

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE REPORT ON THE CALIFORNIA MARINE PROTECTED AREA PETITION PROCESS

At the Council’s June 2024 meeting, a petition for changes to specific California Marine Protected Areas (MPAs) was presented by Mr. Blake Hermann in public comment (Agenda Item C7, [Public Comments](#)). This petition involved potential changes to MPAs around the California Channel Islands (Figure 1), which would allow fishing for specific pelagic species in MPAs that extend into federal waters with shared jurisdiction between California and the Channel Islands National Marine Sanctuary (CINMS). The California Department of Fish and Wildlife (CDFW) and California Fish and Game Commission (CFGC) are currently in the process of considering petitions requesting such amendments to [California’s Marine Protected Area \(MPA\) Network](#). CDFW acts as the lead management and enforcement agency for the MPA Network, while CFGC has regulatory authority to create, remove, or modify State MPAs (California Fish and Game Code, §1590).

In 2022, CDFW publicly released the first 10-year comprehensive review of the MPA Network and Management Program ([Decadal Management Review](#)) that included 28 recommendations for the next decade of MPA management. One priority recommendation called for applying what was learned from the Decadal Management Review to support adaptive management actions, including proposed amendments to the MPA Network. To advance this recommendation, the CFGC requested petitions be submitted for their December 2023 meeting. They received 20 petitions with more than 80 unique requests to amend the MPA Network, including addition of new MPAs, changing the levels of protection in existing MPAs, and minor clarifications to regulatory language. Mr. Hermann’s petition was one of the 20. All 20 MPA petitions received were referred to CDFW for review, evaluation, and recommendation at the February 14-15, 2024, CFGC meeting. CDFW recommended a [3-phase approach](#) to evaluate the MPA petitions that was approved by the CFGC in April 2024. This approach included the following:

- **Phase 1** – Categorize petitions into two bins to determine which petitions can be evaluated in the near-term (Bin 1) and which will require additional policy guidance, information, and/or resources prior to evaluation (Bin 2).
- **Phase 2** – Separate all Bin 1 petitions into individual actions and proceed to phase 3. Separate Bin 2 petitions into individual actions and identify additional policy guidance, information, and/or resources necessary to advance individual actions to phase 3.
- **Phase 3** – Evaluate specific petition actions using a framework to identify which will be recommended to be granted, denied, or considered through an alternative pathway.

CDFW completed Phase 1 with recommended bin designations for each petition, and the CFGC approved these recommendations in August 2024. Mr. Hermann’s petition was included in Bin 2, requiring additional guidance before proceeding with full evaluation. The rationale for this included the fact that the proposal would change a no-take State Marine Reserve into a limited-take State Marine Conservation Area, thus reducing its relative level of protection, and the

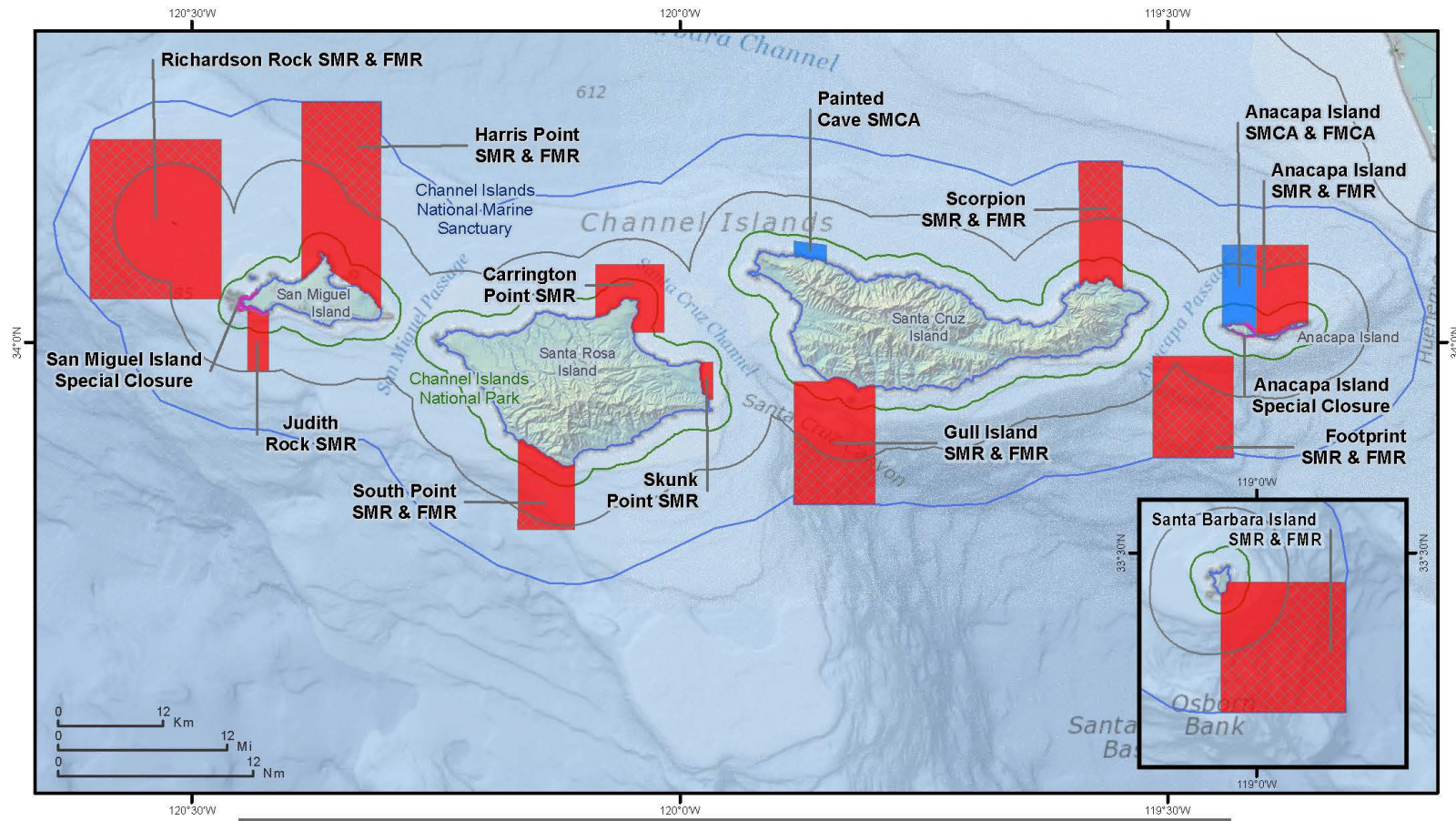
changes would require extensive coordination with external partners, including but not limited to CINMS, National Park Service, and National Marine Fisheries Service (NMFS). It is important to note that the federal waters portions of MPAs around the Channel Islands were established under both Magnuson authority for the prohibition on bottom contact fishing (via the groundfish regulations in 50 CFR §660.12) and CINMS regulations for ecosystem-level protection prohibiting all take (via the regulations in 15 CFR §922.71 and 922.73). As such, changes to federal waters MPAs in these areas would require amendment to CINMS regulations and may require both Council and NMFS input and action.

The timeline to consider specific actions for Bin 2 petitions is still being developed. At the August 2024 CFGC meeting, CFGC discussed a potential timeline and next steps for the petition evaluation process for the remainder of 2024, including:

- **October 2024 CFGC meeting:** CDFW provided an update on the petition process and discussion points for the November CFGC Marine Resources Committee meeting.
- **November 2024 MRC meeting:** CDFW will present draft Bin 1 proposed petition actions and recommendations for discussion and draft approach for Bin 2.
- **December 2024 CFGC meeting:** CFGC considers near-term Bin 1 petition recommendations and discusses next steps for the petition evaluation process.
- **March 2025 MRC meeting:** Further discussion on CDFW recommendations for Bin 2 remaining proposed actions and next steps.

For more information on the current MPA petitions, CDFW has created an [online story map](#) that provides detailed information on all of the petitions received by the Commission with location and regulatory proposals. CDFW and CFGC will continue to work closely with agency partners at the Office of National Marine Sanctuaries, NMFS, and the Council on evaluation of petitions that apply to areas where there are adjoining and/or overlapping jurisdictions.

Northern Channel Islands



THIS CHART DOES NOT REPLACE THE LEGAL DESCRIPTION FOUND IN TITLE 14, CALIFORNIA CODE OF REGULATIONS

<ul style="list-style-type: none"> State Marine Reserve (SMR) Federal Marine Reserve (FMR) 	<ul style="list-style-type: none"> State Marine Conservation Area (SMCA) Federal Marine Conservation Area (FMCA) 	<ul style="list-style-type: none"> Special Closure Three Nautical Mile Maritime Limit (State Water Jurisdiction) 	<ul style="list-style-type: none"> National Park National Marine Sanctuary
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California Department of Fish and Wildlife, Marine Region GIS Lab ~ June 25, 2019

Figure 1 – Map of the Channel Islands state and federal marine protected areas.