpoon and DSBG) poses a problem with existing MPAs, namely those in the original petition due to their offshore expansion into federal waters creating more of an overlap with offshore pelagic/HMS fisheries. Individual actions concerning these methods allowance should be more strongly considered because of this problem and some solution should be reached.

Clarification: Large, periodic naval closures offshore restrict most HMS/pelagic fishing areas local to the southern parts of the Channel Islands when active, increasing congestion of both recreational and commercial fisheries toward the open areas just outside of the MPAs.

Clarification: Petition does in fact conform to the goals of adaptive management per its established definitions, has goals aligned by the MLPA, and both Master Plans outline goals concerning allowable pelagic or HMS take and lack of MPA effects on pelagic and HMS.

Amendment: To better conform to existing federal regulations and to make enforcement easier, the mention of “allowance of surface fishing methods” in Options 3 and 4 of the original petition will be replaced with “restriction of bottom contact gears.” Due to regulatory complexity the restriction of bottom-contact-gears in options 3 and 4, it is still not preferred by the petitioner but is still listed as a choice for the department to pick if desired. Option 2 followed by 1 are still the first and second preference. Bottom contact gears would need to be defined in state regulation as a specific list of gear types/configurations as well as bottom-contact-hook-and-line. The original 2 unamended options and 2 amended options would read:

Option 1 (unchanged): **(Petitioner’s 2nd Preferred Option)**

- The recreational take of pelagic finfish is allowed.
- The commercial take of pelagic finfish by hook-and-line and swordfish by harpoon is allowed.
- The use of Deep-Set-Buoy-Gear (DSBG) is allowed in federal waters (federal consideration only)

Option 2 (unchanged): **(Petitioner’s 1st Preferred Option)**

- The recreational take of highly migratory species is allowed.
- The commercial take of highly migratory species by hook-and-line and swordfish by harpoon is allowed.
- The possession of coastal pelagic species is allowed.
- The use of Deep-Set-Buoy-Gear (DSBG) is allowed in federal waters (federal consideration only)

Option 3 (amended): **(Petitioner’s 4th Preferred Option)**

- The recreational take of pelagic finfish is allowed, except through the use of bottom-contact-hook-and-line and bottom contact gears which is restricted.
- The commercial take of pelagic finfish by hook-and-line and swordfish by harpoon is allowed, except through the use of bottom-contact-hook-and-line and bottom contact gears which is restricted.

Option 4 (amended): **(Petitioner’s 3rd Preferred Option)**

- The recreational take of highly migratory species is allowed, except through the use of bottom contact hook-and-line and bottom contact gears which is restricted.
- The commercial take of highly migratory species by hook-and-line and swordfish by harpoon is allowed, except through the use of bottom-contact-hook-and-line and bottom contact gears which is restricted.
- The possession of coastal pelagic species is allowed.

Amendment: To align the proposed nearshore closure of Santa Barbara Island MPA to the required MPA design criteria outlined in the MLPA, the removal of the 1nm line for the proposed nearshore/offshore boarder is replaced with the aforementioned straight line running from 33° 28.500’ N. -118° 59.300’ W. to 33° 26.500’ N. -119° 02.200’ W to separate a possible nearshore/offshore State MPA.



Old – Non MLPA conforming



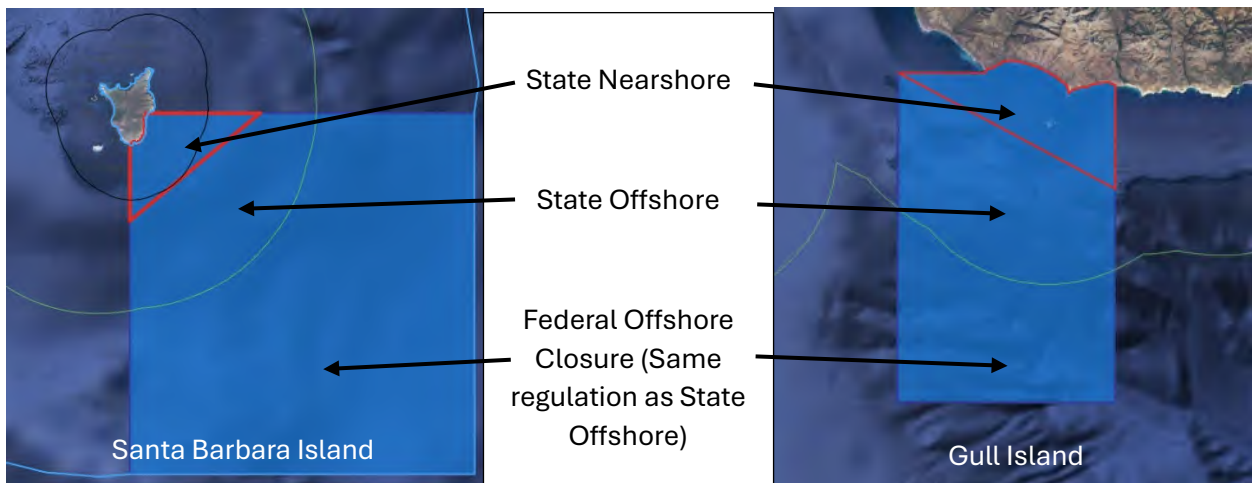
New – Conforms to MLPA design criteria for MPAs

Methods of take in the nearshore regions has also been amended. See the final amended version of table 2 below.

Table 2: Proposed Coordinates and options for the Nearshore limited or no take areas for Gull Island and Santa Barbara Island (Amended)	
Gull Island Nearshore MPA	Santa Barbara Island Nearshore MPA
The nearshore-offshore boarder would be bound by a straight line running from 33° 58.000’ N. lat. 119° 53.000’ W. long, to 33° 55.800’ N. lat. 119° 48.000’ W. long. within the existing MPA.	The nearshore-offshore boarder would be bound by a straight line running from 33° 28.500’ N. -118° 59.300’ W. to 33° 26.500’ N. -119° 02.200’ W within the existing MPA.

<p>Regulation within nearshore area:</p> <p>The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spear is allowed. The commercial take of swordfish by harpoon is allowed. The possession of Coastal Pelagic Species is allowed*. (*Only needed if HMS option is selected) (Preferred)</p> <p>Or</p> <p>A no-take region (not preferred)</p>	<p>Regulation within nearshore area:</p> <p>The recreational take of (either Pelagic Finfish or Highly Migratory Species (option dependent)) by spear is allowed. The commercial take of swordfish by harpoon is allowed. The possession of Coastal Pelagic Species is allowed*. (*Only needed if HMS option is selected) (Preferred)</p> <p>Or</p> <p>A no-take region (not preferred)</p>
---	---

The overall configuration of a possible nearshore/offshore system would involve a nearshore State MPA, an offshore State MPA, and a Federal offshore MPA with the same regulations as the State offshore MPA (DSBG is the exception, being a federally exclusive choice). The nearshore/offshore closure option adds an extra layer of complexity to the system and is not preferred in general, but this amended option would be the best fit if a nearshore region was desired. Below are generated images of possible nearshore/offshore state/federal configurations in the petition.



As of now those are the answers to most of the feedback received, new information that has come to light, and amendments to the original petition.

Thank you,
 Blake Hermann
 Petitioner (2023-15MPA)

From: Nathan Perez <[REDACTED]>
Sent: Wednesday, October 23, 2024 10:06 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Mlpa

Nathan Perez
Captain F/V Bear Flag 2
Ph: [REDACTED]
E: [REDACTED]

Hello,

My name is Nathan Perez, I participate in the commercial swordfish fishery in Southern California operating FV Bear Flag 2 and participating in the swordfish fishery for over 15 years. I am emailing today to voice my support for Petition 15MPA and call to deny or modify petition 34.

Petition 34 should be disallowed or at the very minimum allow for harpoon swordfish still inside the Farnsworth as it is just as enforceable as recreational spear.

For petition 15, allowing Highly Migratory Species limited take, especially harpoon swordfish and deep-set buoy gear, for commercial fisheries is something we can allow inside of these areas. Allowing this will still protect the nonpelagic fish that benefit more from these areas. Swordfish and other migratory fish do not benefit or provide significant benefits to these areas as they simply pass through, and there is no reason a harpoon boat should be restricted from taking a fish inside of these areas while a longline boat can operate in its entire grounds outside the EEZ, targeting the same fish I will find in the summer when the fish are coastal vs the winter/spring when they are in the longline grounds. These MPAs at the Channel Islands also expand federal and further overlap with our offshore fishery.

The proposed allowable methods for commercial swordfish are highly selective, for harpoon it is 100%, and both harpoon and buoy gear are the most sustainable methods we have for targeting swordfish. Granting selective access to these areas will also allow us to not worry about harpooned or hooked buoy fish swimming gear into the no-take areas which always seems to happen and cause an issue related to retrieving that legally taken fish. This is a problem made worse by these three areas expanding into federal water vs other MPAs that stay more nearshore, away from most swordfish grounds. We occasionally avoid looking in sections of legal water because we know if we hit a fish there the current that day will take it into the closure. That is not fair.

At a time when commercial swordfish is dying due to nets being removed and harpooners and buoy guys having to compete with international longliners and nets from other countries selling cheap fish here locally we need these areas back to be able to keep our clean, and domestic swordfish markets in operation.

Thank you,

Nathan Perez (FV Bear Flag 2)

From: Steve Weiser <[REDACTED]>

Sent: Friday, November 8, 2024 07:48 AM

To: FGC <FGC@fgc.ca.gov>

Subject: Mpa closure

My name is Steve Weiser, I run the FV Diva out of the Channel Islands as a harpoon swordfish boat with over 20 years of experience in the fishery. I am emailing today to voice my and my Crew's support of Petition2023-15MPA and lack of support for petition2023-34MPA concerning the possible allowance of harpoon swordfish in a few of the Channel Islands MPAs and closing of the Farnsworth SMCA to everything but recreational spearguns.

We currently have to avoid even open areas surrounding the closures because we worry risking that we hit a fish with a dart in legal water that then swims on the gear into the closure where it becomes illegal to retrieve. This problem is made worse because the Channel Islands MPAs go to 6 miles instead of 3, overlapping more of our offshore fishery. Unlike hook fisheries, a harpoon fish cannot be let go, it is a waste to not be able to retrieve a legally hit fish, so I and the rest of the fleet intentionally go further around the borders when I am fishing to give my hit fish room before possibly moving into the closure. I see the petition asks for other allowances besides harpoon swordfish but at the bare minimum harpoon should be allowed for this gear drift reason, it is a unique case.

Harpoon swordfish is the cleanest method we have for swordfish in the state and after nets are gone, will be only one of the two remaining ways these fish can be commercially targeted along with DSBG. These closures around the islands do little to nothing for swordfish nor does the swordfish have a massive impact on the small ecosystems these MPAs are trying to conserve. Allowing take with harpoon will not affect any of your stated goals for MPAs being meant for more abundance or biodiversity as the fishery takes so little compared to others fished internationally on the same stock of fish as they travel the eastern Pacific Ocean. Additionally, your Master Plan for MPAs specially asks for areas that allow pelagic or highly migratory species to be targeted like swordfish. We do not see any of these areas around the Channel Islands in any place pelagic fish even are. Over 90% of these islands is outright no-take and the two pelagic areas are on the northern side of the islands above Anacapa and Santa Cruz islands, opposite of the warm water southern side where pelagic species actually are.

These areas on the south or the islands are not any better than anywhere else for swordfish or other HMS on the southern side of the islands, the fish follow the current and the breaks, plain and simple. Some days they will be in there, some days they will not be, but having the option to look in there should be considered as these areas are doing nothing for the

fishery as “spillover” is not a thing for species that travel many time the distance of an MPA per day.

In regard to petition2023-34MPA, I personally believe that the petition should just be rejected because pelagic species, which hare the only species you can take in the Farnsworth besides seabass, are not affecting that area or its local ecosystems like a fish that lives in there protected forever. Any argument that it is an enforcement problem can just be seen in the other half of the MPAs that are limited take zones and have perfect enforcement. What makes Farnsworth different from these other areas? Nothing. Now, if there really was an enforcement problem, which I do not believe there is, enforcing recreational spear is probably more difficult that enforcing commercial harpoon swordfish which is currently allowed in the Farnsworth and should still be allowed regardless of any modification made to the area. Petition 34’s final result should be its dismissal or, at the at the very least, still allowing harpoon swordfish with spear as that is simply the commercial equivalent and just as enforceable.

Thank you,

Steve Weiser and Don Gillispie
F/V Diva

Woodland Construction
23622 Calabasas RD #337
Calabasas, CA 91302

[REDACTED]
[REDACTED]
[REDACTED]

From: Blake Hermann <[REDACTED]>

Sent: Wednesday, February 26, 2025 08:17 AM

To: FGC <FGC@fgc.ca.gov>; Ashcraft, Susan@FGC [REDACTED];
Shuman, Craig@Wildlife [REDACTED]

Subject: Comment on Bin 2 MPA Petition evaluation process

Hello all,

See attached comment letter requesting and supporting previous comments that petition be evaluated under the MPA Master Plan(s), most notably the guiding regional objectives under the MLPA goals from the Master Plans.

Letter additionally breaks down the Master Plan's objectives in the scope of Petition2023-15MPA specifically, highlighting why petition should be considered. This is all referencing the most recent revised version of the petition submitted in January.

Thank you,

Blake Hermann

Petitioner - Petition2023-15MPA

Guiding the Petition process through the MPA Master Plan's Regional Objectives under the MLPA Goals, and Petition 2023-15 MPA's support under said Goals and Objectives

To the FGC and MRC,

The adaptive management process of the MPA network through the petition process has been an all encompassing process stretching nearly two years and has consisted of many meetings with stakeholders from a multitude of backgrounds across the State.

Currently, several stakeholders have differing views on and are determining under what venues to discuss bin 2 petitions. Personally, I do not mind MRC or full commission discussions, but do see benefits to possibly holding discussions at both. This way we could benefit from the more casual open floor of the MRC and still keep all commissioners involved and informed on these petitions to gain the best final actions on these petitions from the full commission.

That being said, one commonality throughout this process from all groups has been the calling for the analysis process to be explicitly guided by the existing MPA Master Plan's (MMP) adaptive management process. This calling has come from all sides, from recreational and commercial fishing organizations such as AllWaters, CFSB, CCA, and the American Sportfishing Anglers (ASA), to environmental NGOs like Azul, Environment California, Environmental Defence Center, the NRDC, and WILD COAST. The latter eNGOs were among 17 groups who jointly signed and sent a letter to the FGC explicitly stating to guide the process through the MMP and its objectives in January.

The MMPs are a framework that guides the adaptive management process of the MPAs as that was part of their original intention. The process guided by the MMP lays out a clear analysis path through lists of "objectives" that fall under the six broader goals of the MLPA. These objectives under the six MLPA goals are what the MMP uses to determine if an MLPA goal is met, as the objectives are, "more specific and measurable than the broader MLPA goals," according to the MMP. In order to best determine if an MLPA goal is met, we look at these objectives stated under the regional MMP and determine if the objective is satisfied using the best available science/data. This process is laid out in Chapter 4.5 of the 2016 MMP, and the measurable objectives under each MLPA goal can be found in the regional appendices (C-F) in the suitably named "Regional Goals and Objectives" sections of the MMP.

I would not only like to echo all comments from both sides of the aisle to guide the process through the MMP(s) and their objectives, but to also bring up that Petition2023-15MPA is one of, if not, the only petition with explicitly stated support in the MMP objectives (see Goal 2 Objective 4 (2.4) below). This stated support of Petition2023-15MPA is laid out by not only the more-modern 2016 MMP, but even the original MMP from 2008, showing a historic, scientifically based rationale for Petition2023-15MPA, that came after the designation of the Northern Channel Islands Network. This shows our obligation to update this pre-MMP island network to modern standards we see in our coastal network that better follows these underlining MMP objectives.

The remaining sections of this document will go through all of the six goals of the MLPA (bold), the guiding MMP regional objectives under each MLPA goal (numbers), and provide a breakdown response of the specific objective through the scope of Petition2023-15MPA (letters). For context, Petition2023-15MPA is requesting 3 SMRs at the Northern Channel Islands be modified to SMCAs to allow for the limited take of Highly Migratory Species (HMS) or pelagic finfish, listing a variety of different allowable gear options, 6 in total not including additional possible nearshore/offshore MPA configurations. The core rationale of the petition is, we know the benefits of MPAs on HMS/pelagic species are very low compared to the high burden certain local MPA networks, in this case the Channel Islands, place on HMS/pelagic fisheries, and that we see pelagic allowances everywhere else but not in the older Channel Islands network where pelagic allowed areas should arguably be the most prevalent.

MLPA Goal 1. To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.

1. Protect and maintain species diversity and abundance consistent with natural fluctuations, including areas of high native species diversity and representative habitats.
 - a. The three MPAs in the petition and their locations are not intrinsically unique to HMS/pelagic finfish due to their highly migratory nature. The migratory nature of these species and the vast area of water they cover shows clear evidence that any take of HMS or pelagic finfish within these MPAs will not significantly affect HMS or pelagic finfish abundance any more than what existing fishery pressure already exerts on these species outside of the MPAs. Additionally, pelagic and HMS fisheries are all offshore, open-water fisheries, and are non-bottom contact. This means any effect on representative habitats containing a diverse spread of species on bottom reefs or nearshore kelp forests will be minimal due to

fishing simply not occurring there, still protecting those species that benefit from MPAs the most.

We already see this in use outside of the Channel Islands Network in the more-modern coastal network that came under the state driven MLPA implementation process. Nearly 40% of the coastal network allows for some form of limited, mostly pelagic, take and still protects those species and habitats that benefit from the protection, the pre-MMP/MLPA Channel Islands only has 3.5%.

2. Protect areas with diverse habitat types in close proximity to each other.
 - a. As the petition prefers only HMS take being allowed, the alternative being a pelagic finfish allowance, the only habitat type affected by this change will be open water. Pelagics and HMS are open water targeted species, one rarely sees billfish or tunas targeted even remotely nearshore let alone in a kelp forest or shallow reef. The unique habitats inside the three MPAs such as kelp forests or rocky reefs will see little to no change in relative level of protection. Even the bottom areas of the three MPAs, which consists of mostly empty mud flats thousands of feet deep, will see no meaningful change in its protection as nearly all HMS or pelagic effort is done at or near the surface or in the mid-water, rarely deeper than 100ft. If needed, the petition also includes options further restricting bottom contact gears outright, but again HMS and pelagic effort mostly avoids the bottom in general.

3. Protect natural size and age structure and genetic diversity of populations in representative habitats.
 - a. The species that live inside these MPAs year-round that gain the most from them are nearshore species living in the shallow-nearshore sections of the MPAs, or are groundfish frequenting the bottom habitat nearshore and offshore on rocky reefs. This fact is stated in the 2008 MMP appendix G which describes what species benefit the most from MPAs and why. As these non-pelagic, local species are predominantly found in these nearshore habitats, and not in open water where HMS and pelagics are found, all of these local, non-pelagic species can expect their populations and genetic diversities to be unaffected by this change. HMS or pelagic species would of course experience some form of take; however, as previously mentioned, levels of take within these areas would not be any different from the surrounding open area and would not be in levels affecting their population structures within the MPA.

4. Protect biodiversity, natural trophic structure, and food webs in representative habitats.
 - a. The amount of HMS or pelagic finfish in these areas is not expected to be significantly higher than the surrounding open area due to their migratory nature. Because of this, the overall trophic structure and food webs of the area will not be significantly affected as any interactions with these HMS or pelagic species will still be present as they move in and out of the area on the currents. The existing protections on local, non-pelagics will remain, leaving the remaining levels of the web unchanged. While some argue pelagic fisheries can just work around the closures, around the Channel Islands because of the higher closure rates, the federal offshore expansions, naval closures, and weather restrictions around the islands make pelagic fisheries are significantly more constricted. Allowing limited pelagic access inside these MPAs will benefit the fisheries not because they contain more pelagic or HMS, but because the added total available area is locally significant.
5. Promote recovery of natural communities from disturbances, both natural and human induced, including water quality.
 - a. HMS and pelagic finfish are well managed groups of fish that are in no need of recovery. In fact, the HMS fishery is one state and federal managers are actively trying to grow due to domestic lack of participation. The water quality protections within the three Channel Islands MPAs in the petition will of course still remain even if the petition is accepted in-part or fully. Additionally the Channel Islands National Marine Sanctuary water quality regulations in the entire area in and out of the MPAs will remain in effect.

MLPA Goal 2. To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.

1. Help protect or rebuild populations of rare, threatened, endangered, depressed, depleted, or overfished species, and the habitats and ecosystem functions upon which they rely.
 - a. As mentioned under Goal 1.5a, none of the HMS or pelagic finfish species that would be targeted in these three MPAs are rare, threatened, endangered, depressed, depleted, or overfished. The open water habitats they live inside will still have existing protections on the habitat. Currently, an overwhelming percentage of HMS consumed in this State are longline imports versus our cleaner hook-and-line fleets. Local swordfish and tuna

fishermen locally pick from the same stocks international longline fleets do, taking only a fraction of the stock and offering a superior grade of seafood both commercially and recreationally for personal consumption. Allowing access to these areas offers a way to meaningfully impact local fleets around the Channel Islands by providing them more water to cover while also not significantly impacting the HMS or pelagic stocks which are currently significantly more affected by international fisheries.

2. Sustain or increase reproduction by species likely to benefit from MPAs, with emphasis on those species identified as more likely to benefit from MPAs, and promote retention of large, mature individuals.
 - a. Appendix G of the 2008 MMP breaks down, on a species level, fish that benefit from MPAs the most and fish that benefit the least. The MMP states that, species benefiting from MPAs the most are local, non-pelagic species:

“MPAs are likely to have their greatest direct benefits on residential species. In general, MPAs offer direct protection to less mobile or sedentary species that locally aggregate in specific habitats (e.g., many of the rockfish species).” -Appendix G of the 2008 MMP

These local, non-pelagic species would still be protected even if this petition was accepted, still allowing for these species to benefit the most from the MPAs, and retain populations of large, mature individuals. The 2008 MMP additionally states that HMS and pelagic finfish are species that receive less if any benefits from MPAs due to sheer amount of water they cover:

“Species with a strong tendency to move will not benefit significantly from the establishment of MPAs [...] Direct benefits of MPAs are expected to be much reduced for highly migratory species (e.g., swordfish, tunas, some sharks) that likely spend relatively little time inside local coastal MPAs. Protection of these mobile species and their contributions to local marine ecosystems may best be addressed by larger-scale regulatory measures.” -Appendix G of the 2008 MMP

With the above guiding information, there is no scientifically supporting rationale to leave the three MPAs in Petition2023-15MPA completely closed to pelagics or HMS. Rather, due to the area traveled by HMS or pelagic finfish, best protective practices are seasonal restrictions, and

size/length requirements, something we already use Stateside with pelagic finfish and federally with HMS. The primary driver this petition only applies to three MPAs and not others was, unlike other no-take areas, pelagic or HMS can more than reasonably be targeted whilst meeting our protection goals in these three MPAs specifically (see Goal 2.4a below). For example, there is no reason to request pelagic or HMS access in MPAs simply too far offshore due to lack of total effort or areas too nearshore that would reasonably never offer significant amounts of pelagic or HMS opportunities because they are too shallow.

3. Sustain or increase reproduction by species likely to benefit from MPAs with emphasis on those species identified as more likely to benefit from MPAs through protection of breeding, spawning, foraging, rearing or nursery areas or other areas where species congregate.
 - a. As mentioned above in Goal 2.2a those species “likely to benefit from MPAs,” non-pelagics/groundfish, will continue to be protected including their breeding, spawning, foraging, rearing and nursery areas, including other areas where species congregate, kelp forests/rocky reefs. These respective habitats will also see little to no effect as pelagic or HMS fishing efforts rarely overlap nearshore areas, shallow, or deep water reefs. These protections still being in effect will allow individuals to grow and mature, increasing local reproduction of the species.
4. Protect selected species and the habitats on which they depend, while allowing some commercial and/or recreational harvest of migratory, highly mobile, or other species; and other activities.
 - a. This MMP objective displays the central ideas of Petition2023-15MPA, clearly stating areas like those requested in the petition be provided. The Channel Islands MPAs (which contain the three MPAs in the petition) are the oldest in the modern network and expand the furthest offshore, yet they provide the least amount of pelagic allowance in the State. The original intentions for these MPAs was protecting local, non-pelagic species, namely groundfish. The Footprint Reserve is a glowing example of this, disconnected from any mainland or island and over a deepwater reef that once was a groundfish fishing area. The MPA went in to specifically rebuild overfished groundfish populations, yet it provides no pelagic allowance. In fact, the Footprint is the only MPA in the State that is disconnected from land that does not have any type of limited pelagic allowance.

Broadly speaking, the Channel Islands network exceeds the State Network in terms of percent area in MPAs, 21% of island waters are protected compared to the State as a whole which has 16% of its waters protected. The Channel Islands are also the only network of MPAs in the State that extend 6 nautical miles offshore, twice the normal 3 nm distance offshore we see. This offshore expansion interferes more with HMS/pelagic fisheries compared to the other State MPAs that are more nearshore.

One would assume that with the higher percent of protection locally and twice the offshore interference that reasonable amounts of pelagic or HMS access would be given, yet the Channel Islands network offers the least pelagic access in the entire MPA network. Where 40% of the State MPAs have some form of pelagic allowance the Channel Islands network only provides 3.5%. While these protections were justifiable over 20 years ago when MPAs were newer, the coastal network didn't exist, the MMPs didn't exist, and less was known about MPAs and pelagic species; the two more-modern MMPs and this objective specifically are glowing examples of why we must adaptively manage the network and provide reasonable amounts of pelagic access where it is realistic as touched on above in Goal 2.2a.

MLPA Goal 3. To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbances, and to manage these uses in a manner consistent with protecting biodiversity.

1. Sustain or enhance cultural, recreational, and educational experiences and uses (for example, by improving catch rates, maintaining high scenic value, lowering congestion, increasing size or abundance of species, and protecting submerged sites).
 - a. The allowance of this petition would certainly provide decongestion of HMS or pelagic fishing areas, especially around Santa Cruz Island during Naval Activity days when most areas beyond 3nm of the island are closed and pelagic opportunity is extremely limited. Catch rates would increase relatively proportional to the included area as the MPAs do not hold significantly more or less HMS or pelagic finfish than the already open waters do. Scenic value of land based and submerged sites would not change, as HMS or pelagic fishing activity has little to no bottom contact interference and is done offshore away from the more biodiverse nearshore areas. Lastly, as mentioned, the size and abundance of local species will not change as they will still be protected, even the size and

abundance of HMS or pelagics should not vary beyond normal fluctuations due to the species covering so much area.

2. Provide opportunities for scientifically valid studies, including studies on MPA effectiveness and other research that benefits from areas with minimal or restricted human disturbance.
 - a. Within the three MPAs the petition looks at there are currently no scientific studies occurring in the midwater where limited take will be present. Occasional bottom surveys of deep water reefs occur inside and outside of these MPAs and the broader Channel Islands; however, a pelagic allowance will not affect these ROV trips or the abundance/diversities of species researchers observe on said trips (we already interact with them when they are outside of the MPAs).
3. Provide opportunities for collaborative scientific monitoring and research projects that evaluate MPAs that promote adaptive management and link with fisheries management, seabird and mammals information needs, classroom science curricula, cooperative fisheries research and volunteer efforts, and identifies participants.
 - a. If granted, this petition does open some doors for scientific monitoring of an area previously closed to everything being opened to HMS or pelagic finfish. This information could be used as part of future adaptive management cycles of the network. While ties between MPAs and fishery management still do exist, these ties have decreased in the pelagic arena for smaller MPAs and nearshore MPA networks, which is what we currently have. The key reason for this is in order for an MPA to have impact on HMS it would have to cover significant amounts of offshore ocean over multiple jurisdictions and international waters, not the nearshore waters most of our network covers. Enforcement alone of an area of that size is simply unreasonable which is why HMS fisheries are managed under size, quantity, and quota limits, not MPAs.

MLPA Goal 4. To protect marine natural heritage, including protection of representative and unique marine life habitats in South Coast California waters, for their intrinsic value.

1. Include within MPAs key and unique habitats identified by the SAT for this region.
 - a. The SAT identified several key and unique habitats to be included in the Southern California section. All of these habitats concern unique bottom structures or substrates and nearshore features like kelp forests. The primary habitat HMS fishing will occur is away from these habitats in open

water. Any of these unique habitats will still remain protected as HMS or pelagic effort never occurs there enough.

2. Include and replicate, to the extent possible [practicable], representatives of all marine habitats identified in the MLPA or the California Marine Life Protection Act Master Plan for Marine Protected Areas across a range of depths.
 - a. This object mirrors the previous Goal 4.1 and requests protections exist across the listed unique habitats in a variety of depth ranges. The three MPAs in Petition2023-15MPA will still have the same protections on the habitat and local, non-pelagic species that live in said habitat.

MLPA Goal 5. To ensure that South Coast California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.

1. Minimize negative socioeconomic impacts and optimize positive socioeconomic impacts for all users including coastal dependent entities, communities, and interests, to the extent possible, and if consistent with the MLPA and its goals and guidelines.
 - a. Opening these areas, to the requested levels of HMS or pelagic take the petition requests, would minimize the negative socioeconomic impacts these areas currently have while they are no-take. While total take of HMS will not increase by magnitudes, allowance of HMS take inside of the three MPAs will offer alternatives to fishermen on poor weather days due to the MPAs covering most of the consistently calm waters around the Channel Islands. This will not only help to increase local and cleaner commercial fisheries, but also offer benefits to recreational pelagic fisheries, especially catch-and-release marlin fisheries. All of this could be accomplished whilst still meeting the objectives of the MMP and protecting the species that these MPAs are meant for.
2. Provide opportunities for interested parties to help develop objectives, a long-term monitoring plan that includes standardized biological and socioeconomic monitoring protocols, a long-term education and outreach plan, and a strategy for MPA evaluation.
 - a. This objective is somewhat out of the scope of Petition2023-15MPA in this analysis; however, any possible long term monitoring of the MPAs after a change like this is encouraged to validate the claims made in this petition, and that what we see as an effect of making this change is what we expect.

3. Effectively use scientific guidelines in the California Marine Life Protection Act Master Plan for Marine Protected Areas.
 - a. I urge the department and commission to follow these guidelines and MMP objectives for this petition process, as their is their entire purpose, and to understand that Petition2023-15MPA does in fact have explicit support from the MMP and by extension the MLPA. This analysis is meant to show that Petition2023-15MPA is adhering to most, if not all, of these scientific guidelines/objectives.

4. Ensure public understanding of, compliance with, and stakeholder support for MPA boundaries and regulations.
 - a. While any limited-take area offers more complexity than a completely open or closed area, similar existing MPAs in the State that allow for pelagic take show the public can understand and follow regulations allowing take of a set list of species, pelagic finfish or HMS. Outside of MPAs, groundfish exclusion areas (GEAs), established federally, also mirror this petition by restricting only non-pelagic species take (groundfish take) but still allowing for all pelagic take displaying public understanding and enforcement feasibility.

It goes without saying that among those that frequent the Channel Islands offshore areas for pelagic species, a petition like this has complete public support. I have been on the water around these islands for 25 years, and was a part of the first generation of anglers to grow up with these MPAs in effect. Throughout these years the call to allow pelagic access in these areas has existed throughout the local community, and without this call, this massive community driven consensus, this petition would have never existed.

There are some who oppose this petition, there always will be; however, one thing I have yet to receive is a scientifically based reason for these areas to remain closed to HMS or pelagic species, all rational has been emotional. While there are research studies that show massive MPAs, those that rival the size of this State in area, may offer some benefits to pelagics, our Network simply does not and cannot accommodate that type of scale. In fact, a denied petition in 2020 by this Commission explicitly stated that on the record, when a petition requested an MPA be made for an HMS (white sharks) this commission's reply was to deny it because, "MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species." This precedent has been set

multiple times, there is no reason to not apply it to a set of MPAs that were made before it all, this is a textbook example of adaptive management.

5. Include simple, clear, and focused site-specific objectives/rationales for each MPA and ensure that site-level rationales for each MPA are linked to one or more regional objectives.
 - a. The founding reasons for these MPAs at the Channel Islands in 2002 was the idea to protect our local, non-pelagic species, mainly groundfish at the time. These ideas are still reiterated today in the MPA summaries of all three of these MPAs, the focus on non-pelagic local species, birds, and mammals is clear. While the existing protections certainly can continue to accomplish that objective, Petition2023-15MPA offers a way we can both meet those same goals, and allow for some reasonable forms of take for pelagic species as we see elsewhere in the more modern MPA network. The rationales laid out in this document are evidence that under Petition2023-15MPA's changes we can still meet the same regional objectives we currently meet, plus those revolving around reasonable levels of pelagic take. These additional met objectives, and lower economic impacts make this petition one that arguably helps strengthen the overall network, not weaken it.

MLPA Goal 6. To ensure that the South Coast's MPAs are designed and managed, to the extent possible, as a component of a statewide network.

1. Provide opportunities to promote a process that informs adaptive management and includes stakeholder involvement for regional review and evaluation of management effectiveness to determine if regional MPAs are an effective component of a statewide network.
 - a. We are currently in this adaptive management process as a result of the DMR which includes stakeholder involvement at Commission and MRC meetings discussing this and other MPA adaptive management petitions. While I wish official meetings could be held regionally for petitions I understand that is not doable for this specific process. That being said, unofficial meetings where locals attended (clubs, organizations, MPA Collaboratives) feedback on this petition was overwhelmingly positive.
2. Provide opportunities to coordinate with future MLPA regional stakeholder groups in other regions to ensure that the statewide MPA network meets the goals of the MLPA.

- a. This is already being done at the full commission and MRC levels where stakeholders across the State voice thoughts on regional MPA petitions. Stakeholder support for a petition like this is what one would generally expect, local fisheries/community support, statewide support from fisheries groups/organizations, and statewide lack of support from environmental organizations. It should again be mentioned that supporting reasons for petition2023-15MPA and how it is supported by both the objective and goals of the MMP and MLPA respectively, is the purpose of this document.
3. Ensure ecological connectivity within and between regional components of the statewide network.
 - a. The Channel Islands network is unique in that it is partially isolated from the Coastal MPA network. That being said, connectivity will still be occurring under an accepted petition in part or full as existing protections on species that actually benefit from these MPAs and their habitats will still remain protected. This will keep local species connectivity as strong as it has been under the current network. Pelagic species will still have local MPAs that are no-take at all four islands, in the border network, and far offshore (but still inside the EEZ) where little or no pressure exists on them.
 4. Provide for protection and connectivity of habitat for those species that utilize different habitats over their lifetime.
 - a. As mentioned in several of the above objectives, those species that utilize different habitats over their lifetime are primarily local, non-pelagic species. These species will remain completely protected. Pelagic and especially HMS are species that are in the open water, pelagic region their entire lives, from egg to maturity. All of the species proposed for limited take in Petition2023-15MPA have very limited, if any, interactions or movements between different habitats explicitly due to their life cycles.

The above analysis of the MPA Master Plan's objective based analysis process for adaptive management changes to the MPA network clearly shows that Petition2023-15MPA is supported by the MMP and the MLPA. Not only are there guiding objectives of the 2016 and 2008 MMPs that outright say we must provide areas for pelagic take and that pelagic species are less affected by MPAs, but here we have the Channel Islands network of MPAs that came into effect prior to any MMP providing almost no limited pelagic areas, nothing comparable to what we see in the more-modern coastal network that was guided by the MMP. This is a glowing example of the need for adaptive management in lieu of guiding management documents, CDFW

and FGC statements on previous petitions, and actual MPA implementations from the coastal MLPA that are based on our more-modern data and scientifically based evidence and outlook on MPAs. If I could only say one thing about this petition it would be: we can have pelagic allowed areas and our local protections without weakening the network just like we already have everywhere else. Please consider granting this petition.

Thank you,
Blake Hermann
Petitioner - Petition2023-15MPA

From: Blake Hermann <[REDACTED]>
Sent: Friday, May 2, 2025 10:28 AM
To: FGC <FGC@fgc.ca.gov>; Ashcraft, Susan@FGC <[REDACTED]>;
Shuman, Craig@Wildlife <[REDACTED]>
Cc: Newell, Caroline-Contractor@FGC <[REDACTED]>; Gonzales,
Kara@Wildlife <[REDACTED]>
Subject: Petition2023-15MPA-AM2 MLPA LOP Breakdown and option preference
refinement

Hello all,

This comment is intended primarily for the **July MRC** meeting, but can be tagged in June/August's FGC as well, similar to the MMP analysis. This is an early submission.

See attached analysis document applying the MLPA LOP framework on Petition 15, LOPs were confirmed by the Department. The goal here being to display all options for consideration. Showing those options that maintain MPA network connectivity under this framework (not reducing network protections), those that do reduce connectivity (reducing network protections), and, most importantly, why on an LOP and sizing basis. Working through this framework allowed myself to and will allow stakeholders to view all options and their LOP rankings in their entirety and understand why they are ranked that way under the LOP framework. The conclusion of this framework application being that there are preferred pathways for Petition 15 that grant limited access to pelagic/HMS fisheries while maintaining the existing levels of MPA connectivity the network has today, not reducing overall network protections.

Thank you,

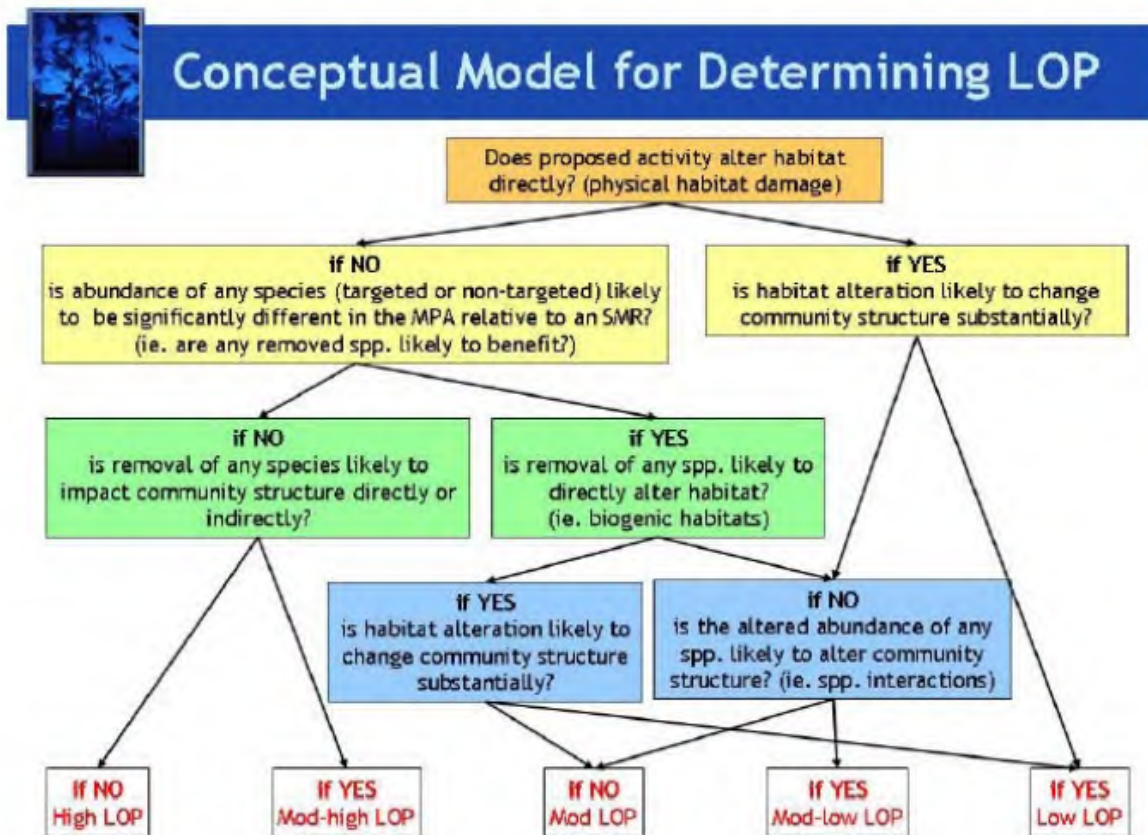
Blake Hermann
Petitioner: Petition2023-15MPA-AM2

Petition2023-15MPA's Levels of Protection (LOP) analysis

Dear Fish and Game Commission Commissioners, MRC, Department and Commission Staff,

Continuing down the adaptive management process of the MPA network, this comment letter serves to look at Petition2023-15MPA-AM2 through the lens of the MLPA's original levels of protection (LOP) and MPA sizing analysis documentation. This letter can be considered similarly to a previous letter submitted looking at the same petition through the lens of the MLPA MPA Master Plan (MMP) submitted at the March 2025 MRC Meeting. It can be seen as a petition analysis document that helps guide final recommendations through an attempt to objectively apply said framework, the LOP framework, on the petition to better refine final outcomes and preferred final options. CDFW's own analysis, though SeaSketch, somewhat mirrors this document, and its application of this framework. This letter serves as a way to shed a more detailed light on the specifics of the protection, sizing, and connectivity requirements for the MPA network under this petition. All framework analysis assignments to the MPAs in Petition2023-15MPA-AM2 in this document were verified by CDFW and should also be viewable on SeaSketch by the time this analysis is published publicly.

Attached below is the conceptual model for determining an LOP in the southern bioregion and the fishing activity chart assigning general LOPs to specific gear types and depth ranges for the southern region. These are the guiding framework pathways for the MLPA in this regard.

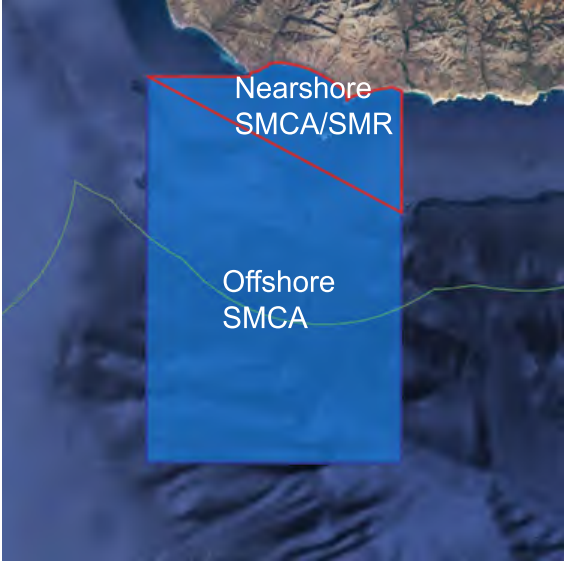
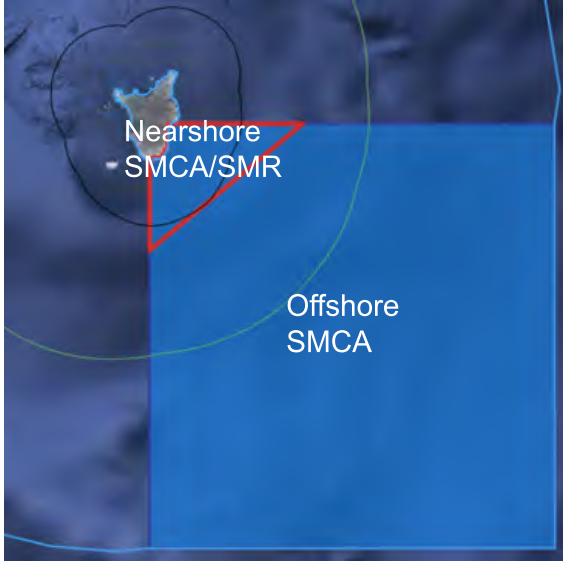


	Level of Protection	MPA Types	Activities associated with this protection level
	Very high	SMR	No take
	High	SMCA	Coastal pelagic finfish and bonito (pelagic seine, dip net); pelagic finfish, bonito and white seabass (spearfishing); market squid (pelagic seine, dip net); jumbo squid (H&L-squid jigs); swordfish (harpoon); In water depth > 50m: pelagic finfish, bonito and white seabass (H&L);
	Mod-high	SMCA	Pier fishing (H&L, hoop-net); halibut (spearfishing); catch and release (H&L-surface gear, single barbless hooks, and artificial lures) In water depth <10m: Catch and release (H&L-single barbless hooks and artificial lures) In water depth 30<50m on mainland: pelagic finfish, bonito and white seabass (H&L, surface gear only);
	Moderate	SMCA SMP	spot prawn (trap); sea cucumber (diving); grunion (hand harvest); giant kelp (hand harvest); clams (hand harvest);
	Mod-low	SMCA SMP	Shore fishing (H&L, hoop net); kelp bass, barred sand bass, lingcod, cabezon, and rockfish (H&L, spearfishing); sheephead (H&L, spearfishing, trap); spotted sand bass and halibut (H&L); lobster (trap, hoop net, diving); urchin (diving); rock crab and Kelle's whelk (trap); catch and release (H&L-general) In water depth <10m: Catch and release (H&L-single barbless hooks and artificial lures) In water depth <50m at islands and <30m on mainland: pelagic finfish, bonito and white seabass (H&L);
	Low	SMCA SMP	Rock scallop (diving); mussels (hand harvest); giant kelp (mechanical harvest); marine algae other than giant and bull kelp (hand harvest);

Images 1 and 2: Conceptual LOP model from the MLPA process and specific activities assigned LOPs for the Southern Bioregion specifically.

Peititon2023-15MPA-AM2 contains 3 primary gear allowance options for 2 subsets of pelagic species, pelagic finfish and HMS. This leads to the current six proposed main options on the table. In addition to the six “gear options,” there exists options to create nearshore/offshore MPAs at two of the three MPAs in the petition, Gull Island, and Santa Barbara Island (SBI). These nearshore MPAs would have stricter take regulations or have no-take at all in the nearshore areas where more non-pelagic bycatch exists and could be affected (nearshore coordinates and images on next page).

For any options creating a new nearshore/offshore MPA “cluster,” MLPA definitions state MPA clusters have their total size, nearshore area plus offshore area, counted toward the minimum sizing requirement of 9 square miles for the southern region. If sizing is met, both nearshore and offshore areas must have an LOP of at least moderate high (mod-high) in their respective areas to count toward connectivity (per SeaSketch and Staff). At Gull Island the nearshore MPA would be 5.9 square miles and offshore 14 for a total of 19.9 square miles. At Santa Barbara Island the nearshore MPA would be 3 square miles and offshore 9.8 for a total of 12.8 square miles. Both clusters exceed the minimum 9 square miles requirement; therefore, if both nearshore and offshore areas of each cluster at Gull Island and SBI meet at least a mod-high LOP, the existing MPA connectivity these areas have today will still be in effect after changes are made, not reducing network connectivity or protections like some argue.

Current proposed Coordinates and options for the Nearshore limited take (SMCA) or no take (SMR) areas at the Gull Island and Santa Barbara Island MPAs	
Gull Island Nearshore MPA	Santa Barbara Island Nearshore MPA
<p>The nearshore-offshore border would be bound by a straight line running from 33° 58.000' N. lat. 119° 53.000' W. long, to 33° 55.800' N. lat. 119° 48.000' W. long. within the existing MPA.</p> <p>Regulation options within nearshore area:</p> <p>Take of pelagic finfish or HMS (option dependent) via recreational spearfishing and commercial harpoon swordfish.</p> <p>Or</p> <p>A no-take region</p>	<p>The nearshore-offshore border would be bound by a straight line running from 33° 28.500' N. -118° 59.300' W. to 33° 26.500' N. -119° 02.200' W within the existing MPA.</p> <p>Regulation options within nearshore area:</p> <p>Take of pelagic finfish or HMS (option dependent) via recreational spearfishing and commercial harpoon swordfish.</p> <p>Or</p> <p>A no-take region</p>
 <p>The map shows the Gull Island MPA with a red line separating the 'Nearshore SMCA/SMR' area (top) from the 'Offshore SMCA' area (bottom). The island is visible at the top.</p>	 <p>The map shows the Santa Barbara Island MPA with a red line separating the 'Nearshore SMCA/SMR' area (top) from the 'Offshore SMCA' area (bottom). The island is visible at the top.</p>

In total, this means there are up to sixteen possible outcomes, per MPA, at the two MPAs containing possible nearshore/offshore configurations, Gull Island and SBI (see Chart 1 below). For the Footprint MPA, there are only the six main options because there are no proposed nearshore configurations due to the MPA being entirely offshore and covering only waters >50m (the published MPA data sheet states the shallowest zone is 171ft (52m)).

Six Primary Options (Peititon2023-15MPA-AM2)

1. Pelagic Finfish:
H&L, spear, harpoon

2. HMS: H&L, spear,
harpoon

3. Pelagic Finfish:
H&L (no bottom
contact), spear,

4. HMS: H&L (no
bottom contact),
spear, harpoon

5*. Pelagic Finfish:
spear, harpoon

6*. HMS: spear,
harpoon

No Nearshore
SMCA/SMR

Nearshore SMCA:
spear, harpoon

Nearshore SMR:
No take

Three Possible Nearshore Options at Gull Island and Santa Barbara Island MPAs (Peititon2023-15MPA-AM2)

Hook-and-line (H&L) take under all options currently include recreational and commercial H&L take.

Options 3 and 4 also allow possession only of coastal pelagic species (CPS) which would be for baitfish for H&L use.

Spear and harpoon gears are recreational and commercial only, respectively.

*: Options 5 and 6 do not include the nearshore SMCA option as they would have the same take regulations and therefore be redundant leaving 16 total possible configurations.

The goal of Petition2023-15MPA-AM2 is to allow for reasonable levels of HMS or pelagic take that does not affect MPA connectivity and is supported by the MLPA MPA Master Plan (MMP). The MMP analysis of the petition submitted in March 2025 showed that this petition's changes are still supported by the MMP/MLPA. This breakdown now takes a look at the LOP tiers and sizing requirements supplied by the MLPA SAT that determine MPA connectivity. As mentioned, the MLPA states that any reduction below moderate-high (mod-high) LOP loses connectivity. This is not ideal for an outcome of this petition, even though we have SMCAs today that are below that LOP.

At a glance, applying the conceptual LOP model for all of the petition options one can see that we are likely dealing with the high or mod-high LOPs as proposed methods are not altering any habitat, and the abundance of pelagic or HMS are not going to be any different inside the MPA versus the surrounding area. Generally, community structure is not significantly affected by a pelagic finfish allowance, even more so with an HMS allowance, but for now let's assume either could be the case. Using this rationale on the conceptual model we can immediately see that at the worst case we are in a mod-high LOP, a good start.

That being said, as this petition deals with Channel Islands MPAs, LOPs become more strict with the islands, so we need to look at the specific activity chart to understand the lowest LOPs for each option in order to find the best possible final outcome that balances LOP and reasonable take allowances. Broadly speaking, this petition places three gear types on the table in its six options: hook-and-line, spear, and harpoon swordfish. Applying these three gear types to the activity chart we can see that LOPs for spear of pelagic finfish or HMS, and harpoon of swordfish are all high LOPs. The main conflict comes with a hook-and-line allowance at the islands where hook-and-line of pelagic or HMS is either a high LOP if waters are deeper than 50 meters, or a mod-low LOP if they are shallower than 50 meters, this is a major swing in LOP and would lose connectivity in two of the three MPAs in the petition if mod-low is assigned, Gull Island and SBI. The Footprint will have a high LOP no matter what option is selected as it is entirely deeper than 50m. While it was and still is the intent of this petition that any possible limited take allowance for pelagic finfish or HMS is done offshore and deeper than 50m, the "worst case" must be applied when determining an LOP for the two MPAs that are shallower than 50m. However, the petition does provide a "fix" to maintain a high LOP at minimum at Gull Island and SBI, nearshore SMCAs or SMRs. The following chart breaks down these options at each MPA, assigns it the worst case LOP, and gives a brief explanation as to the LOP ranking. Note that Gull island and SBI MPAs are bundled together as their respective LOP rankings and explanations are the same and have the same rationale.

Note: For users that have viewed the petition on SeaSketch, the nearshore SMCA option is displayed at Gull Island and SBI as it has "less protection" than a nearshore SMR. While either a nearshore SMCA or SMR maintain connectivity, the SMCA was selected as it would be the "largest change" to the area and was technically the preferred option in the petition. The nearshore SMR option is certainly still available, but as only one option could be displayed on SeaSketch the SMCA was selected by CDFW for that reason.

Petition2023-15MPA-AM2 The Footprint MPA: Option LOPs

Option and Take Allowances	Nearshore Option	LOP and Explanation
Option 1: Take of pelagic finfish is allowed via H&L, recreational spear, and commercial harpoon swordfish.	The Footprint MPA contains no nearshore options as it is entirely offshore and deeper than 50m.	<p>High: Regardless of the decided on option, in the case of the LOP activity chart and framework, a high LOP is assigned to the entire footprint MPA. The three gear methods provided in all options, H&L, spear, and harpoon swordfish would all be done in waters deeper than 50m for either pelagic finfish or HMS. All methods have a high LOP rank in this case and in this depth range.</p>
Option 2: Take of HMS is allowed via H&L, recreational spear, and commercial harpoon swordfish. CPS possession (for baitfish)		
Option 3: Take of pelagic finfish is allowed via H&L, recreational spear, and commercial harpoon swordfish. Use of bottom-contact gear is restricted.		
Option 4: Take of HMS is allowed via H&L, recreational spear, and commercial harpoon swordfish. Use of bottom-contact gear is restricted. CPS possession (for baitfish)		
Option 5: Take of pelagic finfish is allowed by spear, and harpoon swordfish.		
Option 6: Take of HMS is allowed by spear, and harpoon swordfish.		

Petition2023-15MPA-AM2 Gull Island and Santa Barbara Island MPAs: Option LOPs		
Option and Take Allowances	Nearshore Option	LOP and Explanation
Option 1: Take of pelagic finfish is allowed via H&L, recreational spear, and commercial harpoon swordfish.	No Nearshore MPA	Mod-low: Allowance of H&L take of pelagic finfish in the whole MPA technically allows for possible H&L take in waters shallower than 50m. Even if the possibility is low the chance exists and a mod-low LOP is assigned.
	Nearshore SMCA: Pelagic finfish take by spear, and harpoon swordfish Offshore SMCA: Option 1 allowances	High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m. The nearshore allowable methods of spear and harpoon are high LOPs nearshore and offshore, and the H&L allowance is now a high LOP as its pelagic finfish allowance is exclusively in waters deeper than 50m.
	Nearshore SMR: No take Offshore SMCA: Option 1 allowances	Very High/High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m and would be entirely closed to fishing (no-take), a very high LOP. The allowed H&L, spear, and harpoon gears in the offshore SMCAs are all in waters deeper than 50m, a high LOP.
Option 2: Take of HMS is allowed via H&L, recreational spear, and commercial harpoon swordfish. CPS possession (for baitfish)	No Nearshore MPA	Mod-low: Allowed H&L take of HMS in the whole MPA technically allows for possible H&L take in waters shallower than 50m. Even if the possibility is even lower than pelagic finfish chances the chance exists so a mod-low LOP is assigned.

	<p>Nearshore SMCA: HMS take by spear, and harpoon swordfish</p> <p>Offshore SMCA: Option 2 allowances</p>	<p>High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m. The nearshore allowable methods of spear and harpoon are high LOPs nearshore and offshore, and the H&L allowance is now a high LOP as its HMS allowance is exclusively in waters deeper than 50m</p>
	<p>Nearshore SMR: No take</p> <p>Offshore SMCA: Option 2 allowances</p>	<p>Very High/High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m and would be entirely closed to fishing (no-take), a very high LOP.</p> <p>The allowed H&L, spear, and harpoon gears in the offshore SMCA are all in waters deeper than 50m, a high LOP.</p>
<p>Option 3: Take of pelagic finfish is allowed via H&L, recreational spear, and commercial harpoon swordfish. Use of bottom-contact gear is restricted.</p>	<p>No Nearshore MPA</p>	<p>Mod-low: Allowed H&L take of pelagic finfish in the whole MPA technically allows for possible H&L take in waters shallower than 50m. It is not stated in the LOP chart that a no-bottom-contact H&L allowance prevents a mod-low LOP but compared to options without the no-bottom-contact clause this offers some level of higher protections.</p>
	<p>Nearshore SMCA: Pelagic finfish take by spear, and harpoon swordfish</p> <p>Offshore SMCA: Option 3 allowances</p>	<p>High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m. The nearshore allowable methods of spear</p>

		<p>and harpoon are high LOPs nearshore and offshore, and the H&L allowance is now a high LOP as its pelagic finfish allowance is exclusively in waters deeper than 50m.</p>
	<p>Nearshore SMR: No take</p> <p>Offshore SMCA: Option 3 allowances</p>	<p>Very High/High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m and would be entirely closed to fishing (no-take), a very high LOP.</p> <p>The allowed H&L, spear, and harpoon gears in the offshore SMCA are all in waters deeper than 50m and are non-bottom-contact, a high LOP.</p>
<p>Option 4: Take of HMS is allowed via H&L, recreational spear, and commercial harpoon swordfish. Use of bottom-contact gear is restricted. CPS possession (for baitfish).</p>	<p>No Nearshore MPA</p>	<p>Mod-low: Allowed H&L take of HMS in the whole MPA technically allows for possible H&L take in waters shallower than 50m. It is not stated in the LOP chart that a no-bottom-contact H&L allowance prevents a mod-low LOP but compared to options without the no-bottom-contact clause this offers some level of more protections and is even more restrictive to HMS only.</p>
	<p>Nearshore SMCA: HMS take by spear, and harpoon swordfish</p> <p>Offshore SMCA: Option 4 allowances</p>	<p>High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m. The nearshore allowable methods of spear and harpoon are high LOPs nearshore and offshore, and the H&L allowance is now a high LOP as its HMS allowance is exclusively in waters deeper than 50m.</p>

	<p>Nearshore SMR: No take</p> <p>Offshore SMCA: Option 4 allowances</p>	<p>Very High/High: The proposed nearshore MPAs at Gull Island and SBI contain all waters shallower than 50m and would be entirely closed to fishing (no-take), a very high LOP.</p> <p>The allowed H&L, spear, and harpoon gears in the offshore SMCA are all in waters deeper than 50m, are non-bottom-contact, and only allow for HMS take, a high LOP.</p>
<p>Option 5: Take of pelagic finfish is allowed by spear, and harpoon swordfish.</p>	<p>No Nearshore MPA</p>	<p>High: As this option removes the H&L allowances and only allows pelagic finfish spearfishing or harpoon swordfish take, the entire MPA across its full depth ranges gets a high LOP.</p>
	<p>Nearshore SMCA: Pelagic finfish take by spear, and harpoon swordfish</p> <p>Offshore SMCA: Option 5 allowances</p>	<p>Redundant: Not needed as nearshore SMCA would have the same regulations as offshore. (Still high LOP)</p>
	<p>Nearshore SMR: No take</p> <p>Offshore SMCA: Option 5 allowances</p>	<p>Very High/High: Same spear and harpoon allowable methods but restricted to offshore SMCA only for pelagic finfish. Nearshore would be no-take, a very high LOP, while offshore would have the spear and harpoon allowances, a high LOP.</p>

Option 6: Take of HMS is allowed by spear, and harpoon swordfish.	No Nearshore MPA	High: As this option removes the H&L allowances and only allows HMS spearfishing or harpoon swordfish take, the entire MPA across its full depth ranges gets a high LOP.
	Nearshore SMCA: HMS take by spear, and harpoon swordfish Offshore SMCA: Option 6 allowances	Redundant: Not needed as nearshore SMCA would have the same regulations as offshore. (Still high LOP)
	Nearshore SMR: No take Offshore SMCA: Option 6 allowances	Very High/High: Same spear and harpoon allowable methods but restricted to offshore SMCA only for HMS. Nearshore would be no-take, a very high LOP, while offshore would have the spear and harpoon allowances, a high LOP.

Working through this framework we gain an unbiased analysis of the proposed option combinations to see which are most viable. Balancing the assigned LOPs of each option and the support of the MLPA and its MPA Master Plan, with fisheries access is and should be a key goal here. Using this framework we can see there are several viable options meeting a high LOP and in some cases a high/very high LOP in all three existing MPAs preserving any connectivity they already have if they meet MPA sizing requirements, which Gull Island and SBI do. We can also see that there are options that result in a moderate-low LOP, losing connectivity regardless of size. These mod-low options are exclusive to options regarding the two MPAs attached to the islands, Gull Island and SBI and allowing hook-and-line take of HMS or pelagic finfish nearshore (<50m). All of these problems can be resolved by deploying the nearshore SMCA or SMR options which both restrict hook-and-line take <50m making the nearshore and offshore MPAs a “cluster” with high LOPs at least, or high/very high if the nearshore SMR and offshore SMCA is used, maintaining network connectivity.

Analysis Outcomes:

As a result of this analysis, while all of the above options are still in Peititon2023-15MPA-AM2, to preserve biological connectivity between the MPA network it is best to consider only those options with high or high/very high LOPs for final action. This means, for The Footprint MPA, all options are still available, six in total, with the same preference structure in the petition. This is because no matter the option selection The Footprint MPA will have a high LOP.

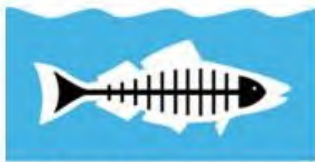
For the Gull Island MPA and Santa Barbara Island MPA, it is requested to less-consider all option configurations that result in a below moderate-high LOP, and to select either a nearshore SMCA or SMR to better protect nearshore species and to maintain a high LOP in each MPA cluster under the preferred options that allow H&L access for pelagic finfish or HMS. This can be done by leaving the 6 primary options in, applying them to the offshore SMCA only, and having either a nearshore SMCA or SMR go in with no H&L allowance. It was preferred in the petition that this be a nearshore SMCA, but a nearshore SMR is certainly still an available choice due to an SMR offering possibly better nearshore enforcement. Any of the six main options can still be applied in the offshore SMCA and have a high LOP, resulting in MPA clusters at Gull Island and SBI that are of sufficient size and LOP to maintain the connectivity they already have, exceeding the minimum LOP requirement by one whole tier. The preference structure for the offshore SMCAs is the same order as stated in the current petition.

In closing, I would like to thank all staff members that were able to supply the original MLPA LOP and sizing documents for this analysis, and the SeaSketch team/CDFW for developing such an intuitive application for the public to look at these petitions. Hopefully, this individual analysis allows all to better grasp Petition2023-15MPA-AM2's requests, and better understand how these options do have paths to retain, not reduce, our MPA networks's existing protections while allowing reasonable levels of access as well.

Thank you,
Blake Hermann
Petitioner - Petition2023-15MPA-AM2



CMSF CALIFORNIA
MARINE
SANCTUARY
FOUNDATION



Heal the Bay



Santa Barbara
CHANNELKEEPER®



ORANGE COUNTY
COASTKEEPER®

July 31, 2025

Erika Zavaleta
California Natural Resources Headquarters Building
715 P Street, 2nd Floor
Sacramento, CA 95814

Re: **Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA**

Dear President Zavaleta and Honorable Commissioners:

We would like to begin by thanking the Marine Resource Committee, the full Fish and Game Commission (FGC) and California Department of Fish and Wildlife (CDFW) for their dedication to the adaptive management process of California's MPA network. As the FGC and CDFW continue reviewing the Marine Protected Area (MPA) petitions, we ask that you consider the below arguments against specific petitions looking to weaken the MPA network. Specifically, the requests of petition 2023-14 MPA to open nine MPAs along the coast to commercial urchin fishing and petition 2023-15 MPA to allow some form of take of highly

migratory species, coastal pelagic species, and/or pelagic finfish at three MPAs at the Channel Islands.

I. The FGC and CDFW Should Reject PETITION 2023-14MPA- Opening Sea Urchin Harvest to Commercial Fishermen Within Existing Marine Protected Areas.

The decline of kelp forest ecosystem is due to many factors, including a significant increase in purple urchins, which leads to urchin barrens where vibrant kelp forests once existed. Petition 2023-14 MPA requests that nine existing MPAs from the North to the South Coast be opened for commercial urchin fishing for economic reasons. We request that the FGC and CDFW reject this petition to open multiple State Marine Conservation Areas (SMCAs) (Double Cone Rock SMCA, Sea Lion Cove SMCA, Stewart’s Point SMCA, Salt Point SMCA, Naples SMCA, Anacapa Island SMCA, Point Dume SMCA, Point Vicente SMCA (no-take), Swami’s SMCA) to allow commercial take of sea urchins to aid in kelp forest restoration. First, any benefits of this petition are outweighed by the considerable costs to the MPA goals and environment of allowing commercial urchin fishing in MPAs. Second, the lack of clarity by the petitioner as to which species of urchin would be commercially fished is concerning. Third, using SeaSketch to determine habitat connectivity under the petitioners’ request would see the loss in connectivity in multiple habitats.

A. Benefits and Cost Synthesis

The benefits and costs of harvesting sea urchins within MPAs in California are complex, involving ecological, economic, and management trade-offs. Here is a synthesis of key points.

- 1) **Scientific Disagreement and Uncertainty:** The trophic dynamics of predator-prey relationships for urchins within California are poorly understood and vary region to region. In Northern California, where purple urchin overpopulation has devastated kelp forests (creating “urchin barrens”), targeted harvesting has been used to aid kelp recovery. Projects like the Giant Kelp Restoration Project involved culling urchins, which allowed kelp to regrow in some areas. However, this project was highly restricted and regulated to minimize damage to the ecosystem while targeting the purple urchin using trained divers. The challenges and importance of regulating harvest within MPAs have been researched in the Mediterranean, with similar findings for the need to restrict and oversee any management interventions such as this.¹
- 2) **Ecological Disruption:** MPAs are designed to protect trophic cascades, where predators (e.g., lobsters, sheephead, sea otters) control urchin populations, indirectly safeguarding kelp forests. Harvesting urchins—or their predators—can disrupt this balance, leading to kelp loss and habitat degradation. Currently, within California there is scientific uncertainty about the conditions under which urchin harvest will benefit or harm the marine ecosystem.²

¹ <https://peerj.com/articles/12971/>

² <https://pmc.ncbi.nlm.nih.gov/articles/PMC11635138/>; <https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2022.987242/full>

- 3) **Undermines MPA Goals:** Studies in Sardinia found that allowing urchin harvest in MPAs led to population declines, especially where natural predation was already high. Restricted harvest sites, which were highly managed and restricted, had the lowest urchin densities, suggesting cumulative pressures harm recovery.³ Prohibiting any type of harvest – including sea urchins- has been effective in California.⁴
- 4) **Short term economic gains over long term ecosystem protection:** The rationale for the petition is rooted in the desire of commercial fishermen- primarily in Southern California- who want to harvest sea urchins arguing that MPAs cause economic hardship. MPAs were established to prioritize biodiversity over short-term fisheries gains, as kelp forests support hundreds of species and mitigate climate impacts.⁵ The long-term benefits from protection far exceed short term loss for a handful of fishermen, MPAs are not just conservation tools—they are **investments in sustainable fisheries.**

B. The Petition is Not Supported and Does Not Specify Which Species of Urchin is Included

As the petition reads, the take allowance is for ALL allowed sea urchin species and does not make the distinction of which species would be targeted to benefit kelp forests. According to CDFW, three sea urchin species have been the main species landed across the state. The red, purple, and white sea urchin are the primary species historically caught in California waters, with red urchins being the dominant species caught and sold (Table 1). From January 31, 1980, to December 31, 2024, the total purple urchin landings out of all sea urchin landings (Table 1) accounted for less than one percent of the total catch. The petitioner does not indicate if the allowance for commercial take of sea urchins would be for a specific species or all.

Species Name	Pounds	Value
Sea urchin, red	774,479,211	\$429,008,941
Sea urchin, purple	2,043,647	\$2,928,395
Sea urchin, white	53,647	\$207,324
Total	776,576,511	\$432,144,719

Table 1. Sea Urchins landed from January 31, 1980, to December 31, 2024.

It is our understanding that much of the commercial urchin fishery is focused on red urchins (Table 1), but it is the abundance of purple urchins that has contributed to the kelp decline⁶ cited in the petition. Paired with the lack of a commercial market for purple urchin, sea urchins collected from barren areas are unlikely to meet the quality standards to be commercially viable. The petitioner’s argument for opening the forementioned MPAs to be sustainable

³ <https://pmc.ncbi.nlm.nih.gov/articles/PMC8908888/>

⁴ <https://pmc.ncbi.nlm.nih.gov/articles/PMC11635138/>

⁵ <https://caseagrant.ucsd.edu/news/examining-climate-wins-marine-protected-areas>

⁶ Smith, J. G., et al. (2021). Behavioral responses across a mosaic of ecosystem states restructure a sea otter–urchin trophic cascade. *Proceedings of the National Academy of Sciences*, 118(11), e2012493118.

additions to the commercial fishery is not supported. Additionally, the petitioners did not provide any supporting data for the claim that these nine MPAs have had a significant negative impact on the urchin fishery, nor data on urchin abundance within these MPAs that could be used to do a cost-benefit analysis.

Urchin culling is one method that has had small trials along the California coast to determine effectiveness of direct removal on improving kelp forest density. It was named as a potential tool in the 2022 report “Restoration of North Coast Bull Kelp Forests: A Partnership Based Approach.”⁷ However, the report also found that scaling up this process would face challenges. Specifically, the costs to go to the sites and remove the urchins would be, “most effective in areas where there is already an established commercial red urchin fishing fleet”⁸ Additionally, the report indicates that reducing and **maintaining** low urchin levels is imperative to maintain kelp ecosystem recovery. The long-term socio-economic effectiveness of urchin culling is low, as the costs to start and continue removal efforts increase the further the site is from shore and/or a red urchin port, as well as the lack of viable commercial purple urchin that live inside urchin barrens. It is difficult to say whether opening identified MPAs in this petition would benefit the commercial purple or red urchin fishery.

C. Habitat Connectivity

We utilized the data layers on the recently released tool via SeaSketch to see which habitats will lose connectivity based on the petitioners desired changes to the MPA Network. Of the listed MPAs, Point Dune SMCA, Swamis SMCA, and Point Vicente SMCA would no longer have adequate protections to maintain habitat connectivity for beach, rock, kelp, and soft substrate (0-30m) habitat. The other six MPAs do not have a high enough level of protection to count towards the habitat spacing report.

Accordingly, the petition should be rejected.

II. The FGC and CDFW Should Reject PETITION 2023-15MPA - Opening Channel Islands MPAs to Allow Take of Highly Migratory Species.

This petition requests opening existing no take reserves—the cornerstone of the MPA Network—to commercial fishing for pelagic species, which encompasses a wide range of species,⁹ such as sharks, bill fish, tuna, and mahi mahi in Southern California. The Channel Islands State Marine Reserves (SMRs), and Federal Marine Reserves (FMRs) are among the biggest, oldest and most effective MPAs in the country. Petition 2023-15MPA does not support the goals identified during the planning process for the Channel Islands MPAs, and we therefore request that the FGC and CDFW reject the petition to reclassify three SMRs (Footprint SMR,

⁷ <https://www.reefcheck.org/wp-content/uploads/2022/06/Restoration-of-Northern-California-bull-kelp-RCF-final-report-to-OPC.pdf>

⁸ Ward, M., et al. Restoration of North Coast Bull Kelp Forests: A Partnership Based Approach. Reef Check Foundation, Marina del Rey, CA, April 2022.

⁹ <https://www.ecfr.gov/current/title-50/chapter-VI/part-660/subpart-K>

Gull Island SMR, Santa Barbara Island SMR) in the Northern Channel Islands (NCIs) as SMCAs.

Established in 2003 after the Channel Islands National Marine Sanctuary (CINMS) Advisory Council (SAC), the Marine Reserves Working Group (MRWG) came up with goals for MPAs at the Channel Islands. The MRWG's goals stated the following:

(1) Ecosystem Biodiversity Goal: To protect representative and unique marine habitats, ecological processes, and populations of interest; (2) Socio-Economic Goal: To maintain long-term socioeconomic viability while minimizing short-term socioeconomic losses to all users and dependent parties; (3) Sustainable Fisheries Goal: To achieve sustainable fisheries by integrating marine reserves into fisheries management; (4) Natural and Cultural Heritage Goal: To maintain areas for visitor, spiritual, and recreational opportunities which include cultural and ecological features and their associated values; and (5) Education Goal: To foster stewardship of the marine environment by providing educational opportunities to increase awareness and encourage responsible use of resources.¹⁰

We utilized the goals and reasonings from the “Final 2002 Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary” as the Channel Islands state and federal MPAs pre-date the Marine Life Protection Act and subsequent establishment of the statewide MPA network. Approval of this petition would be inconsistent with these goals for the following reasons.

A. MRWG Goal - Ecosystem Biodiversity

The establishment of the Channel Islands MPAs was, “To protect representative and unique marine habitats, ecological processes, and populations of interest,” which has translated to the goals and intent of the statewide MPA Network. Past petitions requesting to establish MPAs to protect a singular species have been denied by the FGC. For example, in 2020-2021 the FGC denied a petition requesting for the creation of an MPA for White Sharks near Carpentaria reasoning, “MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species.”¹¹ The intent of California MPAs remains to protect all aspects of an ecosystem (ecosystem-wide protection), not one species. Consequently, opening an MPA for one species should also be rejected.

The petitioner makes the argument that opening Footprint SMR, Gull Island SMR, Santa Barbara Island SMR to fishing pressure would have no significant impact on non-migratory species within the MPAs. However, the increase in boat traffic through the previously closed areas would introduce noise pollution, potential derelict fishing gear, water pollution, etc. The

¹⁰ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

¹¹ California Department of Fish and Wildlife (2022). Decadal Management Review: Appendix G Supplemental Tables.

added complexities in the individual MPAs regulations will also increase the hardship on enforcement. Additionally, the same reasons cited to open these MPAs to highly migratory species are also the reasons why we believe it is unnecessary to do so.

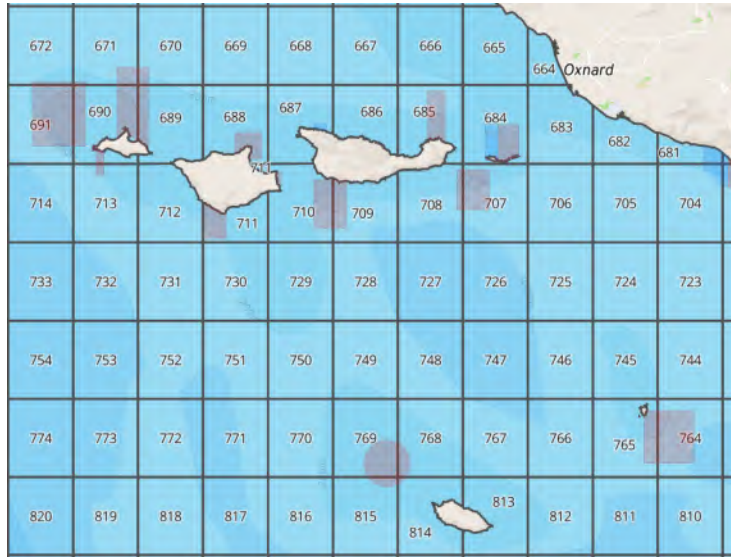


Figure 1. Seasketch Map using layers “Commercial Fishing Blocks” and “Existing Marine Protected Areas (MPAs)”

1. Reasons Why MPAs Protect Highly Migratory Species

Protecting highly migratory species (HMS) like tunas, sharks, and billfish in California waters plays a critical role in maintaining healthy marine ecosystems through trophic cascades, nutrient cycling, and habitat connectivity.

Strategically placed MPAs can protect critical habitats (e.g., spawning grounds, migration corridors) and reduce fishing pressure, such as the ones included in this petition.¹² A sharp decline of large pelagic fish (species such as sharks, swordfishes, marlins, and tuna) that roam the open sea and play vital roles as predators leads to impacts on local, regional and large-scale ecosystem dynamics. Fishing undermines MPA effectiveness which leads to target species depletion, leading to their inability to recover even within MPAs. The risk of bycatch on unintended species is high and unaccounted for, leading to ineffectiveness of the local MPA for all other components of the ecosystem.

2. Maintaining Trophic Balance (Top-Down Control)

- **Predator-prey dynamics:** HMS like bluefin tuna, mako sharks, and swordfish are apex predators that regulate mid-level species (e.g., squid, small fish). Their decline can trigger population explosions of prey species, disrupting food webs. For example, overfishing

¹² <https://www.sciencedirect.com/science/article/abs/pii/S0308597X18301866?via%3Dihub>.

sharks in Southern California has been linked to increased cephalopod (squid/octopus) populations, which then overconsume shellfish and crustaceans.^{13,14}

- **Nutrient Cycling:** Migratory species transport nutrients across vast distances. When they feed in deep waters and excrete near the surface, they fertilize phytoplankton (the base of the marine food web), delivering valuable nutrients to MPAs. In addition, highly migratory species such as tunas and billfish contribute to the “biological carbon pump” by moving nutrients vertically, as part of benthic pelagic linkages, which enhances ocean productivity.
- **Protecting Spawning & Nursery Grounds:** Many HMS rely on offshore areas such as the MPAs for spawning and recruitment areas. The loss of protection not only may reduce recruitment success of the targeted HMS, but also loss of food sources for non-targeted species such as sea birds and rockfish. Consequently, the habitat health of these areas for non-HMS will be degraded.
- **Reducing Bycatch & Ecosystem Damage:** HMS fisheries (e.g., longlines, drift gillnets) often catch non-target species, including threatened and endangered species (leatherback turtles, short-tailed albatross). Furthermore, bycatch often includes species that are key ecosystem engineers (e.g., giant sea bass, which maintain kelp forest health).

Protecting HMS isn’t just about saving iconic species—it’s about **preserving the ocean’s “circulatory system.”** Their migrations connect distant ecosystems, making them indispensable to California’s marine biodiversity.

B. MRWG Goals - Socio-Economic & Sustainable Fisheries

Under the socio-economic and sustainable fisheries goals established by the MRWG, the petitioners request to reclassify select MPAs to alleviate negative impacts on the fisheries for listed highly migratory species¹⁵ would undo the achievements the MPAs have reached. The long-term benefits of maintaining the current level of protection have proven to outweigh the short-term socioeconomic losses that came with establishing the MPAs. For example, the establishment of the MPAs at the NCIs has seen an increase in landings of shark and tuna species

¹³ <https://www.sciencedirect.com/science/article/abs/pii/S0165783698001787>

¹⁴ <https://oceanrep.geomar.de/id/eprint/53785/1/4444.pdf>

¹⁵ List of State HMS, CPS, and Pelagic finfish per Title 14 CA § 1.49, 1.39, and 632(3): -Highly migratory species means any of the following: albacore, bluefin, bigeye, and yellowfin tuna (*Thunnus* spp.); skipjack tuna (*Katsuwonus pelamis*); dorado (dolphinfish) (*Coryphaena hippurus*); striped marlin (*Tetrapturus audax*); thresher sharks (common, pelagic, and bigeye) (*Alopias* spp); shortfin mako shark (*Isurus oxyrinchus*); blue shark (*Prionace glauca*); and Pacific swordfish (*Xiphias gladius*). -Coastal pelagic species means any of the following: northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*). -Pelagic finfish, are a subset of finfish defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyræna* spp.), billfishes (family *Istiophoridae*), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family *Scombridae*) including Pacific bonito (*Sarda chiliensis*), and yellowtail (*Seriola lalandi*).

within the CINMS blocks¹⁶ used in Figure 2. ¹⁷ Pre-MPAs (1998-2002), the total value landed for the MPA fishing blocks within the CINMS was 2.899% and the total pounds landed was 4.030%. Post-MPAs (2020-2024), the total value landed for the MPA fishing blocks within the CINMS was 28.980% and the total pounds landed was 45.962%. By pounds and by value, there has been an increase in economic success that followed the establishment of the CINMS MPAs, indicating that opening the MPAs will not necessarily increase the benefit to the HMS fisheries. The return of many species, not just tuna and sharks, cannot be proven to have benefited solely from the establishment of the MPAs. However, the increase in population was and is likely amplified and supported by the MPA network.

¹⁶ See Figure 1 for reference to the fishing blocks used in the analysis.

¹⁷ Displays percentage values calculated by dividing the MPA petition fishing blocks by the CINMS fishing blocks. This was done to assess the economic impacts locally versus comparing the MPA petition fishing blocks to the entire state.

Block ID	Total Pounds	Total Value
707	\$869	\$4,537
708	\$4,480	\$15,767
709	\$3,624	\$16,934
710	\$4,813	\$6,555
764	\$543	\$2,632
765	\$2,598	\$14,079
683	\$16,619	\$23,693
684	\$1,814	\$3,364
685	\$2,809	\$6,680
686	\$1,312	\$3,564
687	\$1,476	\$3,454
688	\$7,233	\$9,766
689	\$2,175	\$4,742
690	\$2,224	\$3,346
691	\$518	\$943
706		Confidential
711	\$2,889	\$6,868
712	\$1,816	\$3,518
713	\$0	\$0
744	\$598	\$1,199
745		Confidential
Total Petition 2023-15*	\$16,927	\$60,505
Total CINMS**	\$58,409	\$131,642
Total All Blocks	\$8,849,117	\$13,908,685
Petition/All	0.191%	0.435%
CINMS/All	0.660%	0.946%
Petition/CINMS***	28.980%	45.962%

Table 2.¹⁸ Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 2020- Dec 31, 2024.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks.

¹⁸ Note “confidential” is data withheld by CDFW.

Block ID	Total Pounds	Total Value
707	\$1008	\$1279.25
708	\$2395.9	\$2626.375
709		Confidential
710	\$4116.6	\$3863.85
764		Confidential
765		Confidential
683	\$137,641	\$54,943
684	\$5,202	\$5,709
685	\$13,302	\$12,537
686	\$6,648	\$8,923
687	\$7,983	\$8,005
688	\$47,129	\$56,320
689	\$5,949	\$5,380
690	\$6,978	\$10,696
691	\$0	\$0
711	\$14,381	\$17,448
712	\$2,009	\$1,149
713	\$4,705	\$3,895
744	\$0	\$0
745		Confidential
Total Petition 2023-15*	\$7520.5	\$7769.475
Total CINMS**	\$259446.93	\$192775.2925
Total All Blocks	32,150,483	\$22,954,516
Petition/All	0.0234%	0.0338%
CINMS/All	0.807%	0.840%
Petition/CINMS***	2.899%	4.030%

Table 3. Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 1998- Dec 31, 2002.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks.

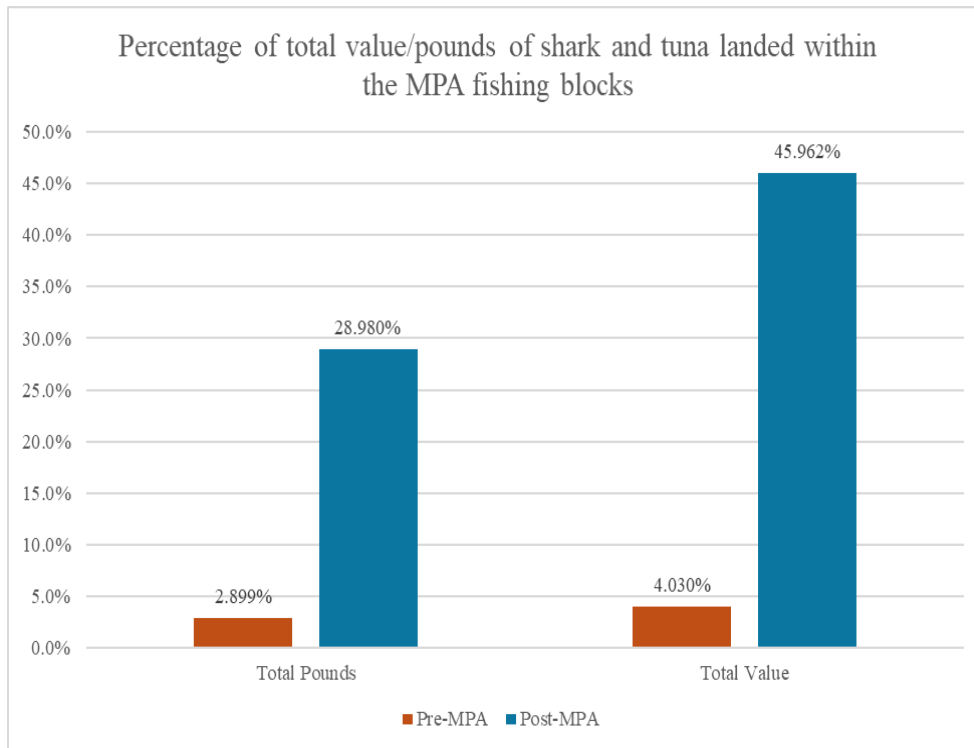


Figure 2. Comparison of Pre-MPA (Jan 1st, 1998- Dec 31st, 2002) and Post-MPA (Jan 1st, 2020- Dec 31st, 2024) total value and total weight by pounds of shark and tuna species landed within the MPA blocks compared to the CINMS fishing blocks.

C. MRWG Goals - Natural and Cultural Heritage & Education

An integral component of the CINMS MPAs and the statewide MPA Network is the inclusion of humans. The areas are not only to help conservation and enhance fisheries management, but to provide areas for spiritual, educational, and recreational opportunities.¹⁹ A 2024 survey²⁰ revealed that 81% of Californians favor expanding MPAs to protect fish, wildlife, and their habitat off the state’s coast. Protecting California waters is not only important for the species living in those environments, but also for California ocean users which include non-consumptive uses like beach going, whale watching, photography, surfing, scuba diving, and boating. The Natural and Cultural Heritage Goal and Education goals are intended to maintain areas in the marine environment that give an opportunity to experience healthier marine ecosystems and understand what our ocean may have looked like historically. The petitioners request to open three highly protected MPAs does not support these goals.

¹⁹ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration’s Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

²⁰ <https://www.ppic.org/publication/ppic-statewide-survey-californians-and-the-environment-july-2024/>

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Page 12 of 12

III. CONCLUSION

As California's ocean faces a growing suite of threats from climate change and other human uses, we urge the Commission and CDFW to use its authority to strengthen the MPA network to ensure adequate representation of all key habitats in MPAs so that California's MPA network remains an effective ecosystem-based approach for resilience into the future. To help ensure the network's health rejecting both petition 2023-14 MPA and petition 2023-15 MPA is necessary. Once again, we would like to thank both FGC and CDFW for their dedication to the adaptive management process of California's MPA network.

Sincerely,

Azsha Hudson
Marine Conservation Analyst & Program Manager
Environmental Defense Center

Rikki Eriksen
Marine Ecologist
California Marine Sanctuary Foundation

Tomas Valadez
California Policy Manager
Azul

Ray Hiemstra
Associate Director of Policy and Projects
Orange County Coastkeeper

Ashley Eagle-Gibbs, Esq.
Executive Director
Environmental Action Committee of West Marin (EAC)

Katie O'Donnell
US Ocean Conservation Manager
WILDCOAST

Zoe Collins
Marine Protected Area Program Coordinator
Heal the Bay

Penny Owens
Education & Community Outreach Director
Santa Barbara ChannelKeeper

From: Blake Hermann <[REDACTED]>

Sent: Thursday, September 25, 2025 7:27 AM

To: FGC <FGC@fgc.ca.gov>

Cc: Ashcraft, Susan@FGC <[REDACTED]>; Miller-Henson, Melissa@FGC

<[REDACTED]>; Shuman, Craig@Wildlife

<[REDACTED]>; Newell, Caroline-Contractor@FGC

<[REDACTED]>

Subject: Petition2023-15 comment reply

Hello,

Hope all is going well. Please see attached comment letter for next meeting replying to a letter submitted by 8 eNGOs on Petition2023-15MPA in August. My comments address severe data gaps and severe factual inaccuracies I am disappointed to see in the original letter on Petition2023-15MPA. I felt this must be noted in this process to avoid any future comments restating these data and factual inaccuracies about Petition2023-15MPA. Letter also provides rebuttals to additional claims, and provides unedited data direct from NOAA/NMFS that objectively support petition claims.

Thank you,

Blake H.

The Following is a rebuttal letter to the comments submitted by 8 eNGOs at a previous FGC meeting pertaining to Petition 2023-15MPA. This comment will follow the original comment, provide live counter comments to the arguments presented and provide important contextual data direct from NMFS. This comment is to further elaborate on Patition2023-15MPA and express my concerns that those groups presenting this past comment were misinformed on some of the petition contents and or did not read the petition in its entirety as to what it is requesting.

This is not intended to demean the opinions of those against the petition in any way, but is meant to show, with the broader data, that what the petition requests is not unreasonable, is supported by the MLPA, and are aligned state/federal objectives during this adaptive management process.

For context, the sections of the original comment pertaining to a different petition (Petition2023-14MPA) were removed. Any sections containing counter arguments will be red.

This comment aims to show/reiterate:

- The Petition, if granted will not weaken the MPA network and its connectivity goals for protecting local ecosystems
- The Channel Islands are the most justifiable location to allow for limited pelagic or HMS from both a current network design standpoint and a geospatial standpoint
- The petition does not request any commercial take beyond basic hook-and-line (no net or longline) and has options removing hook-and-line entirely
- The MLPA supports these changes and MRWG goals will still be preserved
- True catch data of HMS clearly shows what little relative impact our MPAs have on the species compared to the larger impacts on local, sustainable fisheries

[Start of Original Comment]



July 31, 2025

Erika Zavaleta
California Natural Resources Headquarters Building
715 P Street, 2nd Floor
Sacramento, CA 95814

Re: Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Dear President Zavaleta and Honorable Commissioners:

We would like to begin by thanking the Marine Resource Committee, the full Fish and Game Commission (FGC) and California Department of Fish and Wildlife (CDFW) for their dedication to the adaptive management process of California's MPA network. As the FGC and CDFW continue reviewing the Marine Protected Area (MPA) petitions, we ask that you consider the below arguments against specific petitions looking to weaken* the MPA network. Specifically, the requests of petition 2023-14 MPA to open nine MPAs along the coast to commercial urchin fishing and petition 2023-15 MPA to allow some form of take of highly

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

migratory species, coastal pelagic species, and/or pelagic finfish at three MPAs at the Channel Islands.

*Regarding the "weakening" of the MPA network. It has been made clear since petition submission that the objective of Petition 2023-15MPA is to still allow high ecosystem level protections in parallel with a limited take of HMS allowance. This is supported by the Department SeaSketch analysis verifying that the preferred changes of the petition result in MPAs with "high levels of protection that still maintain connectivity." The end result being a network that is just as protected on an ecosystem level that also gives limited and reasonable take of HMS with sustainable fishing methods. This is all publicly verifiable over SeaSketch.

I. The FGC and CDFW Should Reject PETITION 2023-15MPA - Opening Channel Islands MPAs to Allow Take of Highly Migratory Species.

This petition requests opening existing no take reserves—the cornerstone of the MPA Network—to commercial fishing for pelagic species, which encompasses a wide range of species,⁹ such as sharks, bill fish, tuna, and mahi mahi in Southern California. The Channel Islands State Marine Reserves (SMRs), and Federal Marine Reserves (FMRs) are among the biggest, oldest and most effective MPAs in the country. Petition 2023-15MPA does not support the goals identified during the planning process for the Channel Islands MPAs, and we therefore request that the FGC and CDFW reject the petition to reclassify three SMRs (Footprint SMR, Gull Island SMR, Santa Barbara Island SMR) in the Northern Channel Islands (NCIs) as SMCAs.

⁹ <https://www.ecfr.gov/current/title-50/chapter-VI/part-660/subpart-K>

The commercial fishing the petition requests are harpoon swordfishing, the most sustainable and clean form of commercial swordfish on the planet, and basic hook-and-line fishing, akin to normal sportfishing methods. There are no net or longline style requests, unlike what is claimed in this letter. The HMS realistically present around the Northern Channel Islands that are available for commercial or sport take would be Bluefin tuna, Swordfish, and mako sharks, with others like mahi mahi or yellowfin rarely present during strong El Nino events. Striped Marlin would be targeted for catch and release by sport boats.

The fact that the NCI MPAs are the oldest in the network justify them the most to be looked at for adaptive management purposes. This is especially the case for pelagic/HMS allowed areas because the NCI MPAs see little to no pelagic or HMS allowed areas compared to the remainder of the state network made after the NCI process. The NCI MPAs are held to the same standards as the other MPAs in the modern network and are governed by the MPA Master Plans which clearly state to have pelagic allowed regions in the regional objectives (goals) of the Master plans. As the NCI MPAs were designated before any of these guiding documents and contain noticeably low levels of pelagic allowed areas compared to everywhere else it is more than reasonable to consider this adaptive management measure to update the NCI MPAs to the same standards we see elsewhere in the network.

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Established in 2003 after the Channel Islands National Marine Sanctuary (CINMS) Advisory Council (SAC), the Marine Reserves Working Group (MRWG) came up with goals for MPAs at the Channel Islands. The MRWG's goals stated the following:

(1) Ecosystem Biodiversity Goal: To protect representative and unique marine habitats, ecological processes, and populations of interest; (2) Socio-Economic Goal: To maintain long-term socioeconomic viability while minimizing short-term socioeconomic losses to all users and dependent parties; (3) Sustainable Fisheries Goal: To achieve sustainable fisheries by integrating marine reserves into fisheries management; (4) Natural and Cultural Heritage Goal: To maintain areas for visitor, spiritual, and recreational opportunities which include cultural and ecological features and their associated values; and (5) Education Goal: To foster stewardship of the marine environment by providing educational opportunities to increase awareness and encourage responsible use of resources.¹⁰

We utilized the goals and reasonings from the “Final 2002 Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary” as the Channel Islands state and federal MPAs pre-date the Marine Life Protection Act and subsequent establishment of the statewide MPA network. Approval of this petition would be inconsistent with these goals for the following reasons.

The fact that the original process and working groups were designated the Marine Reserves Working Group displays the shift between the NCI and more modern MLPA processes. Both focus on ecosystem protections but the NCI process, being first, is naturally reserve heavy, as the island network was the first of its kind to go in. Now that we have a broader state network, and a better understanding of MPAs and pelagic fisheries we can justifiably partially open some NCI reserves to HMS like we clearly see in the rest of the network that is based on more-modern data.

A. MRWG Goal - Ecosystem Biodiversity

The establishment of the Channel Islands MPAs was, “To protect representative and unique marine habitats, ecological processes, and populations of interest,” which has translated to the goals and intent of the statewide MPA Network*. Past petitions requesting to establish MPAs to protect a singular species have been denied by the FGC. For example, in 2020-2021 the FGC denied a petition requesting for the creation of an MPA for White Sharks near Carpentaria reasoning, “MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species.”¹¹ The intent of California MPAs remains to protect all aspects of an ecosystem (ecosystem-wide protection), not one species. Consequently, opening an MPA for one species should also be rejected**.

*The original goals of the NCI were largely applied to the state network that came after the NCI MPA designation process. Both networks' objectives were to protect ecosystems. Ecosystem level protection was defined under the level of protection and MPA connectivity frameworks that came after the NCI process, and while both networks accomplish the same general goals, look at the vast differences in pelagic allowances between them. Clearly if the more-modern coastal network made 40% of its areas limited take for mostly pelagic fish and maintains ecosystem level protection the NCI MPAs can be revisited and reconsidered in light of this change in MPA management

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

and HMS fisheries. Under the petition's preferred changes there are no resulting changes in connectivity as MPA's all retain their high levels of protection. This is because pelagic and especially HMS fishing activity, under sustainable and clean fishing methods, do not impact the essential local ecosystems the MPAs are primarily intended for, as interactions between pelagic fisheries and homebody species like groundfish or bass are next to impossible. For fisheries like spear or harpoon they are impossible unless the angler knowingly breaks the law. Department frameworks like the LOPs and connectivity requirements for ecosystem protection are clear, under an accepted petition, the ecosystem is still more than protected and connectivity preserved..

****As mentioned above, ecosystem level protections are a key in this process. It is unfavorable to propose changes that reduce network connectivity by introducing fishing methods that are either too intensive, or take species the MPA network works best for, petition2023-15MPA does not remove ecosystem level protections or any network connectivity.**

The commission's decision to not grant a new MPA for Great White Sharks on the grounds that they are an HMS and are not affected by MPAs meaningfully enough on their own to justify an MPA is a prime example on why the petition should be allowed and sets a clear precedent, HMS are not meaningfully affected by MPAs. This fact is already supported by both 2008 and 2016 MMPs. Following that precedent we can still protect other species in these areas (non-HMS) and allow take of HMS while still protecting the local ecosystem, this is exactly what Petition2023-15MPA proposes. If "MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species," then we surely can allow for HMS take in a sector of the network that currently allows 10x less pelagic allowed areas (by relative percentage) and still protect the local ecosystem the HMS are just passing through. The logic of opening an MPA to specifically HMS is clearly supported by this so long as the ecosystem the MPA is aiming to protect remains protected, and under the LOP and Seasketch connectivity guidelines it all is still protected under an accepted petition.

¹⁰ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

¹¹ California Department of Fish and Wildlife (2022). Decadal Management Review: Appendix G Supplemental Tables.

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

The petitioner makes the argument that opening Footprint SMR, Gull Island SMR, Santa Barbara Island SMR to fishing pressure would have no significant impact on non-migratory species within the MPAs. However, the increase in boat traffic through the previously closed areas would introduce noise pollution, potential derelict fishing gear, water pollution, etc. The added complexities in the individual MPAs regulations will also increase the hardship on enforcement. Additionally, the same reasons cited to open these MPAs to highly migratory species are also the reasons why we believe it is unnecessary to do so.

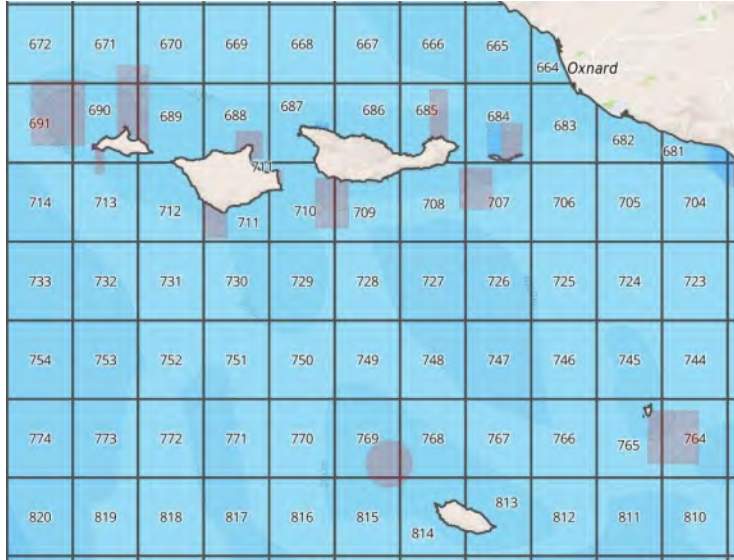
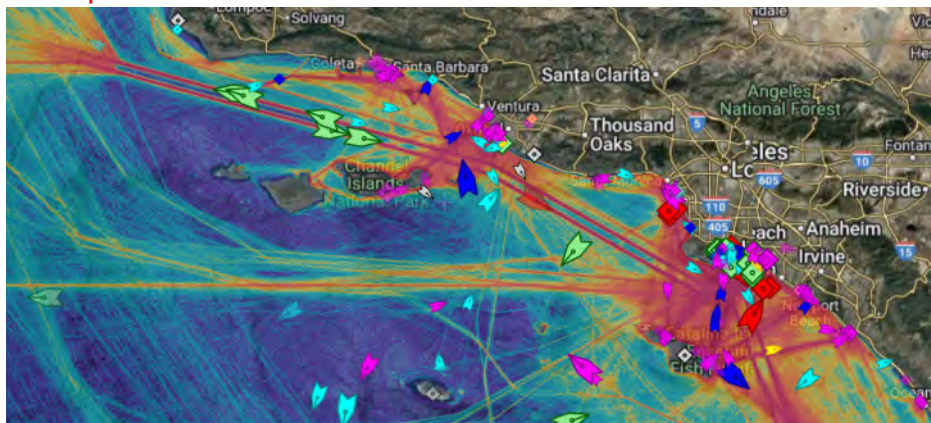


Figure 1. Seasketch Map using layers “Commercial Fishing Blocks” and “Existing Marine Protected Areas (MPAs)”

Regarding “noise pollution” in MPAs. See attached heat map image of boat traffic tracked via AIS in the SCB. Pelagic effort on the southern side of the 4 northern NCI in the normal pelagic fishing grounds shows very low traffic saturation (blue/green). The opening of the three MPAs in question will not see a shift in intense traffic as there is no clear higher level of traffic outside of the proposed areas vs inside along the south side of the 4 northern islands in the pelagic fishing grounds. Essentially there are no clear “traffic boundaries” for MPA as there is clearly not less traffic inside of them. Regarding “noise pollution” in general the Scorpion SMR and Anacapa MPAs actually see some of the most traffic and therefore “noise pollution” yet there have been no alarms raised there. That being the case there should be no concern for noise if some fishing is allowed in the three proposed MPAs as any traffic would be minimal relative to apparent noise present in several no-take and limited take areas elsewhere.



July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Regarding lost fishing gear, as the proposed methods involve pelagic/HMS fisheries that are all non-bottom contact in general the risk of gear being snagged or abandoned are low for hook-and-line which would consist mainly of troll or surface casting methods for tuna or billfish, which again, is minimal in its gear loss rates compared to bottom fishing. Harpoon and spear gears are also relatively never lost, and have minimal footprints compared to H&L as neither are deployed until a fish is taken.

Regarding water pollution, the act of fishing in these areas specifically for HMS does not create additional risks to water pollution that ordinarily exist when fishing for HMS outside of these areas. The “threat” of pollution exists in the surrounding area regardless of if they are open or not.

Added allowances in MPAs always makes enforcement more difficult. However, if enforcement has no issue enforcing the remainder of the MPA network that is already 40% limited take, which it claims it has no problems. The same areas at the NCI should pose no difference in how the areas are enforced. Speaking to the local wardens when out on the water and those at state offices also confirmed this claim.

1. Reasons Why MPAs Protect Highly Migratory Species

Protecting highly migratory species (HMS) like tunas, sharks, and billfish in California waters plays a critical role in maintaining healthy marine ecosystems through trophic cascades, nutrient cycling, and habitat connectivity.

Strategically placed MPAs can protect critical habitats (e.g., spawning grounds, migration corridors) and reduce fishing pressure, such as the ones included in this petition.¹² A sharp decline of large pelagic fish (species such as sharks, swordfishes, marlins, and tuna) that roam the open sea and play vital roles as predators leads to impacts on local, regional and large-scale ecosystem dynamics. Fishing undermines MPA effectiveness which leads to target species depletion, leading to their inability to recover even within MPAs. The risk of bycatch on unintended species is high and unaccounted for, leading to ineffectiveness of the local MPA for all other components of the ecosystem.

¹² <https://www.sciencedirect.com/science/article/abs/pii/S0308597X18301866?via%3Dihub>.

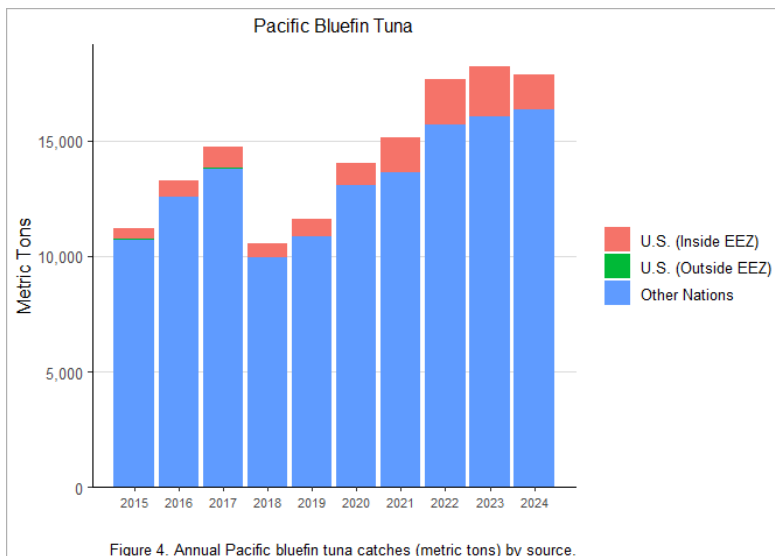
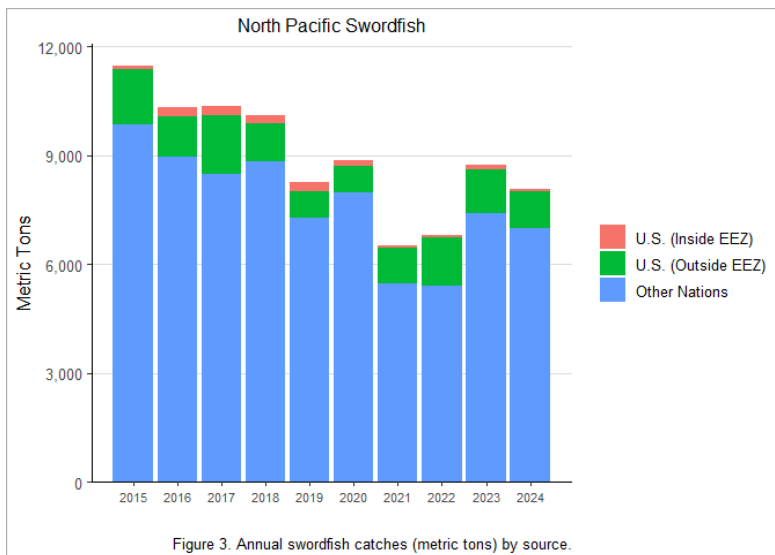
MPAs do protect HMS when they do pass through; however, if that protection actually helps the species is what is up to debate. Stating “Strategically placed MPAs can protect critical habitats (e.g., spawning grounds, migration corridors) and reduce fishing pressure, such as the ones included in this petition,¹²” inherently poses this question of can it make a difference? Considering 40% of the remaining network has a limited pelagic allowance suggests that an allowance at the NCI which lacks said allowance is justifiable. In the MLPA it was determined HMS/pelagic species we not meaningfully affected enough. Today, in the cited ScienceDirect article, it concludes, “We conclude that (1) many species with known migration routes, aggregating behavior, and philopatry can benefit from spatial protection; but (2) spatial protection alone is insufficient and should be integrated with effective fisheries management to protect and rebuild stocks of highly migratory species.” This conclusion is clear, while some benefits may exist, the MPA benefits alone are insufficient, essentially restating what was already known during the MLPA, our small sized network (relatively speaking on the HMS scale) does not

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

really affect them. Therefore we can allow reasonable take of HMS or pelagic while still protecting our ecosystems. While there are possible MPA benefits to species in certain cases these benefits along from MPAs are still insufficient for HMS that span the globe, far exceeding our MPA boundaries. This is why we have actual pelagic fishery management measures with seasons and quotas for HMS compared to MPAs that may or may not contain them at a given time.

It should be especially noted that per the NMFS provided global catch data located at the end of this analysis for the two most relevant HMS in this petition, swordfish and bluefin tuna, the entire fraction of taken fish inside of domestic waters as a whole on the west coast is a drop in the bucket to what is taken internationally from the same stocks. As these fish migrate into international waters in the winter/spring for 6-8 months, they are simply hit with significantly higher levels of take on pelagic longline. Simply put, our local HMS fisheries do nothing compared to international longline fleets that take a bulk of the same HMS that we attempt to protect with local MPAs. Because of this, we must give local, cleaner fleets the most opportunity to provide what they can by allowing take in these areas that are largely not helping the HMS that pass through.



July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Snapshots of total landings of swordfish and bluefin tuna (recreational and commercial combined) provided directly by NMFS. Our entire recreational and commercial landing totals locally are represented by the orange/beige boxes. In international waters US vessel take is green, and remaining international take blue. The results are quite clear, locally (inside of 250 nautical miles) our fleets take small fractions of these species stocks. You can barely even see the swordfish we take locally along the entire coast, let alone at the NCI. Any protections these HMS may have locally are negligible in this regard and access should be granted in areas that can accommodate some level of local take in a region of the MPA network that came before all the Master Plans that laid this information out.

2. Maintaining Trophic Balance (Top-Down Control)

- **Predator-prey dynamics:** HMS like bluefin tuna, mako sharks, and swordfish are apex predators that regulate mid-level species (e.g., squid, small fish). Their decline can trigger population explosions of prey species, disrupting food webs. For example, overfishing sharks in Southern California has been linked to increased cephalopod (squid/octopus) populations, which then overconsume shellfish and crustaceans.^{13,14}
If any overfishing exists on these stocks that are domestically and internationally recognized as “not overfished” by NOAA and IATTIC, the “overfishing” occurs in international waters on the pelagic longlines that take an overwhelming majority of the stock. (See NMFS catch data above (charts) and at the end of the document (full report))
- **Nutrient Cycling:** Migratory species transport nutrients across vast distances. When they feed in deep waters and excrete near the surface, they fertilize phytoplankton (the base of the marine food web), delivering valuable nutrients to MPAs. In addition, highly migratory species such as tunas and billfish contribute to the “biological carbon pump” by moving nutrients vertically, as part of benthic pelagic linkages, which enhances ocean productivity.
Nutrient cycling will continue to occur regardless if these areas are open or not. A fish excrement occurring inside or outside of an MPA participates in this cycle. If the concern is less fish will be doing it, again reference the international longline vs inside EEZ catch data on fisheries meaningfully affecting the global stock (the northeastern pacific stock of billfish and tuna).
- **Protecting Spawning & Nursery Grounds:** Many HMS rely on offshore areas such as the MPAs for spawning and recruitment areas. The loss of protection not only may reduce recruitment success of the targeted HMS, but also loss of food sources for non-targeted species such as sea birds and rockfish. Consequently, the habitat health of these areas for non-HMS will be degraded.
It has been well established that both billfish and tuna visit the Southern California Bight (SCB) to feed, not spawn. Spawning occurs hundreds of miles offshore outside the reach of any of our local MPAs in warmer waters. The idea of protecting nursery grounds follows the same logic of an MPAs effect on an HMS, fully grown or still growing, our local MPAs have little effect.
- **Reducing Bycatch & Ecosystem Damage:** HMS fisheries (e.g., longlines, drift gillnets) often catch non-target species, including threatened and endangered species (leatherback turtles, short-tailed albatross). Furthermore, bycatch often includes species that are key ecosystem engineers (e.g., giant sea bass, which maintain kelp forest health).
This is the only point I, as the petitioner, take personal offense to. The petition is very clear in the methods it proposed being allowed: recreational spear, commercial harpoon, and general hook-and-line. Nowhere is there mention of allowing gill net or longline methods, longline is not even allowed within 220 miles of land. Harpoon swordfish and recreational spear are quite literally zero-bycatch fisheries and pelagic hook-and-line has minimal bycatch at best. To insinuate that bycatch is a potential major issue here, especially for something like giant seabass or endangered seabirds/turtles is factually incorrect, and makes myself question the fact if the accusers either did not understand or did not read the petition in its entirety before commenting this unfounded allegation.

Protecting HMS isn't just about saving iconic species—it's about **preserving the ocean's "circulatory system."** Their migrations connect distant ecosystems, making them indispensable to California's marine biodiversity.

It is well established that the protections HMS receive while passing through these MPAs on the currents are minimal at best. An allowance in these three areas will not revolutionize the fishery by any means, it would just give more area back for anglers to try to find HMS inside of. For a set of species (HMS) that are predominantly taken far offshore on longline, there should be no reason to allow this small level of additional take locally in areas that offer fishable conditions. We already do this everywhere else in the more modern network, we must now do the same at the NCI where this was overlooked.

B. MRWG Goals - Socio-Economic & Sustainable Fisheries

Under the socio-economic and sustainable fisheries goals established by the MRWG, the petitioners request to reclassify select MPAs to alleviate negative impacts on the fisheries for listed highly migratory species¹⁵ would undo the achievements the MPAs have reached. The long-term benefits of maintaining the current level of protection have proven to outweigh the short-term socioeconomic losses that came with establishing the MPAs. For example, the establishment of the MPAs at the NCIs has seen an increase in landings of shark and tuna species within the CINMS blocks¹⁶ used in Figure 2. ¹⁷ Pre-MPAs (1998-2002), the total value landed for the MPA fishing blocks within the CINMS was 2.899% and the total pounds landed was 4.030%. Post-MPAs (2020-2024), the total value landed for the MPA fishing blocks within the CINMS was 28.980% and the total pounds landed was 45.962%. By pounds and by value, there has been an increase in economic success that followed the establishment of the CINMS MPAs, indicating that opening the MPAs will not necessarily increase the benefit to the HMS fisheries. The return of many species, not just tuna and sharks, cannot be proven to have benefited solely from the establishment of the MPAs. However, the increase in population was and is likely amplified and supported by the MPA network.

¹³ <https://www.sciencedirect.com/science/article/abs/pii/S0165783698001787>

¹⁴ <https://oceanrep.geomar.de/id/eprint/53785/1/4444.pdf>

¹⁵ List of State HMS, CPS, and Pelagic finfish per Title 14 CA § 1.49, 1.39, and 632(3): -Highly migratory species means any of the following: albacore, bluefin, bigeye, and yellowfin tuna (*Thunnus* spp.); skipjack tuna (*Katsuwonus pelamis*); dorado (dolphinfish) (*Coryphaena hippurus*); striped marlin (*Tetrapturus audax*); thresher sharks (common, pelagic, and bigeye) (*Alopias* spp.); shortfin mako shark (*Isurus oxyrinchus*); blue shark (*Prionace glauca*); and Pacific swordfish (*Xiphias gladius*). -Coastal pelagic species means any of the following: northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*). -Pelagic finfish, are a subset of finfish defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena* spp.), billfishes (family *Istiophoridae*), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family *Scombridae*) including Pacific bonito (*Sarda chiliensis*), and yellowtail (*Seriola lalandi*).

¹⁶ See Figure 1 for reference to the fishing blocks used in the analysis.

¹⁷ Displays percentage values calculated by dividing the MPA petition fishing blocks by the CINMS fishing blocks. This was done to assess the economic impacts locally versus comparing the MPA petition fishing blocks to the entire

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Block ID	Total Pounds	Total Value
707	\$869	\$4,537
708	\$4,480	\$15,767
709	\$3,624	\$16,934
710	\$4,813	\$6,555
764	\$543	\$2,632
765	\$2,598	\$14,079
683	\$16,619	\$23,693
684	\$1,814	\$3,364
685	\$2,809	\$6,680
686	\$1,312	\$3,564
687	\$1,476	\$3,454
688	\$7,233	\$9,766
689	\$2,175	\$4,742
690	\$2,224	\$3,346
691	\$518	\$943
706		Confidential
711	\$2,889	\$6,868
712	\$1,816	\$3,518
713	\$0	\$0
744	\$598	\$1,199
745		Confidential
Total Petition 2023-15*	\$16,927	\$60,505
Total CINMS**	\$58,409	\$131,642
Total All Blocks	\$8,849,117	\$13,908,685
Petition/All	0.191%	0.435%
CINMS/All	0.660%	0.946%
Petition/CINMS***	28.980%	45.962%

Table 2.¹⁸ Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 2020- Dec 31, 2024.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks.

(See end of data)

¹⁸ Note “confidential” is data withheld by CDFW.

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Block ID	Total Pounds	Total Value
707	\$1008	\$1279.25
708	\$2395.9	\$2626.375
709		Confidential
710	\$4116.6	\$3863.85
764		Confidential
765		Confidential
683	\$137,641	\$54,943
684	\$5,202	\$5,709
685	\$13,302	\$12,537
686	\$6,648	\$8,923
687	\$7,983	\$8,005
688	\$47,129	\$56,320
689	\$5,949	\$5,380
690	\$6,978	\$10,696
691	\$0	\$0
711	\$14,381	\$17,448
712	\$2,009	\$1,149
713	\$4,705	\$3,895
744	\$0	\$0
745		Confidential
Total Petition 2023-15*	\$7520.5	\$7769.475
Total CINMS**	\$259446.93	\$192775.2925
Total All Blocks	32,150,483	\$22,954,516
Petition/All	0.0234%	0.0338%
CINMS/All	0.807%	0.840%
Petition/CINMS***	2.899%	4.030%

Table 3. Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 1998- Dec 31, 2002.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks

(See end of data).

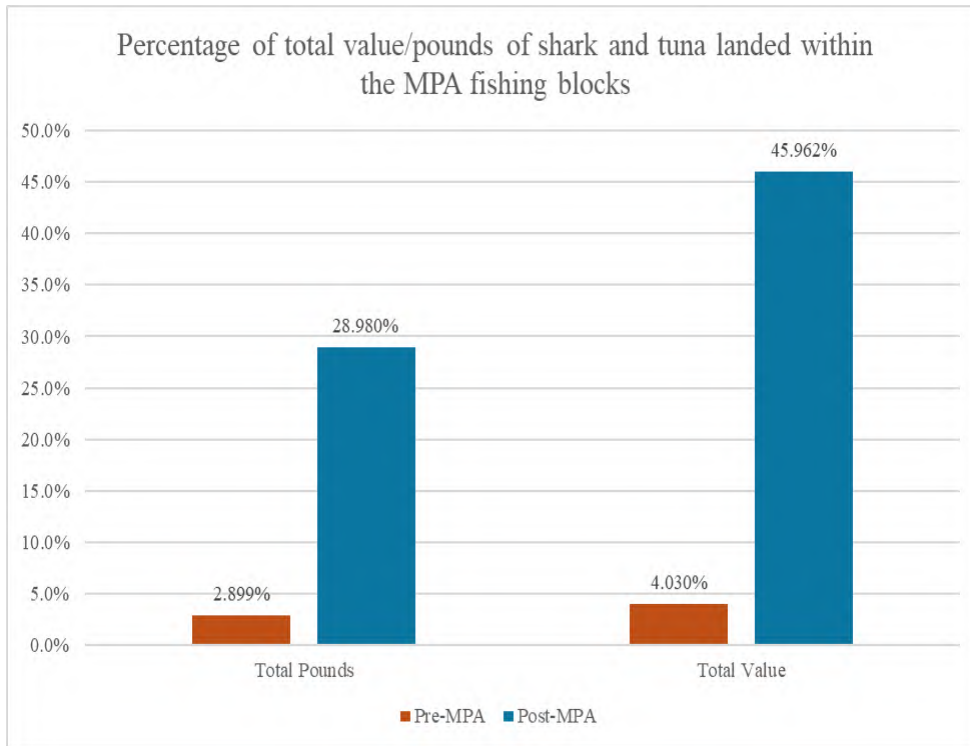


Figure 2. Comparison of Pre-MPA (Jan 1st, 1998- Dec 31st, 2002) and Post-MPA (Jan 1st, 2020- Dec 31st, 2024) total value and total weight by pounds of shark and tuna species landed within the MPA blocks compared to the CINMS fishing blocks.

There are several concerns this data brings to light.

-The lack of HMS filtering making the “shark” category count the hundreds of thousands of pounds of non-pelagic sharks landed at the islands in the early 2000s by gillnet (brown, angel, smoothhound, leopard, and soupfin sharks all fall into non-pelagic categories). This significantly skews the data to show less relative percent of species that are not even HMS or pelagic being taken in the CINMS, not adjacent to MPAs.

-The comparison of pre and post MLPA data where half the block data for pre-MLPA is allegedly confidential sways results very positively in the arguments favor on a percent basis, where the true values are certainly much closer.

-Plugging in the same parameters (non-pelagic sharks included and not included) in the MFDE yields significantly different numbers and non-confidential values where confidential values allegedly were in the early 2000s for blocks 709, 764, and 765.

-The lack of billfish (swordfish) in the landing analysis which would locally see the largest amount of relative take.

C. MRWG Goals - Natural and Cultural Heritage & Education

An integral component of the CINMS MPAs and the statewide MPA Network is the inclusion of humans. The areas are not only to help conservation and enhance fisheries management, but to provide areas for spiritual, educational, and recreational opportunities.¹⁹ A 2024 survey²⁰ revealed that 81% of Californians favor expanding MPAs to protect fish, wildlife, and their habitat off the state’s coast. Protecting California waters is not only important for the species living in those environments, but also for California ocean users which include non-consumptive uses like beach going, whale watching, photography, surfing, scuba diving, and boating. The Natural and Cultural Heritage Goal and Education goals are intended to maintain

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

areas in the marine environment that give an opportunity to experience healthier marine ecosystems and understand what our ocean may have looked like historically. The petitioners request to open three highly protected MPAs does not support these goals.

Regarding these 3 MPAs in the specific petition, none see any relative non-consumptive use. Due to their offshore natures we see zero beachgoing, or surfing. Limited to no whale watching or scuba diving occurs in these MPAs due to more favorable regions that are nearshore (scuba) or in the northern santa barbara channel (whale watching). All mentioned activities are unaffected by a change such as this for pelagic species as well.

¹⁹ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

²⁰ <https://www.ppic.org/publication/ppic-statewide-survey-californians-and-the-environment-july-2024/>

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

II. CONCLUSION

As California's ocean faces a growing suite of threats from climate change and other human uses, we urge the Commission and CDFW to use its authority to strengthen the MPA network to ensure adequate representation of all key habitats in MPAs so that California's MPA network remains an effective ecosystem-based approach for resilience into the future. To help ensure the network's health rejecting both petition 2023-14 MPA and petition 2023-15 MPA is necessary. Once again, we would like to thank both FGC and CDFW for their dedication to the adaptive management process of California's MPA network.

Sincerely,
~~Azsha Hudson
Marine Conservation Analyst & Program Manager
Environmental Defense Center~~

~~Rikki Eriksen
Marine Ecologist
California Marine Sanctuary Foundation~~

~~Tomas Valadez
California Policy Manager
Azul~~

~~Ray Hiemstra
Associate Director of Policy and Projects
Orange County Coastkeeper~~

~~Ashley Eagle-Gibbs, Esq.
Executive Director
Environmental Action Committee of West Marin (EAC)~~

~~Katie O'Donnell
US Ocean Conservation Manager
WILDCOAST~~

~~Zoe Collins
Marine Protected Area Program Coordinator
Heal the Bay~~

~~Penny Owens
Education & Community Outreach Director
Santa Barbara ChannelKeeper~~

Signatures crossed out as this is not their direct comment.

[End of Original Comment]

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

[NMFS Data report. The report will not be in **red** but additional comments will be.]

HMS Catches by Area

NMFS West Coast Region

05 September 2025

The goal of this data summary is to compare catches of key highly migratory species (HMS) within the U.S. West Coast Exclusive Economic Zone (EEZ; meaning Federal waters offshore of California, Oregon, and Washington) to catches outside the EEZ. Catches outside the EEZ include U.S. vessels fishing on the high seas as well as catches by foreign fleets who fish on the same stocks. Data are presented for the past ten years, 2015-2024.

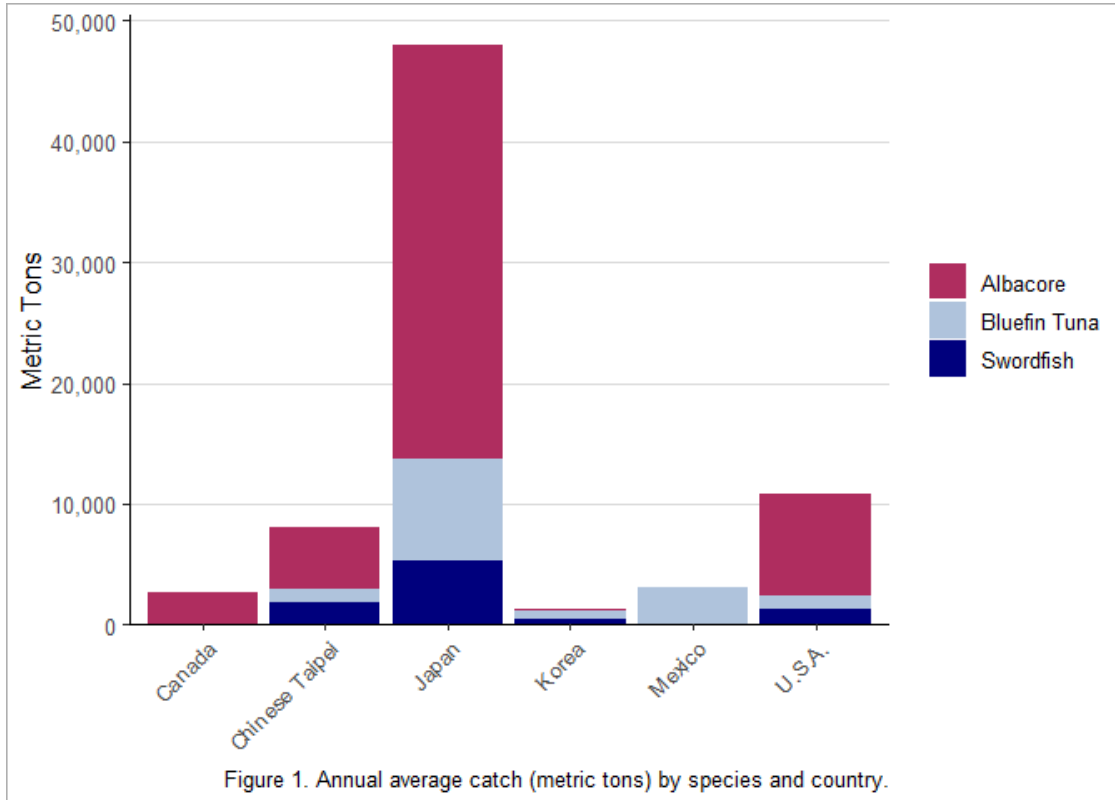
The species included are North Pacific albacore, bluefin tuna, and swordfish.

The source for these data are the annual [catch tables](#) published by the International Scientific Committee for Tuna and Tuna-like Species (ISC).

The primary species to be looked at through the petition lens are Bluefin Tuna and Swordfish as those two species would experience the highest levels of sport and commercial effort take in these areas if the petition is allowed. Striped marlin would see the highest sport effort overall, but that is all primarily catch and release.

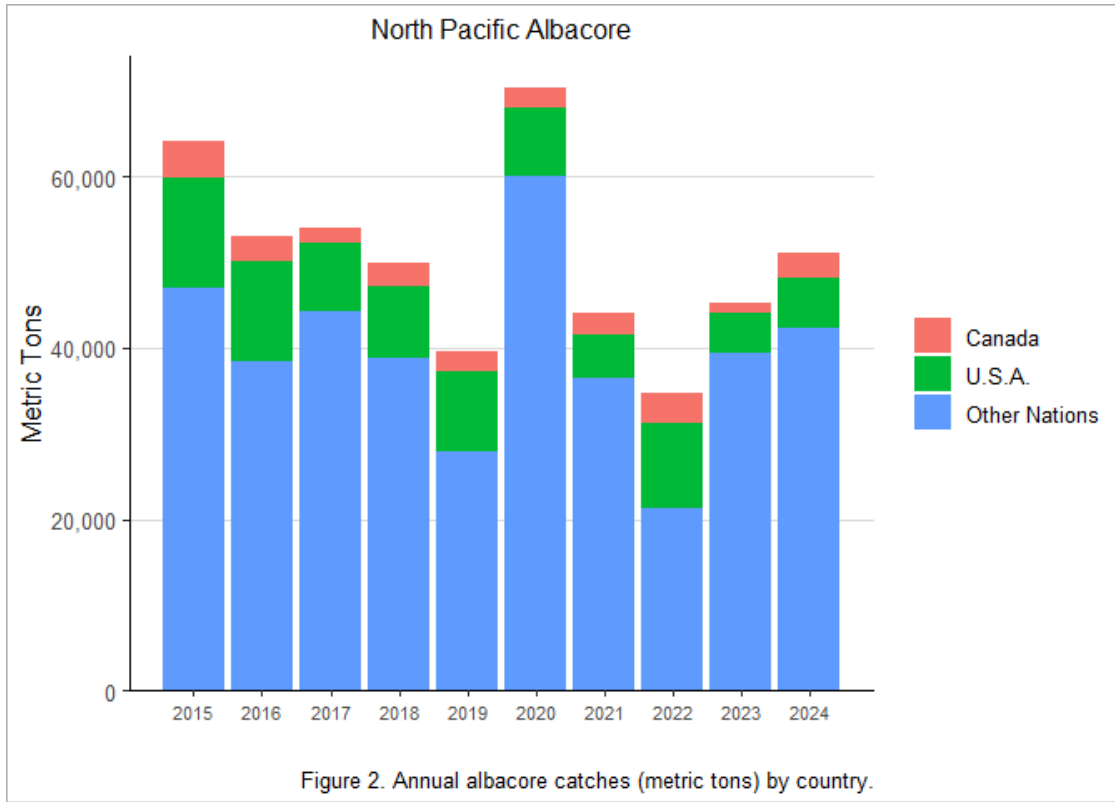
Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

This chart, which appears in the Pacific Fishery Management Council’s annual HMS SAFE reports, shows total catch of each species by countries which harvest North Pacific stocks of HMS.



Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

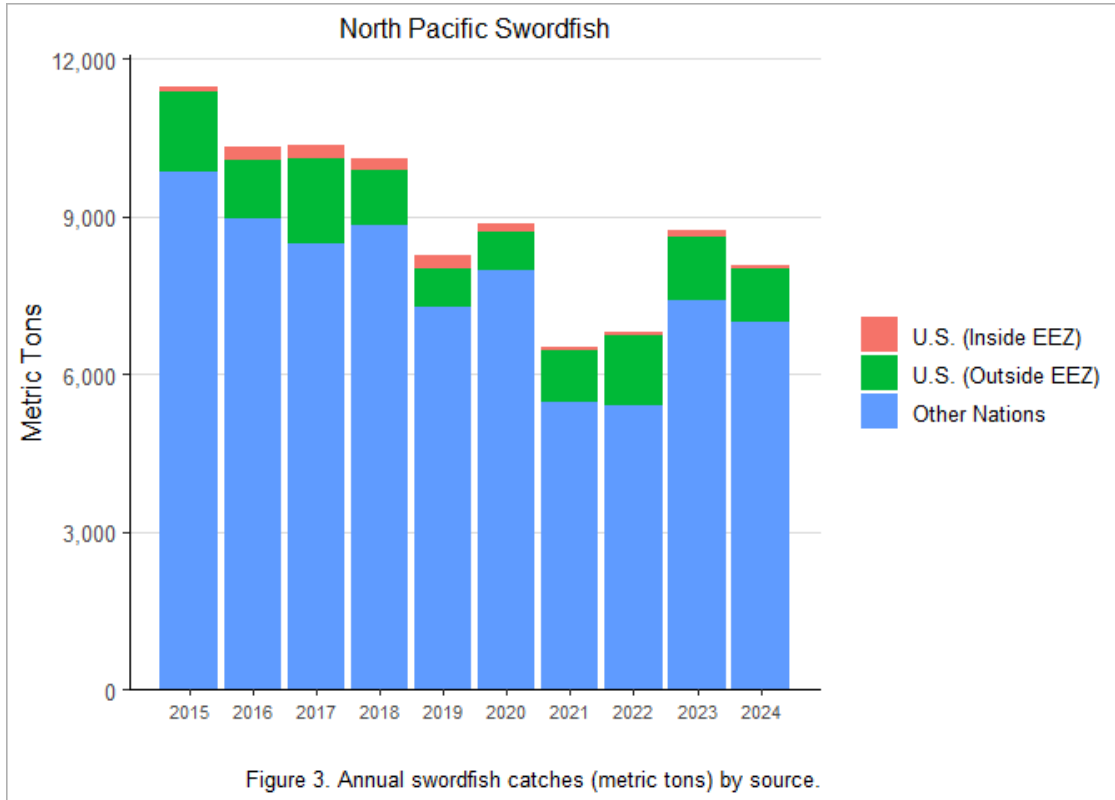
The following chart focuses on albacore, displaying catch by each country over the past 10 years. Note that in past years the U.S. and Canada have utilized a reciprocal access treaty allowing each country to fish and land in the other's EEZ. Therefore the catches by U.S.A. and Canada both may occur in the U.S. EEZ or in Canadian waters.



July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

The following chart focuses on swordfish. For U.S. fisheries, longline gear fishes outside the U.S. West Coast EEZ, while other gears (DSBG, harpoon, hook-and-line, and DGN) fish inside the EEZ.

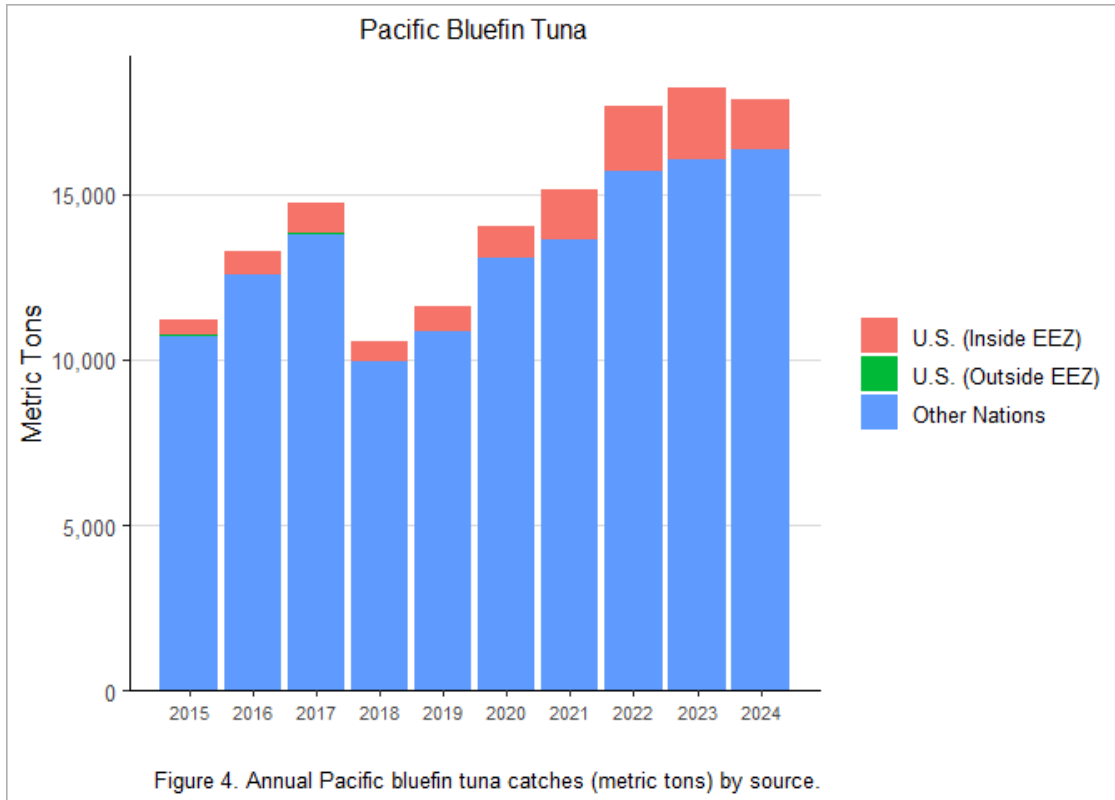


Note that locally with harpoon, hook-and-line, DSBG, and gill net fisheries we locally take extremely little swordfish relative to what is taken from the stock each year, you can barely see what our local fisheries take. Of all these local fisheries, gill net is the traditionally highest yield fishery for swordfish. As this method is not allowed in the petition, only harpoon and hook-and-line are, we can clearly infer from the NMFS data that any additional swordfish taken in these areas will not affect the stock at all, and relatively speaking, are negligible in the grand scheme of things.

July 31, 2025

Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

The following chart focuses on Pacific bluefin tuna. Almost all U.S. catches of domestically caught bluefin are from gears which fish inside the EEZ (purse seine, hook-and-line, and DGN). Also included are sport fishing catches by U.S. recreational boats, which comprise the majority of U.S. bluefin catch in recent years. A small amount of bluefin is also caught incidentally by longliners fishing outside the EEZ.



Bluefin tuna sees a higher level of relative take than swordfish when it comes to local fisheries. As the data mentions, of what is taken locally a majority is sportfishing. Sportfishing of bluefin tuna would be allowed under the petition however the added area relative to the entire coast's level of take is extremely small. Any additional level of take would still see our local take levels remain well in the minority of what is taken globally.

Everything in this summary should be cited as follows:

International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC). 2024 annual catch tables. Available from: https://isc.fra.go.jp/fisheries_statistics/index.html. Accessed on: September 2, 2025. Data summary and visualization provided by National Marine Fisheries Service (NMFS) West Coast Region staff. All data are subject to updates and corrections.

Overall, what the data shows is clear, what is taken locally is relatively very little to what is taken globally from these HMS stocks, especially for swordfish. Under an accepted petition the level of take locally even if it rises would be insignificant to the scale that these HMS are currently being taken at.

Thank you,
Blake Hermann
Petitioner Petition2023-15MPA

FGC@FGC

From: Azsha Hudson <ahudson@environmentaldefensecenter.org>
Sent: Friday, October 3, 2025 11:54 AM
To: FGC
Cc: Samantha Murray; fgcericsklar@gmail.com; commissioner.zavaleta@gmail.com; commissionerdariusanderson@gmail.com; jhostler@trinidadrancheria.com; Maggie Hall
Subject: Submission for FGC Supplemental Deadline
Attachments: 2025_10_02_Clarification re Petitioner 2023-15MPA_FINAL.pdf; 2025_07_25_MRC Opposed re MPA Petitions_FINAL.pdf

Hello,

Please see the attached letters for the upcoming Oct 8-9 FGC meeting.

Please note that one of the letters dated July 25th, was previously sent in July for the July MRC meeting. The second Dated for October is a clarification to a recently submitted rebuttal letter from the Petitioner for 2023-15MPA.

Thank you.



AZSHA HUDSON (she/her/hers)
MARINE CONSERVATION ANALYST & PROGRAM
MANAGER
906 Garden Street
Santa Barbara, CA 93101
o: 805.963.1622 X 105 c: 805.263.7071
www.EnvironmentalDefenseCenter.org



We recognize that EDC sits on occupied, unceded, stolen lands of the Chumash Peoples, on Shmuwich Territory, who have called this area home for time immemorial. We commit today to make space to elevate indigenous voices and support our local Chumash and indigenous communities in our work to protect our environment.

CONFIDENTIALITY NOTE: The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and maybe legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is

strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

July 31, 2025

Erika Zavaleta
California Natural Resources Headquarters Building
715 P Street
2nd Floor
Sacramento, CA 95814

Re: Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Dear President Zavaleta and Honorable Commissioners:

We would like to begin by thanking the Marine Resource Committee, the full Fish and Game Commission (FGC) and California Department of Fish and Wildlife (CDFW) for their dedication to the adaptive management process of California's MPA network. As the FGC and CDFW continue reviewing the Marine Protected Area (MPA) petitions, we ask that you consider the below arguments against specific petitions looking to weaken the MPA network. Specifically, the requests of petition 2023-14 MPA to open nine MPAs along the coast to commercial urchin fishing and petition 2023-15 MPA to allow some form of take of highly migratory species, coastal pelagic species, and/or pelagic finfish at three MPAs at the Channel Islands.

I. The FGC and CDFW Should Reject PETITION 2023-14MPA- Opening Sea Urchin Harvest to Commercial Fishermen Within Existing Marine Protected Areas.

The decline of kelp forest ecosystem is due to many factors, including a significant increase in purple urchins, which leads to urchin barrens where vibrant kelp forests once existed. Petition 2023-14 MPA requests that nine existing MPAs from the North to the South Coast be opened for commercial urchin fishing for economic reasons. We request that the FGC and CDFW reject this petition to open multiple State Marine Conservation Areas (SMCAs) (Double Cone Rock SMCA, Sea Lion Cove SMCA, Stewart's Point SMCA, Salt Point SMCA, Naples SMCA, Anacapa Island SMCA, Point Dume SMCA, Point Vicente SMCA (no-take), Swami's SMCA) to allow commercial take of sea urchins to aid in kelp forest restoration. First, any benefits of this petition are outweighed by the considerable costs to the MPA goals and environment of allowing commercial urchin fishing in MPAs. Second, the lack of clarity by the petitioner as to which species of urchin would be commercially fished is concerning. Third,

using SeaSketch to determine habitat connectivity under the petitioners' request would see the loss in connectivity in multiple habitats.

A. Benefits and Cost Synthesis

The benefits and costs of harvesting sea urchins within MPAs in California are complex, involving ecological, economic, and management trade-offs. Here is a synthesis of key points.

- 1) **Scientific Disagreement and Uncertainty:** The trophic dynamics of predator-prey relationships for urchins within California are poorly understood and vary region to region. In Northern California, where purple urchin overpopulation has devastated kelp forests (creating “urchin barrens”), targeted harvesting has been used to aid kelp recovery. Projects like the Giant Kelp Restoration Project involved culling urchins, which allowed kelp to regrow in some areas. However, this project was highly restricted and regulated to minimize damage to the ecosystem while targeting the purple urchin using trained divers. The challenges and importance of regulating harvest within MPAs have been researched in the Mediterranean, with similar findings for the need to restrict and oversee any management interventions such as this.¹
- 2) **Ecological Disruption:** MPAs are designed to protect trophic cascades, where predators (e.g., lobsters, sheephead, sea otters) control urchin populations, indirectly safeguarding kelp forests. Harvesting urchins—or their predators—can disrupt this balance, leading to kelp loss and habitat degradation. Currently, within California there is scientific uncertainty about the conditions under which urchin harvest will benefit or harm the marine ecosystem.²
- 3) **Undermines MPA Goals:** Studies in Sardinia found that allowing urchin harvest in MPAs led to population declines, especially where natural predation was already high. Restricted harvest sites, which were highly managed and restricted, had the lowest urchin densities, suggesting cumulative pressures harm recovery.³ Prohibiting any type of harvest – including sea urchins- has been effective in California.⁴
- 4) **Short term economic gains over long term ecosystem protection:** The rationale for the petition is rooted in the desire of commercial fishermen- primarily in Southern California- who want to harvest sea urchins arguing that MPAs cause economic hardship. MPAs were established to prioritize biodiversity over short-term fisheries gains, as kelp forests support hundreds of species and mitigate climate impacts.⁵ The long-term benefits from protection far exceed short term loss for a handful of fishermen, MPAs are not just conservation tools—they are **investments in sustainable fisheries.**

¹ <https://peerj.com/articles/12971/>

² <https://pmc.ncbi.nlm.nih.gov/articles/PMC11635138/>; <https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2022.987242/full>

³ <https://pmc.ncbi.nlm.nih.gov/articles/PMC8908888/>

⁴ <https://pmc.ncbi.nlm.nih.gov/articles/PMC11635138/>

⁵ <https://caseagrant.ucsd.edu/news/examining-climate-wins-marine-protected-areas>

B. The Petition is Not Supported and Does Not Specify Which Species of Urchin is Included

As the petition reads, the take allowance is for ALL allowed sea urchin species and does not make the distinction of which species would be targeted to benefit kelp forests. According to CDFW, three sea urchin species have been the main species landed across the state. The red, purple, and white sea urchin are the primary species historically caught in California waters, with red urchins being the dominant species caught and sold (Table 1). From January 31, 1980, to December 31, 2024, the total purple urchin landings out of all sea urchin landings (Table 1) accounted for less than one percent of the total catch. The petitioner does not indicate if the allowance for commercial take of sea urchins would be for a specific species or all.

Species Name	Pounds	Value
Sea urchin, red	774,479,211	\$429,008,941
Sea urchin, purple	2,043,647	\$2,928,395
Sea urchin, white	53,647	\$207,324
Total	776,576,511	\$432,144,719

Table 1. Sea Urchins landed from January 31, 1980, to December 31, 2024.

It is our understanding that much of the commercial urchin fishery is focused on red urchins (Table 1), but it is the abundance of purple urchins that has contributed to the kelp decline⁶ cited in the petition. Paired with the lack of a commercial market for purple urchin, sea urchins collected from barren areas are unlikely to meet the quality standards to be commercially viable. The petitioner’s argument for opening the forementioned MPAs to be sustainable additions to the commercial fishery is not supported. Additionally, the petitioners did not provide any supporting data for the claim that these nine MPAs have had a significant negative impact on the urchin fishery, nor data on urchin abundance within these MPAs that could be used to do a cost-benefit analysis.

Urchin culling is one method that has had small trials along the California coast to determine effectiveness of direct removal on improving kelp forest density. It was named as a potential tool in the 2022 report “Restoration of North Coast Bull Kelp Forests: A Partnership Based Approach.”⁷ However, the report also found that scaling up this process would face challenges. Specifically, the costs to go to the sites and remove the urchins would be, “most effective in areas where there is already an established commercial red urchin fishing fleet”⁸ Additionally, the report indicates that reducing and **maintaining** low urchin levels is imperative to maintain kelp ecosystem recovery. The long-term socio-economic effectiveness of urchin

⁶ Smith, J. G., et al. (2021). Behavioral responses across a mosaic of ecosystem states restructure a sea otter–urchin trophic cascade. *Proceedings of the National Academy of Sciences*, 118(11), e2012493118.

⁷ <https://www.reefcheck.org/wp-content/uploads/2022/06/Restoration-of-Northern-California-bull-kelp-RCF-final-report-to-OPC.pdf>

⁸ Ward, M., et al. Restoration of North Coast Bull Kelp Forests: A Partnership Based Approach. Reef Check Foundation, Marina del Rey, CA, April 2022.

culling is low, as the costs to start and continue removal efforts increase the further the site is from shore and/or a red urchin port, as well as the lack of viable commercial purple urchin that live inside urchin barrens. It is difficult to say whether opening identified MPAs in this petition would benefit the commercial purple or red urchin fishery.

C. Habitat Connectivity

We utilized the data layers on the recently released tool via SeaSketch to see which habitats will lose connectivity based on the petitioners desired changes to the MPA Network. Of the listed MPAs, Point Dune SMCA, Swamis SMCA, and Point Vicente SMCA would no longer have adequate protections to maintain habitat connectivity for beach, rock, kelp, and soft substrate (0-30m) habitat. The other six MPAs do not have a high enough level of protection to count towards the habitat spacing report.

Accordingly, the petition should be rejected.

II. The FGC and CDFW Should Reject PETITION 2023-15MPA - Opening Channel Islands MPAs to Allow Take of Highly Migratory Species.

This petition requests opening existing no take reserves—the cornerstone of the MPA Network—to commercial fishing for pelagic species, which encompasses a wide range of species,⁹ such as sharks, bill fish, tuna, and mahi mahi in Southern California. The Channel Islands State Marine Reserves (SMRs), and Federal Marine Reserves (FMRs) are among the biggest, oldest and most effective MPAs in the country. Petition 2023-15MPA does not support the goals identified during the planning process for the Channel Islands MPAs, and we therefore request that the FGC and CDFW reject the petition to reclassify three SMRs (Footprint SMR, Gull Island SMR, Santa Barbara Island SMR) in the Northern Channel Islands (NCIs) as SMCAs.

Established in 2003 after the Channel Islands National Marine Sanctuary (CINMS) Advisory Council (SAC), the Marine Reserves Working Group (MRWG) came up with goals for MPAs at the Channel Islands. The MRWG's goals stated the following:

- (1) Ecosystem Biodiversity Goal: To protect representative and unique marine habitats, ecological processes, and populations of interest;
- (2) Socio-Economic Goal: To maintain long-term socioeconomic viability while minimizing short-term socioeconomic losses to all users and dependent parties;
- (3) Sustainable Fisheries Goal: To achieve sustainable fisheries by integrating marine reserves into fisheries management;
- (4) Natural and Cultural Heritage Goal: To maintain areas for visitor, spiritual, and recreational opportunities which include cultural and ecological features and their associated values;
- and (5) Education Goal: To foster stewardship of the marine environment by providing

⁹ <https://www.ecfr.gov/current/title-50/chapter-VI/part-660/subpart-K>

educational opportunities to increase awareness and encourage responsible use of resources.¹⁰

We utilized the goals and reasonings from the “Final 2002 Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary” as the Channel Islands state and federal MPAs pre-date the Marine Life Protection Act and subsequent establishment of the statewide MPA network. Approval of this petition would be inconsistent with these goals for the following reasons.

A. MRWG Goal - Ecosystem Biodiversity

The establishment of the Channel Islands MPAs was, “To protect representative and unique marine habitats, ecological processes, and populations of interest,” which has translated to the goals and intent of the statewide MPA Network. Past petitions requesting to establish MPAs to protect a singular species have been denied by the FGC. For example, in 2020-2021 the FGC denied a petition requesting for the creation of an MPA for White Sharks near Carpentaria reasoning, “MPAs are intended to protect ecosystems, not individual species, especially highly mobile, pelagic species.”¹¹ The intent of California MPAs remains to protect all aspects of an ecosystem (ecosystem-wide protection), not one species. Consequently, opening an MPA for one species should also be rejected.

The petitioner makes the argument that opening Footprint SMR, Gull Island SMR, Santa Barbara Island SMR to fishing pressure would have no significant impact on non-migratory species within the MPAs. However, the increase in boat traffic through the previously closed areas would introduce noise pollution, potential derelict fishing gear, water pollution, etc. The added complexities in the individual MPAs regulations will also increase the hardship on enforcement. Additionally, the same reasons cited to open these MPAs to highly migratory species are also the reasons why we believe it is unnecessary to do so.

¹⁰ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration’s Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

¹¹ California Department of Fish and Wildlife (2022). Decadal Management Review: Appendix G Supplemental Tables.

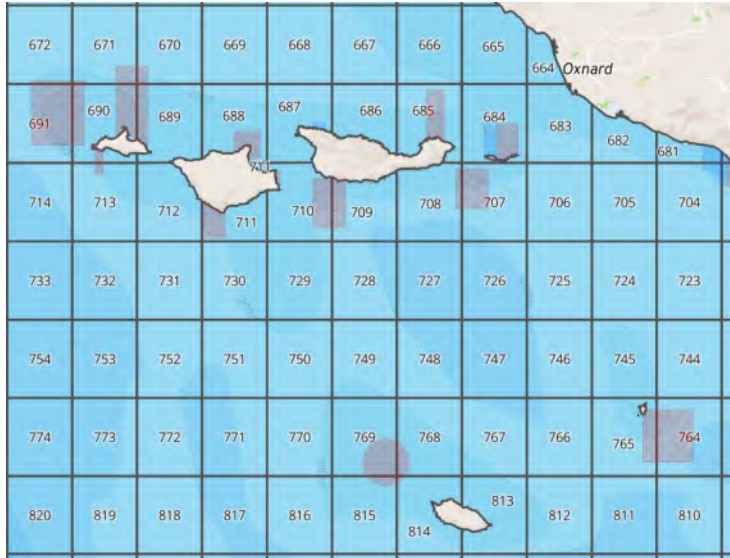


Figure 1. Seasketch Map using layers “Commercial Fishing Blocks” and “Existing Marine Protected Areas (MPAs)”

1. Reasons Why MPAs Protect Highly Migratory Species

Protecting highly migratory species (HMS) like tunas, sharks, and billfish in California waters plays a critical role in maintaining healthy marine ecosystems through trophic cascades, nutrient cycling, and habitat connectivity.

Strategically placed MPAs can protect critical habitats (e.g., spawning grounds, migration corridors) and reduce fishing pressure, such as the ones included in this petition.¹² A sharp decline of large pelagic fish (species such as sharks, swordfishes, marlins, and tuna) that roam the open sea and play vital roles as predators leads to impacts on local, regional and large-scale ecosystem dynamics. Fishing undermines MPA effectiveness which leads to target species depletion, leading to their inability to recover even within MPAs. The risk of bycatch on unintended species is high and unaccounted for, leading to ineffectiveness of the local MPA for all other components of the ecosystem.

2. Maintaining Trophic Balance (Top-Down Control)

- **Predator-prey dynamics:** HMS like bluefin tuna, mako sharks, and swordfish are apex predators that regulate mid-level species (e.g., squid, small fish). Their decline can trigger population explosions of prey species, disrupting food webs. For example, overfishing sharks in Southern California has been linked to increased cephalopod (squid/octopus) populations, which then overconsume shellfish and crustaceans.^{13,14}

¹² <https://www.sciencedirect.com/science/article/abs/pii/S0308597X18301866?via%3Dihub>.

¹³ <https://www.sciencedirect.com/science/article/abs/pii/S0165783698001787>

¹⁴ <https://oceanrep.geomar.de/id/eprint/53785/1/4444.pdf>

- **Nutrient Cycling:** Migratory species transport nutrients across vast distances. When they feed in deep waters and excrete near the surface, they fertilize phytoplankton (the base of the marine food web), delivering valuable nutrients to MPAs. In addition, highly migratory species such as tunas and billfish contribute to the “biological carbon pump” by moving nutrients vertically, as part of benthic pelagic linkages, which enhances ocean productivity.
- **Protecting Spawning & Nursery Grounds:** Many HMS rely on offshore areas such as the MPAs for spawning and recruitment areas. The loss of protection not only may reduce recruitment success of the targeted HMS, but also loss of food sources for non-targeted species such as sea birds and rockfish. Consequently, the habitat health of these areas for non-HMS will be degraded.
- **Reducing Bycatch & Ecosystem Damage:** HMS fisheries (e.g., longlines, drift gillnets) often catch non-target species, including threatened and endangered species (leatherback turtles, short-tailed albatross). Furthermore, bycatch often includes species that are key ecosystem engineers (e.g., giant sea bass, which maintain kelp forest health).

Protecting HMS isn’t just about saving iconic species—it’s about **preserving the ocean’s “circulatory system.”** Their migrations connect distant ecosystems, making them indispensable to California’s marine biodiversity.

B. MRWG Goals - Socio-Economic & Sustainable Fisheries

Under the socio-economic and sustainable fisheries goals established by the MRWG, the petitioners request to reclassify select MPAs to alleviate negative impacts on the fisheries for listed highly migratory species¹⁵ would undo the achievements the MPAs have reached. The long-term benefits of maintaining the current level of protection have proven to outweigh the short-term socioeconomic losses that came with establishing the MPAs. For example, the establishment of the MPAs at the NCIs has seen an increase in landings of shark and tuna species within the CINMS blocks¹⁶ used in Figure 2. ¹⁷ Pre-MPAs (1998-2002), the total value landed

¹⁵ List of State HMS, CPS, and Pelagic finfish per Title 14 CA § 1.49, 1.39, and 632(3): -Highly migratory species means any of the following: albacore, bluefin, bigeye, and yellowfin tuna (*Thunnus* spp.); skipjack tuna (*Katsuwonus pelamis*); dorado (dolphinfish) (*Coryphaena hippurus*); striped marlin (*Tetrapturus audax*); thresher sharks (common, pelagic, and bigeye) (*Alopias* spp.); shortfin mako shark (*Isurus oxyrinchus*); blue shark (*Prionace glauca*); and Pacific swordfish (*Xiphias gladius*). -Coastal pelagic species means any of the following: northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*). -Pelagic finfish, are a subset of finfish defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena* spp.), billfishes (family *Istiophoridae*), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family *Scombridae*) including Pacific bonito (*Sarda chiliensis*), and yellowtail (*Seriola lalandi*).

¹⁶ See Figure 1 for reference to the fishing blocks used in the analysis.

July 3, 2025

Agenda Item 10 re General Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Page 8 of 12

for the MPA fishing blocks within the CINMS was 2.899% and the total pounds landed was 4.030%. Post-MPAs (2020-2024), the total value landed for the MPA fishing blocks within the CINMS was 28.980% and the total pounds landed was 45.962%. By pounds and by value, there has been an increase in economic success that followed the establishment of the CINMS MPAs, indicating that opening the MPAs will not necessarily increase the benefit to the HMS fisheries. The return of many species, not just tuna and sharks, cannot be proven to have benefited solely from the establishment of the MPAs. However, the increase in population was and is likely amplified and supported by the MPA network.

¹⁷ Displays percentage values calculated by dividing the MPA petition fishing blocks by the CINMS fishing blocks. This was done to assess the economic impacts locally versus comparing the MPA petition fishing blocks to the entire state.

Block ID	Total Pounds	Total Value
707	\$869	\$4,537
708	\$4,480	\$15,767
709	\$3,624	\$16,934
710	\$4,813	\$6,555
764	\$543	\$2,632
765	\$2,598	\$14,079
683	\$16,619	\$23,693
684	\$1,814	\$3,364
685	\$2,809	\$6,680
686	\$1,312	\$3,564
687	\$1,476	\$3,454
688	\$7,233	\$9,766
689	\$2,175	\$4,742
690	\$2,224	\$3,346
691	\$518	\$943
706	Confidential	
711	\$2,889	\$6,868
712	\$1,816	\$3,518
713	\$0	\$0
744	\$598	\$1,199
745	Confidential	
Total Petition 2023-15*	\$16,927	\$60,505
Total CINMS**	\$58,409	\$131,642
Total All Blocks	\$8,849,117	\$13,908,685
Petition/All	0.191%	0.435%
CINMS/All	0.660%	0.946%
Petition/CINMS***	28.980%	45.962%

Table 2.¹⁸ Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 2020- Dec 31, 2024.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706 ,707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks.

¹⁸ Note “confidential” is data withheld by CDFW.

Block ID	Total Pounds	Total Value
707	\$1008	\$1279.25
708	\$2395.9	\$2626.375
709		Confidential
710	\$4116.6	\$3863.85
764		Confidential
765		Confidential
683	\$137,641	\$54,943
684	\$5,202	\$5,709
685	\$13,302	\$12,537
686	\$6,648	\$8,923
687	\$7,983	\$8,005
688	\$47,129	\$56,320
689	\$5,949	\$5,380
690	\$6,978	\$10,696
691	\$0	\$0
711	\$14,381	\$17,448
712	\$2,009	\$1,149
713	\$4,705	\$3,895
744	\$0	\$0
745		Confidential
Total Petition 2023-15*	\$7520.5	\$7769.475
Total CINMS**	\$259446.93	\$192775.2925
Total All Blocks	32,150,483	\$22,954,516
Petition/All	0.0234%	0.0338%
CINMS/All	0.807%	0.840%
Petition/CINMS***	2.899%	4.030%

Table 3. Data from CA Department of Fish and Wildlife. Marine Fisheries Data Explorer. Species analyzed are sharks and tuna. Species analyzed are sharks and tuna that were landed from Jan 1, 1998- Dec 31, 2002.

* Blocks surrounding the MPAs listed in petition 2023-15MPA. Inside the box.

** Blocks surrounding San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, and Santa Barbara Island (683, 684, 685, 686, 687, 688, 689, 690, 691, 706, 707, 708, 709, 710, 711, 712, 713, 744, 745, 764, 765).

*** MPA petition fishing blocks divided by CINMS fishing blocks.

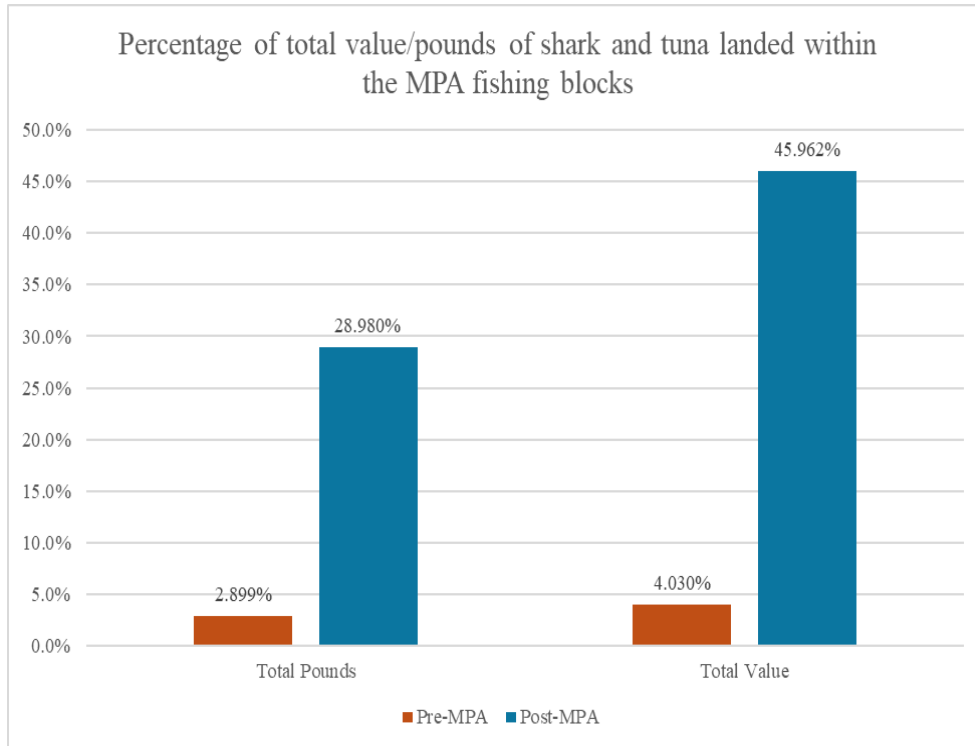


Figure 2. Comparison of Pre-MPA (Jan 1st, 1998- Dec 31st, 2002) and Post-MPA (Jan 1st, 2020- Dec 31st, 2024) total value and total weight by pounds of shark and tuna species landed within the MPA blocks compared to the CINMS fishing blocks.

C. MRWG Goals - Natural and Cultural Heritage & Education

An integral component of the CINMS MPAs and the statewide MPA Network is the inclusion of humans. The areas are not only to help conservation and enhance fisheries management, but to provide areas for spiritual, educational, and recreational opportunities.¹⁹ A 2024 survey²⁰ revealed that 81% of Californians favor expanding MPAs to protect fish, wildlife, and their habitat off the state’s coast. Protecting California waters is not only important for the species living in those environments, but also for California ocean users which include non-consumptive uses like beach going, whale watching, photography, surfing, scuba diving, and boating. The Natural and Cultural Heritage Goal and Education goals are intended to maintain areas in the marine environment that give an opportunity to experience healthier marine ecosystems and understand what our ocean may have looked like historically. The petitioners request to open three highly protected MPAs does not support these goals.

III. CONCLUSION

¹⁹ Ugoretz, John. (2002). Final 2002 environmental document: marine protected areas in the National Oceanic and Atmospheric Administration’s Channel Islands National Marine Sanctuary (sections 27.82, 630 and 632 Title 14, California code of regulations).

²⁰ <https://www.ppic.org/publication/ppic-statewide-survey-californians-and-the-environment-july-2024/>

July 3, 2025

Agenda Item 10 re General Comments on MPA Petitions 2023-14MPA and 2023-15MPA

Page 12 of 12

As California's ocean faces a growing suite of threats from climate change and other human uses, we urge the Commission and CDFW to use its authority to strengthen the MPA network to ensure adequate representation of all key habitats in MPAs so that California's MPA network remains an effective ecosystem-based approach for resilience into the future. To help ensure the network's health rejecting both petition 2023-14 MPA and petition 2023-15 MPA is necessary. Once again, we would like to thank both FGC and CDFW for their dedication to the adaptive management process of California's MPA network.

Sincerely,



October 3, 2025

Erika Zavaleta, President
California Fish and Game Commission
California Natural Resources Headquarters Building
715 P Street, 2nd Floor
Sacramento, CA 95814

Re: Clarification to Letter ‘Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA’ and rebuttal from Petitioner re Petition 2023- 15MPA

Dear President Zavaleta and Honorable Commissioners:

The following information is submitted to clarify the framing and content of the letter of support submitted by the Environmental Defense Center (EDC) on July 31, 2025, titled ‘Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA’ (July letter). This letter is submitted because the petitioner of petition 2023-15MPA submitted a letter to the Fish and Game Commission in late September 2025, concerning EDC’s data collection and other issues. Specifically, the clarifications included in this letter concern Section 2 of the July letter,

October 3, 2025

Re: Clarification to Letter 'Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA' and rebuttal from Petitioner re Petition 2023- 15MPA

Page 2 of 7

titled 'The FGC and CDFW Should Reject PETITION 2023-15MPA - Opening Channel Islands MPAs to Allow Take of Highly Migratory Species.'

As explained below, EDC appropriately collected data from the agency's Marine Fisheries Data Explorer in conducting our evaluation of petition 2023-15MPA. In addition, EDC did not single out gear types in our analysis of whether MPAs benefit fisheries.

I. The FGC Marine Fisheries Data Explorer Breakdown

A. Framing of EDC's Analysis

The goal of the analysis conducted for the July letter was to determine if the establishment of Marine Protected Areas (MPAs) in California had tangible improvements to fish landings. We set the time frames for pre and post MPA establishment to reflect this intent, utilizing the shark and tuna species filter as an example, as stated on page 7 under section B, "For example, the establishment of the MPAs at the NCIs has seen an increase in landings of shark and tuna species within the CINMS blocks...". The analysis was not specifically targeted at pelagic vs non-pelagic species, rather we investigated whether there is a benefit to MPAs that has impacted the amount of catch in the area.

B. EDC Process for Data Collection

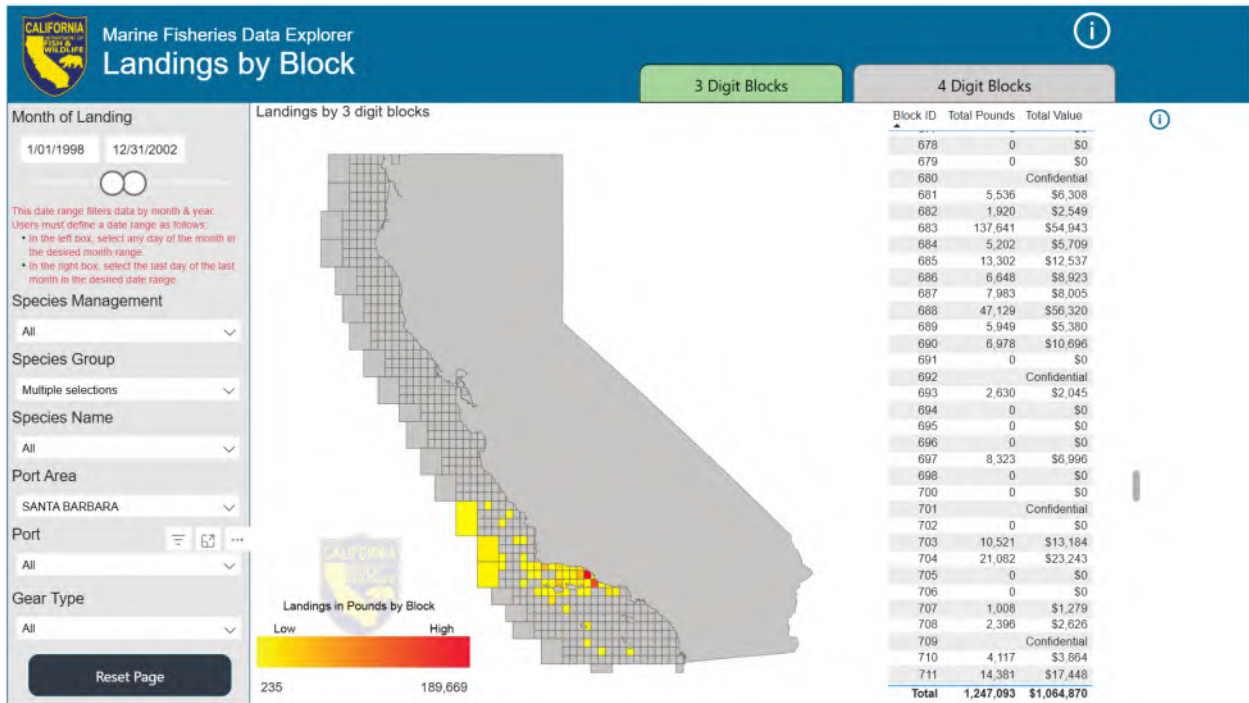
The following steps describe EDC's approach to data collection underlying the letter.

1. Access the Marine Fisheries Data Explorer:
<https://wildlife.ca.gov/Conservation/Marine/Data-Management-Research/MFDE>
2. Under "Visualize"(the first box on the left), select "Landings by Block" (second link)
3. Change the parameters to fit the target time frame, location, and species
 - a. Species management – N/A
 - b. Species Group – Shark and tuna
 - c. Species Name – N/A
 - d. Port Area – Santa Barbara
 - e. Port – N/A
 - f. Gear Type – N/A
4. Data explored will produce a table on the right hand side (refer to below screenshots captured on October 1, 2025)

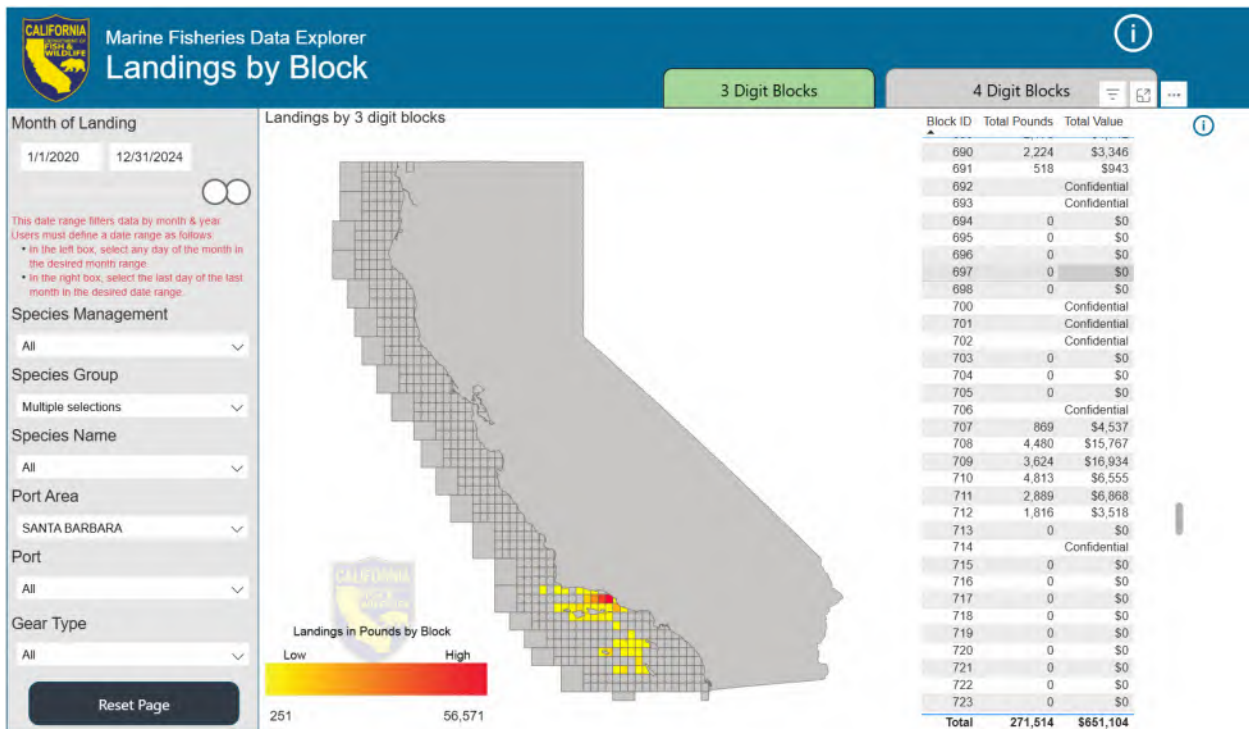
October 3, 2025

Re: Clarification to Letter 'Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA' and rebuttal from Petitioner re Petition 2023- 15MPA

Page 3 of 7



Screenshot of data from CA Department of Fish and Wildlife: Marine Fisheries Data Explorer. For the timeframe of Jan 1, 1998- Dec 31, 2002, species selected are sharks and tuna.



Screenshot of data from CA Department of Fish and Wildlife: Marine Fisheries Data Explorer. For the timeframe of Jan 1, 2020- Dec 31, 2024, species selected are sharks and tuna.

October 3, 2025

Re: Clarification to Letter 'Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA' and rebuttal from Petitioner re Petition 2023- 15MPA

Page 4 of 7

C. Comparison of Data Collected for the July Letter

The following tables were populated by data directly downloaded from the Marine Fisheries Data Explorer for the July letter and this letter (pulled on October 1, 2025). The petitioner states that the data is “allegedly confidential,” leading to results that are swayed to fit our specific narrative. The petitioner does not supply any data from the Marine Fisheries Data Explorer to showcase the discrepancy in data. Additionally, it is listed on the Marine Fisheries Data Explorer User Guide: Confidential Data¹ that:

Pursuant to California Fish and Game Code Section 8022, commercial landings data is considered confidential. Landings data in the MFDE, is therefore summarized and presented so as not to disclose data from an individual or business. Landings data marked as “Confidential” in the MFDE indicates there was insufficient data to summarize and maintain confidentiality.

On October 1, 2025, we again pulled the below data from the Marine Fisheries Data Explorer to determine if there were any changes to the data after submission of the July letter. As apparent in the tables below, there has been no change to the data from July to October, and therefore no change to the analysis EDC conducted.

¹ <https://wildlife.ca.gov/Conservation/Marine/Data-Management-Research/MFDE/User-Guide>

October 3, 2025

Re: Clarification to Letter ‘Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA’ and rebuttal from Petitioner re Petition 2023- 15MPA

Page 5 of 7

Please see the table comparing values for 1998-2002 below.²

	July letter submission data		October 1, 2025 data collection	
Block ID	Total Pounds	Total Value	Total Pounds	Total Value
707	1008	\$1,279.25	1,008	\$1,279
708	2395.9	\$2,626.38	2,396	\$2,626
709		Confidential		Confidential
710	4116.6	\$3,863.85	4,117	\$3,864
764		Confidential		Confidential
765		Confidential		Confidential
683	137641	\$54,943	137,641	\$54,943
684	5202	\$5,709	5,202	\$5,709
685	13302	\$12,537	13,302	\$12,537
686	6648	\$8,923	6,648	\$8,923
687	7983	\$8,005	7,983	\$8,005
688	47129	\$56,320	47,129	\$56,320
689	5949	\$5,380	5,949	\$5,380
690	6978	\$10,696	6,978	\$10,696
691	0	\$0	0	\$0
711	14381	\$17,448	14,381	\$17,448
712	2009	\$1,149	2,009	\$1,149
713	4705	\$3,895	4,705	\$3,895
744	0	\$0	0	\$0
745		Confidential		Confidential
<i>Total Petition 2023-15*</i>	7520.5	\$7,769.48		
<i>Total CINMS**</i>	259446.93	\$192,775.29		
Total All Blocks	32,150,483	\$22,954,516		
<i>Petition/All</i>	0.02%	0.03%		
<i>CINMS/All</i>	0.81%	0.84%		
<i>Petition/CINMS***</i>	2.90%	4.03%		

² Please note that the values under “Total pounds” on the July letter were labeled as a currency which is incorrect, however that does not change the results.

October 3, 2025

Re: Clarification to Letter ‘Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA’ and rebuttal from Petitioner re Petition 2023- 15MPA

Page 6 of 7

Please see the table comparing values for 2020-2024 below.³

2020- 2024 Table

<i>Block ID</i>	July letter submission data		October data collection	
	Total Pounds	Total Value	Total Pounds	Total Value
707	869	\$4,537	869	\$4,537
708	4480	\$15,767	4,480	\$15,767
709	3624	\$16,934	3,624	\$16,934
710	4813	\$6,555	4,813	\$6,555
764	543	\$2,632	543	\$2,632
765	2598	\$14,079	2,598	\$14,079
683	16619	\$23,693	16,619	\$23,693
684	1814	\$3,364	1,814	\$3,364
685	2809	\$6,680	2,809	\$6,680
686	1312	\$3,564	1,312	\$3,564
687	1476	\$3,454	1,476	\$3,454
688	7233	\$9,766	7,233	\$9,766
689	2175	\$4,742	2,175	\$4,742
690	2224	\$3,346	2,224	\$3,346
691	518	\$943	518	\$943
706		Confidential		Confidential
711	2889	\$6,868	2,889	\$6,868
712	1816	\$3,518	1,816	\$3,518
713	0	\$0	0	\$0
744	598	\$1,199	598	\$1,199
745		Confidential		Confidential
<i>Total Petition 2023-15*</i>	16927	\$60,505		
<i>Total CINMS**</i>	58409	\$131,642		
<i>Total All Blocks</i>	8849117	\$13,908,685		
<i>Petition/All</i>	0.19%	0.44%		
<i>CINMS/All</i>	0.66%	0.95%		
<i>Petition/CINMS***</i>	28.98%	45.96%		

³ Please note that the values under “Total pounds” on the July letter were labeled as a currency which is incorrect, however that does not change the results.

October 3, 2025

Re: Clarification to Letter 'Agenda Item 17 C re Comments on MPA Petitions 2023-14MPA and 2023- 15MPA' and rebuttal from Petitioner re Petition 2023- 15MPA

Page 7 of 7

II. Gear Type Request of the Petitioner

The petitioner also claims that we misconstrued the gear type allowance listed in petition 2023-15MPA. In the July letter the only reference to longlines and drift gillnets was as an example of bycatch offenders found on page 7, section 2.A.2. Nowhere else in section 2 (addressing petition 2023-15MPA) did we list a gear type; instead, the arguments made in the letter center around our opposition to the weakening of these MPAs, which for twenty years have been allowed to heal without extractive practices.

III. Conclusion

Accordingly, we respectfully request that the Commission consider the points previously articulated in EDC's letters, which are appropriately supported by relevant data. Please do not hesitate to let us know if you have any questions or would like additional information.

Sincerely,

Azsha Hudson
Marine Conservation Analyst & Program Manager
Environmental Defense Center

Ashley Eagle-Gibbs, Esq.
Executive Director
Environmental Action Committee of West Marin

Ray Hiemstra
Associate Director of Policy and Projects
Orange County Coastkeeper

Katie O'Donnell
US Ocean Conservation Manager
WILDCOAST

Tomas Valadez
California Policy Manager
Azul



Planning and Development

Lisa Plowman, Director
Jeff Wilson, Assistant Director
Elise Dale, Assistant Director

Dear Ms. Miller-Henson,

As Secretary of the Santa Barbara County Fish and Wildlife Commission, I am submitting the attached letter containing formal comments regarding the current Marine Protected Area (MPA) petitions under consideration. This letter reflects the collective position of the full Commission, which includes signatures from all nine appointed members, representing diverse stakeholder groups within Santa Barbara County.

Our Commission has thoroughly reviewed the details of Petitions 2023-14MPA, 2023-15MPA-AM, 2023-18MPA, 2023-28MPA-AM, 2023-29MPA-AM, and 2023-33MPA-AM. As outlined in the attached document, our positions and recommendations were developed through numerous public meetings and extensive local input, based on decades of combined experience in fish and wildlife matters across the county.

We appreciate the opportunity to contribute to the discussion surrounding MPA management and thank the California Fish and Game Commission for its continued commitment to public engagement and science-informed decision-making. Should you or your staff require any further clarification or supporting materials, please do not hesitate to contact me directly.

Sincerely,



Secretary, Santa Barbara County Fish and Wildlife Commission

Phone: 805-934-6297

Email: castrot@countyofsb.org





Planning and Development

Lisa Plowman, Director
Jeff Wilson, Assistant Director
Elise Dale, Assistant Director

October 20, 2025

To: Ms. Melissa Miller-Henson

Executive Director

California Fish and Game Commission

715 "P" St. 16th Floor Sacramento, CA 95814

From: Santa Barbara County Fish and Wildlife Commission

c/o Santa Barbara County Planning and Development

624 W. Foster Road. Santa Maria, CA 93455

Dear Ms. Miller-Henson,

The Santa Barbara Fish and Wildlife Commission is a county commission consisting of nine members appointed by the Santa Barbara County Board of Supervisors. The commission, among other things, aids the county board on active fish and wildlife related matters with our combined hundreds of years of local fish and wildlife experience between our fellow commissioners.

This comment letter serves to provide our input regarding the current MPA petitions requesting changes be made to the MPA network specifically around the Santa Barbara Channel and Channel Islands. We feel our county fish and wildlife commission's input on the MPA petition process may prove especially valuable due to our local experiences and local understanding of the ecosystem, as well as our variety of backgrounds, consisting of non-consumptive users, fishermen, and biological scientists. This letter serves as a culmination of many public meetings learning about the MPA petitions that have been proposed as well as fellow commissioners observations being involved in local discussions about the petitions outside of official meetings to gauge public input and sentiment. This county commission appreciates the opportunity to provide the following feedback on these local MPA petitions.

Petition2023-14MPA

Petition2023-14MPA requests changes to several State Marine Conservation Areas (SMCAs), one of which, the Naples SMCA, is within the County. Generally, SMCAs already allow for some form of limited take, this petition requests adding commercial take of sea urchins to the allowable methods list inside of the SMCAs in the petition.

123 E. Anapamu Street, Santa Barbara, CA 93101 • (805) 568-2000 • Fax (805) 568-2030
624 W. Foster Road, Santa Maria, CA 93455 • (805) 934-6250 • Fax (805) 934-6258

www.countyofsb.org; Follow us @CountyofSB



Sea urchins are primarily taken commercially and are a core part of the County's commercial fishing sector. Urchins, and their tendency to graze on the root systems of local kelp forests, have recently posed problems with kelp rebuilding efforts after El Niños in the 2010's reduced kelp forest size noticeably. Local fishermen cite urchin barrens inside of MPAs that cannot be touched and continue to spread to the surrounding area with no possible measures existing to remove the main mass from the MPA.

Recommendation: While cases may vary across different MPAs and counties, for the above reasons, this commission finds it reasonable to allow the proposed change and supports the petition for allowed sea urchin take at the Naples SMCA to help facilitate kelp forest regrowth. We kindly recommend this change be allowed at Naples.

Petition2023-15MPA-AM

Petition2023-15MPA requests changes to three joint State and Federal Marine Reserves (SMRs/FMRs), all of which, the Footprint SMR/FMR, Gull Island SMR/FMR, and Santa Barbara Island SMR/FMR, border the county. These MPAs, and others around the Channel Islands, are unique to the State network in that they were established through a joint process between State and Federal agencies before the coastal MLPA under the CINMS. The resulting network was a series of state and federal MPAs at the Channel Islands that covers federal water up to 6 nautical miles from the islands. All SMRs and FMRs the petition addresses are currently no-take areas.

The petition requests changing these areas to joint State and Federal Marine Conservation Areas, SMCAs and FMCAs, and proposes several options that allow for various forms of the limited take of pelagic finfish or highly migratory species recreationally and commercially. In addition, the petition provides possible sub-divisions of the Gull Island and Santa Barbara Island State MPAs into nearshore and offshore areas, similar to other State MPAs elsewhere. The primary arguments of the petition are the minimal impact pelagic fishing effort has on the local MPA ecosystem and goals, and the support of pelagic areas in the State's MPA Master Plans and other documents seen in the broader coastal network but apparent lack thereof in the pre-Master Plan Channel Islands network.

Several members of this commission were part of the original process at the Channel Islands over 20 years ago and the southern MLPA in 2012. We all understand that the primary factor for the MPA implementation at these island sites offshore was to originally protect species like groundfish and structure groundfish live on to rebuild overfished populations at the time. While MPA goals have changed since the 2000s, this fact is still key to understanding why these areas are the way they are today.

Pelagic fish, and the methods used to target them, are predominantly fished near the surface of the water column, offshore, and off the bottom. This type of effort avoids the nearshore or offshore rocky-bottom ecosystems local nearshore species or groundfish are predominantly found in. In addition, the pelagic species that would be taken in these areas are significantly less affected by these MPAs and the broader network due to them being very mobile, their relative abundance is not concentrated in an MPA compared to out of one. The MPA Master Plans from 2008 and 2016 discuss this, citing the lower effects that MPAs have on pelagic species and the need to have areas that allow for some form of limited pelagic take, aligning the petitioner's arguments with the Master Plans. In addition, the petition does point out an imbalance in pelagic allowed areas between the MLPA's coastal implementation phases that came after the first MPA Master Plan in 2008 and the Channel Islands Network implementation that came well before the first MPA Master Plan in the early 2000's.

Outside the Channel Islands, in the coastal network that came afterwards, most MPAs that overlap deeper waters pelagic species pass through allow for some form of take of pelagic finfish. Observing the Channel Islands, we can see a significantly higher overlap with offshore waters, namely due to the federal sections

of these MPAs. However, even with this significantly larger offshore encroachment, almost no pelagic allowed areas exist. Whether this difference was due to the Channel Islands process pre-dating the coastal process and the 2008 MPA Master Plan's outlook on pelagic species is up to debate, but the fact of the matter is the difference is noticeably present, and for no abundantly clear reason.

Recommendation: The subject of island MPAs allowing pelagic take, specifically these three, has been raised by the public several times prior at our meetings, and local MPA collaboratives our commissioners have attended. For these reasons, and those above, this commission supports this petition, and believes it should be accepted by the State Commission through one of the proposed "options" the petition lists that best fits the existing network.

Petition2023-18MPA

Petition2023-18MPA requests multiple changes to a variety of coastal and island MPAs within the county. Some of the changes are listed as "non-regulatory requests" by the Department while others make modifications to, or remove existing MPAs. All but one of the MPAs in the petition are within the County, they are the: Vandenberg SMR, Point Conception SMR, Kashtayit SMCA, Campus Point SMCA, and San Miguel Island Special Closure.

Of the changes, the proposal at Vandenberg SMR and San Miguel Island Special Closure are the two MPAs that would have the largest regulatory changes. At Vandenberg the petition requests a coastal SMCA be made that allows for only shore-based fishing by hook-and-line, citing an equity and enforcement concern between military base personnel and members of the public. Because military personnel are allowed to fish the shore of the SMR while members of the public outside the base cannot due to the SMR, both the equity and enforcement concerns are certainly present and should be addressed. The proposed solution of a shore based SMCA does seem to be a reasonable way to correct this problem.

At San Miguel and Anacapa (outside of the county) the petition requests the Special Closure(s) be removed in its entirety citing its original goal being to reduce disturbance to pinniped rookeries and seabird populations has been far exceeded and better methods have been developed on-site.

The remaining MPA requests are non-regulatory and include supported use for M2 radar monitoring at Point Conception SMR for better enforcement, a refined regulatory language for allowances at the Kashtayit SMCA, and using the color red instead of purple for distinguishing the Campus Point No-Take SMCA.

Recommendation: This commission finds all of the above modifications and requests more than reasonable, gives its support for them all. We recommend the FGC accept the petition in full.

Petition2023-28MPA-AM

Petition2023-28MPA requests to create a new MPA around Point Sal, designating it the Point Sal SMCA or a Tribally named SMCA, and listing it as a limited-take area with only an exception of a shore based finfish take allowance and tribal take allowance. The petitions driving reasons for the new MPA are that the area is ecologically significant in terms of local upwelling and relative to the landings that occur there the area is a small fraction of the State's commercial output, under 1%. The petition also cites tribal inclusivity and significance in the area as justification for its closure.

While the petition is accurate in the broader economic analysis, locally Point Sal is a very important area for both recreational and commercial operations out of Port San Luis (Avila), the local port to Point Sal.

Point Sal, and its surrounding waters, are essential for year-round and seasonal fisheries such as salmon, dungeness crab, groundfish, and halibut. This new MPA in addition to the existing network will significantly affect the local port's economic health due to Point Sal's being a significant fishing area for local commercial and recreational anglers. Namely, crab and groundfish boats out of Avila would be significantly affected by this change as per their testimony, over half their time is spent in the proposed area.

Recommendation: While the shore-based allowance is a welcome allowance, we believe this is still too costly on the local economy of Avila and its recreational and commercial fisheries to warrant its allowance. For this reason this commission has decided to be against this petition, and recommends the FGC deny it.

Petition2023-29MPA-AM

Petition2023-29MPA requests to create a new MPA around Carpinteria, designating it the Mishopshno SMCA. The petition asks to make take regulations for the area the same as the Point Sal petition, with an allowance of shore fishing of finfish and a tribal exception for those in the federally recognized Santa Ynez Band of Chumash Indians which would be able to still use tribal take methods inside of the SMCA. The proposed area's size was reduced when the petition was amended to include the shore allowance.

The petition's primary reasons for this MPA include this tribal allowance and co-management model along with the added reasons of MPA connectivity, spacing, and protecting juvenile great white shark nursery grounds. While this commission does agree that Tribal inclusion is a warranted piece of MPA and coastal management, we do not believe that a new MPA altogether is needed to accomplish this. MPAs across the coast can be modified themselves to allow for such co-management but the existing area offshore Carpinteria is currently open to the entire public, Tribes included.

Carpinteria's coast has been the subject of several MPA proposals over the years. During the MLPA the same area was looked into but was ultimately not selected, trading off two other SMCAs instead of establishing one at Carpinteria in a separate MLPA planning alternative. In 2020 this commission also followed a similar MPA petition in a smaller area to the current proposal that similarly advocated to protect juvenile great white sharks. That petition was ultimately rejected by CDFW due to the larger footprint white sharks, a pelagic species, covered relative to the coast of Carpinteria/California in general, and we believe the same reasons from 2020 are still relevant in 2024 against the petitioner's arguments.

Additionally, it should be said that Carpinteria Reef, the reef that would be almost entirely inside the MPA, is one of the last open reef areas to the fishing community. Removing this reef will see the end of local fishing access to coastal reefs, forcing anglers to travel further, coastally or to the islands, and burning more fuel to have similar opportunities. Commercial members of this commission are concerned for the areas of the proposed MPA that overlap the state halibut trawl grounds. These grounds are minimal already and have been reduced continuously over the years. This proposed MPA would cut a significant portion of the current open trawl area harming this unique fishery that the commission has repeatedly stated is well managed. Lastly, there is an overwhelming amount of public outcry on this petition specifically citing lost access to one of the last open reefs on the coast by boat and especially kayak.

Recommendation: For all of these reasons this commission has decided to be against this petition, and requests the FGC deny it.

Petition2023-33MPA-AM

Petition2023-33MPA requests for multiple MPA expansions and one MPA creation throughout the California coast, of which, three MPA expansions are within Santa Barbara at the Point Conception SMR, the Gull Island SMR, and the South Point SMR. Of the three expansions the South Point SMR expansion would be the largest, including all of the southwest side of Santa Rosa Island in the MPA and adding over 27.5 square miles to the SMR. This is followed by Point Conception SMR's expansion eastward adding over 14 more square miles to the SMR, and lastly by Gull Island SMR's smaller northward expansion adding over 1.5 square miles to the closure.

The driving force behind Petition2023-33MPA is kelp restoration. The petition claims growing these MPAs would allow for the now protected areas to rebuild their kelp forests under no fishing pressure which would also mean less traffic in general. Kelp restoration is a very important subject in Santa Barbara County as several sectors, consumptive and non-consumptive, depend on healthy levels of kelp for commercial and recreational use. That being said, this commission believes removing fishing access in these areas will do little to nothing to promote kelp regrowth and more-likely prevent kelp rebuilding projects (seeding, artificial reefs, and sea urchin removal programs) from directly assisting in the rebuilding of our kelp forests. Besides fishing, factors such as water quality, water temperature, storms, and swell need to be considered as larger drivers of kelp loss, not larger closed areas. There are several active projects locally and statewide dedicated to kelp rebuilding, none of which remove fishing access from areas in order to rebuild the kelp because there is no reason to. We believe the same applies in the areas this petition looks at. There are no reasons these specific areas need a fishing closure to help kelp forests regrow; therefore, there is no justification for their expansion, especially into waters predominantly too deep for kelp to root and grow. Similar to petition 29, there has been specific public outcry against this petition for all of the above reasons at MPA collaboratives, and public meetings.

Recommendation: For these reasons this commission has decided to be against this petition and recommends the FGC deny it.

Signed, the Santa Barbara County Fish and Wildlife Commission,

Phil Beguhl (Chair) - 2nd District

Scott Cooper (Vice Chair) - 3rd District

Frank Abatemarco - 1st District

Chad Thomas - 4th District

David Morgan - 5th District

Jeff Landers - Santa Maria Sportsman's Association Representative

Whitney Uyeda - Santa Barbara Sport Fishing Representative

Jeff Maassen - Commercial Fisherman Representative

Steve Adam - Santa Ynez Valley Pistol and Bow Club Representative

CERTIFIED MAIL

County of Santa Barbara
PLANNING AND DEVELOPMENT
North County
624 W. Foster Road, Suite C
Santa Maria, CA 93455-3623



9589 0710 5270 1047 2746 35



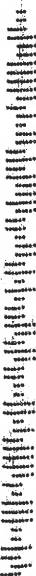
quodient
FIRST-CLASS MAIL
IMI
\$010.73⁰
10/20/2025 ZIP 93110
043M32207 436

US POSTAGE

Ms. Melissa Miller-Henson Executive
Director
California Fish and Game Commission

715 "p" St. 16th Floor
Sacramento, CA 95814

9589 0710 5270 1047 2746 35



From: Matthew Bond <[REDACTED]>

Sent: Monday, January 19, 2026 8:11 AM

To: FGC <FGC@fgc.ca.gov>

Cc: Tonie Bangos <[REDACTED]>; Devin O'Dea

<[REDACTED]>; Christopher Killen <[REDACTED]>

Subject: Comment Regarding MPA Petitions for the February 11-12, 2026 Commission Meeting

Dear members and staff of the California Fish and Game Commission,

Please find attached our letter representing the voice of a broad coalition of individuals, organizations, businesses, and scientists with opinions and related rationale on each of the Bin 2 MPA petitions.

Thank you for your time and service,

Matt Bond

Allwaters Protection and Access Coalition

January 2026
Coalition Letter on Bin 2 MPA Petitions



Santa Barbara Freedivers



GET HOOKED



January 2026

Coalition Letter on Bin 2 MPA Petitions

To the California Fish and Game Commission (FGC) and Department of Fish and Wildlife (CDFW),

This letter serves as a joint comment, representing a mass consensus reached by the undersigned groups and individuals representing tens of thousands of stakeholders from recreational, commercial, and scientific backgrounds on all of the Bin 2 MPA petitions. While some of us may submit our own individual comments in addition, or have already, we would like the FGC and CDFW to understand that this diverse community of statewide stakeholders are all united regarding the following comments on these petitions. We all would like to share our common beliefs outlined in the below letter to you as this united group. With the adaptive management process of our MPA network underway, we ask to please take the below input deeply into account when determining the outcomes of the following bin 2 MPA petitions.

Petition2023-14MPA – Accept

Petition 14 proposes the allowance of commercial urchin take inside of a group of SMCAs that already have allowable limited-take restrictions, with the exception of one no-take SMCA. This petition has not been amended since submission. We believe this petition's rationale to have enough merit to warrant its acceptance in part or in full.

At a time where there are mass interests in helping kelp forests regrow, allowing sea urchin take in areas already partially open to other fisheries is a minimally invasive step we can take, especially in SMCAs that already allow some forms of take. By being allowed to harvest and remove sea urchins that are currently protected in these areas, we allow the kelp the chance to grow back. While we cannot locally control global factors affecting kelp growth such as water temperature or swell meaningfully, we can still promote regrowth of kelp by being allowed to at least remove one of kelp's largest predators, the sea urchin.

Per SeaSketch, we may accept this petition whilst also maintaining the same relative level of protection (LOP) in six of the eight total SMCAs in the proposal: Double Cone, Salt Point, Stewarts Point, Sea Lion Cove, Naples, and Anacapa. This means any MPA connectivity benefits will be maintained as is in the current network. For the Point Dume and Point Vicente SMCAs, while the MPA LOP does drop, we believe the allowance of sea urchin take in these SMCAs will greatly benefit the entire area through restored kelp growth, and additional workable area for local urchin divers. However, we understand if a loss in connectivity for these two areas is something the commission is against, that just these two MPA be excluded. At a minimum, this petition should be granted for the SMCAs where the network as a whole does not lose any existing connectivity benefits.

January 2026

Coalition Letter on Bin 2 MPA Petitions

Petition2023-15MPA-AM2 – Accept

Petition 15 proposes allowing limited take of pelagic or highly migratory species at three joint State-Federal MPAs at the Channel Islands. The petition was amended twice, and proposes several possible options for limited-take of pelagic finfish or highly migratory species (HMS). The petition brings forward three gear types: hook-and-line, spear, and harpoon swordfish; additionally, it includes possible nearshore-offshore MPA options to mitigate bycatch in the more biodiverse nearshore areas and maintain high MPA LOPs for network connectivity. While it is up to the commission and department to determine what the best combination of choices may be, we all believe this petition should be accepted under a preferred option that retains a high LOP for these MPAs, maintaining existing ecosystem level protection/connectivity, that consists of an offshore SMCA and nearshore SMCA or SMR.

The petition is founded on a longstanding scientific basis and MLPA goals that the MPAs in our network are primarily intended to benefit our nearshore waters and non-pelagic species the most. This has been established since the MLPA MPA Master Plan (MMP) in 2008 where MPA benefits to pelagic species were explained to be weak at best, rather focusing the network toward non-pelagic species that benefit the most from MPAs per the MMP documents. This led to the coastal network outside of the Islands process allowing some form of pelagic access in over 40% of our existing MPAs, and no-take in the remaining 60%. Of the currently 60% of MPAs that are no-take, most areas are nearshore, cover predominantly shallow water, and would not provide much pelagic benefits if they were even partially open. The approximately remaining 40% of the network that is limited take, most of which is pelagic take, are set in areas where pelagic effort is reasonable enough to avoid any nearshore or bottom interactions, or does not allow hook-and-line, just spear.

This sets a clear precedent, based on the science, that we can allow reasonable pelagic fishing access in the areas where it makes sense to allow it, and fully protect areas where pelagic fishing is less realistic or interferes too much with nearshore areas. This precedent was again reiterated in the 2016 MMP in a regional objective that explicitly states to allow for forms of pelagic take across the network in all bioregions, something the coastal MPA phases included but the Channel Islands network specifically lacks. The commission then upheld this mass precedent in 2020 when it denied a petition to create an MPA for white sharks, citing specifically that MPAs in our network are not meant for highly migratory or pelagic species, they are for ecosystem level protections, which can still exist in pelagic allowed MPAs. We simply ask that this precedent continue to be upheld for the MPAs that can reasonably allow for pelagic or HMS take and network maintain connectivity. This has no better use case to be applied than at the Channel Islands. That region of the network was designated prior to all of the primary MPA guiding documents, covers mostly offshore waters, and provides the least pelagic access of all the MPA designation regions, a clear case of adaptive management.

January 2026

Coalition Letter on Bin 2 MPA Petitions

Because the Channel Islands MPA network is the oldest region in the modern network, designated now over 20 years ago in 2002, it pre-dates the coastal MLPA implementation phases, the MLPA LOP frameworks, both MPA Master Plans, and all other frameworks and processes that established this pelagic allowance elsewhere during the 4 coastal phases. In the early 2000s during the Channel Islands process, the primary concerns driving the island MPAs involved groundfish species and recovering their overfished populations. This fact was a main driver in justifying the federal sections of the island MPAs, as the federal expansions cover deep water rocky bottom or reefs where groundfish frequent. Today, federal outlooks of no-take MPAs are almost non-existent. With the exception of the Channel Islands, federal protected areas off the west coast only protect non-pelagic bottom dwelling species (groundfish), and allow pelagic fishing access, aligning exactly to what the petition proposes.

We believe this to be an adaptive management case of modernizing MPAs that predate all guidance documents, and updating them to better align to these well established frameworks in the same way the rest of the network already has. In the case of pelagic access, this shift is clearly seen as the more-modern coastal MPAs allow significantly more pelagics access (40%), compared to the Channel Islands MPAs (3%). In the case of The Footprint MPA specifically, it is the only MPA in the State that is disconnected from land, is entirely deeper than 50m, and has no limited take allowance for pelagics. The Channel Islands MPAs as a whole are justifiably the most equipped to handle pelagic allowance in them, especially offshore, due to the depths covered allowing a massive buffer between pelagic fisheries in the mid to upper water column and non-pelagic fisheries on the bottom. Any take beyond State waters in the federal portions of these MPAs would affect the nearshore region even less than already existing State pelagic allowances present in the current coastal network. Most of the federal portions of these MPAs are well over 1000 feet in depth, and in some cases over 4000 ft in depth.

Per SeaSketch, LOP tiers from the original MLPA state pelagic take maintains MPA connectivity due to the take allowance's high LOP in offshore waters. At the islands specifically this is seen as only allowing hook-and-line take in waters deeper than 50 meters (164ft), with harpoon or spear gears allowed anywhere due to their high selectivity and lack of any bycatch. A high LOP can be maintained and connectivity still upheld if the petition is accepted with the proposed "nearshore" SMCAs or SMRs at Gull Island and Santa Barbara Island that restrict nearshore hook-and-line, along with any SMCA option in The Footprint and the proposed "offshore" sections of Gull Island and Santa Barbara Island. With all of this precedent and SeaSketch LOP information in mind we believe there is more than sufficient rationale, federal and state evidence, and MLPA/MMP support to allow for this adaptive management change.

January 2026

Coalition Letter on Bin 2 MPA Petitions

Petition2023-16MPA – Modify then Accept

Petition 16 requests the allowance of the commercial take of salmon by troll in two SMRs in the northern bioregion, Bodega Head and Stewarts Point, making them SMCAs. The petition argues similarly to petition 15, on the lack of interference allowed pelagic access would cause. While we do stand by this petition's core arguments, we also believe that this allowance should be accompanied with a similar recreational allowance of salmon by troll in these MPAs too.

Recreationally or commercially the salmon troll fisheries mirror each other with similar gear use, lack of gear conflicts with unintended species, and lack of interactions with the bottom environment due to the nature of the troll gear always moving and being in the upper section of the water column. There are no reasons to not allow recreational troll access in these areas as well because of this. This is further supported by the bordering and nearby pelagic allowed SMCAs in the area giving both recreational and commercial allowance for salmon trolling. A joint allowance would also help to solve any possible confusion on the water of only a specific group being able to troll in the area while others may not, reducing any possible enforcement problems.

Per SeaSketch, the LOPs of these areas as SMCAs allowing any kind of salmon trolling retains existing MPA protections for their respective connectivity benefits. While these MPAs in the northern bioregion are more-modern of MPAs, coming after initial MMPs, MPA frameworks, and processes, unlike those in Petition 15, we see this change allowance as reasonable for consideration. With the recreational troll allowance added to this petition, we see its arguments as more equitable and in-line with existing MPAs in the surrounding northern bioregion of the network.

Petition2023-18MPA – Accept

Petition 18 makes several requests across the Santa Barbara Channel to 6 MPAs in total, and some requests were non-regulatory requests. We support all of the prescribed changes in the petition to better regulatory language, provide better MPA regulation clarity through color corrections, and to make fine tune changes to better the overall MPA network. Of all the requests in petition 18, the most controversial is the creation of a shore region SMCA in the Vandenburg SMR. This would be called the Vandenburg SMCA and would allow shoretake of finfish. This case of a shore allowance is a unique case for our MPA network, as the bordering military base with the SMR allows shore fishing already anyway. This shoretake allowance would clear up any enforcement confusion by the public for the SMR and give some access back to the public in general. We believe this petition's regulatory and non-regulatory requests should be accepted in full.

January 2026

Coalition Letter on Bin 2 MPA Petitions

Petition2023-19MPA – Reject or Modify

Petition 19 requests the creation of a tribal co-managed SMCA at Morro Bay that only allows for the recreational take of finfish and invertebrates except rock scallops and mussels by hand harvest, also including a tribal take exemption within the SMCA. We believe the petition should be either rejected or amended to allow for more general recreational and commercial take as well.

We believe tribal co-management to be a great step forward in managing California's waters and should be present in all MPAs; however, creating a new MPA that restricts exclusively commercial groups and most recreational fishing access from such an essential area should not be warranted. The commercial blocks overlapping the proposed SMCA account for 6.2% of Morro Bay's landing revenue alone. More specifically, these blocks represent 25% of the area's squid landings, 8.8% of the groundfish landings, and 15% of the area's salmon landings, per the MFDE. While not an exact correlation, recreational access in the area is likely comparable (with the exception of squid) and will likely be equally affected in the MPA regions, as this petition affects all fisheries not involving direct hand harvesting.

Additionally, there is concern that the proposed offshore wind energy program has its proposed electrical lines connecting the Morro Bay power bank stations to the offshore array crossing through the SMCA. If passed, this would need to be addressed and an additional allowance added.

Petition2023-20MPA – Reject Nearshore and Clarify/Accept Offshore

Petition 20 requests changes to the MPA cluster, the nearshore and offshore MPAs, at Point Buchon. The petition requests the offshore SMCA allow the hand harvest of finfish and invertebrates except rock scallops and mussels, allow the maintenance of artificial structures under the correct permits, and provide a tribal take exemption for federally recognized tribes. However, it is unclear if these requested allowances to the offshore SMCA at point Buchon are replacing or adding to existing recreational and commercial allowance for the take of albacore and salmon. Pursuant to the allowances being additive and not replacing the existing take allowances in the offshore MPA we support the request for the offshore region of the MPA cluster to have the added take allowances. This example in the offshore region is a clear example of how tribal components can be added to the existing network, not requiring creation of more MPAs to involve tribes.

Regarding the petitioner's request to the nearshore SMR being expanded, we believe this request should be rejected. The expansion of only the SMR section of the Point Buchon nearshore/offshore cluster would unnecessarily remove all access from the added area. The justification for this addition comes from MPA Collaborative meetings citing enforcement concerns, stating that moving the northern boundary to the physical

January 2026

Coalition Letter on Bin 2 MPA Petitions

point will provide a better reference for enforcement. The core reason the existing MPA does not go to the physical point on land is because the nearest whole decimal degree value was used as the northern boundary instead, following MLPA guidelines. This usage of a round Lat/Long number for an MPA that does not experience much shore fishing opportunity is supported by the MLPA MPA design criteria to explicitly help, not hurt, enforcement. The current northern boundary gives those fishing beyond shore an easy to understand GPS reference point to know where the boundary is. Additionally, expanding only the nearshore SMR may cause further enforcement problems with the offshore SMCA remaining its original size. The expansion of the nearshore only leads to a case of an unevenly sized MPA in the nearshore and offshore regions.

Petition2023-21MPA – Accept

Petition 21 requests the Pyramid Point SMCA in the northern bioregion be modified to remove its existing recreational allowances for take of surf smelt and give additional tribal exemption to the Tolowa Dee-ni' Nation on top of its existing tribal exemption. The petition also requests the border of the MPA be moved south to the true CA-OR state boundary line, slightly shrinking the MPA.

While this petition does remove some recreational access to take surf smelt, that access was already relatively limited and small scale. The change to the border to shrink the SMCA to align to the actual state border clears up any possible confusion or issues the overlap currently causes. Overall we are supportive of this change, and addition of another Tribal component to the existing Pyramid Point SMCA.

Petition2023-23MPA-AM1 – Reject or Modify

Petition 23 requests multiple changes to 3 existing SMCAs, the Carmel Bay SMCA, Pacific Grove SMCA, and the Edward F. Ricketts SMCA, requesting all three SMCAs become closed to take of finfish during “active kelp restoration permits” and to create a new SMR at Tankers Reef, the area of this SMR was reduced during amendments.

We believe the petition has reasonable goals, restoring kelp, but goes about this in the incorrect way. Regarding the specific MPA changes requested, we believe this petition should be rejected or modified. Acceptance would come at the additional loss of recreational fishing access to these SMCAs. Fishing has no significant impact on kelp restoration compared to environmental factors (e.g., water quality, water temperature, swell) and would be closed when a “kelp restoration permit is active.” This also raises further enforcement concerns as regulations would effectively be in constant flux depending if a permit is active or not, there would need to be new paths created to inform all on the water when said permit is active or not. Additionally, existing restoration efforts at Tankers Reef would immediately stop if an SMR is designated there for the lack of allowable take inside of an SMR, even the reduced in size SMR.

January 2026

Coalition Letter on Bin 2 MPA Petitions

If the petitioner wishes to accomplish the outstanding goals of this petition, then a similar approach to that in Petition2023-14MPA should be considered. Such an approach could consist of keeping the 3 SMCAs as SMCAs with the same allowable take regulations, but only adding a new allowance for the recreational and commercial take of sea urchins, removing the finfish closures during “active permits.” Regarding Tankers Reef, we believe no MPA, SMR or SMCA, should be designated there as existing restoration efforts would be able to continue there without requiring any closures or special allowances be made inside of a new MPA. Leaving Tankers Reef as is will also allow any future restoration methods to be deployed at the location without having to modify the SMCA allowances again as we continue to learn how to restore our kelp forests.

Petition2023-24MPA – Reject

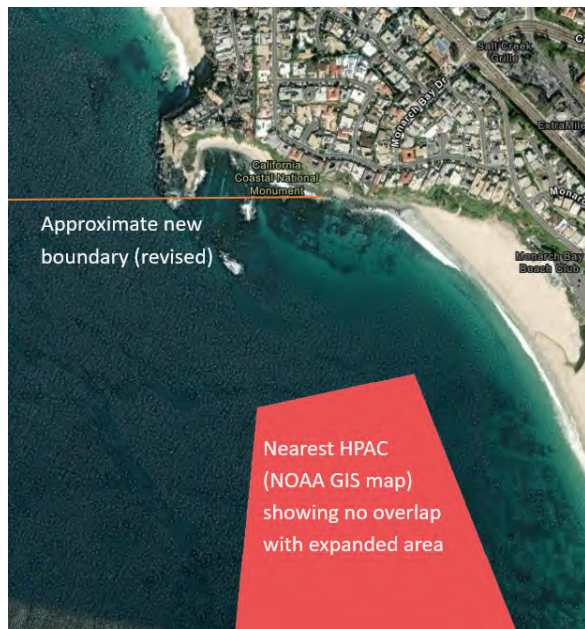
Petition 24 requests expanding the existing Laguna Beach SMCA into the Dana Point SMCA. We believe Petition 24 should be rejected for several reasons. Petition 24’s core argument claims enforcement concerns of the MPAs by lifeguards, when in fact, the primary enforcement of the MPAs is warden officers. Wardens are the only individuals that may issue citations for MPA compliance and are most notably, not bound by city limits. The idea of moving this border to allow for better enforcement will only create more of an enforcement problem due to where the proposed border lies versus the existing one. The existing border of the Laguna SMCA and Dana Point SMCA is a rocky point, a physical barrier between two areas. This allows the border to be clear as it is marked by an obvious, physical landmark, this is a guiding objective of the MLPA in MPAs that justifiably have a large shore fishing presence. The proposed new border would sit along the mean high tide line in the middle of a rocky beach. Simply put, removal of a physical barrier landmark to an invisible line on a public beach would only create more of an enforcement compliance problem, not reduce it along shore. (See Below images)



January 2026

Coalition Letter on Bin 2 MPA Petitions

The petition then cites the Sustainable Fisheries Act of 1996 and its 2002 update where essential fish habitats (EFH) and habitat areas of particular concern (HAPCs) were designated along the west coast of California, Oregon, and Washington.



Essential fish habitats (EFHs) are defined by NOAA as areas where specific fish species, including groundfish, pink salmon, king salmon, coho salmon, coastal pelagic species, and highly migratory species, can feed, spawn, or grow to maturity. These habitats are extensive, the three EFHs overlapping the proposed expansion area—groundfish, CPS, and HMS—cover the entire coast of California, Washington, and Oregon. Because of their broad geographical scope, EFHs alone do not indicate a need for MPAs off the coast, or this proposed expansion.

Habitat areas of particular concern (HPACs), as the name implies, are sections of the EFH that are more important in providing the ecological functions that the general EFHs offer. These are more selective in their designation and display highlighted areas of concern within the EFHs. While these areas are more important in participating in these biological processes, the petitioner's proposed MPA expansion does not overlap with any existing HPACs (see above image). The arguments of the petition involving any EFHs or HPACs to protect this additional area are irrelevant for these reasons.

The petition additionally presents a rationale similar to that of Petition 2023-33 regarding the protection of kelp beds. It claims that conserving these areas is essential for the health of kelp forests. However, like the counterarguments we will see in Petition 2023-33, it is important to note again that fishing effort and so-called “anchor drag” does not significantly reduce kelp biomass; rather, factors such as water temperature, water quality, and swell conditions primarily drive changes in the kelp population. Additionally, any concerns raised in the petition about “anchor drag” damaging kelp beds would equally apply to non-consumptive vessels, not just fishing boats.

The petition references the Marine Mammal Protection Act (MMPA) concerning potential marine mammal entanglements from lobster traps in the area. While recreational and commercial lobster fishing occurs in the region, there have been little to no reported entanglement incidents involving whales or dolphins locally, showing in reality there is little need for concern. While it's important to acknowledge the possibility of such events, the absence of previous occurrences suggests that the likelihood of entanglements is extremely low. Furthermore, if the area were to be protected, lobster traps would simply be relocated, meaning the risk of entanglement would persist

January 2026

Coalition Letter on Bin 2 MPA Petitions

regardless of where the traps are ultimately placed. Lastly, the adoption of ropeless fishing technologies, such as those developed by Sea Sonics, indicates a future where entanglement issues could be further mitigated.

Concerning the MLPA itself, it should be noted that the proposed expanded area would give the MPA an “L-shape.” This shape is specifically called out in the MLPA as a poor MPA design for enforcement and is just another reason we have concerns for this petition.

Petition2023-27MPA-AM1 – Reject

The original petition 27 and its amendments only look at lobster taken from the Anacapa SMCA. We believe this request should be rejected. Petition 27, similar to petitions calling for protections to increase kelp beds, calls for additional protections at the Anacapa Island SMCA, the difference being that 2023-27’s focus is on eelgrass, not kelp. While a trap sitting on the bottom does have a larger footprint than a pelagic hook and line configuration which is also allowed in the SMCA, traps fished in the area are not significantly impacting eelgrass beds due to there already being a 20 foot depth closure for traps around Anacapa in its Special Closure. This area contains already a large amount of the existing eelgrass beds as the SMCA and special closure overlap making the key rationale of this petition redundant as protections are effectively already in effect.

Petition2023-28MPA-AM1 – Reject

Petition 28 requests the establishment of a new MPA around Point Sal. This MPA would significantly impact local fisheries, recreational and commercial, despite the petitioner's claim that the effects would be minimal. For this primary reason we believe the petition should be rejected, even as amended to allow for shore based take of finfish.

The petition includes an economic analysis of the proposed area but overlooks the devastating local impacts this MPA would have economically. While the petition accurately states that the overlapping commercial fishing blocks contribute to 1.1% of the central coast's total landings by value, it fails to consider the actual local implications of that 1.1% and what it represents. Using the same time range (2012 to 2022) on the MFDE, the local port nearest to the proposed MPA, Port San Luis/Avila, derived 28.12% of its total commercial revenue from the overlapping blocks 631 and 632. More specifically, 25.92% of the port's groundfish revenue and 57.79%, over half, of its crab revenue came from these areas. If recreational effort even somewhat mirrors commercial effort in the area, not only is Point Sal relevant commercially, but recreationally too offshore. Establishing an MPA at Point Sal will significantly harm the community of Avila and other nearby ports, threaten local businesses, harm or remove

January 2026

Coalition Letter on Bin 2 MPA Petitions

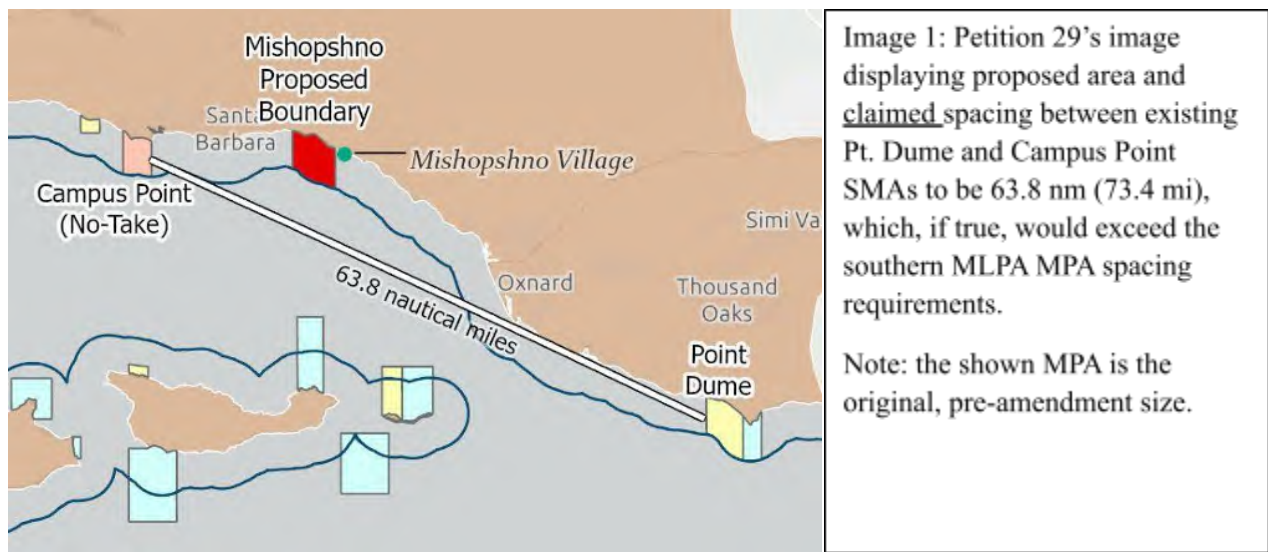
people's sources of income, and remove recreational and subsistence access to the area by boat.

Providing shore based take of finfish would allow for beach anglers to continue fishing as they have been, but would do so at the loss of all offshore activity. More notably, this also results in a drop of the LOP of the SMCA to moderate-low. This LOP ranking per the MLPA fails any connectivity requirements making the final proposed SMCA a protected area that does not add to total MPA network connectivity. This brings into question the main argument of the petitioner to add this MPA in order to maintain MPA connectivity, as the final amended SMCA would not accomplish this.

Petition2023-29MPA-AM1 – Reject

Petition 29 requests a new MPA be created at Carpinteria. This MPA would be a tribally allowed SMCA that would be closed to non-federally recognized tribal fishing (general recreational and commercial fishing); the petition was amended to reduce its overall size and allow shore-based take of finfish. The petition’s three primary arguments for the new SMCA are to meet habitat connectivity/MPA spacing requirements, to protect habitat surrounding juvenile white shark grounds, and to allow for tribal access. While tribal co-management of all California MPAs should be considered, we believe for the following reasons this specific MPA proposal should be rejected.

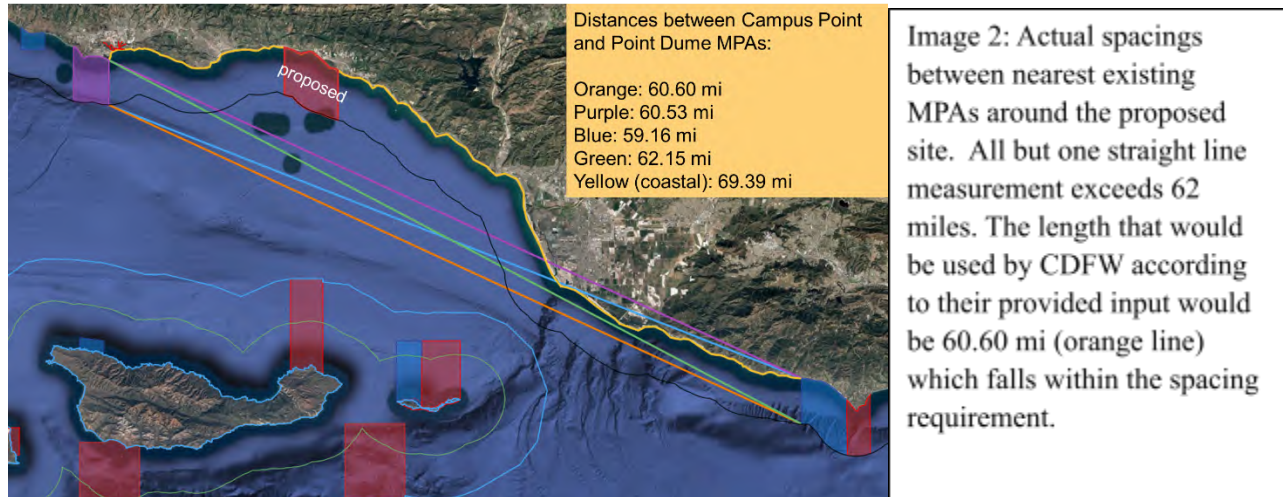
Regarding habitat connectivity, the petition asserts that the spacing of the existing MPA network exceeds the recommendations set by the MLPA scientific advisory team, which suggests a minimum spacing of 31 to 62 miles. The petition argues that the nearest coastal MPAs, Campus Point and Point Dume, are too far apart, claiming they are separated by 63.8 nautical miles or 73.4 miles (Image 1).



January 2026

Coalition Letter on Bin 2 MPA Petitions

Discussions with the CDFW clarified that MPA spacing is measured by the, “shortest distance over water between two MPAs.” When measuring the distance between Campus Point and Point Dume, we find that it is in fact less than 62 miles, indicating that the current spacing distribution is adequate along the coast (see below Image 2).



Following the CDFW and MLPA guidelines, the shortest water distance between the two existing MPAs is ~60.60 miles, viewable by the orange line. This distance falls within the 31–62-mile MLPA spacing requirement. None of the provided measurements, including a measurement along the coastline (yellow) exceeded 73.4 miles of separation as the petitioner claims, again bringing into question the purpose for the new MPA if connectivity is already met.

In addition, the provided shore based take of finfish does allow for some form of recreational take but this now raises connectivity concerns. As mentioned in previous petitions, allowance of shore fishing of finfish reduces an MPAs LOP to moderate-low, losing its MPA connectivity with the network, this is confirmed by SeaSketch. Connectivity was a major reason for this MPAs proposal. With connectivity now lost due to these allowed take methods begs to question the purpose for this implementation in the first place if its foundational goals are not even accomplished. The LOP chart for the southern bioregion, moderate low protection is provided below.

Mod-low	SMCA SMP	Shore fishing (H&L, hoop net); kelp bass, barred sand bass, lingcod, cabezon, and rockfish (H&L, spearfishing); sheephead (H&L, spearfishing, trap); spotted sand bass and halibut (H&L); lobster (trap, hoop net, diving); urchin (diving); rock crab and Kellet's whelk (trap); catch and release (H&L-general) In water depth <10m: Catch and release (H&L-single barbless hooks and artificial lures) In water depth <50m at islands and <30m on mainland: pelagic finfish, bonito and white seabass (H&L);
---------	----------	---

Regarding the protection of juvenile white shark nursery grounds, a similar petition was submitted in 2020 (Petition 2020-012 AM1) to close off a smaller section of beach at Carpinteria for the same purpose. Like Petition 29, this earlier petition aimed to protect

January 2026

Coalition Letter on Bin 2 MPA Petitions

juvenile white sharks within the currently proposed area. This 2020 petition was rejected by the Department and the Fish and Game Commission (FGC), which stated that MPAs are designed to protect nearshore ecosystems rather than individual species, especially highly migratory species like white sharks. Given that this issue was previously addressed at the same location just four years ago, the same arguments against the current petition apply today regarding white sharks.



Lastly, regarding the tribal access portions of the petition, while tribal access and co-management should be explored across the entire MPA network, current access to the area by tribes is not limited in any way. Regardless of a tribal MPA designation or not, federally recognized tribes will have access in the area just like the public. Closing this area off to all groups except those of the federally recognized Santa Ynez Band of Chumash Indians would have the additional side effect of restricting any non-federally recognized tribes, as the petition does mention. In addition to the above counter reasons of the petition's primary claims, there exists additional effects to be considered at the proposed MPA site. The proposed area was considered during the MLPA for the southern section but was

traded off for two other SMCAs on the coast, Naples and Kashtayit that were present in different MPA alternatives that Carpinteria was not in. If allowed, the new MPA would essentially break the agreements struck during the MLPA. Lastly, the pre- and post-amended boundaries overlap existing oil infrastructure that is maintained year round, no existing exemptions or conversations have been had regarding this infrastructure overlap. For these reasons we believe the petition should be denied.

Petition2023-32MPA – Reject

Petition 32 requests expanding the Duxbury Reef SMCA north, south and converting the SMCA into an SMR. The petition cites apparent drops in biodiversity in the areas, confusion on take regulations, and, as a result, high incidence of accidental poaching.



We believe this petition to be well intentioned but do not believe it should be accepted. The petition's claims that there was a local drop in biodiversity are all based on local surveys on no actual data displaying a measurable drop in the biodiversity in the area.

January 2026

Coalition Letter on Bin 2 MPA Petitions

Observations by MPA Watch on potential MPA violations comes from observers seeing “anyone with buckets,” citing even children with buckets counting as a possible violation. While it is understandable to ascertain data this way, we would like the commission to understand that someone simply with a bucket on one of the most popular beaches in the area does not mean they are violating MPA take regulations. This method of data collection possibly is why the self-reported values of possible violations at Duxbury are so high, when actual enforcement reports show infractions at Duxbury being so low they do not even make it to the yearly MRC report. Enforcement reports on MPAs from the yearly March MRC give insight into MPA violations in the state, of which Duxbury Reef never was in the top MPAs in violation (top 35) or top 5 in the northern region specifically in 2024 or 2025. Letters from partner agencies such as state and national parks as well as national marine sanctuaries all cite possible issues with the SMCA, all requesting it expand, but no agency goes so far as to support making the area an SMR. No hard data whatsoever has been provided to demonstrate a need to expand the SMCA to include these highly inaccessible areas in the north or south as well. The petitioner’s claim that visitors walking through the existing southern border with legal catch from outside the SMCA is merely speculative. Access to the reef in this southern section is blocked by an inside channel except during extreme low tides, making further regulatory protection unnecessary and a niche case at best.

Regarding the original MPA expansion proposals, and even specifically the southern expansion (image above), the new covered area has a very asymmetric shape. This goes directly against MLPA guidelines for designating MPAs which state that MPAs with odd-asymmetric shapes are difficult to enforce and confusing to the public, possibly even adding to the confusions the petitioner claims is present at Duxbury. At the bare minimum, this border must be modified in a way that adheres to the MLPA MPA design guidelines before even being considered for final action. Because any possible additional area included or removed from the proposed expansion needs to be considered by all stakeholders, we must see what this final border actually is before providing further input. In December 2025, the petitioner did submit an informal request (“informal” was tagged by FGC staff) to change the border post-petition deadline, which could solve this odd shape issue. It is currently not known whether amendments like this can be considered. If the informal request is ultimately considered, the existing counter arguments still exist with exception of course of the expansion border shape.

Petition2023-33MPA – Reject

Several groups and individuals have expressed opposition to this petition, and we all stand by the majority of their comments, even after the limited number of amendments to certain MPAs in petition 33. While there are various pathways for kelp restoration, the establishment of new or larger MPAs is not one of them. It is widely accepted that the growth and abundance of kelp are dependent on water quality and temperature. Even under ideal growing conditions, a large swell can damage kelp forests, ripping the

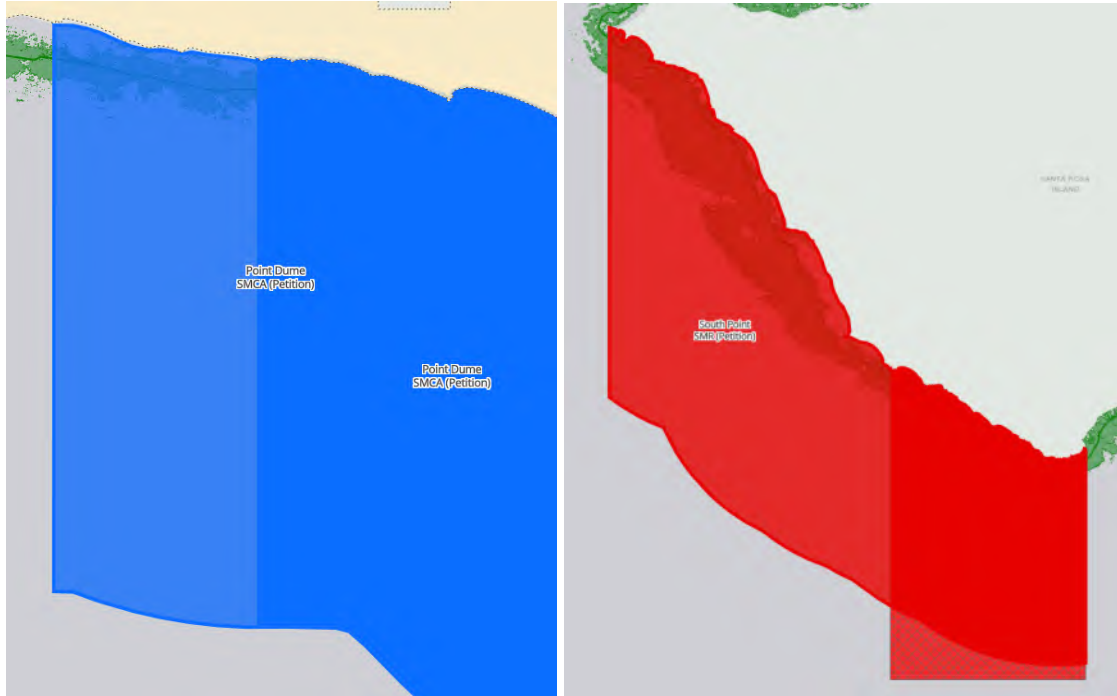
January 2026

Coalition Letter on Bin 2 MPA Petitions

largest, most buoyant, stalks off the seafloor. Fishing activities have little to no impact on kelp health as seen by thriving kelp populations throughout history pre-dating even the MLPA when fishing access was less restrictive. It is well documented how we came to this spot in the first place for our kelp, the rolling El Ninos in the mid-2010s removed a substantial amount of our state's kelp forests, not fishing, and fishing restrictions are not what it will take for the forests to regrow. The creation or expansion of MPAs resulting from this petition will have a negligible effect on the recovery of kelp forests, but a permanent and lasting effect on those that have a livelihood on the water or those that want to simply fish and enjoy a day on the water. In some instances, such expansions may hinder restoration efforts by obstructing human interventions aimed at encouraging kelp growth, such as seeding areas or urchin barren removal efforts.

Furthermore, the petition does not adequately explain why most of the proposed expansion areas cover waters that are simply too deep for kelp to grow. All but one of its expansions (Gull Island) have this problem, covering waters well beyond kelps natural growing depth. Many of the proposed expansions extend to the state line, covering areas with depths exceeding 1,000 feet when kelp cannot grow any deeper than 150ft. For a petition focused on kelp restoration, this deepwater coverage is illogical and appears to be an attempt to limit area access to our already managed fisheries while protecting an area outside of the scope of the petition. Below are some of the petition's proposed expansions on SeaSketch with the kelp max extent per landsat and flyovers enabled (green layer under proposed expansions). This shows most of the expansion area does not even cover the absolute maximum kelp could grow. Any justifiable MPA expansions regarding kelp recovery at the bare minimum should be more targeted, covering specifically areas kelp can grow, not mass areas covering mostly water kelp cannot grow.

January 2026
Coalition Letter on Bin 2 MPA Petitions



Lastly, the added amendments only pull back on one expansion, the Cabrillo SMR, and add in shore based take of finfish and general spearfishing of finfish at the proposed Pleasure Point SMCA and Point Dume SMCA. As mentioned previously, the shorebased allowance would reduce Pleasure Point and Point Dume to moderate-low levels of protection per the MLPA, losing their local MPA connectivity, making the proposed expansions weaken MPA connectivity rather than strengthen them. Specifically for Point Dume, that MPAs connectivity appears centrally important under the SeaSketch model and should be maintained. While the reduction in size at the Cabrillo expansion is a positive, we still believe any expansion in the first place is not warranted, especially for kelp restoration purposes.

Petition2023-34MPA – Reject

Petition 34 requests the redesignation of one offshore SMCA to a no-take SMR, merging it with the nearshore SMR at Point Buchon to make one no-take SMR. The petition also requests combining the nearshore and offshore SMCAs at Farnsworth into a single SMCA that would permit only pelagic finfish spearfishing, removing various pelagic fishing allowances existing there. The primary justification for these changes is enforcement concerns. Enforcement has effectively managed the existing MPA network without significant issues which already contains nearly 40% limited take SMCAs. The situations at Farnsworth and Point Buchon are similar to several other MPAs along the coast that successfully integrate nearshore and offshore components. The concept of allowing pelagic finfish targeting offshore—where interactions with the MPA's intended

January 2026

Coalition Letter on Bin 2 MPA Petitions

protections are minimal—has been recognized since the first and second MPA Master Plans where it explicitly states the lesser effect pelagic fish have on themselves and the MPA ecosystem, and to allow for areas that have pelagic take respectively. Pelagic fishing should be permitted in MPAs that overlap with offshore waters, provided that fishing practices minimize interactions with local and nearshore species, which they inherently do. Additionally, if enforcement was truly the only concern, commercial harpoon at Farnsworth is just as enforceable, if not easier to enforce than recreational spear methods, and should be left in as an allowance in the SMCA. This petition also conflicts with Petition 20 and its requests at Point Bucheon.

The two MPA systems at Farnsworth and Point Bucheon are no different from other nearshore/offshore configurations, so-called “MPA clusters”, and we see no compelling reason to change them specifically. Both MPA clusters currently meet regional sizing guidelines for the total cluster area and LOP requirement to count them both for connectivity as is, with their current access. For these reasons, we believe this petition should be rejected.

Thank you,

AllWaters - AWPAC *(recreational)*

-Chris Killean (President)

-Matt Bond (Board Member)

Commercial Fishermen of Santa Barbara - CFSB *(commercial)*

-Chris Voss (President)

-Ava Schulenberg (Assistant Director)

Backcountry Hunters & Anglers - BHA *(recreational)*

-Devin O’Dea (Western Policy & Conservation Manager)

Coastal Conservation Association California - CCA Cal *(recreational)*

-Chris Arechaederra (Executive Director)

-Tonie Bagnos (Assistant Director)

Ventura County Commercial Fishermen's Association - VCCFA *(commercial)*

-Dave Colker (Executive Director)

-Jason Woods (President)

-Eric Hodge, Mike Kenny, Tim Athens (Board Members)

LA Rod and Reel Club *(recreational)*

-John Ballotti (President)

January 2026

Coalition Letter on Bin 2 MPA Petitions

Port San Luis Commercial Fishermen's Association *(commercial)*

-Chris Pavone (President)

Santa Barbara Sportfishing Club *(recreational)*

-Whitney Uyeda (President)

Alliance of Communities for Sustainable Fisheries *(recreational/commercial)*

-Alan Alward (Co-Chair)

San Diego Fishermen's Working Group *(commercial)*

-Pete Halmay (President)

Morro Bay Commercial Fishermen's Organization *(commercial)*

-Bill Blue (President)

-Tom Hafer (Secretary)

The Tuna Club Foundation *(recreational)*

-Chase Offield (Board Member)

Santa Barbara FreeDivers Club *(recreational)*

-Dave Huebner (President)

-Bradley Pirmen (Chair)

BD Outdoors *(recreational business)*

-Ali Hussainy (President)

The California Association of Harbor Masters and Port Captains *(commercial)*

-Tim Petrick (President)

Dana Wharf Sportfishing and Whale Watching *(recreational)*

-Donna Kalez (Co-Owner)

Santa Barbara Landing and Stardust Sportfishing *(recreational business)*

-Jamie Diamond (CEO/owner)

Monterey Bay Tritons *(recreational)*

-Brandon Burke (President)

NorCal Underwater Hunters *(recreational)*

-Matt Mattison (President)

January 2026

Coalition Letter on Bin 2 MPA Petitions

Fathomiers (*recreational*)

-Paul Romanowski (Conservation Officer)

The Catalina Seabass Fund (*recreational/commercial*)

-Jock Albright (Director)

The Laguna Maritime Alliance (*recreational/commercial*)

-Chase Offield (Chair)

Santa Cruz Kelp Stalker (*recreational*)

-Hans Haveman (Chair)

San Diego Freedivers (*recreational*)

-Ryan Moore (President)

OC Spearos (*recreational*)

-Hidenori Iwagami (president)

Long Beach Neptunes (*recreational*)

-Terry Maas (Chair)

Save Duxbury Access (*grassroots recreational/commercial*)

-Chris Martinelli (Local Lead)

American Fishing Tackle Company - AFTCO (*recreational/commercial business*)

-Bill Shedd (CEO)

-Casey Shedd (President)

Get Hooked Seafood (*commercial business*)

-Kim Selkoe and Victoria Voss (Co-Founders)

Pacific Coast Sportfishing (*recreational business*)

-Bill DePriest (Publisher / Editor)

January 2026

Coalition Letter on Bin 2 MPA Petitions

Dedicated Researchers/Scientists:

UCSB Bren School of Environmental Science & Management

-Dr. Dawn A. Murray (PhD. Ocean Sciences - UCSC)

UCSB & UCSC Conservation Scientist

-Dr. Jason Johns (PhD. Ecology and Evolutionary Biology - UCSB)

UCSB Marine Scientist

-Dr. Kim Selkoe (PhD. Ecology and Evolutionary Biology - UCSB)

Private Marine Scientist

-Ethan Estess (M.S. Earth Systems (Marine) - Stanford University)

Senior Marine Scientist and previous marine biologist for the Channel Islands NPS

-Derek Lerma (B.S. Biological Oceanography - Humboldt State University)



01/26/2026

**California Fish and Game Commission
California Fish and Game Commission
P.O. Box 944209, Sacramento, CA 94244-2090**

Subject: Bin 2 MPA Petitions

Dear Melissa Miller-Henson,

Please add the San Diego County Wildlife Federation (SDCWF) to the CCA Coalition letter regarding Bin 2 MPA petitions being considered. We were unfortunately a bit late getting our logo and signature added to the letter represented below. The San Diego County Wildlife Federation represents over 20,000 sportsmen and women in San Diego County, and we are active in conserving our inland and aquatic habitats in a manner which allows both conservation protection with consumptive use of the waters of our state.

The SDCWF agrees with the recommendations of Coalition listed below.

Thank you for the work you and the Commissioners do for California outdoorsmen and women.

Respectfully,

Gary F. Brennan
President, San Diego County Wildlife Federation
P.O. Box 3886
Ramona, CA. 92065

Copy to: CCA California

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

February 6, 2026

Re: Retraction of signature and clarification of position on California MPA petitions

Dear President Zavaleta and Honorable Commissioners,

I am a marine scientist and environmental studies professor advising graduate students at Antioch University and teaching undergraduate courses in the Environmental Studies Department at UC Santa Barbara. I work in resource management and conservation realms to protect habitats and to amplify Indigenous voices in conservation initiatives. I also work locally with NOAA on intertidal marine sampling and support locally-rooted conservation efforts, including curriculum development and weaving Indigenous and Western Scientific Knowledge into system solutions. I have worked with the Northern Chumash Tribal Council (NCTC) supporting the Chumash Heritage National Marine Sanctuary (CHNMS) designation and Chumash cultural values, wisdom, and traditions in marine and land management practices. I currently serve on the NOAA CHNMS Advisory Committee as a Research Seat Alternate.

My research focuses on participatory conservation and co-designing conservation methods that equitably integrate local communities in multi-pronged conservation solutions. I value coalition-building, listening to and incorporating multiple perspectives in conservation planning. I work with fishermen around the world, including supporting the Miloli'i Community-Based Subsistence Fishing Area (CBSFA), south of Kona, Hawai'i, which includes the waters and submerged lands from the shoreline to the 100-fathom depth contour. The Miloli'i community leads the regulation creation and enforcement in their "last Hawaiian fishing village". In addition, I support the Commercial Fishermen of Santa Barbara in their continued efforts to practice local eco-friendly, sustainable fishing, sell locally caught fish in the Saturday market to our community, promote science and monitoring, and their stewardship of our coast via numerous annual beach and island clean-ups.

Over a year ago, I was asked to add my name to a joint letter about the MPA adaptive management proposals from commercial and recreational fishermen. I did so because of my relationships with many in the California fishing community. Recently, [the letter](#) was submitted to the Fish & Game Commission. Unfortunately, I had not kept up with the revisions, updates, or additions to the letter in the last 13 months and the in-depth amendments to each MPA petition. The letter contains recommendations that I am unable to endorse due to my expertise as a marine scientist. I need to retract my signature from that letter and clarify my position.


Clarifying my current perspectives on the MPA petitions:

- I submitted a letter in November 2023 endorsing Petition 2023-33MPA, and I am a supporter of protecting California’s kelp forests because they provide invaluable ecological and environmental benefits. These dynamic and biodiverse ecosystems serve as critical nurseries for a wide variety of marine species, providing shelter and food for numerous fish, invertebrates, and marine mammals. Healthy kelp forests support thriving commercial and recreational fisheries and can help dampen the impacts of coastal erosion and storm impacts. With the declines in kelp forest cover across the Pacific West Coast, including California, from natural and human-induced factors, MPAs are a critical tool for supplying the population of recruits and supporting the resilience of kelp ecosystems in the face of these stressors.
- To achieve the stated goals of conserving biodiversity and ecosystem health, I encourage the state to consider increasing protections for MPAs that are currently only lightly or minimally protected as defined by The MPA Guide,¹ especially in places where weaker or more complicated regulations lead to poor compliance and enforcement. An example of what I support are the clarifications on Kashtayit regulation language and Campus Point SMCA color coding (Petition 2023-18MPA).
- I support strengthening the MPA network through the addition of new MPAs where they would protect critical habitat and advance Tribal co-stewardship. To that end, I endorse Petition 2023-28MPA designating Point Sal SMCA, which provides an opportunity to strengthen protections within the CHNMS and offers a pathway for meaningful co-stewardship between the state and NCTC. In addition, I support Petition 2023-29MPA designating Mishopshno SMCA, which would protect a special place culturally and ecologically, and similarly offer a pathway for meaningful co-stewardship between the state, Santa Ynez Band of Chumash Indians, and potentially other Tribes. I appreciate that the petitioners were responsive to feedback from the local community, including recreational and commercial fishers, cutting the size of the proposal in half.
- Finally, I do not support weakening MPA protections off the California coast in any capacity. For example, to open recreational fishing opportunities to non-Base fishers, Petition 2023-18MPA would create a narrow alongshore State Marine Conservation Area within the existing SMR that would allow all people to fish for finfish by hook and line. This change would weaken the MPA network by officially downgrading the protections within the state's largest fully protected MPA. Instead, I support the state ensuring current Vandenberg SMR restrictions are enforced and applied to Base personnel and dependents, so that it is not only non-military community members who must comply.

California’s MPA network is imperative for maintaining healthy ocean habitats, biodiversity along the California coast, and ecosystem resilience. Management of MPAs can also honor numerous knowledge systems - commercial fishers, recreational fishers, Indigenous peoples, local communities, and Western scientific knowledge systems. The adaptive management process offers a pathway to improve, and build on the successes of our globally-recognized MPA network.

¹ Grorud-Colvert, Kirsten, Jenna Sullivan-Stack, Callum Roberts, et al. 2021. “The MPA Guide: A Framework to Achieve Global Goals for the Ocean.” *Science*, ahead of print, September 10. World. <https://doi.org/10.1126/science.abf0861>.

Thank you for the opportunity to clarify my position. I appreciate your leadership and your commitment to a healthy and vibrant ocean for all.

A handwritten signature in black ink, appearing to read 'Dawn A. Murray', with a long horizontal stroke extending to the right.

Dr. Dawn A. Murray
Professor Environmental Studies, Antioch University
Lecturer Environmental Studies Department, UC Santa Barbara

Petition 2023-15MPA-AM2

From neptuneobs [REDACTED]
Date Wed 02/11/2026 12:53 PM
To FGC <FGC@fgc.ca.gov>
Cc blakestor2000 [REDACTED]

Dear President Zavaleta and Commissioners,

I am writing this letter in support of the modification of regulations to allow take of HMS species in the three MPA's cited in Petition 2023-15MPA-AM2. This petition is awash with sound science and common sense. Whether or not pelagic species are taken in these MPA's, no deleterious effect on their populations will be a result. All of our west coast HMS fisheries are healthy and managed sustainably with existing management measures. What will happen is improve the efficacy of existing fisheries, help in promoting new experimental gear types that show great promise as a way to reduce bycatch and smooth out enforcement issues caused by the current prohibition of HMS take in the three MPA's.

It is my greatest hope that this Commission can see through all the exaggerated and unsubstantiated claims of collapse and doom if these MPA regulations were modified. The recreational and commercial fishing industry here in California want nothing but healthy sustainable fisheries for the future. Shutting down the take of species that are open ocean crossers in small arbitrary boxes is not management but virtue signaling.

Thank you for your thoughtful consideration,
Tim Athens
FV Outer Banks

Hello FGC,

Our names are Ryder and Fisher Devoe. We live in both San Diego and Ventura and have been on the water around both areas participating recreationally and part-time commercially over the last 20 years in hook-and-line and free dive fisheries.

Our comment concerns the following MPA Petitions:

Petition 2023-34MPA: No Support

Petition 34 calls to close or further restrict two areas access to pelagic finfish. It is well known these species are less affected by MPAs and they should still be able to be targeted. We have areas that allow this all over the coast so calling these two areas "special" and have enforcement concerns justifying their closure is just an excuse to take more away. If enforcement does ok with all the limited take areas as they say, then there is nothing to be worried about.

Petition2023-33MPA: No Support

Petition 33 claims by expanding MPAs and closing down fishing access we will help regrow the kelp forests. How does fishing affect kelp growth in any way? Kelp growth and kelp breaking off is totally driven swell and water temperature. If you have no swell and water in the 60s kelp will thrive, but you get a major swell and water into the low 70s kelp will all break off its anchors and float away. Plain and simple, fishing does not affect kelp. Additionally, MPAs are made for biodiversity and ecosystems, they are not for kelp rebuilding, we have other projects for that. There appears to be several articles already out about the issues specifically with his petitions and those similar to it concerning kelp or eelgrass (petitions 24 and 27).

Petition2023-29MPA: No Support

Carpinteria reef is literally the only remaining coast reef remaining outside of MPAs between Point Conception and Point Mugu. Closing this area would effectively stop all calico bass fishing on the coast which is mainly catch and release. The petition claims the nearest MPAs are over 63 nautical miles apart (72 miles) which exceeds the 62-mile limit. Simply measuring the distance on maps shows the nearest MPAs, Campus Point and Pt. Dume are 61 miles apart and fall within the limit. This basic measurement displays the truth of this proposal, it's simply trying to take more away on top of what already was over 10 years ago. The petition also claims to be helping the White Sharks, we have already protected white sharks, and a great white will not be affected at all by a box as small as the proposal suggests due to how vast of an area they cover. Pelagic species are not affected by MPAs, especially Great Whites that travel so much.

Petition2023-24MPA: No Support

This petition is essentially another version of petition 33 trying to close more area for kelp forests that fishing has no effect on. The surrounding area is already saturated with MPAs in the local 4 MPA cluster, this expansion would just close even more off locally. The same

counter arguments for this petition apply from petition 33. Any argument for better enforcement for city limits is incorrect as city officials do not police the MPAs state wardens do and they are bound to no cities.

Petition2023-15MPA: Support

We fully support this proposed change. Participating on a smaller vessel in the swordfish fishery this petition really matters to us. The Channel Islands are significantly oversaturated with no-take areas that extend further offshore than anywhere else in the state. Pelagic fish or highly migratory species do not have the same effect on them or the surrounding area that local species do. The apparent Master Plan highlights this and calls to have areas open to these pelagic species but we do not see them anywhere relevant around the islands. The Channel Islands MPAs came before the rest of the network so it is understandable we were over cautious and implemented so many no-take areas but now that we know and have so many pelagic allowed area elsewhere, we need to update the Channel Islands to what we see in the rest of the state, a reasonable model where no-take areas are balanced with some pelagic allowed areas where they can be targeted offshore.

Petition2023-14MPA: Support

If we are trying to rebuild kelp anywhere this petition is a great starting point. Besides water temperature and swell, urchins contribute the most to wiping out entire forests of kelp. Allowing urchin access in there areas where it is restricted is a clear step in helping to mitigate the spread or sea urchins and the allow kelp the chance to grow inside these areas again where otherwise urchins would continue to eat all of it.

Thank you,

Ryder Devoe and Fisher Devoe

March 31, 2026

RE: Support for DFW Recommendation to Deny Petitions 2023-15MPA-AM and 2023-16MPA

Dear Commissioners,

I am writing in support of the California Department of Fish and Wildlife recommendation to deny MPA petitions 2023-15MPA-AM and 2023-16MPA.

These petitions would severely weaken protections within existing, fully protected State Marine Reserves (SMRs) by converting them into take-allowed State Marine Conservation Areas (SMCAs). SMRs are the cornerstone of our conservation efforts; diminishing their no-take status would compromise the backbone of California's MPA Network and set a perilous precedent for future petitions that serve commercial and recreational fishing interests.

As I have noted in previous correspondence, these petitions are fundamentally flawed for several key reasons:

- **Inconsistent with Guiding Principles:** The proposed conversions directly contradict the MPA Petition Guiding Principles established during the July 2023 Marine Resources Committee (MRC) meeting. Those principles clearly dictate that successful MPA petitions must "maintain or enhance the protections and integrity of the MPA Network." Petitions 2023-15MPA-AM and 2023-16MPA fail to meet this standard, as they strictly reduce existing protections.
- **Failure to Advance DMR Recommendations:** These petitions do not advance any of the scientific or adaptive management recommendations outlined in the Decadal Management Review.
- **Hinders 30x30 Progress:** Reducing protections in foundational SMRs runs counter to California's Pathways to 30x30.¹ To reach state goals, California must strengthen and expand marine protections, not weaken protections that are already in place.
- **Complicates Enforcement:** Allowing pelagic or other take in current no-take zones would significantly compromise MPA enforcement. Shore-based observers, allied agencies, ordinary citizens, and technologies like Marine Monitor will struggle to distinguish vessels fishing for newly permitted species from those illegally targeting prohibited species. This uncertainty will inevitably lead to fewer reports of potential violations and a reduction in overall enforcement effectiveness.

I strongly urge the Fish and Game Commission to uphold the Department's recommendation and deny Petitions 2023-15MPA-AM and 2023-16MPA. Thank you for your time, consideration, and continued commitment to safeguarding California's coastal waters.

Sincerely,

Eric Praske
Laguna Beach, CA

¹ [Pathways to 30x30 California Accelerating Conservation of California's Nature](#)

Marine Conservation Institute Comments on CDFW Recommendations for MPA Petitions

From Ali Rubin <ali.rubin@marine-conservation.org>

Date Tue 03/31/2026 03:02 PM

To FGC <FGC@fgc.ca.gov>

Dear Commissioners,

On behalf of Marine Conservation Institute, please find attached our comments on the California Department of Fish and Wildlife's Evaluations and Recommendations for the ten non-Tribally-led Marine Protected Area (MPA) petitions released on March 20, 2026 .

We appreciate your consideration of these comments and your continued work to advance effective marine conservation in California.

Sincerely,
Ali Rubin

Ali Rubin
Marine Conservation Scientist



ali.rubin@marine-conservation.org
marine-conservation.org





March 31, 2026

President Eric Sklar
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
Submitted electronically to: fgc@fgc.ca.gov

Re: Comments from Marine Conservation Institute on petitions to amend the State's MPA network.

Dear California Fish and Game Commission,

On behalf of Marine Conservation Institute, we appreciate the opportunity to provide comments following the California Department of Fish and Wildlife's (CDFW) Evaluations and Recommendations for the ten non-Tribally-led Marine Protected Area (MPA) petitions released on March 20, 2026.

Marine Conservation Institute works to secure strong protection for the ocean's most important places. Through our Marine Protection Atlas (MPAtlas), we assess marine protected areas globally using The MPA Guide, a peer-reviewed framework that evaluates the level of protection and expected conservation outcomes of MPAs. Our work supports governments and partners, including in California, in advancing effective, science-based marine conservation and achieving 30x30 goals.

We recognize the significant effort undertaken by CDFW to evaluate these petitions based on the information available as of March 2025, and we appreciate the Department's acknowledgment that additional information may continue to inform Commission deliberations. As California works toward protecting 30% of state waters by 2030, maintaining the integrity and effectiveness of the existing MPA network is essential to achieving meaningful conservation outcomes.

As part of this effort, we conducted an analysis to determine the likely biodiversity outcomes of the petitions submitted to the State using The MPA Guide framework. This approach applies a consistent, science-based method to evaluate how proposed changes would affect protection levels and conservation outcomes across California's MPA network.

We strongly support CDFW's recommendations to deny petitions that would lower protection levels within California's MPA network by allowing additional recreational or commercial take of marine life. Scientific evidence consistently demonstrates that the greatest ecological benefits such as increased biomass, biodiversity, and ecosystem resilience are achieved in MPAs that are fully or highly protected from extractive activities.

We also acknowledge that localized ecological pressures, such as sea urchin overpopulation and kelp loss, may require active management. In these cases, we encourage the Commission to explore adaptive, site-specific management strategies that address these threats without reducing protection levels or opening extractive fisheries within MPAs.

In particular, we support the recommendations to deny the following petitions:

- Modify Take in 9 SMCAs to Allow Commercial Take of Sea Urchins (2023-14MPA)¹
- Reclassify Footprint, Gull Island, and Santa Barbara Island SMRs to SMCAs to Allow Take of Highly Migratory Species (2023-15MPA_AM)
- Reclassify Stewarts Point and Bodega Head SMRs to SMCAs to Allow Commercial Salmon Trolling (2023-16MPA)
- 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)

1: With the exception of the Point Vicente no-take SMCA, petition 2023-14MPA does not lower the Highly Protected status of the named MPAs per our MPA Guide analysis, and may provide ecological benefits through the restoration effort of urchin culling. However, while ecosystem restoration and conservation may be complementary, they are non-substitutable actions where priority should be given to preventing the degradation of intact ecosystems.

These petitions propose changes that would reduce the level of protection in areas that currently contribute to the ecological performance of California's MPA network. Downgrading protections risks undermining biodiversity gains, weakening ecosystem resilience in the face of climate change, and compromising California's leadership in marine conservation.

To advance the state's goal of protecting 30% of nature by 2030, we do believe that the following proposals will modestly strengthen the network and urge the commission to support them:

- Designate new MPA as Chitqawi SMCA (2023-19MPA)
- Redesignate Point Buchon SMCA as Chumash SMCA to support tribal co-management and take provisions; extend northern boundary of Point Buchon SMR (2023-20MPA)
- Multiple changes to Pyramid Point SMCA (2023-21MPA)
- Reclassify all or part of Anacapa Island SMR (2023-27MPA)
- Designate new MPA as Point Sal SMR (2023-28MPA)
- Add new MPA as Mishopshno SMCA near Carpinteria (2023-29MPA)
- Reclassify and expand Duxbury Reef SMCA (2023-32MPA)
- Reclassify Point Buchon SMCA and modify regulations in Farnsworth MPAs (2023-34MPA)

California's MPA network is widely recognized as a global model for science-based ocean protection. Maintaining strong protections within this network is critical not only for achieving the State's 30x30 commitments, but also for ensuring long-term conservation benefits for marine ecosystems and coastal communities.

We respectfully urge the Commission to uphold CDFW's recommendations to deny these petitions and to continue advancing policies that strengthen, rather than diminish, the effectiveness of California's MPA network.

Thank you for your consideration.

Respectfully,

Lance E. Morgan, President

Nikki Harasta, Marine Conservation Scientist I

Alexandra Rubin, Marine Conservation Scientist I

April 2026 FGC Meeting Agenda Item 2: MPA Petitions Public Comment Letter

From Katie O'Donnell <katie@wildcoast.org>

Date Thu 04/02/2026 04:14 PM

To FGC <FGC@fgc.ca.gov>; fgcericsklar [redacted]; Samantha Murray [redacted]; commissionerdariusanderson [redacted]; commissioner.zavaleta [redacted]; jhostler [redacted]

Cc Shuman, Craig [redacted]; Waggoner, Claire [redacted]; Worden, Sara [redacted]; Eckerle, Jenn@CNRA <Jenn.Eckerle@resources.ca.gov>; Lewis, Staci@CNRA <Staci.Lewis@resources.ca.gov>; Esqro, Michael@CNRA <Michael.Esqro@resources.ca.gov>; Ashcraft, Susan [redacted]; Miller-Henson, Melissa [redacted]

Good afternoon,

Please see the attached letter for **Agenda Item 2: MPA Petitions** for the upcoming April 15-16 FGC meeting.

Signed by 31 organizations and 2 individuals, the letter respectfully asks the FGC Commission to support CDFW's recommendation to reject petitions 2023-14, 2023-15, 2023-16, and 2023-18 (except for supporting 2023-18MPA_2: Marine Monitor radar at Point Conception).

This letter summarizes how these petitions would weaken the MPA network's integrity, fail to adhere to science-based guidelines and Marine Life Protection Act goals, and conflict with the Decadal Management Review. The letter notes that in total, the four petitions would reduce protections across 18 MPAs within California's MPA Network.

Thank you for your leadership and for considering these comments.

Please let me know if you have any questions!

Thank you,
Katie

--



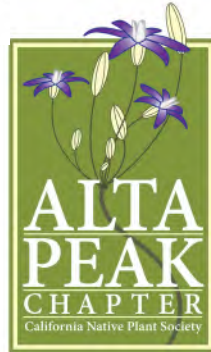
Katie O'Donnell

Senior Ocean Conservation Manager

she/her/hers



[DONATE TODAY!](#)



Heal the Bay



CATALINA ISLAND CONSERVANCY



Friends of Rose Creek
"Connecting Our Communities"



April 2, 2026

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

RE: **Agenda Item 2** - Opposition to Petitions 2023-14, 2023-15, 2023-16, and 2023-18 which would weaken the California MPA Network

Dear President Sklar, Vice President Anderson, and Honorable Commissioners:

The undersigned organizations -representing public interest, marine science, environmental conservation, and coastal communities - strongly oppose Petitions 2023-14, 2023-15, 2023-16, and 2023-18 and agree with California's Department of Fish and Wildlife (CDFW)'s recommendations to deny them. These proposals would significantly weaken California's Marine Protected Area (MPA) Network and undermine the ecological integrity that the Marine Life Protection Act (MLPA) was created to protect. In total, the petitions would reduce protections across eighteen MPAs, including six State Marine Reserves (SMRs), two no-take State Marine Conservation Areas (SMCAs), eight SMCAs, and two Special Closure Areas.

We urge the Fish and Game Commission (FGC) to deny petitions that fail to meet the Decadal Management Review (DMR)'s definition of adaptive management: "Guided by the principles of adaptive management, [the first ten-year management review] is an opportunity to evaluate progress to date, celebrate accomplishments, provide lessons learned, and identify recommendations to strengthen the MPA Network and Management Program going forward."¹

We oppose these petitions because they:

- **Weaken MPA Network Integrity**

California's MPA network was intentionally designed using science-based guidelines developed by CDFW and expert scientists to ensure larval connectivity, habitat representation, trophic structure, and ecosystem resilience. Because the network functions as an interconnected system, weakening individual MPAs compromises the entire network and conflicts with the goals of the MLPA. The [International Union for Conservation of Nature \(IUCN\)](#) recognized the network's effectiveness by adding it to the Green List of Protected and Conserved Areas after a seven-year evaluation. Rolling back protections or increasing extractive activities threatens the network's ability to sustain biodiversity and ecological connectivity.

¹California Department of Fish and Wildlife. California's Marine Protected Area Network Decadal Management Review. 2022, nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=209209.

- **Fail to Adhere to Science-Based Guidelines and MLPA Goals**

The MLPA requires that any modifications to MPAs support its six statutory goals and align with established scientific guidelines². The petitions fail to meet these standards. The network's design was grounded in peer-reviewed research on fish movement, larval dispersal, and population persistence, including spatial population models demonstrating that minimum size and spacing criteria are essential for ecological connectivity. Reducing protections in ways that violate these criteria lacks scientific justification and risks degrading network performance.

Scientific literature is also clear that adaptive management is intended to strengthen MPAs based on monitoring data, not weaken them³. As California enters a critical phase of long-term monitoring and adaptive management, peer-reviewed guidance emphasizes that adaptability means refining protections using new evidence, not making ad hoc reductions. A 2023 global synthesis of 307 MPA design recommendations across 56 publications established "permanence and adaptability" as foundational principles, defining the latter specifically as evidence-based enhancement rather than diminished protection⁴.

- **Do Not Align with the Decadal Management Review (DMR)**

The state has invested heavily in monitoring and data synthesis, including more than \$60 million from the Ocean Protection Council since 2017. Findings from the DMR highlight the need to maintain and enhance resilience in the face of climate change, which is a goal fundamentally incompatible with weakening existing protections.

Deny Petition 2023-14MPA: Opening Sea Urchin Harvest to Commercial Fishing Within Existing MPAs

The undersigned organizations urge the FGC to reject Petition 2023-14MPA. The proposed changes fail to address the underlying drivers of kelp decline, contradicts the core mandates of the MLPA, and would weaken the integrity of the broader MPA network. We support CDFW's recommendation to deny the petition, including its conclusion that the proposal conflicts with the original objectives of the affected MPAs and does not align with adaptive management guidance from the DMR.

²California Legislature. California Fish and Game Code, div. 3, ch. 10.5, Marine Life Protection Act, https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=3.&title=&part=&chapter=10.5.&article=

³ Van Diggelen, Amanda D., et al. "California's Lessons Learned and Recommendations for Effective Marine Protected Area Network Management." *Marine Policy*, vol. 137, Mar. 2022, p. 104928, <https://doi.org/10.1016/j.marpol.2021.104928>. 7 January 2022.

⁴ Burns, E. S., et al. "Finding harmony in Marine Protected Area design guidelines." *Conservation Science and Practice*. Vol. 5, Issue 6. <https://doi.org/10.1111/csp2.12946>. 24 April 2023.

The Proposed Action Would Not Address Kelp Loss

The petition seeks to open nine SMCAs to commercial urchin harvest to support kelp restoration. However, purple urchins - the species responsible for kelp barrens - represent only 0.26% of commercial landings and have almost no market value. Red urchins make up 99.73% of landings but are not driving kelp decline⁵. Opening MPAs would therefore incentivize removal of red urchins, not the ecologically harmful purple urchins, and would not meaningfully reduce urchin pressure on kelp forests. Current research instead supports targeted, science-based purple urchin removals using trained divers to minimize ecosystem impacts^{6, 7}.

The Petition Conflicts With MLPA Goals

The proposal undermines four MLPA goals (1, 2, 5, and 6) by exposing protected species to increased risk, weakening trophic dynamics, and creating enforcement challenges⁸. Allowing commercial take within MPAs increases confusion and accidental take, contradicting the MLPA's requirement for clear, enforceable protections⁹. Multiple gear types can be used to take urchins¹⁰, and vessels can carry or switch gear, making it difficult for wardens to verify compliance within SMCAs¹¹. Increasing allowable take in MPAs with already complex rules runs counter to MLPA Goal 5 and to the DMR's emphasis on improving, not weakening, management effectiveness.

In Southern California MPAs, intact trophic cascades have been shown to support kelp resilience during marine heatwaves^{12, 13}. In these systems, predators such as lobsters and sheephead naturally regulate urchin populations^{14, 15}. Opening these MPAs to commercial urchin harvest would erode these predator-prey relationships.

⁵ California Department of Fish and Wildlife. Marine Fisheries Data Explorer; Landings by Value and Participation. <https://mfde.wildlife.ca.gov/visualize/LandingsSummary>. Accessed 27 Feb. 2026.

⁶ Bennet and Caton, 2019. Marine heat wave and multiple stressors tip bull kelp forest to sea urchin barrens. <https://www.nature.com/articles/s41598-019-51114-y>

⁷ Eisaguirre et al. 2020. [Trophic redundancy and predator size class structure drive differences in kelp forest ecosystem dynamics.](#)

⁸ California Legislature. California Fish and Game Code, div. 3, ch. 10.5, Marine Life Protection Act, https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=3.&title=&part=&chapter=10.5.&article=

⁹ Turnbull et. al. "Evaluating the social and ecological effectiveness of partially protected marine areas." *Conservation Biology*, Vol. 35, Issue 3. <https://doi.org/10.1111/cobi.13677>. 14 January 2021.

¹⁰ California Department of Fish and Wildlife. Marine Fisheries Data Explorer; Landings by Value and Participation. <https://mfde.wildlife.ca.gov/visualize/LandingsSummary>. Accessed 25 Mar. 2026.

¹¹ California Department of Fish and Wildlife. California's Marine Protected Area Network Decadal Management Review. 2022, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=209209&inline>.

¹² Kumagai et al. 2024. [Marine Protected Areas that preserve trophic cascades that promote resilience of kelp forests to heat waves.](#)

¹³ Hamilton and Caselle 2015. [Exploitation and recovery of a sea urchin predator has implications for the resilience of southern California kelp forests.](#)

¹⁴ Kumagai et al. 2024. [Marine Protected Areas that preserve trophic cascades that promote resilience of kelp forests to heat waves.](#)

¹⁵ Hamilton and Caselle 2015. [Exploitation and recovery of a sea urchin predator has implications for the resilience of southern California kelp forests.](#)

On the North Coast, where sheephead and otters are absent, commercial harvest would still primarily remove red urchins rather than the purple urchins driving kelp loss^{16,17}. Scientific Collecting Permits offer a more appropriate tool for targeted purple urchin removal while maintaining network protections and supporting long-term commercial viability of red urchins.

The Petition Would Weaken the MPA Network

SeaSketch analysis shows the petition would reduce habitat connectivity and significantly downgrade the level of protection (LOP) in several MPAs. Point Dume, Swami's, and Point Vicente (currently functioning as a no-take SMR) would fall to "moderate-low" protection levels, undermining spacing and habitat representation guidelines essential to network design^{18,19,20}. These changes would diminish long-term ecological benefits without evidence that commercial urchin harvest would improve kelp health.

Deny Petition 2023-15MPA: Opening Channel Island MPAs to Allow Take of Highly Migratory Species

The undersigned organizations urge the FGC to reject Petition 2023-15MPA because it conflicts with the goals of the Marine Reserves Working Group (MRWG) that supported the Channel Islands MPA designation process in 2003²¹, as well as the goals of the MLPA. The petition also undermines ecosystem protections for highly migratory species (HMS), and creates enforcement challenges. We support CDFW's recommendation to deny the petition.

The proposal would open three no-take SMRs in the Channel Islands (Footprint, Gull Island, and Santa Barbara Island) to commercial fishing for pelagic and HMS species. These Channel Islands MPAs are among the largest, oldest, and most effective in the nation and serve as the "crown jewels" of California's MPA network. Reclassifying them as SMCAs contradicts the original planning goals for the region and the statewide MLPA framework.

¹⁶ Marine Mammal Commission. "Southern Sea Otter - Marine Mammal Commission." Marine Mammal Commission, Marine Mammal Commission, 2015,

www.mmc.gov/priority-topics/species-of-concern/southern-sea-otter/. Accessed 25 Mar. 2026.

¹⁷ California Department of Fish and Wildlife. Marine Fisheries Data Explorer; Landings by Value and Participation. <https://mfde.wildlife.ca.gov/visualize/LandingsSummary>. Accessed 27 Feb. 2026.

¹⁸ SeaSketch California. 14_7 Point Dune SMCA (Take) Discussion Forum.

<https://www.seasketch.org/california/app/forums/280/524>. Accessed 27 Feb. 2026.

¹⁹ SeaSketch California. 14_9 Swami's SMCA (Take) Discussion Forum.

<https://www.seasketch.org/california/app/forums/280/526>. Accessed 27 Feb. 2026.

²⁰ SeaSketch California. 14_8 Point Vicente SMCA (no-take) (Take/Designation) Discussion Forum.

<https://www.seasketch.org/california/app/forums/280/525>. Accessed 27 Feb. 2026.

²¹ History of the Community-Based Process on Marine Reserves at the Channel Islands National Marine Sanctuary 1999-2001. March 2002.

<https://nmschannelislands.blob.core.windows.net/channelislands-prod/media/docs/2001-marine-reserves-sac-history.pdf> Accessed 25 Mar. 2026.

Inconsistent With MRWG and MLPA Goals

The Channel Islands MPAs were established to protect representative habitats, ecological processes, and ecosystem-level biodiversity, not individual species. The MRWG explicitly designed these reserves to safeguard whole ecosystems, a principle reinforced by past FGC decisions rejecting petitions focused on single species (e.g., the 2020–21 white shark MPA proposal)²². Opening MPAs to target HMS contradicts this ecosystem-based mandate.

The petition also conflicts with MLPA Goals 1 and 2, which require protecting marine life abundance and ecosystem integrity. Contrary to the petitioner's claims, HMS are not merely transient visitors, they are apex predators that provide critical top-down structural influence on the marine community. Although wide-ranging, they aggregate at predictable hotspots such as seamounts and fronts, and studies show increases in tuna size and reduced fishing pressure following MPA establishment^{23,24}. By foraging on resident MPA species, HMS gain access to high quality prey without the risk of capture from fishing. Allowing HMS take would remove these benefits and introduce new disturbances such as boat traffic, noise, pollution, and derelict gear that harm non-migratory species the MPAs were designed to protect.

Ecological Importance of Protecting HMS and Pelagics

HMS and pelagic species provide essential ecosystem services²⁵. They transport nutrients across ocean regions and act as apex predators that regulate mid-trophic species^{26,27}. Removing them can trigger destabilizing food-web shifts, such as mesopredator booms. In Southern California, declines in sharks and billfish have been linked to increases in Humboldt squid, which then prey heavily on hake, herring, and crustaceans²⁸. Allowing HMS fishing in MPAs risks amplifying these cascading effects. Generally, HMS fisheries also frequently catch non-target species, including threatened turtles and seabirds, although hook-and-line, spear, harpoon, and deep set buoy gear is highly selective and generally avoids surface-dwelling species. Introducing take into no-take MPAs would expose protected habitats and species to new risks, undermining the core purpose of the reserves.

²² California Department of Fish and Wildlife. California's Marine Protected Area Network Decadal Management Review. 2022. [Appendix G Supplemental Tables](#).

²³ McDonald, Gavin, et al. "Global Expansion of Marine Protected Areas and the Redistribution of Fishing Effort." *Proceedings of the National Academy of Sciences*, vol. 121, no. 29, 9 July 2024, <https://doi.org/10.1073/pnas.2400592121>.

²⁴ Curnick, David J, et al. "Interactions between a Large Marine Protected Area, Pelagic Tuna and Associated Fisheries." Vol. 7, 14 May 2020, <https://doi.org/10.3389/fmars.2020.00318>

²⁵ Heithaus et al. 2008. [Predicting ecological consequences of marine top predator declines](#).

²⁶ Bauer, S., and B. J. Hoyer. "Migratory Animals Couple Biodiversity and Ecosystem Functioning Worldwide." *Science*, vol. 344, no. 6179, 4 Apr. 2014, <https://doi.org/10.1126/science.1242552>

²⁷ Reynolds, Heather L, and Keith Clay. "Migratory species and ecological processes." *Environmental Law*, vol. 41, no. 2, 2011, pp. 371–391. JSTOR, www.jstor.org/stable/43267495, <https://doi.org/10.2307/43267495>.

²⁸ Vetter, Russ, et al. Predatory interactions and niche overlap between mako shark, *isurus oxyrinchus*, and jumbo squid, *dosidicus gigas*, in the California Current. *CalCOFI Rep.*, Vol. 49, 2008, oceanrep.geomar.de/id/eprint/53785/1/4444.pdf.

Deny Petition 2023-16: Reclassify Stewart's Point and Bodega Head SMRs as SMCAs to Allow Commercial Salmon Trolling

The undersigned organizations urge the FGC to reject Petition 2023-16MPA because it conflicts with key goals of the MLPA, raises significant scientific concerns, and, according to CDFW, does not align with adaptive management guidance from the DMR. CDFW also notes that the petition contradicts the original purpose of the two SMRs, could create enforcement challenges, and may unintentionally increase pressure on groundfish species.

Conflicts With MLPA Goals

Petition 2023-16 is inconsistent with MLPA Goals 1, 2, and 6. It proposes reducing protections in two SMRs to allow commercial salmon trolling at a time when salmon populations are at historic lows²⁹, ³⁰. The commercial salmon fishery has been closed for three consecutive years (2023–2025) due to extremely low abundance driven by multi-year drought, warming waters, harmful algal blooms, and wildfire-related impacts on watersheds. Introducing new fishing pressure in SMRs would add stress to a species already in crisis, directly contradicting MLPA Goal 1, which requires protecting and maintaining species abundance.

The petition also conflicts with MLPA Goal 2, which prioritizes sustaining and rebuilding depleted, economically valuable species. Salmon clearly meet both criteria: they are economically important and severely depleted. Reclassifying SMRs as SMCAs to increase commercial harvest opportunities during a period of population collapse runs counter to the MLPA's conservation mandate. Finally, weakening protections in Stewart's Point and Bodega Head SMRs would undermine the integrity of the statewide MPA network, violating MLPA Goal 6. SMRs serve as the backbone of the network, and reducing their protection level diminishes the connectivity and ecological function the MLPA requires.

Scientific Concerns

While the petition correctly notes that climate change threatens salmon, its proposed action does nothing to address the root causes of salmon decline. Research shows that warming water temperatures and reduced streamflow have harmed salmon throughout their life cycle, contributing to long-term reductions in abundance³¹. Allowing take in SMRs would not mitigate these climate-driven stressors and would remove safeguards that currently allow salmon to recover and safely hunt for prey within those MPAs.

Recent scientific studies underscore the importance of maintaining strong protections. A 2023 study by Hamilton, Kennedy, and colleagues found that MPAs, despite facing climate stressors,

²⁹ PFMC. 2026. [Review of 2025. Ocean Salmon Fisheries.](#)

³⁰ CDFW. 2026. [Chinook Salmon.](#)

³¹ Siegel, Jared E. and Crozier, Lisa G. "Impacts of Climate Change on Salmon of the Pacific Northwest: A review of the scientific literature published in 2019". 2020, <https://doi.org/10.25923/jke5-c307>

can function as climate refugia that buffer species from the worst impacts of warming³². Similarly, Smith et al. (2025) examined ecological communities in Central Coast MPAs before, during, and after the 2014–2016 marine heatwaves³³. While MPAs did not prevent all climate-driven changes, some communities inside MPAs experienced less disruption than reference sites, and MPAs continued to support higher fish biomass, abundance, and diversity even during extreme heat events.

These findings suggest that maintaining the integrity of the existing MPA network is more likely to support the resilience of salmon and HMS under climate change than weakening SMRs to expand commercial fishing allowances. Strong, fully protected areas provide ecological stability that can help species, including salmon, better withstand climate-related pressures.

Deny Three Actions with Petition 2023-18: Modifications to allowed uses at several Santa Barbara Channel MPAs

The undersigned organizations urge the FGC to reject Petition 2023-18MPA because it is inconsistent with the goals of the MRWG and the MLPA and lacks scientific justification for removing protections for seabirds and pinnipeds. We support CDFW’s recommendation to deny actions 2023-18MPA_5, 2023-18MPA_6, and 2023-18MPA_7, which would reduce protections for seabird and pinniped populations and weaken ecological protections. We also support CDFW’s recommendation to support action 2023-18MPA_2 to continue support for the Marine Monitor (M2) radar at Point Conception SMR, because it aligns with the goals of the MLPA and the DMR recommendations regarding improving MPA enforcement.

Inconsistent With MRWG and MLPA Goals

Actions 2023-18MPA_5, 2023-18MPA_6, and 2023-18MPA_7 propose removing the Special Closures on San Miguel Island and Anacapa Island which were established prior to the creation of the MPA network to protect seabird and pinniped populations from human disturbance.³⁴ San Miguel Island is home to one of the largest pinniped rookeries and haul-out areas in the country and pinnipeds are highly sensitive to disturbance, especially during pupping and breeding, when disturbance can lead to reduced reproductive success or pup abandonment.³⁵ Similarly,

³² Hamilton, Susan L, et al. “Variable Exposure to Multiple Climate Stressors across the California Marine Protected Area Network and Policy Implications.” *Ices Journal of Marine Science*, vol. 80, no. 7, 26 July 2023, pp. 1923–1935, <https://doi.org/10.1093/icesjms/fsad120>.

³³ Smith, Joshua G, et al. “Conservation Benefits of a Large Marine Protected Area Network That Spans Multiple Ecosystems.” *Conservation Biology*, 9 Jan. 2025, <https://doi.org/10.1111/cobi.14435>

³⁴ National Park Service. “Marine Protected Areas - Channel Islands National Park”. <https://www.nps.gov/chis/learn/nature/marine-protected-areas.htm>. Accessed 23 March 2026.

³⁵ Lowry, Mark S., Elizabeth M. Jaime, and Jeffrey E. Moore. 2021. Abundance and distribution of pinnipeds at the Channel Islands in southern California, central and northern California, and southern Oregon during summer 2016–2019. U.S. Department of Commerce, NOAA Technical Memorandum NMFS-SWFSC-656. <https://doi.org/10.25923/6qhf-0z55>

Anacapa Island is home to the largest breeding colony of California brown pelicans in the world^{36, 37}.

Brown pelicans are extremely sensitive to noise and human disturbance, particularly during nesting when disturbance can cause nest abandonment³⁸. Removing protections threatens these sensitive populations and conflicts with MRWG Goal 1 and MLPA Goals 1 and 2 which aim to protect populations of interest and the natural diversity and abundance of marine life.

Conclusion

We urge the FGC to reject Petitions 2023-14, 2023-15, 2023-16, and 2023-18 to ensure that California's marine ecosystems remain resilient, healthy, and protected for future generations.

Thank you for your leadership and for considering these comments.

Sincerely,

Organizations³⁹

Tomas Valadez
California Policy Manager
Azul

Kayla Fearheller
CEO and Founder
Bleu World Corporation

Sean Bothwell
Executive Director
California Coastkeeper Alliance

Barbara Brydolf
President Alta Peak Chapter
California Native Plant Society

Sharon Musa
External Affairs Manager
Catalina Island Conservancy

³⁶ National Park Service. Restoring Anacapa Island: Seabird Habitat - Channel Islands National Park. <https://www.nps.gov/chis/learn/nature/restoring-anacapa-island-sea-bird-habitat.htm>. Accessed 24 March 2026.

³⁷ California Department of Fish and Wildlife. Anacapa Island Special Closure. Version 2, September 2022. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=104293>.

³⁸ Anderson 1998. [Dose-response relationships between human disturbance and brown pelican breeding success](#).

³⁹ Alphabetical by organization name

Suzanne Hume
Educational Director & Founder
CleanEarth4Kids.org

Dan Silver
Executive Director
Endangered Habitats League

Laura Deehan
State Director
Environment California

Pamela Heatherington
Director
Environmental Center of San Diego

Azsha Hudson
Marine Conservation Analyst & Program Manager
Environmental Defense Center

Laura Hunter
Board Member
Escondido Neighbors United

Suzie Fortner
Executive Director
Friends of the Dunes

James Peugh
Chair
Friends of Famosa Slough

Michael Wellborn
Board President
Friends of Harbors, Beaches and Parks

Daniel Watman
Friends of International Friendship Park

Karin Zirk, Ph.D.
Executive Director
Friends of Rose Creek

Carissa Cabrera
Founder
Futuruswell

Val Schull
Water and Ocean Program Director
GreenLatinos

Kerry J. Nickols, Ph.D.
Science and Policy Director
Heal the Bay

Sarah Winter Whelan
Executive Director
Healthy Ocean Coalition

Michael Quill
Marine Programs Director
Los Angeles Waterkeeper

Lance Morgan, PhD
President
Marine Conservation Institute

Sandy Aylesworth
Pacific Initiative Director, Oceans
NRDC

Natalie Johnston
Interpretive Programs Manager
Pacific Grove Museum of Natural History

Janette Luviano
Director of Programs
Sachamama

Adriana Guerrero-Nardone
Executive Director
Salted Roots

Muriel Spooner
Co-Chair Conservation Committee
San Diego Bird Alliance

Michael Blum
Principal
Sea of Clouds

Jack Eidt
Co-Founder
SoCal 350 Climate Action

Joanie Steinhaus
Ocean Program Director
Turtle Island Restoration Network

Katie O'Donnell
Senior Ocean Conservation Manager
WILDCOAST

Individuals⁴⁰

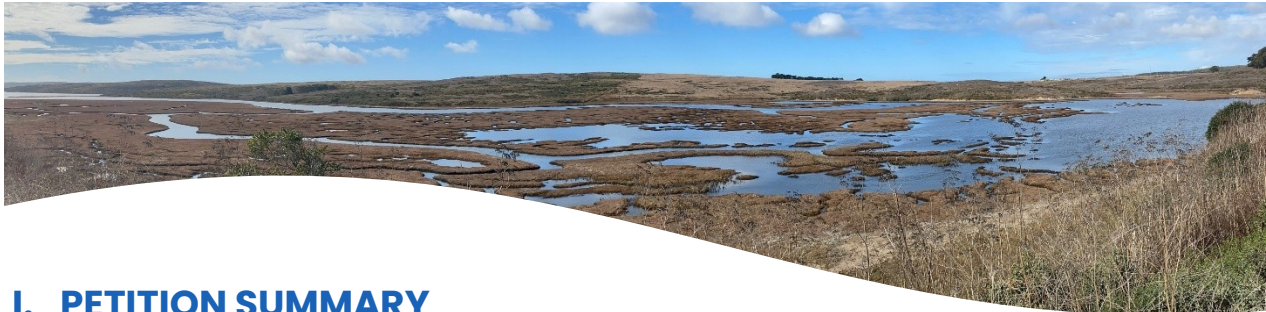
Natalie Borchardt, Senior Manager Natural Resources

MV Eitzel, Professional Researcher at University of California, Davis

⁴⁰ Individuals are signing onto this letter for themselves, and are not signing on behalf of their organization. In other words, their affiliation with an organization is not an endorsement by the organization, but only by the individual person.

California Department of Fish and Wildlife's Evaluation of 2023 Decadal Management Review Marine Protected Area Petition:

Reclassify Footprint, Gull Island, and Santa Barbara Island SMRs to SMCAs to Allow Take of Highly Migratory Species (2023- 15MPA_AM)



I. PETITION SUMMARY

CFGFC Tracking Number	2023-15MPA_AM
Petition Contact/Affiliation	Blake Hermann
Number of Proposed Actions	3
Affected MPAs	Footprint SMR, Gull Island SMR, Santa Barbara Island SMR
Petition Summary	Reclassify three State Marine Reserves/Federal Marine Reserves (SMR/FMRs) in the Northern Channel Islands as State Marine Conservation Areas/Federal Marine Conservation Areas (SMCA/FMCAs) to allow use of Deep Set Buoy Gear (DSBG), pending the potential establishment of a DSBG fishery in state waters, commercial take of swordfish (<i>Xiphias gladius</i>) by harpoon, and one of six options representing various combinations of recreational and/or commercial take of highly migratory species (HMS) or pelagic finfish, and possession of coastal pelagic species (CPS). Petitioner includes options for partial reclassification of two of the three marine protected areas (MPAs) into inshore limited take or No-take MPAs/offshore limited take MPAs, with the portion of the existing MPA that extends into federal waters assuming the same regulations as the offshore portion in state waters. Target species and gear options proposed are intended to limit ecosystem impacts due to the selective nature of the fishing gear.
Link to StoryMap page	2023-15MPA_AM



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>2023-15MPA_1_AM2 Reclassify Footprint SMR/FMR to an SMCA/FMCA to allow use of DSBG, pending the potential establishment of a DSBG fishery in state waters; commercial take of swordfish by harpoon; and one of six options representing various combinations of recreational and/or commercial take of HMS or pelagic finfish by hook-and-line and/or spear, and possession of CPS (Table 1).</p>	<p>The petitioner’s stated intent for the proposed change is that HMS and pelagic finfish, including swordfish, were not intended to be protected by this MPA, and that take of these species will provide economically beneficial sustainable commercial fishing opportunities while minimally impacting the ecosystem due to the selective nature of the gear.</p>	<p>Deny petition actions 2023-15MPA_1_AM2, 2023-15MPA_2_AM2 and 2023-15MPA_3_AM2. The proposed change, to reclassify Footprint SMR/FMR to an SMCA/FMCA to allow use of DSBG, commercial take of swordfish by harpoon, and various combinations of other recreational and/or commercial take, does not advance adaptive management recommendations from the Decadal Management Review or address a current or emerging MPA management challenge. Furthermore, the change would conflict with the original goals of these MPAs, create enforcement feasibility issues, and require coordination and a corresponding rulemaking with the National Oceanographic and Atmospheric Administration (NOAA) Channel Islands National Marine Sanctuary (CINMS). CINMS has not indicated to date to CDFW that protection level modifications appear needed in order to better support the goals established for these MPAs. There is not sufficient evidence to demonstrate that the proposed change would advance MPA adaptive management or that a change in MPA regulations is warranted.</p>

CDFW EVALUATION 2023-15MPA_AM Hermann

<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>2023-15MPA_2_AM2 Reclassify Gull Island SMR/FMR to an SMCA/FMCA, or partially reclassify into an onshore portion with stronger take protections and an offshore portion with fewer restrictions. Within at least the offshore area, allow use of DSBG pending the potential establishment of a DSBG fishery in state waters; commercial take of swordfish by harpoon; and one of six options representing various combinations of recreational and/or commercial take of HMS or pelagic finfish by hook-and-line and/or spear, and possession of CPS (Table 1).</p>	<p>See 2023-15MPA_1_AM2.</p>	<p>Deny. See 2023-15MPA_1_AM2.</p>

CDFW EVALUATION 2023-15MPA_AM Hermann

<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>2023-15MPA_3_AM2 Reclassify Santa Barbara Island SMR to an SMCA, or partially reclassify into an onshore portion with stronger take protections and an offshore portion with fewer restrictions. Within at least the offshore portion, allow use of Deep Set Buoy Gear (DSBG) pending the potential establishment of a DSBG fishery in state waters; commercial take of swordfish by harpoon; and one of six options representing various combinations of recreational and/or commercial take of HMS or pelagic finfish by hook-and-line and/or spear, and possession of CPS (Table 1).</p>	<p>See 2023-15MPA_1_AM2.</p>	<p>Deny. See 2023-15MPA_1_AM2.</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 petition process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with the 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 2023-15MPA_1_AM2, _2_AM2, AND _3_AM2

The petitioner has requested that three SMRs/FMRs in the Northern Channel Islands (Footprint, Gull Island, and Santa Barbara Island SMRs/FMRs) be reclassified to allow take of select species. These No-take MPAs extend beyond the 3 nautical mile (nm) state waters boundary to the 6 nm CINMS boundary in federal waters. The purpose of these federal reserves within the CINMS is to “further the protection of Sanctuary biodiversity and to complement the state’s marine reserves.” However, the petitioner seeks to open these No-take MPAs to increase opportunities for take of HMS² (as defined in California Code of Regulations (Cal. Code Regs.), title (tit.) 14, § 1.49) and pelagic finfish³ (as defined in Cal. Code Regs., tit. 14, § 632, subdivision (subd.) (a)(3)) including swordfish, using a variety of gear types intended to minimize impact to other species and habitats within the MPAs. The proposal also includes an allowance for possession of CPS⁴ (Cal. Code Regs., tit. 14, § 1.49). The proposed change aims to address a number of problems stated by the petitioner. Firstly, the petitioner states that, “The problem created by [the MPAs established in the Northern Channel Islands in 2003] was the unintentional protection of seasonal pelagic and highly migratory species that migrate into Southern California in the summer months.” The petitioner also asserts the proposed action to allow these activities would resolve, “a large conflict in these MPAs” related to commercially targeted swordfish that are, “legally taken” (i.e., hooked or harpooned) outside of an MPA but that may require gear retrieval within an MPA’s boundaries due to movement by the fish and associated gear during the soak period. The petitioner further asserts that local naval closures result in limited and unpredictable fishing area availability in the Northern Channel Islands at any given time, which could be mitigated by providing access to areas that currently prohibit take (See response to Question 7b in the evaluation framework below for a complete list of concerns raised by the petitioner).

² albacore, bluefin, bigeye, and yellowfin tuna (*Thunnus* spp.), skipjack tuna (*Katsuwonus pelamis*), dorado (dolphinfish) (*Coryphaena hippurus*), striped marlin (*Kajikia audax*), thresher sharks (common, pelagic, and bigeye) (*Alopias* spp.), shortfin mako shark (*Isurus oxyrinchus*), blue shark (*Prionace glauca*), and Pacific swordfish (*Xiphias gladius*)

³ northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena* spp.), billfishes* (family *Istiophoridae*), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family *Scombridae*) including Pacific bonito (*Sarda chiliensis*), and yellowtail (*Seriola dorsalis*). *Within the billfish family, commercial take of marlin is prohibited.

⁴ northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Doryteuthis opalescens*)

CDFW EVALUATION 2023-15MPA_AM Hermann

The petitioner's proposal for the Gull Island and Santa Barbara Island MPAs includes two alternatives: reclassifying the entire SMR as an SMCA, or establishing a new MPA cluster, with an onshore portion with stronger take protections (either a No-take SMR or a restrictive limited-take SMCA) and an offshore portion with fewer restrictions. The proposal for Footprint SMR/FMR does not include nearshore/offshore options, as it is in the channel between Santa Cruz and Anacapa Islands and thus does not border the mainland coast.

The petition proposes expanding opportunity within the new SMCAs by allowing use of deep-set buoy gear (DSBG), allowing commercial take of swordfish by harpoon, and selecting one of 6 options for other commercial and/or recreational take of HMS and pelagic finfish, as well as possession of CPS. Gear types would include hook and line, no-bottom contact hook and line, and/or spear (see Table 1 for all proposed options).

The petitioner also requests consideration of an allowance for DSBG inside the affected MPAs, pending any potential establishment of a DSBG fishery by the California Fish and Game Commission (CFGC). DSBG is currently not permitted for use in California state waters, except for an active experimental fishing permit (EFP) issued by CDFW which allows limited testing of DSBG by specific permit holders, including in the area around the Northern Channel Islands.

To facilitate analysis of the various options, CDFW distilled each variation of the petitioner's proposal into three proposed actions, Footprint (2023-15MPA_1_AM2), Gull Island (2023-15MPA_2_AM2), and Santa Barbara Island (2023-15MPA_3_AM2). CDFW evaluated the proposed actions as a whole because the analysis of redesignating all or portions of these SMR/FMRs to SMCA/FMCAs to allow commercial or recreational take of the proposed species (HMS/pelagic finfish, swordfish, plus CPS possession) using any of the proposed gear types (hook and line, no-bottom contact hook and line, spear, harpoon), is similar regardless of the particular location or variation considered. As redesignating the portions of the three SMR/FMRs that occur in federal waters is not within CFGC authority, CDFW focused the petition evaluation on proposed changes specified within state waters. In considering and weighing decisions to amend portions of the MPA Network around the Channel Islands, it is important to note the Islands MPAs were established through a joint state/federal community-based process, respective state and federal rule making processes with aligned MPA goals and regulations, and has been co-managed by the state, CINMS, and Channel Islands National Park.

Although the petitioner asserts the proposed options in the petition align with one or more of the MPA Master Plan objectives, CDFW's evaluation finds the petition (including all six options for the three affected SMR/FMRs):

CDFW EVALUATION 2023-15MPA_AM Hermann

- Is inconsistent with the goals of these MPAs as stated in the Northern Channel Islands MPA planning process,
- Does not align with the original intent of the MPAs,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

The petition proposal is inconsistent with the goals of these SMR/FMRs defined during the Northern Channel Islands MPA planning process, and these goals remain relevant today, including:

- To protect representative and unique marine habitats, ecological processes, and populations of interest; to identify and protect multiple levels of diversity (e.g. species, habitats, biogeographic provinces, trophic structure, and
- To set aside areas which provide physical, biological, and chemical functions (See NOAA 2007a and 2007b for goals of the Northern Channel Islands MPA planning process).

These SMR/FMRs were intentionally designed and placed with ecosystem-level protection objectives in mind. Although the Marine Reserves Working Group did not identify HMS and pelagic finfish, including swordfish, as species of interest or likely to benefit from MPAs during the Northern Channel Islands MPA planning process, the affected SMR/FMRs continue to offer refuge to individuals of these species when they are present and may be used for biological functions (e.g., swordfish basking).

Currently, Gull Island and Santa Barbara Island SMR/FMRs serve as part of the backbone of California's MPA Network, facilitating habitat and resource protection and ecological connectivity. Some of the proposed options would result in the current Level of Protection (LOP) being reduced from Very High to Moderate-low, which would result in these MPAs losing their status as habitat replicates. This has potential to compromise ecological connectivity objectives for the MPA Network, including between the Northern Channel Islands and the mainland coast. While the petitioner offers take options to allow these MPAs to maintain their replicate status (e.g., some inshore/offshore options), the MPAs would no longer offer the highest levels of protection or serve their designed function in the MPA Network as SMR/FMRs. All three MPAs and their No-take designations were expanded into federal waters in 2006 and 2007 by NOAA regulations cited in the Federal Register (See NOAA 2007b). Thus, redesignating these No-take MPAs as partial take MPAs in state waters would result in misalignment with regulations in the adjoining No-take FMRs. Redesignating the portions of the three MPAs that occur in federal waters is not within CFGC authority. Since the implementation of these MPAs, NOAA Sanctuaries has not indicated to CDFW that protection level modifications appear needed in order to

better support the goals established for these MPAs. The petition is currently under review by CINMS staff.

The petition proposal to partially or fully reclassify select Channel Island SMR/FMRs to SMCA/FMCAs is anticipated to present enforcement feasibility challenges due to increasing take regulation complexity combined with options for the inshore/offshore design. These proposed changes could cause public confusion about spatial, regulatory, and user group differences in allowed uses in the proposed near-shore and offshore areas, leading to greater accidental or intentional non-compliance and copycat behavior.

Regarding the petitioner's request for CFGC to consider an allowance for DSBG inside the state waters of the affected SMR/FMRs, there is no current process underway to broaden the use of DSBG to state waters beyond the currently active EFP, so such an allowance would be premature.

RECOMMENDATION FOR 2023-15MPA

Given these considerations, and the information in the evaluation below, **CDFW recommends CFGC DENY the petition**, including proposed changes:

- **2023-15MPA_1_AM2**, reclassify Footprint SMR to SMCA,
- **2023-15MPA_2_AM2**, reclassify all or portions of Gull Island SMR to SMCA, and
- **2023-15MPA_3_AM2**, reclassify all or portions of Santa Barbara Island SMR to SMCA.

EVALUATION QUESTIONS

2023-15MPA_1_AM2, _2_AM2, and _3_AM2: Reclassify three Channel Island SMRs to SMCAs, or reclassify portions into inshore/offshore (limited take or No-take/limited take) MPAs, to allow one of six options representing various combinations of recreational and commercial take of highly migratory species (HMS), possession of coastal pelagic species (CPS), and recreational and/or commercial take of pelagic finfish, using various gear types, including deep-set-buoy-gear.

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 Marine Life Protection Act (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 MPA Network management. See Question 1 of Attachment 1 for the MLPA Goals and Master Plan objectives.

Although the petitioner asserts the proposed actions would align with the MLPA Goals and MLPA Master Plan, in the broader adaptive management framework, the proposed change would not advance management of the MPA Network. As part of California's MPA Network, the three MPAs affected by the proposed changes are intended to meet several MLPA Goals that are still relevant today, including:

- Footprint SMR: Goals 1, 2, and 5,
- Gull Island SMR: Goals 1, 2, 5, and 6, and
- Santa Barbara Island SMR: Goals 1, 2, 5, and 6

Although HMS and swordfish stocks were not identified as species of interest or likely to directly benefit from directly MPAs due to their high mobility and large geographic ranges, the affected SMR/FMRs currently offer refuge to individuals of these species when they are present and may be used for biological functions (e.g., swordfish basking). These SMR/FMRs were intentionally designed and placed with ecosystem-level protection objectives in mind.

Currently, Gull Island and Santa Barbara Island SMR/FMRs are habitat replicates within the backbone of California's MPA Network, facilitating habitat and resource protection and ecological connectivity. Some of the proposed options have the potential to compromise ecological connectivity objectives for the MPA Network, which includes connectivity between the Northern Channel Islands and the mainland coast. Thus, the impact of the proposed changes to these SMR/FMRs has the potential to be greater than the take of HMS and pelagic finfish alone. While the petitioner offers some take options to allow these MPAs to maintain their replicate status (e.g., nearshore limited take zones), they would no longer offer the highest levels of protection or serve their designed function in the MPA Network as SMRs/FMRs. Additionally, they would no longer be aligned with the FMR goals.

QUESTION 2A: DOES THE PROPOSED CHANGE ADVANCE ADAPTIVE MANAGEMENT RECOMMENDATIONS IN THE DECADAL MANAGEMENT REVIEW?

No. None of the options the petitioner proposes 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.

The petitioner cites several DMR Recommendations to justify allowing fishing for HMS and pelagic finfish within the affected SMR/FMRs, characterizing this activity as now being realized as, “low impact.” During the planning process, MPAs were acknowledged as not being as suitable for the protection of species that are highly mobile with large geographic ranges. However, the affected SMR/FMRs were intentionally established as No-take areas to meet MLPA Goals around ecosystem-level protection and thus, HMS and pelagic finfish are protected in these MPAs when present. While selective pelagic fishing gear may reduce direct MPA impacts, the affected SMR/FMRs were sited through extensive ecological and socioeconomic analysis and fishery stakeholder input. The petitioner’s rationale for introducing pelagic fishing does not offer new information resulting from the DMR or outweigh the foundational design principles of these No-take MPAs to warrant the proposed change, and thus, would not advance MPA 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 change is, “The problem created by [the MPAs established in the Northern Channel Islands in 2003] was the unintentional protection of seasonal pelagic and highly migratory species that migrate into Southern California in the summer months,” which is not a current or emerging MPA management challenge.

The petitioner also asserts the proposed action to allow these activities would resolve, “a large conflict in these MPAs” related to commercially targeted swordfish that are, “legally taken” outside of an MPA but that may require gear retrieval within an MPA’s boundaries due to movement by the fish and associated gear during the soak period. This is also not a current or emerging MPA management challenge (see response to Question 7b for more details).

See response to Question 1 regarding the goals that these MPAs are designed to meet and response to Question 8 for additional information on the background and intended purpose of these MPAs.

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. However, the petition proposal includes a request for CFGC to consider an allowance for DSBG inside the state waters of the affected SMR/FMRs, pending any potential establishment of a state DSBG fishery by CFGC. DSBG is currently not permitted for use in California state waters. There is an active EFP issued by CDFW which allows limited testing of DSBG by specific permit holders, including in the area around the Northern Channel Islands (CDFW 2025). Though it is possible that this gear type may be allowed in state waters in the future, at this time it is unclear if and when CFGC might allow use of DSBG in state waters beyond the EFP.

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 affected SMR/FMRs extend into federal waters. Following the Northern Channel Islands MPA designation process, the state of California collaborated with NOAA to extend some of the MPAs inside of CINMS into federal waters (Fig. 1). By design, these federally designated protected areas maintain consistent regulations with the state portions of the MPAs. Redesignating the portions of the three MPAs that occur in federal waters is not within CFGC authority. Since the implementation of these MPAs, NOAA Sanctuaries has not indicated to CDFW that protection level modifications appear needed in order to better support the goals established for these MPAs. NOAA Sanctuaries is currently reviewing the petition.

The three affected SMR/FMRs are inside and co-managed with CINMS and Channel Islands National Park, both of which are federally administered. Implementation of the proposed changes would require consultation and coordination with federal authorities and would likely affect their management activities.

Regarding the petition's proposal to include DSBG as a fishing gear option within the affected SMR/FMRs, DSBG is already permitted in federal waters for those with federal HMS permits outside of MPAs, though there are additional endorsements and permits also required.

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 had 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:

- The California Environmental Quality Act documents that accompanied the original rulemaking establishing these MPAs (CDFG 2002a, CDFG 2002b),
- History of the Community-Based Process on Marine Reserves at the Channel Islands National Marine Sanctuary 1999-2001 (MRWG 2002),
- NOAA's Final Environmental Impact Statement for the Establishment of Marine Reserves and Marine Conservation Areas in the Channel Islands National Marine Sanctuary (NOAA 2007a),
- NOAA's final rule on the marine reserves inside Channel Islands National Marine Sanctuary (NOAA 2007b),
- The DSBG EFP conditions (CDFW 2025), and
- Internal consultation with CDFW's Marine Enforcement District on the feasibility complications that this proposed change would introduce.

Though the petitioner provided extensive supplementary information with their petition, 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, including the foundational principles of the MLPA and information guiding management of MPAs and the relevant fisheries.

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. None of the options proposed by the petitioner were considered during the Northern Channel Islands MPA planning process. There were some proposals which did not include an MPA at Santa Barbara Island, and that area would have therefore been open to fishing as proposed in this petition (other than use of DSBG). However, in all alternatives where MPAs were considered at these sites, only SMRs were considered. None of the sites in the petition's proposal were considered for partial take SMCAs.

Following the initial proposal for the Northern Channel Islands MPAs, both the recreational and commercial fishing stakeholders returned a prioritized list of adjustments to that proposal. None of the options proposed by this petitioner were listed in the high priority requests by either group during this planning process.

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. CDFW recognizes that the petitioner has worked to assemble a significant volume of information in their petition and provided their rationale to consider reevaluation of the SMRs discussed. However, the information presented does not support a recommendation to grant the proposed changes in the petition. The petitioner's stated reasons and CDFW's response follows:

- According to the petitioner, since implementation, research has shown that species discussed in the petition likely do not significantly benefit from state spatial protections, as their ranges are so large and these species are so mobile that state protected areas represent a small portion of their habitat.
 - During the Northern Channel Islands MPA planning process, it was acknowledged and recognized that MPAs should not be designed to protect highly mobile species because MPAs could not be designed large enough to capture their seasonal movement patterns and large geographic ranges. Thus, areas selected and placed for No-take protection, in which ecosystem-level protection was desired, were intended to offer the highest protection to the habitat, invertebrates, and fishes with smaller home ranges.
 - Although HMS and swordfish stocks were not identified as species of interest or likely to directly benefit from MPAs due to their high mobility and large geographic ranges, the affected SMR/FMRs currently offer refuge to individuals of these species when they are present and may be used for biological functions (e.g., swordfish basking).
 - HMS and pelagic finfish may receive benefits from marine reserves even if they spend more time outside than inside marine reserves. HMS and pelagic finfish fulfill an ecosystem role within marine reserves as predators on and forage for other species. Such species may benefit from fully protected zones if their prey is concentrated in a given area or if the zones include breeding, aggregating or resting grounds. Scientific research suggests that pelagic species gather in certain spots (usually banks or ridges), particularly during critical life cycle stages. Maintaining marine reserves in these areas is beneficial as the number and size of pelagic

animals in the food web dictates what other organisms thrive or decline (NOAA 2007a).

- According to the petitioner, limited take of pelagic finfish is unlikely to negatively impact the species that each SMR, “aims to protect” (such as species of interest identified as important for each MPA in the original California Environmental Quality Act document for the project).
 - The petition proposes the use of gear types that are selective to the target species, including options for no-bottom contact hook and line. While these gear types are intended to minimize fishing impacts within the affected SMRs, the Northern Channel Islands MPA planning process, after careful consideration of socioeconomic impacts and incorporating recommendations from commercial and recreational fishing stakeholders, established these areas with the intention they would prohibit all take. This included the recognition that the MPAs would also serve to benefit depleted groundfish stocks and other species of concern at the time.
 - Per NOAA’s Final Environmental Impact Statement (FEIS) concerning adopting these MPAs into federal regulation: allowing the take of pelagic species does not fully meet the goals of NOAA’s action adopting these MPAs. See section 3.1.2.2 of the FEIS for a discussion on the impacts of limited take (NOAA 2007a).
- The petitioner states that the proposal would result in more equal representation of MPA types across the state (the statewide MPAs established during the MLPA Initiative planning process have a higher proportion of SMCAs than the set of MPAs established during the Northern Channel Islands MPA planning process).
 - Equal representation of MPA types across the state is not an adaptive MPA management goal. Having a higher portion of SMRs within CINMS relative to the overall Network is commensurate with a nationally and internationally recognized biologically significant area containing sensitive species and habitats.
 - Per NOAA’s FEIS from when these MPAs were adopted: Marine conservation areas will not achieve the purpose and goals of the action as well as marine reserves. See sections 3.1.2.2 and 5.1.1.1 of the FEIS for more discussion on the ecological value of marine reserves compared to marine conservation areas (NOAA 2007a).
- The petitioner perceives the proposed changes to align with prior MPA management documents and processes, such as the MLPA Goals and the DMR.

CDFW EVALUATION 2023-15MPA_AM Hermann

- The petition's proposal does not align with the Goals of the MLPA or the DMR Recommendations. See responses to Questions 1 and 2 for a more in-depth explanation of why not.
- The petitioner believes the proposal would support sustainable fisheries and further develop the local and state economy.
 - While MPAs may offer benefits to fisheries, specific measures intended to support sustainable fisheries should be addressed through updates to fishery management rather than revising MPA regulations. Furthermore, the marginal increase in catch that might result from the proposed change is not expected to impact sustainability or enhance the local or state economy in a measurable way.
- According to the petitioner, the proposed changes will provide streamlined regulations that are reasonably enforceable.
 - The proposed change would increase regulatory complexity, not simplify regulations, and as such, would not improve enforceability. See responses to Questions 11 and 12 for a more in-depth explanation of why not.
- The petitioner identifies concerns about commercial swordfish anglers being penalized for gear retrieval within an MPA due to a "legally taken fish" moving from outside to inside an MPA's boundaries during the soak period and resulting in punitive consequences or wasted fish.
 - A fish that is hooked or harpooned outside the MPA and ultimately retrieved inside the MPA is not 'legally taken.' 'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code § 86). Hauling a fish and associated gear aboard is part of the catching or capturing process and therefore qualifies as take. By letter of the law, even if a swordfish is hooked or harpooned outside of the MPA and then the vessel, gear and fish drift into the MPA while it is being hauled in, it technically is a violation of the regulation. On the rare occasion that this occurs, CDFW's Marine Enforcement District (MED) will investigate the incident and determine whether to issue a citation to the individual or to give a warning to the person based on all of the evidence, statements, and facts on hand. If regulations allowed for take of swordfish outside of an MPA, and subsequently allowed those taking the fish to drift inside of the MPA while they are hauling in the fish, this would weaken MED's ability to enforce MPA regulations because it would be impossible to distinguish those that drifted in from those who are deliberately taking inside an MPA and thus hiding behind such an exemption. The conflict the petitioner describes results from a misunderstanding of the regulation, not from misapplication of law enforcement. This can be resolved without an MPA

regulation amendment by fishery participants changing the location of where they fish.

- If only gear and no fish were retrieved, having gear or lines in the water and terminal tackle attached to those lines is considered an attempt to hunt, pursue, catch, capture, or kill and therefore qualifies as take. If gear targeting fish is retrieved within a No-take MPA, that is also technically a violation of the regulation, even if no fish were retrieved.
- According to the petitioner, localized U.S. Navy closures result in limited and unpredictable fishing area availability in the Northern Channel Islands at any given time.
 - This is not an MPA management issue.
 - While any impact may seem significant for those who experience it, NOAA's economic analysis conducted for their FEIS determined that the socioeconomic impact to fisheries from NOAA's action would be minimal (NOAA 2007a).

For these reasons, opening the affected SMR/FMRs to take of HMS and pelagic finfish including swordfish is not an appropriate means of addressing the petitioner's stated problem. Additionally, there is not sufficient evidence to demonstrate that the proposed change would advance MPA adaptive management or that a change in MPA regulations is warranted.

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. None of the options for proposed changes align with goals identified during the Northern Channel Islands MPA planning process. According to the planning documents, the biodiversity goal of the process was, "to protect representative and unique marine habitats, ecological processes, and populations of interest" (MRWG 2002). An objective under that goal was to set aside areas which provide physical, biological, and chemical functions. The petitioner identifies the Footprint SMR specifically as a calm area in the lee of Santa Cruz Island where basking swordfish are more easily sighted. Calm waters allow swordfish to partake in basking behavior (Sepulveda et al. 2010), which suggests these species may use these areas for biological functions and benefit from protection.

The affected SMR/FMRs were intentionally established as No-take areas to meet MLPA Goals around ecosystem-level protection; HMS and pelagic finfish are protected in these MPAs when present, and thus, the proposed change would conflict with the foundational objectives for these areas.

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 MLPA 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 Level of Protection (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.

Footprint SMR does not currently meet the minimum size criterion. None of the proposed options would increase its size, and all would decrease its LOP by reclassifying it from an SMR to an SMCA. As a result, implementation of any option would not improve the design of Footprint SMR or the MPA Network, nor would it enhance alignment with the MLPA Science Guidelines, and thus, does not warrant a change.

Santa Barbara Island and Gull Island SMRs currently serve their designed function as habitat replicates. The proposed change under Options 1-4, without the inshore SMR/offshore SMCA, would lower the level of protection from Very High to Moderate-low, meaning they would no longer meet the minimum requirements to serve their designed connectivity role within the Network as habitat replicates. Such a change would decrease habitat replication and representation, increase spacing between habitat types, and undermine the design of these individual MPAs and the overall MPA Network.

The proposed change under Options 1-4, with the inshore SMR/offshore SMCA, would divide each of the two SMRs into an inshore SMR with a Very High LOP and an offshore SMCA with a High LOP. Options 5 and 6 would convert both SMRs to SMCAs with High LOPs. Although these options would result in the MPAs maintaining their habitat replicate status, the MPAs would no longer provide the highest LOP or serve their intended function in the MPA Network as SMRs. Therefore, implementation would not improve the design of these individual MPAs or the MPA Network, nor would it enhance alignment with the MLPA Science Guidelines.

See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context. See Table 2 for more information on the protection level and habitat representation in each of these MPAs.

QUESTION 10A: DOES THE PROPOSED CHANGE ALIGN WITH CDFW FEASIBILITY GUIDELINES?

No. The options proposed in this petition would not align with Feasibility Guidelines related to enforceability. Feasible take regulations avoid precluding, "some uses while allowing other uses that are very similar" (e.g., allowing only take of HMS or pelagic finfish by a take method that can also be used for other species) and, "those which prohibit very specific gear types that must be checked on the water" (e.g., prohibited "bottom-contact gear" options).

The inshore SMR/offshore SMCA options conflict with MPA cluster orientation feasibility, "MPA clusters oriented in an alongshore fashion (stacked north/south) are preferred compared to inshore/offshore orientation." They also deviate from the MPA design guidance under "Multiple Zoning" to, "avoid having areas split to allow for different uses in different portions of an MPA." See Question 10a of Attachment 1 for the 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?

No. There is no rationale for moving forward with any of the options presented in the petition or an alternative.

QUESTION 11: DOES THE PROPOSED CHANGE MAINTAIN OR IMPROVE ENFORCEABILITY OF MPA REGULATIONS?

No. None of the options presented in the petition maintain or improve enforceability of MPA regulations. Each proposed alternative adds another type and method of take to otherwise No-take MPAs and in some cases, incorporates an inshore/offshore design, which compromises enforceability of these MPAs by:

- Making it more difficult to discern if an activity is allowed when surveilling the MPA from afar,
- Increasing the potential for non-compliance with members of the public who observe the activity taking place in an MPA but are unfamiliar with the regulations, and
- Increasing the potential for the illegal take of other species.

Transitioning a third of the Channel Islands MPA Network to partial-take marine conservation areas is expected to intensify existing enforcement challenges, increasing operational costs and reducing the capacity to maintain oversight across the entire network. This is complicated by the potential for differing regulations in state and federal

waters, should CFGC and NOAA make different decisions about granting any of the changes proposed by this petition. The Channel Islands network of MPAs was intentionally designed to reduce complexity (NOAA 2007a). This includes the seamless and consistent marine zoning regulations between state and federal waters.

QUESTION 12: DOES THE PROPOSED CHANGE SIMPLIFY REGULATORY LANGUAGE OR ENHANCE PUBLIC UNDERSTANDING WITHOUT CHANGING THE INTENT OF THE MPA?

No. All options proposed in this petition would change the intent of all affected SMR/FMRs and would complicate both regulatory language and public understanding. Adding MPA regulatory language for existing No-take MPAs to include specific gear types for different species is inherently more complicated than disallowing all take.

QUESTION 13: DOES THE PROPOSED CHANGE MAINTAIN OR ENHANCE PROTECTION OF MARINE RESOURCES?

No. All options proposed would reduce protection of marine resources by redesignating all or portions of the affected No-take SMR/FMRs to SMCA/FMCAs to allow commercial and/or recreational take of one or more of the following species groups: HMS, pelagic finfish (including swordfish), plus possession of CPS. Although these may not be the primary species benefitting from these MPAs, as they are highly mobile and have large geographic ranges, the affected SMR/FMRs offer refuge when they are present in the area. See response to 7b for more details on the ecological role of these species relevant to MPAs.

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 in Attachment 1.

QUESTION 15: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT CONSUMPTIVE AND/OR NON-CONSUMPTIVE ACTIVITIES? IF SO, HOW?

Yes. All options proposed would increase the available area accessible within CINMS to commercially and/or recreationally fish for one or more of the following species groups: HMS, pelagic finfish (including swordfish), plus possession of CPS. These consumptive uses would therefore likely increase in these areas. However, the amount of area that would be accessible within the broader Southern California Bight in which the desired species inhabit, and where the fisheries occur, would be less than 1%. Fishing for swordfish and other pelagic and highly migratory species is currently allowed in over 80% of CINMS (data provided by NOAA Sanctuaries staff).

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 proposed change would increase fishing access, particularly for pelagic fishing participants and the associated coastal fishing communities of:

- Ventura Harbor and Channel Islands Harbor
- Port of Los Angeles (San Pedro)
- Santa Barbara

These communities are between ~20 nm and ~64 nm from individual areas of proposed change. 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. This proposed change would interact with 2023-33MPA_4, which proposes to expand the Gull Island SMR/FMR and maintain its No-take status. Thus, the proposed change to allow partial take in the Gull Island SMR/FMR is in direct conflict with proposed changes in 2023-33MPA_4.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

Table 1. The six options proposed by the petitioner for various gear types to be used for combinations of recreational and/or commercial take of HMS or pelagic finfish and possession of CPS. All of these options assume that the relevant MPA will be partially or fully reclassified from an SMR/FMR to an SMCA/FMCA. Proposed take regulations are assumed to apply to the SMCA portion of any proposal. All proposals include a request for commercial take of swordfish by harpoon. The petitioner also requests an allowance for use of DSBG inside these potential SMCAs, pending the establishment of DSBG fishery in state waters, separately from and without regard to these six options.

CDFW EVALUATION 2023-15MPA_AM Hermann

Options	Recreational Take: Pelagic Finfish	Recreational Take: HMS	Commercial Take: Pelagic Finfish	Commercial Take: HMS	CPS
1	Hook and line, spear	N/A	Hook and line	N/A	N/A
2	N/A	Hook and line, spear	N/A	Hook and line	Possession
3	Hook and line, spear *no bottom contact	N/A	Hook and line *no bottom contact	N/A	N/A
4	N/A	Hook and line, spear *no bottom contact	N/A	Hook and line *no bottom contact	Possession
5	Spear	N/A	N/A	N/A	N/A
6	N/A	Spear	N/A	N/A	N/A

CDFW EVALUATION 2023-15MPA_AM Hermann

Table 2. MPA attributes (area, LOP, depth range, and habitat extent) of the existing Footprint, Gull Island, and Santa Barbara Island SMRs as referenced in petition 2023-15MPA. 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).

	Footprint SMR	Gull Island SMR	Santa Barbara Island SMR
MPA Area (sq mi)	7.05	19.93	12.77
Level of Protection	Very High	Very High	Very High
Min Depth (m)	49.3	0	0
Max Depth (m)	534.5	698.1	588.6
Eelgrass (sq mi)	—	—	—
Kelp (mi)	—	3.11	1.04
Beach (mi)	—	2.29	0.15
Rocky Intertidal (mi)	—	1.89	1.03
Estuaries (sq mi)	—	—	—
Hard Substrate			
0-30 m (mi)	—	2.18	0.04
30-100 m (sq mi)	0.10	0.14	0.11
100-200 m (sq mi)	0.16	0.17	0.02
>200 m (sq mi)	0.23	2.09	—
Soft Substrate			
0-30 m (mi)	—	2.79	1.24
30-100 m (sq mi)	1.05	3.89	1.63
100-200 m (sq mi)	1.53	3.36	0.46
>200 m (sq mi)	3.59	7.40	0.04

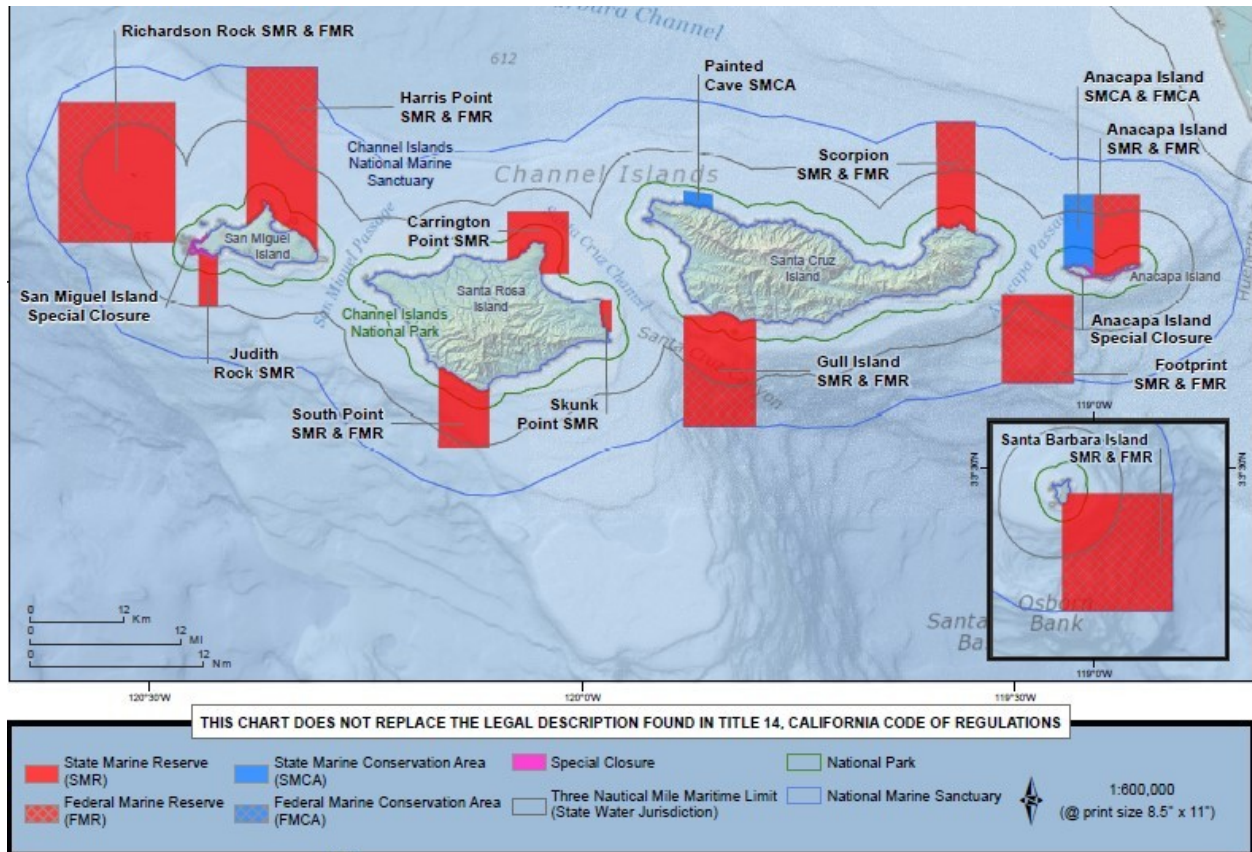


Figure 1. Map of the Northern Channel Islands showing state and federal MPAs.

CITATIONS

California Department of Fish and Game (CDFG). 2002a. Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration’s Channel Islands National Marine Sanctuary, vol. I.

California Department of Fish and Game (CDFG). 2002b. Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration’s Channel Islands National Marine Sanctuary, vol. II.

California Department of Fish and Wildlife (CDFW). 2025. [Marine Fisheries: Experimental Fishing Permit No. EFPT3-001](#).

Marine Reserves Working Group (MRWG). 2002. [History of the Channel Islands Marine Reserves Working Group Process](#).

National Oceanic and Atmospheric Administration (NOAA). 2007a. [Channel Islands National Marine Sanctuary Final Environmental Impact Statement for the Establishment of Marine Reserves and Marine Conservation Areas](#).

CDFW EVALUATION 2023-15MPA_AM Hermann

National Oceanic and Atmospheric Administration (NOAA). 2007b. Establishment of Marine Reserves and a Marine Conservation Area Within the Northern Channel Islands National Marine Sanctuary. [Federal Register 72:100 29208-29235](#).

Sepulveda, C.A., Knight, A., Nasby-Lucas, N., and M.L. Domeier. 2010. Fine-scale movements of the swordfish *Xiphias gladius* in the Southern California Bight. *Fisheries Oceanography* 19:4 279-289. DOI: [10.1111/j.1365-2419.2010.00543.x](#).



Ventura County Commercial Fishermen's Association

1237 S. Victoria Ave #284
Oxnard, CA 93035
(805) 663-2152
venturacountyfishermen@gmail.com

21st April, 2026

California Fish and Game Commission

P.O. Box 944209
Sacramento, CA 94244-2090

Subject: **Support for Petition 2023-15MPA**

Dear California Fish and Game Commission,

My name is Dave Colker, and I serve as the Executive Director of the Ventura County Commercial Fishermen's Association (VCCFA). Through my role with VCCFA, I represent a growing network of commercial fishermen, industry partners, and stakeholders who are directly connected to and dependent upon access to California's coastal resources.

Our association has been actively engaged throughout the Marine Protected Area (MPA) petition process, carefully reviewing proposals, participating in meetings, and working to ensure that the voices of the commercial fishing community are heard and considered. We are committed to responsible ocean stewardship, sustainable fisheries, and collaborative management approaches that are grounded in sound science, practical application, and a full understanding of both ecological and socioeconomic impacts.

On behalf of the Ventura County Commercial Fishermen's Association (VCCFA), I am writing to express our support for Petition 2023-15MPA.

This petition reflects a thoughtful and necessary approach to Marine Protected Area (MPA) management by recognizing both **socioeconomic realities** and the **biological characteristics of target species**.

From a socioeconomic standpoint, this petition acknowledges an important consideration that is often underrepresented in MPA discussions: the need to balance conservation goals with the livelihoods of working fishermen and the coastal communities that depend on them. By allowing appropriate access or adjustments within the MPA framework, this proposal helps maintain economic stability without undermining conservation objectives.

Additionally, this petition aligns with a fundamental concept that should be carefully considered in MPA management—**MPAs are static, while many marine species are not**.

In particular, **pelagic species are highly mobile**, moving freely across vast ocean areas and not confined to fixed geographic boundaries. Because of this, static spatial protections are often less

effective for managing these species compared to more adaptive, fishery-based approaches.

This petition appropriately recognizes that:

- Static MPA boundaries may not provide meaningful protection for mobile pelagic species
- Allowing access to these species does not compromise the ecological integrity of the MPA network
- Targeted allowances can support fisheries without increasing ecological risk

By incorporating these realities, Petition 2023-15MPA represents a **practical and science-informed adjustment** to existing MPA management.

Equally important, this petition does not introduce new restrictions that would displace fishing effort or increase pressure on already limited open areas. Instead, it supports a more balanced system—one that allows fishermen to operate efficiently while maintaining conservation goals.

This approach avoids the unintended consequences seen in other proposals, where restricting access without considering external effects leads to increased competition, crowding, and economic strain in remaining open areas.

In contrast, Petition 2023-15MPA provides a **measured and responsible path forward**, supporting both ecosystem management and the long-term viability of California’s commercial fishing industry.

For these reasons, VCCFA supports Petition 2023-15MPA and respectfully encourages the Commission to move forward with its consideration.

Thank you for your time and continued leadership.

Respectfully submitted,



Dave Colker
Executive Director
Ventura County Commercial Fishermen’s Association (VCCFA)

From: Rick Duenas <[REDACTED]>
Sent: Wednesday, April 22, 2026 09:56 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Public comment: May 5-6, 2026: Central Region Petitions

Dear President Sklar and Members of the Commission,

My name is Rick Duenas and I am a recreational angler and diver in Northern California who often recreates on the central coast. I am writing regarding the MPA petitions for San Luis Obispo through Santa Barbara County including the Northern Channel Islands. I urge you to deny most of these petitions or encourage petitioners to carve out recreational access as noted below.

2023-28: **Deny.** The remoteness and aspect of this location serve as refuge as it is fishable only in calmer weather patterns already. Also, this location is already inside the Chumash Heritage National Marine Sanctuary and therefore already counted in 30x30. I would prefer that any new MPAs contribute to increasing the 30x30 percentage.

2023-29: **Deny or revise.** This area provides important near-shore access for divers and small-craft anglers. I would like to see spearfishing, spiny lobster, and boat-based hook-and-line finfish take allowance. From the Tribal Committee Meeting, it was not clear to me what cultural activities would be supported by this MPA that are not already allowed. I recognize the importance of protecting submerged ancestral sites, so I would prefer that restrictions be tailored to barring the use of destructive bottom gear or anchoring instead of restricting lower impact gear types.

2023-19: **Accept with revision.** I appreciate that the petitioner allowed for the take of finfish as the location is one of the better areas for salmon and halibut trolling in the region. However, this area is also important to the commercial sector, particularly for market squid, so I would like to see commercial access with low impact gear preserved as well.

2023-20: **Accept** as clarified in Tribal Committee Meeting. I appreciate the petitioner not changing general public fishing access to salmon and albacore while allowing for tribal take and co-management.

2023-34: **Deny.** I support CDFW's recommendation. I appreciate allowance for low impact pelagic take wherever possible.

2023-33: **Deny.** I support CDFW's recommendation. The proposed actions would severely limit in-shore recreation access.

2023-18: **Deny.** I support CDFW's recommendation. I appreciate opportunities for more access but I am okay with the status quo and do not wish to trade access elsewhere in the network in order to balance this change.

2023-27: **Deny**. I dive Anacapa every fall and the amended 0-30m proposal seemed like one of the more reasonable and targeted petitions but I support CDFW's recommendation.

2023-14: **Deny**. I support CDFW's recommendation. I believe that these reserves should serve as control treatment groups relative to urchin barren mitigation being done outside of reserves.

2023-15: **Deny**. I support CDFW's recommendation. I appreciate opportunities for more access but I am okay with the status quo and do not wish to trade access elsewhere in the network in order to balance this change.

In short, please consider denying or requesting revision to the vast majority of the central region bin-2 petitions. Thank you for your time.

Sincerely,

Rick Duenas