

Staff Summary for October 13-16, 2026

34A. Petition 2023-20MPA_AM1 (Point Buchon SMCA, Tribally Led)**Today's Item**Information ☐Action ☒

Request to expand the northern boundary of Point Buchon State Marine Reserve (SMR), add a tribal take exemption to Point Buchon State Marine Conservation Area (SMCA) for the Santa Ynez Band of Chumash Indians, and to rename Point Buchon SMCA as the Chumash Co-Managed SMCA.

Consider evaluations, recommendations, and public comments in determining whether to grant or deny marine protected area (MPA) Petition 2023-20MPA_AM1 (Exhibit 1).

Petitions or individual actions within petitions that are granted today will be added to the Commission's rulemaking calendar for development and future consideration in a rulemaking.

Summary of Previous/Future Actions

- | | |
|---|---|
| • Received petition; referred to the Marine Resources Committee and the Department for review | December 2023;
February 2024 |
| • Tribal Committee (TC) received overview of 5 MPA petitions from tribal leads or co-leads; received Department presentation, and developed TC recommendation | April 14, 2026; TC |
| • Commission adopted TC recommendation to amend the tribally led and co-led petitions | April 15-16, 2026 |
| • Received petitioner's presentation and discussed region-specific petitioned actions via regional meeting | May 5-6, 2026 |
| • Received petition evaluations and recommendations from the Department and California Ocean Protection Council (OPC) | August 11, 2026 TC;
August 12-13, 2026 |
| • Today, consider granting or denying all or parts of Petition 2023-20MPA_AM1 | October 13-16, 2026 |

Background

Pursuant to Section 662, any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit a petition for regulation change (Form FGC-1). For background on the regular process for considering regulation change petition forms submitted by the public, see Agenda Item 22 (this meeting). Due to the complexity and unique nature of the MPA petition evaluation process, this and other MPA petitions are scheduled separately from the standing agenda item for regulation change petitions.

For detailed background information and key documents related to the MPA petition process, see the staff summary titled [Introduction to Bin 2 MPA Regulation Change Petitions and Evaluations](#) (this meeting). The summary introduction includes links to the index of MPA petitions and compiled public comments across time; the Department's evaluations, recommendations, and companion document; OPC's policy evaluation and recommendations complementing the Department's evaluations; the equitable access and Commission Justice,

Staff Summary for October 13-16, 2026

Equity, Diversity and Inclusion Policy initial assessments; and the Department's and OPC's presentations.

Overview of Proposed Regulatory Actions

This petition, submitted by the Santa Ynez Band of Chumash Indians (SYBCI) proposes to revise existing regulations for two existing MPAs located within this region. The proposed actions — described using the Department's evaluation numbering — include revisions (in strike-out format) reflecting the petitioner's clarification made at the April 14, 2026 TC meeting, which the Commission accepted at its April 15-16, 2026 meeting.

Action 2. At Point Buchon SMR, adjust the northern boundary of the SMR (only) northward by approximately 690 feet to align with the point.

Action 3. Rename Point Buchon SMCA as "Chumash Co-Managed SMCA."

Action 4. At Point Buchon SMCA, which currently allows the commercial and recreational take of salmon and albacore, ~~remove the current take allowances for salmon and albacore and replace with an allowance for (1) recreational take of finfish, and of invertebrates except rock scallops and mussels by hand; (2) take pursuant to activities authorized under 632(b)(97)(C); and (3) add a tribal take exemption for SYBCI.~~

Overview of Non-Regulatory Requests

The petitioner also requests (under "Action 1") to establish a co-management agreement between SYBCI and the Department, which does not require a regulatory change and can be initiated inside or outside MPAs at any time.

Petitioner's Stated Intent

In summary, the petitioner state their proposal is intended: (1) to support "the regulatory and boundary changes recommended by the MPA Collaborative Network's Regulatory Recommendation...to move the [Point Buchon] SMR's boundary to the north to better capture the marine area offshore the Point and to improve enforcement of the marine reserve area"; (2) to rename the Point Buchon SMCA to recognize the cultural history of the "Chumash ethnohistorical village site (referred to by an early Spanish colonialist in the 18th century who after meeting the leader of the village referred to the area as El Buchon)" and the "special spiritual significance to the Chumash maritime peoples"; and (3) to recommend that "the Commission consider...this SMCA as a Chumash co-managed SMCA" and add a tribal take allowance for SYBCI because "there are no Tribal MPAs designated with the Central Coast Region network."

Petitioner Clarifications

Petitioners clarified at the April 14, 2026 TC meeting that their petition is not requesting to change the SMCA designation nor replace its existing take regulations, instead they are seeking a name change to recognize the co-management with the SYBCI in addition to the actions described and shown in strike-through in the *Overview of Proposed Regulatory Actions* within this staff summary.

Staff Summary for October 13-16, 2026

Public Input Over Time

The Commission has received public comments on MPA petitions continuously since petitions were submitted in late 2023. Staff has compiled packets of comments about this petition that were included in committee or Commission meeting binders or supplemental handouts from the December 2023 through the August 2026 Commission meeting (links to packets of comments are available online in the final column of the [Status of MPA Petitions for Regulation Change Index](#) table). Comments received after the August 2026 Commission meeting, but by this meeting's comment deadline, are included with this staff summary and/or staff summaries for the MPA petition agenda items.

The Tribally led or co-led petitions were discussed at the regional meetings held in April and May 2026 (prior to the Department and OPC evaluations being delivered). The overarching goal of the meetings was to provide an inclusive, well-informed forum where petitioners could present their proposals, community members could openly share perspectives on the proposals, and commissioners could ask questions, to build a foundation of understanding to help guide Commission decisions at today's meeting.

Petition 2023-20MPA_AM1 proposes regulatory action in San Luis Obispo County. For regional meeting materials, see the [Staff Summary for May 5-6, 2026](#), and the [petitioner presentation to the Commission on May 5-6, 2026](#).

Tribally led or co-led petitions (including this petition) were most recently discussed at the August Commission meeting, when the Department and OPC presented their evaluations.

Agency Evaluations and Recommendations**Department**

The Department's evaluation, presented at the Commission's August 12-13, 2026 meeting, recommends denying the boundary adjustment (Action 2), to grant in concept to rename Point Buchon SMCA (Action 3), and grant the addition of a tribal take exemption to Point Buchon SMCA for SYBCI (Action 4), for the reasons detailed in Exhibit 2.

- The proposed new boundary would not result in additional habitat protection when measured against SAT Science Guidelines, would no longer align with the adjoining Point Buchon SMCA and doesn't meet CDFW Feasibility Guidelines, which could compromise enforceability.
- Compliance concerns raised in the petition are not supported by CDFW enforcement data.
- The petition does not include information on whether the proposed boundary change would advance tribal co-management or provide a tribal benefit.
- Renaming this MPA in cooperation with local Native American tribes would recognize the heritage of the tribes who have stewarded the coast since time immemorial.
- It would also help to achieve DMR recommendations related to tribal co-stewardship and incorporation of marine cultural heritage into the network.

Staff Summary for October 13-16, 2026

- The Commission has the regulatory authority to grant tribal take exemptions to federally recognized tribes in MPAs that overlap with areas of historic and/or current uses by federally recognized tribes for specific, non-commercial uses as reflected in a factual record of use provided by the tribe (i.e., a Factual Record of Current and Historical Uses pertaining to the specific MPA location).
- The request to add a tribal take exemption to Point Buchon SMCA for SYBCI is also aligned with tribally-focused DMR Recommendations that prioritize improving state agencies' tribal engagement, creating clear pathways for tribal MPA management within the existing MPA Network, and better incorporating marine cultural heritage into the design of the MPA Network.
- Implementing this tribal take exemption could be an initial step for CDFW and SYBCI to develop collaborative management practices at Point Buchon that go beyond the tribal take exemption.

Regarding tribal co-management, the Department recommends support, with alternative pathway, for the reasons detailed in Exhibit 2. In summary:

- CDFW can enter tribal co-management agreements at any time, independent of Commission action or the petition process.
- This non-regulatory pathway aligns with state commitments to strong government-to-government relationships and supports key DMR recommendations to improve tribal engagement, create clear pathways for tribal MPA management, and incorporate marine cultural heritage. It also helps build tribal capacity for MPA stewardship.
- CDFW is committed to working with SYBCI on co-management within MPAs and in areas outside MPA boundaries, including the proposed areas, without establishing a new MPA. These agreements can be developed more quickly than regulatory MPA designations and provide a flexible approach to advancing tribal co-stewardship.

Ocean Protection Council (OPC)

OPC staff, in its science and policy recommendations presented at the August 12-13, 2026 Commission meeting, recommends denying the boundary adjustment (Action 2), to grant in concept to rename Point Buchon SMCA (Action 3), and grant the addition of a tribal take exemption to Point Buchon SMCA for SYBCI (Action 4), for the reasons detailed in Exhibit 3. In summary:

- Establishing a tribal take exemption and renaming the SMCA would recognize the area's cultural significance and advance progress toward tribal co-management.
- Changing the boundary of Point Buchon SMR could cause enforcement challenges and would result in a misalignment of the northern boundaries of Point Buchon SMR and Point Buchon SMCA.

Regarding tribal co-management, OPC is highly supportive of MPA adaptive management actions that advance co-governance, co-management, and collaborative stewardship with tribes, for the reasons detailed in Exhibit 3. In summary:

Staff Summary for October 13-16, 2026

- Adaptive management actions which include protecting places with high biocultural significance, are essential not only for righting historical wrongs, but also for reconnecting tribes to traditional stewardship practices that can directly benefit biodiversity.
- Increased support for tribal stewardship is a top priority in both OPC's 2026-2030 Strategic Plan and the California Natural Resources Agency's recently released Tribal Stewardship Policy, which aims to expand tribal stewardship of at least 7.5 million acres of California's lands and coastal waters.

Key Considerations

- SYBCI's request for a tribal take exemption at Point Buchon SMCA has brought forward considerations regarding the ancestral connections of this and other Chumash tribes and communities to the San Luis Obispo County coastline.
- Concerns conveyed to staff include the importance of recognizing distinct Chumash communities and avoiding assumptions that any single tribe represents all Chumash peoples. Other Chumash groups have requested additional consultation before Commission action, and separate consultation before any co-management agreements are developed with the Department.
- The proposed new name of "Chumash Co-managed SMCA" in the petition raises related considerations regarding tribal representation. The Commission's Naming Protected Areas Policy identifies inviting tribes with ancestral ties to the area to identify traditional or contemporary tribal place names, presenting an opportunity to engage other Chumash tribes and tribal communities with ancestral ties to the area.
- *Petition Cross-Reference*

This petitioned action directly conflicts with the proposed action in another MPA petition (Petition 2023-34MPA), which proposes changing the classification of Point Buchon SMCA to an SMR (Agenda Item 34A, this meeting). Take of any kind, including tribal take, is not allowed in SMR.

Today

Today, the Commission will consider the petition, petition evaluations and recommendations, and public comments in determining whether to grant or deny the petition; the Commission may choose to grant the petition in whole or in part (that is, select specific petition actions) and may also grant with modifications informed by public input and discussions.

If the petition, any individual actions, or any modified actions are granted today, they will be added to the Commission's rulemaking calendar for consideration in a future rulemaking.

Significant Public Comments

To view comments received for this meeting that are not specific to an individual petition, such as comments about the process, broad support for specific goals, or the MPA network, see the

Staff Summary for October 13-16, 2026

comment summary and exhibits in [Introduction to Bin 2 MPA Regulation Change Petitions and Evaluations](#).

1. A Morro Bay City Council member, urges the Commission to reject the proposed MPAs at Morro Bay Harbor, Point Buchon, and Point Sal, stating that the region already has sufficient protected areas and that additional restrictions would harm the livelihoods of local fishermen and fisherwomen. (Exhibit 4)
2. A commercial fisherman from Morro Bay urges the Commission not to approve new MPAs — especially near Morro Rock, which serves as an essential safe-weather and low-cost fishing refuge. They state that MPA benefits are unproven for commercial fishers and emphasizes strong support for unrestricted tribal fishing rights, noting such rights should not be tied to MPA designations. (Exhibit 5)
3. The Ventura County Commercial Fisherman's Association (VCCFA) urges the Commission to postpone any expansion of the Point Buchon SMR until a rigorous analysis is completed on how displaced fishing effort would redistribute across the central coast and what ecological, economic, and operational impacts that shift would create. Warns that removing access at Point Buchon could intensify competition, congestion, gear conflicts, and resource pressure in already active areas such as Morro Bay, Cambria, and Point Conception — effects not yet adequately evaluated. While supporting enhanced Tribal stewardship and co - management, VCCFA stresses that such goals do not require expanding no-take zones at the expense of commercial fishing grounds. (Exhibit 6)
4. A longtime Morro Bay fishing family member urges the Commission to reject the proposed Chitqawi, Point Buchon, and Point Sal MPAs, believing they would destabilize already - strained commercial fleets, harm local harbor economies, and were developed without stakeholder consultation. Warns the closures would displace fishing effort, increase fuel use and carbon emissions, jeopardize essential harbor dredging, and conflict with both Tribal homeland boundaries and existing protected - area processes. Concludes that the proposals lack scientific, socioeconomic, and operational justification and would impose severe, unnecessary burdens on coastal fishing communities. (Exhibit 7)
5. The City of Morro Bay requests denial of Petition 2023-19MPA and deferral of Petitions 2023-20MPA and 2023-29MPA, citing the lack of required consultation, missing socioeconomic analyses, and significant operational and safety risks posed by proposed MPAs near the harbor. The City states that the Chitqawi SMCA would impede navigation and fishing at the harbor entrance, that Point Buchon boundary changes and tribal take provisions require local consultation, and that cumulative impacts to central coast fishing communities have not been evaluated. Morro Bay urges the Commission to pause all action until statutory consultation requirements are met and coastal community impacts are fully analyzed. (Exhibit 8)

Staff Summary for October 13-16, 2026

Recommendation**Commission Staff**

Consider evaluations, Department and OPC recommendations, key considerations, and public comments in determining whether to grant in whole or in part, grant with modifications, or deny Petition 2023-20MPA_AM1 (Exhibit 1).

Department

Regulatory Proposed Action: Deny the boundary adjustment (Action 2), grant in concept to rename Point Buchon SMCA (Action 3), and grant the addition of a tribal take exemption at Point Buchon SMCA for SYBCI (Action 4), for the reasons detailed in Exhibit 2.

Non-Regulatory Request: Support, with alternative pathway, for reasons detailed in Exhibit 2.

Ocean Protection Council

Regulatory Proposed Action: Deny the boundary adjustment (Action 2), grant in concept to rename Point Buchon SMCA (Action 3), and grant the addition of a tribal take exemption at Point Buchon SMCA for SYBCI (Action 4), for the reasons detailed in Exhibit 3.

Non-Regulatory Request: Supports MPA adaptive management actions that advance co-governance, co-management, and collaborative stewardship with tribes, for the reasons detailed in Exhibit 3.

Exhibits

1. [Petition 2023-20MPA_AM1](#), received November 29, 2023 and amended on April 15-16, 2026 (see the attached memo for details on the amendment)
2. [Department evaluation companion document and petition evaluation](#), companion document updated on July 30, 2026 and petition evaluation received March 20, 2026
3. [Letter from Jenn Eckerle, Deputy Secretary for Oceans and Coastal Policy, California Natural Resources Agency and Executive Director, OPC](#), with OPC staff recommendations and recommendation narratives for petitions to adaptively manage California's MPA network, received July 31, 2026
4. [Email from Bill Luffee, Council Member, Morro Bay City Council](#), received August 11, 2026
5. [Email from Paavo Carroll](#), received August 12, 2026
6. [Email from Dave Colker, Executive Director, Ventura County Commercial Fishermen's Association](#), received September 30, 2026
7. [Email from Lori French](#), received September 30, 2026
8. [Email from City of Morro Bay](#), received September 30, 2026

Motion

Moved by _____ and seconded by _____ that the Commission **grants** Petition 2023-20MPA_AM1.

Staff Summary for October 13-16, 2026

OR

Moved by _____ and seconded by _____ that the Commission **grants** Petition 2023-20MPA_AM1 **except:**

- Action 2 (adjust the northern boundary), and/or
- Action 3 (rename as “Chumash Co-Managed SMCA,”) and/or
- Action 4 (add a tribal take exemption for the Santa Ynez Band of Chumash Indians).

OR

Moved by _____ and seconded by _____ that the Commission **denies** Petition 2023-20MPA_AM1.

California Fish and Game Commission

Petition 2023-20MPA_AM1

This petition has been formally amended, effective April 15, 2026

This petition is one of five tribally led or co-led marine protected area (MPA) petitions that have been amended. The amendments are based on tribal petitioner presentations and discussion at the April 14, 2026 Commission Tribal Committee meeting; the proposed changes were formally accepted as amendments to the petitions by the Commission at its April 15-16, 2026 meeting.

Attached is a Commission memo to the California Department of Fish and Wildlife that summarizes the changes to the five tribally led or co-led MPA petitions, including this one.

Attachments

- Memo from the Commission to the California Department of Fish and Wildlife, dated July 6, 2026
- Communications from petitioner
- Original petition and attachments

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
MEMORANDUM

DATE: ~~May 29, 2026~~ Updated July 6, 2026 (updates displayed in blue font)

TO: Craig Shuman, Regional Manager, Marine Region
California Department of Fish and Wildlife



CC: California Department of Fish and Wildlife
Meghan Hertel, Director
Chad Dibble, Deputy Director, Wildlife and Fisheries Division
Sarah Fonseca, Tribal Liaison
Samara Maxey, Regional Tribal Coordinator, Marine Region

FROM: Melissa Miller-Henson, Executive Director
California Fish and Game Commission

SUBJECT: Actions Proposed for Tribally Led and Co-Led Marine Protected Area Petitions

This memo is intended to transmit to the Department, for evaluation purposes, current descriptions of specific proposed actions in the five tribally led or co-led marine protected area (MPA) petitions under consideration by the Commission.

During its April 14, 2026 meeting, the Commission Tribal Committee received presentations from tribes that are leading or co-leading MPA petitions, [during which the tribes described updates or clarifications to their original petitions](#). The committee recommended that the Commission request the Department move forward with tribally led or co-led petition evaluations based on how the petitions, and individual actions contained within, were presented and described during the April 14 meeting.

At its April 15-16, 2026 meeting, the Commission supported the Tribal Committee recommendation and directed staff to submit to the Department the amended proposed actions for tribally led or co-led MPA petitions. Since the April meeting, the Commission held three regional meetings focused on MPA petitions, during which the five tribally led or co-led petitions were presented and petitioners reaffirmed the specific proposed actions as described on April 14.

Table 1 details the five tribally led or co-led MPA petitions and the specific actions requested in each, [including those](#) presented in April and reaffirmed during the regional MPA petition meetings. [For clarity, the tribal changes are identified in the third column and petitions are renamed with an amendment number in the fourth column](#). The Department is asked to evaluate the five petitions consistent with the amendments summarized in the "...Description of Amended Petition Proposed Actions, Effective April 15, 2026" column. The Commission has requested that the Department complete and submit the evaluations to the Commission prior to, and present its recommendations during, the Commission's August 12-13, 2026 meeting.

If you have any questions or concerns, please do not hesitate to contact me directly.

Table 1: Tribally Led or Co-Led Marine Protected Area Petitions, Updated July 1, 2026 (updates displayed in blue font)

Petition Number Tribal Lead or Co-Lead and Co-Sponsor(s)	Description of Petition Proposed Actions (Original 2023 or as Amended 2025)	Tribal Petitioner Changes	Amended Petition Number and Description of Amended Petition Proposed Actions (Effective April 15, 2026)
2023-21MPA Tolowa Dee-ni' Nation	- Amend northern boundary of Pyramid Point State Marine Conservation Area (SCMA) - Remove recreational take of surf smelt - Maintain tribal take exemption for the Tolowa Dee-ni' Nation	No changes proposed <i>The Department explained that surf smelt is part of a three-species "true smelt" group (surf, night, and whitebait); because the MPA allows recreational take of the group, it is necessary to remove the recreational allowance for true smelt, not just surf smelt. The Tolowa Dee-ni' Nation does not oppose this change.</i>	2023-21MPA_AM1 - Amend northern boundary of Pyramid Point SMCA - Remove recreational take of ~~surf~~ true smelt - Maintain tribal take exemption for the Tolowa Dee-ni' Nation
2023-28MPA_AM1AM2 Natural Resources Defense Council (NRDC) Northern Chumash Tribal Council	- Designate a new SMCA around Point Sal (size: 14.22 square miles with an alongshore span of 3.20 miles) - Identify a tribal name through consultation with Chumash people - Allow recreational take of finfish by hook and line from shore	<i>Add Northern Chumash Tribal Council as co-petitioner</i> <i>Move the southern boundary northward by approximately one-half mile to end of Vandenberg Space Force Base Road.</i> <i>SW corner:</i> <i>34.895212665° N Lat,</i> <i>120.731972573° W Long</i> <i>SE corner:</i> <i>34.895212665° N Lat,</i> <i>120.642637239° W Long</i> <i>Allow incidental take during mission-critical operations at Vandenberg Space Force Base</i>	2023-28MPA_AM2 <i>Northern Chumash Tribal Council added as co-petitioner</i> - Designate a new SMCA around Point Sal (size as amended: 9.18 square miles with an alongshore span of 4.03 miles) - Identify a tribal name through consultation with Chumash people - Allow recreational take of finfish by hook and line from shore - Allow incidental take during mission-critical operations at Vandenberg Space Force Base

Petition Number Tribal Lead or Co-Lead and Co-Sponsor(s)	Description of Petition Proposed Actions (Original 2023 or as Amended 2025)	Tribal Petitioner Changes	Amended Petition Number and Description of Amended Petition Proposed Actions (Effective April 15, 2026)
2023-29MPA_AM1 NRDC Santa Ynez Band of Chumash Indians Environmental Defense Center	- Designate a new marine protected area near Carpinteria as “Mishopshno SMCA” (size: 8.97 square miles) - Allow recreational take of finfish by hook and line from shore - Include a tribal take exemption for the Santa Ynez Band of Chumash Indians	- Move western boundary <i>to align with Caspia Lane in Summerland, at:</i> 34.366106° N Lat, 119.53689° W Long - Move the eastern boundary <i>to align with Franklin Creek, at:</i> 34.366106° N Lat, 119.58868° W Long	2023-29MPA_AM2 - Designate a new marine protected area near Carpinteria as “Mishopshno SMCA” (size as amended: 9.05 square miles with an alongshore span of 3.63 miles) - Allow recreational take of finfish by hook and line from shore - Include a tribal take exemption for the Santa Ynez Band of Chumash Indians
2023-19MPA Santa Ynez Band of Chumash Indians	- Designate a new marine protected area near Morro Bay as “Chitqawi SMCA” - Include a tribal take exemption for the Santa Ynez Band of Chumash Indians - Allow recreational take of finfish and invertebrates except mussels and scallops by hand - Allow incidental take from permitted operations	- Remove proposed allowance for recreational take of finfish and invertebrates except mussels and scallops by hand - Remove incidental take allowance	2023-19MPA_AM1 - Designate a new marine protected area near Morro Bay as “Chitqawi SMCA” - Include only a tribal take exemption for the Santa Ynez Band of Chumash Indians

Petition Number Tribal Lead or Co-Lead and Co-Sponsor(s)	Description of Petition Proposed Actions (Original 2023 or as Amended 2025)	Tribal Petitioner Changes	Amended Petition Number and Description of Amended Petition Proposed Actions (Effective April 15, 2026)
2023-20MPA Santa Ynez Band of Chumash Indians	• Expand northern boundary of Point Buchon State Marine Reserve (SMR) north to align with Point Buchon • Re-name Point Buchon SMCA as the “Chumash Co-Managed SMCA” • Remove current take allowance (recreational and commercial take of salmon and albacore) • Add allowance for recreational take of finfish and invertebrates except mussels and scallops by hand • Allow take incidental to operations in MPA • Add a tribal take exemption for the Santa Ynez Band of Chumash Indians	• <i>Keep current take allowance (recreational and commercial take of salmon and albacore)</i> • <i>Remove proposed allowance for recreational take of finfish and invertebrates except mussels and scallops by hand</i> • <i>Remove proposed allowance for take incidental to operations in MPA</i>	2023-20MPA_AM1 • Expand northern boundary of Point Buchon SMR north to align with Point Buchon • Re-name Point Buchon SMCA as the “Chumash Co-Managed SMCA” • Add a tribal take exemption for the Santa Ynez Band of Chumash Indians

Santa Ynez Band of Chumash Indians Executive Summary for April 14 Tribal Committee

Overview

The Santa Ynez Band of Chumash Indians has requested:

- a new MPA with an exemption for the Tribe (Chitqawi)
- adding a tribal exemption to an existing MPA (Point Buchon)
- with NRDC a new MPA that would have a tribal exemption (Mishopshno)
- all include co-management components
- these are listed first, second and fifth on the Tribal Committee's agenda

Purpose for these MPA proposals

These proposals were submitted in response to both the Pathways to 30 x 30 report and the Decadal Management Review, both released in 2022. In both the State acknowledged the need to redress the exclusion of Tribes from the first MPA process but also to “create a clear pathway to tribal MPA management.” In fact, the petitions submitted by SYBCI address the first three adaptive management recommendations: improve state agencies' tribal engagement, support tribal management and build tribal capacity to participate in MPA management activities.

Moreover, the petitions clearly satisfy the CDFW tribal component criteria: (1) the proposed changes explicitly aim to advance tribal co-management, subsistence harvesting, stewardship, and provide a tribal benefit through recognizing the cultural significance of an area; and (2) the proposed regulatory changes explicitly are linked to a Tribe and meet all three subcriteria of a tribal exemption, tribal take only MPA, and new MPA for co-management.

The proposed petitions also address climate impacts through protection of marine life and habitat, and protect critically important cultural sites that are now submerged due to sea level changes over the last several thousand years. Finally, as the Santa Ynez Chumash are a maritime culture, the MPAs contain tribal take exemptions that would provide key fishing opportunities that sustain tribal culture.

Chitqawi

Chitqawi is the name for and represents the northernmost coastal Chumash village. It is at the top of the attached map. There is currently no tribally co-managed MPA in this Central Coast region between Morro Bay and Cambria. The petition describes two main reasons for granting the petitions: (1) as what is called “an insurance factor” to protect marine life and habitat impacted by anthropogenic events such as climate disturbance; and (2) to strengthen the role of Tribes in co-management and monitoring efforts. These are detailed in the supporting material submitted with this petition.

There is an important clarification here. The proposed regulatory language submitted would, according to CDFW, create a public opening whereas the petition text and supporting materials make it clear that the Tribe is seeking a tribal exemption only. We have shared this clarification with CDFW and CNRA directly and can make sure the language correctly reflects the intent of the Tribe in the follow up process.

Point Buchon

Point Buchon is an existing MPA and the petition requests that this be a tribally co-managed SMCA, requests a tribal exemption, and that the northern boundary to the north to better capture the marine area off the Point. This MPA is to the south of Chitqawi, eight miles south of Morro Bay. It is offshore of the Point Buchon SMR and is deeper at 200-400 feet. The petition requests a northern boundary shift as recommended by the MPA Collaborative Network's Regulatory Recommendation. This petition also has attached to it a detailed white paper called "Co-Management of California Chumash Marine Conservation Areas" that further supports their requests.

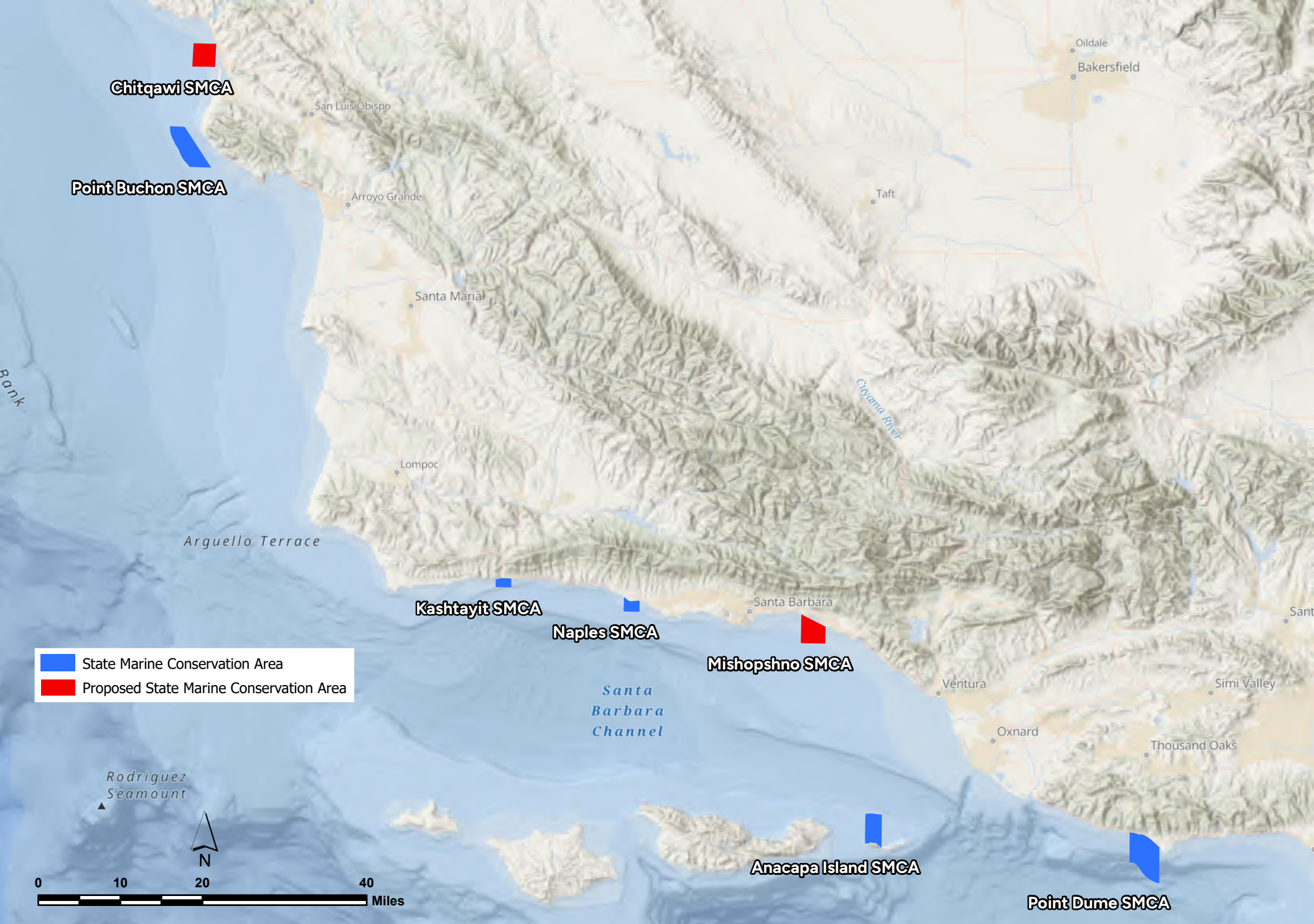
There are two important clarifications here. The proposed regulatory language submitted would, according to CDFW, create a public opening (thus reducing protection of this SMCA) whereas the petition text and supporting materials make it clear that the Tribe is seeking a tribal exemption only. Second, CDFW told the Tribe that salmon and albacore is currently allowed in this area and asked if the Tribe meant to remove that and the Tribe said "no." We have shared this clarification with CDFW and CNRA directly and can make sure the language correctly reflects the intent of the Tribe in the follow up process.

Mishopshno

The third petition and the fifth one to be heard in Tribal Committee is Mishopshno. The NRDC is our co-sponsor and will address the more scientific components but the Tribe was eager to co-sponsor because Mishopshno is a very ancient Chumash village and a place of profound spiritual significance to the Tribe. It has been the subject of many meetings and was amended during the original submission period in order to address public feedback. The Tribe is requesting a tribal exemption for this area and that it also be co-managed by the Tribe.

Requests of the Tribal Committee

1. Request that the Tribal Committee *recommend* that the Fish and Game Commission direct the CDFW to evaluate the petitions as discussed today, rather than the regulatory language as written so that the necessary corrections can be made
2. Request that the Tribal Committee *recommend approval* of the three petitions based on the fact that they meet the first three adaptive management recommendations: improve state agencies' tribal engagement, support tribal management and build tribal capacity to participate in MPA management activities; and also on the basis that they meet the CDFW tribal component criteria



Data source: California Department of Fish and Wildlife (CDFW), Biogeographic Information and Observation System (BIOS), accessed April 2026.

Santa Ynez Band of Chumash Indians SMCAs

From: natalie@nashobaconsultingllc.com
Sent: Thursday, April 30, 2026 11:07 AM
To: FGC
Cc: Eckerle, Jenn; Esgro, Michael; Thompson, Geneva; Nakia Lent; 'Teresa Sat'
Subject: visual presentations for meeting on Tuesday May 5th in Goleta
Attachments: Point Buchon presentation.pptx; Chairman testimony 4.15.26.pdf; Chitqawi presentation.pptx

Hello Commissioners –

Per the instructions, attached are copies of the Santa Ynez Band of Chumash's presentations for the Chitqawi and Point Buchon petitions respectively at next Tuesday's meeting in Goleta. I am also attaching a copy of Chairman Kenneth Kahn's testimony on these petitions from Tribal Committee earlier this month.

Please let me know if you have any questions or issues opening the files.

Thank you,

Natalie

Natalie Landreth
Nashoba Consulting, LLC
natalie@nashobaconsultingllc.com
907-360-3423



Thank you, Chair Hostler-Carmesin and Commissioner Zavaleta.

My name is Kenneth Kahn, and I am Chairman of the Santa Ynez Band of Chumash Indians. I am here on behalf of our Tribe in support of the two petitions we submitted—Chitqawi and Point Buchon—as well as the petition we co-sponsored, Mishopshno. The Tribal Council is unanimous in its support of all three proposals.

Since the Chitqawi and Point Buchon petitions are first on the agenda, I will focus my remarks on those and am happy to answer any questions. Joining me today is the Tribe's outside counsel, Natalie Landreth, who may assist with technical aspects of the petitions.

At the outset, I would like to thank the California Natural Resources Agency and the Department of Fish and Wildlife for their time, collaboration, and thoughtful engagement over the past several months. Their willingness to work with us has been greatly appreciated.

The Santa Ynez Band of Chumash Indians are deeply and inseparably connected to the ocean. It is foundational to our history, central to our culture—both past and present—and essential to our future. We have lived along this coastline since time immemorial, and for generations we relied on the ocean for sustenance, harvesting fish, shellfish, and marine mammals. These species are reflected in our traditions and in archaeological records that date back thousands of years.

With colonization and the imposition of federal and state control over coastal waters and fisheries, we lost much of the stewardship authority we once exercised. Even so, we have retained our knowledge of these ecosystems and our responsibility to care for them. These waters remain central to our identity.

Today, we continue these traditions through our tomol crossings to the channel islands, diving, fishing, and cultural education programs that keep this knowledge alive for future generations.

It is also important to recognize that as sea levels have changed over time, many of our ancestral village sites now lie underwater. As a result, our efforts are not only about protecting cultural practices and marine resources, but also about safeguarding the physical remains of our ancestral communities. These places are sacred and must be protected.

Because of this enduring relationship with the ocean, Santa Ynez was among the first Tribes to seek tribal fishing exemptions and co-management opportunities within Marine Protected Areas, beginning in 2007. Those efforts resulted in four MPAs—Kashtayit, Naples, Point Dume, and Anacapa Island—where Tribal access and stewardship were recognized.

The State’s “Pathways to 30x30 California” report highlights priorities that are directly aligned with the petitions before you today, including protecting Native American ancestral lands for cultural practice, strengthening Tribal partnerships, and expanding Native stewardship. The proposals we bring forward are designed to advance these commitments.

Our petitions are guided by three primary goals.

First, we seek tribal exemptions from fishing restrictions, consistent with existing MPAs. Maintaining access for fishing, gathering, hunting, and harvesting is essential to our cultural practices and contributes to the long-term health of these ecosystems.

Second, we aim to protect cultural resources. These areas were selected in part because they contain ancient village sites that are deeply significant to our people.

Third, and most importantly, we seek to move toward co-management of these MPAs. We believe California’s MPA network should meaningfully include Tribal stewardship, knowledge, and governance. We are currently working with the State to develop co-management approaches that are effective and collaborative.

Turning briefly to the Chitqawi proposal: Chitqawi is the name of the northernmost coastal Chumash village near present-day Morro Bay, encountered during the Portolá expedition in 1769. The area contains species that remain culturally important to our people, as described in our petition materials.

The Point Buchon proposal concerns an existing MPA located south of Morro Bay. Point Buchon is also the site of a historic Chumash village and holds deep spiritual significance. For this area, we are requesting a tribal exemption and a modest adjustment to the northern boundary.

During the process of working with CNRA and CDFW, we recognized that there are three discrepancies in our petitions that we would like to clarify today.

First, in the Chitqawi petition, the draft regulatory language unintentionally suggests a broader public opening. Our intent is to request a tribal exemption only for Santa Ynez, consistent with the four existing MPAs.

Second, the same clarification applies to Point Buchon. We do not seek to reduce protections or expand public access—only to establish a tribal exemption.

Third, we did not intend to remove the existing allowance for salmon and albacore take at Point Buchon.

We remain committed to working closely with the Department of Fish and Wildlife and the Natural Resources Agency to refine the regulatory language and ensure it reflects these intentions.

Santa Ynez is also proud to co-sponsor the Mishopshno petition with the Natural Resources Defense Council. This proposal likewise includes a tribal exemption and a co-management framework, and we strongly support its advancement.

In closing, on behalf of the Santa Ynez Band of Chumash Indians, I respectfully request that the Tribal Committee recommend that the Fish and Game Commission direct the Department of Fish and Wildlife to evaluate these petitions as clarified today. We also ask for your recommendation to approve all three petitions based on their advancement of Tribal co-management, protection of ancestral places, and the conservation benefits of Tribal stewardship.

Thank you for your time and consideration. I am happy to answer any questions.



Tracking Number: (2023-20MPA)

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)

Sam Cohen, Esq. Santa Ynez Band of Chumash Mission Indians
100 Via Juana Road
PO Box 517 Santa Ynez, California 93460
Telephone number:
Email address: scohen@chumash.gov

2. Rulemaking Authority (Required) - Authority cited: Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code.

3. Overview (Required) - To ensure 30% of California waters are fully protected by 2030 and to foster Tribal engagement and co-management of MPAs, this Petition submitted by the Santa Ynez Band of Chumash Indians (SYBCI) recommends that the Point Buchon SMCA be designated as a Chumash SMCA that will support Tribal engagement and co-management of the SMCA within the Central Coast Region network. Regulatory changes are also described in the attached Summary for this Petition. The SYBCI also supports the MPA Collaborative Network's Regulatory Recommendation (Row 104, Column E) to adjust the boundary of the Point Buchon SMR to the north to better capture the offshore marine area of the Point and to clarify the boundary of the SMR. The attached Summary for this Petition describes these proposed actions further. The proposed new regulations are as follows:

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

1. The recreational take of finfish [subsection 632(a)(2)], invertebrates except rock scallops and mussels by hand harvest is allowed.
2. Take pursuant to activities authorized under subsection 632(b)(97)(C) is allowed.



3. The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(97) of these regulations and shall comply with all other existing regulations and statutes: Santa Ynez Band of Chumash Indians. |

4. **Rationale (Required)** – There are no Tribal MPAs designated within the Central Coast Region network. The proposed Chumash Heritage National Marine Sanctuary (CHNMS) is currently under review by the Federal government for potential designation. The marine area of the Point Buchon SMCA may be included in the designated CHNMS. Therefore, the SYBCI recommends that the Commission consider a new designation of this SMCA as a Chumash co-managed SMCA.

This would be the fifth Chumash-California SMCA. In addition, in light of management and enforcement considerations associated with the Point Buchon SMR, the SYBCI supports the regulatory and boundary changes recommended by the MPA Collaborative Network's Regulatory Recommendation (Row 104, Column E) to move the SMR's boundary to the north to better capture the marine area offshore the Point and to improve enforcement of the marine reserve area.

SECTION II: Optional Information

5. **Date of Petition:** [Click here to enter text.](#)

6. **Category of Proposed Change**

- ☐ Sport Fishing
☐ Commercial Fishing
☐ Hunting
☒ Other, please specify: [MPAs, Section 632.](#)

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): [Westlaw regulations.](#) |
☐ Add New Title 14 Section(s): [Click here to enter text.](#) |
☐ Repeal Title 14 Section(s): [Click here to enter text.](#) |

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: [At the discretion of the Commission.](#)

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Please see attached.](#)

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: [Unknown.](#)



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

| Please see attached. |

SECTION 3: FGC Staff Only

Date received: | Click here to enter text. |

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 |
- ☐ Granted for consideration of regulation change

Tracking Number

**SUMMARY INFORMATION FOR PETITION TO THE CALIFORNIA FISH AND
GAME COMMISSION FOR REGULATORY CHANGE**

A Petition to Amend the Point Buchon SMCA and Point Buchon SMR

Submitted By

Sam Cohen, Esq.
Government Affairs & Legal Specialist
Santa Ynez Band of Chumash Mission Indians
PO Box 517 | Santa Ynez, CA 93460
805.688.7997 Office

Date: November 11, 2023

Overview. California has begun its first 10-year review of the state’s marine protected areas (MPAs) network. The State’s first decadal management review of the MLPA will be used to inform the future of marine life protection in California waters.

Since the adoption of State MPAs, Governor Gavin Newsom laid out a goal to protect 30% of the land, water, and marine area over the decade. The current level of marine area designated in some type of MPA in each region is far less than the goal to protect 30% of California marine waters. Improvements to the existing MPA network are warranted.

There currently exists no Tribal MPA within the Central Coast Network. California should change designation of existing areas within the MPA Network to ensure that Tribal and Indigenous communities can engage, collaborate, and co-manage marine areas associated with coastal areas they have inhabited for thousands of years.¹ To strengthen the role of the Tribes in co-management and monitoring efforts and marine education activities throughout the marine region, the Santa Ynez Band of Chumash Indians (SYBCI) recommends amendment to the existing Point Buchon SMCA and SMR. The Tribe recommends that the Commission consider a new designation at the Point Buchon Chumash-California SMCA.

The proposed Chumash Heritage National Marine Sanctuary is currently under review by the Federal government for potential designation. NOAA identified an Agency-Preferred Alternative consisting of Alternative 2, Cropped Bank to Coast, and Sub-Alternative 5b, Gaviota Coast Extension that includes the marine areas of Point Buchon SMCA and SMR.² The marine area of the Point Buchon SMCA may be included in the designated CHNMS. To foster co-management and Tribal engagement, the SYBCI recommends that the Commission consider a new designation of this SMCA as a Chumash co-managed SMCA.³ This Petition emphasizes the need to designate an additional Tribal SMCA for the Central Coast Region. This Petition recommends that the Central Coast Region MPA network should reflect the type of co-management of marine resources that is envisioned by State and Federal Tribal engagement and collaborative management guidelines. There is currently no Tribal MPA for co-management within this regional network. This Petition includes a general characterization of the proposed new Tribal co-management Point Buchon SMCA and includes recommendations for a minor change to the northern boundary of the Point Buchon SMR.

Rationale. MPAs were established pursuant to the Marine Life Protection Act (MLPA) of 1999. Environmental Impact Reports were prepared for four study areas, including the Central Coast Region (Pigeon Point to Point Conception). The MPA network for the Central Coast Region was approved by the Commission in 2007.

California’s first decadal management review of the MLPA began in 2022. One goal of the decadal management review is for the California Department of Fish and Wildlife (CDFW) to

¹ Berkey, C.G. and S.W. Williams (2019). California Indian Tribes and the Marine Life Protection Act: The Seeds of a Partnership to Preserve Natural Resources, *Am. Indian L. Rev.* 43: 307.

² See: NOAA (2023) *Proposed Chumash Heritage National Marine Sanctuary. Draft Environmental Impact Statement.* Section 5.4.

³ Please note that under a separate Petition submitted by the SYBCI also recommend that the Commission accept our recommendation to create a new Chumash-California SMCA that we refer to as *Chitqawi* near the mouth of the Morro Bay estuary along the coast toward Cambria.

evaluate and adaptively manage the established MPA Network. The regional networks that were established by the State included input from participants in collaborative planning efforts including members of the scientific community, conservationists, and marine resource users. Scientific input on the benefits of MPAs to marine ecosystems contributed to these early MPA planning processes.

Point Buchon State Marine Reserve (SMR) and Point Buchon State Marine Conservation Area (SMCA) are located eight miles south of Morro Bay in San Luis Obispo County. The onshore-offshore pair of adjoining MPAs covers almost nineteen square miles of rocky reefs, sandy seafloor and beaches, kelp forests, rocky intertidal areas, and offshore pinnacles. The MPAs also contain some of the shallowest cold-water corals in California. Point Buchon SMR encompasses more than 6½ square miles of ocean waters and spans 2½ miles of coastline between Coon Creek and the Diablo Canyon nuclear power plant. Point Buchon SMCA sits offshore of the SMR and encompasses more than 12 square miles of water that range from about 200 to 400 feet deep.

Changes to the existing MPA Network are based on the statutory authority of the Fish and Game Commission to take the action requested (Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code).

The Need for Additional Tribal MPAs. There was very little effort by California resource agencies during the early period of the implementation of the MLPA to consider Tribal MPAs in the network design. Since the adoption of the MPA Network, there has been considerable evidence on the benefits of traditional ecological knowledge and other indigenous experience in marine life protection.⁴ The Ocean Protection Council Science Advisory Team Working Group and California Ocean Science Trust (June 2021) note the important role of the Tribes in the management of MPAs.⁵ Moreover, based on this recognition, the SYBCI are co-managers of four existing SMCAs. Following adoption of MPAs in the North Coast MPA Planning Process, a regulatory provision was adopted by the California Department of Fish and Game Commission (hereafter “Commission”) to provide exemptions from MPA-specific area and take regulations for individual federally recognized California Tribes (i.e., tribal exemptions), through a petition process by the Commission. Tribal take can be authorized in MPAs that overlap with areas of historic and/or current uses for gathering, ceremony, or harvest as reflected in a factual record of use provided by the Tribe. Amendments to MPA regulations were approved by the Commission for two different tribes: the Kashia Band of Pomo Indians (the Kashia) and the Santa Ynez Band of Chumash Indians (hereafter “SYBCI”). The SYBCI is the only federally recognized Chumash Tribe. The Chumash-California MPAs are Naples SMCA, *Kashtayit* SMCA, Point Dume SMCA, and Anacapa Island SMCA that provide Tribal exemptions.

⁴ To support this general claim, we have attached *Co-Management of California-Chumash Marine Conservation Areas*. A White Paper produced for the Santa Ynez Band of Chumash Indians with funding provided by the 7th Generation Advisors. November. 2021.

⁵ *Scientific Guidance for Evaluating California’s Marine Protected Area Network*. A Report by the Ocean Protection Council Science Advisory Team Working Group and California Ocean Science Trust (June 2021).

The SYBCI recommends that the Commission adopt similar amendments to the Point Buchon SMCA so that co-management efforts can begin for these important cultural and ecological areas within the Central Coast Region. Buchon is a Chumash ethnohistorical village site (referred to by an early Spanish colonialist in the 18th Century who after meeting the leader of the village referred to the area as El Buchon [translated in Spanish as “the goiter”]).⁶ It is an area of special spiritual significance to the Chumash maritime peoples.

The Point Buchon SMCA warrants careful consideration by the Commission as an additional co-managed Tribal MPA. There are benefits to co-management of MPAs.⁷ The benefits include:

- more appropriate rules and regulations that can respond rapidly to changing socio-ecological conditions.
- more effective and efficient enforcement due to increased legitimacy of the management structures.
- can increase equitable and fair use of resources; and
- can contribute to the empowerment and development of marginalized communities.

Regulations: The Chumash requested the Commission to apply tribal take provisions in four SMCAs in Southern California that are within their areas of historic and/or current tribal use. With the proposed amendments to the regulations associated with the Point Buchon SMCA, the Chumash would be allowed to fish with the use of hand-based equipment. The proposed exemptions would be consistent with allowing tribal take exemptions as currently defined in Title 14, §632(a)(11), which identify how a member of a federally recognized tribe may be authorized to take living marine resources from an MPA with site-specific take restrictions. Members taking living marine resources under this provision are subject to current seasonal, bag, possession, gear and size limits in existing Fish and Game Code statutes and regulations of the Commission, except otherwise provided for in Title 14, §632(b). No member, while taking living marine resources pursuant to this section, may be assisted by any person who does not possess a valid tribal identification card and is not properly licensed to take living marine resources. Nothing in the proposed regulation is intended to conflict with, or supersede, any state or federal law regarding the take of protected, threatened, or endangered species. The box below includes language for the new regulations associated with the proposed Point Buchon SMCA:

(B) Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:
1. The recreational take of finfish [subsection 632(a)(2)], invertebrates except rock scallops and mussels by hand harvest is allowed.

⁶ Bryne, S. (2004). Historical and Archaeological Evidence Regarding the Location of the Chumash Village of El Buchon in Price Canyon, San Luis Obispo County, CA. Society for California Archaeology Southern California CA Data Sharing Meetings. Fort Hunter-Liggett.

⁷ *Moving toward Co-Management of the Proposed Chumash Heritage National Marine Sanctuary*. A Paper Prepared for the Santa Ynez Band of Chumash Indians. Michael Vincent McGinnis. Bioregional Planning Associates. (March 2022). The paper includes a review of the literature and technical reports on co-management marine life protection.

2. Take pursuant to activities authorized under subsection 632(b)(97)(C) is allowed.
3. The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(97) of these regulations and shall comply with all other existing regulations and statutes:
Santa Ynez Band of Chumash Indians.

The SYBCI appreciates the opportunity to recommend the adoption of this new co-management MPA within the Central Coast Region network. We would welcome the opportunity to discuss this proposal in more detail with State partners during the planning effort that is currently underway for the State's first decadal management review of the MLPA and MPA Network.

Change to the northern boundary of the Point Buchon SMR. The SYBCI also supports the MPA Collaborative Network's Regulatory Recommendation (noted in Row 104, Column E of their Worksheet) to adjust the boundary of the Point Buchon SMR to the north so that the reserve can better capture the offshore marine area of the Point and to clarify the boundary of the SMR.



Proposed Chitqawi State Marine Conservation Area

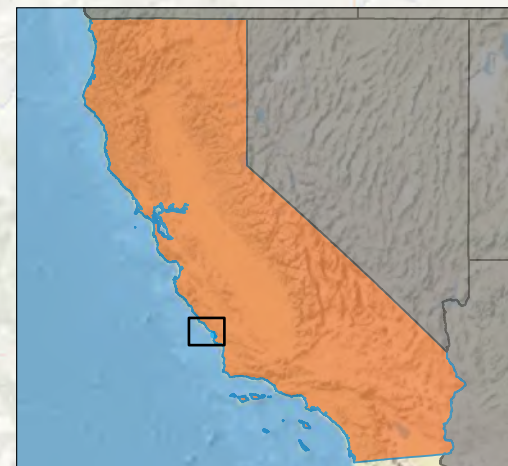
Santa Ynez Band of Chumash Indians

Legend

-  Proposed Chitqawi SMCA
-  State Marine Reserve
-  State Marine Conservation Area
-  State Marine Park
-  State Marine Recreational Management Area
-  Coast Line

- 1 Piedras Blancas State Marine Reserve
- 2 Piedras Blancas State Marine Conservation Area
- 3 Cambria State Marine Conservation Area
- 4 White Rock (Cambria) State Marine Conservation Area
- 5 Morro Bay State Marine Reserve
- 6 Morro Bay State Marine Recreational Management Area
- 7 Point Buchon State Marine Reserve
- 8 Point Buchon State Marine Conservation Area

0 4 8 16
Miles



CO-MANAGEMENT OF CALIFORNIA-CHUMASH MARINE CONSERVATION AREAS

**A White Paper Produced for The Santa Ynez Band of Chumash Indians
with Funding Provided by the 7th Generation Advisors**



MICHAEL VINCENT MCGINNIS, PhD

Bioregional Planning Associates Sacramento California

EXECUTIVE SUMMARY



Malibu's Paradise Cove August 19, 2011. Chumash paddle their tomol to meet the sailors in seven vaka moanas or sailing canoes from the Pacific Voyage. *Photo: M.V. McGinnis.*

ACROSS THE PACIFIC RIM, Tribal and Indigenous peoples are participating and co-managing marine protected areas. These co-management experiences provide opportunities and challenges to sustain Indigenous maritime practices. Co-management of marine protected areas can foster the integration of scientific and traditional ecological knowledge systems.

The planning effort under the Marine Life Protection Act (MLPA) of 1999 currently involves federally recognized Tribes. The goal of this report is to strengthen the opportunities to implement co-management of designated California-Chumash marine conservation areas located at Anacapa Island, Naples, Point Dume, and Kashtayit in southern California.

The implementation of the existing California-Chumash marine conservation areas is ongoing, and the State plans to review the progress of the MLPA in 2022. At that time changes may be made to the existing legislative framework, and other planning and decision-making changes



may be developed to foster further cooperation with Tribes and the State in the implementation of the MLPA and the co-management of designated marine conservation areas.

Based on a review of case study materials and the literature on co-management of protective areas, there are three major recommendations described in this report. First, a move from consultative co-management to collaborative management of designated California-Chumash marine conservation areas is warranted. Second, the following factors contribute to successful implementation of co-management of State-Tribal protected areas: public access to Tribal members to the protected area; the proximity to use of the marine area; the scientific baseline information on the ecology of the marine area; the historical level of customary marine resource use; the institutional capacity to monitor the designated MPA; the enforcement capacity and capability of partnering agencies and the Tribe of the MPA; and the available customary values and ecosystem goods and services provided by the MPA. These factors are used to analyze the four alternative California-Chumash marine conservation areas. Third, the Chumash should consider joining the Tribal Marine Stewards Network pilot program as the fifth partner in the collaborative network effort. There is currently no southern California Tribal partner in the pilot program. Two California-Chumash marine conservation areas may be appropriate to consider by the Chumash members given the analysis in this report -- the *Kashtayit* or Point Dume marine conservation areas. This recommendation is based on the historical use of customary practice by the Chumash of these areas; the proximity of use to these areas; the availability of public access to the sites; and other factors. Furthermore, the Chumash should consider ways to contribute as co-managers to the enforcement, education, information exchange, and the monitoring efforts to further the implementation of existing California-Chumash marine conservation areas.

TABLE OF CONTENTS

INTRODUCTION.....	5
CHUMASH TEK AND THE SOUTHERN CALIFORNIA BIGHT.....	6
CO-MANAGEMENT PRINCIPLES.....	8
THE EARLY PHASE OF CO-MANAGEMENT OF CALIFORNIA-TRIBAL MPAS.....	12
<i>The Move toward Tribal Exemption.....</i>	12
<i>Co-management and the California Department of Fish and Wildlife.....</i>	14
<i>The Tribal Marine Stewards Pilot Program.....</i>	15
<i>Moving from Consultation Co-Management to Collaborative Co-Management.....</i>	16
CASE STUDIES OF CO-MANAGEMENT.....	18
AN ANALYSIS OF FOUR CALIFORNIA-CHUMASH MARINE CONSERVATION AREAS	21
<i>Institutional Capacity and Capability to Monitor and Enforce.....</i>	22
REFERENCE	23

List of Figures, Tables and Maps

Map 1. <i>Santarosae</i> Island before Sea-Level Rise.....	7
Figure 1. Co-Management Principles.....	9
Figure 2. Hybrid Management.....	10
Table 1. A Comparison of California and Tribal Management Systems.....	10
Figure 3. Types of Co-Management.....	11
Table 2. Alternative Analysis of California-Chumash Marine Conservation Areas.....	21

INTRODUCTION

Me'pshumawish. Together we are making health, harmony, peace.

This study builds on a previous report entitled *Tribal Marine Protected Areas: Protecting Maritime Ways and Cultural Practices* (McGinnis 2004) produced for the *Wishtoyo Foundation*. At the time of publication of that report, the Marine Life Protection Act (MLPA) of 1999 did not include a statutory role for the Tribes in the collaborative network process (Sagkof et al. 2021). In their legal analysis of the changing role of the Tribes in the MLPA Berkeley and Williams (2019: 307) write:

Like the vast majority of California laws, the MLPA did not specifically address the rights and concerns of Indian tribes even though the California coast is Indian Country for many tribes. The failure of the legislature to acknowledge the centuries-long stewardship of coastal resources by Indian people, and the commencement of a resources-protection process that did not include tribes, resulted in initial opposition from Indian tribes. Many tribes feared the process would simply be the latest in a long history of state actions that risked the extinguishment of cultural practices. Instead, despite initial misunderstandings, the [marine protected area] MPA designation process elevated tribal engagement in state natural resource management and may be the catalyst for a fundamental shift in California's approach to tribal nations.

Requests to amend MPA regulations were submitted to the FGC by two different tribes: the Kashia Band of Pomo Indians and the Santa Ynez Band of Chumash Indians (hereafter, the Chumash). Tribal take was authorized in marine conservation areas that overlap with areas of historic and/or current uses for gathering, ceremony, or harvest as reflected in a factual record of use provided by a Tribe. There are four California-Chumash marine conservation areas that are located at sites in state waters at Anacapa Island, Naples, Point Dume, and *Kashtayit*.

The implementation of the existing California-Tribal marine conservation areas is ongoing. The first Decadal Management Review of the MLPA will take place in 2022, and will serve to review and potentially update four primary objectives of the MPA Management Program:

- Outreach and Education,
- Research and Monitoring,
- Enforcement and Compliance, and
- Policy and Permitting

The FWC will receive this review at their December 2022 meeting and decide whether to direct CDFW and its partners to pursue recommendations and identified next steps. At that time changes may be made to the existing legislative framework, and other planning and decision-making changes may be developed in cooperation with Tribes and California resource agencies to strengthen the co-management of designated marine conservation areas.

This paper begins with a description of the importance of traditional ecological knowledge or TEK and the Southern California Bight. Second, the paper characterizes the preliminary stages of implementation of the MLPA, and the changing role Tribes have in the collaborative network and decision-making. The paper reviews the co-management literature to suggest the need to move from *consultative* co-management to *collaborative* management of designated California-Chumash marine conservation areas.

In the last section, an analysis of the four alternative California-Chumash marine conservation areas is described. The alternative analysis is based on the following factors that contribute to successful co-management implementation:

- public access to Tribal members.
- the proximity to use of the marine area.
- the scientific baseline information on the ecology of the marine area.
- the historical level of customary marine resource use.
- the institutional capacity to monitor the designated MPA; and,
- the enforcement capacity and capability of partnering agencies and the Tribe of the MPA.

CHUMASH TEK AND THE SOUTHERN CALIFORNIA BIGHT

Federally recognized tribes are not mere stakeholders in the MLPA decision-making and collaborative process. As co-managers of marine life protection and management, Tribes are sovereign nations. Traditional ecological knowledge (TEK) is essential to the maintenance of Tribal maritime culture and should be considered a key facet of the co-management process for California-Chumash marine conservation areas. Moreover, the public and resource agencies can learn from TEK.

TEK is based on the interaction between traditional or Indigenous culture and the ecosystems that Tribal peoples are irrevocably connected to. In *Sacred Ecology*, Fikret Berkes (2008) describes two primary aspects of TEK that are important to consider as California and the Tribes move forward in the implementation of the MLPA. First, TEK should be considered a “process” rather than a “content.” TEK is a process insofar as it changes and adapts to changes with ecosystems and cultural values. Second, there are benefits from a stronger integration and partnership between those who have TEK and scientific knowledge.

One hundred and forty-eight historic Chumash village sites have been identified from Malibu to San Luis Obispo, including eleven on Santa Cruz Island, eight on Santa Rosa Island, and two on San Miguel Island (Glassow 1995). The archaeological record shows that traditional Chumash maritime practices changed with a changing socio-ecological context. Mussel shells uncovered at excavated historical Chumash village sites indicate cyclical periods of species decline and rebound. These cyclical periods reflect changes in oceanographic setting of the California Current and the Southern California Bight, including short-term and longer-term (e.g., interdecadal oceanographic regime shifts) changes in sea surface temperature and associated changes in biogeography of fishes and invertebrates (Kennett 2005).

Moreover, archaeological and ethnographic evidence suggest that the periodic movement of Chumash village areas helped mediate socio-ecological changes in food security (Rick 2007). As in other traditional societies such as the Māori and other Pacific Islanders, Tribal peoples monitored and temporarily banned fishing certain species in order for their respective populations to reach a more stable abundance. Chumash coastal inhabitants would change their diet to reflect changes in their food availability. Seaweeds, kelps, and other marine plants helped sustain Chumash populations; marine plants were often an essential food source during times of food insecurity.

Chumash TEK served the needs of cultural adaptation to changes in the socio-ecology of the Southern California Bight. The northern Channel Islands area were one connected island called *Santarosae* that was located nine kilometers from the coastal mainland (depicted in Map 1). Large-scale sea-level rise during the late Pleistocene and early Holocene periods inundated nearshore areas in many parts of the world, producing drastic changes in local ecosystems and obscuring significant portions of the archeological record (Reeder-Myers et al. 2015). Sea level was about 80–85 meters lower than present at the time of the first known human Chumash occupation.

Map 1. Santarosae Island before Sea-Level Rise



Source: KCET, *California's Atlantis: The Lost Superisland of Santarosae*, available at: <https://www.kcet.org/shows/lost-la/californias-atlantis-the-lost-superisland-of-santarosae>

There were major consequences from sea level rise on traditional cultures and customary practices of coastal southern California (Kennett 2005). At the close of the Pleistocene and start of the Holocene, people in coastal California faced shrinking land, intertidal, and subtidal zones that were used for food gathering and other customary uses. This led to a decline in food security and migration of traditional cultures. Second, as a consequence of sea-level rise in the Southern California Bight, including the Channel Islands and the coastal mainland areas, the archaeological and cultural areas used near river and creek mouths, coastal beach areas, and other areas historically inhabited by the Chumash are submerged today (Glassow 1995).

In addition, European colonialization of [Alta] California significantly impacted Chumash society (Dartt-Newton and Erlandson 2006). As Dartt-Newton and Erlandson (2006: 419):

While natural environmental fluctuations may have played a role in the movement of Chumash people to the missions (particularly in the abandonment of Channel Island villages after AD 1810), we contend that colonial oppression and Spanish-induced environmental degradation were the chief culprits. No amount of scientific data can blunt the harsh realities of the mission period, when the Chumash and other California Indians died by the tens of thousands and most survivors were reduced to a humiliating slavery-like condition.

Overall, the socio-ecology of the islands and coastal mainland changed and so did the traditional and customary practices of the Chumash (Holmes and Johnson 1998). Chumash knowledge evolves with changes in living conditions. Chumash TEK sustained the diverse communities for thousands of years.

Tribes have a substantive role in the co-management of California-Tribal marine conservation areas. One hope is that Tribal TEK can contribute to the strengthening of the public's awareness of the sacred and customary values of coastal and marine ecosystems in California. These coastal and marine ecosystems have long been influenced by human activities and customary practices.

PRINCIPLES OF CO-MANAGEMENT

Definitions of co-management focus on sharing management responsibility between government and stakeholders (Brown and Pomeroy 1998; Pomeroy 2001; Berkes et al. 2001). Borrini-Feyerabend et al. (2000) note that co-management is a situation in which two or more social actors negotiate, define, and guarantee amongst themselves an equitable sharing of the management functions, entitlements, and responsibilities for a marine area. In this case, the sharing of responsibility under the MLPA is between State agencies and the Chumash.

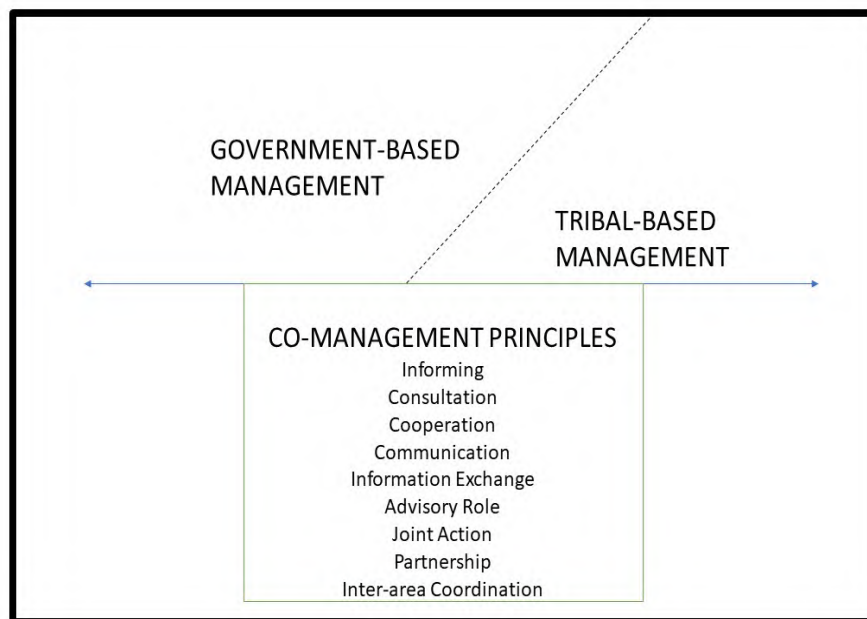
There are many benefits to co-management. The benefits include:

- improved management due to incorporation of better scientific evidence and TEK (Pinkerton 1989).
- more appropriate rules and regulations that can respond rapidly to changing socio-ecological conditions (Berkes et al. 2001; Ebbin 2002; Hernes et al. 2005).

- more effective and efficient enforcement due to increased legitimacy of the management structures (Berkes et al. 2001; Hanna 2003; Pinkerton and John 2008).
- can increase equitable and fair use of resources (Beierle and Cayford 2002; Borrini-Feyerabend et al. 2004; Coffey 2005); and
- can contribute to the empowerment and development of marginalized communities (Birner and Wittmer 2003; Hara and Nielsen 2003; Jentoft 2003; Pomeroy and Viswanathan 2003).

Figure 1 includes a general characterization of principles of co-management.

Figure 1. Co-Management Principles



There are three forms of co-management (depicted in Figure 2 below). The most common arrangement is described as “consultative co-management” whereby the resource agencies often consult with stakeholders or, in this case, Tribes (Brown and Pomeroy 1999). The term “collaborative co-management” connotes a stronger partnership where there is a sharing of authority and responsibility (Kurien 1988; McConney et al. 1998). Third is “delegated co-management” that includes, but is not limited to, community-based management since national or state co-management structures are especially common in fisheries management (Jacobs 1998; McConney and Mahon 1998). Establishing successful co-management is seldom immediate. Like most participatory processes it takes time and careful attention to partnership building and strategic planning.

Figure 2. Types of Co-Management

TRADITIONAL RESOURCE MANAGEMENT	TYPES OF CO-MANAGEMENT
Government has the most control	<u>Consultative Co-Management</u> Government interacts with partners But makes all decision
	<u>Collaborative Co-Management</u> Government and the tribes work closely and share decisions
	<u>Delegated Co-Management</u> Government lets formally organized tribes make decisions

A collaborative co-management approach to marine life protection requires the integration of two systems of governance and management. Tribal and customary management and marine ecosystem-based management systems have contrasting goals, inferred social and ecological benefits, and spatial scales. A general comparison of the diverse systems of management is found in Table 1.

Table 1. A Comparison of California and Tribal Management Systems

Management and Planning in the California MLPA	Tribal and Customary Management
Use of Ecosystem-based Principles in Planning	Cyclical processes and periodic benefits
Science-based Decision-making	Emphasis on the cultivation of TEK
Collaborative & Stakeholder based Planning	Utilitarian goals
Often dominated by Biological Conservation Goals	Sensitive to Socio-economic and Socio-ecological transformation
Operates on larger scales (e.g., networks of small reserves)	Complex tenure systems may hinder larger-scale conditions

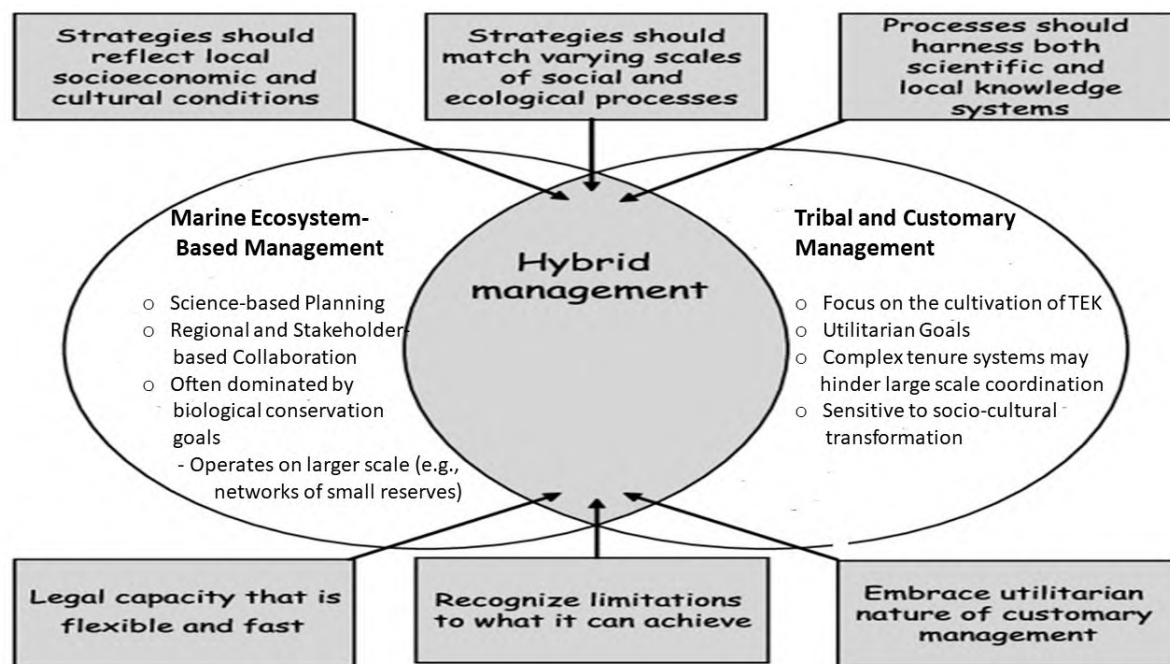
In collaborative co-management, there are three institutional factors that can contribute to the successful integration of authority and responsibility:

- Planning processes, including the monitoring and enforcement of marine protected areas, should harness both scientific and TEK systems.

- Program strategies should match varying scales of social, economic, and ecological processes.
- Program strategies should reflect local or regional socio-cultural conditions as they change overtime and as new information is gathered, e.g., strategic management should support adaptive approaches to planning in the future.

A hybridized co-management approach to marine life protection is depicted in Figure 3.

Figure 3. Hybrid Management



(After Pomeroy and Berkes 1997: 466)

Since the adoption of the MLPA in 1999, a number of steps have been taken by policymakers, resource agencies and members of Tribes to establish and encourage co-management of California-Tribal MPAs. Initial Studies, as required by CEQA, have been submitted and regulatory provisions have been approved by the California Department of Fish and Wildlife Commission (FGC). Governor Brown and Governor Newsome have signed Executive Orders to encourage co-management of marine resources with Tribes. California resource agencies have approved strategic goals and objectives in support of co-management principles to encourage co-management of California-Tribal marine conservation areas. Collaborative networks have been established that include formal Tribal membership. Pilot programs between California and the Tribes to develop monitoring programs and the deployment of data gathering to strengthen monitoring of existing MPAs have been developed.

CO-MANAGEMENT OF CALIFORNIA-CHUMASH MPAS

This section provides a general description of the early implementation of co-management of the California-Chumash marine conservation areas. A detailed overview of the early implementation of the MLPA and the role of the Tribes in the process is available at Sofka and colleagues (2021: 80-113) and Berkey and Williams (2019). These studies describe the collaborative, legal and historical role of the Tribes during the implementation of the MLPA.

The Move toward Tribal Exemption

Following adoption of MPAs in the North Coast MLPA planning process, a regulatory provision was adopted by the California Fish and Game Commission (FGC) to provide exemptions from MPA-specific area and take regulations for individual federally recognized California Tribes (i.e., tribal exemptions), through a petition process by the Commission. Requests to amend MPA regulations were submitted to the FGC by two different tribes: the Kashia Band of Pomo Indians (the Kashia) and the Chumash (Berkey and Williams 2019; Dudek 2018).

Tribal Take

“Federally recognized tribe” means any tribe on the List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, published annually in the Federal Register. Any member of a federally recognized tribe authorized to take living marine resources from an area with area-specific take restrictions in subsection 632(b), when engaging in take within an authorized area shall possess on his person, in his immediate possession, or where otherwise specifically required by law to be kept, any valid license, report card, tag, stamp, validation, permit, or any other entitlement that is required in the Fish and Game Code, or required by other state, federal, or local entities, in order to take living marine resources. Members shall possess a valid photo identification card issued by a federally recognized tribe that contains expiration date, tribal name, tribal member number, name, signature, date of birth, height, color of eyes, color of hair, weight, and sex; and display any of the items listed above upon demand to any peace officer. Members taking living marine resources under this provision are subject to current seasonal, bag, possession, gear and size limits in existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b). No member, while taking living marine resources pursuant to this section, may be assisted by any person who does not possess a valid tribal identification card and is not properly licensed to take living marine resources. Nothing in the regulation is intended to conflict with, or supersede, any state or federal law regarding the take of protected, threatened or endangered species [Title 14, 632(a)(11)].

The Chumash requested the Commission to apply tribal take provisions in four SMCAs in southern California that are within their areas of historic and/or current tribal use. The regulations for the State Marine Conservation Areas (as January 1, 2019) are taken from California Code of Regulations (CCR) Title 14, Section 632, and are as follows:

The exemptions are consistent with allowing tribal take exemptions as currently defined in Title 14, §632(a)(11) (noted above), which identify how a member of a federally recognized tribe may be authorized to take living marine resources from an MPA with site-specific take restrictions.

A description of each California-Chumash marine conservation area is below (Dudek 2018):

1) Kashtayit State Marine Conservation Area Permitted/Prohibited Uses:

- a) It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for recreational and/or commercial purposes, with the following specified exceptions:
 - i) The recreational take of finfish, invertebrates except rock scallops and mussels, and giant kelp (*Macrocystis pyrifera*) by hand harvest is allowed.
 - ii) Take pursuant to the maintenance of artificial structures and operation and maintenance of existing facilities is allowed inside the conservation area pursuant to any required federal, state and local permits, or as otherwise authorized by the Department
- b) The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(97) and shall comply with all other existing regulations and statutes: Santa Ynez Band of Chumash Indians.

2) Naples State Marine Conservation Area Permitted/Prohibited Uses:

- a) It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for recreational and/or commercial purposes, with the following specified exceptions:
 - i) The recreational take by spearfishing of white seabass and pelagic finfish is allowed.
 - ii) The commercial take of giant kelp (*Macrocystis pyrifera*) by hand harvest or by mechanical harvest is allowed.
- b) Take pursuant to operation and maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the Department.
- c) The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(98) and shall comply with all other existing regulations and statutes: Santa Ynez Band of Chumash Indians

3) Point Dume State Marine Conservation Area Permitted/Prohibited Uses:

- a) It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for recreational and/or commercial purposes, with the following specified exceptions:
 - i) The recreational take by spearfishing of white seabass and pelagic finfish is allowed.
 - ii) The commercial take of swordfish by harpoon; and coastal pelagic species by round haul net, brail gear, and light boat is allowed. Not more than five percent by weight of any commercial coastal pelagic species catch landed or possessed shall be other incidentally taken species.
- b) Take pursuant to beach nourishment and other sediment management activities is allowed inside the conservation area pursuant to any required federal, state and local permits, or as otherwise authorized by the Department.
- c) The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b) (117) and shall comply with all other existing regulations and statutes: Santa Ynez Band of Chumash Indians

4) **Anacapa Island State and Federal Marine Conservation Area Permitted/Prohibited Uses:**

- a) It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial and/or recreational purposes, with the following specified exceptions:
 - i) The recreational take of spiny lobster and pelagic finfish and the commercial take of spiny lobster is allowed.
- b) The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b) (112) and shall comply with all other existing regulations and statutes: Santa Ynez Band of Chumash Indians

The Chumash remain subject to the Anacapa Island Special Closure regulations where it overlaps with the Anacapa Island SMCA and are not exempt from the Anacapa Island Federal Marine Conservation Area take restrictions. Fishing with use of hand-based equipment and intertidal collection is allowed in this area, for which there is no pelican fledging area closure. Therefore, there are currently no exemptions in federal waters of the Channel Islands National Marine Sanctuary.

With respect to the role of the Tribes in the MLPA process Berkey and Williams (2019: 349-350) note that Governor Brown in Executive Order B-10-11 moved forward with formally recognizing the role of federally recognized tribes in marine governance:

The perceptions of tribal representatives who participated in the late stages of the MLPA process bears out the truth of the Governor’s observation. One tribal advocate said that, though there is a great deal of work yet to be done to fully recognize tribal rights to marine resources, the “space created by the MLPA is a promising first step.”

Both the State and some tribal representatives see a trend toward a marked increase in tribal participation in the development of state policy beyond that of marine resources. While not every tribe has the resources to respond to state agency invitations, at least they have a greater opportunity.

In Executive Order N-82-20 Governor Newsome also recognized the role of the Tribes in marine resource protection and supported further development and movement toward co-management of MPAs.

Co-management and the California Department of Fish and Wildlife

The Tribal Communication and Consultation Policy provides the foundation for the CDFW to work cooperatively, communicate effectively, and consult with Tribes. This policy also serves as the CDFW’s primary means to implement Executive Order B-10-11 and the California Natural Resource Agency’s Tribal Consultation Policy.

The *Master Plan for Marine Protected Areas – Appendix B* from the CDFW (2016: B-10) describes the existing co-management policy with respect to Tribes as follows:

The purpose of this policy is to create a means by which tribes and Fish and Game Commission can effectively work together to realize sustainably managed natural resources of mutual interest.

This CDFW (2016) identifies the following priorities:

1. Communication. Both FWC and the Tribes are faced with innumerable demands on their limited time and resources. In the interest of efficiency, FWC will annually host a Tribal planning meeting to coordinate the upcoming regulatory and policy activities before FWC. The meeting will provide a venue for education about process, identifying regulatory and policy needs, and developing collaborative interests; this will include inviting sister agencies to participate.
2. Collaboration. In areas or subjects of mutual interest, FWC will pursue partnerships with tribes to collaborate on solutions tailored to each tribe's unique needs and capacity. The structure of these collaborative efforts can range from informal information sharing to Memorandum of Understanding (MOU) with more specific agreements regarding working relationships and desired outcomes, to co-management agreements with specific responsibilities and authorities.
3. Record-keeping. FWC will maintain a record of all comments provided by Tribes and will include them in administrative records where appropriate.
4. Training. FWC will provide training to interested Tribes on its processes for regulation and policy development.

The FWC *Co-Management Vision Statement and Definition* (February 2020) states:

The vision of tribes, the California Fish and Wildlife Commission, and the California Department of Fish and Wildlife is to engage in a collaborative effort between sovereigns to jointly achieve and implement mutually agreed upon and compatible governance and management objectives to ensure the health and sustainable use of fish and wildlife [*my emphasis*].

Definition: A collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area or set of natural resources [*my emphasis*].

The above strategy adopted by the CDFW clearly suggests the value of *collaborative* co-management with the Chumash to implement marine conservation areas.

The Tribal Marine Stewards Pilot Program

Esgro (2020) notes that Tribes are engaged with California resource managers in multiple forums for MPA management through participation in multiple decision-making bodies, notably the CDFW Tribal Subcommittee and representatives at the MPA Statewide Leadership Team (MSLT). California's MSLT includes four regional Tribal representatives to ensure that Tribes

are directly involved in the development of MPA policy. Tribal participation in the collaboratives has given way to funded Tribal-specific projects and initiatives.

In 2020, a Tribal Marine Stewards Network Pilot Program was approved by the Ocean Protected Council (OPC) that included a disbursement of \$1,000,000 to the California Indian Environmental Alliance (CIEA) to support the development of a Tribal Marine Stewards Network pilot program. The objective of the program is to enhance engagement with Tribes and protect and restore coastal and marine ecosystems. According to OPC, this program is a mechanism to “advance California’s efforts to support [I]ndigenous stewardship and adopt meaningful co-management measures.”

The program is composed of four partner Tribes (Tolowa Dee-ni’ Nation, Resighini Rancheria, Kashia Band of Pomo Indians, and the Amah Mutsun Tribal Band), and is supported by two non-governmental organizations (CIEA and Ecotrust). The program focuses on MPA monitoring and notes that Tribes will work to identify a fifth Tribe, ideally in southern California, who is interested in participating in the network. At the time of the writing of this report, the Chumash are not formally involved in this pilot program.

A timeline that includes a general summary of development in the co-management approach in California is below:

- Executive Order (“EO”) B-10-11 started state agency tribal consultation under Gov. Brown
- 2012 Natural Resources Agency adopts Tribal Consultation policy
- 2014 CDFW adopts tribal Communication and Consultation Policy
- 2015 FGC Adopts Tribal Consultation Policy
- 2019 EO N-15-19 reaffirms Tribal Consultation by Gov. Newsom
- 2020 Tribal Subcommittee of FGC Adopts Co-Management Vision & definition
- 2020 Gov. 2d Annual Tribal nations Conference, Christina Snider, Gov. Tribal Advisor requests each tribe apply for co-management opportunities
- 2020 - Sept. 25: Gov. Newsom issues Statement of Administration Policy, Native American Ancestral Lands, “to facilitate tribal access, use and co-management of state owned or controlled natural lands.”
- 2020 - Oct. 7: EO N-82-20 “to conserve 30% of California’s land and coastal waters by 2030” and “to incorporate Tribal expertise and traditional ecological knowledge.”

Moving from Consultation Co-Management to Collaborative Co-Management

In an evaluation of the MLPA collaborative network process, Sofka et al. (2021) describe a number of recommendations that can strengthen the collaborative co-management of California-Chumash marine conservation areas. Sofka et al. (2021) recommend the following:

- *Improve Tribal Engagement, Protocols, and Initiatives*
 - Provide cross-cultural training by establishing periodic cross-cultural training opportunities. Trainings should foster cultural awareness around interactions with Tribal groups. Allocate time and funding for ongoing collaborative, network, and

state cross-cultural training that reflects local Tribal culture, histories, and connection to place.

- Protocols to prioritize respect, reciprocity, and free, prior, and informed consent in all interactions that acknowledge historical and current injustices related to Tribal sovereignty. Sofka et al. (2021) recommend that California should evaluate how Tribal consent, respect, or reciprocity may have been violated with respect to resource management issues in general, and marine conservation specifically. California should review ways to redress these past violations, with an emphasis on transparency and accountability.
- Establish and abide by anti-discrimination policies approved and/or developed by Tribes. Sofka et al. (2021) recommend that California should determine which forms of discrimination, biases, or stereotypes Tribes have encountered through their participation in the collaboratives and MPA management. The State should review existing agency policies and interpretations that constrain Tribal participation, including but limited to considerations of inclusivity and accessibility.
- Consider the utility of developing a statewide MPA tribal committee and/or statewide Tribal collaborative.
- Engaging Tribes as partners in co-management, not stakeholders. The State should involve Tribal participants in decision-making bodies, forums, and protocols surrounding the control and co-management of MPAs. They also recommend that the State review how principles of Tribal co-management have been violated with respect to resource management issues in general, and ocean/MPA conservation specifically.
- Ensure Tribal co-authorship of language in all formal agreements. Sofka et al. (2021) recommend that Tribal authorship should take place in future planning and policymaking to ensure that Tribal perspectives, preferences, and confidentiality are appropriately captured.
- Establish protocols for integrating aspects of Tribal stewardship. Sofka et al. (2021) recommend that California establish and codify appropriate policies, best practices, and protocols at the collaborative and State levels of governance that emphasize the integration and acknowledgement of Tribal stewardship at all levels of MPA management. They also recommend that the State prioritize Tribally led and managed stewardship projects, such as the Tribal Marine Stewards Network.
- Prioritize the inclusion of all forms of Tribal and indigenous communities and recognize that Tribal communities exist far beyond federal recognition. Sofka et al. (2021) recommend that California prioritize the involvement of diverse forms of Tribal arrangements including but not limited to federally recognized Tribes, State recognized Tribes, unrecognized Tribes, consortiums, etc. The State should review with Tribal participants what groups have been excluded from this MPA management in the past, and the procedures which facilitated that exclusion. Sofka et al. (2021) also recommend that the Tribes and California determine how

management and planning approaches can be modified to engage a variety of formal and informal Tribal arrangements.

- *Establish Protections and Protocols for Tribal Decision-Making and Authority Around Knowledge and Data. This should include the establishment of policies with Tribal participants for knowledge requests, use, sharing, and mobilization within the collaboratives.*
 - Anticipate and honor diverse Tribal preferences for data management, collection, analysis, and use. These protocols should facilitate Tribal participation and information sharing in collaboratives and beyond, creating an atmosphere of consent.
 - Understand that Tribes may not consent to the sharing of their knowledge and data that has been passed down and safeguarded for generations. Similarly, acknowledge the diversity of Tribal science and knowledge, how it differs from non-Tribal science, and the ways in which TEK can be better protected.
 - Consider the integration of Tribally selected models of Indigenous data governance and data protection at all levels of MPA collaborative management. Sofka et al. (2021) recommend that California and the Tribes carefully review Tribal decision-making authority and consider if there have been instances where Tribes felt as though they did not have control over their data, and if so, what policies could be established to mitigate these scenarios going forward.

Careful consideration of these recommendations is warranted to strengthen the collaborative co-management approach to California-Chumash marine conservation areas.

CASE STUDIES OF CO-MANAGEMENT

This section includes a brief characterization of case studies on implementation of co-managed State-Tribal or Indigenous protected areas.

Fiji Locally Managed Marine Area (LMMA) Network

A locally managed marine area (LMMA) differs from a typical MPA in that LMMAs “are characterized by local ownership and/or control,” whereas other forms of MPA are usually “designated by levels of management via a top-down approach” (Govan et al. 2006). The LMMA Network supports a collaborative co-management approach to manage coastal and marine resources. LMMA supports networks in Indonesia, the Philippines, Papua New Guinea, Palau, Pohnpei, Fiji and the Solomon Islands, and engages with more than fifteen other countries in the Indo Pacific. Case studies of member organizations within the LMMA are found in Rocliffe et al. (2014), Jupiter et al. (2014), and Robertson et al. (2020).

Increasingly, the LMMA Network is sharing its lessons globally, with increased interest not only in improved conservation outcomes, but also with an increased focus on social justice and the rights of traditional resource owners. Robertson et al. (2020) note that a LMMA, in the South Pacific context, is rooted in traditional and customary fisheries management and is designed to

gain support and active engagement from the local community, with the latter being a key condition for the successful and lasting implementation of MPAs.

The Fiji Locally Managed Marine Area (FLMMA) Network supports traditional communities who have observed declines in marine resources and their customary use of marine resources and want to act. The FLMMA Network is a non-profit and charitable association of resource conservation NGOs, government departments, academic institutions and over four hundred communities working together as co-managers to promote and encourage the preservation, protection and sustainable use of marine resources in Fiji.

The goals of the FLMMA are to:

- Provide practical capacity building, cost-effective and culturally appropriate engagement tools to promote locally led dialogues and management.
- Assist communities in managing their resources, often utilizing a revival of cultural traditions strengthened by contemporary science.
- Build trust, resiliency, confidence, and innovation through lesson sharing between practitioners.
- Follow a code of conduct that ensures community interests are the heart of any conservation effort.
- Advocate for communities at the national, regional, and international levels, for fair partnerships, policies, and support.

The Challenge of MPA governance in New Zealand and the Role of Māori

When New Zealand was settled by Europeans, a treaty was signed between Māori and the British Crown, called the Treaty of Waitangi. The Treaty gave guarantees that Māori would retain ownership and sovereignty over their customary resources. However subsequent government action deprived Māori of rights and land. It was only in the 1970s that the New Zealand government began to recognize the importance of partnership with the diverse Māori peoples. Today, much of the policy and legislation in relation to oceans governance requires consultation with local Māori (*tangata whenua*) and tribes (*iwi*) (McGinnis 2012).

The New Zealand government, as part of its obligations to Māori under the Treaty of Waitangi, has provided for some coastal and marine areas to be subject to the control of local Māori. Two types of protection can be granted over areas: *mātaitai* and *taiāpure*. *Mātaitai* reserves are established to protect traditional fishing grounds in internal waters or coastal waters. Within a *mātaitai*, commercial fishing is prohibited, but recreational fishing can continue. The *tangata whenua* can also request the Minister of Fisheries to create bylaws that restrict or prohibit recreational fishing. Other customary reserves are *taiāpure*-local fisheries. Consultation is required and an appeal against a decision by the Minister of Fisheries to establish a *taiāpure*-local fishery can be heard by a tribunal. Due to this process, they are harder to establish than *mātaitai*. The national government of New Zealand can deny designation of *taiāpure*-local fisheries.

There are several problems regarding Māori rights with respect to marine protection, and co-management has failed (McGinnis 2012). Application for marine reserve designation is



dependent on approval from other interested parties and government agencies. Current co-management legislation requires the Crown acting through the Department of Conservation have the final say regarding marine reserve management (Dodson, 2014). Co-management in New Zealand has not empowered local iwi or tribes in co-governance – there remains unequal authority between cultural groups and governmental organizations. Collaborative co-management could potentially minimize marginalization of Māori communities and increase successful marine reserve implementation (Carlsson and Berkes 2005; Berkes 2009; Mossop 2020). Fragmented government authority and inter-agency conflict also contribute to failure to live up to international best practice in protected area management in New Zealand.

Co-management between Australia and the Miriwung-Gajerrong People of Western Australia

Collaborative co-management involves Australia and the Miriwung-Gajerrong people of Western Australia, and the partnership that has evolved shows co-management can provide equity in managing a protected area (Hill, 2011). In this case, collaborative co-management established a balance between Indigenous values and State conservation values.

Co-management is central to the Australian government's approach to this conservation/Indigenous nexus, and to delivering the enhanced equity with Indigenous people in protected areas. Indigenous people favor community-controlled approaches to protected areas in this region of Australia. Hill (2011) describes a number of reasons for the success of the Australia-Miriwung-Gajerrong co-management model:

- Respect the rights of traditional owners, custodians, or users to lands, territories and resources Indigenous land ownership
- Free, prior and informed consent of the Traditional Owners
- Legal protection for rights and interests of parties
- Respect and strengthen Indigenous peoples' institutions and customary laws
- Coherent and effective Indigenous representative party with legitimacy
- Sufficient resources to enable Indigenous participation
- Conflict management
- Respect and strengthen Indigenous peoples' exercising of authority and control
- Commitment of Indigenous people to assume the opportunities
- Appropriate technical and other advice
- Clear understanding of Indigenous ideas about success
- Traditional Owners in driving role

As a general summary, Hill (2011) identified three factors of significance for the establishment of a successful co-management of a protected area: (1) a foundation platform of recognition of rights and interests; (2) a set of effective organizations to support the roles of the key actors; and (3) effective mechanisms for working together.

A number of factors contribute to unsuccessful co-management, such as: unclear law with vague strategic and programmatic development; failure to uphold treaty rights and obligations for

Indigenous or Tribal peoples regarding their use or right to access protected areas; lack of resources granted to Indigenous or Tribal peoples to participate as partners in co-management planning and decision-making; lack of funding granted to implement and enforce co-management plans; lack of leadership; and, the lack of institutional capacity to address conflicts between partners in co-management planning efforts.

[An *Addendum* describes the co-management framework that has been adopted and implemented for the Olympic National Marine Sanctuary.]

AN ANALYSIS OF FOUR CALIFORNIA-CHUMASH MARINE CONSERVATION AREAS

Based on an analysis of the scholarly literature and case study material published on co-management of protected areas, this section provides an alternative analysis based on a sample of factors that often contribute to successful State-Tribal partnerships. The primary factors used in the analysis are:

- Public access of a marine area by Tribal members.
- The proximity to use of the marine area by Tribal members.
- The scientific baseline information on the ecology of the marine area.
- The historical level of customary marine resource use.
- The institutional capacity to monitor the designated MPA and enforce rules and regulations.

Table 2 depicts a general summary of the findings from this analysis. A characterization of the institutional capacity and capability of partnering organizations to monitor and enforce the rules and regulations of MPAs is described as well in the sections below the table.

[insert Table 2]

Institutional Capacity and Capability to Monitor and Enforce

A comprehensive evaluation of the institutional capacity and capability to monitor and enforce the existing MPA network is beyond the scope of this project. Starting in 2007, California Sea Grant partnered with the California Ocean Protection Council (OPC) and CDFW to administer research project funding for baseline monitoring of MPA's. These projects aimed to establish a snapshot of marine ecosystems and human activities around the time of the establishment of the new MPAs, and to document initial socioeconomic and ecological changes after the MPAs take effect. The South Coast was the third region to be studied as part of the MPA Baseline Monitoring Program. The projects ran from 2011 to 2017.



The MPA monitoring framework explicitly mentions the potential role of citizen science programs in MPA monitoring (CDFG 2008). Recently, many citizen-based science programs have endeavored to help provide these much-needed data (Freinwald et al., 2018).

Implementation of MPAs under the MLPA Initiative in Southern California was followed by a monitoring program to establish a comprehensive baseline of the ecological conditions of several marine ecosystems at the time of MPA implementation. This baseline monitoring consortium involved several citizen science monitoring programs alongside more traditional academic monitoring programs, creating an opportunity to evaluate the potential for citizen scientists to become more involved in future long-term monitoring efforts.

Enforcement of existing CDFW regulations is based on education, public outreach, and a number of other factors, including the number of marine wardens. In an undercover operation and subsequent boarding by officers in 2013, CDFW wildlife officers observed eighteen violations including poaching within California's MPA network, exceeding the possession limits of several fish species, using illegal methods to take fish, and failing to report accurate counts on logbooks. Monitoring and enforcement of MPA regulations will depend on the resources available to citizens, resource agencies and the Tribes to co-manage designated areas. One obstacle often recognized in marine life protection is an "implementation deficit" whereby deficits occur during the implementation phase of policy development when there is a mismatch between fields of regulatory action. This can occur immediately or across a longer-term implementation phase. Immediate implementation deficits are caused by an excessively general definition of regulations or when policy goals are not operationalized in this field.

Recommendation

Based on the alternative analysis, the Chumash should consider joining the Tribal Marine Stewards Network pilot program as the fifth partner in the collaborative network effort. There is currently no southern California Tribal partner in the pilot program.

Two California-Chumash marine conservation areas may be appropriate to consider by the Chumash members given the analysis above: the *Kashtayit* or Point Dume marine conservation areas. This recommendation is based on the historical use of customary practice by the Chumash of these areas; the proximity of use to these areas; and the availability of public access to the sites.

Furthermore, the Chumash should consider ways to contribute as co-managers to the enforcement and monitoring efforts to further the implementation of existing California-Chumash marine conservation areas.

REFERENCES

- Beierle, T.C. and J. Cayford (2002). *Democracy in practice: public participation in environmental decisions*. Resources for the Future: Washington, D.C.
- Berkes, F. (2008). *Sacred Ecology*. Routledge.
- Berkes, F. (2009). Evolution of co-management: Role of knowledge generation, bridging organizations and social learning. *Journal of Environmental Management*, 90(5):1692–1702.
- Berkes, F., R. Mahon, P. McConney, R. Pollnac, R. Pomeroy (2001). *Managing small-scale fisheries: Alternative directions and methods*. International Development Research Centre: Ottawa, O.N.
- Berkey, C.G. and S.W. Williams (2019). California Indian Tribes and the Marine Life Protection Act: The Seeds of a Partnership to Preserve Natural Resources, *Am. Indian L. Rev.* 43: 307.
- Borrini-Feyerabend, G., M. Pimbert, M.T. Farvar, A. Kothari, Y. Renard (2004). *Sharing power: Learning by-doing in co-management of natural resources throughout the world*. IIED and IUCN/CEESP/CMWG: Cenesta, Tehran.
- California Department of Fish and Game (2008). *Master plan for marine protected areas*. Sacramento, CA: California Department of Fish and Game.
- California Department of Fish and Wildlife (CDFW) (2016). California's Marine Protected Area (MPA) Network. March 1, 2016. Available at: <https://wildlife.ca.gov/Conservation/Marine/MPAs/Network>
- Carlsson, L., and F. Berkes. (2005). Co-management: Concepts and methodological implications. *Journal of Environmental Management* 75(1), 65-76.
- Coffey, C. (2005) What role for public participation in fisheries governance? in *Participation in fisheries governance*. Springer: Dordrecht, The Netherlands. Pages 27-44.
- Dartt-Newton, D. and J.M. Erlandson (2006). Little Choice for the Chumash: Colonialism, Cattle, and Coercion in Mission Period California, *American Indian Quarterly* (30): ¾: 16–30. <http://www.jstor.org/stable/4139021>.
- Davis, N.A. (2008). Evaluating collaborative fisheries management planning: A Canadian case study. *Marine Policy* 32: 867-876.
- Dodson, G. (2014). Co-Governance and Local Empowerment? Conservation Partnership Frameworks and Marine Protection at Mimiwhangata, New Zealand. *Society & Natural Resources* 27(5), 1-19.
- Ebbin, S.A (2002). Enhanced fit through institutional interplay in the Pacific Northwest salmon comanagement regime. *Marine Policy* 26: 253-259.
- Ebbin, S.A. (2009). Institutional and ethical dimensions of resilience in fishing systems: Perspectives from co-managed fisheries in the Pacific Northwest. *Marine Policy* 33: 264-270.

Ebbin, S.A. (2011). The problem with problem definition: Mapping the discursive terrain of conservation in two Pacific salmon management regimes. *Society and Natural Resources: An International Journal* 24(2): 148-164.

Esgro, M. (2020). Tribal Marine Stewards Network Pilot Program. Ocean Protection Council. Available at:
https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20200619/Item6a_TribalMarineStewardsNetwork_FINAL.pdf

Freiwald, J, Meyer, R, Caselle, J.E., et al. (2018). Citizen science monitoring of marine protected areas: Case studies and recommendations for integration into monitoring programs. *Mar Ecol.*: 39:e12470. <https://doi.org/10.1111/maec.12470>

Glassow, M. (1995). *Purisimeno Chumash Prehistory: Maritime Adaptations Along the Southern California Coast (Case Studies in Archaeology)*. Wadsworth Publishing; 1st edition (November 17)

Govan, H., A. Tawake, K. Tabunakawai (2006). Community-based marine resource management in the South Pacific. *Parks* 16 (1): 63-67.

Hanna, S. (2003). The economics of co-management. in *The fisheries co-management experience: Accomplishments, challenges, and prospects*. Wilson, D.C., J.R. Nielsen, P. Degnbol, editors. Kluwer Academic Publishers: Dordrecht, The Netherlands. Pages 51-60.

Hara, M., and J.R. Nielsen (2003). Experiences with fisheries co-management in Arica. in *The fisheries co-management experience: Accomplishments, challenges, and prospects*. Wilson, D.C., J.R. Nielsen, P. Degnbol, editors. Kluwer Academic Publishers: Dordrecht, The Netherlands. Pages 81-98.

Hernes, H., S. Jentoft, K.H. Mikalsen (2005). Fisheries governance, social justice, and participatory decision-making. in *Participation in fisheries governance*. Springer: Dordrecht, The Netherlands. Pages 103-118.

Hill, R. (2011). Towards equity in indigenous co-management of protected areas: cultural planning by Miriuwung-Gajerrong People in the Kimberley, Western Australia. *Geographical Research* 49(1), 72-85.

Holmes, M.S., and J.R. Johnson (1998). *The Chumash and Their Predecessors: An Annotated Bibliography*. Contributions in Anthropology No. 1, Santa Barbara Museum of Natural History

Jentoft, S., K.H. Mikalsen, H. Hernes (2003). Representation in fisheries co-management. in *The fisheries co-management experience: Accomplishments, challenges, and prospects*. Wilson, D.C., J.R. Nielsen, P. Degnbol, editors. Kluwer Academic Publishers: Dordrecht, The Netherlands. Pages 281-292.

Jupiter, S., P. Cohen, R. Weeks, A. Tawake, H. Govan (2014). Locally managed marine areas: Multiple objectives and diverse strategies. *Pacific Conservation Biology* 20. 10.1071/PC140165.

Kennett, D.J. (2005). *The Island Chumash: Behavioral Ecology of a Maritime Society*. The University of California Press.

McGinnis, M.V. (2004). *Tribal Marine Protected Areas: Protecting Maritime Ways and Cultural Practices*. Produced for Wishtoyo Foundation. Bioregional Planning Associates. With Roberta Cordero.

McGinnis, M.V. (2012). Marine Governance: The New Zealand Dimension. Final Report. Funded by the Ministries of New Zealand. Emerging Issues Program. School of Government, Victoria University Wellington, New Zealand. April. Available at:
https://cbe.miiis.edu/cgi/viewcontent.cgi?article=1000&context=cbe_working_papers

Mossop, J. (2020). Marine Protected Areas and Area-Based Management in New Zealand, *Asia-Pacific Journal of Ocean Law and Policy* 5(1), 169-185. doi: <https://doi.org/10.1163/24519391-00501009>

Pinkerton, E. (1989). Introduction: Attaining better fisheries management through co-management – prospects, problems, and propositions. in *Co-Operative management of local fisheries: New directions for improved management and community development*. Pinkerton, E., editor. The University of British Columbia Press: Vancouver, B.C. Pages 3-33.

Pomeroy, R. (2003). The government as a partner in co-management. in *The fisheries co-management experience: Accomplishments, challenges, and prospects*. Wilson, D.C., J.R. Nielsen, P. Degnbol, editors. Kluwer Academic Publishers: Dordrecht, The Netherlands. Pages 247-262.

Pomeroy, R.S. and F. Berkes (1997). Two to tango: The role of government in fisheries comanagement. *Marine Policy* 21(5): 465-480.

Reeder-Myers, L., Erlandson, J.M., D.R. Muhs, T.C. Rick (2015). Sea level, paleogeography, and archeology on California's Northern Channel Islands *Quaternary Research* 83(2): 263 – 272.

Rick, T.C. (2007) *The Archaeology and Historical Ecology of Late Holocene San Miguel Island*. Los Angeles: Cotsen Institute of Archaeology, University of California, Los Angeles. [*Perspectives in California Archaeology* 8.]

Robertson, T., S. Greenhalgh, I. Korovulavula, T. Tikoibua, Pio Radikedike, P. Stahlmann-Brown (2020). Locally managed marine areas: Implications for socio-economic impacts in Kadavu, Fiji, *Marine Policy* 117, 103950. <https://doi.org/10.1016/j.marpol.2020.103950>.

Rocliffe S, Peabody S, Samoilys M, Hawkins JP (2014) Towards A Network of Locally Managed Marine Areas (LMMAs) in the Western Indian Ocean. *PLoS ONE* 9(7): e103000. <https://doi.org/10.1371/journal.pone.0103000>

Seid-Green, Y. (2014). *Defining Co-management: Levels of Collaboration in Fisheries Management*. A thesis submitted in partial fulfillment of the requirements for the degree of Master of Marine Affairs University of Washington



Sofka, G., K. Guo, J. Hassen, C. Horbat, K. Maloney, D. Triebwasser (2021). *California's Marine Protected Areas through Bottom-Up Collaboration*. Funded by California MPA Collaborative Network & Resources Legacy Fund. Master of Science Program School for Environment and Sustainability University of Michigan. April.

Yaffee, S.L. (2020). *Beyond Polarization: Public Process and the Unlikely Story of California's Marine Protected Areas*. Island Press.

SANTA YNEZ BAND OF CHUMASH INDIANS

P.O. BOX 517 · SANTA YNEZ · CA · 93460

Tel: 805.688.7997 · Fax: 805.686.9578

www.santaynezchumash.org



November 28, 2023

California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

Re: Petitions to the California Fish and Game Commission Regulation Change submitted by the Santa Ynez Band of Chumash Indians

Dear Commissioners,

The Santa Ynez Band of Chumash Indians welcomes the opportunity to submit the required forms (FGC 1) and summary narratives to the California Department of Fish and Game Commission to revise and amend existing regulations for marine protected areas within the Central Coast MLPA Region. Please find attached the following forms and documentation:

- 1) Petition to the California Fish and Game Commission for Regulation Change (FGC 1) for a new Chitqawi SMCA with a Summary Narrative and Map for consideration in the Central Coast Region.
- 2) Petition to the California Fish and Game Commission for Regulation Change (FGC 1) for amendments to the existing Point Buchon SMCA and SMR in the Central Coast Region with a Summary Narrative and White Paper produced by the Santa Ynez Band of Chumash Indians.

If you have any questions, please contact Sam Cohen, at 805-245-9083.

Thank you,

Sam Cohen

Sam Cohen, Esq.
Government Affairs and Legal Specialist



Tracking Number: (2023-20MPA)

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)

Sam Cohen, Esq. Santa Ynez Band of Chumash Mission Indians
100 Via Juana Road
PO Box 517 Santa Ynez, California 93460
Telephone number:
Email address: scohen@chumash.gov

2. Rulemaking Authority (Required) - Authority cited: Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code.

3. Overview (Required) - To ensure 30% of California waters are fully protected by 2030 and to foster Tribal engagement and co-management of MPAs, this Petition submitted by the Santa Ynez Band of Chumash Indians (SYBCI) recommends that the Point Buchon SMCA be designated as a Chumash SMCA that will support Tribal engagement and co-management of the SMCA within the Central Coast Region network. Regulatory changes are also described in the attached Summary for this Petition. The SYBCI also supports the MPA Collaborative Network's Regulatory Recommendation (Row 104, Column E) to adjust the boundary of the Point Buchon SMR to the north to better capture the offshore marine area of the Point and to clarify the boundary of the SMR. The attached Summary for this Petition describes these proposed actions further. The proposed new regulations are as follows:

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

1. The recreational take of finfish [subsection 632(a)(2)], invertebrates except rock scallops and mussels by hand harvest is allowed.
2. Take pursuant to activities authorized under subsection 632(b)(97)(C) is allowed.



3. The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(97) of these regulations and shall comply with all other existing regulations and statutes: Santa Ynez Band of Chumash Indians. |

4. **Rationale (Required)** – There are no Tribal MPAs designated within the Central Coast Region network. The proposed Chumash Heritage National Marine Sanctuary (CHNMS) is currently under review by the Federal government for potential designation. The marine area of the Point Buchon SMCA may be included in the designated CHNMS. Therefore, the SYBCI recommends that the Commission consider a new designation of this SMCA as a Chumash co-managed SMCA.

This would be the fifth Chumash-California SMCA. In addition, in light of management and enforcement considerations associated with the Point Buchon SMR, the SYBCI supports the regulatory and boundary changes recommended by the MPA Collaborative Network's Regulatory Recommendation (Row 104, Column E) to move the SMR's boundary to the north to better capture the marine area offshore the Point and to improve enforcement of the marine reserve area.

SECTION II: Optional Information

5. **Date of Petition:** [Click here to enter text.](#)

6. **Category of Proposed Change**

- ☐ Sport Fishing
☐ Commercial Fishing
☐ Hunting
☒ Other, please specify: [MPAs, Section 632.](#)

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): [Westlaw regulations.](#) |
☐ Add New Title 14 Section(s): [Click here to enter text.](#) |
☐ Repeal Title 14 Section(s): [Click here to enter text.](#) |

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: [At the discretion of the Commission.](#)

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Please see attached.](#)

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: [Unknown.](#)



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

| Please see attached. |

SECTION 3: FGC Staff Only

Date received: | Click here to enter text. |

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

**SUMMARY INFORMATION FOR PETITION TO THE CALIFORNIA FISH AND
GAME COMMISSION FOR REGULATORY CHANGE**

A Petition to Amend the Point Buchon SMCA and Point Buchon SMR

Submitted By

Sam Cohen, Esq.
Government Affairs & Legal Specialist
Santa Ynez Band of Chumash Mission Indians
PO Box 517 | Santa Ynez, CA 93460
805.688.7997 Office

Date: November 11, 2023

Overview. California has begun its first 10-year review of the state’s marine protected areas (MPAs) network. The State’s first decadal management review of the MLPA will be used to inform the future of marine life protection in California waters.

Since the adoption of State MPAs, Governor Gavin Newsom laid out a goal to protect 30% of the land, water, and marine area over the decade. The current level of marine area designated in some type of MPA in each region is far less than the goal to protect 30% of California marine waters. Improvements to the existing MPA network are warranted.

There currently exists no Tribal MPA within the Central Coast Network. California should change designation of existing areas within the MPA Network to ensure that Tribal and Indigenous communities can engage, collaborate, and co-manage marine areas associated with coastal areas they have inhabited for thousands of years.¹ To strengthen the role of the Tribes in co-management and monitoring efforts and marine education activities throughout the marine region, the Santa Ynez Band of Chumash Indians (SYBCI) recommends amendment to the existing Point Buchon SMCA and SMR. The Tribe recommends that the Commission consider a new designation at the Point Buchon Chumash-California SMCA.

The proposed Chumash Heritage National Marine Sanctuary is currently under review by the Federal government for potential designation. NOAA identified an Agency-Preferred Alternative consisting of Alternative 2, Cropped Bank to Coast, and Sub-Alternative 5b, Gaviota Coast Extension that includes the marine areas of Point Buchon SMCA and SMR.² The marine area of the Point Buchon SMCA may be included in the designated CHNMS. To foster co-management and Tribal engagement, the SYBCI recommends that the Commission consider a new designation of this SMCA as a Chumash co-managed SMCA.³ This Petition emphasizes the need to designate an additional Tribal SMCA for the Central Coast Region. This Petition recommends that the Central Coast Region MPA network should reflect the type of co-management of marine resources that is envisioned by State and Federal Tribal engagement and collaborative management guidelines. There is currently no Tribal MPA for co-management within this regional network. This Petition includes a general characterization of the proposed new Tribal co-management Point Buchon SMCA and includes recommendations for a minor change to the northern boundary of the Point Buchon SMR.

Rationale. MPAs were established pursuant to the Marine Life Protection Act (MLPA) of 1999. Environmental Impact Reports were prepared for four study areas, including the Central Coast Region (Pigeon Point to Point Conception). The MPA network for the Central Coast Region was approved by the Commission in 2007.

California’s first decadal management review of the MLPA began in 2022. One goal of the decadal management review is for the California Department of Fish and Wildlife (CDFW) to

¹ Berkey, C.G. and S.W. Williams (2019). California Indian Tribes and the Marine Life Protection Act: The Seeds of a Partnership to Preserve Natural Resources, *Am. Indian L. Rev.* 43: 307.

² See: NOAA (2023) *Proposed Chumash Heritage National Marine Sanctuary. Draft Environmental Impact Statement*. Section 5.4.

³ Please note that under a separate Petition submitted by the SYBCI also recommend that the Commission accept our recommendation to create a new Chumash-California SMCA that we refer to as *Chitqawi* near the mouth of the Morro Bay estuary along the coast toward Cambria.

evaluate and adaptively manage the established MPA Network. The regional networks that were established by the State included input from participants in collaborative planning efforts including members of the scientific community, conservationists, and marine resource users. Scientific input on the benefits of MPAs to marine ecosystems contributed to these early MPA planning processes.

Point Buchon State Marine Reserve (SMR) and Point Buchon State Marine Conservation Area (SMCA) are located eight miles south of Morro Bay in San Luis Obispo County. The onshore-offshore pair of adjoining MPAs covers almost nineteen square miles of rocky reefs, sandy seafloor and beaches, kelp forests, rocky intertidal areas, and offshore pinnacles. The MPAs also contain some of the shallowest cold-water corals in California. Point Buchon SMR encompasses more than 6½ square miles of ocean waters and spans 2½ miles of coastline between Coon Creek and the Diablo Canyon nuclear power plant. Point Buchon SMCA sits offshore of the SMR and encompasses more than 12 square miles of water that range from about 200 to 400 feet deep.

Changes to the existing MPA Network are based on the statutory authority of the Fish and Game Commission to take the action requested (Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code).

The Need for Additional Tribal MPAs. There was very little effort by California resource agencies during the early period of the implementation of the MLPA to consider Tribal MPAs in the network design. Since the adoption of the MPA Network, there has been considerable evidence on the benefits of traditional ecological knowledge and other indigenous experience in marine life protection.⁴ The Ocean Protection Council Science Advisory Team Working Group and California Ocean Science Trust (June 2021) note the important role of the Tribes in the management of MPAs.⁵ Moreover, based on this recognition, the SYBCI are co-managers of four existing SMCAs. Following adoption of MPAs in the North Coast MPA Planning Process, a regulatory provision was adopted by the California Department of Fish and Game Commission (hereafter “Commission”) to provide exemptions from MPA-specific area and take regulations for individual federally recognized California Tribes (i.e., tribal exemptions), through a petition process by the Commission. Tribal take can be authorized in MPAs that overlap with areas of historic and/or current uses for gathering, ceremony, or harvest as reflected in a factual record of use provided by the Tribe. Amendments to MPA regulations were approved by the Commission for two different tribes: the Kashia Band of Pomo Indians (the Kashia) and the Santa Ynez Band of Chumash Indians (hereafter “SYBCI”). The SYBCI is the only federally recognized Chumash Tribe. The Chumash-California MPAs are Naples SMCA, *Kashtayit* SMCA, Point Dume SMCA, and Anacapa Island SMCA that provide Tribal exemptions.

⁴ To support this general claim, we have attached *Co-Management of California-Chumash Marine Conservation Areas*. A White Paper produced for the Santa Ynez Band of Chumash Indians with funding provided by the 7th Generation Advisors. November. 2021.

⁵ *Scientific Guidance for Evaluating California’s Marine Protected Area Network*. A Report by the Ocean Protection Council Science Advisory Team Working Group and California Ocean Science Trust (June 2021).

The SYBCI recommends that the Commission adopt similar amendments to the Point Buchon SMCA so that co-management efforts can begin for these important cultural and ecological areas within the Central Coast Region. Buchon is a Chumash ethnohistorical village site (referred to by an early Spanish colonialist in the 18th Century who after meeting the leader of the village referred to the area as El Buchon [translated in Spanish as “the goiter”]).⁶ It is an area of special spiritual significance to the Chumash maritime peoples.

The Point Buchon SMCA warrants careful consideration by the Commission as an additional co-managed Tribal MPA. There are benefits to co-management of MPAs.⁷ The benefits include:

- more appropriate rules and regulations that can respond rapidly to changing socio-ecological conditions.
- more effective and efficient enforcement due to increased legitimacy of the management structures.
- can increase equitable and fair use of resources; and
- can contribute to the empowerment and development of marginalized communities.

Regulations: The Chumash requested the Commission to apply tribal take provisions in four SMCAs in Southern California that are within their areas of historic and/or current tribal use. With the proposed amendments to the regulations associated with the Point Buchon SMCA, the Chumash would be allowed to fish with the use of hand-based equipment. The proposed exemptions would be consistent with allowing tribal take exemptions as currently defined in Title 14, §632(a)(11), which identify how a member of a federally recognized tribe may be authorized to take living marine resources from an MPA with site-specific take restrictions. Members taking living marine resources under this provision are subject to current seasonal, bag, possession, gear and size limits in existing Fish and Game Code statutes and regulations of the Commission, except otherwise provided for in Title 14, §632(b). No member, while taking living marine resources pursuant to this section, may be assisted by any person who does not possess a valid tribal identification card and is not properly licensed to take living marine resources. Nothing in the proposed regulation is intended to conflict with, or supersede, any state or federal law regarding the take of protected, threatened, or endangered species. The box below includes language for the new regulations associated with the proposed Point Buchon SMCA:

(B) Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:
1. The recreational take of finfish [subsection 632(a)(2)], invertebrates except rock scallops and mussels by hand harvest is allowed.

⁶ Bryne, S. (2004). Historical and Archaeological Evidence Regarding the Location of the Chumash Village of El Buchon in Price Canyon, San Luis Obispo County, CA. Society for California Archaeology Southern California CA Data Sharing Meetings. Fort Hunter-Liggett.

⁷ *Moving toward Co-Management of the Proposed Chumash Heritage National Marine Sanctuary*. A Paper Prepared for the Santa Ynez Band of Chumash Indians. Michael Vincent McGinnis. Bioregional Planning Associates. (March 2022). The paper includes a review of the literature and technical reports on co-management marine life protection.

2. Take pursuant to activities authorized under subsection 632(b)(97)(C) is allowed.
3. The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(97) of these regulations and shall comply with all other existing regulations and statutes:
Santa Ynez Band of Chumash Indians.

The SYBCI appreciates the opportunity to recommend the adoption of this new co-management MPA within the Central Coast Region network. We would welcome the opportunity to discuss this proposal in more detail with State partners during the planning effort that is currently underway for the State's first decadal management review of the MLPA and MPA Network.

Change to the northern boundary of the Point Buchon SMR. The SYBCI also supports the MPA Collaborative Network's Regulatory Recommendation (noted in Row 104, Column E of their Worksheet) to adjust the boundary of the Point Buchon SMR to the north so that the reserve can better capture the offshore marine area of the Point and to clarify the boundary of the SMR.



Proposed Chitqawi State Marine Conservation Area

Santa Ynez Band of Chumash Indians

Legend

-  Proposed Chitqawi SMCA
-  State Marine Reserve
-  State Marine Conservation Area
-  State Marine Park
-  State Marine Recreational Management Area
-  Coast Line



- 1 **Piedras Blancas State Marine Reserve**
- 2 **Piedras Blancas State Marine Conservation Area**
- 3 **Cambria State Marine Conservation Area**
- 4 **White Rock (Cambria) State Marine Conservation Area**
- 5 **Morro Bay State Marine Reserve**
- 6 **Morro Bay State Marine Recreational Management Area**
- 7 **Point Buchon State Marine Reserve**
- 8 **Point Buchon State Marine Conservation Area**

0 4 8 16
Miles

CO-MANAGEMENT OF CALIFORNIA-CHUMASH MARINE CONSERVATION AREAS

**A White Paper Produced for The Santa Ynez Band of Chumash Indians
with Funding Provided by the 7th Generation Advisors**



MICHAEL VINCENT MCGINNIS, PhD

Bioregional Planning Associates Sacramento California

EXECUTIVE SUMMARY



Malibu's Paradise Cove August 19, 2011. Chumash paddle their tomol to meet the sailors in seven vaka moanas or sailing canoes from the Pacific Voyage. *Photo: M.V. McGinnis.*

ACROSS THE PACIFIC RIM, Tribal and Indigenous peoples are participating and co-managing marine protected areas. These co-management experiences provide opportunities and challenges to sustain Indigenous maritime practices. Co-management of marine protected areas can foster the integration of scientific and traditional ecological knowledge systems.

The planning effort under the Marine Life Protection Act (MLPA) of 1999 currently involves federally recognized Tribes. The goal of this report is to strengthen the opportunities to implement co-management of designated California-Chumash marine conservation areas located at Anacapa Island, Naples, Point Dume, and Kashtayit in southern California.

The implementation of the existing California-Chumash marine conservation areas is ongoing, and the State plans to review the progress of the MLPA in 2022. At that time changes may be made to the existing legislative framework, and other planning and decision-making changes



may be developed to foster further cooperation with Tribes and the State in the implementation of the MLPA and the co-management of designated marine conservation areas.

Based on a review of case study materials and the literature on co-management of protective areas, there are three major recommendations described in this report. First, a move from consultative co-management to collaborative management of designated California-Chumash marine conservation areas is warranted. Second, the following factors contribute to successful implementation of co-management of State-Tribal protected areas: public access to Tribal members to the protected area; the proximity to use of the marine area; the scientific baseline information on the ecology of the marine area; the historical level of customary marine resource use; the institutional capacity to monitor the designated MPA; the enforcement capacity and capability of partnering agencies and the Tribe of the MPA; and the available customary values and ecosystem goods and services provided by the MPA. These factors are used to analyze the four alternative California-Chumash marine conservation areas. Third, the Chumash should consider joining the Tribal Marine Stewards Network pilot program as the fifth partner in the collaborative network effort. There is currently no southern California Tribal partner in the pilot program. Two California-Chumash marine conservation areas may be appropriate to consider by the Chumash members given the analysis in this report -- the *Kashtayit* or Point Dume marine conservation areas. This recommendation is based on the historical use of customary practice by the Chumash of these areas; the proximity of use to these areas; the availability of public access to the sites; and other factors. Furthermore, the Chumash should consider ways to contribute as co-managers to the enforcement, education, information exchange, and the monitoring efforts to further the implementation of existing California-Chumash marine conservation areas.

TABLE OF CONTENTS

INTRODUCTION.....	5
CHUMASH TEK AND THE SOUTHERN CALIFORNIA BIGHT.....	6
CO-MANAGEMENT PRINCIPLES.....	8
THE EARLY PHASE OF CO-MANAGEMENT OF CALIFORNIA-TRIBAL MPAS.....	12
<i>The Move toward Tribal Exemption.....</i>	12
<i>Co-management and the California Department of Fish and Wildlife.....</i>	14
<i>The Tribal Marine Stewards Pilot Program.....</i>	15
<i>Moving from Consultation Co-Management to Collaborative Co-Management.....</i>	16
CASE STUDIES OF CO-MANAGEMENT.....	18
AN ANALYSIS OF FOUR CALIFORNIA-CHUMASH MARINE CONSERVATION AREAS	21
<i>Institutional Capacity and Capability to Monitor and Enforce.....</i>	22
REFERENCE	23

List of Figures, Tables and Maps

Map 1. <i>Santarosae</i> Island before Sea-Level Rise.....	7
Figure 1. Co-Management Principles.....	9
Figure 2. Hybrid Management.....	10
Table 1. A Comparison of California and Tribal Management Systems.....	10
Figure 3. Types of Co-Management.....	11
Table 2. Alternative Analysis of California-Chumash Marine Conservation Areas.....	21

INTRODUCTION

Me'pshumawish. Together we are making health, harmony, peace.

This study builds on a previous report entitled *Tribal Marine Protected Areas: Protecting Maritime Ways and Cultural Practices* (McGinnis 2004) produced for the *Wishtoyo Foundation*. At the time of publication of that report, the Marine Life Protection Act (MLPA) of 1999 did not include a statutory role for the Tribes in the collaborative network process (Sagkof et al. 2021). In their legal analysis of the changing role of the Tribes in the MLPA Berkeley and Williams (2019: 307) write:

Like the vast majority of California laws, the MLPA did not specifically address the rights and concerns of Indian tribes even though the California coast is Indian Country for many tribes. The failure of the legislature to acknowledge the centuries-long stewardship of coastal resources by Indian people, and the commencement of a resources-protection process that did not include tribes, resulted in initial opposition from Indian tribes. Many tribes feared the process would simply be the latest in a long history of state actions that risked the extinguishment of cultural practices. Instead, despite initial misunderstandings, the [marine protected area] MPA designation process elevated tribal engagement in state natural resource management and may be the catalyst for a fundamental shift in California's approach to tribal nations.

Requests to amend MPA regulations were submitted to the FGC by two different tribes: the Kashia Band of Pomo Indians and the Santa Ynez Band of Chumash Indians (hereafter, the Chumash). Tribal take was authorized in marine conservation areas that overlap with areas of historic and/or current uses for gathering, ceremony, or harvest as reflected in a factual record of use provided by a Tribe. There are four California-Chumash marine conservation areas that are located at sites in state waters at Anacapa Island, Naples, Point Dume, and *Kashtayit*.

The implementation of the existing California-Tribal marine conservation areas is ongoing. The first Decadal Management Review of the MLPA will take place in 2022, and will serve to review and potentially update four primary objectives of the MPA Management Program:

- Outreach and Education,
- Research and Monitoring,
- Enforcement and Compliance, and
- Policy and Permitting

The FWC will receive this review at their December 2022 meeting and decide whether to direct CDFW and its partners to pursue recommendations and identified next steps. At that time changes may be made to the existing legislative framework, and other planning and decision-making changes may be developed in cooperation with Tribes and California resource agencies to strengthen the co-management of designated marine conservation areas.

This paper begins with a description of the importance of traditional ecological knowledge or TEK and the Southern California Bight. Second, the paper characterizes the preliminary stages of implementation of the MLPA, and the changing role Tribes have in the collaborative network and decision-making. The paper reviews the co-management literature to suggest the need to move from *consultative* co-management to *collaborative* management of designated California-Chumash marine conservation areas.

In the last section, an analysis of the four alternative California-Chumash marine conservation areas is described. The alternative analysis is based on the following factors that contribute to successful co-management implementation:

- public access to Tribal members.
- the proximity to use of the marine area.
- the scientific baseline information on the ecology of the marine area.
- the historical level of customary marine resource use.
- the institutional capacity to monitor the designated MPA; and,
- the enforcement capacity and capability of partnering agencies and the Tribe of the MPA.

CHUMASH TEK AND THE SOUTHERN CALIFORNIA BIGHT

Federally recognized tribes are not mere stakeholders in the MLPA decision-making and collaborative process. As co-managers of marine life protection and management, Tribes are sovereign nations. Traditional ecological knowledge (TEK) is essential to the maintenance of Tribal maritime culture and should be considered a key facet of the co-management process for California-Chumash marine conservation areas. Moreover, the public and resource agencies can learn from TEK.

TEK is based on the interaction between traditional or Indigenous culture and the ecosystems that Tribal peoples are irrevocably connected to. In *Sacred Ecology*, Fikret Berkes (2008) describes two primary aspects of TEK that are important to consider as California and the Tribes move forward in the implementation of the MLPA. First, TEK should be considered a “process” rather than a “content.” TEK is a process insofar as it changes and adapts to changes with ecosystems and cultural values. Second, there are benefits from a stronger integration and partnership between those who have TEK and scientific knowledge.

One hundred and forty-eight historic Chumash village sites have been identified from Malibu to San Luis Obispo, including eleven on Santa Cruz Island, eight on Santa Rosa Island, and two on San Miguel Island (Glassow 1995). The archaeological record shows that traditional Chumash maritime practices changed with a changing socio-ecological context. Mussel shells uncovered at excavated historical Chumash village sites indicate cyclical periods of species decline and rebound. These cyclical periods reflect changes in oceanographic setting of the California Current and the Southern California Bight, including short-term and longer-term (e.g., interdecadal oceanographic regime shifts) changes in sea surface temperature and associated changes in biogeography of fishes and invertebrates (Kennett 2005).

Moreover, archaeological and ethnographic evidence suggest that the periodic movement of Chumash village areas helped mediate socio-ecological changes in food security (Rick 2007). As in other traditional societies such as the Māori and other Pacific Islanders, Tribal peoples monitored and temporarily banned fishing certain species in order for their respective populations to reach a more stable abundance. Chumash coastal inhabitants would change their diet to reflect changes in their food availability. Seaweeds, kelps, and other marine plants helped sustain Chumash populations; marine plants were often an essential food source during times of food insecurity.

Chumash TEK served the needs of cultural adaptation to changes in the socio-ecology of the Southern California Bight. The northern Channel Islands area were one connected island called *Santarosae* that was located nine kilometers from the coastal mainland (depicted in Map 1). Large-scale sea-level rise during the late Pleistocene and early Holocene periods inundated nearshore areas in many parts of the world, producing drastic changes in local ecosystems and obscuring significant portions of the archeological record (Reeder-Myers et al. 2015). Sea level was about 80–85 meters lower than present at the time of the first known human Chumash occupation.

Map 1. Santarosae Island before Sea-Level Rise



Source: KCET, *California's Atlantis: The Lost Superisland of Santarosae*, available at: <https://www.kcet.org/shows/lost-la/californias-atlantis-the-lost-superisland-of-santarosae>

There were major consequences from sea level rise on traditional cultures and customary practices of coastal southern California (Kennett 2005). At the close of the Pleistocene and start of the Holocene, people in coastal California faced shrinking land, intertidal, and subtidal zones that were used for food gathering and other customary uses. This led to a decline in food security and migration of traditional cultures. Second, as a consequence of sea-level rise in the Southern California Bight, including the Channel Islands and the coastal mainland areas, the archaeological and cultural areas used near river and creek mouths, coastal beach areas, and other areas historically inhabited by the Chumash are submerged today (Glassow 1995).

In addition, European colonialization of [Alta] California significantly impacted Chumash society (Dartt-Newton and Erlandson 2006). As Dartt-Newton and Erlandson (2006: 419):

While natural environmental fluctuations may have played a role in the movement of Chumash people to the missions (particularly in the abandonment of Channel Island villages after AD 1810), we contend that colonial oppression and Spanish-induced environmental degradation were the chief culprits. No amount of scientific data can blunt the harsh realities of the mission period, when the Chumash and other California Indians died by the tens of thousands and most survivors were reduced to a humiliating slavery-like condition.

Overall, the socio-ecology of the islands and coastal mainland changed and so did the traditional and customary practices of the Chumash (Holmes and Johnson 1998). Chumash knowledge evolves with changes in living conditions. Chumash TEK sustained the diverse communities for thousands of years.

Tribes have a substantive role in the co-management of California-Tribal marine conservation areas. One hope is that Tribal TEK can contribute to the strengthening of the public's awareness of the sacred and customary values of coastal and marine ecosystems in California. These coastal and marine ecosystems have long been influenced by human activities and customary practices.

PRINCIPLES OF CO-MANAGEMENT

Definitions of co-management focus on sharing management responsibility between government and stakeholders (Brown and Pomeroy 1998; Pomeroy 2001; Berkes et al. 2001). Borrini-Feyerabend et al. (2000) note that co-management is a situation in which two or more social actors negotiate, define, and guarantee amongst themselves an equitable sharing of the management functions, entitlements, and responsibilities for a marine area. In this case, the sharing of responsibility under the MLPA is between State agencies and the Chumash.

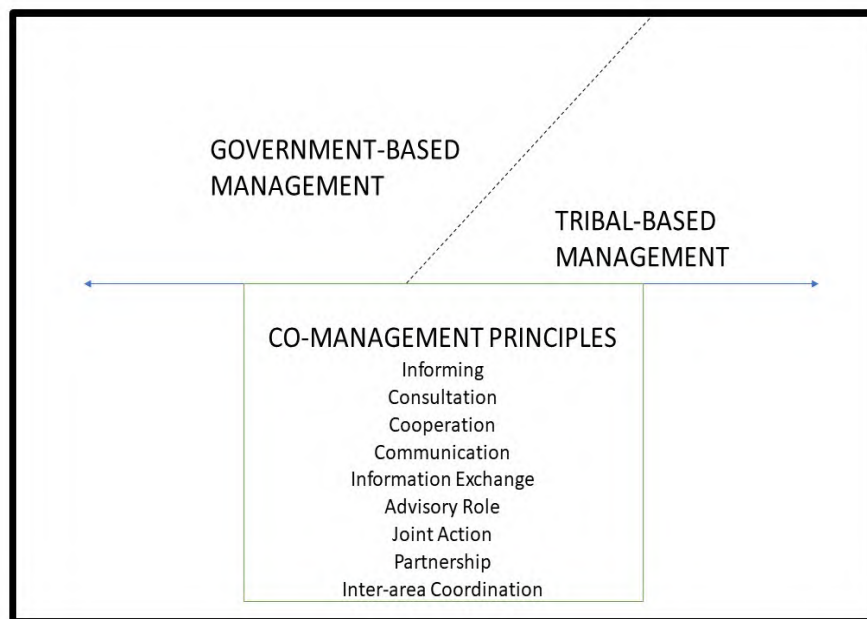
There are many benefits to co-management. The benefits include:

- improved management due to incorporation of better scientific evidence and TEK (Pinkerton 1989).
- more appropriate rules and regulations that can respond rapidly to changing socio-ecological conditions (Berkes et al. 2001; Ebbin 2002; Hernes et al. 2005).

- more effective and efficient enforcement due to increased legitimacy of the management structures (Berkes et al. 2001; Hanna 2003; Pinkerton and John 2008).
- can increase equitable and fair use of resources (Beierle and Cayford 2002; Borrini-Feyerabend et al. 2004; Coffey 2005); and
- can contribute to the empowerment and development of marginalized communities (Birner and Wittmer 2003; Hara and Nielsen 2003; Jentoft 2003; Pomeroy and Viswanathan 2003).

Figure 1 includes a general characterization of principles of co-management.

Figure 1. Co-Management Principles



There are three forms of co-management (depicted in Figure 2 below). The most common arrangement is described as “consultative co-management” whereby the resource agencies often consult with stakeholders or, in this case, Tribes (Brown and Pomeroy 1999). The term “collaborative co-management” connotes a stronger partnership where there is a sharing of authority and responsibility (Kurien 1988; McConney et al. 1998). Third is “delegated co-management” that includes, but is not limited to, community-based management since national or state co-management structures are especially common in fisheries management (Jacobs 1998; McConney and Mahon 1998). Establishing successful co-management is seldom immediate. Like most participatory processes it takes time and careful attention to partnership building and strategic planning.

Figure 2. Types of Co-Management

TRADITIONAL RESOURCE MANAGEMENT	TYPES OF CO-MANAGEMENT
Government has the most control	<u>Consultative Co-Management</u> Government interacts with partners But makes all decision
	<u>Collaborative Co-Management</u> Government and the tribes work closely and share decisions
	<u>Delegated Co-Management</u> Government lets formally organized tribes make decisions

A collaborative co-management approach to marine life protection requires the integration of two systems of governance and management. Tribal and customary management and marine ecosystem-based management systems have contrasting goals, inferred social and ecological benefits, and spatial scales. A general comparison of the diverse systems of management is found in Table 1.

Table 1. A Comparison of California and Tribal Management Systems

Management and Planning in the California MLPA	Tribal and Customary Management
Use of Ecosystem-based Principles in Planning	Cyclical processes and periodic benefits
Science-based Decision-making	Emphasis on the cultivation of TEK
Collaborative & Stakeholder based Planning	Utilitarian goals
Often dominated by Biological Conservation Goals	Sensitive to Socio-economic and Socio-ecological transformation
Operates on larger scales (e.g., networks of small reserves)	Complex tenure systems may hinder larger-scale conditions

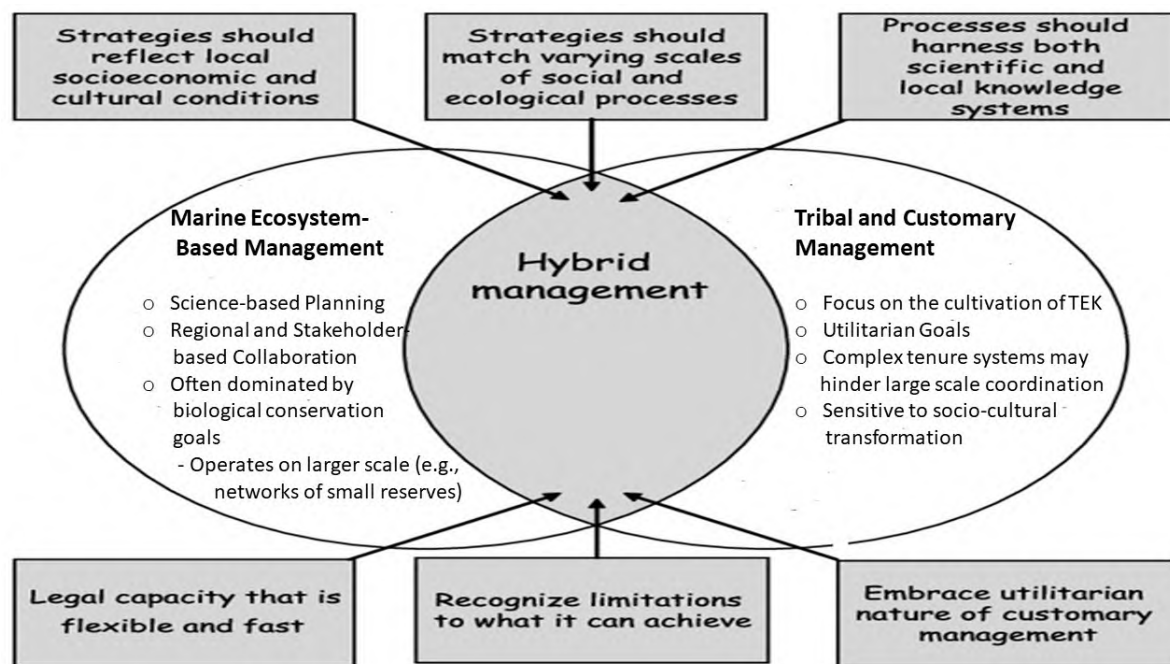
In collaborative co-management, there are three institutional factors that can contribute to the successful integration of authority and responsibility:

- Planning processes, including the monitoring and enforcement of marine protected areas, should harness both scientific and TEK systems.

- Program strategies should match varying scales of social, economic, and ecological processes.
- Program strategies should reflect local or regional socio-cultural conditions as they change overtime and as new information is gathered, e.g., strategic management should support adaptive approaches to planning in the future.

A hybridized co-management approach to marine life protection is depicted in Figure 3.

Figure 3. Hybrid Management



(After Pomeroy and Berkes 1997: 466)

Since the adoption of the MLPA in 1999, a number of steps have been taken by policymakers, resource agencies and members of Tribes to establish and encourage co-management of California-Tribal MPAs. Initial Studies, as required by CEQA, have been submitted and regulatory provisions have been approved by the California Department of Fish and Wildlife Commission (FGC). Governor Brown and Governor Newsome have signed Executive Orders to encourage co-management of marine resources with Tribes. California resource agencies have approved strategic goals and objectives in support of co-management principles to encourage co-management of California-Tribal marine conservation areas. Collaborative networks have been established that include formal Tribal membership. Pilot programs between California and the Tribes to develop monitoring programs and the deployment of data gathering to strengthen monitoring of existing MPAs have been developed.

CO-MANAGEMENT OF CALIFORNIA-CHUMASH MPAS

This section provides a general description of the early implementation of co-management of the California-Chumash marine conservation areas. A detailed overview of the early implementation of the MLPA and the role of the Tribes in the process is available at Sofka and colleagues (2021: 80-113) and Berkey and Williams (2019). These studies describe the collaborative, legal and historical role of the Tribes during the implementation of the MLPA.

The Move toward Tribal Exemption

Following adoption of MPAs in the North Coast MLPA planning process, a regulatory provision was adopted by the California Fish and Game Commission (FGC) to provide exemptions from MPA-specific area and take regulations for individual federally recognized California Tribes (i.e., tribal exemptions), through a petition process by the Commission. Requests to amend MPA regulations were submitted to the FGC by two different tribes: the Kashia Band of Pomo Indians (the Kashia) and the Chumash (Berkey and Williams 2019; Dudek 2018).

Tribal Take

“Federally recognized tribe” means any tribe on the List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, published annually in the Federal Register. Any member of a federally recognized tribe authorized to take living marine resources from an area with area-specific take restrictions in subsection 632(b), when engaging in take within an authorized area shall possess on his person, in his immediate possession, or where otherwise specifically required by law to be kept, any valid license, report card, tag, stamp, validation, permit, or any other entitlement that is required in the Fish and Game Code, or required by other state, federal, or local entities, in order to take living marine resources. Members shall possess a valid photo identification card issued by a federally recognized tribe that contains expiration date, tribal name, tribal member number, name, signature, date of birth, height, color of eyes, color of hair, weight, and sex; and display any of the items listed above upon demand to any peace officer. Members taking living marine resources under this provision are subject to current seasonal, bag, possession, gear and size limits in existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b). No member, while taking living marine resources pursuant to this section, may be assisted by any person who does not possess a valid tribal identification card and is not properly licensed to take living marine resources. Nothing in the regulation is intended to conflict with, or supersede, any state or federal law regarding the take of protected, threatened or endangered species [Title 14, 632(a)(11)].

The Chumash requested the Commission to apply tribal take provisions in four SMCAs in southern California that are within their areas of historic and/or current tribal use. The regulations for the State Marine Conservation Areas (as January 1, 2019) are taken from California Code of Regulations (CCR) Title 14, Section 632, and are as follows:

The exemptions are consistent with allowing tribal take exemptions as currently defined in Title 14, §632(a)(11) (noted above), which identify how a member of a federally recognized tribe may be authorized to take living marine resources from an MPA with site-specific take restrictions.

A description of each California-Chumash marine conservation area is below (Dudek 2018):

1) Kashtayit State Marine Conservation Area Permitted/Prohibited Uses:

- a) It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for recreational and/or commercial purposes, with the following specified exceptions:
 - i) The recreational take of finfish, invertebrates except rock scallops and mussels, and giant kelp (*Macrocystis pyrifera*) by hand harvest is allowed.
 - ii) Take pursuant to the maintenance of artificial structures and operation and maintenance of existing facilities is allowed inside the conservation area pursuant to any required federal, state and local permits, or as otherwise authorized by the Department
- b) The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(97) and shall comply with all other existing regulations and statutes: Santa Ynez Band of Chumash Indians.

2) Naples State Marine Conservation Area Permitted/Prohibited Uses:

- a) It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for recreational and/or commercial purposes, with the following specified exceptions:
 - i) The recreational take by spearfishing of white seabass and pelagic finfish is allowed.
 - ii) The commercial take of giant kelp (*Macrocystis pyrifera*) by hand harvest or by mechanical harvest is allowed.
- b) Take pursuant to operation and maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the Department.
- c) The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(98) and shall comply with all other existing regulations and statutes: Santa Ynez Band of Chumash Indians

3) Point Dume State Marine Conservation Area Permitted/Prohibited Uses:

- a) It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for recreational and/or commercial purposes, with the following specified exceptions:
 - i) The recreational take by spearfishing of white seabass and pelagic finfish is allowed.
 - ii) The commercial take of swordfish by harpoon; and coastal pelagic species by round haul net, brail gear, and light boat is allowed. Not more than five percent by weight of any commercial coastal pelagic species catch landed or possessed shall be other incidentally taken species.
- b) Take pursuant to beach nourishment and other sediment management activities is allowed inside the conservation area pursuant to any required federal, state and local permits, or as otherwise authorized by the Department.
- c) The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b) (117) and shall comply with all other existing regulations and statutes: Santa Ynez Band of Chumash Indians

4) **Anacapa Island State and Federal Marine Conservation Area Permitted/Prohibited Uses:**

- a) It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial and/or recreational purposes, with the following specified exceptions:
 - i) The recreational take of spiny lobster and pelagic finfish and the commercial take of spiny lobster is allowed.
- b) The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b) (112) and shall comply with all other existing regulations and statutes: Santa Ynez Band of Chumash Indians

The Chumash remain subject to the Anacapa Island Special Closure regulations where it overlaps with the Anacapa Island SMCA and are not exempt from the Anacapa Island Federal Marine Conservation Area take restrictions. Fishing with use of hand-based equipment and intertidal collection is allowed in this area, for which there is no pelican fledging area closure. Therefore, there are currently no exemptions in federal waters of the Channel Islands National Marine Sanctuary.

With respect to the role of the Tribes in the MLPA process Berkey and Williams (2019: 349-350) note that Governor Brown in Executive Order B-10-11 moved forward with formally recognizing the role of federally recognized tribes in marine governance:

The perceptions of tribal representatives who participated in the late stages of the MLPA process bears out the truth of the Governor’s observation. One tribal advocate said that, though there is a great deal of work yet to be done to fully recognize tribal rights to marine resources, the “space created by the MLPA is a promising first step.”

Both the State and some tribal representatives see a trend toward a marked increase in tribal participation in the development of state policy beyond that of marine resources. While not every tribe has the resources to respond to state agency invitations, at least they have a greater opportunity.

In Executive Order N-82-20 Governor Newsome also recognized the role of the Tribes in marine resource protection and supported further development and movement toward co-management of MPAs.

Co-management and the California Department of Fish and Wildlife

The Tribal Communication and Consultation Policy provides the foundation for the CDFW to work cooperatively, communicate effectively, and consult with Tribes. This policy also serves as the CDFW’s primary means to implement Executive Order B-10-11 and the California Natural Resource Agency’s Tribal Consultation Policy.

The *Master Plan for Marine Protected Areas – Appendix B* from the CDFW (2016: B-10) describes the existing co-management policy with respect to Tribes as follows:

The purpose of this policy is to create a means by which tribes and Fish and Game Commission can effectively work together to realize sustainably managed natural resources of mutual interest.

This CDFW (2016) identifies the following priorities:

1. Communication. Both FWC and the Tribes are faced with innumerable demands on their limited time and resources. In the interest of efficiency, FWC will annually host a Tribal planning meeting to coordinate the upcoming regulatory and policy activities before FWC. The meeting will provide a venue for education about process, identifying regulatory and policy needs, and developing collaborative interests; this will include inviting sister agencies to participate.
2. Collaboration. In areas or subjects of mutual interest, FWC will pursue partnerships with tribes to collaborate on solutions tailored to each tribe's unique needs and capacity. The structure of these collaborative efforts can range from informal information sharing to Memorandum of Understanding (MOU) with more specific agreements regarding working relationships and desired outcomes, to co-management agreements with specific responsibilities and authorities.
3. Record-keeping. FWC will maintain a record of all comments provided by Tribes and will include them in administrative records where appropriate.
4. Training. FWC will provide training to interested Tribes on its processes for regulation and policy development.

The FWC *Co-Management Vision Statement and Definition* (February 2020) states:

The vision of tribes, the California Fish and Wildlife Commission, and the California Department of Fish and Wildlife is to engage in a collaborative effort between sovereigns to jointly achieve and implement mutually agreed upon and compatible governance and management objectives to ensure the health and sustainable use of fish and wildlife [*my emphasis*].

Definition: A collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area or set of natural resources [*my emphasis*].

The above strategy adopted by the CDFW clearly suggests the value of *collaborative* co-management with the Chumash to implement marine conservation areas.

The Tribal Marine Stewards Pilot Program

Esgro (2020) notes that Tribes are engaged with California resource managers in multiple forums for MPA management through participation in multiple decision-making bodies, notably the CDFW Tribal Subcommittee and representatives at the MPA Statewide Leadership Team (MSLT). California's MSLT includes four regional Tribal representatives to ensure that Tribes

are directly involved in the development of MPA policy. Tribal participation in the collaboratives has given way to funded Tribal-specific projects and initiatives.

In 2020, a Tribal Marine Stewards Network Pilot Program was approved by the Ocean Protected Council (OPC) that included a disbursement of \$1,000,000 to the California Indian Environmental Alliance (CIEA) to support the development of a Tribal Marine Stewards Network pilot program. The objective of the program is to enhance engagement with Tribes and protect and restore coastal and marine ecosystems. According to OPC, this program is a mechanism to “advance California’s efforts to support [I]ndigenous stewardship and adopt meaningful co-management measures.”

The program is composed of four partner Tribes (Tolowa Dee-ni’ Nation, Resighini Rancheria, Kashia Band of Pomo Indians, and the Amah Mutsun Tribal Band), and is supported by two non-governmental organizations (CIEA and Ecotrust). The program focuses on MPA monitoring and notes that Tribes will work to identify a fifth Tribe, ideally in southern California, who is interested in participating in the network. At the time of the writing of this report, the Chumash are not formally involved in this pilot program.

A timeline that includes a general summary of development in the co-management approach in California is below:

- Executive Order (“EO”) B-10-11 started state agency tribal consultation under Gov. Brown
- 2012 Natural Resources Agency adopts Tribal Consultation policy
- 2014 CDFW adopts tribal Communication and Consultation Policy
- 2015 FGC Adopts Tribal Consultation Policy
- 2019 EO N-15-19 reaffirms Tribal Consultation by Gov. Newsom
- 2020 Tribal Subcommittee of FGC Adopts Co-Management Vision & definition
- 2020 Gov. 2d Annual Tribal nations Conference, Christina Snider, Gov. Tribal Advisor requests each tribe apply for co-management opportunities
- 2020 - Sept. 25: Gov. Newsom issues Statement of Administration Policy, Native American Ancestral Lands, “to facilitate tribal access, use and co-management of state owned or controlled natural lands.”
- 2020 - Oct. 7: EO N-82-20 “to conserve 30% of California’s land and coastal waters by 2030” and “to incorporate Tribal expertise and traditional ecological knowledge.”

Moving from Consultation Co-Management to Collaborative Co-Management

In an evaluation of the MLPA collaborative network process, Sofka et al. (2021) describe a number of recommendations that can strengthen the collaborative co-management of California-Chumash marine conservation areas. Sofka et al. (2021) recommend the following:

- *Improve Tribal Engagement, Protocols, and Initiatives*
 - Provide cross-cultural training by establishing periodic cross-cultural training opportunities. Trainings should foster cultural awareness around interactions with Tribal groups. Allocate time and funding for ongoing collaborative, network, and

state cross-cultural training that reflects local Tribal culture, histories, and connection to place.

- Protocols to prioritize respect, reciprocity, and free, prior, and informed consent in all interactions that acknowledge historical and current injustices related to Tribal sovereignty. Sofka et al. (2021) recommend that California should evaluate how Tribal consent, respect, or reciprocity may have been violated with respect to resource management issues in general, and marine conservation specifically. California should review ways to redress these past violations, with an emphasis on transparency and accountability.
- Establish and abide by anti-discrimination policies approved and/or developed by Tribes. Sofka et al. (2021) recommend that California should determine which forms of discrimination, biases, or stereotypes Tribes have encountered through their participation in the collaboratives and MPA management. The State should review existing agency policies and interpretations that constrain Tribal participation, including but limited to considerations of inclusivity and accessibility.
- Consider the utility of developing a statewide MPA tribal committee and/or statewide Tribal collaborative.
- Engaging Tribes as partners in co-management, not stakeholders. The State should involve Tribal participants in decision-making bodies, forums, and protocols surrounding the control and co-management of MPAs. They also recommend that the State review how principles of Tribal co-management have been violated with respect to resource management issues in general, and ocean/MPA conservation specifically.
- Ensure Tribal co-authorship of language in all formal agreements. Sofka et al. (2021) recommend that Tribal authorship should take place in future planning and policymaking to ensure that Tribal perspectives, preferences, and confidentiality are appropriately captured.
- Establish protocols for integrating aspects of Tribal stewardship. Sofka et al. (2021) recommend that California establish and codify appropriate policies, best practices, and protocols at the collaborative and State levels of governance that emphasize the integration and acknowledgement of Tribal stewardship at all levels of MPA management. They also recommend that the State prioritize Tribally led and managed stewardship projects, such as the Tribal Marine Stewards Network.
- Prioritize the inclusion of all forms of Tribal and indigenous communities and recognize that Tribal communities exist far beyond federal recognition. Sofka et al. (2021) recommend that California prioritize the involvement of diverse forms of Tribal arrangements including but not limited to federally recognized Tribes, State recognized Tribes, unrecognized Tribes, consortiums, etc. The State should review with Tribal participants what groups have been excluded from this MPA management in the past, and the procedures which facilitated that exclusion. Sofka et al. (2021) also recommend that the Tribes and California determine how

management and planning approaches can be modified to engage a variety of formal and informal Tribal arrangements.

- *Establish Protections and Protocols for Tribal Decision-Making and Authority Around Knowledge and Data. This should include the establishment of policies with Tribal participants for knowledge requests, use, sharing, and mobilization within the collaboratives.*
 - Anticipate and honor diverse Tribal preferences for data management, collection, analysis, and use. These protocols should facilitate Tribal participation and information sharing in collaboratives and beyond, creating an atmosphere of consent.
 - Understand that Tribes may not consent to the sharing of their knowledge and data that has been passed down and safeguarded for generations. Similarly, acknowledge the diversity of Tribal science and knowledge, how it differs from non-Tribal science, and the ways in which TEK can be better protected.
 - Consider the integration of Tribally selected models of Indigenous data governance and data protection at all levels of MPA collaborative management. Sofka et al. (2021) recommend that California and the Tribes carefully review Tribal decision-making authority and consider if there have been instances where Tribes felt as though they did not have control over their data, and if so, what policies could be established to mitigate these scenarios going forward.

Careful consideration of these recommendations is warranted to strengthen the collaborative co-management approach to California-Chumash marine conservation areas.

CASE STUDIES OF CO-MANAGEMENT

This section includes a brief characterization of case studies on implementation of co-managed State-Tribal or Indigenous protected areas.

Fiji Locally Managed Marine Area (LMMA) Network

A locally managed marine area (LMMA) differs from a typical MPA in that LMMAs “are characterized by local ownership and/or control,” whereas other forms of MPA are usually “designated by levels of management via a top-down approach” (Govan et al. 2006). The LMMA Network supports a collaborative co-management approach to manage coastal and marine resources. LMMA supports networks in Indonesia, the Philippines, Papua New Guinea, Palau, Pohnpei, Fiji and the Solomon Islands, and engages with more than fifteen other countries in the Indo Pacific. Case studies of member organizations within the LMMA are found in Rocliffe et al. (2014), Jupiter et al. (2014), and Robertson et al. (2020).

Increasingly, the LMMA Network is sharing its lessons globally, with increased interest not only in improved conservation outcomes, but also with an increased focus on social justice and the rights of traditional resource owners. Robertson et al. (2020) note that a LMMA, in the South Pacific context, is rooted in traditional and customary fisheries management and is designed to

gain support and active engagement from the local community, with the latter being a key condition for the successful and lasting implementation of MPAs.

The Fiji Locally Managed Marine Area (FLMMA) Network supports traditional communities who have observed declines in marine resources and their customary use of marine resources and want to act. The FLMMA Network is a non-profit and charitable association of resource conservation NGOs, government departments, academic institutions and over four hundred communities working together as co-managers to promote and encourage the preservation, protection and sustainable use of marine resources in Fiji.

The goals of the FLMMA are to:

- Provide practical capacity building, cost-effective and culturally appropriate engagement tools to promote locally led dialogues and management.
- Assist communities in managing their resources, often utilizing a revival of cultural traditions strengthened by contemporary science.
- Build trust, resiliency, confidence, and innovation through lesson sharing between practitioners.
- Follow a code of conduct that ensures community interests are the heart of any conservation effort.
- Advocate for communities at the national, regional, and international levels, for fair partnerships, policies, and support.

The Challenge of MPA governance in New Zealand and the Role of Māori

When New Zealand was settled by Europeans, a treaty was signed between Māori and the British Crown, called the Treaty of Waitangi. The Treaty gave guarantees that Māori would retain ownership and sovereignty over their customary resources. However subsequent government action deprived Māori of rights and land. It was only in the 1970s that the New Zealand government began to recognize the importance of partnership with the diverse Māori peoples. Today, much of the policy and legislation in relation to oceans governance requires consultation with local Māori (*tangata whenua*) and tribes (*iwi*) (McGinnis 2012).

The New Zealand government, as part of its obligations to Māori under the Treaty of Waitangi, has provided for some coastal and marine areas to be subject to the control of local Māori. Two types of protection can be granted over areas: *mātaitai* and *taiāpure*. *Mātaitai* reserves are established to protect traditional fishing grounds in internal waters or coastal waters. Within a *mātaitai*, commercial fishing is prohibited, but recreational fishing can continue. The *tangata whenua* can also request the Minister of Fisheries to create bylaws that restrict or prohibit recreational fishing. Other customary reserves are *taiāpure*-local fisheries. Consultation is required and an appeal against a decision by the Minister of Fisheries to establish a *taiāpure*-local fishery can be heard by a tribunal. Due to this process, they are harder to establish than *mātaitai*. The national government of New Zealand can deny designation of *taiāpure*-local fisheries.

There are several problems regarding Māori rights with respect to marine protection, and co-management has failed (McGinnis 2012). Application for marine reserve designation is



dependent on approval from other interested parties and government agencies. Current co-management legislation requires the Crown acting through the Department of Conservation have the final say regarding marine reserve management (Dodson, 2014). Co-management in New Zealand has not empowered local iwi or tribes in co-governance – there remains unequal authority between cultural groups and governmental organizations. Collaborative co-management could potentially minimize marginalization of Māori communities and increase successful marine reserve implementation (Carlsson and Berkes 2005; Berkes 2009; Mossop 2020). Fragmented government authority and inter-agency conflict also contribute to failure to live up to international best practice in protected area management in New Zealand.

Co-management between Australia and the Miriwung-Gajerrong People of Western Australia

Collaborative co-management involves Australia and the Miriwung-Gajerrong people of Western Australia, and the partnership that has evolved shows co-management can provide equity in managing a protected area (Hill, 2011). In this case, collaborative co-management established a balance between Indigenous values and State conservation values.

Co-management is central to the Australian government's approach to this conservation/Indigenous nexus, and to delivering the enhanced equity with Indigenous people in protected areas. Indigenous people favor community-controlled approaches to protected areas in this region of Australia. Hill (2011) describes a number of reasons for the success of the Australia-Miriwung-Gajerrong co-management model:

- Respect the rights of traditional owners, custodians, or users to lands, territories and resources Indigenous land ownership
- Free, prior and informed consent of the Traditional Owners
- Legal protection for rights and interests of parties
- Respect and strengthen Indigenous peoples' institutions and customary laws
- Coherent and effective Indigenous representative party with legitimacy
- Sufficient resources to enable Indigenous participation
- Conflict management
- Respect and strengthen Indigenous peoples' exercising of authority and control
- Commitment of Indigenous people to assume the opportunities
- Appropriate technical and other advice
- Clear understanding of Indigenous ideas about success
- Traditional Owners in driving role

As a general summary, Hill (2011) identified three factors of significance for the establishment of a successful co-management of a protected area: (1) a foundation platform of recognition of rights and interests; (2) a set of effective organizations to support the roles of the key actors; and (3) effective mechanisms for working together.

A number of factors contribute to unsuccessful co-management, such as: unclear law with vague strategic and programmatic development; failure to uphold treaty rights and obligations for

Indigenous or Tribal peoples regarding their use or right to access protected areas; lack of resources granted to Indigenous or Tribal peoples to participate as partners in co-management planning and decision-making; lack of funding granted to implement and enforce co-management plans; lack of leadership; and, the lack of institutional capacity to address conflicts between partners in co-management planning efforts.

[An *Addendum* describes the co-management framework that has been adopted and implemented for the Olympic National Marine Sanctuary.]

AN ANALYSIS OF FOUR CALIFORNIA-CHUMASH MARINE CONSERVATION AREAS

Based on an analysis of the scholarly literature and case study material published on co-management of protected areas, this section provides an alternative analysis based on a sample of factors that often contribute to successful State-Tribal partnerships. The primary factors used in the analysis are:

- Public access of a marine area by Tribal members.
- The proximity to use of the marine area by Tribal members.
- The scientific baseline information on the ecology of the marine area.
- The historical level of customary marine resource use.
- The institutional capacity to monitor the designated MPA and enforce rules and regulations.

Table 2 depicts a general summary of the findings from this analysis. A characterization of the institutional capacity and capability of partnering organizations to monitor and enforce the rules and regulations of MPAs is described as well in the sections below the table.

[insert Table 2]

Institutional Capacity and Capability to Monitor and Enforce

A comprehensive evaluation of the institutional capacity and capability to monitor and enforce the existing MPA network is beyond the scope of this project. Starting in 2007, California Sea Grant partnered with the California Ocean Protection Council (OPC) and CDFW to administer research project funding for baseline monitoring of MPA's. These projects aimed to establish a snapshot of marine ecosystems and human activities around the time of the establishment of the new MPAs, and to document initial socioeconomic and ecological changes after the MPAs take effect. The South Coast was the third region to be studied as part of the MPA Baseline Monitoring Program. The projects ran from 2011 to 2017.



The MPA monitoring framework explicitly mentions the potential role of citizen science programs in MPA monitoring (CDFG 2008). Recently, many citizen-based science programs have endeavored to help provide these much-needed data (Freinwald et al., 2018). Implementation of MPAs under the MLPA Initiative in Southern California was followed by a monitoring program to establish a comprehensive baseline of the ecological conditions of several marine ecosystems at the time of MPA implementation. This baseline monitoring consortium involved several citizen science monitoring programs alongside more traditional academic monitoring programs, creating an opportunity to evaluate the potential for citizen scientists to become more involved in future long-term monitoring efforts.

Enforcement of existing CDFW regulations is based on education, public outreach, and a number of other factors, including the number of marine wardens. In an undercover operation and subsequent boarding by officers in 2013, CDFW wildlife officers observed eighteen violations including poaching within California's MPA network, exceeding the possession limits of several fish species, using illegal methods to take fish, and failing to report accurate counts on logbooks. Monitoring and enforcement of MPA regulations will depend on the resources available to citizens, resource agencies and the Tribes to co-manage designated areas. One obstacle often recognized in marine life protection is an "implementation deficit" whereby deficits occur during the implementation phase of policy development when there is a mismatch between fields of regulatory action. This can occur immediately or across a longer-term implementation phase. Immediate implementation deficits are caused by an excessively general definition of regulations or when policy goals are not operationalized in this field.

Recommendation

Based on the alternative analysis, the Chumash should consider joining the Tribal Marine Stewards Network pilot program as the fifth partner in the collaborative network effort. There is currently no southern California Tribal partner in the pilot program.

Two California-Chumash marine conservation areas may be appropriate to consider by the Chumash members given the analysis above: the *Kashtayit* or Point Dume marine conservation areas. This recommendation is based on the historical use of customary practice by the Chumash of these areas; the proximity of use to these areas; and the availability of public access to the sites.

Furthermore, the Chumash should consider ways to contribute as co-managers to the enforcement and monitoring efforts to further the implementation of existing California-Chumash marine conservation areas.

REFERENCES

- Beierle, T.C. and J. Cayford (2002). *Democracy in practice: public participation in environmental decisions*. Resources for the Future: Washington, D.C.
- Berkes, F. (2008). *Sacred Ecology*. Routledge.
- Berkes, F. (2009). Evolution of co-management: Role of knowledge generation, bridging organizations and social learning. *Journal of Environmental Management*, 90(5):1692–1702.
- Berkes, F., R. Mahon, P. McConney, R. Pollnac, R. Pomeroy (2001). *Managing small-scale fisheries: Alternative directions and methods*. International Development Research Centre: Ottawa, O.N.
- Berkey, C.G. and S.W. Williams (2019). California Indian Tribes and the Marine Life Protection Act: The Seeds of a Partnership to Preserve Natural Resources, *Am. Indian L. Rev.* 43: 307.
- Borrini-Feyerabend, G., M. Pimbert, M.T. Farvar, A. Kothari, Y. Renard (2004). *Sharing power: Learning by-doing in co-management of natural resources throughout the world*. IIED and IUCN/CEESP/CMWG: Cenesta, Tehran.
- California Department of Fish and Game (2008). *Master plan for marine protected areas*. Sacramento, CA: California Department of Fish and Game.
- California Department of Fish and Wildlife (CDFW) (2016). California's Marine Protected Area (MPA) Network. March 1, 2016. Available at: <https://wildlife.ca.gov/Conservation/Marine/MPAs/Network>
- Carlsson, L., and F. Berkes. (2005). Co-management: Concepts and methodological implications. *Journal of Environmental Management* 75(1), 65-76.
- Coffey, C. (2005) What role for public participation in fisheries governance? in *Participation in fisheries governance*. Springer: Dordrecht, The Netherlands. Pages 27-44.
- Dartt-Newton, D. and J.M. Erlandson (2006). Little Choice for the Chumash: Colonialism, Cattle, and Coercion in Mission Period California, *American Indian Quarterly* (30): ¾: 16–30. <http://www.jstor.org/stable/4139021>.
- Davis, N.A. (2008). Evaluating collaborative fisheries management planning: A Canadian case study. *Marine Policy* 32: 867-876.
- Dodson, G. (2014). Co-Governance and Local Empowerment? Conservation Partnership Frameworks and Marine Protection at Mimiwhangata, New Zealand. *Society & Natural Resources* 27(5), 1-19.
- Ebbin, S.A (2002). Enhanced fit through institutional interplay in the Pacific Northwest salmon comanagement regime. *Marine Policy* 26: 253-259.
- Ebbin, S.A. (2009). Institutional and ethical dimensions of resilience in fishing systems: Perspectives from co-managed fisheries in the Pacific Northwest. *Marine Policy* 33: 264-270.

Ebbin, S.A. (2011). The problem with problem definition: Mapping the discursive terrain of conservation in two Pacific salmon management regimes. *Society and Natural Resources: An International Journal* 24(2): 148-164.

Esgro, M. (2020). Tribal Marine Stewards Network Pilot Program. Ocean Protection Council. Available at:
https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20200619/Item6a_TribalMarineStewardsNetwork_FINAL.pdf

Freiwald, J, Meyer, R, Caselle, J.E., et al. (2018). Citizen science monitoring of marine protected areas: Case studies and recommendations for integration into monitoring programs. *Mar Ecol.*: 39:e12470. <https://doi.org/10.1111/maec.12470>

Glassow, M. (1995). *Purisimeno Chumash Prehistory: Maritime Adaptations Along the Southern California Coast (Case Studies in Archaeology)*. Wadsworth Publishing; 1st edition (November 17)

Govan, H., A. Tawake, K. Tabunakawai (2006). Community-based marine resource management in the South Pacific. *Parks* 16 (1): 63-67.

Hanna, S. (2003). The economics of co-management. in *The fisheries co-management experience: Accomplishments, challenges, and prospects*. Wilson, D.C., J.R. Nielsen, P. Degnbol, editors. Kluwer Academic Publishers: Dordrecht, The Netherlands. Pages 51-60.

Hara, M., and J.R. Nielsen (2003). Experiences with fisheries co-management in Arica. in *The fisheries co-management experience: Accomplishments, challenges, and prospects*. Wilson, D.C., J.R. Nielsen, P. Degnbol, editors. Kluwer Academic Publishers: Dordrecht, The Netherlands. Pages 81-98.

Hernes, H., S. Jentoft, K.H. Mikalsen (2005). Fisheries governance, social justice, and participatory decision-making. in *Participation in fisheries governance*. Springer: Dordrecht, The Netherlands. Pages 103-118.

Hill, R. (2011). Towards equity in indigenous co-management of protected areas: cultural planning by Miriuwung-Gajerrong People in the Kimberley, Western Australia. *Geographical Research* 49(1), 72-85.

Holmes, M.S., and J.R. Johnson (1998). *The Chumash and Their Predecessors: An Annotated Bibliography*. Contributions in Anthropology No. 1, Santa Barbara Museum of Natural History

Jentoft, S., K.H. Mikalsen, H. Hernes (2003). Representation in fisheries co-management. in *The fisheries co-management experience: Accomplishments, challenges, and prospects*. Wilson, D.C., J.R. Nielsen, P. Degnbol, editors. Kluwer Academic Publishers: Dordrecht, The Netherlands. Pages 281-292.

Jupiter, S., P. Cohen, R. Weeks, A. Tawake, H. Govan (2014). Locally managed marine areas: Multiple objectives and diverse strategies. *Pacific Conservation Biology* 20. 10.1071/PC140165.

Kennett, D.J. (2005). *The Island Chumash: Behavioral Ecology of a Maritime Society*. The University of California Press.

McGinnis, M.V. (2004). *Tribal Marine Protected Areas: Protecting Maritime Ways and Cultural Practices*. Produced for Wishtoyo Foundation. Bioregional Planning Associates. With Roberta Cordero.

McGinnis, M.V. (2012). Marine Governance: The New Zealand Dimension. Final Report. Funded by the Ministries of New Zealand. Emerging Issues Program. School of Government, Victoria University Wellington, New Zealand. April. Available at:
https://cbe.miiis.edu/cgi/viewcontent.cgi?article=1000&context=cbe_working_papers

Mossop, J. (2020). Marine Protected Areas and Area-Based Management in New Zealand, *Asia-Pacific Journal of Ocean Law and Policy* 5(1), 169-185. doi: <https://doi.org/10.1163/24519391-00501009>

Pinkerton, E. (1989). Introduction: Attaining better fisheries management through co-management – prospects, problems, and propositions. in *Co-Operative management of local fisheries: New directions for improved management and community development*. Pinkerton, E., editor. The University of British Columbia Press: Vancouver, B.C. Pages 3-33.

Pomeroy, R. (2003). The government as a partner in co-management. in *The fisheries co-management experience: Accomplishments, challenges, and prospects*. Wilson, D.C., J.R. Nielsen, P. Degnbol, editors. Kluwer Academic Publishers: Dordrecht, The Netherlands. Pages 247-262.

Pomeroy, R.S. and F. Berkes (1997). Two to tango: The role of government in fisheries comanagement. *Marine Policy* 21(5): 465-480.

Reeder-Myers, L., Erlandson, J.M., D.R. Muhs, T.C. Rick (2015). Sea level, paleogeography, and archeology on California's Northern Channel Islands *Quaternary Research* 83(2): 263 – 272.

Rick, T.C. (2007) *The Archaeology and Historical Ecology of Late Holocene San Miguel Island*. Los Angeles: Cotsen Institute of Archaeology, University of California, Los Angeles. [*Perspectives in California Archaeology* 8.]

Robertson, T., S. Greenhalgh, I. Korovulavula, T. Tikoibua, Pio Radikedike, P. Stahlmann-Brown (2020). Locally managed marine areas: Implications for socio-economic impacts in Kadavu, Fiji, *Marine Policy* 117, 103950. <https://doi.org/10.1016/j.marpol.2020.103950>.

Rocliffe S, Peabody S, Samoilys M, Hawkins JP (2014) Towards A Network of Locally Managed Marine Areas (LMMAs) in the Western Indian Ocean. *PLoS ONE* 9(7): e103000. <https://doi.org/10.1371/journal.pone.0103000>

Seid-Green, Y. (2014). *Defining Co-management: Levels of Collaboration in Fisheries Management*. A thesis submitted in partial fulfillment of the requirements for the degree of Master of Marine Affairs University of Washington



Sofka, G., K. Guo, J. Hassen, C. Horbat, K. Maloney, D. Triebwasser (2021). *California's Marine Protected Areas through Bottom-Up Collaboration*. Funded by California MPA Collaborative Network & Resources Legacy Fund. Master of Science Program School for Environment and Sustainability University of Michigan. April.

Yaffee, S.L. (2020). *Beyond Polarization: Public Process and the Unlikely Story of California's Marine Protected Areas*. Island Press.

SANTA YNEZ BAND OF CHUMASH INDIANS

P.O. BOX 517 · SANTA YNEZ · CA · 93460

Tel: 805.688.7997 · Fax: 805.686.9578

www.santaynezchumash.org



November 28, 2023

California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

Re: Petitions to the California Fish and Game Commission Regulation Change submitted by the Santa Ynez Band of Chumash Indians

Dear Commissioners,

The Santa Ynez Band of Chumash Indians welcomes the opportunity to submit the required forms (FGC 1) and summary narratives to the California Department of Fish and Game Commission to revise and amend existing regulations for marine protected areas within the Central Coast MLPA Region. Please find attached the following forms and documentation:

- 1) Petition to the California Fish and Game Commission for Regulation Change (FGC 1) for a new Chitqawi SMCA with a Summary Narrative and Map for consideration in the Central Coast Region.
- 2) Petition to the California Fish and Game Commission for Regulation Change (FGC 1) for amendments to the existing Point Buchon SMCA and SMR in the Central Coast Region with a Summary Narrative and White Paper produced by the Santa Ynez Band of Chumash Indians.

If you have any questions, please contact Sam Cohen, at 805-245-9083.

Thank you,

Sam Cohen

Sam Cohen, Esq.
Government Affairs and Legal Specialist

Attachment 1

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

COMPANION DOCUMENT



July 2026

This document is the 2023 Decadal Management Review Marine Protected Area Petition Evaluation Companion Document (Companion Document). The Companion Document and the California Department of Fish and Wildlife (CDFW) Transmittal Memo should be read in advance of the 2023 Bin 2 Petition Evaluations as it includes supplemental information and additional context for the evaluations.

The Companion Document was originally released March 20, 2026 along with CDFW's evaluations and recommendations for the ten Non-tribally-led Petitions. This July 2026 version of the Companion Document includes the following additions: a detailed timeline of the 2023 MPA Petition milestones, updates related to tribal outreach and engagement, a new section on Climate Resilience and MPAs, and additional supplemental information for Question 5 (information gaps) and Question 9 (MPA Network design and Levels of Protection (LOP)) of the evaluation.

INTRODUCTION

At its February 14–15, 2024, meeting, the California Fish and Game Commission (CFGC) referred 20 Marine Protected Area (MPA) petitions to CDFW for review, evaluation, and recommendation. These petitions were sorted into Bin 1 and Bin 2 Petitions. The Marine Resources Committee (MRC) considered CDFW's recommendations on 5 Bin 1 Petitions at the November 6–7, 2024 MRC meeting and CFGC adopted the MRC's recommendations at the December 11–12, 2024 CFGC meeting. See Table 1 for a comprehensive overview of process milestones for the 2023 MPA Petitions.

On August 14, 2025, CFGC approved an evaluation framework (Framework) for the 15 [Bin 2 Petitions](#) referred to CDFW proposing changes to the MPA Network. CDFW developed the Framework, with support from staff at CFGC and Ocean Protection Council, based on the adaptive management process outlined in chapter 4 of the [2016 Master Plan for MPAs](#). The 2016 Master Plan directs CDFW and CFGC to use the Marine Life Protection Act (MLPA) Goals and mandates, Master Plan objectives, and Science Advisory Team (SAT) Science Guidelines established during the MLPA Initiative planning process as the primary basis for evaluating any action taken to make changes to the MPA Network. The 2016 Master Plan adaptive management process also includes consideration of emerging issues, such as changes to the MPA Network that would enhance climate resilience and/or help mitigate climate impacts. CDFW considered climate change effects throughout the evaluation, recognizing that the effects of climate change are overarching and climate resilience is an implicit goal of adaptive management of the MPA Network as a whole. The Framework also draws from the [Decadal Management Review \(DMR\)](#) and [Recommendations](#), and the [MPA Regulation Change Petition Framework](#) approved by CFGC at their August 2023 meeting, which is rooted in the DMR Recommendation cornerstones of MPA Governance, MPA Management Program Activities, and MPA Network Performance.

The Framework includes the following sections:

- I. Petition Summary
- II. CDFW Recommendations with Brief Justifications
- III. Bin 2 Petition Grouping: Identify Tribally-led Petitions
- IV. CDFW 2023 MPA Bin 2 Petition Narrative and Evaluation
- V. Supplemental Analyses, Data and Information, and Citations

CDFW used the Framework to transparently evaluate petitions and develop recommendations to CFGC for the 2023 MPA Bin 2 Petitions. The evaluations were based on materials submitted in December 2023 and amendments received through March 2025. Subsequent changes, improvements, or stakeholder engagement undertaken by petitioners after March 2025 were not considered. CDFW recognizes that new information on these petitions may be available for CFGC consideration.

The Bin 2 Petitions and petition actions vary in complexity, and the Framework is designed to address this spectrum of complexity. In some cases, it was more appropriate to evaluate Bin 2 Petitions as a whole and in other cases, it was more appropriate to evaluate the individual proposed actions or grouped proposed actions that were similar within a petition. Not all evaluation components in Section IV applied to every proposed action or petition as they were not all relevant to each proposed action or petition. CDFW applied the evaluation components as appropriate, and the level of detail varied based on factors such as applicability of the question or information available. Non-regulatory requests were not evaluated through the Framework. For some petitions, CDFW recommended an alternative pathway to achieving the desired outcome of the proposed change.

The DMR indicated the MPA Network is meeting expectations and functioning effectively towards achieving the Goals of the MLPA. Therefore, significant regulatory changes to the MPA Network should meet a high threshold of demonstrated conservation value and need, as well as clear, science-supported benefit.

This evaluation is not the only process by which regulatory changes have been considered as part of the adaptive management of the MPA Network. Since implementation of California's MPA Network, targeted legislative and regulatory refinements have been identified to align MPAs with their original intent, clarify or correct provisions, or address priority management and enforcement issues. Since 2013, four legislative amendments and seven regulatory packages have been enacted to strengthen and support the adaptive management of the MPA Network and Management Program. The regulatory amendments:

- 2014 – Clarified and corrected provisions, including general provisions, definitions, take, and boundaries
- 2015 – Clarified and corrected provisions, including general provisions, definitions, take, and boundaries. This includes refining and correcting boundary coordinates for 106 MPAs
- 2016 – Added provisions for tribal take in north coast MPAs
- 2018 – Repealed a special closure due to conflict with private property
- 2018 – Added provisions for tribal take in south coast MPAs and amended boundaries to better align with historical subsistence and cultural use
- 2022 – Cleaned up State Marine Recreational Management Area language
- 2023 – Provided a mechanism for operation and maintenance of pre-existing artificial structures in MPAs

The legislative amendments include Senate Bill 96 (2013), Assembly Bill 298 (2015), Assembly Bill 2369 (2018), and Assembly Bill 63 (2021). See [Appendix G of the Decadal Management Review](#) for more information about regulatory packages and legislative amendments that apply to MPA Network management implemented since 2012. All amendments were deliberately and carefully constructed, consistent with directives in the Fish and Game Code (§§2853 and 2855), MLPA, and the Master Plan for MPAs, to preserve the integrity of the MPA Network.

CDFW remains committed to adaptive management through regulatory and non-regulatory pathways and will continue to work with tribes and partners to advance the Recommendations of the DMR through a science-based, inclusive statewide process consistent with the requirements of the MLPA and Master Plan for MPAs.

Table 1. Summary of 2023 MPA Petition Process Milestones.

Date	Milestone
<i>Aug 2023</i>	California Fish and Game Commission (CFGF) approves DMR adaptive management recommendation prioritization framework and supported the Marine Resources Committee preference to consider changes to the MPA Network using the existing CFGF petition process
<i>Oct 2023</i>	CFGF releases " Overview of Process to Consider Potential Changes to California's MPA Network "
<i>Dec 2023</i>	CFGF receives 20 MPA-related petitions with 80+ actions
<i>Feb 2024</i>	CFGF refers all 20 petitions to CDFW for evaluation
<i>Apr 2024</i>	CFGF adopts 3-phased approach to petition evaluation

Attachment I: Companion Document July 2026 Version

Date	Milestone
<i>Aug 2024</i>	CFGF approves binning petitions, requests CDFW evaluate the five Bin 1 Petitions and develop a proposed framework to evaluate 15 Bin 2 Petitions
<i>Nov 2024</i>	CDFW releases recommendations for five Bin 1 Petitions
<i>Dec 2024</i>	CFGF makes decisions on Bin 1 Petitions and establishes March 14, 2025 deadline for amendments to Bin 2 Petitions
<i>Mar 14, 2025</i>	Deadline for amendments to Bin 2 Petitions
<i>Apr 2025</i>	CFGF refers amended Bin 2 Petitions to CDFW for evaluation
<i>Apr-May 2025</i>	CDFW develops Draft Bin 2 Petition Evaluation Framework with Ocean Protection Council and CFGF staff
<i>May 2025</i>	Update and discussion at CFGF Tribal Committee (TC) meeting on Bin 2 MPA Petitions and proposed approach for evaluations
<i>Aug 2025</i>	Update and discussion on 2023 MPA Petitions and Draft Evaluation Framework at CFGF TC and CFGF. Four Tribally-led petitions identified and CFGF approves framework for evaluating Bin 2 MPA Petitions
<i>Dec 2025</i>	Update and discussion at CFGF TC on Bin 2 MPA Petitions; identifies one more Tribally-led petition; directs CDFW to return to April 2026 CFGF TC to discuss MPA Petitions prior to releasing evaluations for the Tribally-led petitions
<i>Mar 20, 2026</i>	CDFW releases evaluations and recommendations for the 64 proposed actions in the ten non-Tribally-led Bin 2 MPA Petitions and the Companion Document
<i>Apr 2026</i>	Update and discussion at CFGF TC on five Tribally-led petitions. CFGF accepts amendments to four of the Tribally-led petitions and refers them to CDFW for evaluation
<i>Apr-May 2026</i>	Regional CFGF meetings discussing Bin 2 MPA Petitions • April 21, 2026 in San Mateo, Del Norte through Monterey counties petitions • May 5-6, 2026 in Goleta, alongshore San Luis Obispo through Santa Barbara counties petitions (day 1) and Northern Channel Islands (day 2) • May 19, 2026 in San Clemente, Los Angeles through San Diego counties petitions, including Santa Catalina Island
<i>July 2026</i>	CDFW releases evaluations and recommendations for the 9 proposed actions in the five Tribally-led Bin 2 MPA Petitions and the revised Companion Document

SUPPLEMENTAL EVALUATION INFORMATION

CDFW compiled supplemental information and additional context for the Tribally-led petitions, the topic of climate resilience and MPAs, and the responses to Evaluation Questions 1, 2a, 5, 9, 10a, and 14, and Section V. Supplemental Analyses, Data and Information, and Citations. CFGC staff conducted the analysis and prepared the responses for Questions 16 and 17 and provided additional context for their evaluations below. The information provided here was common across the evaluations and is included here to prevent having to repeat it in each evaluation.

TRIBALLY-LED PETITIONS

This Companion Document includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners (Attachment A below). As directed by CFGC, CDFW evaluated the Tribally-led petitions with the CDFW 2023 MPA Bin 2 Petition Evaluation Framework. Tribally-led petitions, per CFGC direction, were discussed at the April 14, 2026, CFGC Tribal Committee meeting. *Note: 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.*

The following petitions were identified by CFGC as Tribally-led petitions:

- Santa Ynez Band of Chumash Indians: Designate a New Chitqawi SMCA Near Morro Bay with a Tribal Take Exemption for Santa Ynez Band of Chumash Indians (2023-19MPA_AM1)
- Santa Ynez Band of Chumash Indians: Establish Co-Management at Point Buchon SMCA, Change the Name, and Add a Tribal Exemption for Santa Ynez Band of Chumash Indians at Point Buchon SMCA, and Change the Boundary at Point Buchon SMR (2023-20MPA_AM1)
- Tolowa Dee-ni' Nation: Remove Recreational Take of True Smelt and Change the Boundary at Pyramid Point SMCA (2023-21MPA_AM1)
- Northern Chumash Tribal Council: Designate a New SMCA Near Point Sal with an Allowance for Recreational Take of Finfish by Hook-and-Line from Shore (2023-28MPA_AM2)
- Santa Ynez Band of Chumash Indians: Designate a New SMCA Near Mishopshno/ Carpinteria with an Allowance for Recreational Take of Finfish by Hook-and-Line From Shore and a Tribal Take Exemption for Santa Ynez Band of Chumash Indians (2023-29MPA_AM2)

Summary of Tribal Outreach and Engagement with California Native American Tribes for the 2023 MPA Petitions

In late 2023, CFGC received 20 petitions from California Native American tribes (tribes) and the public requesting changes to California's MPA Network. CFGC referred the 2023 MPA Petitions to CDFW to evaluate in early 2024. This document provides a summary of tribal outreach and engagement with California Native American tribes for the 20 2023 MPA Petitions, including five Tribally-led petitions, proposing approximately 70 changes to the MPA regulations for MPAs from southern California to the Oregon border (2023 MPA Petitions).

Summary of CDFW tribal outreach for all 2023 MPA petitions

Since receiving the petitions, CDFW has provided regular updates on the status of the 2023 MPA Petitions and petition evaluation process through email communications and mailed letters to the CDFW tribal contact list. The CDFW tribal contact list includes over 400 individuals across the state who represent and/or work for a California Native American tribe. The statewide list is maintained by CDFW's Tribal Liaison and includes people on the Native American Heritage Commission (NAHC) contact list and others who have elected to receive updates from CDFW related to tribes. These updates included offers for consultation and meetings between tribes and CDFW. In October 2025, CFGC and CDFW sent letters via email and postal mail to the CDFW tribal contact list to specifically offer formal consultation or informal meetings on the 2023 MPA Petitions. CDFW also presented written and verbal updates at meetings of CFGC's Tribal Committee. These outreach efforts to tribes are summarized in Table 2.

Summary of additional outreach and engagement with tribes for Tribally-led petitions

At the August 12, 2025, CFGC's Tribal Committee meeting, the Tribal Committee identified four of the 2023 MPA Petitions as Tribally-led petitions, which are petitions that were submitted by a tribe, representative designated by a tribe, or tribal organization, or have a tribal co-sponsor. These included:

- 2023-19MPA submitted by Santa Ynez Band of Chumash Indians
- 2023-20MPA submitted by Santa Ynez Band of Chumash Indians
- 2023-21MPA submitted by Tolowa Dee-ni' Nation
- 2023-29MPA submitted by Natural Resource Defense Council (NRDC), Santa Ynez Band of Chumash Indians (SYBCI), and Environmental Defense Center

At the May 7, 2025, meeting, CFGC's Tribal Committee requested CDFW send additional offers to all tribes for consultation on the remaining 2023 MPA Petitions and to reach out to offer to meet with tribes associated with the Tribally-led petitions. On October 16,

2025, CDFW distributed to the CDFW statewide tribal contact list a letter offering joint tribal consultation with CDFW and CFGC on any 2023 MPA Petition. This letter was also included in the fall quarterly CDFW Tribal Updates email. As of July 2026, no tribes have requested consultation.

On November 24, 2025, CFGC received a letter from Northern Chumash Tribal Council and NRDC indicating that Northern Chumash Tribal Council was a formal co-sponsor for petition 2023-28MPA, and requested CFGC consider the petition a Tribally-led petition.

At the December 9, 2025, CFGC Tribal Committee meeting, the CFGC Tribal Committee reconsidered the designation of petition 2023-28MPA and recommended CFGC designate it as a Tribally-led petition in light of the November 2025 co-sponsorship from Northern Chumash Tribal Council. At the December 11, 2025, CFGC meeting, CFGC designated petition 2023-28MPA as a Tribally-led petition. CFGC's Tribal Committee requested that before releasing the Tribally-led petition evaluations, CDFW engage with the tribes leading or co-leading petitions, including to better understand the intent of the petitions, and then share an update on the engagement and any clarifications on the petitions at the April 14, 2026 CFGC Tribal Committee meeting. CFGC's Tribal Committee and CFGC reaffirmed that CDFW should use the Evaluation Framework approved by CFGC in August to evaluate the Tribally-led petitions.

At the February 11, 2026, CFGC meeting, CFGC approved the addition of an agenda item for CDFW to provide an update and to have a discussion on the Tribally-led petitions at the April 14, 2026, Tribal Committee meeting.

Between September 2025 and June 2026, CDFW participated in discussions with representatives of tribes regarding the Tribally-led petitions.

At the April 14, 2026, CFGC Tribal Committee meeting, tribal representatives provided an overview and clarifications for the five Tribally-led petitions. SYBCI proposed amendments to 2023-19MPA, 2023-20MPA, and SYBCI and NRDC proposed amendments to 2023-29MPA_AM1. Northern Chumash Tribal Council and NRDC proposed amendments to 2023-28MPA_AM1. No amendments were proposed for 2023-21MPA. CDFW presented an update on tribal outreach and engagement since December and summarized the clarifications and proposed amendments for the Tribally-led petitions. At the meeting on April 15, 2026, the CFGC Tribal Committee recommended to CFGC that CDFW evaluate the Tribally-led petitions according to the proposed amendments and clarifications discussed during the meeting. CFGC subsequently referred the amended petitions (2023-19MPA_AM1, 2023-20MPA_AM1, 2023-21MPA_AM1, 2023-29MPA_AM2, and 2023-29MPA_AM2) to CDFW for evaluation using the Evaluation Framework approved by CFGC in August 2025.

Table 2. Summary of CDFW tribal outreach and engagement to date related to the 2023 MPA Petitions and petition process, including communication method and type of content. Unless otherwise specified, all tribal outreach communications included tribes listed on the CDFW tribal contact list maintained by CDFW's Department Tribal Liaison, which includes 400 people from the NAHC Contact List and additional tribal representatives.

Date	Method	Content
5/31/2024	Email	Released Blog Post: Seeking Your Feedback to Help Manage California's Marine Protected Area Network
10/4/2024	Email	CDFW Informational MPA DMR Petition Process Update: Background, DMR petition process, next steps, upcoming meetings
10/25/2024	Email	Released Blog Post: MPA Day
11/22/2024	Email	CDFW Informational MPA DMR Petition Process Update: Background, DMR petition process, next steps, upcoming meetings
4/11/2025	Email	CDFW Tribal Liaison provided Department update email, including CDFW Informational MPA DMR Petition Process Update
5/7/2025	Tribal Committee: Meeting Materials	Written Informational Update: California's Marine Protected Area Network Decadal Management Review and Subsequent Marine Protected Area Regulation Amendment Petition Process (pg. 99 of 129) Verbal update on the 2023 MPA Petitions and draft evaluation framework by Susan Ashcraft, CFGC Marine Advisor
8/14/2025	Tribal Committee: Meeting Presentation	Presentation by Craig Shuman, CDFW Marine Region Manager, on 2023 MPA Petitions and draft evaluation framework. Tribal Committee identified four Tribally-led petitions
9/2025	Email	CDFW invitation to meet to discuss petitions sent to petitioners for the four Tribally-led petitions
10/16/2025	Mail	Invitation Letter for joint tribal consultation with CDFW and CFGC on any 2023 MPA Petition
10/17/2025	Email	CDFW Tribal Liaison - Department update email, including CDFW Informational MPA DMR Petition Process Update and Invitation Letter for Joint Tribal Consultation
10/20/2025 – 6/24/2026	Meetings	Discuss Tribally-led petitions with tribal petitioners

Date	Method	Content
12/9/2025	Tribal Committee	CDFW update on the 2023 MPA Petitions and upcoming release of CDFW petition evaluations and outlining three regional meetings to be held to discuss petitions and evaluations
4/14/2026	Tribal Committee	CDFW presentation to provide an update on tribal outreach and engagement, and summarize clarifications and proposed amendments for Tribally-led petitions
6/26/2026	Email	CDFW Tribal Liaison provided Department update email, including CDFW Informational MPA DMR Petition Process Update and upcoming meetings to discuss the 2023 MPA Petitions

CLIMATE RESILIENCE AND MPAS

Since implementation of California’s MPA Network, the state’s coastal ecosystems have experienced increasingly significant climate-driven changes, including marine heatwaves, ocean acidification, and shifting species distributions. Although climate change was not explicitly incorporated into the MLPA Initiative planning process, the MPA Network was designed using resilience-oriented principles. Foundational design elements such as habitat replication, larval connectivity, and varying levels of protection were incorporated conservatively to support biodiversity, ecological function, and ecosystem resilience under uncertain and changing environmental conditions, including natural disturbances, decadal oceanographic variability, and unanticipated increases in fishing pressure.

MPAs are most effective at reducing extractive pressures, and their contribution to climate resilience depends in part on whether they measurably enhance key network attributes, such as connectivity, habitat replication, and protection of climate refugia. CDFW evaluated whether proposed changes were likely to meaningfully contribute to MPA Network performance through improvements to connectivity, habitat redundancy, or related ecological functions or provide measurable ecological benefits relative to the current performance of the MPA Network. Where existing MPAs already meet the SAT Science Guidelines established during the MLPA Initiative planning process, and proposals do not provide evidence the proposed change would demonstrably improve connectivity, redundancy, or resilience under changing environmental conditions and as specifically defined in the SAT Science Guidelines, the addition or expansion of a protected area alone is insufficient to conclude that climate resilience would be enhanced. Although there is broad evidence of increasing environmental stressors, restricting fishing alone will not address their cumulative impact. The existence of multiple stressors does not justify specific boundary modifications or new MPAs in the

absence of strong evidence that the proposal would likely result in site-specific ecological benefits.

MPAs may confer some resiliency to climate change by providing a buffer from some of these stressors, especially MPAs that limit or completely exclude fishing. Management of California's fisheries is mandated by the Marine Life Management Act, which includes objectives such as ecosystem protection, sustainability, and rebuilding populations, among others (Fish & G. Code § 7050). While the primary function of MPAs in California is to protect and enhance marine habitats and populations, understanding how effective fisheries management measures interact with a functioning MPA Network to bolster resiliency to climate change in California is still a critical knowledge gap identified in the DMR to be addressed through implementation of Recommendations 26–28 that focus on influencing factors and fisheries integration.

The absence of demonstrable ecological gains is particularly relevant where proposed changes could result in substantial socioeconomic impacts to ocean users. This underscores the importance of grounding management decisions in clear, place-based specific evidence of functional ecological improvement and considering socioeconomic impacts so that anticipated conservation benefits are considered relative to potential trade-offs in those areas.

CDFW 2023 MPA BIN 2 PETITION EVALUATION

EVALUATION QUESTIONS

Question 1: Does the proposed change support the MPA Network in meeting one or more of the MLPA Goals and align with MPA Master Plan adaptive management objectives?

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

MLPA Goals

1. Protect the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems.

2. Help sustain, conserve and protect marine life populations, including those of economic value, and rebuild those that are depleted.
3. Improve recreational, educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.
4. Protect marine natural heritage, including protection of representative and unique marine life habitats in CA waters for their intrinsic values.
5. Ensure California's MPAs have clearly defined objectives, effective management measures and adequate enforcement and are based in sound science guidelines.
6. Ensure the State's MPAs are designed and managed, to the extent possible, as a network.

Master Plan Adaptive Management Objectives

- Protect the structure and function of marine ecosystems
- Improve native marine life populations, including those of economic value
- Ensure minimal disturbance while allowing for sustainable opportunities for recreation, education and research
- Ensure comprehensive representation of all key habitats, including unique habitats
- Use learning acquired through administration of the MPA Management Program to adaptively manage the objectives, management measures, enforcement efforts, and scientific guidelines to inform management decisions
- MPAs function as a cohesive statewide network

Question 2a: Does the proposed change advance adaptive management recommendations in the Decadal Management Review?

[California's Marine Protected Area Network Decadal Management Review](#)
[DMR Adaptive Management Recommendations](#)

Question 5: Are there significant information gaps that need to be filled to inform the evaluation of the proposed change?

Justice, Equity, Diversity, and Inclusion

There are information gaps related to assessing issues around equity and access for traditionally underserved or marginalized communities within the existing MPA Network, as well as the proposed changes in the Bin 2 petitions. The DMR includes recommendations to advance work in this area that the MPA Management Program intends to work on in the near future. Also, see response for Questions 14 and below.

Economic and Fiscal Impacts

The CFGC petition form, Petition to the California Fish and Game Commission for Regulation Change, requires the petitioner to complete the section, "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." Responses provided in the Bin 2 Petitions often had limited data related to potential economic and fiscal impacts, particularly those related to individuals or businesses, including individuals from the sport and commercial fishing industries. This may be due to limited time provided to petitioners to prepare petitions or to the limited existence of this data. However, given the scope and timeline of this analysis, CDFW did not have the ability to provide a supplemental analysis of the economic or fiscal impacts for the 73 changes proposed across the 15 Bin 2 Petitions.

Fish and Game Code section 2853 highlights that the Marine Life Protection Program (now the MPA Management Program) must include a process for the establishment, modification, or abolishment of existing MPAs or new MPAs, that involves all interested parties, including, but not limited to, individuals from the sport and commercial fishing industries, aquaculture industries, coastal and ocean tourism and recreation industries, marine conservation organizations, local governments, marine scientists, and the public (Fish & G. Code § 7050 (b)(7)), and that facilitates the designation of MPAs consistent with the Master Plan adopted pursuant to Fish and Game Code section 2855. Fish and Game Code section 2855 states that when making decisions regarding the siting of new MPAs and major modifications of existing MPAs, CDFW shall take into account relevant information including, but not limited to, the socioeconomic and environmental impacts of various alternatives.

CDFW's Bin 2 MPA Petition evaluations include preliminary assessments of socioeconomic impacts to commercial and recreational fisheries, but these assessments are not a substitute for the relevant information required by Fish and Game Code section 2855. The evaluations do not include an assessment of any socioeconomic benefits or impacts beyond impacts to commercial and recreational fisheries. Implementation of the regulatory changes proposed in the Bin 2 MPA Petitions are anticipated to have socioeconomic impacts, some of which may be significant to individuals or businesses; and additional data and information are needed to meet the level of analyses required by Fish and Game Code section 2855.

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?

To ensure consistency across petition evaluations, CDFW developed a decision tree to evaluate if a proposed action would improve individual MPA or MPA Network design and/or improve alignment with the SAT Science Guidelines (Figure 1). The decision tree includes considerations such as whether the proposed change has the potential to affect the MPA's size or Level of Protection (LOP) and includes a framework to respond to the question. The science-based design criteria were developed by the SAT during the MLPA Initiative planning process to provide quantitative guidance for achieving network-scale ecological objectives (e.g., North Coast Study Region guidance [Executive Summary from the North Coast SAT Methods Used to Evaluate MPA Proposals](#)). While there were slight deviations between planning regions in the amount of individual habitat types necessary to meet habitat representation and replication targets, key design elements were consistent statewide. MPAs intended to contribute to ecological goals were required to be at least 9 square miles in size and meet one of the three highest LOPs (Very High, High, or Moderate-High). Importantly, the analysis focused not only on whether proposals meet SAT Science Guidelines, but on whether they would likely provide a net ecological benefit to the MPA Network in addition to meeting SAT Science Guidelines—that is, likely to have measurable improvements beyond existing conditions.

Levels of Protection

California's SAT developed the LOP framework during the MLPA Initiative planning process. California's SAT LOP framework is specifically designed to evaluate fishing-related impacts within the state's MPAs and considers the species that may be taken, the gear used, the geographic region, and the potential direct and indirect ecological effects of those activities on species and habitats. As a result, the SAT LOP framework is the most appropriate framework to use when considering proposed changes or additions to the MPA Network as it was tailor-made for evaluating and comparing California's MPAs.

The SAT LOP framework differs substantially in scope, structure, and application from the protection categories defined in Grorud-Colvert et al.'s (2021) MPA Guide¹. Although the MPA Guide provides a valuable global framework for making standardized comparisons of MPA outcomes worldwide, it is not an appropriate framework for evaluating California's 2023 MPA Petitions. The two frameworks were developed for different purposes, applied different criteria, and the frameworks differ in scale and structure. Given the two frameworks have different scales and approaches, protection categories

¹ Grorud-Colvert et al. (2021). The MPA Guide: A framework to achieve global goals for the ocean. *Science* **373**, eabf0861(2021). DOI:10.1126/science.abf0861; see also <https://mpa-guide.protectedplanet.net/resources>

that appear similar in name may represent substantially different regulatory conditions and ecological outcomes under the two systems.

The MPA Guide was designed to compare MPAs globally as MPAs around the world vary from fully protected with strong implementation measures (such as those in California's MPA Network), to MPAs on paper only or those that allow activities such as intensive fishing and/or large impact infrastructure and aquaculture. The MPA Guide uses broad activity-based classifications that consider multiple categories of human use. Fishing is treated as one of several activity categories evaluated. Others include dredging and dumping, anchoring, infrastructure, aquaculture, non-extractive activities, and mining. The MPA Guide includes protection levels based on the number and types of activities allowed, without differentiating by species, fine-scale gear type(s), or geographic context. The MPA Guide captures the global scale of allowed activities in MPAs worldwide and categorizes these into four LOPs. The approach enables comparisons across global habitats and activities, which vary greatly. In contrast, California's SAT LOP framework has six levels of protection and is specifically tailored to the fisheries, gear types, species, and habitats in the MLPA planning regions, which enable precise assessments of potential contribution to ecological goals as well as comparisons within California's MPA Network.

In addition to being more relevant to California, the SAT LOP framework applies a more precautionary approach than the MPA Guide framework. During the MLPA Initiative planning process, the SAT evaluated allowed activities under the assumption that they could occur at maximum plausible intensity over time. This reflected the expectation that MPA access would remain open to all users and that fishing pressure could increase unpredictably in the future. For example, during the COVID-19 pandemic, California experienced an unanticipated surge in the harvest of intertidal organisms for sale and subsistence. By comparison, under the MPA Guide LOP framework, potential future increases or sudden changes in fishing intensity, such as the example described above, are not explicitly incorporated into protection level assignments. Instead, the 2021 MPA Guide evaluates activities based on their current intensity, scale, duration, frequency, and overall present-day impact. Its framework is therefore intended to categorize MPAs according to contemporary cumulative impact levels rather than to distinguish in detail among specific fishing practices or ecological interactions. Consequently, the LOPs between the two frameworks are not comparable, and the SAT LOP framework is the most appropriate framework to use for evaluating the 2023 MPA Petitions.

Please see the [CDFW Science Guide to California's MPA Network](#) for more specific information on science evaluation of MPA proposals during the MLPA Initiative planning process, including LOPs, as well as a current assessment of how the MPA Network conforms to the SAT Science Guidelines.

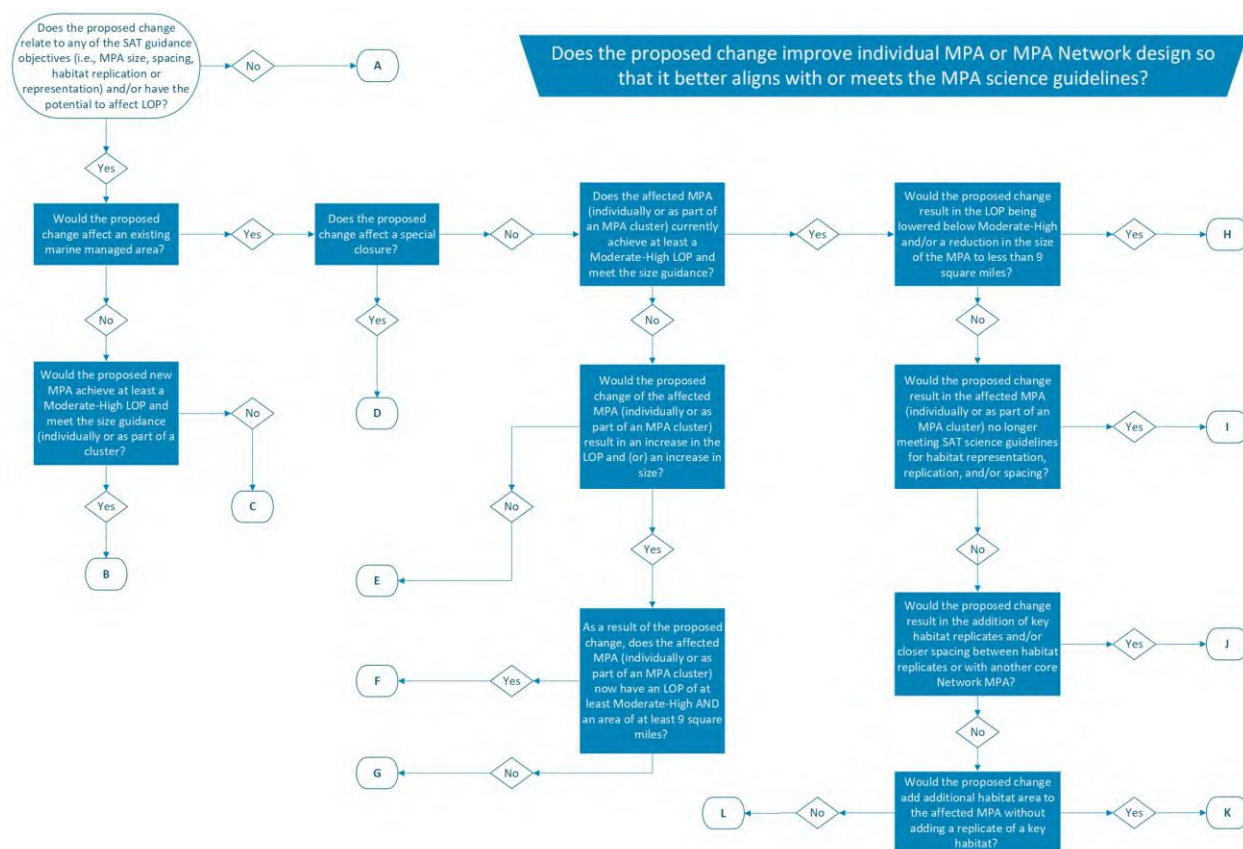


Figure 1. Decision tree framework used to formulate responses for Question 9 for each proposed action. The starting point, at the upper left corner, is based on whether the proposed change has the potential to affect the MPA’s size or Level of Protection (LOP). The rest of the questions help to identify the effects such a change may have on the design of the individual MPA and the MPA Network. Based on this decision tree, the effects of a proposed action were determined to belong to one of the following groups:

- A. Not applicable because the proposed action does not affect MPA size or LOP. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the SAT Science Guidelines.
- B. New MPA meets minimum size and LOP requirements. Proposed action would improve MPA Network design and enhance alignment with the SAT Science Guidelines.
- C. New MPA does not meet minimum size and/or LOP requirement. Proposed action does not improve MPA Network design, nor does it enhance alignment with the SAT Science Guidelines.
- D. Not applicable because the SAT Science Guidelines do not apply to special closures. Proposed action does not improve MPA Network design, nor does it enhance alignment with the SAT Science Guidelines.

- E. Neither existing MPA nor as proposed meets minimum size and/or LOP requirement. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the SAT Science Guidelines.
- F. Existing MPA does not meet minimum size and/or LOP requirement, but would meet both as proposed. Proposed action improves the design of the individual MPA and the MPA Network, and enhances alignment with the SAT Science Guidelines.
- G. Existing MPA does not meet minimum size and/or LOP requirement. Proposed change improves individual MPA design, but does not improve MPA Network design or enhance alignment with the SAT Science Guidelines.
- H. Existing MPA meets minimum size and LOP requirements, but no longer would as proposed. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the SAT Science Guidelines.
- I. Existing MPA meets minimum size and LOP requirements. MPA as proposed meets both criteria but no longer meets one or more SAT Science Guidelines. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the SAT Science Guidelines.
- J. Existing MPA meets minimum size and LOP requirements. Proposed action results in meeting additional SAT Science Guideline(s). Proposed action improves design of individual MPA and MPA Network, and enhances alignment with the SAT Science Guidelines.
- K. Existing MPA meets minimum size and LOP requirements. Proposed action increases the amount of habitat(s) protected but additional SAT Science Guidelines are not met. Proposed action improves the design of the individual MPA but not of the MPA Network, and does not enhance alignment with the SAT Science Guidelines.
- L. Both existing MPA and as proposed meet minimum size and LOP requirements. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the SAT Science Guidelines.

Question 10a: Does the proposed change align with CDFW Feasibility Guidelines?

[CDFW Feasibility Guidelines](#)

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?

CDFW is committed to improving access to marine resources in California for traditionally underserved and marginalized communities. This question was included in

the evaluation framework because of that commitment, as well as input from partners to prioritize improvement of accessibility and recommendations from the DMR to integrate justice, equity, diversity, and inclusion principles into MPA Network management. However, after exploration of the available information and methods that could be used to address this question for each proposed action, CDFW originally determined that providing the level of evaluation this question and the relevant communities deserve would not be possible within the scope and timeline of the petition evaluations. Most of the petitions did not include sufficient information to accurately assess benefits and/or impacts to historically marginalized and underserved communities. Additional details and outreach were needed by petitioners to support this portion of the analysis.

At the time, CDFW reviewed multiple information sources, and found there are many different approaches to defining and identifying “traditionally underserved or marginalized communities.” CDFW reviewed the definition of disadvantaged communities (DACs) in Senate Bill 535, which is based on pollution burden and federally recognized tribal status (a map of DACs per this definition is [available here](#), data used to determine community status is available through the [CalEnviroScreen tool](#)).

CDFW also considered the definition of DACs utilized by the California Department of Water Resources, where DACs are areas where median annual household income is 80% or less of the statewide median annual household income ([a map of those communities is available here](#)).

CDFW found the data and information in the California Governor’s Office of Land Use and Climate Innovation’s [Vulnerable Communities Platform](#) to be valuable in understanding access issues related to the MPA Network. The Vulnerable Communities Platform provides information on more specific and potentially applicable metrics, such as food insecurity and linguistic isolation, which could be used to better understand access issues (e.g., subsistence fishing, language access for outreach materials, [individual indicators data is available here](#)).

In the March 2026 Companion Document, CDFW’s primary findings for Question 14 were that additional information and time were needed, including completion of some DMR Recommendations, to sufficiently address the question.

Following CDFW’s submission of the petition evaluations, CFGC, CDFW, and Ocean Protection Council received substantive feedback identifying two areas of concern. First, the response to Question 14 was unsatisfactory and that people, including Commissioners, wanted to see additional analysis for Questions 14 and 16. Second, people identified a broader need for more robust engagement with, and meaningful

incorporation of the perspectives of, traditionally underserved and marginalized communities throughout the process.

At the Regional 2023 MPA Petitions meeting on May 19, 2026, CFGC directed CDFW to convene experts in Justice, Equity, Diversity and Inclusion within the agency and at partner agencies to provide additional analyses. CDFW's Deputy Director of Strategic Engagement, Equity, and Partnerships led this work in collaboration with California Natural Resources Agency, CFGC staff, and Ocean Protection Council and released a separate document with supplemental information for Question 14 and 16.

Question 16: Is the proposed change consistent with the CFGC Justice, Equity, Diversity and Inclusion Policy?

CFGC staff conducted this analysis and prepared the response to Question 16, which was supplemented by a July 2026 document prepared as described in the paragraph above.

Justice, Equity, Diversity and Inclusion Policy Overview

The CFGC Justice, Equity, Diversity and Inclusion Policy ([JEDI Policy](#)) reflects CFGC's deep commitment and responsibility to support safe and equitable access to California's thriving native wildlife and natural habitats, supported by inclusive decision-making that reflects the needs and values of the state's diverse communities. The policy acknowledges the significant past injustices experienced by historically marginalized and underserved communities and seeks to correct the burdens these communities have faced in accessing nature, participating in regulatory decision-making, and the privilege often associated with outdoor access. The JEDI Policy also considers and seeks to correct the disproportionate burdens on California Native American tribes and recognizes their interwoven stewardship relationships with the environment.

The JEDI Policy identifies 13 individual commitments referred to as "actions" that guide how CFGC advances its JEDI commitments. Implementation of the policy has been an ongoing priority of CFGC since its adoption in February 2022 and CFGC staff are continuing to explore meaningful ways to meet its commitments. Inclusion of the JEDI Policy in the Framework was intended to highlight this commitment.

Evaluation of MPA Petitions

Evaluating MPA petitions for their consistency with CFGC's JEDI Policy marked the first time CFGC staff attempted to systematically apply the policy's principles to inform CFGC decision-making. Through the process of evaluating MPA petitions against the JEDI Policy, CFGC staff found it was unable to make determinations about whether, or to

what extent, any specific petition advances or conflicts with the JEDI Policy. The findings are described in detail here, along with next steps to resolve these limitations moving forward.

CFGC staff reviewed the pending MPA petitions to identify conceptual intersections with JEDI principles. Of the 13 commitments in the policy, 7 are not relevant to the evaluation because they focus on internal operations, partnerships, and governance processes. The remaining six are directly applicable to the MPA petitions:

- Considering and correcting for disproportionate burdens on historically marginalized communities,
- Improving responsiveness to the needs of marginalized fish and wildlife users,
- Amplifying tribal voices and issues,
- Considering the implications of decisions on subsistence activities,
- Improving and championing safe and equitable access to abundant and healthy fish and wildlife populations, and
- Promoting cultural, community, and economic opportunities related to fish and wildlife that CFGC regulates.

In seeking to apply the six applicable commitments, staff identified several knowledge gaps that limited its ability to provide consistent or objective petition-level JEDI determinations. Ultimately, CFGC staff concluded that there is insufficient information available to meaningfully assess potential JEDI-related implications of petitions in a manner that reflects the intent of the policy.

Key concepts such as subsistence activities, equitable access to abundant fish and wildlife populations, and cultural, community and economic opportunities do not have CFGC-adopted definitions, metrics, or measurable criteria. Without clearly articulated definitions, datasets, or rubrics, petition-specific JEDI assessments would be inherently speculative. Staff have, however, gained a clearer understanding of these gaps, which will be important to address in future policy implementation.

Tribally-Led Petitions

One area that CFGC has already recognized is the distinct role of petitions that amplify tribal voices, which is reflected in how CFGC has grouped these petitions for discussion. Five petitions were submitted either by a tribe or with tribal participation as co-sponsors for petitions submitted by non-tribal proponents. CFGC has grouped these as “Tribally-led,” which includes tribally co-sponsored petitions. Some of these petitions advance tribally identified MPA names and, in some cases, include recommendations related to pursuing co-management or co-stewardship. Collectively, they reflect the

interests of federally recognized tribes as well as non-federally recognized tribal communities with enduring relationships to California's coast. Many of these proposals have the potential to foster long-term partnerships or shared leadership with California Native American tribes, which are considered marginalized and/or underserved communities, supporting the broader intent of CFGC's JEDI Policy.

Petitioner Intent

CFGC staff acknowledges that several petitions explicitly reference, within their petition rationale(s), goals related to equitable access, subsistence activities, long-term abundance of fish and wildlife, or other JEDI-related intentions. While the stated intentions are important context, the previously described evaluation limitations prevented staff from assessing the degree to which these intentions may achieve the goals. CFGC staff acknowledges that changes to harvest or non-consumptive access may relate to subsistence or equity considerations, but cannot reliably characterize the nature or extent of those relationships without risking over-generalization or speculation.

Current and Future Focus

In the absence of the tools needed for petition-level JEDI analysis, and because many JEDI commitments were intended primarily to guide CFGC processes, CFGC staff began to focus on the overall petition process, including the planning for the regional MPA petition meetings. CFGC staff efforts have included: consulting with partners to inform development of approaches to support safe and inclusive participation, selecting meeting locations near affected communities to reduce travel barriers, elevating tribal voices, increasing transparency about meeting format and expectations, and exploring additional ways to provide accessible engagement opportunities. The regional meetings an opportunity for CFGC to engage with local communities regarding MPA petitions. Proposals that reflect community knowledge, lived experience, and local needs align more closely with the inclusive decision-making envisioned by the JEDI Policy. Public comments emphasizing the level of community engagement, or lack thereof, were not considered when conducting the petition evaluations.

Evaluation of the MPA petitions has highlighted critical next steps needed to strengthen CFGC's ability to apply the JEDI Policy in future evaluations. Consistent with the intent of Recommendation 8 in CDFW's Marine Protected Area Network Decadal Management Review — a mid-term priority focused on evaluating the accessibility of MPAs to various community groups — staff recognizes that broader collaborative efforts with various partners will be needed to establish the foundational elements for integrating JEDI considerations across the MPA Network. Advancing this work will support both the

CFGF's JEDI Policy goals and more meaningful future evaluations, beyond what is possible within the limited scope of this petition process.

Links

JEDI Policy: [California Fish and Game Commission Justice, Equity, Diversity, and Inclusion Policy, approved February 16, 2022](#)

JEDI Policy Definitions: [California Fish and Game Commission JEDI Definitions](#)

Question 17: Is the proposed change consistent with the CFGF Coastal Fishing Communities Policy?

CFGF staff conducted this analysis and prepared the responses to Question 17 for the proposed actions in the evaluations. CFGF staff provided this additional context for their evaluations of Question 17.

Coastal Fishing Communities Policy Overview

The CFGF Coastal Fishing Communities (CFC) Policy guides CFGF, in partnership with CDFW, in supporting the long-term needs, social well-being, and economic health of California's coastal fishing communities while upholding the conservation and management goals central to both agencies' missions and mandates. The CFC Policy defines coastal fishing communities broadly as: (a) social, cultural, economic, and/or place-based groups whose members are dependent upon, engaged in, or benefit from local, wild-capture, commercial, recreational, or subsistence marine harvest or processing to meet the social and economic needs of the community, (b) include, but are not limited to, the businesses and organizations that depend upon or support those activities, and (c) may be a subset or member of larger or associated coastal communities. Adopted in February 2024, the CFC Policy formalizes a vision for how CFGF engages with fishing communities, incorporates their needs into decision-making, and contributes to their resilience.

Evaluation of MPA Petitions

Evaluating MPA petitions for their consistency with CFGF's CFC Policy marked the first time CFGF staff have attempted to apply the policy's principles to inform CFGF decision-making. Through the process of evaluating MPA petitions against the policy, CFGF staff found they were unable to make determinations about whether, or to what extent, any specific petition advances or conflicts with the goals of the CFC Policy. The findings are described in detail here, along with next steps to resolve these limitations moving forward.

The goal of Question 17 is to identify where petitioned actions may conceptually intersect with the CFC Policy—not to evaluate biological outcomes addressed elsewhere in the petition evaluation framework or provide a full socioeconomic analysis.

As CFGC staff applied the CFC Policy to each petition and its proposed actions, it became clear that only limited information is currently available to assess potential implications for coastal fishing communities. The policy encompasses broad aims, such as maintaining or enhancing fishing opportunities, supporting community resilience and adaptive capacity, and ensuring coastal fishing community interests are meaningfully factored into CFGC decision-making.

However, CFGC does not yet have detailed economic, demographic, or cultural data to determine how proposed regulatory changes may affect specific coastal fishing communities. Existing statewide information—primarily the Ocean Sport Fishing web application and community profiles from FishingCommunities.net, last updated in 2023 using 2021 data—provides useful general context on ports, landings, and community characteristics. CFGC staff expertise and experience also contributed to the understanding of impacts of petitioned actions on nearby coastal fishing communities. These sources of information do not provide the level of resolution necessary to draw conclusions about individual community dependence, vulnerability, or long-term resilience.

Given the limitations, CFGC staff focused the evaluation on three elements that could be consistently and objectively applied across all petitions:

- Describes the nature of the proposed regulatory change,
- Identifies whether a petition action would increase, decrease, or have no direct effect on commercial or recreational fishing opportunity within or near the affected MPA, and
- Identifies the coastal fishing communities most geographically-proximate to the affected area, by identifying the nearest ports or harbors and travel distance between them, although these do not necessarily reflect smaller coastal fishing communities that may be affected.

Some petition actions were given “not applicable” responses, reflecting that those actions are not subject to evaluation as they are either not regulatory change requests or they are proposals outside of the regulatory framework for MPA management.

Some petitions propose increasing fishing opportunities, which could conceptually support short- or long-term community resilience within the context of California’s existing fishing regulations and the broader fisheries management goals, and other petitions propose strengthening or expanding MPAs, which may confer long-term

ecological benefits that indirectly support fishing communities. However, CFGC staff cannot evaluate the proposed changes on biological, stock-related, or long-term effects relative to supporting fishing opportunities under this question.

A full understanding of potential benefits or impacts to coastal fishing communities requires meaningful input from the community members themselves—commercial, recreational, and subsistence harvesters, as well as the businesses and organizations that support local fishing economies. CFGC staff view this evaluation as an initial step based on the information currently available, and not as a comprehensive assessment of the lived experience, priorities, or needs of individual communities. Public comments that provide such feedback have not been directly considered in the evaluation. While CFGC has received a wealth of public comments to inform its understanding of the range of views thus far, CFGC’s upcoming regional MPA petition review meetings will provide an important opportunity for commenters to further supplement CFGC staff’s analysis with direct feedback from those most connected to the affected areas. Continued dialogue with coastal fishing communities will help strengthen the foundation for applying the CFC Policy in future decision-making and improve CFGC’s ability to better understand and support the adaptive capacity and long-term resilience of California’s fishing communities over time.

Possible next steps in policy implementation and pathways to begin filling data gaps are anticipated for discussion at a future CFGC Marine Resources Committee meeting. This discussion ideally would lead to developing options and needs to enable integrating consideration of the CFC Policy into CFGC’s decision-making.

Links

CFC Policy: [California Fish and Game Commission Coastal Fishing Communities Policy](#), adopted February 14, 2024 (also included on the following page)

Current Regulations Map: [Ocean Sport Fishing Web App](#)

Partner website, California Fishing Communities, providing profiles of the history, economics, and culture of California’s fishing communities (last updated in 2023 with 2021 data): [FishingCommunities.net](#)

SUMMARY OF OTHER CONSIDERATIONS

After completing the evaluations, none of the petition evaluations had information to include in this section beyond what was provided in the other five sections of the evaluation. Consequently, this section was removed from the evaluations.

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

Establish Co-Management at Point Buchon SMCA, Change the Name, and Add a Tribal Exemption for Santa Ynez Band of Chumash Indians at Point Buchon SMCA, and Change the Boundary at Point Buchon SMR (2023-20MPA_AM1)



I. PETITION SUMMARY

CFGC Tracking Number	2023-20MPA_AM1
Petition Contact/Affiliation	Sam Cohen, Santa Ynez Band of Chumash Indians
Number of Proposed Actions	4
Affected MPAs	Point Buchon State Marine Conservation Area (SMCA) & State Marine Reserve (SMR)
Petition Summary	Establish co-management with Santa Ynez Band of Chumash Indians, rename Point Buchon SMCA, and add a tribal take exemption for SYBCI to Point Buchon SMCA, and extend northern boundary of Point Buchon SMR to align with the point.
Link to StoryMap page	2023-20MPA_AM1



July 2026

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
2023-20MPA_1_AM1 Establish co-management with Santa Ynez Band of Chumash Indians at Point Buchon State Marine Conservation Area (SMCA).	The petitioner's stated intent is to (1) Foster co-management and tribal engagement as envisioned by State and Federal Tribal engagement and collaborative management guidelines, and (2) Designate an additional Tribal SMCA for the Central Coast Region.	Support with Alternative Pathway. During the Decadal Management Review (DMR) of California's MPA Network, a Tribal Steering Committee developed recommendations including the following near term priorities to improve state agencies' tribal engagement and relationship building efforts and create a clear pathway to tribal MPA co-management; and a long term priority to work with the California Fish and Game Commission (CFGF) and partners to better incorporate marine cultural heritage into the design of the MPA Network. CDFW may enter into tribal co-management agreements with tribes at any time and these do not require adoption and implementation through CFGF's official petition process. At the April 2026 CFGF Tribal Committee meeting, the Santa Ynez Band of Chumash Indians (SYBCI) confirmed the tribe's intent to pursue co-management with CDFW in the MPA Network through non-regulatory means. CDFW is aligned with this approach and supports advancing this proposed action through an alternative/non-regulatory pathway, consistent with the DMR Recommendations. CDFW is committed to working directly with SYBCI to explore opportunities to advance coordination and co-stewardship in Point Buchon SMCA.

CDFW EVALUATION 2023-20MPA_AMI Cohen

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-20MPA_2_AMI Adjust the northern boundary of Point Buchon State Marine Reserve (SMR) to align with Point Buchon.	The petitioner's stated intent is to, "support the MPA Collaborative Network's Regulatory Recommendation...to move the SMR's boundary to the north to better capture the marine area offshore the Point and to improve enforcement of the marine reserve area."	Deny. The proposed change would not result in additional habitat protection within the MPA, and does not align with the CDFW Feasibility Guidelines, which could compromise enforceability. Additionally, the petition does not include information on whether the proposed SMR boundary change would advance tribal co-management, subsistence harvesting, stewardship, and/or provide a tribal benefit through recognizing the cultural significance of an area. The current boundary aligns with CDFW Feasibility Guidelines as it falls on a readily determinable line of latitude (35° 15.250' N. lat.) and aligns with easily recognizable landmarks (tall flagpole and terminus of the Point Buchon trail from the parking lot). This supports compliance for shore-based and boat-based users and facilitates enforcement. Moving the boundary 350 feet (150 m) to the north could introduce enforcement challenges because it would no longer align with a readily determinable line of latitude and the SMR boundary would no longer align with the boundary of the adjacent Point Buchon SMCA. Compliance concerns raised in the petition are not supported by enforcement data, which indicate generally low citation levels since 2022 and improving trends (Table 1). Additionally, both shore- and boat-based access to the MPA at Point Buchon is limited, including within the area defined by the proposed boundary change. The onshore area adjacent to the SMR is land-owned and -operated by Pacific Gas &

CDFW EVALUATION 2023-20MPA_AM1 Cohen

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		Electric (PG&E), where fishing is prohibited. Additionally, Point Buchon consists of steep cliffs and hazardous waters that naturally limit easy access by shore- and boat-based users. Consequently, the proposed change would not address a current or emerging MPA management challenge that has emerged since the DMR and would not advance management of the MPA Network.
2023-20MPA_3_AM1 Rename Point Buchon SMCA	The petitioner's stated intent is that "there are no Tribal MPAs designated within the Central Coast Region network" and therefore "SYBCI recommends that the Point Buchon SMCA be designated as a Chumash SMCA."	Grant in Concept. During the April 2026 CFGC Tribal Committee meeting, SYBCI clarified the original request, "that the Point Buchon SMCA be designated as a Chumash SMCA that will support Tribal engagement and co-management of the SMCA within the Central Coast Region network," was a request to rename the Point Buchon SMCA, rather than to redesignate the MPA. CDFW recommends CFGC work with SYBCI and other federally and non-federally recognized tribes as appropriate to identify a new name that aligns with CFGC's Naming Protected Area Policy, which states, "When identifying the name for, or an opportunity to rename, a protected area, the [CFGC] and [CDFW] will invite tribes with ancestral ties to that area to engage in meaningful information-sharing about the cultural significance of the area, and to identify traditional or contemporary tribal names for the area. In selecting a name, the [CFGC] will give significant weight to tribally identified names, with particular emphasis on restoring tribal place names. In its selection, the [CFGC] may consider combining the tribal place name with a currently used

CDFW EVALUATION 2023-20MPA_AMI Cohen

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		name that is understandable and locatable, as appropriate, to ensure accessibility and identification by the broader public while restoring tribal heritage recognition." Working with SYBCI and other federally and non-federally recognized tribes as appropriate to rename Point Buchon SMCA advances DMR Recommendations related to improving tribal coordination and co-stewardship (1-2) and to better incorporate marine cultural heritage into the design of the MPA Network (24).
2023-20MPA_4_AMI Add tribal take exemption to Point Buchon SMCA for Santa Ynez Band of Chumash Indians.	The petitioner's stated intent is that the tribal exemption process was put in place after the Central Coast Marine Life Protection Act (MLPA) Initiative planning process and they are formally requesting an exemption for SYBCI to allow gathering, ceremony, or harvest that historically occurred in the area.	Grant, pending confirmation from CFGC that the original Factual Record(s) of Current and Historical Uses previously submitted by SYBCI to CFGC for Naples SMCA, Kashtayit SMCA, Point Dume SMCA, and Anacapa Island SMCA include(s) the area contained within the proposed Point Buchon SMCA. If the previously submitted Factual Record of Current and Historical Uses does not include Point Buchon, SYBCI will need to provide this to CFGC for review, consistent with prior considerations for tribal take exemptions. During the April 14, 2026 CFGC Tribal Committee meeting discussion, SYBCI proposed to amend the original take request, and narrow the request to only add a tribal take exemption for SYBCI in Point Buchon SMCA. Following the meeting, the proposed action to amend the take request to only add a tribal take exemption for SYBCI was accepted by CFGC and referred to CDFW for evaluation.

CDFW EVALUATION 2023-20MPA_AMI Cohen

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		CFGC has the regulatory authority to grant tribal take exemptions to federally recognized tribes in MPAs that overlap with areas of historic and/or current uses by federally recognized tribes for specific, non-commercial uses as reflected in a factual record of use provided by the tribe (i.e., a Factual Record of Current and Historical Uses pertaining to the specific MPA location). The proposed tribal take exemption is a component to the broader suite of requests by SYBCI, including a name change and a state-level co-management framework (see proposed actions 2023-20MPA_1_AMI and 2023-20MPA_3_AMI above). CDFW notes that implementing these measures collectively serves to advance state-tribal partnership objectives. The request to add a tribal take exemption to Point Buchon SMCA for SYBCI is also aligned with the following tribally-focused DMR Recommendations, (1) improving state agencies' tribal engagement, (2) creating clear pathways for tribal MPA management within the existing MPA Network, and (24) better incorporating marine cultural heritage into the design of the MPA Network. Implementing this tribal take exemption could be an initial step for CDFW and SYBCI to develop collaborative management practices at Point Buchon that go beyond the tribal take exemption.

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

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

WAS THE PETITION SUBMITTED BY A CALIFORNIA NATIVE AMERICAN TRIBE, REPRESENTATIVE DESIGNATED BY A TRIBE OR TRIBAL ORGANIZATION, OR HAVE A TRIBAL CO-SPONSOR?

Yes, this petition was submitted by a representative of the Santa Ynez Band of Chumash Indians, hereafter referred to as SYBCI or tribe.

IF YES, (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?

2023-20MPA_1, 3, and 4_AMI. Yes. The petition notes that, “[Point] Buchon is a Chumash ethnohistorical village site... [and] is an area of special spiritual significance to the Chumash maritime peoples.” Each of these three proposed actions explicitly aim to advance tribal co-management, harvest, stewardship, and recognition of the cultural significance of the area.

2023-20MPA_2_AMI. Unclear. The boundary change to Point Buchon SMR appears unrelated to proposed actions 2023-20MPA_1, 3, and 4_AMI, which refer to the Point Buchon SMCA. The tribe's stated rationale for moving the Point Buchon SMR northern boundary northward states, “the SYBCI also supports the MPA Collaborative Network's Regulatory Recommendation (Row 104, Column E) to adjust the boundary of the Point Buchon SMR to the north to better capture the offshore marine area of the Point,” and “to improve enforcement of the marine reserve area.” The proposed change is cited as an ‘MPA Collaborative Network Regulatory Recommendation’ and the petition does not include information on whether the SMR boundary change would advance tribal co-management, subsistence harvesting, stewardship, and/or provide a tribal benefit through recognizing the cultural significance of an area.

¹California 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.

(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)?

2023-20MPA_1, 3, and 4_AM1. Yes. The proposed requests and regulatory changes are explicitly linked to SYBCI. See response to (a) above.

2023-20MPA_2_AM1 Unclear. See response to (a) above.

IV. PETITION EVALUATION

The petition proposed for CDFW evaluation includes one non-regulatory change and two regulatory changes for Point Buchon SMCA, and one regulatory change for Point Buchon SMR. The proposed changes and subsequent CDFW evaluation reflect the clarifications and amendments requested by the SYBCI at the April 14, 2026 CFGC Tribal Committee meeting and referred to CDFW at the April 15, 2026 CFGC meeting.

The originally submitted petition included a request for redesignation of the area to a Chumash-California co-managed MPA and a request for a broader take allowance within Point Buchon SMCA to include recreational take of finfish², invertebrates except rock scallops and mussels by hand harvest, and provisions for maintenance of pre-existing artificial structures. This would have resulted in several additions to the current Point Buchon SMCA take allowances, which currently allow the commercial and recreational take of salmon (*Oncorhynchus spp.*) and albacore (*Thunnus alalunga*).

At the April 14, 2026 CFGC Tribal Committee meeting, SYBCI provided clarification for proposed actions 1 (co-management) and 3 (renaming) and requested an amendment to proposed action 4 (take allowance). The tribe confirmed their intent for pursuing tribal co-management with CDFW and that they were not requesting specific regulatory changes but rather to continue to work with CDFW on advancing co-management of Point Buchon SMCA. They also clarified the petition request “that the Point Buchon SMCA be designated as a Chumash SMCA that will support Tribal engagement and co-management of the SMCA within the Central Coast Region network” is a request for the SMCA to be renamed to reflect co-management and acknowledge Chumash heritage. Finally, SYBCI requested to amend the original take request (broader recreational take) to instead maintain the existing recreational take allowances for Point Buchon SMCA and add a tribal take exemption for SYBCI. The original boundary change request related to Point Buchon SMR, to move the northern border to align with the point at Point Buchon, remains unchanged.

² Any species of bony fish or cartilaginous fish (sharks, skates and rays).

In summary, the petition's proposed actions, as discussed at the April 14, 2026 CFGC Tribal Committee meeting, include the following:

- 2023-20MPA_1_AMI: Establish co-management with SYBCI at Point Buchon SMCA (non-regulatory),
- 2023-20MPA_2_AMI: Adjust the northern boundary of Point Buchon SMR to align with the point at Point Buchon,
- 2023-20MPA_3_AMI: Rename Point Buchon SMCA, and
- 2023-20MPA_4_AMI: Add a tribal take exemption for SYBCI at Point Buchon SMCA.

The petition amendment (2023-20MPA_AMI) was accepted by CFGC and referred to CDFW for evaluation in April 2026.

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-20MPA_1_AMI

SYBCI proposes "co-management of the [Point Buchon] SMCA within the Central Coast Region network" where "there are no Tribal MPAs designated." The petition states that "there was very little effort by the State during the early period of the implementation of the [MLPA Initiative planning process] to consider Tribal MPAs in the network design." SYBCI further notes that "since the adoption of the MPA Network, there has been considerable evidence on the benefits of traditional ecological knowledge and other indigenous experience in marine life protection."

As described in the petition, the tribe's request for co-management was also intended to create overlap of tribal stewardship and management between the Point Buchon SMCA and the proposed Chumash Heritage National Marine Sanctuary³. The tribe indicated a desire for co-management within the state-managed SMCA.

CFGC defines co-management as a collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area, or set of natural resources (CFGC 2020). Successful co-management efforts typically share several components, such as clear governance and institutional structure, shared goals and long-term trust building, and integration of multiple worldviews and knowledge systems (Armitage et al. 2009, Berkes 2009, Ban et al. 2018, Warrior et al. 2022). In practice, this involves shared responsibility for management activities, such as monitoring, enforcement, and outreach, established through agreements developed collaboratively with tribes on a direct government-to-government basis (Berkes 2009, Ban et al. 2018, Artelle et al. 2019, Murray 2023).

³ <https://sanctuaries.noaa.gov/chumash-heritage/>

In alignment with Governor Newsom's Executive Order N-15-19, the 2020 Ancestral Lands Policy, and the California Natural Resources Agency Tribal Stewardship Policy, CDFW is committed to continuing to work with tribes towards collaborative, government-to-government co-management agreements. This commitment is intended to acknowledge and honor cultural needs by providing adequate time for tribal engagement, building partnerships, and incorporating Traditional Ecological Knowledge into a mutual understanding of co-management over ancestral lands and waters.

The petition highlights the significance of the area to the tribe, noting that, "[Point] Buchon is a Chumash ethnohistorical village site... [and] is an area of special spiritual significance to the Chumash maritime peoples." The proposed action would recognize SYBCI's deep cultural and historical ties to their ancestral lands and waters in this area and aligns with CDFW's priorities for tribal coordination and MPA governance, including improving state agencies' tribal engagement, relationship building, and creating clear pathways and building capacity for tribal MPA management within the existing MPA Network, and better incorporating marine cultural heritage into the design of the MPA Network (CDFW 2022). Tribal co-management frameworks may be established through formal agreements that do not require regulatory changes; however, as noted by McGinnis (2024), they necessitate robust collaboration and partnership-building. During the April 2026 CFGC Tribal Committee meeting, CDFW received clarification that the request for co-management would not require any regulatory changes, but that additional coordination and collaboration is needed with SYBCI to support implementation of this request at Point Buchon SMCA.

RECOMMENDATION FOR 2023-20MPA_1_AMI

Given these considerations, **CDFW recommends SUPPORT WITH AN ALTERNATIVE PATHWAY** as the proposed change does not require regulatory changes to implement. **CDFW is committed to working with SYBCI on an approach to co-management of Point Buchon SMCA.** Because this change is a non-regulatory request, it was not evaluated further within this framework.

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-20MPA_2_AMI

This petition proposes to shift the northern boundary of Point Buchon SMR 350 feet north from 35° 15.250' N to 35° 15.318' N to align with the point at Point Buchon in support of the recommendation provided by the MPA Collaborative Network with the goal of "better capturing the marine habitat offshore of the Point and to improve enforcement of the marine reserve area." The petition states, "the SYBCI supports the regulatory and boundary changes recommended by the MPA Collaborative Network's Regulatory Recommendation," but did not include any information related to cultural significance of the proposed SMR boundary change.

Point Buchon SMR encompasses more than 6.5 square miles of rocky reefs, sandy seafloor and beaches, kelp forests, and rocky intertidal areas. While expanding the SMR would minimally increase the area under protection (by 0.26 square miles, Table 2), the existing Point Buchon SMR and adjacent Point Buchon SMCA as designed already meet the Science Advisory Team (SAT) Science Guidelines established during the MLPA Initiative planning process and contribute to key MPA Network objectives as an intentionally designed MPA cluster, including habitat replication and representation. Expanding the boundary 350 feet to the north would not measurably improve the individual MPA design or MPA Network performance in this region (Table 2).

The petition raises compliance concerns associated with the Point Buchon SMR boundary but does not include specific information. The most recent MPA Collaborative Community Compliance Forum Report for San Luis Obispo County (MPACN 2020) reported that Point Buchon SMCA and SMR were the most common poaching spots in the county. Specific to the SMR, the report states, “some boats tuck in close to the coast to fish in the SMR where they feel like they will not be observed and at Disney Point.” This, however, is not consistent with CDFW enforcement’s experience at Pt. Buchon. Additionally, Disney Point is located south of Point Buchon within the SMR, not near the northern boundary of the SMR. The same report raised the concern as an ‘Issue of Elevation’ in which a proposal to install a camera or Marine Monitor radar system near the flagpole, looking south at Point Buchon was suggested.

Available enforcement data from 2016 to 2025 indicate improving trends since 2022, dropping from 30 citations in the SMR in 2022 to just 2 in 2025 (Table 1). CDFW’s Marine Enforcement District (MED) confirmed a period of low compliance in the Point Buchon SMR/SMCA complex in 2022. CDFW enforcement data shows a significant portion of these citations were related to groundfish regulations. This period followed two groundfish rulemakings, first an emergency rulemaking reducing bag limits for certain species of rockfish (CFGC 2021), followed by changes to allowed fishing depths for groundfish species (CFGC 2022), both of which can lead to an increase in citations when anglers do not stay informed of changing regulations. Compliance issues are not uncommon after regulatory changes are enacted and they typically taper off after increased outreach and enforcement. Historically, citations within Point Buchon SMR were 7 per year prior to 2019 and 2020, when 17 and 21 citations were issued, respectively. Citations dropped in 2021 to 3 but rose dramatically to 30 in 2022. Since then, citations declined to 7 in 2023, 0 in 2024 and 2 in 2025 (Table 1). MED attributes the improved compliance to additional outreach and education efforts as well as enforcement presence.

Since implementation of California’s MPA Network, targeted regulatory refinements, including adjusting MPA boundaries for clarity and maximum alignment with CDFW Feasibility Guidelines, were made following an MPA Network-wide assessment (see

Appendix G of the DMR). None of the previous MPA regulatory packages identified a need to adjust the current northern boundary at Point Buchon SMR (see Attachment 1). No new information or changing conditions since implementation has been identified that would justify revisiting the original design of the Point Buchon SMR. Moreover, the proposed boundary shift has the potential to introduce new management and enforcement challenges. The current northern boundary of the SMR intentionally aligns with the Point Buchon SMCA boundary and a readily determinable line of latitude, creating a clear and enforceable configuration. Moving the SMR boundary 350 feet to the north would offset the boundaries of the two MPAs and create a more complex, L-shaped configuration that could be confusing for the public and more difficult for enforcement personnel to monitor. The current boundary comes on shore at a prominent flagpole that is easy to see for both shore- and boat-based users and the boundary aligns with the terminus of the Point Buchon Trail from the nearest parking lot. The flagpole is maintained by PG&E, which owns the land adjacent to the SMR and operates the nearby Diablo Canyon Power Plant.

Finally, the proposal is unlikely to meaningfully increase protection of marine resources because the area north of the boundary is effectively protected from shore. Shoreline access at Point Buchon is restricted because the land is owned by PG&E. Landside access to the area is only available through the PG&E-managed trail corridor near the Diablo Canyon Power Plant. The trail is only accessible during daytime hours for part of the week. Otherwise, the trail access is behind multiple locked gates. PG&E also limits the number of hikers that can access the trail on the days that it is open, and fishing is not allowed from the trail (PG&E 2025). Even if visitors to the area attempted to fish, the steep cliffs, rocky outcrops, and heavy wave action also make fishing from shore (or close to shore by boat) difficult. Expanding the SMR boundary would therefore provide little additional benefit in an area that is well protected due to limited and sometimes difficult access, while potentially making the boundary harder to understand and enforce, particularly for offshore users.

After careful review, CDFW finds the proposal to move the northern boundary of the Point Buchon SMR 350 feet to the north:

- As proposed and when assessed against SAT Science Guidelines, would not measurably improve the ecological performance of Point Buchon SMR or the Point Buchon SMR/SMCA cluster,
- Could result in enforcement challenges,
- Does not address a current or emerging MPA management challenge that has emerged since the DMR, and
- Would not advance management of the MPA Network at Point Buchon SMR/SMCA cluster.

RECOMMENDATION FOR 2023-20MPA_2_AMI

Given these considerations, and the information in the evaluation below, **CDFW recommends CFGC DENY the proposed action** to extend the northern boundary of Point Buchon SMR 350 feet to the north.

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-20MPA_3_AMI

The petition includes a request, “that the Point Buchon SMCA be designated as a Chumash SMCA that will support Tribal engagement and co-management of the SMCA within the Central Coast Region network.” During the April 2026 CFGC Tribal Committee meeting, CDFW received clarification that this request is to *rename* (rather than redesignate) Point Buchon SMCA.

The Chumash people have been stewarding the California coast since time immemorial. One hundred and forty-eight historic Chumash village sites have been identified from Malibu to San Luis Obispo, and on the Channel Islands (Glassow 1995). Given the cultural significance of the area to the Chumash peoples, and the establishment of the Chumash Heritage National Marine Sanctuary in 2024 to the south, inclusion of the Chumash name in the MPA would provide recognition of the original stewards of the land and waters around Point Buchon. It also aligns with the following DMR Recommendations: (1) Improve state agencies’ tribal engagement and relationship building efforts, (2) Create a clear pathway to tribal MPA management, and (24) Work with CFGC and partners to better incorporate marine cultural heritage into the design of the MPA Network.

CDFW finds the proposed change:

- Acknowledges the role of the Chumash peoples as the original stewards of the land and waters in the area, and
- Is an initial step towards advancing state commitments and DMR Recommendations regarding the advancement of tribal stewardship in MPA management and governance.

The proposed name should align with the CFGC Naming Protected Areas Policy⁴, which states:

“When identifying the name for, or an opportunity to rename, a protected area, the [CFGC] and [CDFW] will invite tribes with ancestral ties to that area to engage in meaningful information-sharing about the cultural significance of the area, and to identify traditional or contemporary tribal names for the area. In

⁴ [California Fish and Game Commission Policy webpage available at this link, including their policy on naming protected areas](#)

selecting a name, the [CFGFC] will give significant weight to tribally-identified names, with particular emphasis on restoring tribal place names. In its selection, the [CFGFC] may consider combining the tribal place name with a currently-used name that is understandable and locatable, as appropriate, to ensure accessibility and identification by the broader public while restoring tribal heritage recognition.”

RECOMMENDATION FOR 2023-20MPA_3_AMI

Given the above considerations, **CDFW recommends CFGC GRANT IN CONCEPT 2023-20MPA_3_AMI** and that CFGC work with SYBCI and any other interested tribes to identify a name for Point Buchon SMCA that aligns with the CFGC Naming Protected Areas Policy.

The proposed name change was not evaluated further.

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-20MPA_4_AMI

The proposed action for 2023-20MPA_4_AMI in the original petition included a request to replace the existing take at Point Buchon SMCA (recreational and commercial take of salmon and albacore (Cal. Code Regs. Tit. 14, § 632(b)(94)) with the following:

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

1. The recreational take of finfish⁵ [subsection 632(a)(2)], invertebrates except rock scallops and mussels by hand harvest is allowed.
2. Take pursuant to activities authorized under subsection 632(b)(97)(C) is allowed.
3. The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(97) of these regulations and shall comply with all other existing regulations and statutes: Santa Ynez Band of Chumash Indians.”

At the April 14, 2026, CFGC Tribal Committee meeting, SYBCI requested an amendment to retain the existing take allowances for Point Buchon SMCA and add a tribal take exemption for SYBCI to expand SYBCI tribal exemptions into the Central Coast region for cultural gathering, ceremony, or harvest that historically occurred in the area. This amendment was later referred to CDFW by CFGC and evaluated here.

⁵ Any species of bony fish or cartilaginous fish (sharks, skates and rays).

Tribal take in MPA regulations, which corresponds with tribal exemptions for area-specific take restrictions, applies to “federally recognized tribes⁶.” As stated in regulations, “Members taking living marine resources under this provision are subject to current seasonal, bag, possession, gear and size limits in existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b).”

As stated above, during the Central Coast MLPA Initiative planning process that occurred from 2005–2007, Tribal Take⁷ in MPAs had not yet been defined in regulation. Several years later, during the regulatory process to adopt the final regional MPA array (in the North Coast), three options were developed to accommodate tribal take within MPAs. CFGC chose Tribal Option 1 to provide specific non-commercial tribal uses by federally recognized tribes and asked federally recognized tribes to submit a factual record of historic and current uses in specific geographies, other than SMRs (CFGC 2011). CFGC directed CDFW to develop regulatory language defining tribal take using specific criteria, including that all tribal take must be consistent with existing regulations (CFGC 2011). CFGC’s action to amend Cal. Code Regs. Tit. 14, section 632 (a), to add provisions relating to “Tribal Take,” along with additional amendments to subdivision (b) pertaining to the North Coast Study Region, was approved by the Office of Administrative Law on November 19, 2012, and became effective December 19, 2012 (CFGC 2012). This change enabled CFGC to grant tribal take exemptions in MPAs that overlap with areas of historic and/or current uses by federally recognized tribes for specific, non-commercial uses as reflected in a factual record of use provided by the tribe (i.e., a “Factual Record of Current and Historical Uses” pertaining to the specific MPA location).

Following adoption of the “Tribal Take” definition in 2012, CFGC directed CFGC staff to inform federally recognized tribes about the pathway for a tribal take exemption. CFGC staff sent a letter to all tribes, notifying them of the new pathway for a tribal take exemption, and inviting them to request tribal take exemptions for any SMCA where they could provide a Factual Record, excluding within SMRs. Several tribes, including SYBCI, petitioned CFGC to add exemptions to existing MPAs in other regions⁷. Twenty-five tribes in California currently hold tribal exemptions in one or more MPAs in the MPA Network (Cal. Code Reg. Tit. 14, § 632).

⁶ “Federally recognized tribe” means any tribes on the List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, published annually in the Federal Register.

⁷ California state MPAs with tribal exemptions for take include: Pyramid Point SMCA, Point St. George Offshore SMCA, Reading Rock SMCA, Samoa SMCA, South Humboldt Bay State Marine Recreational Management Area, Big Flat SMCA, Double Cone Rock SMCA, Ten Mile Beach SMCA, Ten Mile Estuary SMCA, Big River Estuary SMCA, Navarro River Estuary SMCA, Naples SMCA, Kashtayit SMCA, Point Dume SMCA, and Anacapa Island SMCA.

Granting a tribal take exemption for SYBCI in Point Buchon SMCA is an opportunity to advance tribal co-stewardship within the existing MPA Network and would provide a regulatory pathway to recognize the cultural importance of the land and waters of Point Buchon to the Chumash maritime peoples. When SYBCI submitted petitions for tribal take exemptions for other MPAs further south in the Santa Barbara Channel and on the Malibu Coast, they provided information about historic occupation and use of the coast by the Chumash people prior to European colonization. This included a map of Chumash country, originally created for a report to the National Park Service, which identified Chumash village sites along the Southern and Central Coasts. Per this map, the Chumash villages of Pelpatsu and Chanu were just to the north and south of the modern Point Buchon MPA cluster, respectively (McLendon and Johnson, 1999). Tribal exemptions for the SYBCI have been adopted by CFGC within four South Coast MPAs: Naples SMCA, Kashtayit SMCA, Point Dume SMCA, and Anacapa Island SMCA. Granting a tribal exemption for SYBCI for Point Buchon SMCA and leveraging the existing tribal exemptions for SYBCI in the four South Coast MPAs, poses a near-term opportunity to advance co-management between the tribe and CDFW within the existing MPA Network now, while broader discussions regarding co-management across the entire MPA Network are ongoing.

The proposed tribal take exemption is a component to the broader suite of requests by SYBCI, including a name change and a state-level co-management framework (see overview and narrative for proposed actions 2023-20MPA_1_AMI and 2023-20MPA_3_AMI). CDFW notes that implementing these measures collectively serves to advance state-tribal partnership objectives and acknowledges the unique cultural relationship between the Chumash peoples and the Point Buchon marine environment. After careful review, CDFW finds the proposed change:

- Advances DMR Recommendations focused on strengthening tribal stewardship and capacity in MPA management and governance,
- Acknowledges the important role of the Chumash peoples as the original stewards of the land and waters in the area,
- Will provide more opportunities for SYBCI tribal members to harvest for cultural practices and ceremonial purposes, and
- Provides a near-term opportunity to bolster tribal co-management within the existing MPA Network.

CDFW recognizes that the requested tribal take exemption has potential to serve as an initial regulatory milestone that would complement the broader goal of tribal co-management. Implementing this exemption would provide a structured opportunity for CDFW and SYBCI to develop collaborative management practices at Point Buchon that can serve as a model for the wider MPA Network.

RECOMMENDATION FOR 2023-20MPA_4_AMI

Given these considerations, **CDFW recommends CFGC GRANT the proposed change** to add a tribal exemption at Point Buchon SMCA for SYBCI, pending confirmation from CFGC that the original Factual Record(s) of Current and Historical Uses previously submitted by SYBCI to CFGC for Naples SMCA, Kashtayit SMCA, Point Dume SMCA, and Anacapa Island SMCA include(s) the area contained within the proposed Point Buchon SMCA. If the previously submitted Factual Record of Current and Historical Uses does not include Point Buchon, SYBCI will need to provide this to CFGC for review, consistent with prior considerations for tribal take exemptions. The proposed action was not further evaluated within the evaluation framework.

EVALUATION QUESTIONS

2023-20MPA_2_AMI: Adjust the northern boundary of Point Buchon SMR to align with Point Buchon.

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

The MLPA Goals and Master Plan objectives are inextricably linked and act as the foundational tools that CDFW utilizes for effective adaptive management of the MPA Network. Individual MPAs in the MPA Network were not necessarily designed to address all six Goals of the MLPA but instead were intended to act as an important component of a functioning MPA 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.

Point Buchon SMR, acting as an MPA cluster with Point Buchon SMCA, was explicitly designed to meet Goals 1-6. It protects a variety of habitats including sandy beach, rocky intertidal, offshore pinnacles, and hard and soft benthic habitats. It benefits bird and marine mammal species of concern by protecting forage species, as well as larval sources, and enhances reproductive capacity of nearshore and midwater fish and invertebrate species. While the petition states that expanding the boundary slightly to the north would “better capture the offshore marine area of the Point,” it does not state what specifically would be protected in the 0.26 square miles that would be added by the expansion. Point Buchon SMR was specifically designed to meet the size and spacing thresholds to act as a habitat replicate for sandy beach, rocky intertidal, pinnacles, kelp, and hard and soft bottom habitat (see Question 9 of Attachment 1 for the SAT Science Guidelines and additional context).

While the proposed expansion of Point Buchon SMR may provide limited additional protection for the natural diversity and abundance of marine life that occurs north of the current boundary, the current boundaries were carefully selected during the MLPA Initiative planning process to meet the Goals of the MLPA, the Feasibility Guidelines, and the SAT Science Guidelines established during the MLPA Initiative planning process. As designed, Point Buchon SMR aims to meet Goals 1-6 and moving the boundary 350 feet to the north would offer no further benefit to the design of the Point Buchon SMCA, the Point Buchon SMCA/SMR complex, or the ecological functioning of the MPA Network.

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

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

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

No. The proposed change does not address a current or emerging MPA management challenge that has emerged since the DMR. While SYBCI states that they support the MPA Collaborative Network's proposed change to expand the boundary of Point Buchon SMR to the north to "better capture the offshore marine area of the Point and to clarify the boundary of the SMR," the proposed change does not correspond with any of the Decadal Management Review Prioritized Recommendations⁸.

Following a previous MPA Network-wide assessment to ensure maximum alignment with the Feasibility Guidelines, there were two regulatory packages that specifically clarified and corrected MPA boundaries throughout the MPA Network to improve boundary clarity for shore- and boat-based users, and ultimately, boundary enforceability (see Introduction in Attachment 1, and Appendix G of the DMR). The current northern boundary at Point Buchon SMR was not identified as needing refinement.

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

Yes. Point Buchon SMCA and SMR both occur across two administrative kelp beds (206, which is currently closed, and #205, which is currently open). Extending the boundary north would only expand the MPA within kelp bed #206. As this bed is currently closed, this action is unlikely to impact kelp harvest activity unless the bed is opened in the future. Thus, expanding the MPA will maintain the existing level of impact on kelp harvesting, without adding any new restrictions.

⁸ [MPA Decadal Management Review Report: Prioritized Recommendations](#)

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 proposed northward expansion of the Point Buchon SMR boundary abuts land owned by PG&E at the Diablo Canyon Power Plant. Shoreline access is limited in this area and any management activities and/or changes to the MPA regulations may need to be coordinated with PG&E.

These interagency considerations are in alignment with the Marine Managed Areas Improvement Act (Pub. Resources Code §§ 36601, 36800). This list may not be exhaustive. The proposed change may have the potential to affect existing regulations, permits, leases, or management activities of Tribal governments, other agencies, and entities not identified here.

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

No. CDFW has sufficient management information to proceed with the evaluation of this proposed change. When evaluating this petition, CDFW reviewed the information in the petition as well as information including but not limited to:

- MLPA planning documents and related information (e.g., MLPA Goals and MPA Master Plan adaptive management objectives, MLPAI 2006),
- PG&E Point Buchon Trail Rules and Regulations (PG&E 2025),
- CDFW MED Data (Table 1), and
- Community Compliance Forum Reports (MPACN 2020).

CFGF will need to confirm whether the original Factual Record(s) of Current and Historical Uses previously submitted by SYBCI to CFGF for Naples SMCA, Kashtayit SMCA, Point Dume SMCA, and Anacapa Island SMCA include(s) the area contained within the proposed Point Buchon SMCA. If the previously submitted Factual Record of Current and Historical Uses does not include Point Buchon, SYBCI will need to provide this to CFGF for review, consistent with prior considerations for tribal take exemptions.

The information in the petition and other information reviewed by CDFW did not demonstrate relevance of the proposed change to MPA adaptive management or that a change to the MPA regulations is warranted. See Question 5 of Attachment 1 for significant information gaps.

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

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

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

No. During the MLPA Initiative planning process, alternatives to the adopted configuration included a truncated version of the SMR with an SMCA to the south and to the west, a variation where the northern boundary extended beyond Point Buchon to the north (package 2R), and an offshore SMCA and onshore SMR cluster (package 3R), a variation of which was adopted (with a slightly different boundary between the SMCA and SMR than that proposed in package 3R).

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

No. There is no new information available that would warrant reevaluation of the proposed change.

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. The Point Buchon SMCA and adjacent Point Buchon SMR were designed as an MPA cluster to provide a High Level of Protection (LOP) in both MPAs. Together, these MPAs were intended to meet the Goals of the MLPA while providing offshore recreational and commercial fishing for albacore and salmon. The proposed northern boundary change would not align with the original intent of the MPA's boundary design. The proximity to the Diablo Canyon Power Plant was taken into consideration during the planning process and the boundary was explicitly placed to "minimize negative socio-economic impacts to the fishing community in the Morro Bay/Port San Luis area, to the extent possible, by creating a state marine reserve in an area already closed to all fishing due to national security considerations" (MLPAI 2006). Expanding the boundary north could also infringe on the fishing grounds to the north, negating the intention specified during the planning process and ultimate adoption of the boundaries by CFGC (CFGC 2006).

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?

The MLPA requires that the design of individual MPAs and the statewide MPA 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 SAT and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with SAT Science Guidelines established during the MLPA Initiative planning process depends on LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 9 square miles and meet one of the three highest LOPs (Very High, High, or Moderate-high) to contribute to ecological goals such as habitat replication and representation. See Question 9 of Attachment 1 for the SAT Science Guidelines and additional context.

Point Buchon SMR, together with neighboring Point Buchon SMCA, meets both minimum criteria for size (18.87 square miles as an MPA cluster) and spacing (32.97 miles from the Piedras Blancas MPA cluster to the north and 32.5 miles away from the Vandenberg SMR to the south) and thus, contributes to foundational ecological MPA Network objectives, including replication and representation of kelp, beach, rocky intertidal, hard bottom (0-30 and 30-100 m depth zones), and soft bottom (30-100 m depth zone) habitats. Each of these habitats fall within the recommended maximum spacing of 62 miles from the nearest replicate.

Shifting the SMR boundary 350 feet to the north to align with Point Buchon would add additional area to the SMR (0.26 square miles), as well as to each of the existing replicated habitats (Table 2). This change would provide minor improvements to the design of the individual MPA but would not advance additional MPA Network-scale ecological objectives beyond what is currently provided. Implementation of the proposed change may add a small amount of area to the SMR, but not enough to meaningfully improve the ecological function of the individual Point Buchon SMR or the MPA Network and would not further enhance alignment with the SAT Science Guidelines established during the MLPA Initiative planning process.

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

No. The proposed change to extend the SMR boundary north would not align with the Feasibility Guideline pertaining to MPA Boundaries and Design Considerations. Point Buchon SMCA and SMR comprise an MPA cluster, and when considered together, a change to the SMR boundary (without a corresponding change to the SMCA boundary)

would be more difficult to determine in navigation and would create an L-shaped cluster. This configuration would be confusing to the public and difficult to enforce and is explicitly discouraged by the Feasibility Guidelines.

Although the petition raises compliance concerns, these do not appear related to public confusion around the boundary design (see Question 11 for information on enforceability). Additionally, there is a tall flagpole on land at the point that currently serves as a clear land-based marker for both shore-based and boat-based users.

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 information that has emerged since implementation of the MPA Network to support the proposed change.

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

No. Moving the boundary 350 feet north to align with Point Buchon would not result in improved alignment with CDFW Feasibility Guidelines and thus, would not enhance enforceability. Currently, there is an easily recognizable landmark visible from shore that corresponds with the existing line of latitude for the northern boundary of Point Buchon SMR in the MPA regulations. The northern boundary of Point Buchon SMR also aligns with the northern boundary for the offshore Point Buchon SMCA boundary. The proposed change would result in the northern boundaries of the two MPAs being offset, which does not align with Feasibility Guidelines, creating potential for public confusion and enforcement challenges. Successful enforcement would require extensive public outreach and education to inform the public of the new boundaries.

The regulatory compliance concerns raised in the petition likely pertain to reports from the MPACN Community Compliance Report for San Luis Obispo County that listed Point Buchon SMR and SMCA as the most common poaching spots in the county (MPACN 2020). The report states that, "Some boats tuck in close to the coast to fish in the SMR where they feel like they cannot be observed and at Disney Point." This area is within the SMR, downcoast of its northern boundary. Available enforcement data from 2016-2025 indicate improving trends since 2022, dropping from 30 citations in the SMR in 2022 to just 2 in 2025 (Table 1). MED confirmed a period of low compliance in the Point Buchon SMR/SMCA complex in 2022 following an emergency action that reduced rockfish bag limits. An uptick in compliance issues is not uncommon after regulatory changes are

enacted. MED attributes the improved compliance after 2022 to additional outreach and education efforts and well as enforcement presence.

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

No. The proposed change to the boundary of Point Buchon SMR is not intended to simplify the regulatory language and would not enhance public understanding without changing the intent of the MPA. In fact, the proposed boundary change has potential to introduce confusion.

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

Yes. The proposed change would add 0.26 square miles to the current 6.68 square mile area of the SMR (Table 2). However, Point Buchon SMR, together with Point Buchon SMCA, already meets the SAT Science Guidelines established during the MLPA Initiative planning process for habitat replication of a variety of habitats including sandy beach, rocky intertidal, offshore pinnacles, and hard and soft benthic habitats. The subsequent increases in the areas of each habitat would be negligible, depending on the habitat (Table 2). While the proposed change could maintain or enhance protection of marine resources by adding ~350 feet of shoreline, it is not enough to meaningfully improve protections beyond what the existing MPA currently provides. Additionally, PG&E does not allow fishing from shore along this portion of coast (PG&E 2025). The area at the point contains steep, rocky cliffs and is difficult to access from land. The waters near the point are also difficult to fish by boat due to the many rocky outcrops and heavy wave action.

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

See Question 14 of Attachment 1.

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

Yes. Expanding the SMR north by 350 feet would remove 0.26 square miles of area where fishing is currently allowed.

Point Buchon SMR is a key long-term monitoring site for several habitats surveyed by the MPA Monitoring Program. The Multi-Agency Rocky Intertidal Network, Partnership for Interdisciplinary Studies of Coastal Oceans, and Marine Applied Research & Exploration survey the rocky intertidal, kelp forest, and deep reef, respectively. Additionally, the

California Collaborative Fisheries Research Program conducts hook-and-line catch-and-release surveys of nearshore groundfish⁹ in MPAs and nearby reference areas. Some of these groups have conducted monitoring surveys in the Point Buchon SMR for decades, even predating the MLPA. Expanding the northern boundary of the SMR may overlap with some of the monitoring reference sites and could interfere with one of the longest data time series in the MPA Network. Consistent monitoring of each key habitat has occurred since at least 2007, when the Central Coast MPAs were implemented. Such overlap has potential to compromise baseline tracking and interfere with the ability to effectively evaluate the long-term ecological performance of the SMR. The data described here represents a single analysis of potential impacts on the area. The full extent of socioeconomic impacts in this area, including any impacts on consumptive activities such as fisheries, is unknown (see Question 5 in Attachment 1 for significant information gaps).

The area also provides many opportunities for human connection with the ocean through non-consumptive activities such as wildlife viewing. Understanding how people interact with and derive benefits from the ocean and how these benefits may be affected by MPAs is challenging (Hall-Arber et al. 2021, CDFW 2022, Travis et al. 2026). Social science research within the MPA Monitoring Program is a rapidly expanding field of MPA research, as well as a priority DMR Recommendation to invest in improving understanding of the human dimensions of MPAs and develop a human dimensions working group and research agenda (DMR Recommendation 12).

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

See Question 16 of Attachment 1.

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

The following analysis was prepared by CFGC staff. See Question 17 of Attachment 1 for additional context on CFGC's response. The proposed change would reduce fishing

⁹ For a list of all nearshore groundfish, see the California Nearshore Fishery Management Plan (CDFW 2002). Representative nearshore groundfish from the surrounding area of the proposed new MPA include cabezon, *Scorpaenichthys marmoratus*; California scorpionfish, *Scorpaena guttata*; California sheephead, *Bodianus pulcher*; black rockfish, *Sebastes melanops*; black-and-yellow rockfish, *S. chrysomelas*; blue rockfish, *S. mystinus*; brown rockfish, *S. auriculatus*; calico rockfish, *S. dalli*; China rockfish, *S. nebulosus*; copper rockfish, *S. caurinus*; gopher rockfish, *S. carnatus*; grass rockfish, *S. rastrelliger*; kelp rockfish, *S. atrovirens*; olive rockfish, *S. serranoides*; quillback rockfish, *S. maliger*; treefish, *S. serriceps*; kelp greenling, *Hexagrammos decagrammus*; rock greenling, *H. lagocephalus*; and monkeyface prickleback, *Cebidichthys violaceus*.

access, particularly for fishing participants associated with the coastal fishing communities of:

- Avila (Port San Luis, ~7 nautical miles away from area of proposed change), and
- Morro Bay (~7 nautical miles away from area of proposed change).

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

Yes. Petition 2023-34MPA proposes turning the SMCA into an SMR, which would effectively merge the two MPAs' boundaries.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

Table 1. CDFW Marine Enforcement District total citations for Point Buchon State Marine Conservation Area (SMCA) and Point Buchon State Marine Reserve (SMR) between 2016 and 2025.

MPA	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Point Buchon SMCA	2	4	9	0	1	3	19	5	0	0
Point Buchon SMR	7	7	7	17	21	3	30	7	0	2

Table 2. MPA attributes (area, Level of Protection, depth range, and habitat extent) of the existing Point Buchon SMCA and Point Buchon SMR with the boundary adjusted as proposed in petition 2023-MPA20_2_AMI, including the percent change associated with the boundary change proposed in 2023-20MPA_2_AMI. Habitat extent may be reported in linear miles or square miles, depending on data availability and Science Advisory Team guidance. A dash () indicates that the MPA does not contain the habitat type. Percent change is calculated by dividing the difference between proposed and existing values by the existing value and multiplying by 100. Percent change is reported as N/A when the calculation is not possible, such as when the existing MPA does not contain the habitat type or when existing and proposed values are reported in different units.

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 square miles) and Level of Protection (Very High, High, or Moderate-high) criteria (i.e., first two rows must be bold). Point Buchon SMR meets those requirements when clustered with Point Buchon SMCA.

	SMR Existing	SMR Proposed	SMCA Existing	Cluster Existing	Cluster Proposed	SMR Change (%)
Area (sq mi)	6.68	6.94	12.19	18.87	19.13	4
Level of Protection	Very High	Very High	High	≥High	≥High	—
Min Depth (m)	0	0	58.5	0	0	—
Max Depth (m)	67.7	68.2	120.1	120.1	120.1	—
Eelgrass (sq mi)	—	—	—	—	—	—
Kelp (mi)	3.00	3.04	—	3.00	3.04	1
Beach (mi)	1.46	1.52	—	1.46	1.52	4
Rocky Intertidal (mi)	2.71	3.05	—	2.71	3.05	13
Estuaries (sq mi)	—	—	—	—	—	—
Hard Substrate						
0-30 m (mi)	2.72	2.86	—	2.72	2.86	5
30-100 m (sq mi)	0.47	0.52	0.29	0.76	0.81	11
100-200 m (sq mi)	—	—	0.05	0.05	0.05	—
>200 m (sq mi)	—	—	—	—	—	—
Soft Substrate						
0-30 m (mi)	0.36	0.36	—	0.36	0.36	0
30-100 m (sq mi)	4.46	4.57	8.13	12.6	12.7	2
100-200 m (sq mi)	—	—	3.25	3.25	3.25	—
>200 m (sq mi)	—	—	—	—	—	—

CITATIONS

Armitage D.R., R. Plummer, F. Berkes, R.I. Arthur, A.T. Charles, I.J. Davidson-Hunt, A.P. Diduck, N.C. Doubleday, D.S. Johnson, M. Marschke, P. McConney, E.W. Pinkerton, E.K. Wollenberg. 2009. Adaptive co-management for social-ecological complexity. *Frontiers in Ecology and the Environment*. 7(2).

Artelle K.A., M. Zurba, J. Bhattacharyya, D.E. Chan, K. Brown, J. Housty, F. Moola. 2019. Supporting resurgent Indigenous-led governance: A nascent mechanism for just and effective conservation. *Biological Conservation* 240.

Ban N.C., A. Frid, M. Reid, B. Edgar, D. Shaw, P. Siwallace. 2018. Incorporate Indigenous perspectives for impactful research and effective management. *Nature Ecology and Evolution* 2(11).

Berkes F. 2009. Evolution of co-management: Role of knowledge generation, bridging organizations and social learning. *Journal of Environmental Management* 90(5).

California Department of Fish and Wildlife (CDFW). 2002. Nearshore Fishery Management Plan. CDFW, Sacramento, CA. California Department of Fish and Wildlife. 2016. California Marine Life Protection Act Master Plan for Marine Protected Areas.

California Department of Fish and Wildlife (CDFW). 2022. California's Marine Protected Area Network Decadal Management Review.

California Marine Life Protection Act Initiative (MLPAI). 2006. Summary Matrix of MPAs, Goals and Objectives, and Species Likely to Benefit in Package 2R, March 15, 2006.

California Fish and Game Commission (CFGF). 2006. Final Statement of Reasons for Regulatory Action: Amend Sections 165 and 632 Title 14, California Code of Regulations Re: Marine Protected Areas.

California Fish and Game Commission (CFGF). 2011. Initial Statement of Reasons for Regulatory Action: Amend Section 632, Title 14, California Code of Regulations Re: Marine Protected Areas.

California Fish and Game Commission (CFGF). 2012. Final Statement of Reasons for Regulatory Action: Amend Section 632, Title 14, California Code of Regulations Re: Marine Protected Areas.

California Fish and Game Commission (CFGF). 2020. [California Fish and Game Commission Co-Management Vision Statement and Definition](#), February 2020.

California Fish and Game Commission (CFGF). 2021. Finding of Emergency and Statement of Proposed Emergency Regulatory Action to Amend Section 28.55, Title 14, California Code of Regulations Re: Recreational Sub-Bag Limits for Vermilion, Copper, and Quillback Rockfishes.

California Fish and Game Commission (CFGF). 2022. Initial Statement of Reasons for Regulatory Action: Amend Sections 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65 and 28.90, Title 14, California Code of Regulations Re: Recreational Fishing Regulations for Federal Groundfish and Associated Species for 2023 and 2024.

Glassow, M. 1995. Purisimeno Chumash Prehistory: Maritime Adaptations Along the Southern California Coast (Case Studies in Archaeology. Wadsworth Publishing; 1st edition (November 17)

Hall-Arber, M., S. Murray, L. Aylesworth, M. Carr, J. Field, K. Grorud-Colvert, R. Martone, K. Nickols, E. Saarman, S. Wertz. 2021. Scientific Guidance for California's MPA Decadal Reviews: A Report by the Ocean Protection Council Science Advisory Team Working Group and California Ocean Science Trust.

McGinnis, M.V. 2024. Co-Management of California-Chumash Marine Conservation Area: a White Paper Produced for The Santa Ynez Band of Chumash Indians.

[DOI:10.13140/RG.2.2.30898.21447](https://doi.org/10.13140/RG.2.2.30898.21447)

McLendon, S., J.R. Johnson. 1999. Cultural Affiliation and Lineal Descent of Chumash Peoples in the Channel Islands and the Santa Monica Mountains. Report prepared for the National Park Service. [Available via the National Park Service online library](#), accessed May 15, 2026.

Marine Protected Area Collaborative Network (MPACN). 2020. Marine Protected Area (MPA) Community Compliance Forum Report November 5, 2020. San Luis Obispo MPA Collaborative. <https://www.mpacollaborative.org/wp-content/uploads/2021/03/San-Luis-Obispo-Compliance-Forum-Report-Final-Reduced-1.pdf>.

Murray, MJ. 2023. Tribal Co-management of federal lands: Overview and selected issues for Congress. Report No. R47563. Congressional Research Service, Washington D.C.

[Pacific Gas & Electric. N.D. Point Buchon Trail Rules and Regulations](#) accessed November 1, 2025.

Travis, K., M. Zulian, J.L. Harris, C. Allison, N. Ban, A. Canter, P. Christie, G. Crowe, Coach Jackson, K. Kessler-Mata, P. King, S. Klain, A. Levine, R. Meyer, D. Pietri, A. Quintana, J. Selgrath, K. Shaffer, T. Swearingen. 2026. Recommendations for Social Science Research

July 2026

and Monitoring of the California Marine Protected Area Network. California Ocean Science Trust.

Warrior M., L. Fanning, A. Metaxas. 2022. Indigenous peoples and marine protected area governance: a Mi'kmaq and Atlantic Canada case study. FACETS 7.



July 31, 2026

California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814
Transmitted via email: fgc@fgc.ca.gov

Re: OPC Staff Recommendations - Petitions to Adaptively Manage California's Marine Protected Area Network

Dear President Sklar, Vice President Anderson, and Members of the California Fish and Game Commission,

Thank you for your leadership in managing California's Marine Protected Area (MPA) Network – the global gold standard for marine conservation. Building on our public letter transmitted to the California Fish and Game Commission (CFGF) on March 20¹, which outlined the role of the California Ocean Protection Council (OPC) in MPA management and highlighted major OPC policy priorities for MPAs, we are pleased to provide specific input and OPC staff's recommendations on submitted petitions for changes to the MPA Network currently under consideration by CFGF. As noted in our March 20 letter, this input is intended to complement the comprehensive evaluations of MPA petitions conducted by the California Department of Fish and Wildlife (CDFW) under a separate set of questions and criteria established by CFGF.

The first-ever Decadal Management Review of the MPA Network, released in 2023, clearly demonstrated that MPAs are working to improve California's ocean health. However, the Decadal Management Review did not specifically explore opportunities to strengthen the existing MPA Network. As noted in our March 20 letter, OPC believes that evaluating MPA petitions with this question in mind is essential for ensuring the continued success of California's MPAs, especially as a changing climate increasingly threatens coastal and marine

¹ https://opc.ca.gov/wp-content/uploads/2026/03/OPC-letter-on-MPA-petitions_3.20.26-508.pdf

ecosystems and ecosystem services. Therefore, this input provided by OPC staff is explicitly focused on whether proposed actions hold promise to strengthen the performance and durability of the MPA Network. This is consistent with OPC's Strategic Plan² and key recommendations from the Decadal Management Review³.

Overall, **OPC's petition recommendations are rooted in a precautionary approach.** The 2026 California Coast and Ocean Report⁴, released earlier this year, indicates that climate change is increasingly threatening coastal and marine ecosystems, as well as benefits provided by those ecosystems to coastal communities and California Native American tribes. In the face of warming oceans, sea level rise, the devastation of our state's kelp forests, severe shocks to fishing communities, and other climate-driven impacts, California's MPA Network is one of our most effective conservation tools for safeguarding biodiversity, building climate resilience, and ensuring the continued delivery of important ecosystem services that drive our state's multi-billion dollar ocean economy.

It is through this lens that we assessed petitions. Specifically, we looked for opportunities to bolster the types of MPA benefits anticipated to serve as an "insurance policy" against changing ocean conditions, such as increased population sizes, higher genetic diversity, strengthened ecological connectivity, and intact food webs. In doing so, we acknowledge that the effects of climate change are uncertain and that MPAs are not a panacea for the threats facing our ocean. We strongly support continued research and monitoring to assess the impacts of climate change on coastal and marine ecosystems and how MPAs may mitigate these impacts. In particular, California's robust MPA monitoring program, which is actively tracking the effects of MPAs across key ecosystems and coastal communities statewide, will continue to be a crucial tool in evaluating the overall success of the Network and any adaptive management changes made through the petition process. OPC is committed to continuing our support for the development and application of best available science to adaptively manage the Network into the future.

Given this precautionary approach, **we do not recommend that CFGC approve any petition that would weaken the existing MPA Network** (Petitions 2023-14MPA, 2023-15MPA_AM, 2023-

2 OPC 2026-2030 Strategic Plan Objective 3.1: Strengthen the performance and durability of California's Marine Protected Area Network.

3 Decadal Management Review recommendations #4 (Apply what is learned from the first Decadal Management Review to support proposed changes to the MPA Network and Management Program); #23 (Expand and target monitoring and research efforts to examine the design attributes of the MPA Network more effectively); #28 (Further integrate influencing factors into ecological and human study designs and interpretations of MPA performance).

4 <https://opc.ca.gov/wp-content/uploads/2026/03/California-Coast-and-Ocean-Report-2026.pdf>

16MPA, 2023-18MPA⁵, and 2023-23MPA_AM⁶). These petitions include several proposed actions that would open no-take State Marine Reserves or limited-take State Marine Conservation Areas to certain new types of fishing. OPC appreciates the thoughtfulness of petitioners in developing these proposals; however, we find that any actions that would roll back existing protections pose an unacceptable risk to the integrity of the existing Network. Such actions, while well-intentioned, have the potential to compromise existing conservation benefits and degrade the ability of the Network to meet the goals of the Marine Life Protection Act.

As a first step in assessing petitions with potential to strengthen the MPA Network (i.e. proposals for new MPAs, expanded MPAs, or stricter regulations), OPC staff first considered **whether petitions would improve MPA Network design**. Importantly, neither the Decadal Management Review nor CDFW's recently released Science Guide to California's MPA Network⁷ identify significant design deficiencies in the MPA Network. Indeed, the Network is largely compliant with science guidance from the MPA planning process, with most MPAs meeting minimum size guidelines and all MPAs meeting minimum spacing guidelines. However, from a precautionary standpoint, some petitions have clear potential to improve MPA Network design, for example by reducing large distances between MPAs or increasing the representation of vulnerable habitats within the Network. OPC finds clear Network design benefits for three petitions: Petition 2023-29MPA_AM2, Petition 2023-32MPA, and two actions within Petition 2023-33MPA_AM1.

As a next step, OPC considered **whether petitions would result in meaningful additional biodiversity protection beyond what the current MPA Network already provides**. This could include actions such as: bolstering protections for important geological or biological features; protecting additional sensitive habitat, such as eelgrass, kelp forests, or rocky shores; protecting ecosystems that are important larval sources, sinks, or retention zones; strengthening ecological

5 Petition 2023-18MPA includes an action that would open Vandenberg State Marine Reserve to certain types of shore fishing. A petition submitted in 2022 by the City of Lompoc (Petition 2022-04) proposes a similar action and will be considered by CFGC alongside the other petitions discussed here. While we recognize that Petition 2022-04 is intended to improve equitable coastal access for local residents, it would weaken protections provided by Vandenberg State Marine Reserve, which serves as a critical backbone MPA in the region. We recommend that CFGC deny Petition 2022-04.

6 One action in 2023-23MPA_AM (Action 20) has potential to strengthen the MPA Network: designation of a new MPA at Tanker's Reef. However, as proposed, this new MPA falls far below the minimum area required to function as a replicate in the MPA Network and is unlikely to provide meaningful additional conservation benefits beyond those already achieved by the existing Network, especially in the highly protected Monterey Bay region.

7 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=246940&inline>

connectivity; reducing fishing pressure on populations in decline; promoting improved ecosystem structure and function; or enhancing the resilience of the MPA Network to current or predicted climate impacts. Importantly, in exploring this consideration, OPC gave equal weight to petitions that would address current specific threats to biodiversity, such as the impacts of fishing gear on sensitive habitats, and petitions that would improve the Network's ability to withstand larger-scale and more diffuse impacts, such as marine heat waves. OPC finds compelling biodiversity benefits for several petitions: Petition 2023-21MPA_AM1, Petition 2023-27MPA_AM1, Petition 2023-28MPA_AM1, Petition 2023-29MPA_AM2, Petition 2023-32MPA, and two actions within Petition 2023-33MPA_AM1.

Finally, OPC considered **whether petitions would help support and revitalize tribally-led stewardship**. OPC is highly supportive of MPA adaptive management actions that advance co-governance, co-management, and collaborative stewardship with tribes. Such actions, which include protecting places with high biocultural significance, are essential not only for righting historical wrongs, but also for reconnecting tribes to traditional stewardship practices that can directly benefit biodiversity. Increased support for tribal stewardship is a top priority in both OPC's 2026-2030 Strategic Plan⁸ and the California Natural Resources Agency's recently released Tribal Stewardship Policy⁹, which aims to expand tribal stewardship of at least 7.5 million acres of California's lands and coastal waters. OPC finds that the following petitions have strong potential to advance tribally-led stewardship: Petition 2023-20MPA_AM1, Petition 2023-21MPA_AM1, Petition 2023-28MPA_AM2, and Petition 2023-29MPA_AM2.

Based on these considerations, OPC recommends approval of the following petitions, with some modifications. In developing these recommendations, OPC staff evaluated the most recent versions of petitions, including any amendments or clarifications received from petitioners after CFGC's March 2025 deadline for petition amendments.

8 OPC 2026-2030 Strategic Plan Objective 2.1: Strengthen partnerships with California Native American tribes.

9 <https://resources.ca.gov/Initiatives/Tribalaffairs/TribalStewardshipPolicyAndToolkit>

Table 1. OPC's recommended petitions.

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-20MPA_AM1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Buchon SMCA and Point Buchon SMR (existing)	Santa Ynez Band of Chumash Indians	Add a tribal take exemption at Point Buchon SMCA, rename Point Buchon SMCA, and adjust northern boundary of Point Buchon SMR	Approve tribal take exemption and renaming; deny proposed boundary change
2023-21MPA_AM1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Pyramid Point SMCA (existing)	Tolowa Dee-ni' Nation	Remove recreational take of true smelt in Pyramid Point SMCA and adjust northern boundary of Pyramid Point SMCA	Approve proposed removal of recreational take of true smelt; deny proposed boundary change
2023-27MPA_AM1 (as clarified at the May 6, 2026 CFGC regional meeting)	Anacapa Island SMCA (existing)	Environmental Defense Center	Modify regulations at Anacapa Island SMCA to protect sensitive eelgrass habitats (with several options proposed)	Modify SMCA regulations to prohibit the deployment of lobster traps shallower than 50 feet
2023-28MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Sal SMCA (new)	Northern Chumash Tribal Council and Natural Resources Defense Council	Add a new MPA near Point Sal	Approve the proposed new Point Sal SMCA

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-29MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Mishopshno SMCA (new)	Santa Ynez Band of Chumash Indians and Natural Resources Defense Council	Add a new MPA near Carpinteria	Approve the proposed new Mishopshno SMCA
2023-32MPA (as clarified at the April 21, 2026 CFGC regional meeting)	Duxbury Reef SMCA (existing)	Environmental Action Committee of West Marin	Expand Duxbury Reef SMCA and modify regulations to strengthen protections for intertidal species	Designate two new SMCAs to protect the northern and southern portions of Duxbury Reef, each with take regulations that protect intertidal seaweed and invertebrates while allowing for continuation of other existing shore- and boat-based fishing
2023-33MPA_AM1	Various existing MPAs and one proposed new MPA	Environment California and Azul	Expand six existing MPAs statewide and add a new MPA in Santa Cruz	Approve proposed expansion of Point Dume SMCA, but deny proposed additional take allowance in Point Dume SMCA. Approve a smaller expansion of Point Conception SMR. Deny proposed expansion of Natural Bridges SMR, Cabrillo SMR, South Point SMR, or Gull Island SMR. Deny proposed designation of a new SMCA at Pleasure Point.

Detailed narratives providing justification for these recommendations are provided in the “Recommendation Narratives” section below, starting on page 10.

We recognize that our recommendations do not include three petitions intended to strengthen the MPA Network: Petition 2023-19MPA, Petition 2023-24MPA and Petition 2023-34MPA.

- Petition 2023-19MPA, submitted by the Santa Ynez Band of Chumash Indians, would designate a new SMCA, to be named Chitqawi in honor of a nearby Chumash coastal

village, offshore and to the north of Morro Bay in San Luis Obispo County. The proposed Chitqawi SMCA would protect waters adjacent to Morro Rock. However, the proposed SMCA would be located immediately adjacent to Morro Bay Harbor, a critical regional port, potentially presenting significant challenges. OPC also recognizes that many California Native American tribes, including non-federally recognized tribes, have significant cultural ties to Morro Rock. Given that the original petition focused on co-management of the area as its main goal, OPC recommends that CFGC work with the Santa Ynez Band of Chumash Indians to identify alternative pathways for strengthening protection of Morro Rock and establishing meaningful co-management agreements here and in the broader region. The petition process may have been an irregular fit for the Tribe's goals with this petition and OPC is committed to working with the Tribe going forward to protect this area through meaningful co-management.

- Petition 2023-24MPA, submitted by the Laguna Bluebelt Coalition, would extend the southern boundary of the Laguna Beach No-Take SMCA into the northern portion of Dana Point SMCA, expanding the No-Take SMCA and aligning its southern boundary with the southern border of the City of Laguna Beach. While this would increase overall protection in the area and potentially benefit fished species (e.g. finfish, lobster, and urchin) within the Dana Point SMCA, OPC notes that the existing boundary of the Laguna Beach No-Take SMCA currently aligns with both a clear latitude line as well as prominent rocky outcroppings, which serve as a helpful landmark for both boat-based and shore-based anglers. Changing this well-established and clear boundary has the potential to result in increased confusion and potential enforcement challenges.
- Petition 2023-34MPA, submitted by Environment California and Azul, would reclassify Point Buchon SMCA to an SMR and strengthen protections in Farnsworth Onshore and Offshore SMCAs by removing all take except for recreational spearfishing. Petitioners argue that these changes are necessary to address issues regarding compliance with MPA regulations; however, neither Point Buchon SMCA nor Farnsworth Onshore or Offshore SMCAs appear to have an unusually high number of MPA-related citations and, in fact, citation data demonstrate an overall trend of improved compliance with MPA regulations at Point Buchon SMCA.

For reference, our recommendations on each of the fifteen MPA petitions currently under consideration by CFGC are summarized in the “Recommendations At-a-Glance” table below, starting on page 28.

In closing, OPC appreciates the robust conversation around MPA petitions to date and recognizes that the many Californians who have engaged in this process hold a diversity of

perspectives, interests, and viewpoints related to these petitions. OPC staff attended all three in-person regional meetings of CFGC held earlier this year, which were intended to provide a venue for public feedback on petitions. At those meetings, we heard tribal members, conservation advocates, and students voice strong and passionate support for a strengthened MPA Network that can help protect our vulnerable coast and ocean in a time of rapid environmental change. However, we were also compelled by the serious concerns of many members of local communities, including commercial and recreational fishermen, whose lives and livelihoods have the potential to be significantly impacted by new or expanded MPAs. We deeply value California's commercial and recreational fishing communities and recognize their critical role in supporting a thriving blue economy. To that end, where possible, we have endeavored to provide creative recommendations on petitions that add conservation value to the existing MPA Network while limiting impacts to commercial and recreational fishing. More broadly, as highlighted in Goal 4 of our 2026-2023 Strategic Plan, OPC is committed to advancing a sustainable blue economy by investing in healthy marine ecosystems and resilient coastal communities that can continue to support fishing livelihoods for generations to come.

Additionally, the regional meetings made it abundantly clear that many communities, especially communities entitled to environmental justice, can face significant systemic barriers to accessing the coast and ocean and to participating in MPA management and decision-making processes. Millions of Californians visit the coast each year to access the ocean in different ways, including to engage in both consumptive and non-consumptive uses. Because of this, assessing benefits related to equitable access for individual petitions is a complex undertaking. Impacts of individual petitions on equitable access¹⁰ and on advancing CFGC's Justice, Equity, Diversity, and Inclusion Policy¹¹ have been initially assessed via a joint effort between OPC and CDFW¹²; OPC is committed to expanding equitable access to the coast and ocean and supporting improved inclusion in coastal and ocean management, consistent with the goal of OPC's 2026-2030 Strategic Plan to maximize community benefits and stewardship, as well as OPC's Equity Plan¹³.

10 Specifically Question 14 in CDFW's Evaluation Framework: Does the proposed change provide more equitable access opportunities (e.g., fishing, educational, and/or other recreational opportunities) for traditionally underserved or marginalized communities?

11 Specifically Question 16 in CDFW's Evaluation Framework: Is the proposed change consistent with the CFGC Justice, Equity, Diversity and Inclusion Policy (<https://fgc.ca.gov/About/JEDI>)?

12 Available here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=246997&inline>

13 https://www.opc.ca.gov/webmaster/_media_library/2022/11/OPC-Equity-Plan-508.pdf

Thank you for considering our recommendations. We look forward to the work ahead and to continued meaningful engagement with California's diverse coastal communities as the petition process unfolds.

Sincerely,



Jenn Eckerle

Deputy Secretary for Oceans and Coastal Policy, California Natural Resources Agency
Executive Director, Ocean Protection Council

Recommendation Narratives

Petition 2023-20MPA_AM1: Add a tribal take exemption at Point Buchon SMCA, rename Point Buchon SMCA, and change northern boundary of Point Buchon SMR

The Santa Ynez Band of Chumash Indians (SYBCI) has proposed several changes to Point Buchon SMCA¹⁴ and Point Buchon SMR¹⁵. As amended by the tribe at the April 14, 2026 meeting of CFGC's Tribal Committee¹⁶, these proposed changes are: add a tribal take exemption at Point Buchon SMCA for the Santa Ynez Band of Chumash Indians, rename Point Buchon SMCA, and change the northern boundary of Point Buchon SMR. Located approximately eight miles south of Morro Bay in San Luis Obispo County, Point Buchon SMCA and Point Buchon SMR together protect nearly 19 square miles of rocky reefs, sandy seafloor, beaches, kelp forests, rocky intertidal habitat, offshore pinnacles, and some of the shallowest cold-water corals in California (SeaSketch California 2026). Point Buchon SMR spans approximately 2.5 miles of coastline between Coon Creek and Diablo Canyon and protects 6.7 square miles of coastal waters between shore and approximately 200 feet deep (SeaSketch California 2026). Point Buchon SMCA protects more than 12 square miles of coastal waters offshore of the SMR, ranging from approximately 200 to 400 feet deep (SeaSketch California 2026).

Adding a tribal take exemption to Point Buchon SMCA and renaming Point Buchon SMCA to better reflect Chumash cultural heritage both represent significant opportunities to advance tribal sovereignty, collaborative governance, and tribal stewardship within the Central Coast¹⁷ bioregion of the MPA Network. Similar to other tribal take exemptions currently granted to SYBCI for MPAs in the South Coast bioregion of the MPA Network, such as Kashtayit SMCA, the proposed tribal take exemption for Point Buchon SMCA would exempt SYBCI members from MPA-specific take restrictions and thus allow SYBCI members to harvest living marine resources

14 SMCA = State Marine Conservation Area. In this type of MPA, certain recreational or commercial fishing activities may be allowed, while other types of take are prohibited.

<https://wildlife.ca.gov/Conservation/Marine/MPAs/Definitions#mpa>

15 SMR = State Marine Reserve. In this type of MPA, all take is prohibited.

<https://wildlife.ca.gov/Conservation/Marine/MPAs/Definitions#mpa>

16 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=245526&inline>

17 As defined in the 2018 MPA Monitoring Action Plan

(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161748&inline>), the bioregions of the MPA Network are: North Coast (California/Oregon border to San Francisco Bay, including the Farallon Islands), Central Coast (San Francisco Bay to Point Conception), and South Coast (Point Conception to U.S./Mexico border, including the Channel Islands).

for cultural, subsistence, and stewardship purposes. Regulations in the adjacent Point Buchon SMR would remain unchanged.

Point Buchon is also culturally significant. The petition identifies Buchon as a historical Chumash village site and describes the area as having special spiritual significance to Chumash maritime peoples. Establishing a tribal take exemption at Point Buchon SMCA and renaming the SMCA would recognize this significance and advance progress toward tribal co-management of this MPA, which the tribe has requested to pursue through a non-regulatory pathway. **OPC recommends that CFGC approve the proposed tribal take exemption and name change for Point Buchon SMCA.**

Petitioners have also requested to adjust Point Buchon SMR's northern boundary further to the north, arguing that doing so would better capture the full marine area offshore of Point Buchon. However, OPC notes that the existing northern boundary aligns with a readily determinable line of latitude (35° 15.250' N) and prominent onshore landmarks; changing the boundary could cause confusion and enforcement challenges and would also result in a misalignment of the northern boundaries of Point Buchon SMR and SMCA. **OPC recommends that CFGC deny the requested boundary adjustment for Point Buchon SMR.**

Petition 2023-21MPA_AM1: Remove recreational take of true smelt in Pyramid Point SMCA and adjust northern boundary of Pyramid Point SMCA

The Tolowa Dee-ni' Nation has proposed two changes to Pyramid Point SMCA, located at Pyramid Point in Del Norte County near the California-Oregon border: removal of the current recreational take allowance for true smelt, and adjustment of the SMCA's northern boundary. Pyramid Point SMCA is the northernmost MPA in California's MPA Network and covers approximately 14 square miles of sandy beaches, offshore rocks, and soft seafloor; currently the only type of take allowed in this MPA is recreational take of surf smelt (*Hypomesus pretiosus*, known as *lhvmsr* in the Tolowa language)¹⁸ by dip net or Hawaiian-type throw net, as well as tribal take of all species, consistent with applicable state fishing regulations, by the Tolowa Dee-ni' Nation through a tribal take exemption. The proposal is intended to protect a culturally and ecologically important forage fish species while maintaining tribal take of that species,

18 Technically, Pyramid Point SMCA allows take of a three-species "true smelt" group: surf smelt, night smelt, and whitebait smelt. To achieve the requested removal of the recreational take allowance for surf smelt, it is necessary to remove the recreational take allowance for the species group. At the April 14, 2026 meeting of CFGC's Tribal Committee, the Tolowa Dee-ni' Nation amended this petition to change its request from removal of the take allowance for surf smelt to removal of the take allowance for true smelt.

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=245526&inline>

particularly take associated with traditional Tolowa Dee-ni' Nation "fish camps" – annual events where members of the Nation travel to the coast to fish, camp, and traditionally process surf smelt during its spawning months from July to October.

Petitioners argue that removal of the existing recreational take allowance is needed because, according to the Tolowa Dee-ni' Nation's Traditional Knowledges – particularly the observations of traditional surf smelt fishermen – surf smelt populations have declined substantially since the late 1990s. OPC respects and affirms the importance of tribal science and Traditional Knowledges and also notes that this trend has been documented through non-indigenous science. Though no formal stock assessments have been completed for surf smelt, CDFW's 2020 Enhanced Status Report for the species shows that commercial landings statewide (95% of which occur in Humboldt and Del Norte County ports) regularly exceeded 500,000 pounds per year in the mid-1990s but dropped precipitously in 1998-1999 and have not exceeded 250,000 pounds per year in the last twenty years (CDFW 2020). Commercial surf smelt landings declined to record lows of approximately 700-1,000 pounds annually between 2017 and 2019 before showing a modest rebound beginning in 2020, although catches remained well below historical levels (CDFW 2025). California Recreational Fisheries Surveys (CRFS) data summarized in CDFW's Enhanced Status Report that recreational surf smelt landings were negligible from 2005 through 2017, apart from an anomalous spike to approximately 110,000 pounds in 2011; the CRFS program that produced these estimates was discontinued in 2018 (CDFW 2020, CDFW 2025).

The decline of surf smelt populations concerns OPC for several reasons. First, forage fishes such as surf smelt play critical roles in nearshore food webs because they transfer energy from plankton-rich coastal waters to higher trophic levels, supporting fish, seabird, and marine mammal populations (Pikitch et al. 2014, Essington et al. 2015). Surf smelt in particular play a foundational role in Northern California coastal ecosystems by serving as prey for species such as salmon, seabirds, marine mammals, and other predators. As an important forage fish, their abundance can reflect broader ecosystem condition and food web dynamics (Santora et al. 2021, NOAA Fisheries 2022). Second, Native American tribes on California's North Coast have relied on surf smelt since time immemorial for subsistence and cultural heritage. As described in the petition, Tolowa families return to the coast each year for "fish camps" that involve the harvest of surf smelt using traditional A-frame nets, with associated prayers, protocols, and ceremonies. Maintaining access to a healthy surf smelt population is essential to the continuation of tribes' cultural practice, food sovereignty, spiritual relationships, and community well-being (Turner et al. 2008, Charles & Wilson 2009).

Surf smelt are a sensitive species and their population trends can be heavily influenced by a number of factors. This includes not only fishing pressure – heavy fishing can cause surf smelt populations to decline quickly given their short life cycles and the fact that most fishing occurs

during spawning – but also environmental stressors, including warming waters, pollution, and physical impacts to beaches where they spawn (Russell et al. 2022, Tomlin et al. 2021). OPC recognizes that MPAs have limited ability to mitigate these larger-scale threats. However, given the population declines noted above and the ecological and cultural importance of surf smelt, OPC supports stricter MPA regulations to strengthen protections for this vulnerable species. OPC notes that approval of this petition would allow continued tribal harvest of surf smelt, but this traditional take is unlikely to have population-level impacts.

To support the recovery of surf smelt, the integrity of nearshore food webs, and the continuation of tribal stewardship and cultural use of this species into the future, **OPC recommends that CFGC approve removal of the allowance for recreational take of true smelt in Pyramid Point SMCA.** The Tolowa Dee-ni' Nation would retain its existing tribal take exemption for this SMCA.

Petitioners have also requested a boundary adjustment to align the northern boundary of Pyramid Point SMCA with the terrestrial California-Oregon border. California's terrestrial northern boundary was intended to run along the 42° N latitude line, but initial surveys with primitive equipment in 1868 resulted in a zigzag border that deviates up to a half mile north or south of that latitude line. In contrast, the offshore northern boundary is an arc that projects seaward from the 42° N latitude line and connects the outermost headlands of the mainland coast to offshore rocks. For this reason, California's offshore and terrestrial borders are slightly misaligned; the offshore boundary is consistent with California's legally recognized northern border at 42° N latitude and is used in all ocean-based regulations. Changing the northern boundary of Pyramid Point SMCA so that it no longer aligns with this recognized offshore boundary would likely result in regulatory confusion and enforcement challenges. **OPC recommends that CFGC deny the request to modify Pyramid Point SMCA's northern boundary.**

Petition 2023-27MPA_AM1: Modify regulations at Anacapa Island SMCA to protect sensitive eelgrass habitats

Environmental Defense Center has submitted a petition with three options intended to better protect sensitive eelgrass meadows inside the Anacapa Island SMCA from the impacts of lobster traps and other hard-bottomed fishing gear. As clarified by the petitioner at the May 6, 2026 CFGC regional meeting¹⁹, the proposed options are 1) Change regulations to disallow commercial lobster fishing year-round within the Anacapa Island SMCA; 2) Change regulations

¹⁹ Video available at https://cal-span.org/meeting/cfg_20260506/. Discussion of Petition 2023-27MPA_AM1 begins at 01:05:13.

to disallow hard bottomed fishing gear (including anchoring if applicable) near eelgrass meadows within the Anacapa Island SMCA, or 3) Change the border of the Anacapa Island Special Closure to prohibit the deployment of lobster traps from 0-50 feet deep, instead of the existing 0-20 feet deep.

Pacific eelgrass (*Zostera pacifica*) is a foundational species that is found along California's open coast and provides vital habitat, food, and shelter for a variety of marine fishes and invertebrates. Eelgrass also supports sediment stabilization and erosion protection, plays an important role in nutrient cycling, and helps mitigate climate change by sequestering carbon (Waycott et al. 2009, Fourqurean et al. 2012, Duarte et al. 2013). Eelgrass beds are inherently dynamic and naturally fluctuate from year to year; eelgrass persistence is influenced by a variety of environmental factors including temperature, currents, sediment dynamics, water quality, and availability of suitable substrate (Grech et al. 2012, Rock & Daru 2021, Zabarte-Maeztu et al. 2021, Herrera et al. 2022). At the same time, numerous studies have demonstrated that hard-bottomed fishing gear, including traps and pots, can negatively impact eelgrass (Stevens 2021, Rees et al. 2021). Traps can crush eelgrass shoots and rhizomes upon impact, and they may smother eelgrass if left in place. The setting and retrieval of traps, dragging of trap lines, and movement of traps while in the water often leaves bare scouring marks or "haloes" of damage in eelgrass meadows (Abadie et al. 2016, Stevens 2021, Rees et al. 2021).

Eelgrass meadows were once abundant along the north sides of all three islets that make up Anacapa Island, generally found from approximately 0-20 feet deep but sometimes extending to 45 feet deep (Altstatt 2021). Although eelgrass virtually disappeared around Anacapa Island during the late 1980s following the 1982-1983 El Niño and subsequent overgrazing by white sea urchins, it has recovered in many places thanks in part to a successful eelgrass restoration effort initiated in 2002 at Frenchy's Cove on the north side of West Anacapa Island (Altstatt et al. 2014).

Frenchy's Cove is situated within both the island-wide nearshore Anacapa Island Special Closure, which prohibits the use of nets and traps from 0-20 feet deep, as well as the much larger Anacapa Island SMCA, which extends to the three nautical mile state water boundary and prohibits most forms of take except for recreational take of lobster and pelagic finfish, as well as commercial take of lobster. Offshore of Frenchy's Cove, a Brown Pelican Fledgling Area – an extension of the Special Closure across approximately 4,000 feet of coastline – prohibits all boating activity and access from 0-120 feet deep from January 1 - October 31. Together, these regulations protect eelgrass meadows located in 0-20 feet of depth year-round, and meadows located deeper than 20 feet for 10 months out of the year.

These existing regulations already provide eelgrass meadows at Frenchy's Cove with substantial protection from fishing gear impacts. However, eelgrass meadows deeper than 20 feet at Frenchy's Cove are still vulnerable to fishing gear impacts for two months out of the year. Subtidal surveys conducted by the Channel Islands monitoring program show that these deeper meadows represent a substantial proportion of the eelgrass inside the Anacapa Island SMCA (SeaSketch California 2026) and, because eelgrass is a delicate ecosystem that can take years to recover from fragmentation or scarring (Altstatt et al., 2014; Reed & Hovel, 2006), damage accrued during the two months that the Brown Pelican Fledgling Area is open is likely to have lasting and outsized impacts on the integrity and function of these eelgrass meadows.

OPC recognizes that some data gaps exist regarding the distribution of eelgrass at Frenchy's Cove and Anacapa Island more broadly, as well as the drivers contributing to its persistence and loss. However, in the context of substantial declines of eelgrass statewide since the 1950s (Waycott et al. 2009, Harris et al. 2026), and the critical importance of eelgrass meadows for marine biodiversity (Kindeberg et al. 2022), OPC finds that regulatory action to protect the full extent of eelgrass meadows inside Anacapa Island SMCA, i.e. providing new protections for meadows that occur from 20-45 feet, is warranted. In assessing the petitioner's proposed options, OPC finds that Option 1 (prohibiting lobster fishing within the entire Anacapa Island SMCA, which extends three nautical miles offshore to a depth of nearly 500 feet) is unnecessary to protect eelgrass meadows, which are a nearshore ecosystem. Further, OPC notes that Option 2 (prohibiting lobster fishing "near eelgrass meadows") would be difficult to enforce given the inherently dynamic nature of these ecosystems. Finally, OPC is concerned that Option 3 (extending the boundary of the Anacapa Island Special Closure from 20 feet deep to 50 feet deep) could be problematic for multiple reasons: first, the specific intent of the Special Closure is to decrease entanglement risk for birds feeding near roosting grounds on the island; second, changing the boundary could add to existing significant regulatory confusion between the Anacapa Island SMCA, SMR, and Special Closure/Brown Pelican Fledgling Area; and third, this option would unnecessarily restrict lobster fishing opportunities outside of the Anacapa Island SMCA. Therefore, **OPC recommends that CFGC modify the regulations at Anacapa Island SMCA to prohibit the deployment of lobster traps shallower than 50 feet.** This simplified alternative pathway would strengthen protections for eelgrass meadows within their full depth range inside the SMCA, while maintaining lobster fishing opportunities outside the SMCA.

OPC also recognizes that non-consumptive activities, such as anchoring, may have similar impacts on eelgrass meadows as lobster trapping. OPC recommends exploration of non-regulatory management solutions, potentially including installation of moorings within the SMCA, to mitigate other activities that can damage the seafloor.

Petition 2023-28MPA_AM2: Add a new MPA near Point Sal (Point Sal SMCA)

The Northern Chumash Tribal Council and the Natural Resources Defense Council have proposed the designation of a new State Marine Conservation Area at Point Sal, California, situated at the northern end of Vandenberg Space Force Base near the City of Guadalupe in northern Santa Barbara County. As amended by petitioners at the April 14, 2026 meeting of CFGC's Tribal Committee²⁰, the proposed new Point Sal SMCA, which would eventually be given a name in a Chumash language to honor the importance of the area to local Chumash peoples, would span close to 7 miles of coastline and encompass nearly 15 square miles, from shore to a maximum depth of 187 feet (SeaSketch California 2026). It would prohibit all forms of take except for recreational take of finfish from shore using hook and line.

The proposed new Point Sal SMCA is located roughly 50 miles to the north of Point Conception, at the northern end of a major biogeographic transition zone within the California Current Large Marine Ecosystem, where warmer waters from the south meet colder, nutrient-rich waters from the north, supporting exceptionally high biodiversity (Hamilton et al. 2010, Blanchette et al. 2008, Arafeh-Dalmau et al. 2023). The waters offshore of Point Sal in particular are highly productive and nutrient-rich due to seasonal coastal upwelling in the area. This area supports abundant fish and invertebrate populations and serve as critical foraging grounds for seabirds and marine mammals – including multiple iconic California species such as brown pelicans, southern sea otters, and humpback whales (Checkley & Barth 2009).

The proposed new SMCA would protect a large portion of Point Sal's coastline and offshore waters, including sandy beach, rocky shoreline, shallow hard bottom, shallow soft bottom, and deep soft bottom habitats (SeaSketch California 2026). The new SMCA would also include a known krill hotspot that supports feeding blue whales from late spring to early fall (Santora et al. 2011, Savoca et al. 2021). Importantly, as noted by the petitioner, the area inside the proposed SMCA leeward of Point Sal may also function as a larval retention zone. Headlands and coastal promontories like Point Sal can slow or recirculate ocean currents, allowing fish and invertebrate larvae to remain near suitable settlement habitats rather than being transported offshore during upwelling events (Mace & Morgan 2006, Morgan et al. 2011, Harvey et al. 2021, Robinette et al. 2019). Robinette et al. (2019) found that seabird foraging rates, which can be used as an indicator of juvenile fish abundance, are generally higher in the lee of headlands and along south-facing coasts such as Point Sal. This suggests that the proposed new MPA has the

20 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=245526&inline>

potential to protect an area of high juvenile fish recruitment, which could potentially add a rich new larval source “node” to the MPA Network.

The proposed Point Sal SMCA would also protect an area of substantial cultural importance to the Chumash people. There are long-standing Chumash connections to Point Sal, including archaeological evidence of occupation near the area dating back nearly 5,000 years. The Northern Chumash Tribal Council has stated that Point Sal is an especially sacred area within the broader Chumash Heritage National Marine Sanctuary, and designation of the proposed new Point Sal SMCA represents a unique opportunity to strengthen biodiversity protections within the Sanctuary.

Importantly, Point Sal is extremely remote. The public access road to Point Sal State Beach was washed out during severe storms during the 1998 El Niño event and was never repaired. Currently, access to Point Sal State Beach requires a round-trip hike of approximately 10 miles. Therefore, although the petitioners’ proposed take allowance for hook-and-line fishing from shore would technically result in a moderate-low level of protection for Point Sal based on the science guidelines from the MPA planning process, OPC finds that the proposed new SMCA would likely still provide meaningful and significant biodiversity benefit given the difficulty associated with accessing Point Sal State Beach for shore-based fishing. Should existing conditions change in the future, we would support revisiting the take allowance for shore-based fishing.

Overall, OPC finds that the proposed new Point Sal SMCA represents an important opportunity to protect a pristine and relatively undisturbed biodiversity hotspot, while recognizing the biocultural significance of the area to local Chumash tribes. **OPC recommends that CFGC approve the proposed new Point Sal SMCA.**

Petition 2023-29MPA_AM2: Add a new MPA near Carpinteria (Mishopshno SMCA)

The Santa Ynez Band of Chumash Indians, Natural Resources Defense Council, and Environmental Defense Center have proposed the designation of a new SMCA near Carpinteria, California, located approximately twelve miles southeast of Santa Barbara. The proposed new MPA, to be named Mishopshno in honor of a nearby Chumash coastal village, would protect key nearshore ecosystems in the Santa Barbara Channel, including a large portion of Carpinteria Reef. As amended by petitioners at the April 14, 2026 meeting of CFGC’s Tribal Committee²¹, the proposed new Mishopshno SMCA would span nearly 4 miles of shoreline and encompass

21 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=245526&inline>

approximately 9 square miles, from shore to a maximum depth of 141 feet (SeaSketch California 2026). It would prohibit all forms of take except for recreational take of finfish from shore using hook and line, with a tribal take exemption for the Santa Ynez Band of Chumash Indians.

The Santa Barbara Channel is part of a major biogeographic transition zone near Point Conception, separating cold waters to the north of Point Conception from warmer waters to the south (Dever et al. 2004, Johnson & Hartwell 2018). The proposed new Mishopshno SMCA would protect a number of important coastal and marine habitats within the Santa Barbara Channel, including sandy beach, coastal marsh, estuary, and kelp forest habitats (SeaSketch California 2026). Importantly, a new Mishopshno SMCA would provide new protection for Carpinteria Reef, a shallow kelp forest and rocky reef ecosystem that is home to a diversity of marine fishes and invertebrates such as Lingcod, California Sheephead, Kelp Bass, and both red and purple sea urchins (Levenbach 2008, Carr et al. 2017). This reef supports a large kelp patch that, according to Landsat data from 1984-2023 (Bell et al. 2024), has continued to persist despite the recent 2014-2016 marine heat wave and overall declines in the region, making it one of the most stable kelp forests in the Santa Barbara Channel (Fig. 2). The petitioners also note that Carpinteria Reef may serve as an aggregation site for juvenile Great White Sharks, though such aggregations are often highly dynamic and may shift locations from year to year.

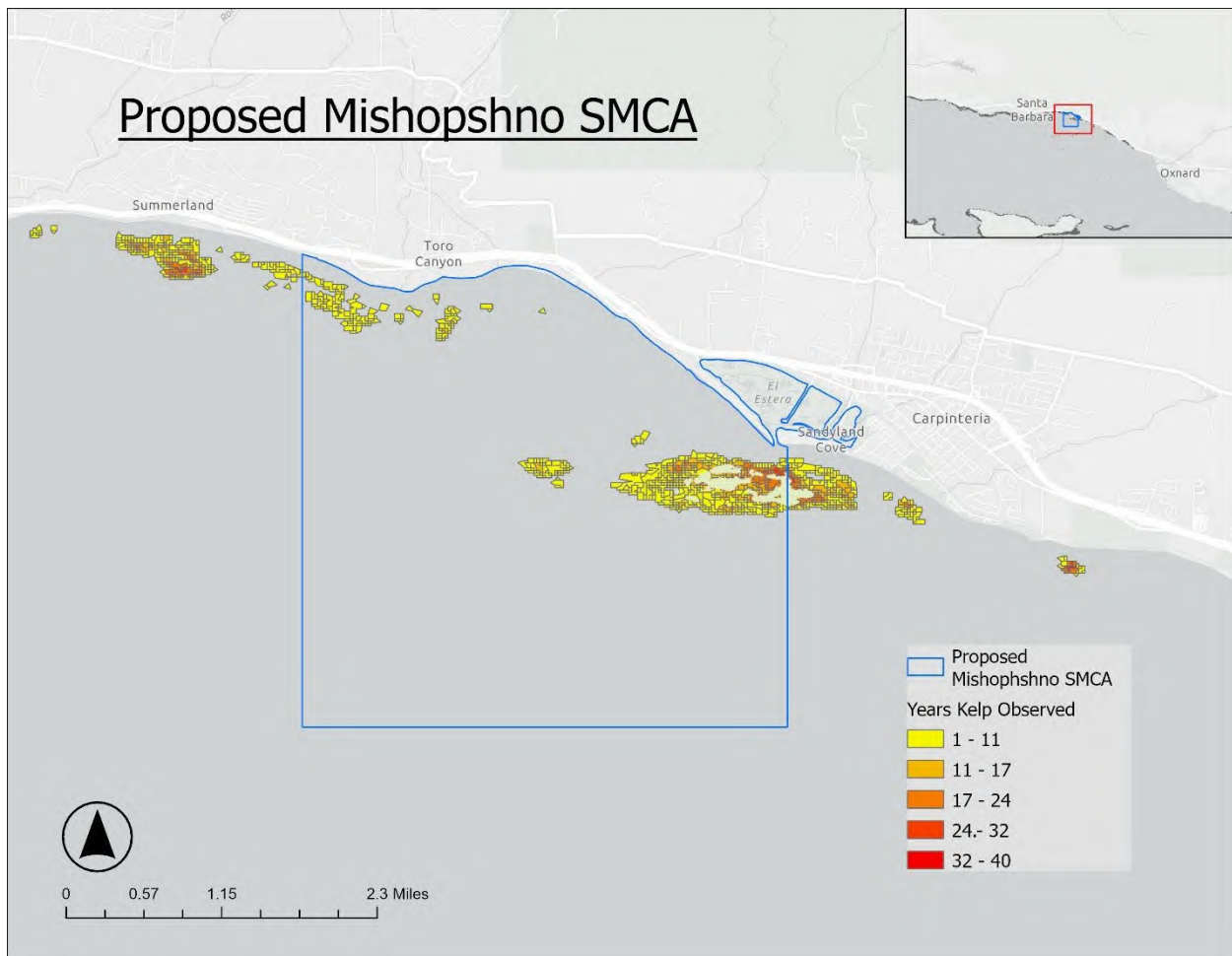


Figure 1. The proposed new Mishopshno SMCA. Satellite monitoring of kelp canopy cover via Landsat from 1984-2023 shows a persistent kelp forest at Carpinteria Reef near the proposed eastern boundary of the SMCA.

In addition to protecting an area of high biodiversity in an ecologically important region of the state, the most significant way in which the proposed Mishopshno SMCA could improve the ecological performance of California's MPA Network is by strengthening connectivity between Campus Point No-Take SMCA to the west and Point Dume SMCA to the southeast. Ensuring that larvae, eggs, spores, or juveniles of marine species are able to move into, out of, or between MPAs is fundamental to the success of California's MPAs as an ecologically connected network. For this reason, science guidance from the MPA planning process included explicit spacing guidelines for MPAs. According to this guidance, in order for MPAs to be within dispersal range for most ecologically and economically important groundfish and invertebrate species, they should be spaced 31-62 miles apart. Currently, the distance between the eastern boundary of Campus Point SMCA and the western boundary of Point Dume SMCA is approximately 60 miles (SeaSketch California 2026). This is very near the upper limit of the spacing guidelines and the largest distance between MPAs in the entire Network.

This distance concerns OPC for multiple reasons. First, while there are several MPAs nearby at the Northern Channel Islands, recent studies suggest the islands may not be as reliably or consistently ecologically connected to the mainland as previously thought due to the presence of small-scale eddies and coastal currents that can impact cross-channel exchange during some oceanographic conditions, while enhancing local retention and alongshore connectivity under others (Dauhajre et al. 2019, Robinette et al. 2012, Harvey et al. 2021). Second, both Campus Point No-Take SMCA and Point Dume SMCA contain kelp forests. Potentially weak connectivity between these habitats could pose risks to kelp resilience in the broader region. Finally, ecological connectivity has the potential to be highly disrupted by the impacts of climate change, which have already been well documented in the Southern California Bight (Magris et al. 2014, Schiff et al. 2019, Wilson et al. 2020, Kekuewa et al. 2022, Frieder et al. 2024). Climate-driven changes in temperature, ocean circulation, and upwelling can dramatically affect larval development, settlement, and survival, with important implications for connectivity (O'Connor et al. 2007, Kendall et al. 2016, Pecl et al. 2017, Pinsky et al. 2019, Wilson et al. 2020). Additionally, in some cases, climate impacts can eliminate important larval source populations entirely, such as when kelp forests are converted to urchin barrens (Rogers-Bennett & Catton 2019, Starko et al. 2024) – potentially making the effective ecological distance between intact protected habitats much greater than the geographic distance between MPA boundaries (Wilson et al. 2020).

The proposed Mishopshno SMCA, which would be located 14.6 miles from Campus Point No-Take SMCA and 44.1 miles from the Point Dume SMR/SMCA cluster (SeaSketch California 2026), would fill the existing large distance between these two MPAs and potentially act as a key “stepping stone” in the Santa Barbara Channel. This has the potential to improve ecological connectivity between Campus Point No-Take SMCA and Point Dume SMCA, especially between the kelp habitats protected by these MPAs, buffer against future climate impacts on connectivity, and strengthen overall resilience in the Santa Barbara Channel. OPC recognizes that the petitioners’ proposed allowance for hook-and-line fishing from shore would result in a moderate-low level of protection per science guidance from the MPA planning process, with potential impacts on connectivity; however, continued shore-based fishing access to this area has significant potential to benefit local communities and non-federally recognized tribes.

OPC also recognizes the cultural significance of this area to local Chumash peoples. Members of the Santa Ynez Band of Chumash Indians have described ecosystems within the proposed Mishopshno SMCA as “living homelands and cultural landscapes” where gathering, teaching, ceremony, and other cultural practices have occurred for millennia. The area is also central to Chumash peoples’ creation stories and canoe-building traditions. Designation of the proposed Mishopshno SMCA would represent a significant opportunity to protect the biocultural significance of the area and advance co-management with the Santa Ynez Band of Chumash

Indians, supporting the continued stewardship and care of this area's unique coastal and marine biodiversity by its original guardians.

Overall, OPC finds that the proposed new Mishopshno SMCA represents an important opportunity to improve MPA Network design, strengthen ecological connectivity, and recognize the biocultural significance of the area to local Chumash tribes. **OPC recommends that CFGC approve the proposed new Mishopshno SMCA.**

Petition 2023-32MPA: Expand Duxbury Reef SMCA and modify regulations to strengthen protections for intertidal species

The Environmental Action Committee of West Marin has proposed several actions intended to strengthen protections at Duxbury Reef SMCA. As clarified by the petitioner at the April 21, 2026 CFGC regional meeting²², those actions are: expand the northern and southern boundaries of Duxbury Reef SMCA to protect the majority of Duxbury Reef's contiguous rocky intertidal habitat and modify regulations in Duxbury Reef SMCA to remove the current allowance for shore-based take of finfish by methods other than hook-and-line.

Duxbury Reef SMCA, located at the southern tip of the Point Reyes Peninsula in Marin County approximately one mile west of Bolinas, was designed specifically to protect Duxbury Reef, one of the largest shale reefs in North America and a unique geological feature found nowhere else in California (U.S. Geological Survey 2005). Duxbury Reef is very large and shallow; its broad, low-relief, gently sloping shale platform hosts an extensive network of cracks and crevices that are exposed at low tide and support exceptionally high biodiversity, including iconic intertidal species such as anemones, sea stars, and nudibranchs. It is one of the most accessible and frequently visited coastal sites in the region for tidepooling, and the reef serves as one of California's premier locations for environmental education and tidepool interpretation. Duxbury Reef SMCA was intentionally designed as a narrow, nearshore MPA that extends from the mean high tide line out to 1,000 feet seaward of mean lower low water, protecting intertidal habitat while allowing for commercial and recreational fishing further offshore, as well as recreational take of abalone (when allowed) and finfish from shore.

Currently, Duxbury Reef SMCA does not encompass the full extent of the reef's rocky intertidal habitat. This means that the northernmost and southernmost portions of Duxbury Reef currently receive no MPA protection, despite functioning as part of the same unique and biodiverse ecosystem as the portion of the reef within the existing SMCA. Expanding protections

22 Video available at https://cal-span.org/meeting/cfg_20260421/. Discussion of Petition 2023-32MPA begins at 03:11:24.

northward to Double Point/Stormy Stack Rock Special Closure and southward to the southernmost fringe of the reef, as proposed by petitioners, would capture the vast majority of Duxbury Reef, nearly doubling the amount of rocky shoreline protected by this MPA from 3.26 linear miles to 6.83 linear miles (SeaSketch California 2026) and improving representation of intertidal habitats, one of the rarest and most vulnerable coastal habitats in California, in the North Coast bioregion of the MPA Network (U.S. Geological Survey 2005).

OPC finds that these additional protections have the potential to increase biomass of currently harvested intertidal species, such as seaweed and shellfish, in the expansion areas, bolster overall species richness and diversity at Duxbury Reef, and improve ecological connectivity across the full reef ecosystem. Additional protection could also strengthen the reef's resilience to future climate change impacts, as protected rocky intertidal ecosystems have been found to exhibit greater resistance to, and recovery from, climate-driven disturbances such as marine heat waves compared to unprotected areas, helping to maintain community structure and ecological function during periods of extreme heating (CDFW 2023, Smith et al. 2023). However, OPC also notes that simply expanding the northern and southern boundaries of the existing SMCA could unnecessarily restrict existing boat-based commercial and recreational fishing activities in the proposed expansion areas, such as an important local commercial hook-and-line halibut fishery, that are not currently impacting intertidal biodiversity.

OPC recommends adding new protections for the intertidal in a way that does not change the existing Duxbury Reef SMCA and does not restrict existing commercial or recreational take, beyond new protections for intertidal seaweed and invertebrates, in the expansion areas. To accomplish this, **OPC recommends that CFGC designate two new SMCAs to protect the northern and southern portions of the contiguous rocky intertidal habitat of Duxbury Reef, with take regulations that protect intertidal seaweed and invertebrates (except abalone when allowed) while allowing for existing shore- and boat-based fishing.** We defer to CDFW to recommend final boundaries for these two new SMCAs based on feasibility and enforceability.

Petition 2023-33MPA_AM1: Expand six MPAs statewide and add a new MPA in Santa Cruz

Environment California and Azul have proposed a suite of actions – six proposed MPA expansions and one proposed new MPA – aimed at strengthening protections for kelp forest habitats across the state. Specifically, this petition proposes to expand Cabrillo SMR (southern San Diego), South Point and Gull Island SMRs (Northern Channel Islands), Point Dume SMCA (north of Los Angeles near the Los Angeles County/Ventura County border), Point Conception SMR (north of Santa Barbara), and Natural Bridges SMR (Santa Cruz). It also proposes the designation of a new SMCA at Pleasure Point (Santa Cruz). The proposed expansions and new MPA are aimed at protecting persistent, healthy kelp patches currently unprotected by the MPA

Network. Petitioners argue that protecting these new locations will help improve the resilience of kelp forest ecosystems across the state in the face of anticipated future marine heat waves and other climate stressors.

Kelp forests in California provide a variety of critical ecological functions and ecosystem services. Kelp serves as habitat and an important food source for a rich diversity of invertebrates, fishes, marine mammals, and birds, including ecologically and economically important species such as abalone, rockfishes, and sea otters (Hamilton et al. 2022, Bell et al. 2020). Kelp forests are critical to the well-being of California's coastal residents and the state's multi-billion-dollar ocean economy, providing valuable recreational opportunities such as scuba diving and wildlife viewing (Schiel & Foster 2015, NOAA Office of National Marine Sanctuaries 2025, Monterey Bay National Marine Sanctuary 2025), and kelp forest ecosystems also hold tremendous cultural significance for California Native American tribes. Unfortunately, recent climate-driven changes have resulted in severe and concerning kelp loss in California. A prolonged marine heat wave beginning in 2014 triggered unprecedented declines in California's kelp forests (Rogers-Bennett & Catton 2019, McPherson et al. 2021). Along the North Coast, more than 95% of bull kelp canopy was lost from 2014-2019 and has shown little recovery since then (McPherson et al. 2021), while statewide more than 75% of kelp forests remain below their long-term average in 2024 (Harris et al. 2026). As marine heat waves are expected to become more frequent and more severe as climate change accelerates, supporting the protection and restoration of these vulnerable ecosystems is a top priority for OPC.

Though MPAs cannot directly mitigate climate stressors such as warming ocean waters, petitioners argue that MPAs can support kelp resilience by promoting intact food webs. Specifically, petitioners note that healthy, abundant populations of predatory organisms, such as California Sheephead and California spiny lobster, can keep populations of kelp grazers like sea urchins in check, preventing urchins from overgrazing kelp (Hamilton et al. 2010, Caselle et al., 2015). While this is an active area of research and scientific evidence for the kelp resilience benefits of MPAs is mixed (Cavanaugh et al. 2019), several recent studies in California have demonstrated support for this "trophic cascade" hypothesis.

Eisaguirre et al. (2020) analyzed decades of subtidal monitoring data from the Northern Channel Islands and found that giant kelp density was significantly higher, and purple sea urchin density significantly lower, inside MPAs compared to adjacent fished areas. Kumagai et al. (2024) combined subtidal monitoring data with remotely sensed kelp canopy data to evaluate the statewide response of kelp forests to the 2014-2016 heat wave and found that fully protected MPAs appeared to enhance kelp forests' resistance to, and recovery from, marine heat waves in Southern California. Ortiz-Villa et al. (2025) used four decades of remote sensing data to examine the effects of 54 MPAs on kelp canopy coverage statewide and found that

implementation of MPAs resulted in an 8.5% increase in kelp canopy coverage compared to unprotected areas, with kelp forests in MPAs showing faster and more significant recovery following the 2014-2015 marine heat wave. Finally, results from the first Decadal Management Review of California’s MPA Network showed that kelp canopy was more stable and resilient in MPAs, particularly in the South Coast (CDFW 2023).

Importantly, these documented benefits have largely been limited to Southern California, where lobster and Sheephead are abundant. In central California, where these predators are absent or uncommon and the main predator of sea urchins is the southern sea otter, most studies here have found little to no significant differences in urchin or kelp densities between MPAs and unprotected areas (Hamilton et al. 2010, Eisaguirre et al. 2020).

To identify specific areas to target for additional MPA protection, petitioners focused on areas of overlap between highly persistent kelp patches, as identified by Arafeh-Dalmau et al. (2021) using satellite data, and “medium-priority kelp restoration sites” as identified by Giraldo-Ospina et al. (2025) – defined as historically stable kelp beds that resisted the effects of the 2014-2015 marine heat wave and currently have a high proportion of kelp compared to their historical mean. This classification was intended by the authors of this study for use in a kelp restoration context; however, satellite imagery of kelp forest canopy, specifically Landsat data from 1984-2023 (Bell et al. 2024), does show that the areas identified by petitioners appear to be largely persistent over time (Fig. 2, Fig. 3). Given the anticipated impacts of climate change on kelp statewide, especially in the context of a historic new marine heat wave currently forming along the California coast and a predicted “Super El Niño” this year, OPC finds that, from a precautionary standpoint, protecting additional persistent kelp within the MPA Network is worth exploring at a limited scale.

Of the actions proposed in the petition, OPC recommends that CFGC deny the proposed expansion of Natural Bridges SMR and deny the proposed designation of a new SMCA at Pleasure Point. Both of these areas are located in Santa Cruz, at the northern end of the Monterey Bay. As described above, empirical support for the hypothesized “trophic cascade” benefits of MPAs for kelp has not been found in central California. Additionally, the proposed new MPA at Pleasure Point would not meet minimum guidelines for MPA size or level of protection, making it unlikely to accomplish biodiversity conservation objectives.

The remaining proposed actions are all focused on Southern California, where MPAs may promote improved kelp resilience by promoting trophic cascades. Of these actions, **OPC recommends that CFGC deny the proposed expansion of Cabrillo SMR.** Per the U.S. Navy, this proposed expansion has the potential to impact military readiness in the area. **OPC recommends that CFGC deny the proposed expansions of South Point SMR and Gull Island**

SMR; these proposed expansions would compromise the decades-long, deeply institutionalized state-federal partnership to co-manage the existing Channel Islands MPAs, which currently protect 20% of state waters around the Northern Channel Islands in no-take marine reserves. The proposed expansion of South Point SMR in particular would result in a misalignment with the boundaries of the neighboring Federal Marine Reserve.

OPC recommends approval, with modifications, of the remaining two proposed actions in Southern California (expansion of Point Dume SMCA and Point Conception SMR).

Point Dume SMCA. Located just offshore of Malibu in Los Angeles County, the existing Point Dume SMCA currently protects nearly 16 square miles of sandy beach, rocky shoreline, and kelp forest, as well as portions of a submarine canyon extending more than 2,000 feet deep. Petitioners propose expanding the existing Point Dume SMCA to the west by 4.6 square miles, approximately a 29% expansion, to protect a portion of a large, persistent kelp bed immediately adjacent to the SMCA. This expansion would increase the amount of kelp protected by the SMCA from 1.2 linear miles to 2.9 linear miles (SeaSketch California 2026, Fig. 3). **OPC recommends that CFGC approve the proposed expansion of Point Dume SMCA.** Petitioners have also proposed an adjustment to the take allowance at Point Dume SMCA to allow additional recreational take, including a new take allowance for recreational shore-based hook-and-line fishing. **OPC recommends that CFGC deny the proposed additional take allowance at Point Dume SMCA,** as this would drop the SMCA's Level of Protection from high to moderate-low such that it would no longer serve as a replicate MPA for kelp, beach, rocky intertidal, and soft bottom habitats.

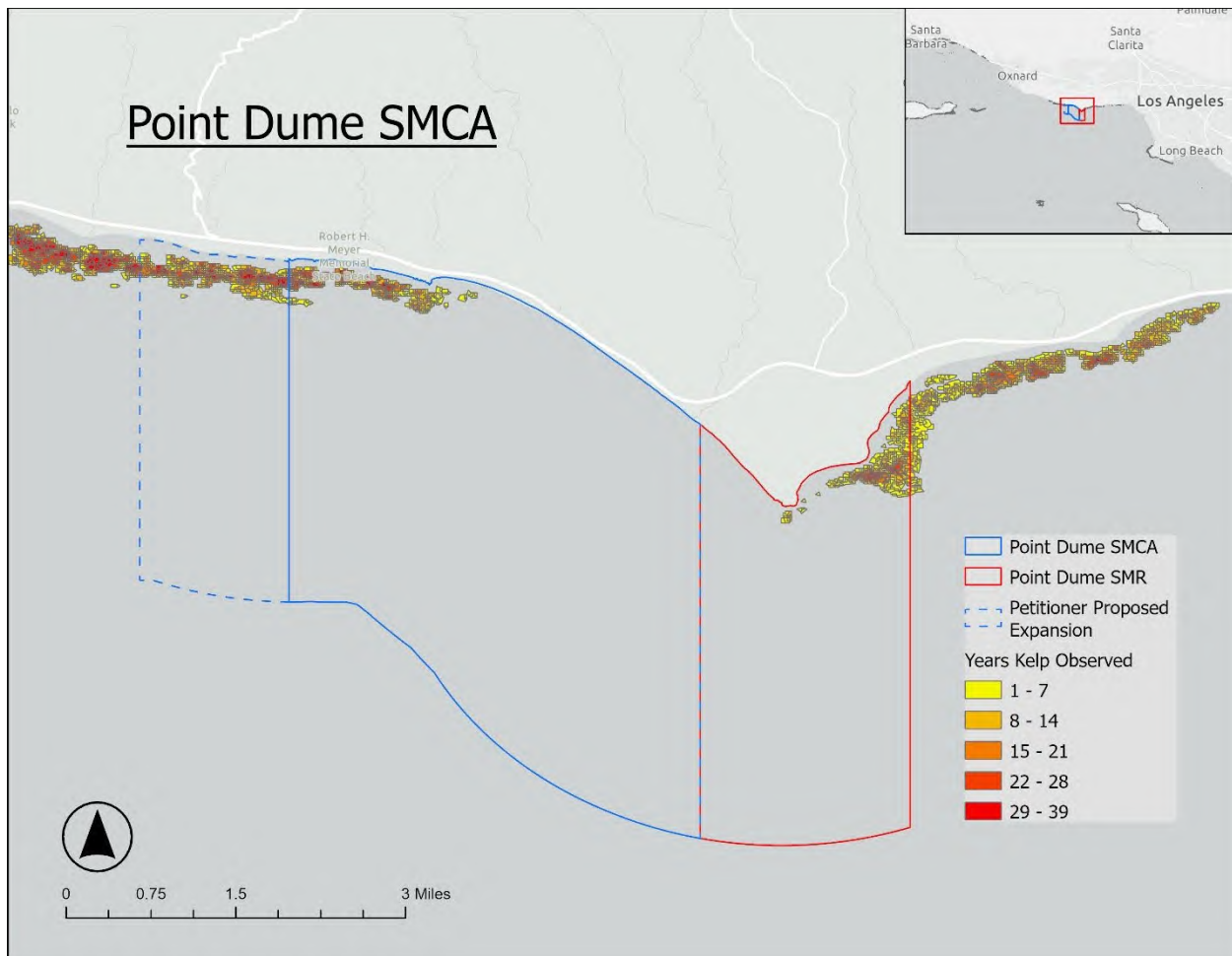


Figure 2. Point Dume SMCA and SMR, with petitioners' proposed expansion of Point Dume SMCA shown.

Point Conception SMR. Located at a major biogeographic transition zone, Point Conception SMR currently protects more than 22 square miles of rocky reefs, surfgrass beds, and kelp forests. Petitioners propose expanding the existing Point Conception SMR to the east by 14.6 square miles, which would include a very large patch of persistent kelp (Fig. 3). However, given the existing large size of this MPA, OPC finds that a smaller expansion, similar to the scale of expansion proposed for Point Dume SMCA, is more appropriate and would capture a significant portion of persistent kelp while maintaining some continued fishing access in this area. **OPC recommends that CFGC expand Point Conception SMR by shifting the eastern boundary of the SMR from the current 120° 25.000' W longitude line eastward to the 120° 23.000' W longitude line (Fig. 3).** This would expand the SMR by 7.65 square miles, approximately a 35% expansion, and increase the amount of kelp protected by the SMR from 2.27 linear miles to 4.44 linear miles (SeaSketch California 2026).

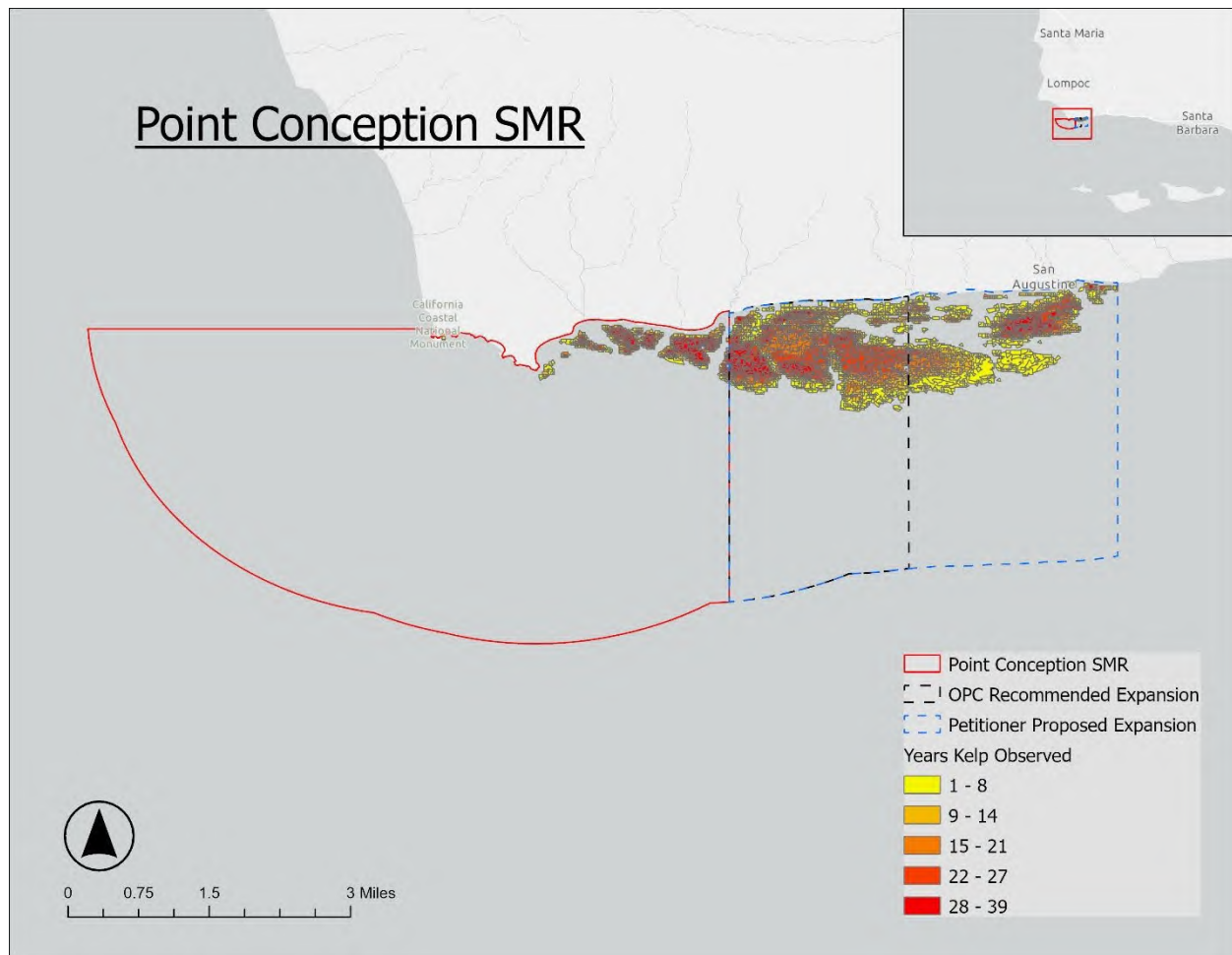


Figure 3. Point Conception SMR with petitioners' proposed expansion (blue dotted line) and OPC's recommended expansion (black dotted line) shown. OPC's recommended expansion encompasses much of the persistent kelp immediately adjacent to Point Conception SMR.

Recommendations At-a-Glance

Table 2. OPC's recommendations on all MPA petitions currently under consideration by CFGC.

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-14MPA	Nine SMCAs statewide (existing)	California Sea Urchin Commission	Allow commercial take of sea urchin in various MPAs	Deny
2023-15MPA_AM	Footprint SMR, Gull Island SMR, and Santa Barbara Island SMR (existing)	Blake Hermann	Reclassify SMRs to SMCAs to allow limited take of highly migratory species and possession of coastal pelagic species, or the take of pelagic finfish	Deny
2023-16MPA	Stewarts Point SMR and Bodega Head SMR (existing)	Bodega Bay Fisherman's Marketing Association	Reclassify SMRs to SMCAs to allow commercial take of salmon by trolling	Deny
2023-18MPA	Vandenberg SMR, Kashtayit SMCA, and San Miguel and Anacapa Island Special Closures (existing)	Ocean Conservancy	Multiple actions to modify allowed uses at several Santa Barbara Channel MPAs	Deny

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-19MPA	Chitqawi SMCA (new)	Santa Ynez Band of Chumash Indians	Add a new MPA near Morro Bay	Deny
2023-20MPA_AM1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Buchon SMCA and Point Buchon SMR (existing)	Santa Ynez Band of Chumash Indians	Add a tribal take exemption at Point Buchon SMCA, rename Point Buchon SMCA, and adjust northern boundary of Point Buchon SMR	Approve tribal take exemption and renaming; deny proposed boundary change
2023-21MPA_AM1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Pyramid Point SMCA (existing)	Tolowa Dee-ni' Nation	Remove recreational take of true smelt in Pyramid Point SMCA and adjust northern boundary of Pyramid Point SMCA	Approve proposed removal of recreational take of true smelt; deny proposed boundary change
2023-23MPA_AM1	Various MPAs in Monterey County (existing)	Giant Kelp Restoration Project	Modify several regulations related to kelp restoration, including allowing urchin culling in Monterey MPAs; establish a new SMR at Tankers' Reef	Deny

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-24MPA_AM1	Laguna Beach No-Take SMCA and Dana Point SMCA (existing)	Laguna Bluebelt Coalition	Extend the southern boundary of the Laguna Beach No-Take SMCA to the southern border of Laguna Beach	Deny
2023-27MPA_AM1 (as clarified at the May 6, 2026 CFGC regional meeting)	Anacapa Island SMCA (existing)	Environmental Defense Center	Modify regulations at Anacapa Island SMCA to protect sensitive eelgrass habitats (with several options proposed)	Modify SMCA regulations to prohibit the deployment of lobster traps shallower than 50 feet
2023-28MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Sal SMCA (new)	Northern Chumash Tribal Council and Natural Resources Defense Council	Add a new MPA near Point Sal	Approve the proposed new Point Sal SMCA
2023-29MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Mishopshno SMCA (new)	Santa Ynez Band of Chumash Indians and Natural Resources Defense Council	Add a new MPA near Carpinteria	Approve the proposed new Mishopshno SMCA

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-32MPA (as clarified at the April 21, 2026 CFGC regional meeting)	Duxbury Reef SMCA (existing)	Environmental Action Committee of West Marin	Expand Duxbury Reef SMCA and modify regulations to strengthen protections for intertidal species	Designate two new SMCAs to protect the northern and southern portions of Duxbury Reef, each with take regulations that protect intertidal seaweed and invertebrates while allowing for continuation of other existing shore- and boat-based fishing
2023-33MPA_AM1	Various existing MPAs and one proposed new MPA	Environment California and Azul	Expand six existing MPAs statewide and add a new MPA in Santa Cruz	Approve proposed expansion of Point Dume SMCA, but deny proposed additional take allowance in Point Dume SMCA. Approve a smaller expansion of Point Conception SMR. Deny proposed expansion of Natural Bridges SMR, Cabrillo SMR, South Point SMR, or Gull Island SMR. Deny proposed designation of a new SMCA at Pleasure Point.
2023-34MPA	Point Buchon SMCA, Farnsworth Onshore and Offshore SMCAs (existing)	Environment California and Azul	Reclassify Point Buchon SMCA to an SMR to prohibit take; Remove all take except for recreational spearfishing in Farnsworth Onshore and Offshore SMCAs	Deny

References

- Abadie, A., Lejeune, P., Pergent, G., & Gobert, S. (2016). From mechanical to chemical impact of anchoring in seagrasses: The premises of anthropogenic patch generation in *Posidonia oceanica* meadows. *Marine Pollution Bulletin*, 109(1), 61-71.
<https://doi.org/10.1016/j.marpolbul.2016.06.022>
- Altstatt, J. (2021). Island eelgrass (*Zostera pacifica*): Focused assessment of condition, health and extent of beds and biological monitoring of associated fish and invertebrate communities.
- Altstatt, J. M., Ambrose, R. F., Carroll, J., Coyer, J., Wible, J., & Engle, J. M. (2014). Eelgrass meadows return to Frenchy's Cove, Anacapa Island: Recovery ten years after successful transplantation. *Monographs of the Western North American Naturalist*, 7, 500–517.
- Arafeh-Dalmau, N., Cavanaugh, K. C., Possingham, H. P., Munguia-Vega, A., Montaña-Moctezuma, G., Bell, T. W., Cavanaugh, K., & Micheli, F. (2021). Southward decrease in the protection of persistent giant kelp forests in the northeast Pacific. *Communications Earth & Environment*, 2, Article 119. <https://doi.org/10.1038/s43247-021-00177-9>
- Arafeh-Dalmau, N., Munguia-Vega, A., Micheli, F., Vilalta-Navas, A., Villaseñor-Derbez, J. C., Précoma-de la Mora, M., Schoeman, D. S., Medellín-Ortíz, A., Cavanaugh, K. C., Sosa-Nishizaki, O., Burnham, T. L. U., Knight, C. J., Woodson, C. B., Abas, M., Abadía-Cardoso, A., Aburto-Oropeza, O., Esgro, M. W., Espinosa-Andrade, N., Beas-Luna, R., ... Possingham, H. P. (2023). Integrating climate adaptation and transboundary management: Guidelines for designing climate-smart marine protected areas. *One Earth*, 6(11), 1523-1541.
<https://doi.org/10.1016/j.oneear.2023.10.002>
- Bell, T. W., Allen, J. G., Cavanaugh, K. C., & Siegel, D. A. (2020). Three decades of variability in California's giant kelp forests from the Landsat satellites. *Remote Sensing of Environment*, 238, 110811. <https://doi.org/10.1016/j.rse.2018.06.039>
- Bell, T. W., Cavanaugh, K. C., & Siegel, D. A. (2024). SBC LTER: Time series of quarterly NetCDF files of kelp biomass in the canopy from Landsat 5, 7 and 8, since 1984 (ongoing) ver 26. Environmental Data Initiative.
- Blanchette, C. A., Miner, C. M., Raimondi, P. T., Lohse, D., Heady, K. E. K., & Broitman, B. R. (2008). Biogeographical patterns of rocky intertidal communities along the Pacific coast of North America. *Journal of Biogeography*, 35(9), 1593–1607.
- California Department of Fish and Wildlife. (2020). Surf smelt (*Hypomesus pretiosus*) enhanced status report. Marine Species Portal. <https://marinespecies.wildlife.ca.gov>

California Department of Fish and Wildlife. (2023). Decadal management review of California's marine protected area network.

California Department of Fish and Wildlife. (2025). Marine fisheries data explorer: Commercial landings. <https://wildlife.ca.gov/Fishing/Commercial/Landings>

Carr, M. H., Robinson, S. P., Wahle, C., Davis, G., Kroll, S., Murray, S., Schumacker, E. J., & Williams, M. (2017). The central importance of ecological spatial connectivity to effective coastal marine protected areas and to meeting the challenges of climate change in the marine environment. *Aquatic Conservation: Marine and Freshwater Ecosystems*, 27(S1), 6-29. <https://doi.org/10.1002/aqc.2800>

Caselle, J. E., Rassweiler, A., Hamilton, S. L., & Warner, R. R. (2015). Recovery trajectories of kelp forest animals are rapid yet spatially variable across a network of temperate marine protected areas. *Scientific Reports*, 5, Article 14102. <https://doi.org/10.1038/srep14102>

Cavanaugh, K. C., Reed, D. C., Bell, T. W., Castorani, M. C. N., & Beas-Luna, R. (2019). Spatial variability in the resistance and resilience of giant kelp in Southern and Baja California to a multiyear heatwave. *Frontiers in Marine Science*, 6, Article 413. <https://doi.org/10.3389/fmars.2019.00413>

Charles, A., & Wilson, L. (2009). Human dimensions of marine protected areas. *ICES Journal of Marine Science*, 66(1), 6–15.

Checkley, D. M., Jr., & Barth, J. A. (2009). Patterns and processes in the California Current System. *Progress in Oceanography*, 83(1–4), 49–64.

Dauhajre, D. P., McWilliams, J. C., & Renault, L. (2019). Nearshore Lagrangian connectivity: Submesoscale influence and resolution sensitivity. *Journal of Geophysical Research: Oceans*, 124(7), 5180–5204. <https://doi.org/10.1029/2019JC014943>

Dever, E. P. (2004). Objective maps of near-surface flow states near Point Conception, California. *Journal of Physical Oceanography*, 34(2), 444-461.

Duarte, C. M., Losada, I. J., Hendriks, I. E., Mazarrasa, I., & Marbà, N. (2013). The role of coastal plant communities for climate change mitigation and adaptation. *Nature Climate Change*, 3(11), 961-968. <https://doi.org/10.1038/nclimate1973>

Eisaguirre, J. H., Eisaguirre, J. M., Davis, K., Carlson, P. M., Gaines, S. D., & Caselle, J. E. (2020). Trophic redundancy and predator size class structure drive differences in kelp forest ecosystem dynamics. *Ecology*, 101(5), Article e02993. <https://doi.org/10.1002/ecy.2993>

- Essington, T. E., Moriarty, P. E., Froehlich, H. E., Hodgson, E. E., Koehn, L. E., Oken, K. L., Siple, M. C., & Stawitz, C. C. (2015). Fishing amplifies forage fish population collapses. *Proceedings of the National Academy of Sciences*, 112(21), 6648–6652. <https://doi.org/10.1073/pnas.1422020112>
- Fourqurean, J. W., Duarte, C. M., Kennedy, H., Marbà, N., Holmer, M., Mateo, M. A., Apostolaki, E. T., Kendrick, G. A., Krause-Jensen, D., McGlathery, K. J., & Serrano, O. (2012). Seagrass ecosystems as a globally significant carbon stock. *Nature Geoscience*, 5(7), 505–509. <https://doi.org/10.1038/ngeo1477>
- Frieder, C. A., Kessouri, F., Ho, M., Sutula, M., Bianchi, D., McWilliams, J. C., Deutsch, C., & Howard, E. (2024). Effects of urban eutrophication on pelagic habitat capacity in the Southern California Bight. *Frontiers in Marine Science*, 11, Article 1392671. <https://doi.org/10.3389/fmars.2024.1392671>
- Giraldo-Ospina, A., Bell, T., Carr, M. H., & Caselle, J. E. (2025). A site selection decision framework for effective kelp restoration. *Biological Conservation*, 302, Article 110980. <https://doi.org/10.1016/j.biocon.2025.110980>
- Grech, A., Chartrand-Miller, K., Erftemeijer, P., Fonseca, M., McKenzie, L., Rasheed, M., Taylor, H., & Coles, R. (2012). A comparison of threats, vulnerabilities and management approaches in global seagrass bioregions. *Environmental Research Letters*, 7(2), Article 024006. <https://doi.org/10.1088/1748-9326/7/2/024006>
- Hamilton, S. L., Caselle, J. E., Malone, D. P., & Carr, M. H. (2010). Incorporating biogeography into evaluations of the Channel Islands marine reserve network. *Proceedings of the National Academy of Sciences*, 107(43), 18272–18277. <https://doi.org/10.1073/pnas.0908091107>
- Hamilton, S. L., Gleason, M. G., Godoy, N., Eddy, N., & Grorud-Colvert, K. (2022). *Ecosystem-based management for kelp forest ecosystems*. *Marine Policy*, 136, 104919. <https://doi.org/10.1016/j.marpol.2021.104919>
- Harris, J. L., Waters, T., & Zulian, M. (2026). California’s 2026 coast and ocean assessment. California Ocean Science Trust.
- Harvey, J. B. J., Ryan, J. P., Zhang, Y., Chavez, F. P., Cheriton, O. M., Fiechter, J., McManus, M. A., & Kudela, R. M. (2021). Influences of extreme upwelling on a coastal retention zone. *Frontiers in Marine Science*, 8, Article 648944. <https://doi.org/10.3389/fmars.2021.648944>

Herrera, M., Tubío, A., Pita, P., Vázquez, E., Olabarria, C., Duarte, C. M., & Villasante, S. (2022). Trade-Offs and Synergies Between Seagrass Ecosystems and Fishing Activities: A Global Literature Review. *Frontiers in Marine Science*, 9, Article 781713. <https://doi.org/10.3389/fmars.2022.781713>

Johnson, S. Y., & Hartwell, S. R. (2018). California State Waters Map Series—Offshore of Point Conception, California. U.S. Geological Survey.

Kekuewa, S. A. H., Courtney, T. A., Cyronak, T., & Andersson, A. J. (2022). *Seasonal nearshore ocean acidification and deoxygenation in the Southern California Bight*. *Scientific Reports*, 12(1), 17969. <https://doi.org/10.1038/s41598-022-21831-y>

Kendall, M. S., Poti, M., & Karnauskas, K. B. (2016). Climate change and larval transport in the ocean: Fractional effects from physical and physiological factors. *Global Change Biology*, 22(4), 1532–1547. <https://doi.org/10.1111/gcb.13159>

Kindeberg, T., Severinson, J., & Carlsson, P. (2022). Eelgrass meadows harbor more macrofaunal species but bare sediments can be as functionally diverse. *Journal of Experimental Marine Biology and Ecology*, 554, Article 151777.

Kumagai, J. A., Goodman, M. C., Villasenor-Derbez, J. C., Schoeman, D. S., Cavanuagh, K. C., Bell, T. W., Micheli, F., De Leo, G., & Arafeh-Dalmau, N. (2024). Marine protected areas that preserve trophic cascades promote resilience of kelp forests to marine heatwaves. *Global Change Biology*, 30(12), Article e17620.

Levenbach, S. (2008). Community-wide ramifications of an associational refuge on shallow rocky reefs. *Ecology*, 89(10), 2819–2828. <https://doi.org/10.1890/07-0656.1>

Mace, A. J., & Morgan, S. G. (2006). Larval accumulation in the lee of a small headland: Implications for the design of marine reserves. *Marine Ecology Progress Series*, 318, 19–29. <https://doi.org/10.3354/meps318019>

Magris, R. A., Pressey, R. L., Weeks, R., & Ban, N. C. (2014). Integrating connectivity and climate change into marine conservation planning. *Biological Conservation*, 170, 207–221.

McPherson, M. L., Finger, D. J. I., Houskeeper, H. F., Bell, T. W., Carr, M. H., Rogers-Bennett, L., & Kudela, R. M. (2021). Large-scale shift in the structure of a kelp forest ecosystem co-occurs with an epizootic and marine heatwave. *Communications Biology*, 4, Article 298.

Monterey Bay National Marine Sanctuary. (2025). Iconic kelp forests. National Oceanic and Atmospheric Administration. <https://montereybay.noaa.gov/science/characterization/kelp-forests.html>

- Morgan, S. G., Fisher, J. L., & Largier, J. L. (2011). Larval retention, entrainment, and accumulation in the lee of a small headland: Recruitment hot spots along windy coasts. *Limnology and Oceanography*, 56(1), 161–178. <https://doi.org/10.4319/lo.2011.56.1.0161>
- NOAA Fisheries. (2022). State of the California Current Ecosystem in 2021: Winter is coming?
- NOAA Office of National Marine Sanctuaries. (2025). Kelp forest. National Oceanic and Atmospheric Administration. <https://sanctuaries.noaa.gov/visit/ecosystems/kelpdesc.html>
- Ortiz-Villa, E. M., Rassweiler, A., Caselle, J. E., Cavanaugh, K. C., Arafeh-Dalmau, N., Bell, T. W., & Cavanaugh, K. C. (2025). Marine protected areas enhance climate resilience to severe marine heatwaves for kelp forests. *Journal of Applied Ecology*, 62(9), 2439–2453. <https://doi.org/10.1111/1365-2664.70112>
- O'Connor, M. I., Bruno, J. F., Gaines, S. D., Halpern, B. S., Lester, S. E., Kinlan, B. P., & Weiss, J. M. (2007). Temperature control of larval dispersal and the implications for marine ecology, evolution, and conservation. *Proceedings of the National Academy of Sciences*, 104(4), 1266–1271.
- Pecl, G. T., Araújo, M. B., Bell, J. D., Blanchard, J., Bonebrake, T. C., Chen, I., Clark, T. D., Colwell, R. K., Danielsen, F., Evengård, B., Falconi, L., Ferrier, S., Frusher, S., Garcia, R. A., Griffis, R. B., Hobday, A. J., Janion-Scheepers, C., Jarzyna, M. A., Jennings, S., ... Williams, S. E. (2017). Biodiversity redistribution under climate change: Impacts on ecosystems and human well-being. *Science*, 355(6332), eaai9214. <https://doi.org/10.1126/science.aai9214>
- Pikitch, E. K., Rountos, K. J., Essington, T. E., Santora, C., Pauly, D., Watson, R., Sumaila, U. R., Boersma, P. D., Boyd, I. L., Conover, D. O., Cury, P. M., Heppell, S. S., Houde, E. D., Mangel, M., Plaganyi, E., Sainsbury, K., Steneck, R. S., Geers, T. M., Gownaris, N., & Munch, S. B. (2014). The global contribution of forage fish to marine fisheries and ecosystems. *Fish and Fisheries*, 15(1), 43-64.
- Pinsky, M. L., Eikeset, A. M., McCauley, D. J., Payne, J. L., & Sunday, J. M. (2019). Greater vulnerability to warming of marine versus terrestrial ectotherms. *Nature*, 569(7754), 108-111. <https://doi.org/10.1038/s41586-019-1132-4>
- Reed, B. J., & Hovel, K. A. (2006). Seagrass habitat disturbance: How loss and fragmentation of eelgrass *Zostera marina* influences epifaunal abundance and diversity. *Marine Ecology Progress Series*, 326, 133-143. <https://doi.org/10.3354/meps326133>
- Rees, A., Sheehan, E. V., & Attrill, M. J. (2021). Optimal fishing effort benefits fisheries and conservation. *Scientific Reports*, 11, Article 3784. <https://doi.org/10.1038/s41598-021-82847-4>

Robinette, D. P., Nur, N., Brown, A., & Howar, J. (2012). Spatial distribution of nearshore foraging seabirds in relation to a coastal marine reserve. *Marine Ornithology*, 40(2), 111-116.
<https://doi.org/10.5038/2074-1235.40.2.978>

Robinette, D. P., Nur, N., & Jahncke, J. (2019). Spatial patterns in nearshore juvenile fish abundance throughout the California network of marine protected areas as revealed by seabird foraging rates. *CalCOFI Reports*, 60, 1–14.

Rock, B. M., & Daru, B. H. (2021). Impediments to understanding seagrasses' response to global change. *Frontiers in Marine Science*, 8, Article 608867.
<https://doi.org/10.3389/fmars.2021.608867>

Rogers-Bennett, L., & Catton, C. A. (2019). Marine heat wave and multiple stressors tip bull kelp forest to sea urchin barrens. *Scientific Reports*, 9, Article 15050.
<https://doi.org/10.1038/s41598-019-51114-y>

Russell, M., Olson, M. B., Love, B. A., & Thuesen, E. V. (2022). Surf smelt accelerate usage of endogenous energy reserves under climate change. *PLOS ONE*, 17(6), e0270491.
<https://doi.org/10.1371/journal.pone.0270491>

Santora, J. A., Sydeman, W. J., Schroeder, I. D., Wells, B. K., & Field, J. C. (2011). Mesoscale structure and oceanographic determinants of krill hotspots in the California Current: Implications for trophic transfer and conservation. *Progress in Oceanography*, 91(4), 397-409.
<https://doi.org/10.1016/j.pocean.2011.04.002>

Santora, J. A., Schroeder, I. D., Bograd, S. J., Chavez, F. P., Cimino, M. A., Fiechter, J., Hazen, E. L., Kavanaugh, M. T., Messié, M., Miller, R. R., Sakuma, K. M., Sydeman, W. J., Wells, B. K., & Field, J. C. (2021). *Pelagic biodiversity, ecosystem function, and services: An integrated observing and modeling approach*. *Oceanography*, 34(2), 16–37. <https://doi.org/10.5670/oceanog.2021.212>

Savoca, M. S., Czapanskiy, M. F., Kahane-Rapport, S. R., Gough, W. T., Fahlbusch, J. A., Bierlich, K. C., Segre, P. S., Di Clemente, J., Penry, G. S., Wiley, D. N., Calambokidis, J., Nowacek, D. P., Johnston, D. W., Pyenson, N. D., Friedlaender, A. S., Hazen, E. L., & Goldbogen, J. A. (2021). *Baleen whale prey consumption based on high-resolution foraging measurements*. *Nature*, 599(7883), 85–90. <https://doi.org/10.1038/s41586-021-03991-5>

Schiel, D. R., & Foster, M. S. (2015). *The biology and ecology of giant kelp forests*. University of California Press.

Schiff, K., McLaughlin, K., Moore, S., & Cao, Y. (2019). Southern California Bight. In C. Sheppard (Ed.), *World seas: An environmental evaluation* (2nd ed.). Academic Press.

SeaSketch California. (2026). California marine protected area petition evaluation mapping and spatial analysis [Interactive mapping platform].

Smith, J. G., Free, C. M., Lopazanski, C., Brun, J., Anderson, C. R., Carr, M. H., Claudet, J., Dugan, J. E., Eurich, J. G., Francis, T. B., Hamilton, S. L., Mouillot, D., Raimondi, P. T., Starr, R. M., Ziegler, S. L., Nickols, K. J., & Caselle, J. E. (2023). A marine protected area network does not confer community structure resilience to a marine heatwave across coastal ecosystems. *Global Change Biology*, 29(19), 5634–5651. <https://doi.org/10.1111/gcb.16862>

Starko, S., van der Mheen, M., Pessarrodona, A., Wood, G. V., Filbee-Dexter, K., Neufeld, C. J., Montie, S., Coleman, M. A., & Wernberg, T. (2024). *Impacts of marine heatwaves in coastal ecosystems depend on local environmental conditions*. *Global Change Biology*, 30(8), e17469. <https://doi.org/10.1111/gcb.17469>

Stevens, B. G. (2021). The ups and downs of traps: Environmental impacts, entanglement, mitigation, and the future of trap fishing for crustaceans and fish. *ICES Journal of Marine Science*, 78(2), 584–596. <https://doi.org/10.1093/icesjms/fsaa135>

Tomlin, H., Schellenberg, C., Barrs, J. B., Vivani, A. J. S., & Shaw, P. (2021). *Identifying and monitoring of forage fish spawning beaches in British Columbia's Salish Sea for conservation of forage fish*. *FACETS*, 6(1), 1024–1043. <https://doi.org/10.1139/facets-2020-0038>

Turner, N. J., Gregory, R., Brooks, C., Failing, L., & Satterfield, T. (2008). From invisibility to transparency: Identifying the implications. *Ecology and Society*, 13(2), Article 7.

U.S. Geological Survey. (2005). Roadside geology of Point Reyes National Seashore and vicinity (Open-File Report 2005–1127).

Waycott, M., Duarte, C. M., Carruthers, T. J. B., Orth, R. J., Dennison, W. C., Olyarnik, S., Calladine, A., Fourqurean, J. W., Heck, K. L., Hughes, A. R., Kendrick, G. A., Kenworthy, W. J., Short, F. T., & Williams, S. L. (2009). Accelerating loss of seagrasses across the globe threatens coastal ecosystems. *Proceedings of the National Academy of Sciences*, 106(30), 12377–12381. <https://doi.org/10.1073/pnas.0905620106>

Wilson, K. L., Tittensor, D. P., Worm, B., & Lotze, H. K. (2020). Incorporating climate change adaptation into marine protected area planning. *Global Change Biology*, 26(6), 3251–3267. <https://doi.org/10.1111/gcb.15094>

Zabarte-Maeztu, I., Matheson, F. E., Manley-Harris, M., Davies-Colley, R. J., & Hawes, I. (2021). Fine sediment effects on seagrasses: A global review, quantitative synthesis and multi-stressor model. *Marine Environmental Research*, 171, Article 105480. <https://doi.org/10.1016/j.marenvres.2021.105480>



Outlook

MPA'S

From Bill Luffee

Date Tue 08/11/2026 05:07 PM

To FGC <FGC@fgc.ca.gov>

To who it may concern, I am a city council member from Morro Bay, Ca and I am writing in strong opposition to the 3 proposed MPA'S Morro Bay Harbor, Point Buchon, and Point Sal. Within these areas there already is enough protected areas and these will be determinate to the livelihood of the fisherman and fisherwomen in these areas. enough already

Bill Luffee



Sent from my iPhone

Tribal MPA's

From Paavo Carroll

Date Wed 08/12/2026 09:38 AM

To FGC <FGC@fgc.ca.gov>

Hello Commission,

I am a commercial fisherman currently and for the last 12 years operating primarily out of Morro Bay. I am writing because I cannot support any new MPA's, particularly so near the Rock which for us is a bad weather fishing refuge, also a low expense fishing refuge, given its proximity to the harbor. Truly that is a MPA only the Fish and Wildlife wardens could love. I can see them now, lurking amongst the surfers with binoculars, harassing people for their tribal papers.

Anthony certain NGO's would have us believe that all MPA's are miraculously effective, for me the science simply isn't there. Aside from some tropical ones in other parts of the world, in some very degraded ecosystems, the benefits here in the US have yet to be meaningful to commercial fishers. Most things the MPAs purport to make happen, could be made to happen using existing fishing regulations.

What I do support, however, wholeheartedly and without reservation, is the Tribal right to fish however they would like, wherever they would like, not just in existing MPA's but all up and down the coast, whether for cultural reasons, subsistence reasons or for profit. Nor am I one of these strange folk who insists such fishing would have to take place with 1700's technology. I would suggest taking a look, for example, at some of the First Nations fisheries in Canada. I don't understand why the fight, if there is one, for this right has to be intertwined with MPA's.

Thank you.

Paavo Carroll

F/V Esther Louise

Get [Outlook for iOS](#)



Outlook

RE OCTOBER 15 item number 34. Petition 2023-20MPA_AM1 and Petition 2023-34MPA(

From VENTURA COUNTY COMMERCIAL FISHERMEN'S ASSOCIATION [REDACTED]

Date Wed 09/30/2026 09:26 AM

To FGC <FGC@fgc.ca.gov>

RE OCTOBER 15 item number 34. Petition 2023-20MPA_AM1 and Petition 2023-34MPA (A) Petition 2023-20MPA_AM1 (Point Buchon SMCA, Tribally Led) Request to expand the northern boundary of Point Buchon SMR, add a tribal take exemption to Point Buchon SMCA for the Santa Ynez Band of Chumash Indians, and to rename Point Buchon SMCA as the Chumash Co-Managed SMCA.

This is a letter VCCFA would like submitted to the record and evaluated prior to the meeting.

Thank you

Dave Colker

--

Dave Colker,
Executive Director

[Ventura County Commercial Fishermen's Association](#)

[REDACTED]



Ventura County Commercial Fishermen's Association
1237 S. Victoria Ave #284
Oxnard, CA 93035

[REDACTED]
[REDACTED]

September 30, 2026

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

RE: Opposition to the Restrictive Component of Petition 2023-20MPA_AM1 – Point Buchon SMR and Point Buchon SMCA

Dear President Sklar and Commissioners:

The Ventura County Commercial Fishermen's Association (VCCFA) previously submitted written comments regarding Petition 2023-20MPA and raised concerns regarding socioeconomic impacts, displacement of fishing effort, and consequences to surrounding open fishing grounds. VCCFA submits these updated comments following amendment of the petition and subsequent development of the record.

Petition 2023-20MPA_AM1 contains several distinct proposed actions. It requests expansion of the northern boundary of Point Buchon State Marine Reserve (SMR), addition of a Tribal take exemption within Point Buchon State Marine Conservation Area (SMCA) for the Santa Ynez Band of Chumash Indians, and renaming of Point Buchon SMCA as the Chumash Co-Managed SMCA.

VCCFA believes these actions should be considered separately.

VCCFA recognizes and respects the cultural importance of this marine region to the Santa Ynez Band of Chumash Indians and supports meaningful Tribal participation, stewardship, and appropriate co-management opportunities in California marine-resource management.

VCCFA does not oppose the principle of meaningful Tribal engagement or the development of appropriate co-management relationships. Our primary concern with Petition 2023-20MPA_AM1 is the proposed expansion of the Point Buchon SMR and the resulting removal of additional fishing access.

CDFW's technical evaluation identifies important concerns regarding that proposed boundary expansion. CDFW evaluated whether expanding Point Buchon SMR would improve the design or function of California's existing MPA Network and considered the ecological objectives advanced by the petitioner, existing protections, fisheries use, and potential socioeconomic effects.

For VCCFA, the fundamental question remains whether the ecological benefit of expanding the reserve has been sufficiently demonstrated to justify removing additional productive fishing territory and whether the reasonably foreseeable consequences of that removal have been adequately evaluated.

Point Buchon does not operate as an isolated fishing ground. Fishermen operating along the Central Coast use a network of fishing areas that changes according to target species, seasons, environmental conditions, weather, regulations, market conditions, and other operational factors.

When access to one productive portion of that network is removed, fishing effort does not necessarily disappear. Some portion of that effort may instead relocate into remaining accessible fishing grounds.

The central question therefore remains:

Where will the displaced fishing effort go?

VCCFA previously identified likely receiving areas including waters around Morro Bay, Cambria, and the broader Point Conception region. These areas already support commercial and recreational fishing activity. Removing additional access at Point Buchon therefore requires consideration not only of what may occur within the expanded reserve, but also what may occur outside its boundaries when fishing activity is redistributed.

The next question is equally important:

What happens to the remaining open fishing grounds when displaced fishing effort arrives?

Before expanding Point Buchon SMR, VCCFA believes the Commission should have sufficient information to evaluate how much commercial and recreational fishing activity presently occurs within the proposed expansion, how much effort is reasonably expected to be displaced, where that activity is likely to relocate, how much fishing activity already occurs within likely receiving areas, and what ecological, economic, operational, and fisheries-management consequences may result from concentrating additional effort there.

VCCFA's earlier comment emphasized that displacement can increase competition among fishermen, congestion within productive fishing grounds, gear conflicts, operating costs, and localized pressure upon marine resources in the remaining open areas. Those concerns remain relevant.

The absence of adequate displacement analysis does not establish that these consequences will be insignificant. It means those consequences have not yet been adequately evaluated.

This distinction is particularly important because the petition combines a proposal that would physically expand a no-take reserve with proposals intended to advance Tribal participation and co-management. These objectives do not necessarily require the same regulatory action.

VCCFA believes meaningful Tribal stewardship and co-management can be advanced without automatically requiring the removal of additional commercial fishing territory.

Accordingly, VCCFA supports continued government-to-government engagement with the Santa Ynez Band of Chumash Indians concerning appropriate Tribal access, stewardship, monitoring, cultural recognition, and co-management opportunities within the Point Buchon region. VCCFA does not object to consideration of renaming Point Buchon SMCA to recognize a formal co-management relationship where such a relationship is appropriately established.

Those issues, however, should not be treated as justification by themselves for expanding the Point Buchon SMR.

The proposed reserve expansion should stand on its own ecological, socioeconomic, and fisheries-management merits. If additional fishing access is to be removed, the record should demonstrate why the additional closure is necessary, what measurable benefit it is reasonably expected to provide, what existing fishing activity will be displaced, where that activity is likely to relocate, and what consequences that redistribution may have upon the remaining open fishing grounds.

VCCFA therefore **opposes the proposed expansion of Point Buchon SMR** and respectfully requests that the Commission not approve that restrictive component of Petition 2023-20MPA_AM1 unless the record sufficiently demonstrates the need for the additional closure and adequately evaluates its reasonably foreseeable socioeconomic and spatial-displacement consequences.

At the same time, VCCFA supports continued consideration of appropriate Tribal co-management, cultural-recognition, and Tribal-access mechanisms that can advance meaningful partnership with the Santa Ynez Band of Chumash Indians without unnecessarily removing additional productive fishing territory.

VCCFA incorporates and attaches its September 30, 2026 General Written Comment Regarding 2023 Marine Protected Area Petitions. That comment further explains VCCFA's concerns regarding socioeconomic analysis, spatial displacement of fishing effort, impacts upon remaining open fishing grounds, cumulative spatial pressures, Tribal engagement, working-waterfront economic consequences, and the need for a sufficiently complete record before additional fishing access is removed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DC' or similar initials, followed by a horizontal flourish.

Dave Colker
Executive Director
Ventura County Commercial Fishermen's Association (VCCFA)

Proposed MPAs off of San Luis Obispo County

From Lori French

Date Fri 09/25/2026 03:10 PM

To FGC <FGC@fgc.ca.gov>

Cc Shuman, Craig [REDACTED] Eckerle, Jenn@CNRA
<Jenn.Eckerle@resources.ca.gov>

Hello

I'm a commercial fishing wife of forty two years based out of Morro Bay. Over the years, I have experienced changes to the California commercial fishing fleet brought on by more and more regulations first hand. The Morro Bay and Port San Luis commercial fishing fleet are shells of what we were in the 1980's. Of all the fishermen in Morro Bay with sons, including our family, none of our boys have gone into fishing. Many tried and then got off the boats because fishing has become so unstable. Both our sons fished their way through college, as did our nephew. Our oldest was on the boat for about six years until 2019. The changes to the dungeness fishery was the straw that broke the camel's back and he got off the boat, went back to school to get his Masters. From boat to boat, the story is the same, instability is killing California fishing families. My point? The proposed Tribally led Marine Protected Areas are just another layer to put us out of business, except this time these proposed MPA's will have more serious ramifications to actually change the economics of the harbors closest to them.

Fast forward to early May 2026 when we first learned of the proposed MPA's. When something as important as closing off more of the fishing grounds, I'd like to think that the commercial fishermen were consulted. We weren't. It seems that no one in Morro Bay or Port San Luis, including our Mayor and Harbor Director had any knowledge of these proposals. Myself and another fishwife started telling everyone from our fellow fishermen to the Morro Bay City Staff to the Salinan Tribe to the media. This has become another job I really didn't need, but I took on because these proposed MPA's are just flat out wrong, morally and socioeconomically. Taking access to all and giving it to just a few will fan the flames of racism that in this day and age, we just don't need. I do understand the intent to bring in tribal voices into the management of our oceans, but this is not the correct path.

We don't need any more MPA's in our area. We have 29. At this point this is just an ocean grab. There are conflicting studies on the success of the existing MPAs. There have been no socio economic studies of the ports that are affected by the existing MPA's and closing the areas directly off of Morro Bay and Port San Luis will have drastic effects on the commercial fishing fleets. There is enough potential damage to put many of us out of business. You put us out of business then the entire waterfront infrastructure changes. Look at Southern California harbors.

The entire process hasn't seemed to follow the original MPA process. Indeed there has been no outreach to the stakeholders and no transparency. PCFFA has reached out and received no answers to our letters.

I've read several comments that contradict each other from Fish & Game and various councils about the effectiveness of the MPA's offsetting climate change. But by closing the closest fishing grounds, forcing the commercial fleet to travel farther to find new areas to fish, the fleet is using more diesel, thus increasing our carbon footprint and adding to climate change.

My list of reasons not to approve the Proposed Chitqawi, Pt. Buchon and Pt. Sal MPA's:

"Adding a new MPA in this region of the MPA Network would not fill a connectivity or habitat representation gap or provide ecosystem or connectivity benefits when assessed per the SAT Science Guidelines." Dept. F & W recommendation!!!!

Chitqawi and Pt. Buchon-These two are too close to the harbor entrance. This could seriously hamper the lifesaving dredging that occurs at the harbor entrance. Personally, our family fought for this dredging after my father in law lost his life on November 9th, 1987. Our oldest son was born the morning before. Since 1987, there have been no deaths due to the bar/harbor conditions due to the annual dredging of the harbor mouth. My concerns are where would the spoils be placed and from the maps the proposed Chitqawi would take in half of the harbor entrance. I'm concerned that the spoils removal farther from the harbor would increase the overall costs of the dredging which in turn may lead to the government to decide it's not worth the cost.

The areas of the proposed Chitqawi, Pt. Buchon and Pt. Sal are valuable fishing grounds for commercial and sport fleets. It should be noted that not all boats are required to have VMS, thus information supplied by others in their testimonies may not be correct. In 2026, the cards were once stacked for us and I would say 95% of our income has come from this area. The salmon were in this area and boats from all over came to fish our waters. (It was so great to see after three, very, very, very long closed seasons.)

Chitqawi encompasses a very busy beach in Morro Bay which is under the California State Park system. This is a Tourist beach and adding another layer of regulations will be confusing, some of which might contradict each other.

Potentially closing or adding to the existing closed areas will lead to fishing boats having to go further out of our home, thus leading to increased fossil fuel consumption and extra overhead on our family businesses that can ill afford additional costs. (Currently the red diesel with no road tax is \$8.00 at Morro Bay's only fuel dock. The price in town for diesel with road tax is \$8.49 for reference.)

The Chitqawi and Pt. Buchon MPA's do not fall within the Santa Ynez Band of Chumash Indians homeland. This area is homeland to the Salinan tribe and the proposal doesn't take that into consideration. I believe the SYBCI already has fishing rights in other MPA's in Santa Barbara County.

Pt. Sal -This area is already protected under the Chumash Heritage National Marine Sanctuary and will require not only a CEQA but also a NEPA evaluation. This area is used by Port San Luis and Morro Bay commercial fishermen. It has been stated that not much production has come from this fishing block, but it is still vitally important locally. The decrease in production from this block is a direct result of the changes to the commercial fishing fleet over the years. Block landing numbers do not tell the entire story.

The Dept. of Fish and Wildlife does not have the budget to patrol these additional MPA's. This has been brought up at various meetings.

In closing I would just like to reiterate that bringing the California tribes and their knowledge is important to the big story, but again this is not the way to make up for the wrongs of the past.

Sincerely,
Lori French

F/V Langosta II

Chaos Coordinator

F/V Langosta II, French Avocados, Little Red Egg Co. and Fish Wife Life

Lori Vaccaro French



Comment: Marine Protected Area (MPA) Regulation Change Petitions

From Chris Munson [REDACTED]

Date Wed 09/30/2026 02:56 PM

To FGC <FGC@fgc.ca.gov>

Cc John Craig [REDACTED]

Dear President Sklar and CA Fish and Game Commissioners.

We would like to place the City of Morro Bay's position regarding Marine Protected Area petitions 2023-19MPA, 2023-20MPA, and 2023-29MPA into the record.

On **August 11, 2026, the Morro Bay City Council unanimously voted 5–0** to authorize the Mayor to submit a letter opposing Petition 2023-19MPA and requesting deferral of Petitions 2023-20MPA and 2023-29MPA pending meaningful consultation with the City and local fishing stakeholders (attached).

The City's concerns are based on several issues. Morro Bay was not originally included in the consultation or outreach process, despite being a directly affected coastal community. The proposed Chitqawi SMCA is immediately adjacent to the entrance of Morro Bay Harbor, right where our recreational and commercial fisherman fish and our only stretch of public beaches. This raises concerns regarding navigation, harbor access, commercial fishing, and vessel and gear conflicts.

The City also requested additional analysis of the socioeconomic and cumulative impacts of the proposed MPA changes on Central Coast fishing communities. The staff report notes that CDFW had not completed a supplemental economic or fiscal analysis and that Commission staff lacked sufficient information to determine impacts on specific coastal fishing communities.

The City supports responsible stewardship of marine resources and recognizes the cultural and historical connections of California Native American tribes to these waters. At the same time, the City believes that the safety, economic vitality, harbor operations, and fishing interests of affected coastal communities should be fully considered.

The City Council's position was formally adopted **unanimously, 5–0, on August 11, 2026**.

Thank you.

Chris Munson
Harbor Director
City of Morro Bay
(805)772-6255



CITY OF MORRO BAY

CITY HALL

595 Harbor Street
Morro Bay, CA 93442

August 11, 2026

Meghan Hertel, Director
California Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, California 95814

Eric Sklar, President
California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, California 95814

Re: City of Morro Bay Opposition to Marine Protected Area Petitions 2023-19MPA, 2023-20MPA, and 2023-29MPA — Request for Denial or Deferral Pending Local Consultation

Dear Director Hertel and President Sklar,

On behalf of the Morro Bay City Council, we write in strong opposition to the proposed regulatory changes set forth in Marine Protected Area petitions 2023-19MPA (Chitqawi SMCA), 2023-20MPA (Point Buchon), and 2023-29MPA (Mishopshno SMCA), which are scheduled for consideration at the California Fish and Game Commission (CFGF) Tribal Committee meeting on August 11, 2026, and the full Commission meeting on August 12–13, 2026. We respectfully urge the Commission to deny or defer action on these petitions until a meaningful and legally adequate process of consultation with the City of Morro Bay and other directly affected local stakeholders has been completed.

I. Background: Morro Bay's Stake in These Proceedings

Morro Bay is a small coastal city of approximately 10,000 residents in San Luis Obispo County, anchored by one of the Central Coast's most productive commercial and recreational fishing harbors. The Morro Bay commercial fishing fleet—which targets Dungeness crab, rock crab, sablefish, rockfish, salmon, and other species—operates in the very waters at issue in these petitions. Our harbor supports local fish processing operations, charter boat services, recreational fishing, whale watching, kayaking, and an active marine tourism economy that is central to the fiscal health and identity of our community.

Petition 2023-19MPA proposes to designate a new State Marine Conservation Area (SMCA) to be named "Chitqawi" in waters directly adjacent to Morro Bay Harbor, immediately offshore of Morro Rock—at the entrance to our harbor. Petition 2023-20MPA proposes significant changes to the Point Buchon SMCA and State Marine Reserve (SMR) located approximately eight miles south of Morro Bay, within routine fishing range of our local fleet. Petition 2023-29MPA proposes a new SMCA near Carpinteria named "Mishopshno," which, while geographically more distant, is co-petitioned by parties whose broader network of petitions affects the fisheries on which Morro Bay depends.

II. The City Was Never Consulted and the Process Has Been Legally Deficient

Fish and Game Code section 2853 requires that any process for the establishment, modification, or abolishment of MPAs must involve "all interested parties, including, but not limited to, individuals from the sport and commercial fishing industries, aquaculture industries, coastal and ocean tourism and recreation industries, marine conservation organizations, local governments, marine scientists, and the public." Fish and Game Code section 2855 further requires that the California Department of Fish and Wildlife (CDFW) "take into account relevant information including, but not limited to, the socioeconomic and environmental impacts of various alternatives" when siting new MPAs or making major modifications to existing ones.

The City of Morro Bay was not notified of, consulted regarding, or invited to participate in any stage of the evaluation process for petitions 2023-19MPA, 2023-20MPA, or 2023-29MPA. We were not included in any of the regional public meetings held in April and May 2026. We were not identified as an affected local government in CDFW's evaluations. We received no advance notice of the July 30, 2026 release of CDFW's tribally-led petition evaluations, and we had fewer than 14 days between that release and the August 11, 2026 Tribal Committee meeting.

CDFW's own July 2026 Companion Document acknowledges that "CDFW did not have the ability to provide a supplemental analysis of the economic or fiscal impacts" for petitions, and that the evaluations "do not include an assessment of any socioeconomic benefits or impacts beyond impacts to commercial and recreational fisheries." CFGC staff similarly conceded in July 2026 that they were "unable to make determinations about whether, or to what extent, any specific petition advances or conflicts with the goals of" CFGC's own Coastal Fishing Communities Policy—adopted specifically to protect communities like Morro Bay—because "CFGC does not yet have detailed economic, demographic, or cultural data" to assess impacts on specific communities. This is an admission that the evaluations fall short of the statutory standard imposed by Fish and Game Code section 2855.

III. Specific Objections by Petition

A. Petition 2023-19MPA: Proposed Chitqawi SMCA near Morro Rock

The City of Morro Bay opposes the designation of the proposed Chitqawi SMCA. The proposed SMCA would be located immediately adjacent to the entrance of Morro Bay Harbor—one of the most actively used commercial and recreational fishing ports on the Central Coast. The Ocean Protection Council (OPC), in its own July 31, 2026 recommendations to CFGC, recommended denial of petition 2023-19MPA, explicitly noting that "the proposed SMCA would be located immediately adjacent to Morro Bay Harbor, a critical regional port, potentially presenting significant challenges." The City concurs strongly with this assessment.

Morro Rock and the waters surrounding it are the gateway to our harbor. Any restriction on navigation, fishing access, or vessel operations in this area would have direct and potentially severe consequences for our commercial fishing fleet, charter vessel operators, harbor maintenance vessels, and recreational users. Beyond the operational impacts, a new MPA at this location could interfere with port safety and create dangerous ambiguities in an area with active vessel traffic, including vessels entering and exiting the harbor channel.

We further note that CDFW's own evaluation framework requires new MPAs to meet minimum size guidelines (at least 9 square miles) and high levels of protection to contribute meaningfully to the MPA Network. The proposed Chitqawi SMCA, as presented, would not meet these thresholds and—as OPC noted—may be an "irregular fit" for the tribal co-management goals it seeks to achieve. Those goals deserve to be pursued through alternative, non-regulatory pathways that do not impose navigational and economic burdens on Morro Bay.

The City of Morro Bay urges the Commission to deny petition 2023-19MPA.

B. Petition 2023-20MPA: Point Buchon SMCA and SMR Modifications

The Point Buchon SMCA and SMR are located approximately eight miles south of Morro Bay in San Luis Obispo County. Morro Bay fishermen regularly access these waters, and our harbor is the nearest commercial port. Petition 2023-20MPA proposes to (1) add a tribal take exemption for the Santa Ynez Band of Chumash Indians (SYBCI), (2) rename the SMCA to reflect Chumash cultural heritage, and (3) adjust the northern boundary of the Point Buchon SMR.

While the City of Morro Bay recognizes and respects the deep cultural and historical ties of the Chumash people to these waters, we object to the process by which this petition has proceeded without local government notification or input. At minimum, the City requests that before any action is taken on this petition, CDFW conduct formal consultation with the Morro Bay Harbor Department and our commercial fishing community regarding the operational implications of a

tribal take exemption and boundary changes on fishing access and gear conflicts in waters near the Point Buchon area.

We also express concern regarding the proposed northern boundary expansion of the Point Buchon SMR. The OPC itself recommended denial of this boundary change, noting it could cause "confusion and enforcement challenges" and result in a misalignment of the boundaries of Point Buchon SMR and SMCA. The City agrees. Boundary changes to fully protected State Marine Reserves require particularly strong justification and should not proceed without thorough analysis of impacts on nearby coastal fishing communities—analysis that CFGC staff has acknowledged has not been completed.

The City of Morro Bay urges the Commission to defer action on petition 2023-20MPA pending meaningful consultation with the Morro Bay Harbor Department and local fishing industry, and to deny the proposed northern boundary change to the Point Buchon SMR.

C. Petition 2023-29MPA: Proposed Mishopshno SMCA near Carpinteria

Petition 2023-29MPA proposes a new SMCA near Carpinteria, co-petitioned by the Santa Ynez Band of Chumash Indians, the Natural Resources Defense Council, and the Environmental Defense Center. While this area is geographically distant from Morro Bay, we note that the petitioners driving this and the other tribally-led petitions are simultaneously seeking to encumber the fishing grounds of Central Coast fishermen who operate from Morro Bay across the broader Santa Barbara Channel and Central Coast bioregion.

The cumulative impact of multiple new and modified MPAs in this bioregion—particularly when layered onto existing MPAs, the newly designated Chumash Heritage National Marine Sanctuary, and ongoing Vandenberg-adjacent restrictions—has not been assessed in a way that adequately captures the compounding effect on the livelihoods of Central Coast fishing families. CDFW's own evaluations acknowledge the absence of cumulative socioeconomic analysis. Approving petition 2023-29MPA without that analysis, and without meaningful engagement with the communities most affected, is inconsistent with both the letter and spirit of Fish and Game Code sections 2853 and 2855.

The City of Morro Bay urges the Commission to defer action on petition 2023-29MPA pending a cumulative socioeconomic impact analysis that includes Central Coast fishing communities, including those operating from the Port of Morro Bay.

IV. Requests

The Morro Bay City Council respectfully requests that the California Fish and Game Commission:

1. Deny petition 2023-19MPA in its entirety, consistent with the recommendation of the Ocean Protection Council, given its proximity to the entrance of Morro Bay Harbor and the significant operational and safety challenges a new SMCA in that location would create.
2. Defer action on petitions 2023-20MPA and 2023-29MPA until CDFW has completed the socioeconomic impact analysis required by Fish and Game Code section 2855, and until the City of Morro Bay, the Morro Bay Harbor Department, and representatives of the Morro Bay commercial fishing fleet have had a meaningful opportunity to consult with CDFW and appear before the Commission.
3. Formally add the City of Morro Bay and the Morro Bay Harbor Department to the notification and outreach list for all future proceedings related to marine protected areas in the Central Coast bioregion, including any subsequent rulemaking proceedings arising from these petitions.
4. Direct CDFW to schedule a dedicated consultation with City of Morro Bay officials and harbor stakeholders prior to any further action on petitions affecting the Central Coast bioregion, consistent with the requirements of Fish and Game Code section 2853.

The City of Morro Bay supports responsible stewardship of California's coastal and marine resources. We respect the rights and cultural connections of California Native American tribes to the ocean and to the resources that have sustained their communities since time immemorial. We recognize the importance of the Marine Life Protection Act's goals and the significant conservation achievements of the MPA Network. These values, however, must be balanced with the equally important mandate to protect the livelihoods, safety, and economic vitality of the coastal communities that depend on access to these same waters—communities that were not consulted in this process and who have much at stake in its outcome.

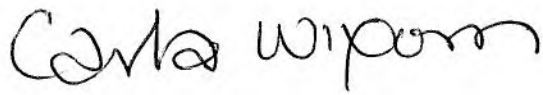
We are prepared to engage constructively with CDFW, CFGC, and with the Santa Ynez Band of Chumash Indians to find approaches that honor Chumash cultural heritage while protecting the operational integrity of Morro Bay Harbor and the well-being of our fishing community. We ask only that we be given the opportunity to do so.

Please direct correspondence to the Office of the City Manager at 595 Harbor Street, Morro Bay, California 93442, or by email at jcraig@morrobayca.gov. We respectfully request the opportunity to provide public testimony at the August 12–13, 2026 Commission meeting.

Page 6

August 11, 2026

Respectfully submitted,

A handwritten signature in black ink that reads "Carla Wixom". The signature is fluid and cursive, with the first name "Carla" and last name "Wixom" clearly distinguishable.

Carla Wixom

Mayor, City of Morro Bay

On behalf of the Morro Bay City Council:

Jeff Eckles, Mayor Pro Tem

Zara Landrum, Council Member

Cyndee Edwards, Council Member

Bill Luffee, Council Member

cc:

Craig Shuman, Marine Regional Manager, CDFW

Jenn Eckerle, Executive Director, Ocean Protection Council

Melissa Miller-Henson, Executive Director, Fish and Game Commission

Senator John Laird, California State Senate, 17th District

Assembly Member Dawn Addis

San Luis Obispo County Board of Supervisors

Morro Bay Harbor Department