



August 9, 2023

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

**RE: Fish and Game Commission August 23, 2023 Meeting Agenda Item 22.A.III - Marine Resources Committee; Prioritizing Adaptive Management Recommendations from the MPA DMR, and Next Steps**

*Submitted electronically via: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)*

Dear Chair Sklar, Honorable Commissioners, and Commission Staff:

The undersigned non-profit organizations, with decades of combined experience working on marine protected area (MPA) management, research, compliance, education, and outreach, are dedicated to ocean protection and the success of California's MPA Network. We thank the Fish and Game Commission (FGC), the California Department of Fish and Wildlife (CDFW), and staff for continuing to efficiently advance the MPA Network Decadal Management Review (DMR). Following the July Marine Resources Committee (MRC) meeting discussing how to pursue DMR Report Recommendation 4<sup>1</sup>, we respectfully offer comments on the MPA Network petition process and future adaptive management needs.

**Develop a Petition Timeline that is Efficient and Flexible**

As the first open opportunity to recommend changes to the MPA Network, the development and implementation of the petition process will act as an example for future petition processes and must be intentionally designed. We recommend establishing a flexible petition timeline so that DMR Report Recommendation 4 ("apply what is learned from the DMR Process") can be properly implemented. Increasing the timeline for petition submission allows petitioners sufficient time to develop strong applications, and gives agency staff adequate time to review the

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<sup>1</sup> "Apply what is learned from the first Decadal Management Review to support proposed changes to the MPA Network and Management Program" - [DMR Report](#) Table 6.1 (pg. 110)

submissions. A timeline that is both efficient and flexible is essential to ensure equity in petitioners' ability to draft comprehensive submissions.

If historical documents and guiding principles are publicly available by the end of August 2023, we support a deadline of November 30, 2023 for submission of petitions as this will allow petitioners at least three months time to develop submissions that adhere to the guiding principles (detailed below). We also support FGC in reviewing petitions during both the March and July 2024 MRC meetings. This would allow for thoughtful review of all petitions before approval or rejection decisions are made.

### **Develop Clear Petition Guiding Principles**

We support the initial suggestions presented at the July MRC meeting for Guiding Principles (Principles) that will be used to make an initial determination as to whether a petition to update the MPA Network should be considered. We offer the below recommendations.

Essential Guiding Principles our groups support are:

- 1) **Meet MLPA goals** - Does the petition help to advance or meet at least one of the six goals of the Marine Life Protection Act (MLPA), and is there scientific evidence to support the rationale for the petition?
- 2) **Overall Network improvement** - Does the petition lead to strengthening or improvement of the MPA Network as a whole? Does it avoid any weakening or eliminating of existing protections?
- 3) **Community support** - Does the petition for change have support from diverse communities?
- 4) **Advance the DMR recommendations** - Does the petition help to advance the prioritized recommendations from Table 6.1 of the DMR report?
- 5) **Increase climate resiliency** - Does the petition provide additional protections to habitats vulnerable to climate change or to climate refugia? Does the proposed action or change help to provide mitigation to climate impacts?
- 6) **Improve biodiversity or Network connectivity** - Does the petition help address connectivity within the Network or habitat, provide specific biodiversity protections, or address a scientific gap in the MPA Network?
- 7) **Improve compliance and enforceability** - Does the petition improve MPA compliance or address a difficulty in enforcement that would result in overall improved efficacy for the MPA and the Network as a whole?
- 8) **Improve equitable access** - Does the petition offer opportunities for communities that have faced discrimination and exclusion from the ocean and ocean management? Community groups that have historically and continue to face greater barriers to accessing MPAs and healthy coastal areas, such as BIPOC communities, low-income

communities, inland communities, etc. should be prioritized. Access should apply to activities across all dimensions, particularly equitable quality of access for marginalized communities.

- 9) **Advance Tribal stewardship and co-management** - Does the petition address barriers to Tribal leadership and Tribal co-management of MPAs?
- 10) **Provide regulatory clarity** - Does the petition address confusing or conflicting regulations, simplify regulatory language, or address inaccuracies or discrepancies including addressing updates related to changed uses?

We look forward to reviewing and providing additional comments on the draft Principles once they are made available in a supplemental comment prior to the August 2023 FGC meeting.

### **Develop and Widely Share a Transparent and Accessible Petition Process**

The state has acknowledged systemic barriers that have and continue to marginalize communities from decision-making. In addition to an equitable and achievable timeline, the petition process should be transparent and flexible. The Petition process offers a chance to remedy oversights and exclusions from the original MLPA process. While the process should strive to support the ecological health of our coastal waters, it should also be taken as an opportunity to set an example of how the State can improve a public process through equitable participation in decision making.

We support FGC and CDFW's effort to publish the aforementioned Principles as soon as possible to allow ample time for petitioners from diverse groups to prepare strong petitions. Voices that are new to MPA advocacy, communities of color, and particularly young people, would benefit from greater planning, transparency and guidance to engage. We also urge the Commission to take actions to make public meetings feel more welcoming and accessible. We recommend the Commission work to support:

- A work plan and clear schedule that links Commission and Committee meetings to specific outcomes and deadlines related to the DMR and the MPA petition process and the opportunities for public input for each.
- Procedural changes to meetings that ensure equity best practices. Guidance may be drawn from the California Coastal Commission's Environmental Justice Policy<sup>2</sup> (see page 16, "Public Participation").
- Clarity in advance of meetings on the expected scope of input so that the public has adequate time to prepare and can tailor comments to the broader DMR process. Members of the public would greatly benefit from having longer lead times to review agendas and supplemental information meant to inform public comment, such as the Principles.

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<sup>2</sup> California Coastal Commission, Environmental Justice Policy, Adopted March 18, 2019, [https://documents.coastal.ca.gov/assets/env-justice/CCC\\_EJ\\_Policy\\_FINAL.pdf](https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf)

The MLPA designation process and related documents contain critical information regarding the history and reasoning behind original designations. FGC and CDFW must acknowledge that many Tribal communities, BIPOC communities and other marginalized identities were not meaningfully included in the MLPA process. In order to acknowledge the history of the MPA Network, provide necessary information for the petition process, and to support equity and inclusion, we request that historical documents and information from the original MPA designation and decision-making process be organized and made publicly available no later than August 31, 2023.

These actions will help ensure that more Californians have the opportunity to participate in the DMR in an informed and meaningful manner. Having expanded public participation will also provide the Commission and the Department a more representative sampling of perspectives from the wide array of communities who use and appreciate our ocean, and this will lead to a more accurate understanding of what Californians want for the future of our ocean. We appreciate the FGC staff's commitment to making these documents publicly available and ADA accessible to support a well-informed petition process.

### **Beyond Petitions - Enhance the Network for Climate Resilience and Emerging Threats**

As we noted in our July 2023 letter to the Marine Resource Committee, climate change and other emerging threats are already potentially impacting MPA Network effectiveness. Climate change and industrial impacts bring a suite of stressors to the MPA Network that were not primary considerations during the original MPA Network design. The ability of the MPA Network to successfully achieve the six MLPA goals is dependent upon the resilience of these coastal and marine ecosystems, as well as how the Network functions as a whole.

To date, we have not assessed the effectiveness of our MPAs comprehensively, nor are we able to determine the MPA Network's resilience in detail. FGC has stated that it plans to embark on an adaptive management planning process that centers climate resilience, and we support this idea. We also support FGC's dedication to continue long-term monitoring and updating the monitoring plan.

The petition process can be an important first step towards improving the MPA Network and should prioritize opportunities to build climate resilience. However, the State should not rely on the petition process alone to accomplish this critical goal. Individual petitions submitted by interested parties are valuable but not a substitute for a comprehensive, science based analysis of what may be needed to ensure California's MPA Network is climate ready and sufficient to protect ecosystems in the face of emerging industries and threats. **We urge FGC and CDFW to work closely with the Ocean Protection Council and other partners to advance a**

**comprehensive analysis of the MPA Network and pursue any additional conservation measures that are warranted in a timely manner.**

**Closing**

We thank the dedicated staff at CDFW and FGC and the Commissioners for their commitment to California's MPA Network. We recognize that this work is complex and appreciate the careful attention to the petition process and the entire DMR. California's coastal resiliency and marine ecosystem health depend on an effective MPA Network, and we are dedicated to ensuring the Network remains effective and the next decade of management is improved. We look forward to providing additional detail and participating in the petition process.

Sincerely,

Rikki Eriksen, PhD.  
MPAs Director  
California Marine Sanctuary Foundation

Penny Owens  
Education & Outreach Director  
Santa Barbara Channelkeeper

Emily Parker  
Coastal and Marine Scientist  
Heal the Bay

Clara Castronovo  
Board Chair  
California Public Interest Research Group  
Students

Laura Walsh  
California Policy Manager  
Surfrider Foundation

Ashley Eagle-Gibbs, Esq.  
Legal and Policy Director  
Environmental Action Committee of West  
Marin

Anupa Asokan  
Senior Oceans Advocate  
Natural Resources Defense Council

Karla Garibay Garcia  
Senior Conservation Manager  
Azul

Laura Deehan  
State Director  
Environment California Research and Policy  
Center

Angela Kemsley  
Conservation Director  
WILD Coast

Michael Quill, PhD.  
Marine Programs Director  
Los Angeles Waterkeeper