

Staff Summary for October 13-16, 2026

37A. Petition 2023-15MPA_AM2 (Footprint SMR, Santa Barbara Island SMR, and Gull Island SMR)**Today's Item****Information** ☐**Action** ☒

Request to change the classification of Footprint state marine reserve (SMR), Santa Barbara Island SMR, and Gull Island SMR to state marine conservation areas (SMCAs) to allow take of pelagic finfish species through one of several options.

Consider evaluations, recommendations, and public comments in determining whether to grant or deny marine protected area (MPA) Petition 2023-15MPA_AM2 (Exhibit 1).

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

Summary of Previous/Future Actions

- | | |
|---|---------------------------------|
| • Received petition; referred to the Marine Resources Committee and the Department for review | December 2023;
February 2024 |
| • Received Department petition evaluation | April 15-16, 2026 |
| • Received petitioner's presentation and discussed region-specific petitioned actions via regional meeting | May 5-6, 2026 |
| • Received additional evaluations and recommendations from the Department and California Ocean Protection Council (OPC) | August 12-13, 2026 |
| • Today, consider granting or denying all or parts of Petition 2023-15MPA_AM2 | 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 the Commission Justice, Equity, Diversity and Inclusion Policy initial assessments; and the Department's and OPC's presentations.

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Overview of Proposed Regulatory Actions

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

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

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

Overview of Non-Regulatory Requests

This petition does not contain any non-regulatory requests.

Petitioner's Stated Intent

In summary, the petitioner explains that HMS and pelagic finfish, including swordfish, were not intended to be protected by these MPAs and that allowing take of these species would provide economically beneficial and sustainable commercial fishing opportunities while minimally impacting the ecosystem due to the selective nature of the proposed gear. They state that, "The allowance of limited pelagic or highly migratory take in these areas falls in line with the adaptive management measures set forth in the [2023 MPA] Decadal Management Review (DMR) and reinforced by the Marine Resource [Committee's] near-term [DMR] recommendations. The further highlights that "...the proposed changes also fall in line with the MPA Master Plan science guidelines [for high level-of-protection MPAs], and align with FGC comments on previous change request petitions." See Exhibit 1 for more details.

Public 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

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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 received 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.

Non-tribally led petitions (including this petition) were last discussed at the regional meetings held in April and May 2026. 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 2023-15MPA_AM2 proposes three actions located in the Northern Channel Islands and Santa Barbara Island; therefore, the petitioned actions were discussed at the May 5-6, 2026 regional meeting. For regional meeting materials, see the [Staff Summary for May 5-6, 2026](#), and the [petitioner presentation to the Commission on May 6, 2026](#).

Petitioner Clarifications

The petitioner has indicated a willingness to further modify their request to address enforcement concerns.

Agency Evaluations and Recommendations

Department

The Department's evaluation, presented at the Commission's April 15-16, 2026 meeting, recommends denial of all three petitioned actions, with the full technical analysis and summary of key findings provided in Exhibit 2. In summary, using Action 1 as an example:

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

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Ocean Protection Council (OPC)

OPC staff, in its science and policy recommendations presented at the August 12-13, 2026 Commission meeting, recommends denying petitions that would reduce existing MPA protections, emphasizing the importance of maintaining the network's ecological integrity, connectivity, biodiversity, and resilience in the face of climate change threats and uncertainty. OPC recognizes the petitioners' objectives but expresses concern that reducing existing protections could compromise long-term conservation outcomes and network resilience.

OPC states, "The 2026 California Coast and Ocean Report shows that climate change is increasingly threatening coastal ecosystems, fisheries, and tribal communities. In this context, California's MPA Network is a critical tool for safeguarding biodiversity, supporting climate resilience, and maintaining essential ecosystem services. When reviewing petitions, OPC prioritized actions that strengthen these benefits — such as supporting larger populations, genetic diversity, intact food webs, and ecological connectivity — while recognizing that MPAs cannot address all climate-driven impacts. Continued monitoring and adaptive management remain essential.

Given this precautionary approach, OPC does not recommend approving any petitions that would weaken existing protections (Petitions 2023-14MPA, 2023-15MPA_AM, 2023-16MPA, 2023-18MPA, and 2023-23MPA_AM). Opening existing no-take or limited-take MPAs to new fishing activities would undermine Network integrity and risk eroding hard-won conservation gains and MLPA goals, despite petitioners' thoughtful intentions." (Exhibit 3)

Key Considerations

- *Ecological*

The petitioner provides extensive research and historical analysis supporting the highly selective nature of swordfish harpooning, which generally poses limited direct impacts to benthic habitats and non-target species. However, the Channel Islands marine reserves were designed to provide broader ecosystem protection, including for pelagic species.

Footprint SMR/Federal Marine Reserve protects distinctive deepwater habitats and biological communities, and allowing additional take in the SMR would alter existing no-take protections and introduce enforcement concerns, particularly given Footprint's consistently high number of documented MPA violations.

- *Management and Governance*

The Northern Channel Islands marine reserves were established through a distinct and collaborative state-federal planning process preceding the regional MLPA Initiative. During subsequent MLPA Initiative planning, the Commission elected to incorporate the reserves intact into the statewide MPA network, recognizing their distinct conservation objectives while integrating them into the broader, ecologically connected network. Their extensive design across state and federal waters, with complementary regulations, remains a distinguishing feature. Proposed changes warrant consideration of these original objectives, network integrity, and coordination with federal management partners.

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- *Petitioner Engagement and Intent*

The petitioner has contributed substantial research and historical analysis, engaged with state and federal agencies, and consulted commercial and recreational fishing interests to develop a range of options informed by MLPA science guidelines. He has emphasized maintaining conservation protections and pursuing approaches acceptable to management agencies. While some proposed options would retain habitat-replication status under MLPA science guidelines, the Department finds that they would not preserve the original no-take objectives of these reserves and identifies additional enforcement and management concerns.

- *Petition Cross-Reference*

Gull Island SMR is also addressed in Petition 2023-33MPA_AM1 (Agenda Item 29), which proposes to expand the boundaries of Gull Island 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 comment summary and exhibits in [Introduction to Bin 2 MPA Regulation Change Petitions and Evaluations](#).

1. A California resident urges the Commission to deny Petitions 2023-15MPA-AM, 2023-16MPA, and 2023-18MPA, emphasizing that weakening SMRs would undermine the integrity of the MPA network, create enforcement challenges, set harmful precedent, and contradict both the Department's and California Ocean Protection Council's recommendations. They believe SMRs are essential climate-resilient core protections and that petitioners have not demonstrated any legitimate need to open these fully protected areas to fishing. (Exhibit 4)
2. Ventura County Commercial Fishermen's Association supports Petition 2023-15MPA and requests the Commission consider an appropriately tailored option allowing specified take of pelagic finfish and highly migratory species while retaining protections necessary to preserve the ecological function of the affected MPAs. (Exhibit 5)

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 2023-15MPA_AM2 (Exhibit 1).

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Department: Deny all petition actions, for the reasons detailed in Exhibit 2, and summarized under “Agency Evaluations and Recommendations.”

Ocean Protection Council: Deny all MPA petitions that reduce current MPA protections — for the reasons detailed Exhibit 3 and summarized under “Agency Evaluations and Recommendations.”

Exhibits

1. [Petition 2023-15MPA_AM2](#), received November 22, 2023, first amended January 9, 2025, and again amended March 14, 2025
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 Eric Praske](#), received September 24, 2026
5. [Email from Dave Colker, Executive Director, Ventura County Commercial Fishermen’s Association](#), received September 30, 2026

Motion

Moved by _____ and seconded by _____ that the Commission **grants** Petition 2023-15MPA_AM2.

OR

Moved by _____ and seconded by _____ that the Commission **grants** Petition 2023-15MPA_AM2 with:

- ___ Footprint, Gull Island and/or Santa Barbara Island SMRs
- ___ full SMCA or inshore SMR with an offshore SMCA
- ___ Options for take of highly migratory species
- ___ Options for possession of coastal pelagic species
- ___ Options for take of pelagic finfish
- ___ Options for methods of take (*i.e., hook-and-line, spear, harpoon for swordfish*)
- ___ Options to prohibit bottom contact gear

OR

Moved by _____ and seconded by _____ that the Commission **denies** Petition 2023-15MPA_AM2.



Petition2025-15MPA Amendment Cover Message

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

Petition actions being revised:

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

Additional stakeholder feedback/rationale being added:

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



Tracking Number: (2023-15MPA AM2)

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

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

SECTION I: Required Information.

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

1. Person or organization requesting the change (Required)

Name of primary contact person: Blake Hermann

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- The commercial take of swordfish by harpoon is allowed.

Deep-Set-Buoy-Gear (DSBG):

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

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

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

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

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

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

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

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

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

The Problem:

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

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

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



Summary of the reasons for change:

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

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

If implemented the resulting changes may have the following effects:

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

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

SECTION II: Optional Information

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

6. **Category of Proposed Change**

- ☒ Sport Fishing
- ☒ Commercial Fishing
- ☐ Hunting



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

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

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

☐ Add New Title 14 Section(s):

☐ Repeal Title 14 Section(s):

*See Document 20 for State and Federal Code modifications example

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

Or ☒ Not applicable.

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

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

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

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

Why Change These MPAs?

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

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

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



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

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

The First California MPAs:

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

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

MPA Intentions - Focus on Local Non-Pelagic Species:

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

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



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

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

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

Proposed Changes Effect on the Original MPA Intentions:

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

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



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

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

Following MPA Reports, The Need for Adaptive Management:

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

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

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

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

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

Pursuing Equitable Policy Through Modernized SMCAs:

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

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



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

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

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

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

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

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

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

Enforcement Analysis:

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



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

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

Mass Public Support:

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

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

Included Stakeholder feedback and additional information (added January 2025)

Commercial Swordfish:

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



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

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

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

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

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

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

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

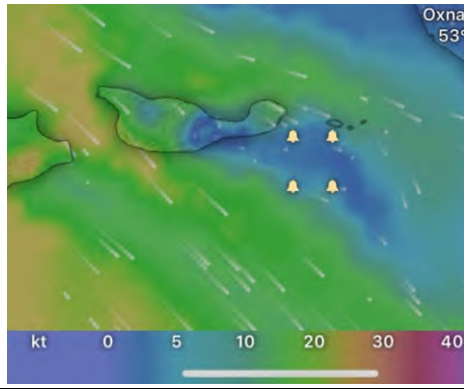


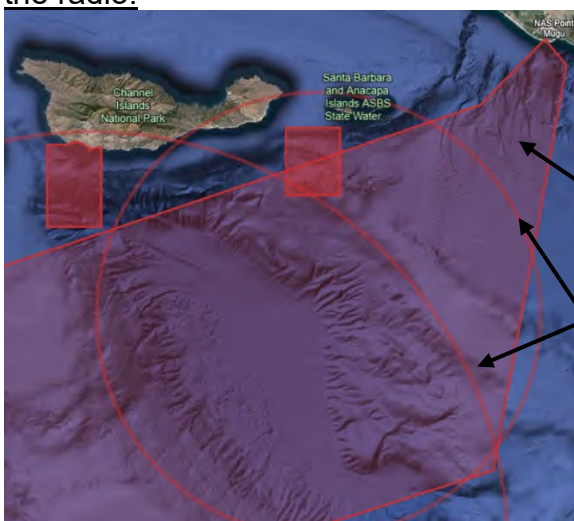
Image depicting average day in the Northern Channel Islands with The Footprint MPA outlined. Displayed wind “lee” for commercial swordfish is predominately around the closure forcing effort and gear interactions with the MPA to be higher (conditions are “fishable” under 10kts, blue color). Wind model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

Local Naval Closures:

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

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

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



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

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

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



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

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

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

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

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

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

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

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



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

Kelp Restoration and Climate Resiliency:

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

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

The four Options Breakdown including Stock and Fishery Analysis:

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

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

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

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



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

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

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

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

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

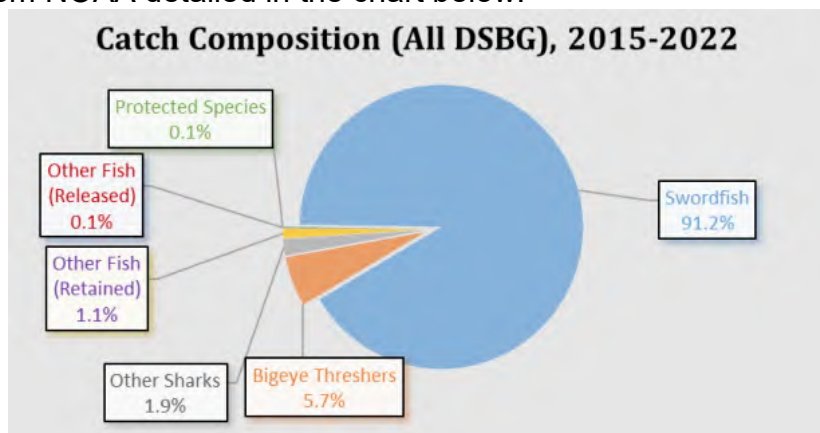
Along with deep drop methods, and in the spirit of fairness to the commercial fleets, ~~Options 1 and 2 would also allow~~ the use of standard-deep-set-buoy-gear (DSBG) ~~in the federal waters only of the proposed limited take areas (as it is currently primarily fished)~~ is proposed in this petition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



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

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

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



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

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

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



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

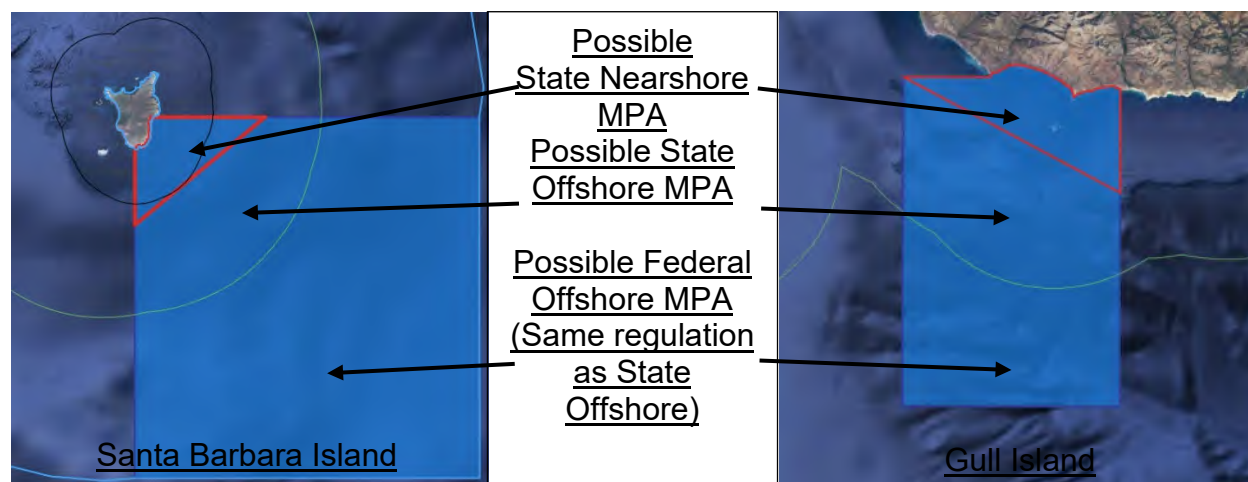
In addition to the ~~four~~ main options, there exists the isolated action for DSBG and a final choice of adding a nearshore closure to the Gull Island and SBI zones with more selective or no fishing methods being allowed. The selected limited take option would then be implemented outside of this boundary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

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



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

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



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

The Most Requested Option and Closing Remarks:

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

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

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



Remaining Supporting Documents and Sources:

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



CHANNEL COAST MARINE





Dear FGC,

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

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

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

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

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

Sincerely,

AFTCO

CCA California

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

Wild Oceans

BD Outdoors

Bear Flag Fish Co.

Bluewater Seafood

Chula Seafood

The Tuna Club

Balboa Angling Club

CISCOS Sportfishing

Hooks Sportfishing

Legit Sportfishing

Eric's Tackle Shop

Channel Coast Marine

Executive Yachts

Bight Sportfishing

Bad Company Fishing Adventures

Seal Beach Fish Co.

Wild Local Caught Seafood

Santa Monica Seafood

Ocean Pride Seafood

Santa Barbara Fish Market

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

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



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

Footprint State Marine Reserve

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



Gull Island, Santa Cruz Island State Marine Reserve

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

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

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

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

5-27

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



Santa Barbara Island State Marine Reserve

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

5-22

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

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

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

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



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

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

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

Footprint State Marine Reserve

Southern California - Established January 2012



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

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

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

Why was this location chosen for a state marine reserve?

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

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

Quick Facts: Footprint State Marine Reserve

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



ENTRY
O.K.


Non-Consumptive
Activities


No Fishing


No Collecting

Further Information:

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

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



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





Gull Island State Marine Reserve

Southern California - Established January 2012



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

Why was this location chosen for a state marine reserve?

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

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



Report poachers and polluters
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or text 847411 - begin message with "CallTip"
followed by the details.



Quick Facts: Gull Island State Marine Reserve

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



Further Information:

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

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

Santa Barbara Island State Marine Reserve

Southern California - Established January 2012



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

Why was this location chosen for a state marine reserve?

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

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



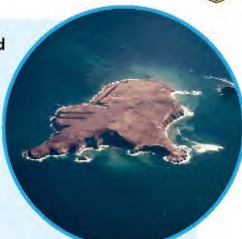
Report poachers and polluters
Call CallTip: 1 (888) 334-2258

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



Quick Facts: Santa Barbara Island State Marine Reserve

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



Further Information:

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

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



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

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

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

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

Appendix G: Decadal Management Review Supplemental Tables



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



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

Regulatory and Review Framework

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

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

SPECIES DIRECTORY

Pacific Bluefin Tuna

Overview | Seafood | Management | Resources



Pacific Bluefin Tuna
Thunnus orientalis

Also Known As
Northern bluefin tuna, Tuna, Bluefin tuna

Quick Facts

REGION: Pacific Islands, West Coast

 **FISHWATCH**
U.S. SEAFOOD FACTS

About the Species

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



School of bluefin tuna. Credit: NOAA Fisheries



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



Fishing Rate
Not subject to overfishing.



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



Bycatch
Regulations are in place to minimize bycatch.

Population Status

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

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



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

SPECIES DIRECTORY

North Pacific Swordfish

Overview | Seafood | Resources

North Pacific Swordfish

Xiphias gladius



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

Quick Facts
REGION: Pacific Islands, West Coast

FISHWATCH
U.S. SEAFOOD FACTS

About the Species

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



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

Population

The stocks are not overfished.

Fishing Rate

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

Habitat Impacts

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

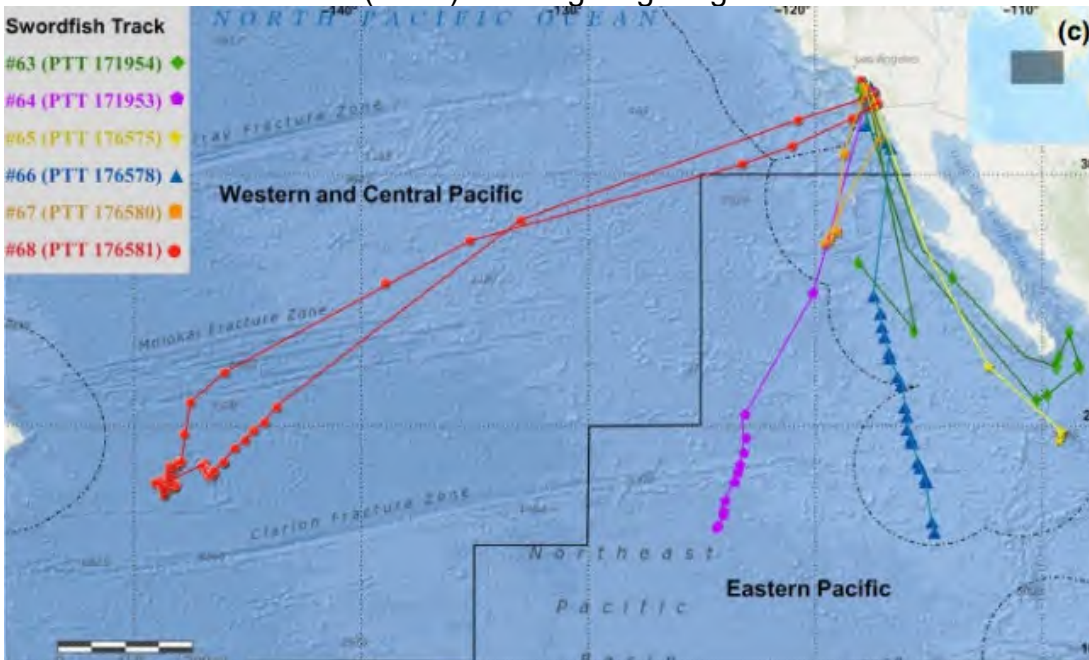
Bycatch

Regulations are in place to minimize bycatch.

Population Status

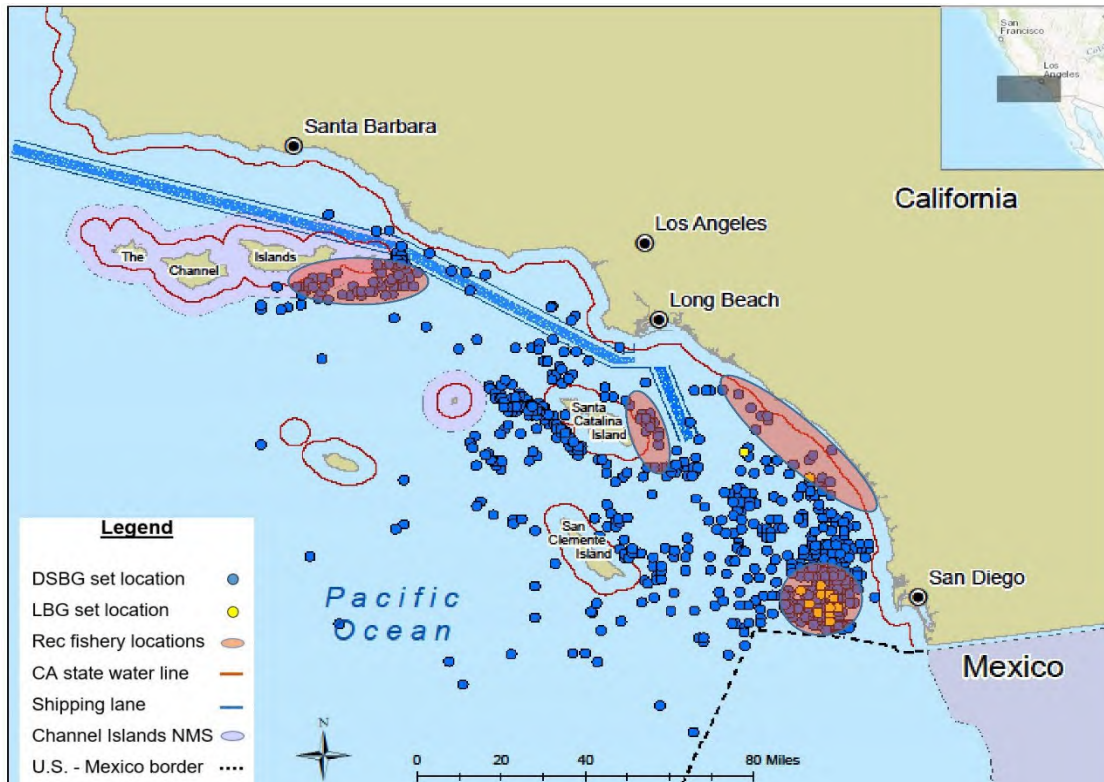
- There are two stocks of North Pacific swordfish: the Eastern Pacific Ocean stock and the Western and Central North Pacific Ocean stock. According to the most recent stock assessments:
 - The Eastern Pacific Ocean stock is not overfished but is subject to overfishing (2014 stock assessment). Summary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

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





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



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

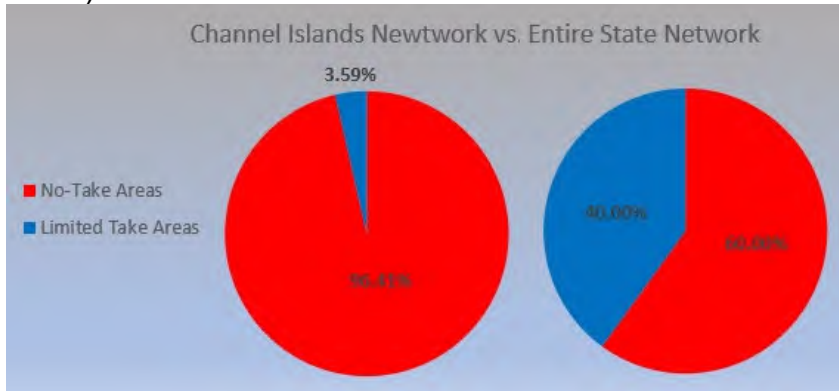




Document 18: Definition of State Marine Conservation Areas per California Code of Regulations Title 14 Section 632(a)(1)(C). The recommended change would make these MPAs effectively SMCAs and MCAs with limited HMS take and CPS possession.

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

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



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

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

State and Federal Definition Modifications-

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

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

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



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

State MPA Modifications-

Amend: 14 CCR § 632 (b) (109)

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

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

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

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

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

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

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

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

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

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

Amend: 14 CCR § 632 (b) (114)

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

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

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

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

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

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

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

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

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



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

Amend: 14 CCR § 632 (b) (116)

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

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

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

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

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

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

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

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

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

Federal Modifications-

Amend: 15 CFR 922.73(b):

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

(b.1). Anacapa Island Marine Conservation Area

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

(i) Recreational fishing for pelagic finfish; or

(ii) Commercial and recreational fishing for lobster.

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

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

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



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

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

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

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

(b.3) Footprint Marine Conservation Area

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

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

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

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

(b.4) Santa Barbara Island Marine Conservation Area

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

B.6. Footprint Marine Reserve



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

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

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

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

B.5. Anacapa Island Marine Reserve

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

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

Table B–5—Anacapa Island Marine Reserve

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



Point	Latitude	Longitude
5	34.08330 ° N	119.41000 " W

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

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

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

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

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

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

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

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

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

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

Point	Latitude	Longitude
1	33.86195 ° N	119.80000 " W



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

C.3. Footprint Marine Conservation Area

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

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

Table B–6—Footprint Marine Conservation Area

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

C.4. Santa Barbara Island Marine Conservation Area

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

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

Table B–8—Santa Barbara Island Marine Conservation Area

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



Links to data sources:

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

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

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

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

None to my knowledge. |

SECTION 3: FGC Staff Only

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

FGC staff action:

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

Tracking Number

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

Meeting date for FGC consideration: | _____ |



FGC action:

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

Tracking Number: (2023-15MPA)

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

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

SECTION I: Required Information.

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

1. Person or organization requesting the change (Required)

Name of primary contact person: Blake Hermann

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

The Problem:

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

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

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

Summary of the reasons for change:

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

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

If implemented the resulting changes may have the following effects:

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



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

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

SECTION II: Optional Information

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

6. Category of Proposed Change

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

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

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

*See Document 20 for State and Federal Code modifications example

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

Or ☒ Not applicable.

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

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

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

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



Why Change These MPAs?

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

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

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

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

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

The First California MPAs:

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

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



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

MPA Intentions - Focus on Local Non-Pelagic Species:

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

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

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

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

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

Proposed Changes Effect on the Original MPA Intentions:

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



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

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

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

Following MPA Reports, The Need for Adaptive Management:

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

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

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

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



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

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

Pursuing Equitable Policy Through Modernized SMCAs:

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

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

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

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

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

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



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

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

Enforcement Analysis:

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

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

Mass Public Support:

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

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



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

The 4 Options Breakdown including Stock and Fishery Analysis:

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

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

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

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

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



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

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

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

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

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

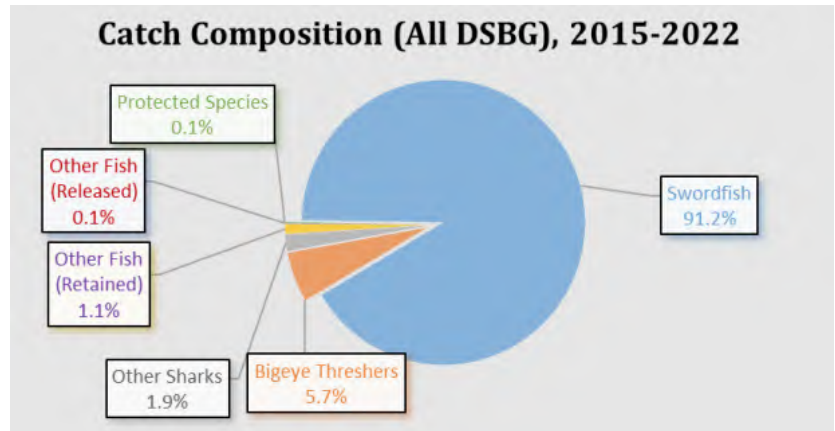


Looking at the data we can see that from 2015-2022, DSBG captured 91.2% swordfish, and a 96.9% mix of swordfish and thresher shark (another HMS). Of the “other sharks” and “other fish” most of these species were a mix of other pelagics (i.e., mako sharks, opah, and escolar). This means that nearly 99.8%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

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

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

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



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

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



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

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

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

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



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

The Most Requested Option and Closing Remarks:

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

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

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

Remaining Supporting Documents and Sources:

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



CHANNEL COAST MARINE





Dear FGC,

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

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

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

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

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

Sincerely,

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

Santa Monica Seafood
Ocean Pride Seafood
Santa Barbara Fish Market

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

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



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

Footprint State Marine Reserve

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



Gull Island, Santa Cruz Island State Marine Reserve

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

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

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

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

5-27

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



Santa Barbara Island State Marine Reserve

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

5-22

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

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

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

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



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

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

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

Footprint State Marine Reserve

Southern California - Established January 2012



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

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

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

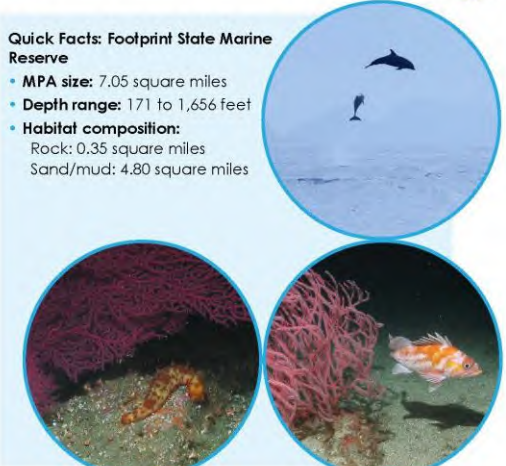
Why was this location chosen for a state marine reserve?

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

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

Quick Facts: Footprint State Marine Reserve

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



ENTRY
O.K.

Non-Consumptive
Activities

No Fishing

No Collecting

Further Information:

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

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



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





Gull Island State Marine Reserve

Southern California - Established January 2012



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

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

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

Why was this location chosen for a state marine reserve?

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

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



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



Quick Facts: Gull Island State Marine Reserve

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



Further Information:

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

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

Santa Barbara Island State Marine Reserve

Southern California - Established January 2012



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

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

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

Why was this location chosen for a state marine reserve?

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

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



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

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



Quick Facts: Santa Barbara Island State Marine Reserve

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



Further Information:

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

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



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

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

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

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

Appendix G: Decadal Management Review Supplemental Tables



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



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

Regulatory and Review Framework

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

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

SPECIES DIRECTORY

Pacific Bluefin Tuna

Overview | Seafood | Management | Resources



Pacific Bluefin Tuna
Thunnus orientalis

Also Known As
Northern bluefin tuna, Tuna, Bluefin tuna

Quick Facts

REGION Pacific Islands, West Coast

 **FISHWATCH**
U.S. SEAFOOD FACTS

About the Species

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



School of bluefin tuna. Credit: NOAA Fisheries



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



Fishing Rate
Not subject to overfishing.



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



Bycatch
Regulations are in place to minimize bycatch.

Population Status

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

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



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

SPECIES DIRECTORY

North Pacific Swordfish

Overview | Seafood | Resources

North Pacific Swordfish

Xiphus gladius



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

Quick Facts

REGION Pacific Islands, West Coast

 **FISHWATCH**
U.S. SEAFOOD FACTS

About the Species

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



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

 **Population**
The stocks are not overfished.

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

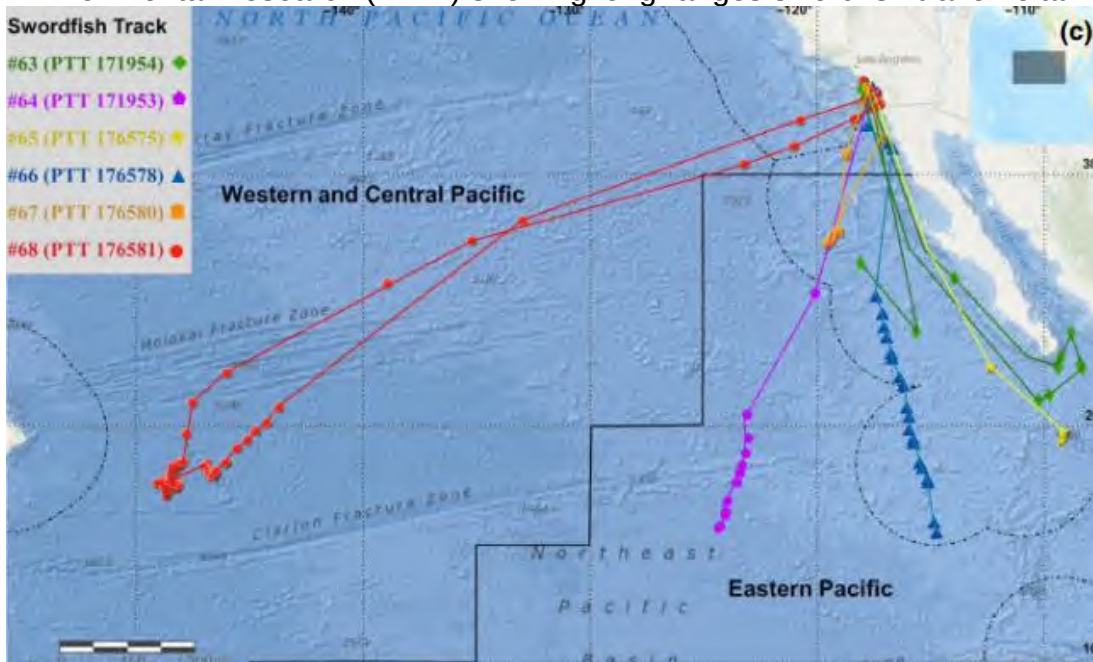
 **Habitat Impacts**
Fishing gear used to catch Pacific swordfish rarely contacts the seafloor so habitat impacts are minimal.

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

Population Status

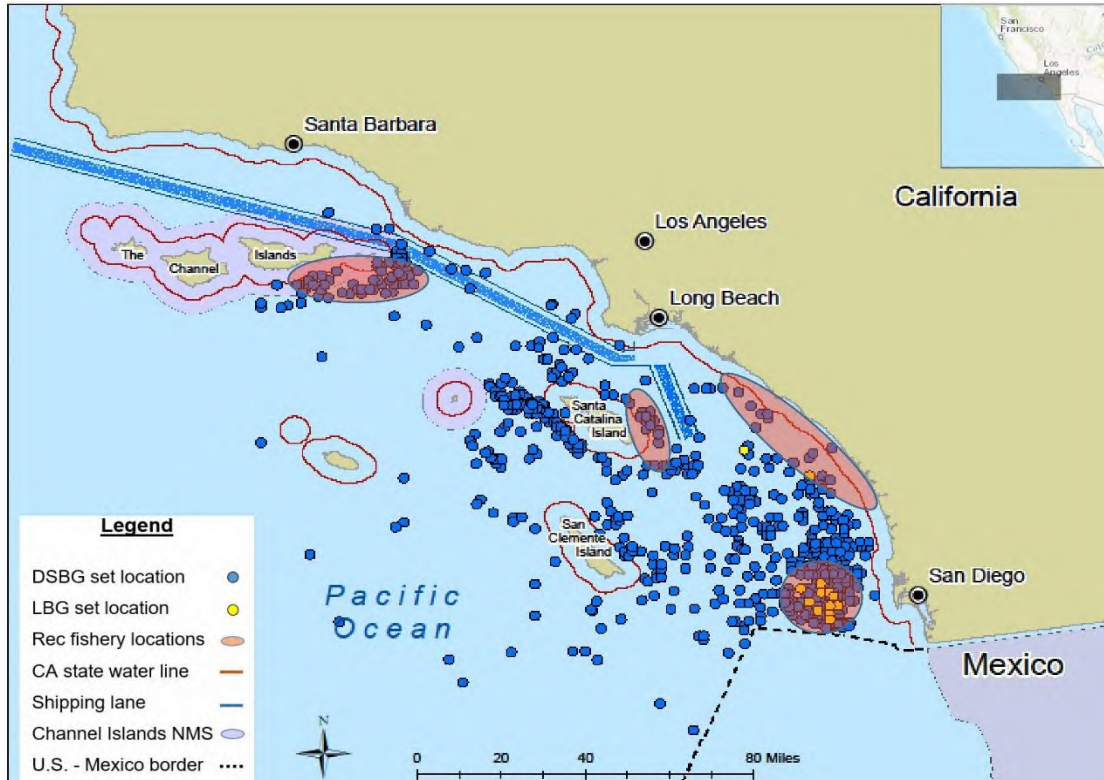
- There are two stocks of North Pacific swordfish: the Eastern Pacific Ocean stock and the Western and Central North Pacific Ocean stock. According to the most recent stock assessments:
 - The Eastern Pacific Ocean stock is not overfished but is subject to overfishing (2014 stock assessment). Summary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

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

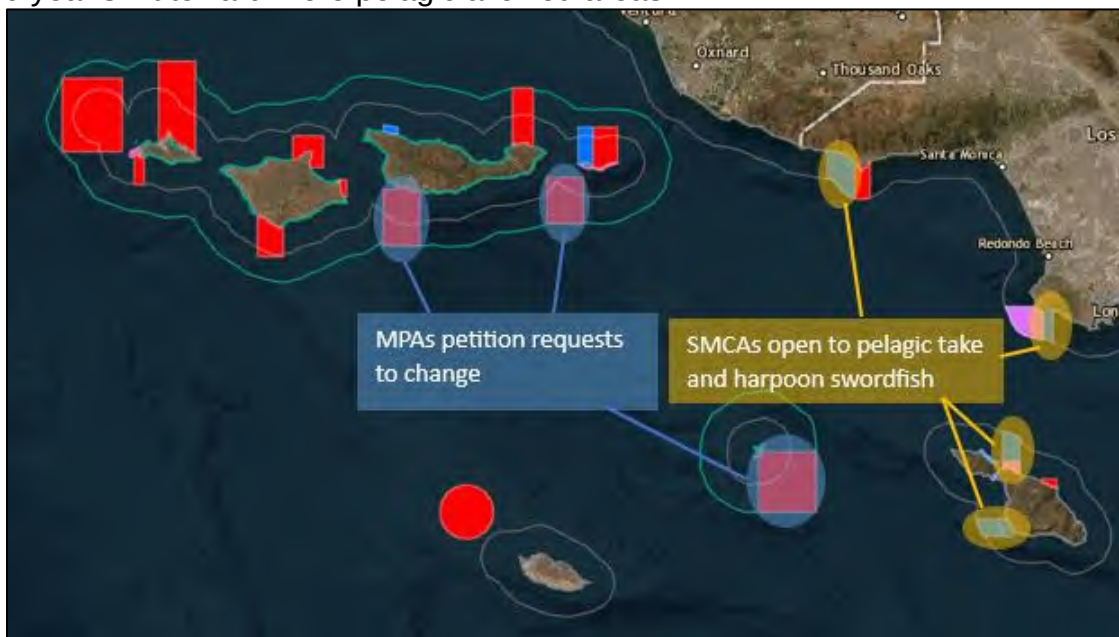




Document 16: DSBG and deep drop fishery efforts map displaying the wide area HMS fishing activity covers, and lack of northern Santa Cruz and Anacapa island efforts, where the only 2 SMCAs are located.



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

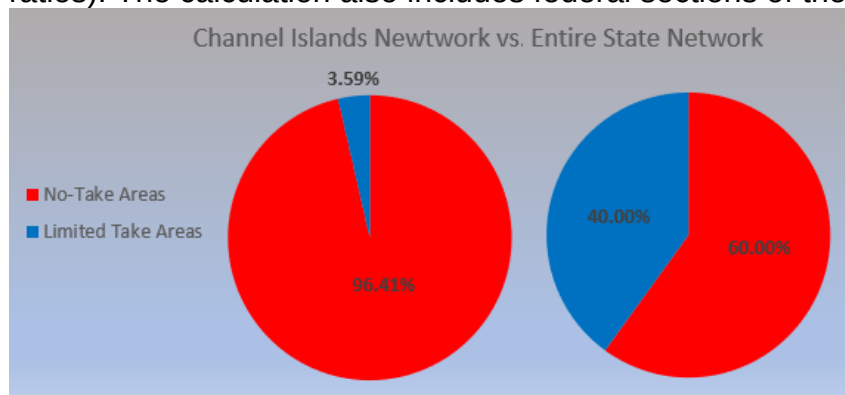




Document 18: Definition of State Marine Conservation Areas per California Code of Regulations Title 14 Section 632(a)(1)(C). The recommended change would make these MPAs effectively SMCAs and MCAs with limited HMS take and CPS possession.

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

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



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

State and Federal Definition Modifications-

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

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

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



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

State MPA Modifications-

Amend: 14 CCR § 632 (b) (109)

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

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

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

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

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

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

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

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

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

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

Amend: 14 CCR § 632 (b) (114)

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

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

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

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

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

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

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

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

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



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

Amend: 14 CCR § 632 (b) (116)

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

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

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

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

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

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

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

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

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

Federal Modifications-

Amend: 15 CFR 922.73(b):

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

(b.1). Anacapa Island Marine Conservation Area

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

(i) Recreational fishing for pelagic finfish; or

(ii) Commercial and recreational fishing for lobster.

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

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

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



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

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

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

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

(b.3) Footprint Marine Conservation Area

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

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

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

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

(b.4) Santa Barbara Island Marine Conservation Area

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

B.6. Footprint Marine Reserve



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

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

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

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

B.5. Anacapa Island Marine Reserve

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

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

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

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



Point	Latitude	Longitude
5	34.08330 ° N	119.41000 " W

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

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

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

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

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

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

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

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

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

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

Point	Latitude	Longitude
1	33.86195 ° N	119.80000 " W



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

C.3. Footprint Marine Conservation Area

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

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

Table B–6—Footprint Marine Conservation Area

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

C.4. Santa Barbara Island Marine Conservation Area

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

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

Table B–8—Santa Barbara Island Marine Conservation Area

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



Links to data sources:

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

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

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

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

None to my knowledge. |

SECTION 3: FGC Staff Only

Date received: 11/22/23. |

FGC staff action:

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

Tracking Number

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

Meeting date for FGC consideration: |

FGC action:



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

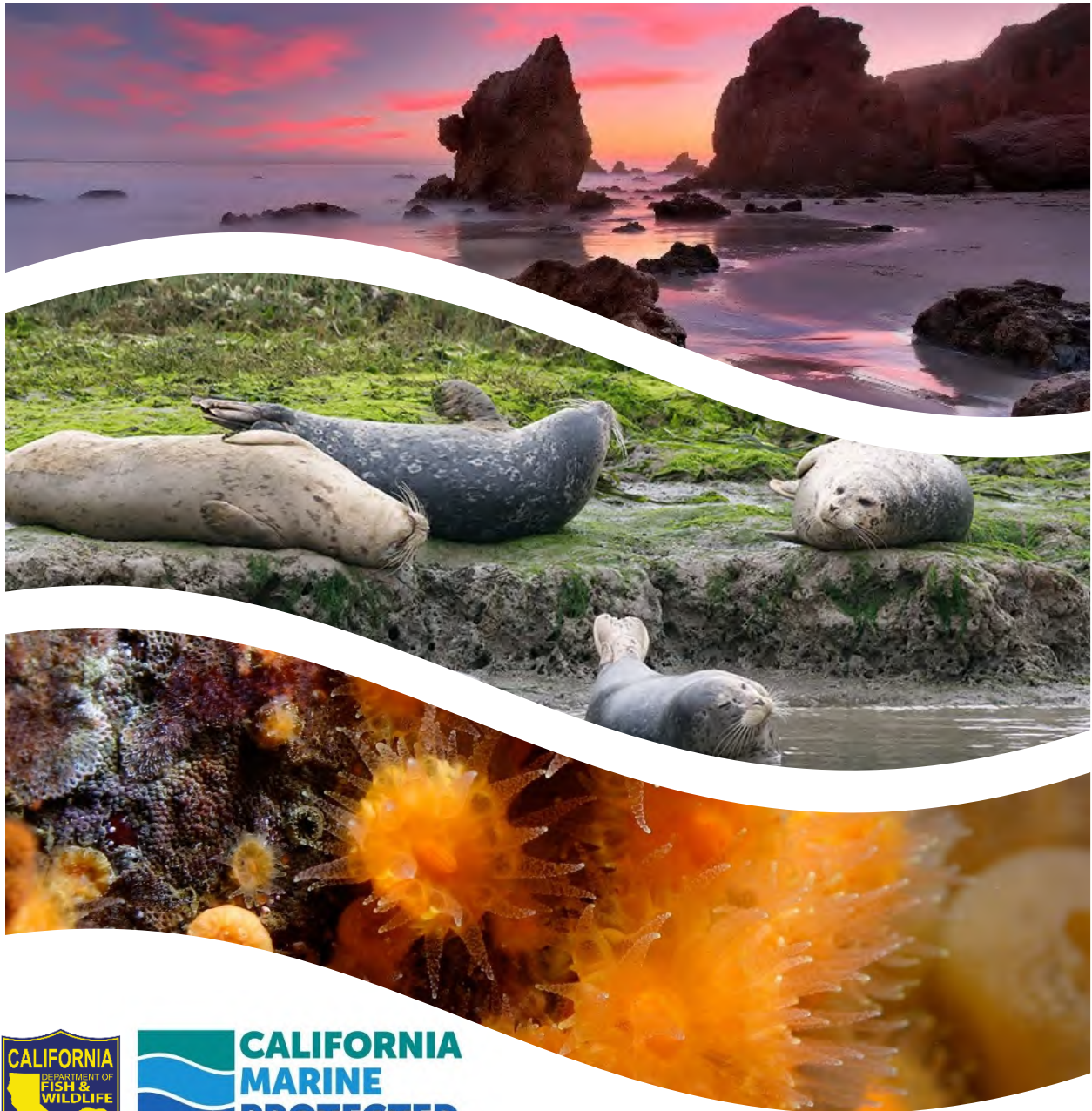
FGC 1 (Rev 06/19) Page 35 of 35

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

Attachment 1

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

COMPANION DOCUMENT



March 20, 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.

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.

On August 14, 2025, the CFGC approved an evaluation framework (Framework) for the 15 [Bin 2 Petitions](#) referred to the CDFW proposing changes to the MPA Network. CDFW developed the Framework, with support from staff at CFGC and Ocean Protection Council (OPC), 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, MPA objectives, and design considerations 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 Draft 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

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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 to achieve 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

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- 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 to preserve the integrity of the MPA Network.

The Department 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 MPA Master Plan.

SUPPLEMENTAL EVALUATION INFORMATION

CDFW compiled supplemental information and additional context for the Tribally-led petitions, the responses to Evaluation Questions 1, 2a, 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, will next be 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:

- Tolowa Dee-ni' Nation: Remove Recreational Take of Smelt and Change the Boundary at Pyramid Point SMCA (2023-21MPA)
- Santa Ynez Band of Chumash Indians (SYBCI): Designate a new Chitqawi SMCA in Morro Bay with a Tribal Exemption for SYBCI (2023-19MPA)
- Santa Ynez Band of Chumash Indians: Change the Take and Add a Tribal Exemption at Point Buchon SMCA, Change the Boundary at Point Buchon SMR (2023-20MPA)
- Santa Ynez Band of Chumash Indians: Designate a new SMCA near Mishopshno/Carpinteria with a Tribal Exemption for SYBCI (2023-29MPA)
- Northern Chumash Tribal Council: Designate a new SMCA at Point Sal (Santa Barbara Co.) With Allowance for Recreational Take of Finfish by Hook and Line From Shore (2023-28MPA)

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 Marine Protected Area (MPA) Network. The 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 Tribes for the 20 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 the CFGC's Tribal Committee. These outreach efforts to tribes are summarized in Table 1.

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 and co-sponsored by Santa Ynez Band of Chumash Indians

At the May 7, 2025, meeting, the 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.

On November 24, 2025, CFGC received a letter from Northern Chumash Tribal Council and Natural Resources Defense Council 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, Tribal Committee Meeting, the Tribal Committee reconsidered this petition and recommended CFGC designate it as a Tribally-led petition. At the December 11, 2025, CFGC Meeting, CFGC designated petition 2023-28MPA as a Tribally-led petition.

At the February 11, 2026, CFGC meeting, CFGC approved the addition of an update and discussion on the Tribally-led petitions at the April 14, 2026, Tribal Committee Meeting.

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

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Table 1. 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, Commission 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 – 2/27/26	Meetings	Discuss Tribally-led petitions with tribal petitioners

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 Network were not necessarily designed to address all six goals of the MLPA but instead act as an important component of a functioning Network that was designed to holistically address the MLPA goals. As such, CDFW has evaluated 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?

[Decadal Management Review](#)

[Adaptive Management Recommendations](#)

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 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 and other questions to respond to the question. The Science Guidelines were developed by the Science Advisory Team during the MLPA Initiative planning process to provide quantitative, science-based 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. In particular, 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 levels of protection (Very High, High, or Moderate-High).

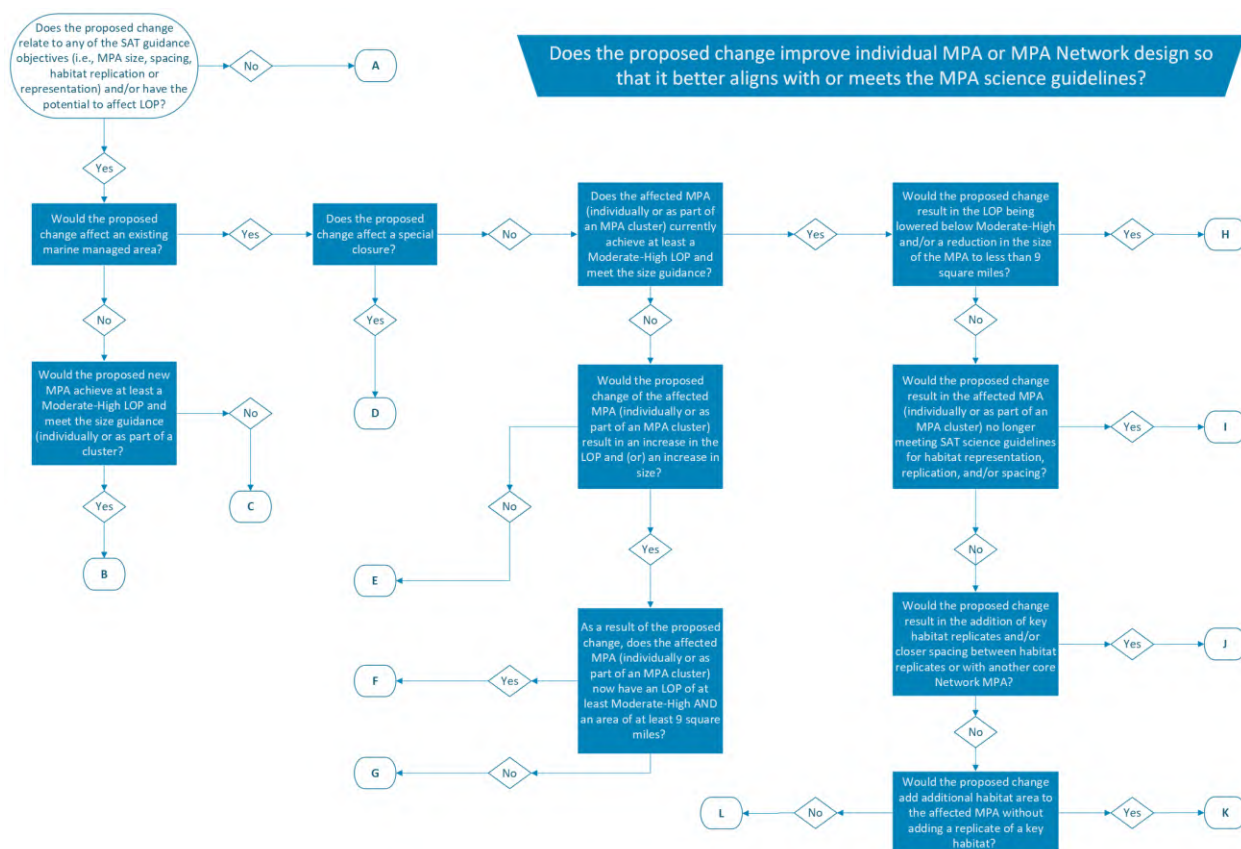


Figure 1. Decision tree framework used to formulate responses for Question 9 for each proposed action. The starting point, at the upper left corner, is based on whether the proposed change has the potential to affect the MPA’s size or level of protection. The rest of the questions help to identify the 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 Science Guidelines.
- B. New MPA meets minimum size and LOP requirements. Proposed action would improve Network design and enhance alignment with the Science Guidelines.
- C. New MPA does not meet minimum size and/or LOP requirement. Proposed action does not improve Network design, nor does it enhance alignment with the Science Guidelines.
- D. Not applicable because the Science Guidelines do not apply to special closures. Proposed action does not improve Network design, nor does it enhance alignment with the 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 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 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 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 Science Guidelines.
- I. Existing MPA meets minimum size and LOP requirements. MPA as proposed meets both criteria but no longer meets one or more Science Guidelines. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the Science Guidelines.
- J. Existing MPA meets minimum size and LOP requirements. Proposed action results in meeting additional Science Guideline(s). Proposed action improves design of individual MPA and MPA Network, and enhances alignment with the Science Guidelines.
- K. Existing MPA meets minimum size and LOP requirements. Proposed action increases the amount of habitat(s) protected but additional 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 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 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 Decadal Management Review (DMR) to integrate justice, equity, diversity, and inclusion

principles into MPA management. However, after exploration of the available information and methods that could be used to address this question for each proposed action, CDFW determined that providing the level of evaluation this question and the relevant communities deserve was not possible within the scope 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 are needed by petitioners to support this portion of the analysis.

Additionally, in evaluating this question, 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](#)). Using excess pollution burden to define and identify disadvantaged communities has some applicability to the MPA Network, such as concerns related to water quality. However, it did not seem like the most appropriate approach for defining and identifying “traditionally underserved or marginalized communities” or evaluating issues related to accessing fishing, recreation, or educational opportunities in the context of the MPA Network.

CDFW 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](#)). However, when examined spatially, this definition covers much of the area of the state, making it difficult to identify discrete communities.

CDFW found the data and information in the California Governor’s Office of Land Use and Climate Innovation’s [Vulnerable Communities Platform](#) would likely be the best to help understand 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](#)). However, using this information would require a determination of the most appropriate criteria to identify objective thresholds to define traditionally underserved or marginalized communities.

Given that lack of sufficient information on benefits to historically marginalized and underserved communities in the petitions as filed, CDFW will continue to work with tribes and other partners on a broader approach outside of the narrow scope of this petition process to assess access and equity issues across the entire MPA Network. This

includes working on DMR Recommendation 8, to “Evaluate the accessibility of MPAs to various community groups.” Through this separate process, CDFW could work collaboratively with communities and partners, including to align on:

- A definition of “traditionally underserved or marginalized communities” in the context of the MPA Network or access to marine resources, developed with and for communities,
- Barriers to access experienced by these communities related to access to marine resources and/or MPAs, and
- Methods by which those barriers may be mitigated.

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

California Fish and Game Commission (CFGC) staff conducted this analysis and prepared the response to Question 16.

Justice, Equity, Diversity and Inclusion Policy Overview

The California Fish and Game Commission’s (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 evaluation 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

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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 6 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 Commission-adopted definitions, metrics, or measurable criteria. Without clearly articulated definitions, datasets, or rubrics, petition-specific JEDI assessments would be inherently speculative. Staff has, 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 cosponsored 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

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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 prevent 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 has begun to focus on the overall petition process, including planning for 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 are 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

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CFGC'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 CFGC Coastal Fishing Communities Policy?

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

Coastal Fishing Communities Policy Overview

The CFGC Coastal Fishing Communities (CFC) Policy guides CFGC, 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 CFGC 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 CFGC's CFC Policy marked the first time CFGC staff has attempted to apply the policy's principles to inform CFGC decision-making. Through the process of evaluating MPA petitions against the policy, CFGC staff found it was 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.

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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

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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 is 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](#)

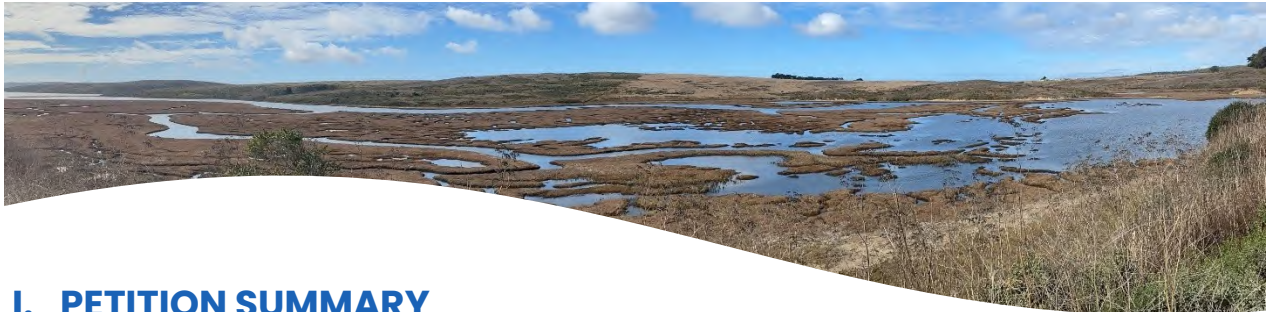
Partner website, California Fishing Communities, providing profiles of the history, economics, and culture of California’s fishing communities (last updated in 2023 with 2021 data): [FishingCommunities.net](#)

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:

Reclassify Footprint, Gull Island, and Santa Barbara Island SMRs to SMCAs to Allow Take of Highly Migratory Species (2023- 15MPA_AM)



I. PETITION SUMMARY

CFGF Tracking Number	2023-15MPA_AM
Petition Contact/Affiliation	Blake Hermann
Number of Proposed Actions	3
Affected MPAs	Footprint SMR, Gull Island SMR, Santa Barbara Island SMR
Petition Summary	Reclassify three State Marine Reserves/Federal Marine Reserves (SMR/FMRs) in the Northern Channel Islands as State Marine Conservation Areas/Federal Marine Conservation Areas (SMCA/FMCAs) to allow use of Deep Set Buoy Gear (DSBG), pending the potential establishment of a DSBG fishery in state waters, commercial take of swordfish (<i>Xiphias gladius</i>) by harpoon, and one of six options representing various combinations of recreational and/or commercial take of highly migratory species (HMS) or pelagic finfish, and possession of coastal pelagic species (CPS). Petitioner includes options for partial reclassification of two of the three marine protected areas (MPAs) into inshore limited take or No-take MPAs/offshore limited take MPAs, with the portion of the existing MPA that extends into federal waters assuming the same regulations as the offshore portion in state waters. Target species and gear options proposed are intended to limit ecosystem impacts due to the selective nature of the fishing gear.
Link to StoryMap page	2023-15MPA_AM



March 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
2023-15MPA_1_AM2 Reclassify Footprint SMR/FMR to an SMCA/FMCA to allow use of DSBG, pending the potential establishment of a DSBG fishery in state waters; commercial take of swordfish by harpoon; and one of six options representing various combinations of recreational and/or commercial take of HMS or pelagic finfish by hook-and-line and/or spear, and possession of CPS (Table 1).	The petitioner's stated intent for the proposed change is that HMS and pelagic finfish, including swordfish, were not intended to be protected by this MPA, and that take of these species will provide economically beneficial sustainable commercial fishing opportunities while minimally impacting the ecosystem due to the selective nature of the gear.	Deny petition actions 2023-15MPA_1_AM2, 2023-15MPA_2_AM2 and 2023-15MPA_3_AM2. The proposed change, to reclassify Footprint SMR/FMR to an SMCA/FMCA to allow use of DSBG, commercial take of swordfish by harpoon, and various combinations of other recreational and/or commercial take, does not advance adaptive management recommendations from the Decadal Management Review or address a current or emerging MPA management challenge. Furthermore, the change would conflict with the original goals of these MPAs, create enforcement feasibility issues, and require coordination and a corresponding rulemaking with the National Oceanographic and Atmospheric Administration (NOAA) Channel Islands National Marine Sanctuary (CINMS). CINMS has not indicated to date to CDFW that protection level modifications appear needed in order to better support the goals established for these MPAs. There is not sufficient evidence to demonstrate that the proposed change would advance MPA adaptive management or that a change in MPA regulations is warranted.

CDFW EVALUATION 2023-15MPA_AM Hermann

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-15MPA_2_AM2 Reclassify Gull Island SMR/FMR to an SMCA/FMCA, or partially reclassify into an onshore portion with stronger take protections and an offshore portion with fewer restrictions. Within at least the offshore area, allow use of DSBG pending the potential establishment of a DSBG fishery in state waters; commercial take of swordfish by harpoon; and one of six options representing various combinations of recreational and/or commercial take of HMS or pelagic finfish by hook-and-line and/or spear, and possession of CPS (Table 1).	See 2023-15MPA_1_AM2.	Deny. See 2023-15MPA_1_AM2.

CDFW EVALUATION 2023-15MPA_AM Hermann

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-15MPA_3_AM2 Reclassify Santa Barbara Island SMR to an SMCA, or partially reclassify into an onshore portion with stronger take protections and an offshore portion with fewer restrictions. Within at least the offshore portion, allow use of Deep Set Buoy Gear (DSBG) pending the potential establishment of a DSBG fishery in state waters; commercial take of swordfish by harpoon; and one of six options representing various combinations of recreational and/or commercial take of HMS or pelagic finfish by hook-and-line and/or spear, and possession of CPS (Table 1).	See 2023-15MPA_1_AM2.	Deny. See 2023-15MPA_1_AM2.

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

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

Tribal Components Questions	Answer and Explanation
Was the petition submitted by a California Native American tribe, representative designated by a tribe or tribal organization, or have a tribal co-sponsor? If yes, a. Does the proposed change explicitly aim to advance tribal co-management, subsistence harvesting, stewardship, and/or provide a tribal benefit through recognizing the cultural significance of an area? b. Is the proposed regulatory change explicitly linked to a tribe or tribes? (i.e. tribal exemption, tribal take only MPA, or new MPA for co-management).	No, this petition was not submitted by a tribe or representative designated by a tribe and does not have a tribal co-sponsor.

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

IV. PETITION EVALUATION

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-15MPA_1_AM2, _2_AM2, AND _3_AM2

The petitioner has requested that three SMRs/FMRs in the Northern Channel Islands (Footprint, Gull Island, and Santa Barbara Island SMRs/FMRs) be reclassified to allow take of select species. These No-take MPAs extend beyond the 3 nautical mile (nm) state waters boundary to the 6 nm CINMS boundary in federal waters. The purpose of these federal reserves within the CINMS is to “further the protection of Sanctuary biodiversity and to complement the state’s marine reserves.” However, the petitioner seeks to open these No-take MPAs to increase opportunities for take of HMS² (as defined in California Code of Regulations (Cal. Code Regs.), title (tit.) 14, § 1.49) and pelagic finfish³ (as defined in Cal. Code Regs., tit. 14, § 632, subdivision (subd.) (a)(3)) including swordfish, using a variety of gear types intended to minimize impact to other species and habitats within the MPAs. The proposal also includes an allowance for possession of CPS⁴ (Cal. Code Regs., tit. 14, § 1.49). The proposed change aims to address a number of problems stated by the petitioner. Firstly, the petitioner states that, “The problem created by [the MPAs established in the Northern Channel Islands in 2003] was the unintentional protection of seasonal pelagic and highly migratory species that migrate into Southern California in the summer months.” The petitioner also asserts the proposed action to allow these activities would resolve, “a large conflict in these MPAs” related to commercially targeted swordfish that are, “legally taken” (i.e., hooked or harpooned) outside of an MPA but that may require gear retrieval within an MPA’s boundaries due to movement by the fish and associated gear during the soak period. The petitioner further asserts that local naval closures result in limited and unpredictable fishing area availability in the Northern Channel Islands at any given time, which could be mitigated by providing access to areas that currently prohibit take (See response to Question 7b in the evaluation framework below for a complete list of concerns raised by the petitioner).

² albacore, bluefin, bigeye, and yellowfin tuna (*Thunnus* spp.), skipjack tuna (*Katsuwonus pelamis*), dorado (dolphinfish) (*Coryphaena hippurus*), striped marlin (*Kajikia audax*), thresher sharks (common, pelagic, and bigeye) (*Alopias* spp.), shortfin mako shark (*Isurus oxyrinchus*), blue shark (*Prionace glauca*), and Pacific swordfish (*Xiphias gladius*)

³ northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena* spp.), billfishes* (family *Istiophoridae*), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family *Scombridae*) including Pacific bonito (*Sarda chiliensis*), and yellowtail (*Seriola dorsalis*). *Within the billfish family, commercial take of marlin is prohibited.

⁴ northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Doryteuthis opalescens*)

The petitioner's proposal for the Gull Island and Santa Barbara Island MPAs includes two alternatives: reclassifying the entire SMR as an SMCA, or establishing a new MPA cluster, with an onshore portion with stronger take protections (either a No-take SMR or a restrictive limited-take SMCA) and an offshore portion with fewer restrictions. The proposal for Footprint SMR/FMR does not include nearshore/offshore options, as it is in the channel between Santa Cruz and Anacapa Islands and thus does not border the mainland coast.

The petition proposes expanding opportunity within the new SMCAs by allowing use of deep-set buoy gear (DSBG), allowing commercial take of swordfish by harpoon, and selecting one of 6 options for other commercial and/or recreational take of HMS and pelagic finfish, as well as possession of CPS. Gear types would include hook and line, no-bottom contact hook and line, and/or spear (see Table 1 for all proposed options).

The petitioner also requests consideration of an allowance for DSBG inside the affected MPAs, pending any potential establishment of a DSBG fishery by the California Fish and Game Commission (CFGC). DSBG is currently not permitted for use in California state waters, except for an active experimental fishing permit (EFP) issued by CDFW which allows limited testing of DSBG by specific permit holders, including in the area around the Northern Channel Islands.

To facilitate analysis of the various options, CDFW distilled each variation of the petitioner's proposal into three proposed actions, Footprint (2023-15MPA_1_AM2), Gull Island (2023-15MPA_2_AM2), and Santa Barbara Island (2023-15MPA_3_AM2). CDFW evaluated the proposed actions as a whole because the analysis of redesignating all or portions of these SMR/FMRs to SMCA/FMCAs to allow commercial or recreational take of the proposed species (HMS/pelagic finfish, swordfish, plus CPS possession) using any of the proposed gear types (hook and line, no-bottom contact hook and line, spear, harpoon), is similar regardless of the particular location or variation considered. As redesignating the portions of the three SMR/FMRs that occur in federal waters is not within CFGC authority, CDFW focused the petition evaluation on proposed changes specified within state waters. In considering and weighing decisions to amend portions of the MPA Network around the Channel Islands, it is important to note the Islands MPAs were established through a joint state/federal community-based process, respective state and federal rule making processes with aligned MPA goals and regulations, and has been co-managed by the state, CINMS, and Channel Islands National Park.

Although the petitioner asserts the proposed options in the petition align with one or more of the MPA Master Plan objectives, CDFW's evaluation finds the petition (including all six options for the three affected SMR/FMRs):

- Is inconsistent with the goals of these MPAs as stated in the Northern Channel Islands MPA planning process,
- Does not align with the original intent of the MPAs,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

The petition proposal is inconsistent with the goals of these SMR/FMRs defined during the Northern Channel Islands MPA planning process, and these goals remain relevant today, including:

- To protect representative and unique marine habitats, ecological processes, and populations of interest; to identify and protect multiple levels of diversity (e.g. species, habitats, biogeographic provinces, trophic structure, and
- To set aside areas which provide physical, biological, and chemical functions (See NOAA 2007a and 2007b for goals of the Northern Channel Islands MPA planning process).

These SMR/FMRs were intentionally designed and placed with ecosystem-level protection objectives in mind. Although the Marine Reserves Working Group did not identify HMS and pelagic finfish, including swordfish, as species of interest or likely to benefit from MPAs during the Northern Channel Islands MPA planning process, the affected SMR/FMRs continue to offer refuge to individuals of these species when they are present and may be used for biological functions (e.g., swordfish basking).

Currently, Gull Island and Santa Barbara Island SMR/FMRs serve as part of the backbone of California's MPA Network, facilitating habitat and resource protection and ecological connectivity. Some of the proposed options would result in the current Level of Protection (LOP) being reduced from Very High to Moderate-low, which would result in these MPAs losing their status as habitat replicates. This has potential to compromise ecological connectivity objectives for the MPA Network, including between the Northern Channel Islands and the mainland coast. While the petitioner offers take options to allow these MPAs to maintain their replicate status (e.g., some inshore/offshore options), the MPAs would no longer offer the highest levels of protection or serve their designed function in the MPA Network as SMR/FMRs. All three MPAs and their No-take designations were expanded into federal waters in 2006 and 2007 by NOAA regulations cited in the Federal Register (See NOAA 2007b). Thus, redesignating these No-take MPAs as partial take MPAs in state waters would result in misalignment with regulations in the adjoining No-take FMRs. Redesignating the portions of the three MPAs that occur in federal waters is not within CFGC authority. Since the implementation of these MPAs, NOAA Sanctuaries has not indicated to CDFW that protection level modifications appear needed in order to

better support the goals established for these MPAs. The petition is currently under review by CINMS staff.

The petition proposal to partially or fully reclassify select Channel Island SMR/FMRs to SMCA/FMCAs is anticipated to present enforcement feasibility challenges due to increasing take regulation complexity combined with options for the inshore/offshore design. These proposed changes could cause public confusion about spatial, regulatory, and user group differences in allowed uses in the proposed near-shore and offshore areas, leading to greater accidental or intentional non-compliance and copycat behavior.

Regarding the petitioner's request for CFGC to consider an allowance for DSBG inside the state waters of the affected SMR/FMRs, there is no current process underway to broaden the use of DSBG to state waters beyond the currently active EFP, so such an allowance would be premature.

RECOMMENDATION FOR 2023-15MPA

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

- **2023-15MPA_1_AM2**, reclassify Footprint SMR to SMCA,
- **2023-15MPA_2_AM2**, reclassify all or portions of Gull Island SMR to SMCA, and
- **2023-15MPA_3_AM2**, reclassify all or portions of Santa Barbara Island SMR to SMCA.

EVALUATION QUESTIONS

2023-15MPA_1_AM2, _2_AM2, and _3_AM2: Reclassify three Channel Island SMRs to SMCAs, or reclassify portions into inshore/offshore (limited take or No-take/limited take) MPAs, to allow one of six options representing various combinations of recreational and commercial take of highly migratory species (HMS), possession of coastal pelagic species (CPS), and recreational and/or commercial take of pelagic finfish, using various gear types, including deep-set-buoy-gear.

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

The Marine Life Protection Act (MLPA) Goals and Master Plan objectives are inextricably linked and act as the foundational tools that CDFW utilizes for effective adaptive management of the MPA Network. Individual MPAs in the Network were not necessarily designed to address all six Goals of the MLPA but instead act as an important component of a functioning Network that was designed to holistically address the MLPA Goals. As such, CDFW has evaluated this action within the broader adaptive management framework and how the proposed action may or may not align with the MLPA Goals/Master Plan objectives and advance MPA Network management. See Question 1 of Attachment 1 for the MLPA Goals and Master Plan objectives.

Although the petitioner asserts the proposed actions would align with the MLPA Goals and MLPA Master Plan, in the broader adaptive management framework, the proposed change would not advance management of the MPA Network. As part of California's MPA Network, the three MPAs affected by the proposed changes are intended to meet several MLPA Goals that are still relevant today, including:

- Footprint SMR: Goals 1, 2, and 5,
- Gull Island SMR: Goals 1, 2, 5, and 6, and
- Santa Barbara Island SMR: Goals 1, 2, 5, and 6

Although HMS and swordfish stocks were not identified as species of interest or likely to directly benefit from directly MPAs due to their high mobility and large geographic ranges, the affected SMR/FMRs currently offer refuge to individuals of these species when they are present and may be used for biological functions (e.g., swordfish basking). These SMR/FMRs were intentionally designed and placed with ecosystem-level protection objectives in mind.

Currently, Gull Island and Santa Barbara Island SMR/FMRs are habitat replicates within the backbone of California's MPA Network, facilitating habitat and resource protection and ecological connectivity. Some of the proposed options have the potential to compromise ecological connectivity objectives for the MPA Network, which includes connectivity between the Northern Channel Islands and the mainland coast. Thus, the impact of the proposed changes to these SMR/FMRs has the potential to be greater than the take of HMS and pelagic finfish alone. While the petitioner offers some take options to allow these MPAs to maintain their replicate status (e.g., nearshore limited take zones), they would no longer offer the highest levels of protection or serve their designed function in the MPA Network as SMRs/FMRs. Additionally, they would no longer be aligned with the FMR goals.

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

No. None of the options the petitioner proposes advance adaptive management recommendations from the Decadal Management Review (DMR). See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management Recommendations.

The petitioner cites several DMR Recommendations to justify allowing fishing for HMS and pelagic finfish within the affected SMR/FMRs, characterizing this activity as now being realized as, “low impact.” During the planning process, MPAs were acknowledged as not being as suitable for the protection of species that are highly mobile with large geographic ranges. However, the affected SMR/FMRs were intentionally established as No-take areas to meet MLPA Goals around ecosystem-level protection and thus, HMS and pelagic finfish are protected in these MPAs when present. While selective pelagic fishing gear may reduce direct MPA impacts, the affected SMR/FMRs were sited through extensive ecological and socioeconomic analysis and fishery stakeholder input. The petitioner’s rationale for introducing pelagic fishing does not offer new information resulting from the DMR or outweigh the foundational design principles of these No-take MPAs to warrant the proposed change, and thus, would not advance MPA adaptive management recommendations.

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

No. The proposed change does not address a current or emerging MPA management challenge. The petitioner’s stated intent for the proposed change is, “The problem created by [the MPAs established in the Northern Channel Islands in 2003] was the unintentional protection of seasonal pelagic and highly migratory species that migrate into Southern California in the summer months,” which is not a current or emerging MPA management challenge.

The petitioner also asserts the proposed action to allow these activities would resolve, “a large conflict in these MPAs” related to commercially targeted swordfish that are, “legally taken” outside of an MPA but that may require gear retrieval within an MPA’s boundaries due to movement by the fish and associated gear during the soak period. This is also not a current or emerging MPA management challenge (see response to Question 7b for more details).

See response to Question 1 regarding the goals that these MPAs are designed to meet and response to Question 8 for additional information on the background and intended purpose of these MPAs.

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

No. However, the petition proposal includes a request for CFGC to consider an allowance for DSBG inside the state waters of the affected SMR/FMRs, pending any potential establishment of a state DSBG fishery by CFGC. DSBG is currently not permitted for use in California state waters. There is an active EFP issued by CDFW which allows limited testing of DSBG by specific permit holders, including in the area around the Northern Channel Islands (CDFW 2025). Though it is possible that this gear type may be allowed in state waters in the future, at this time it is unclear if and when CFGC might allow use of DSBG in state waters beyond the EFP.

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

Yes. The three affected SMR/FMRs extend into federal waters. Following the Northern Channel Islands MPA designation process, the state of California collaborated with NOAA to extend some of the MPAs inside of CINMS into federal waters (Fig. 1). By design, these federally designated protected areas maintain consistent regulations with the state portions of the MPAs. Redesignating the portions of the three MPAs that occur in federal waters is not within CFGC authority. Since the implementation of these MPAs, NOAA Sanctuaries has not indicated to CDFW that protection level modifications appear needed in order to better support the goals established for these MPAs. NOAA Sanctuaries is currently reviewing the petition.

The three affected SMR/FMRs are inside and co-managed with CINMS and Channel Islands National Park, both of which are federally administered. Implementation of the proposed changes would require consultation and coordination with federal authorities and would likely affect their management activities.

Regarding the petition's proposal to include DSBG as a fishing gear option within the affected SMR/FMRs, DSBG is already permitted in federal waters for those with federal HMS permits outside of MPAs, though there are additional endorsements and permits also required.

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

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

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

- The California Environmental Quality Act documents that accompanied the original rulemaking establishing these MPAs (CDFG 2002a, CDFG 2002b),
- History of the Community-Based Process on Marine Reserves at the Channel Islands National Marine Sanctuary 1999–2001 (MRWG 2002),
- NOAA’s Final Environmental Impact Statement for the Establishment of Marine Reserves and Marine Conservation Areas in the Channel Islands National Marine Sanctuary (NOAA 2007a),
- NOAA’s final rule on the marine reserves inside Channel Islands National Marine Sanctuary (NOAA 2007b),
- The DSBG EFP conditions (CDFW 2025), and
- Internal consultation with CDFW’s Marine Enforcement District on the feasibility complications that this proposed change would introduce.

Though the petitioner provided extensive supplementary information with their petition, this information, along with other information CDFW reviewed, did not demonstrate that the proposed change would advance MPA adaptive management or that a change in MPA regulations is warranted.

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

No. CDFW has sufficient management information to proceed with the evaluation of this proposed change, including the foundational principles of the MLPA and information guiding management of MPAs and the relevant fisheries.

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

No. None of the options proposed by the petitioner were considered during the Northern Channel Islands MPA planning process. There were some proposals which did not include an MPA at Santa Barbara Island, and that area would have therefore been open to fishing as proposed in this petition (other than use of DSBG). However, in all alternatives where MPAs were considered at these sites, only SMRs were considered. None of the sites in the petition’s proposal were considered for partial take SMCAs.

Following the initial proposal for the Northern Channel Islands MPAs, both the recreational and commercial fishing stakeholders returned a prioritized list of adjustments to that proposal. None of the options proposed by this petitioner were listed in the high priority requests by either group during this planning process.

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

No. CDFW recognizes that the petitioner has worked to assemble a significant volume of information in their petition and provided their rationale to consider reevaluation of the SMRs discussed. However, the information presented does not support a recommendation to grant the proposed changes in the petition. The petitioner's stated reasons and CDFW's response follows:

- According to the petitioner, since implementation, research has shown that species discussed in the petition likely do not significantly benefit from state spatial protections, as their ranges are so large and these species are so mobile that state protected areas represent a small portion of their habitat.
 - During the Northern Channel Islands MPA planning process, it was acknowledged and recognized that MPAs should not be designed to protect highly mobile species because MPAs could not be designed large enough to capture their seasonal movement patterns and large geographic ranges. Thus, areas selected and placed for No-take protection, in which ecosystem-level protection was desired, were intended to offer the highest protection to the habitat, invertebrates, and fishes with smaller home ranges.
 - Although HMS and swordfish stocks were not identified as species of interest or likely to directly benefit from MPAs due to their high mobility and large geographic ranges, the affected SMR/FMRs currently offer refuge to individuals of these species when they are present and may be used for biological functions (e.g., swordfish basking).
 - HMS and pelagic finfish may receive benefits from marine reserves even if they spend more time outside than inside marine reserves. HMS and pelagic finfish fulfill an ecosystem role within marine reserves as predators on and forage for other species. Such species may benefit from fully protected zones if their prey is concentrated in a given area or if the zones include breeding, aggregating or resting grounds. Scientific research suggests that pelagic species gather in certain spots (usually banks or ridges), particularly during critical life cycle stages. Maintaining marine reserves in these areas is beneficial as the number and size of pelagic

animals in the food web dictates what other organisms thrive or decline (NOAA 2007a).

- According to the petitioner, limited take of pelagic finfish is unlikely to negatively impact the species that each SMR, “aims to protect” (such as species of interest identified as important for each MPA in the original California Environmental Quality Act document for the project).
 - The petition proposes the use of gear types that are selective to the target species, including options for no-bottom contact hook and line. While these gear types are intended to minimize fishing impacts within the affected SMRs, the Northern Channel Islands MPA planning process, after careful consideration of socioeconomic impacts and incorporating recommendations from commercial and recreational fishing stakeholders, established these areas with the intention they would prohibit all take. This included the recognition that the MPAs would also serve to benefit depleted groundfish stocks and other species of concern at the time.
 - Per NOAA’s Final Environmental Impact Statement (FEIS) concerning adopting these MPAs into federal regulation: allowing the take of pelagic species does not fully meet the goals of NOAA’s action adopting these MPAs. See section 3.1.2.2 of the FEIS for a discussion on the impacts of limited take (NOAA 2007a).
- The petitioner states that the proposal would result in more equal representation of MPA types across the state (the statewide MPAs established during the MLPA Initiative planning process have a higher proportion of SMCAs than the set of MPAs established during the Northern Channel Islands MPA planning process).
 - Equal representation of MPA types across the state is not an adaptive MPA management goal. Having a higher portion of SMRs within CINMS relative to the overall Network is commensurate with a nationally and internationally recognized biologically significant area containing sensitive species and habitats.
 - Per NOAA’s FEIS from when these MPAs were adopted: Marine conservation areas will not achieve the purpose and goals of the action as well as marine reserves. See sections 3.1.2.2 and 5.1.1.1 of the FEIS for more discussion on the ecological value of marine reserves compared to marine conservation areas (NOAA 2007a).
- The petitioner perceives the proposed changes to align with prior MPA management documents and processes, such as the MLPA Goals and the DMR.

- The petition's proposal does not align with the Goals of the MLPA or the DMR Recommendations. See responses to Questions 1 and 2 for a more in-depth explanation of why not.
- The petitioner believes the proposal would support sustainable fisheries and further develop the local and state economy.
 - While MPAs may offer benefits to fisheries, specific measures intended to support sustainable fisheries should be addressed through updates to fishery management rather than revising MPA regulations. Furthermore, the marginal increase in catch that might result from the proposed change is not expected to impact sustainability or enhance the local or state economy in a measurable way.
- According to the petitioner, the proposed changes will provide streamlined regulations that are reasonably enforceable.
 - The proposed change would increase regulatory complexity, not simplify regulations, and as such, would not improve enforceability. See responses to Questions 11 and 12 for a more in-depth explanation of why not.
- The petitioner identifies concerns about commercial swordfish anglers being penalized for gear retrieval within an MPA due to a "legally taken fish" moving from outside to inside an MPA's boundaries during the soak period and resulting in punitive consequences or wasted fish.
 - A fish that is hooked or harpooned outside the MPA and ultimately retrieved inside the MPA is not 'legally taken.' 'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code § 86). Hauling a fish and associated gear aboard is part of the catching or capturing process and therefore qualifies as take. By letter of the law, even if a swordfish is hooked or harpooned outside of the MPA and then the vessel, gear and fish drift into the MPA while it is being hauled in, it technically is a violation of the regulation. On the rare occasion that this occurs, CDFW's Marine Enforcement District (MED) will investigate the incident and determine whether to issue a citation to the individual or to give a warning to the person based on all of the evidence, statements, and facts on hand. If regulations allowed for take of swordfish outside of an MPA, and subsequently allowed those taking the fish to drift inside of the MPA while they are hauling in the fish, this would weaken MED's ability to enforce MPA regulations because it would be impossible to distinguish those that drifted in from those who are deliberately taking inside an MPA and thus hiding behind such an exemption. The conflict the petitioner describes results from a misunderstanding of the regulation, not from misapplication of law enforcement. This can be resolved without an MPA

regulation amendment by fishery participants changing the location of where they fish.

- If only gear and no fish were retrieved, having gear or lines in the water and terminal tackle attached to those lines is considered an attempt to hunt, pursue, catch, capture, or kill and therefore qualifies as take. If gear targeting fish is retrieved within a No-take MPA, that is also technically a violation of the regulation, even if no fish were retrieved.
- According to the petitioner, localized U.S. Navy closures result in limited and unpredictable fishing area availability in the Northern Channel Islands at any given time.
 - This is not an MPA management issue.
 - While any impact may seem significant for those who experience it, NOAA's economic analysis conducted for their FEIS determined that the socioeconomic impact to fisheries from NOAA's action would be minimal (NOAA 2007a).

For these reasons, opening the affected SMR/FMRs to take of HMS and pelagic finfish including swordfish is not an appropriate means of addressing the petitioner's stated problem. Additionally, there is not sufficient evidence to demonstrate that the proposed change would advance MPA adaptive management or that a change in MPA regulations is warranted.

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

No. None of the options for proposed changes align with goals identified during the Northern Channel Islands MPA planning process. According to the planning documents, the biodiversity goal of the process was, "to protect representative and unique marine habitats, ecological processes, and populations of interest" (MRWG 2002). An objective under that goal was to set aside areas which provide physical, biological, and chemical functions. The petitioner identifies the Footprint SMR specifically as a calm area in the lee of Santa Cruz Island where basking swordfish are more easily sighted. Calm waters allow swordfish to partake in basking behavior (Sepulveda et al. 2010), which suggests these species may use these areas for biological functions and benefit from protection.

The affected SMR/FMRs were intentionally established as No-take areas to meet MLPA Goals around ecosystem-level protection; HMS and pelagic finfish are protected in these MPAs when present, and thus, the proposed change would conflict with the foundational objectives for these areas.

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

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

Footprint SMR does not currently meet the minimum size criterion. None of the proposed options would increase its size, and all would decrease its LOP by reclassifying it from an SMR to an SMCA. As a result, implementation of any option would not improve the design of Footprint SMR or the MPA Network, nor would it enhance alignment with the MLPA Science Guidelines, and thus, does not warrant a change.

Santa Barbara Island and Gull Island SMRs currently serve their designed function as habitat replicates. The proposed change under Options 1-4, without the inshore SMR/offshore SMCA, would lower the level of protection from Very High to Moderate-low, meaning they would no longer meet the minimum requirements to serve their designed connectivity role within the Network as habitat replicates. Such a change would decrease habitat replication and representation, increase spacing between habitat types, and undermine the design of these individual MPAs and the overall MPA Network.

The proposed change under Options 1-4, with the inshore SMR/offshore SMCA, would divide each of the two SMRs into an inshore SMR with a Very High LOP and an offshore SMCA with a High LOP. Options 5 and 6 would convert both SMRs to SMCAs with High LOPs. Although these options would result in the MPAs maintaining their habitat replicate status, the MPAs would no longer provide the highest LOP or serve their intended function in the MPA Network as SMRs. Therefore, implementation would not improve the design of these individual MPAs or the MPA Network, nor would it enhance alignment with the MLPA Science Guidelines.

See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context. See Table 2 for more information on the protection level and habitat representation in each of these MPAs.

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

No. The options proposed in this petition would not align with Feasibility Guidelines related to enforceability. Feasible take regulations avoid precluding, "some uses while allowing other uses that are very similar" (e.g., allowing only take of HMS or pelagic finfish by a take method that can also be used for other species) and, "those which prohibit very specific gear types that must be checked on the water" (e.g., prohibited "bottom-contact gear" options).

The inshore SMR/offshore SMCA options conflict with MPA cluster orientation feasibility, "MPA clusters oriented in an alongshore fashion (stacked north/south) are preferred compared to inshore/offshore orientation." They also deviate from the MPA design guidance under "Multiple Zoning" to, "avoid having areas split to allow for different uses in different portions of an MPA." See Question 10a of Attachment 1 for the CDFW Feasibility Guidelines.

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

No. There is no rationale for moving forward with any of the options presented in the petition or an alternative.

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

No. None of the options presented in the petition maintain or improve enforceability of MPA regulations. Each proposed alternative adds another type and method of take to otherwise No-take MPAs and in some cases, incorporates an inshore/offshore design, which compromises enforceability of these MPAs by:

- Making it more difficult to discern if an activity is allowed when surveilling the MPA from afar,
- Increasing the potential for non-compliance with members of the public who observe the activity taking place in an MPA but are unfamiliar with the regulations, and
- Increasing the potential for the illegal take of other species.

Transitioning a third of the Channel Islands MPA Network to partial-take marine conservation areas is expected to intensify existing enforcement challenges, increasing operational costs and reducing the capacity to maintain oversight across the entire network. This is complicated by the potential for differing regulations in state and federal

waters, should CFGC and NOAA make different decisions about granting any of the changes proposed by this petition. The Channel Islands network of MPAs was intentionally designed to reduce complexity (NOAA 2007a). This includes the seamless and consistent marine zoning regulations between state and federal waters.

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

No. All options proposed in this petition would change the intent of all affected SMR/FMRs and would complicate both regulatory language and public understanding. Adding MPA regulatory language for existing No-take MPAs to include specific gear types for different species is inherently more complicated than disallowing all take.

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

No. All options proposed would reduce protection of marine resources by redesignating all or portions of the affected No-take SMR/FMRs to SMCA/FMCAs to allow commercial and/or recreational take of one or more of the following species groups: HMS, pelagic finfish (including swordfish), plus possession of CPS. Although these may not be the primary species benefitting from these MPAs, as they are highly mobile and have large geographic ranges, the affected SMR/FMRs offer refuge when they are present in the area. See response to 7b for more details on the ecological role of these species relevant to MPAs.

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

See Question 14 in Attachment 1.

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

Yes. All options proposed would increase the available area accessible within CINMS to commercially and/or recreationally fish for one or more of the following species groups: HMS, pelagic finfish (including swordfish), plus possession of CPS. These consumptive uses would therefore likely increase in these areas. However, the amount of area that would be accessible within the broader Southern California Bight in which the desired species inhabit, and where the fisheries occur, would be less than 1%. Fishing for swordfish and other pelagic and highly migratory species is currently allowed in over 80% of CINMS (data provided by NOAA Sanctuaries staff).

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

See Question 16 of Attachment 1.

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

The proposed change would increase fishing access, particularly for pelagic fishing participants and the associated coastal fishing communities of:

- Ventura Harbor and Channel Islands Harbor
- Port of Los Angeles (San Pedro)
- Santa Barbara

These communities are between ~20 nm and ~64 nm from individual areas of proposed change. See Question 17 of Attachment 1 for additional context on CFGC's response.

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

Yes. This proposed change would interact with 2023-33MPA_4, which proposes to expand the Gull Island SMR/FMR and maintain its No-take status. Thus, the proposed change to allow partial take in the Gull Island SMR/FMR is in direct conflict with proposed changes in 2023-33MPA_4.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

Table 1. The six options proposed by the petitioner for various gear types to be used for combinations of recreational and/or commercial take of HMS or pelagic finfish and possession of CPS. All of these options assume that the relevant MPA will be partially or fully reclassified from an SMR/FMR to an SMCA/FMCA. Proposed take regulations are assumed to apply to the SMCA portion of any proposal. All proposals include a request for commercial take of swordfish by harpoon. The petitioner also requests an allowance for use of DSBG inside these potential SMCAs, pending the establishment of DSBG fishery in state waters, separately from and without regard to these six options.

CDFW EVALUATION 2023-15MPA_AM Hermann

Options	Recreational Take: Pelagic Finfish	Recreational Take: HMS	Commercial Take: Pelagic Finfish	Commercial Take: HMS	CPS
1	Hook and line, spear	N/A	Hook and line	N/A	N/A
2	N/A	Hook and line, spear	N/A	Hook and line	Possession
3	Hook and line, spear *no bottom contact	N/A	Hook and line *no bottom contact	N/A	N/A
4	N/A	Hook and line, spear *no bottom contact	N/A	Hook and line *no bottom contact	Possession
5	Spear	N/A	N/A	N/A	N/A
6	N/A	Spear	N/A	N/A	N/A

Table 2. MPA attributes (area, LOP, depth range, and habitat extent) of the existing Footprint, Gull Island, and Santa Barbara Island SMRs as referenced in petition 2023-15MPA. A dash (—) indicates that the MPA does not contain the habitat type. Habitat extent may be reported in linear miles or square miles, depending on data availability and Science Advisory Team (SAT) guidance.

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

	Footprint SMR	Gull Island SMR	Santa Barbara Island SMR
MPA Area (sq mi)	7.05	19.93	12.77
Level of Protection	Very High	Very High	Very High
Min Depth (m)	49.3	0	0
Max Depth (m)	534.5	698.1	588.6
Eelgrass (sq mi)	—	—	—
Kelp (mi)	—	3.11	1.04
Beach (mi)	—	2.29	0.15
Rocky Intertidal (mi)	—	1.89	1.03
Estuaries (sq mi)	—	—	—
Hard Substrate			
0-30 m (mi)	—	2.18	0.04
30-100 m (sq mi)	0.10	0.14	0.11
100-200 m (sq mi)	0.16	0.17	0.02
>200 m (sq mi)	0.23	2.09	—
Soft Substrate			
0-30 m (mi)	—	2.79	1.24
30-100 m (sq mi)	1.05	3.89	1.63
100-200 m (sq mi)	1.53	3.36	0.46
>200 m (sq mi)	3.59	7.40	0.04

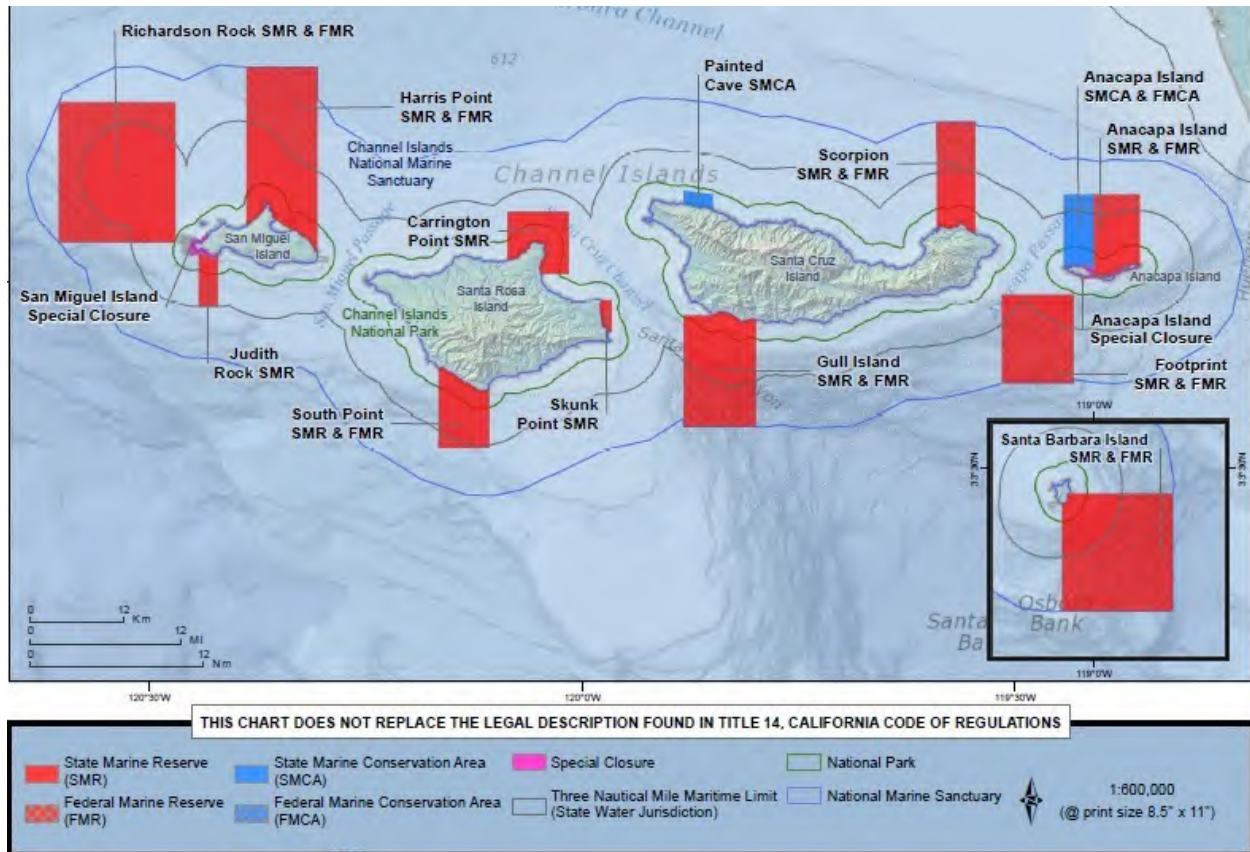


Figure 1. Map of the Northern Channel Islands showing state and federal MPAs.

CITATIONS

California Department of Fish and Game (CDFG). 2002a. Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary, vol. I.

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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.

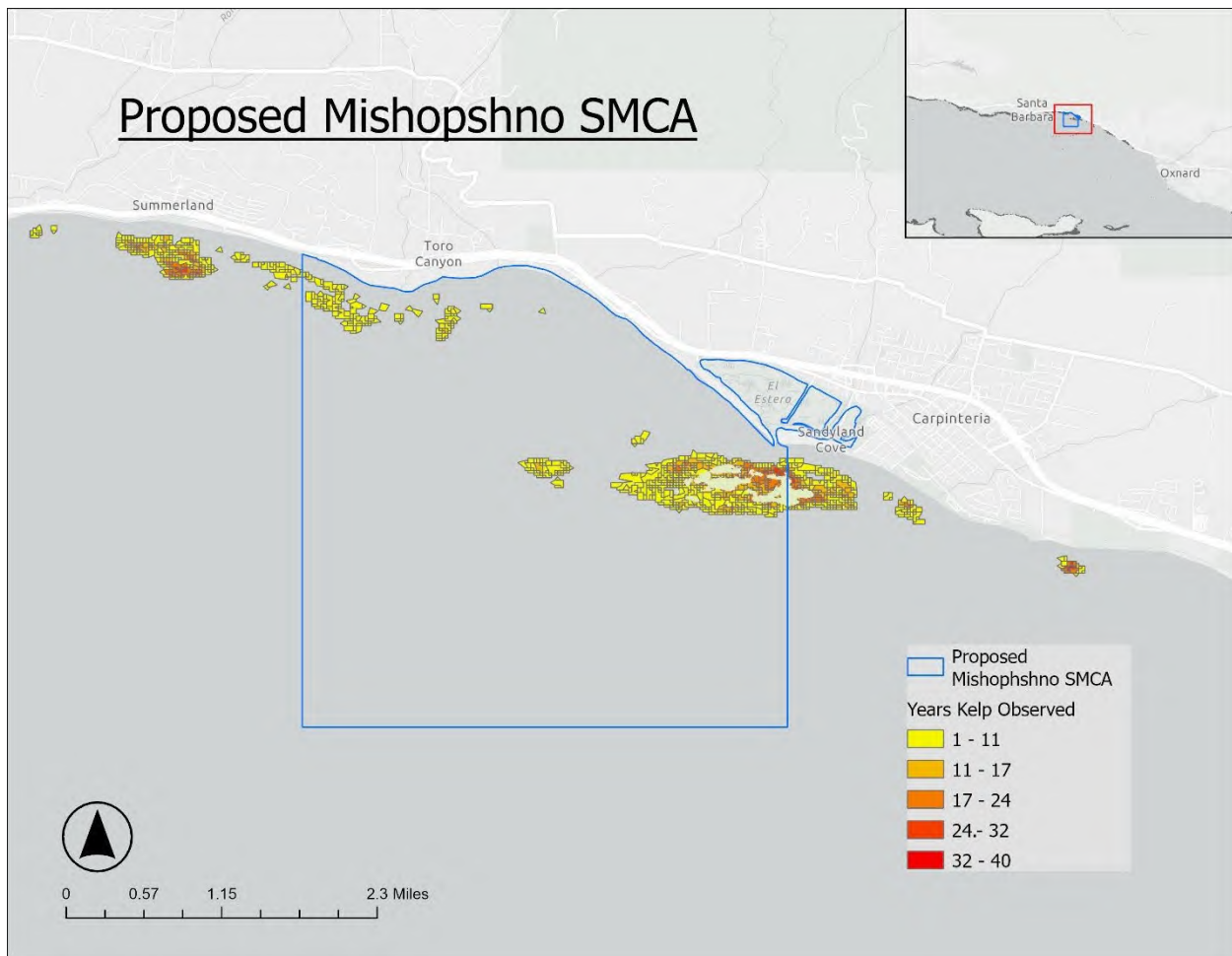


Figure 1. The proposed new Mishopshno SMCA. Satellite monitoring of kelp canopy cover via Landsat from 1984-2023 shows a persistent kelp forest at Carpinteria Reef near the proposed eastern boundary of the SMCA.

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.

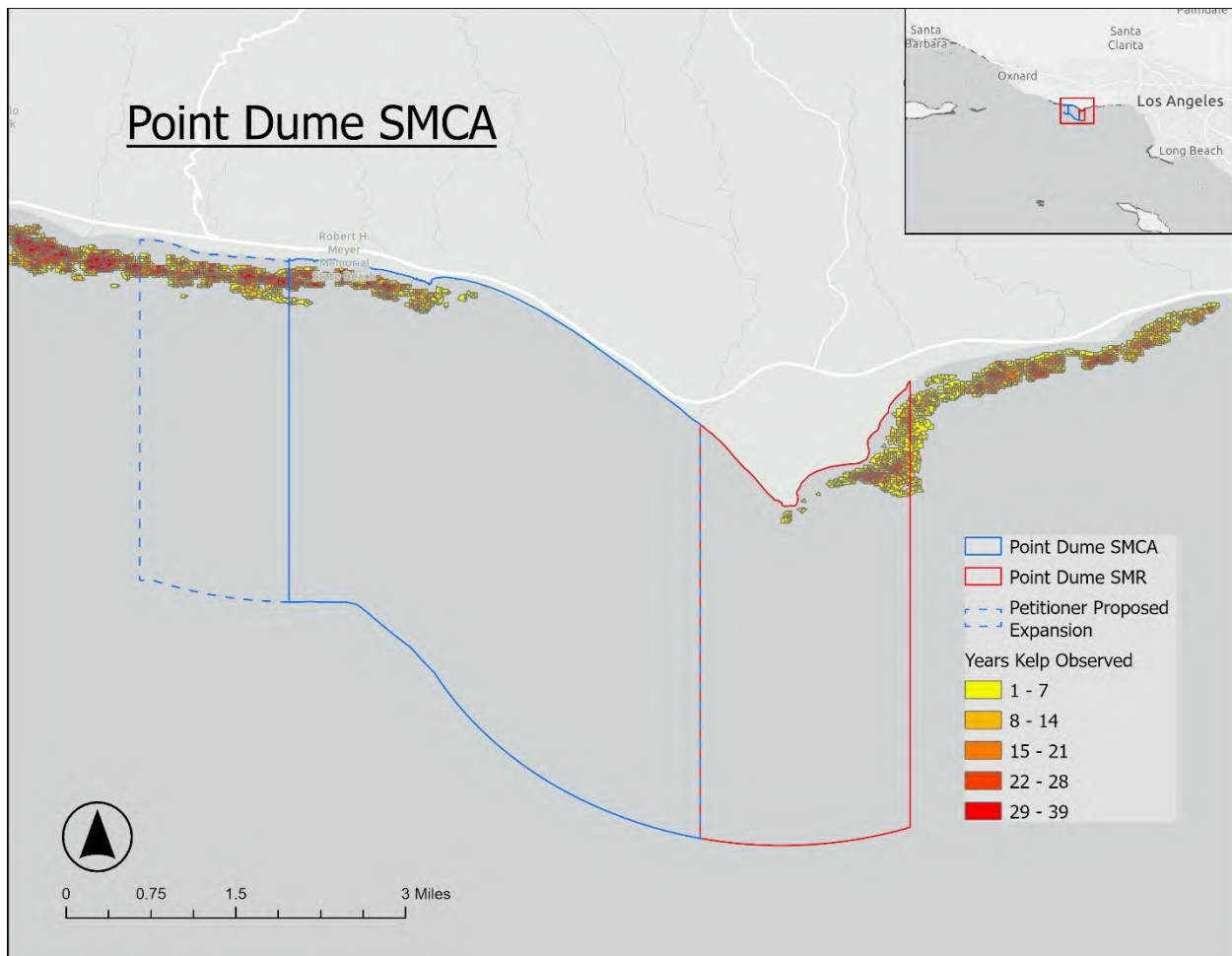


Figure 2. Point Dume SMCA and SMR, with petitioners' proposed expansion of Point Dume SMCA shown.

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).

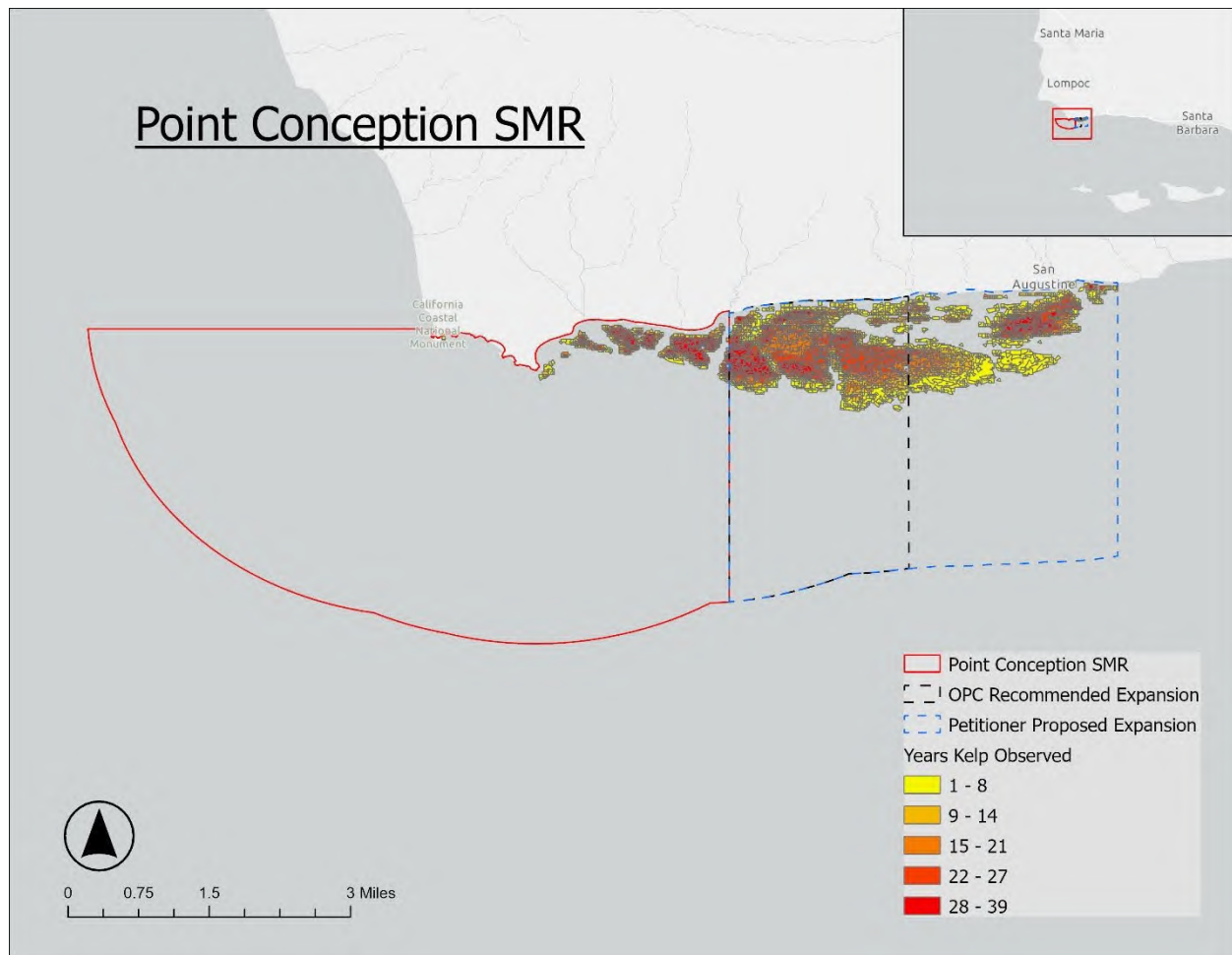


Figure 3. Point Conception SMR with petitioners' proposed expansion (blue dotted line) and OPC's recommended expansion (black dotted line) shown. OPC's recommended expansion encompasses much of the persistent kelp immediately adjacent to Point Conception SMR.

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

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RE: MPA Petitions 2023-15MPA-AM, 2023-16MPA, and 2023-18MPA

Dear California Fish and Game Commissioners,

I am writing to urge the Fish and Game Commission (FGC) to deny Petitions 2023-15MPA-AM, 2023-16MPA, and 2023-18MPA. These petitions seek to reduce protections in State Marine Reserves (SMRs) thereby threatening the integrity of California's MPA network. Based on the robust stakeholder feedback and testimony provided during the regional MPA petition meetings, I ask the Commission to deny the petitions for the following reasons:

1. Uphold the Department's Recommendation to Deny

The starting point for evaluating these petitions should be the expert assessment of the California Department of Fish and Wildlife (DFW). DFW has rigorously evaluated these petitions and formally recommended their denial. In addition, the Ocean Protection Council (OPC) has separately determined that granting any of these petitions would "pose an unacceptable risk to the integrity of the existing Network."¹ I strongly urge the Commission to uphold the OPC and DFW's recommendations and trust the scientific and management expertise that guides their conclusions.

2. SMRs are the Backbone of the MPA Network

As emphasized by numerous stakeholders during the regional meetings, fully protected SMRs are the unequivocal backbone of California's MPA network. The protections afforded to these areas were hard-won through a rigorous, science-based planning process. Weakening these protections now would directly contradict the original intent of these MPAs. Furthermore, granting any of these petitions would decrease the overall level of protection across the state and endanger ecological connectivity across MPAs.

3. Opening SMRs to Fishing Sets a Perilous Precedent

Allowing take in MPAs that were previously fully closed will undoubtedly create an array of unintended consequences. Regardless of the petitioners' stated intent, allowing consumptive activities in these SMRs establishes a dangerous precedent that will be weaponized to guide FGC action on future petitions. For example, if the Commission approves a petition allowing salmon trolling in a Northern California MPA, a fisherman in San Diego could use that decision to argue for equitable rights to troll for pelagic species in the South La Jolla SMR. The Commission must protect the network from this slippery slope.

¹ https://opc.ca.gov/wp-content/uploads/2026/07/OPC-Recommendations-on-MPA-Petitions-July-2026-508.pdf?utm_medium=email&utm_source=govdelivery

4. Partial-Take Introduces Enforcement Challenges

If approved, these petitions would drastically complicate enforcement for Wildlife Officers. During the May 19, 2026 FGC meeting, Assistant Chief Eric Kord stated that no-take MPAs are inherently easier to enforce than partial-take MPAs. AC Kord highlighted the risk of the "sea gull effect"—a phenomenon where individuals observe a vessel or individual participating in one consumptive activity and mistakenly assume that other forms of take (e.g., boat fishing, shore fishing, or spearfishing for non-permitted species) are now permitted in a previously closed area.

Beyond burdening Wildlife Officers, these petitions would also severely undermine the CalTIP program, the success of which relies heavily on public observation. If partial-take is allowed, concerned citizens observing activities from afar will struggle to distinguish whether fishermen are targeting permitted or prohibited species, making them hesitant to report legitimate violations.

5. Petitioners Fail to Demonstrate a Need for Fishing in SMRs

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

Conclusion

California's MPA network is globally recognized by the International Union for Conservation of Nature (IUCN) in part because we have maintained the integrity of our MPAs. Granting any of these petitions could compel IUCN to remove our MPA network from the Green List of Protected and Conserved Areas. I respectfully urge the Commission to concur with DFW's recommendations, heed the warnings raised during the regional meetings—by law enforcement, conservationists, and other stakeholders alike—and deny Petitions 2023-18MPA, 2023-15MPA-AM, and 2023-16MPA.

Thank you for your time and your continued commitment to protecting our coastal resources for future generations.

Sincerely,



Eric Praske

RE OCTOBER 16 item number 37. Petition 2023-15MPA and Petition 2023-16MPA

From VENTURA COUNTY COMMERCIAL FISHERMEN'S ASSOCIATION [REDACTED]

Date Wed 09/30/2026 09:41 AM

To FGC <FGC@fgc.ca.gov>

RE OCTOBER 16 item number 37. Petition 2023-15MPA and Petition 2023-16MPA (A) Petition 2023-15MPA (Footprint SMR, Santa Barbara Island SMR, and Gull Island SMR) Request to change the classification of Footprint SMR, Santa Barbara Island SMR, and Gull Island SMR to SMCAs to allow take of pelagic finfish species through one of several options. (B) Petition 2023-16MPA (Stewart's Point SMR and Bodega Head SMR) Request to classify Stewarts Point SMR and Bodega Head SMR to SMCAs and allow commercial take of salmon

This is a letter VCCFA would like submitted to the record and evaluated prior to the meeting.

Thank you

--

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: Support for Petition 2023-15MPA – Footprint SMR, Santa Barbara Island SMR, and Gull Island SMR

Dear President Sklar and Commissioners:

The Ventura County Commercial Fishermen's Association (VCCFA) previously submitted written support for Petition 2023-15MPA. Following review of the amended proposal and the California Department of Fish and Wildlife's technical evaluation, VCCFA continues to support consideration and approval of an appropriately tailored option allowing take of pelagic finfish and highly migratory species within the affected MPAs.

Petition 2023-15MPA proposes reclassifying all or portions of Footprint State Marine Reserve, Santa Barbara Island State Marine Reserve, and Gull Island State Marine Reserve as State Marine Conservation Areas to allow specified recreational and/or commercial take of pelagic finfish and highly migratory species through selective fishing methods.

VCCFA recognizes that CDFW recommends denial of the petition. CDFW concludes that these MPAs were intentionally established as no-take reserves, that the proposed changes would reduce their current level of protection, and that the changes do not advance a Decadal Management Review recommendation or address what CDFW considers a current or emerging MPA management challenge.

VCCFA respectfully reaches a different conclusion regarding whether some carefully defined fishing access should be restored.

Our April 21, 2026 comment emphasized a fundamental distinction between highly mobile pelagic species and species whose life histories are more closely associated with fixed habitats. Pelagic and highly migratory species move across large geographic areas and regularly move into and out of MPA boundaries.

CDFW itself acknowledges that MPAs were recognized during the planning process as being less suited to protecting species with highly mobile, large geographic ranges. CDFW nevertheless concludes that these species contribute to ecosystem functions within reserves and that the original no-take designation was intended to protect the entire ecosystem rather than only resident species.

VCCFA recognizes that ecological rationale. However, we believe adaptive management should allow the Commission to consider whether carefully controlled take of highly mobile species using selective fishing methods can provide meaningful fishing opportunity without materially compromising the underlying conservation function of these MPAs.

This petition does not propose reopening these areas to unrestricted commercial fishing.

The alternatives include specified combinations of recreational and commercial take of highly migratory species or pelagic finfish using selective methods such as hook-and-line, spear, and commercial swordfish harpoon. The petition also contemplates configurations retaining stronger protections within nearshore portions of certain MPAs while allowing limited take farther offshore.

That distinction is important.

VCCFA is not requesting abandonment of the MPA Network or wholesale reopening of no-take reserves. We support consideration of a narrowly tailored approach recognizing the biological characteristics of pelagic and highly migratory species and the comparatively selective nature of the proposed fishing methods.

The socioeconomic benefit is also directly relevant to Ventura County.

CDFW's evaluation specifically identifies **Ventura Harbor and Channel Islands Harbor**, along with Santa Barbara and the Port of Los Angeles, as coastal fishing communities that would experience increased fishing access under the proposed change.

Those are two of the principal harbors represented by VCCFA.

For fishermen operating from Ventura County, access to fishing grounds is not theoretical. Fishing opportunities affect vessel operations, crew income, fuel purchases, receivers, processors, marine-service businesses, and the continued viability of our working waterfronts.

CDFW notes that the affected areas represent less than one percent of the broader Southern California Bight available to the targeted species and that fishing for swordfish and other pelagic and highly migratory species is already permitted throughout more than 80 percent of the Channel Islands National Marine Sanctuary.

VCCFA views those same facts differently.

The fact that an individual area represents a relatively small percentage of the total ocean does not necessarily mean that access to that area lacks operational or economic value to fishermen. Fishing grounds are not interchangeable. Their usefulness changes with species distribution, ocean conditions, season, weather, vessel capability, fuel costs, and other factors.

Restoring carefully defined fishing access can therefore have value even where the geographic area involved represents a relatively small portion of the overall fishing range.

This petition also presents an important adaptive-management question for the Commission.

VCCFA has opposed other petitions in this process where additional fishing access would be removed without adequate analysis of socioeconomic impacts and displacement into remaining

open fishing grounds. Petition 2023-15MPA moves in the opposite direction. It asks whether an existing restriction can be modified to provide additional fishing opportunity while retaining substantial MPA protections.

Adaptive management should be capable of considering both circumstances.

It should provide a mechanism for increasing protection where evidence demonstrates that additional protection is necessary, but it should also allow reconsideration of existing restrictions where experience, improved fishing methods, biological characteristics of targeted species, and socioeconomic considerations support a carefully designed adjustment.

VCCFA therefore continues to **support Petition 2023-15MPA** and respectfully requests that the Commission consider an appropriately tailored option allowing specified take of pelagic finfish and highly migratory species while retaining protections necessary to preserve the ecological function of the affected MPAs.

We recognize CDFW's concerns regarding the original design of these reserves, enforcement feasibility, coordination with federal authorities, and maintaining ecosystem-level protection. Those issues should inform the design of any approved alternative. They should not, in VCCFA's view, foreclose consideration of carefully limited access altogether.

The Commission has an opportunity through this petition to demonstrate that adaptive management of California's MPA Network can include not only additional restrictions, but also thoughtful restoration of fishing opportunity where an appropriately designed regulatory approach can balance conservation objectives with the needs of California's coastal fishing communities.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DC' or similar initials, followed by a surname.

Dave Colker
Executive Director
Ventura County Commercial Fishermen's Association (VCCFA)