



Tracking Number: (\_\_\_\_2023-14MPA\_\_)

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: David Goldenberg, Executive Director, California Sea Urchin Commission

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: Authority: Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861, and 6750, Fish and Game Code, and Sections 36725(a) and 36725(e), Public Resources Code.**

**3. Overview (Required) - Summarize the proposed changes to regulations: Allow the commercial take of urchins in the following State Marine Conservation Areas (SMCAs):**

- 1) Sea Lion Cove SMCA
- 2) Stewart's Point SMCA
- 3) Salt Point SMCA
- 4) Double Cone Rock SMCA
- 5) Naples SMCA
- 6) Anacapa Island SMCA
- 7) Point Dume SMCA
- 8) Point Vicente SMCA
- 9) Swami's SMCA

**4. Rationale (Required) - Describe the problem and the reason for the proposed change: .**  
The commercial urchin fishery and the resiliency of California's kelp forests have been identified as being at risk due to climate change. This became a reality with the warm water event that started in 2014 and led to urchin barrens and a decline in kelp forests along the California coast, with declines



in kelp as high as 90% along the north coast. This resulted in a catastrophic decline in urchin landings (4.2 million pounds in 2013 down to 284,000 pounds in 2022), leading to a federal fishery disaster declaration. Allowing commercial urchin fishing within the listed SMCAs will improve the sustainability of the urchin industry and may also support kelp recovery efforts endorsed by the Fish and Game Commission (FGC), Department of Fish and Wildlife (DFW), and the Ocean Protection Council (OPC).

This proposal is consistent with goals and objectives 1.1, 1.5, 2.4, and 5.1 identified in the 2016 Master Plan for Marine Protected Areas (MPA), along with the identified design considerations relative to climate change impacts and preservation of diverse commercial uses. Managed urchin fishing can promote the stability of species diversity and abundance consistent with natural fluctuations in environmental conditions. We believe that commercial urchin fishing can help the recovery of kelp ecosystems impacted by over-abundant urchin populations (urchin barrens) ultimately caused by climate change. This belief is based on the kelp restoration projects funded by the OPC along the north coast that are showing promise. Our petition sets up an economical approach that can be used to expand this effort in selected SMCAs along the entire coastline.

Our proposal is consistent with the Master Plan by protecting habitats (kelp forests) while allowing commercial harvest, thus mitigating some of the significant negative impacts experienced by the fishery when the MPA network was established. The Master Plan also states that the MPA network should consider several factors, including the potential impacts of climate change and the diversity of commercial fishing. The proposal is also consistent with the comprehensive recommendations and science guidelines of DFW's Decadal Management Review, which acknowledged inadequate engagement with the fishing industry and the continuing need for adaptive management under a changing climate. DFW's JEDI Governance recommendation #6(c) clearly states the need to explore innovative approaches to engage the fishing industry in MPA research and management. The industry believes that with the collaboration of CDFW, FGC, OPC, NGO's, academic institutions, and the Tribes it can help address urchin barrens and ultimately restore kelp forests the ecosystems reliant upon them.

Our proposal is supported at the Sea Lion Cove and Double Cone Rock SMCAs by the MPA Collaborative recommendations. The Collaborative also supports continuing the commercial urchin harvest at Saunders Reef SMCA.

The commercial urchin fishery has a long track record of working with DFW, and in recent years with OPC, on research and management issues and is ready to continue that partnership using the recommended changes to the MPA network listed in this petition as an important step in fulfilling the goals of the Marine Life Protection Act and mandates in the Fish and Game Code to support sustainable commercial fisheries.

The science developed to date indicates that in areas lacking significant urchin predators, urchin populations can have negative cascading effects on kelp forests in MPAs and reference sites (Carr et.al., 2021). By functioning as predators, commercial urchin fishermen may help restore and protect kelp forests in MPAs. In accordance with the adaptive management elements of the Master Plan, decadal review, and DFW recommendations, we ask that this petition be collaboratively evaluated by all stakeholders through the rulemaking process of the FGC with respect to improving the resiliency of both the commercial urchin fishery and kelp forests to climate change.



**SECTION II: Optional Information**

5. **Date of Petition:**

6. **Category of Proposed Change**

- Sport Fishing
- Commercial Fishing
- Hunting
- Other, please specify:

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): 632(b)(30)(B) ...is allowed. The commercial take of urchins is allowed.

632(b)(16)(B)2...;-and Dungeness...is allowed., and the commercial take of urchins is allowed.

632(b)(33)(B)...dip net. The commercial take of urchins is allowed.

632(b)(35)(B) ... is allowed. The commercial take of urchins is allowed.

632(b)(98)(B) ... 5. The commercial take of urchins is allowed.

632(b)(112)(B)1 ...commercial take of spiny lobster and urchins is allowed.

632(b)(117)(B)2 ...take of urchins; swordfish...

632(b)(119)(B) ...is allowed. The commercial take of urchins is allowed.

632(b)(138)(B) ... 4. The commercial take of urchins is allowed.

Add New Title 14 Section(s):

Repeal Title 14 Section(s):

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition**

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: 2025

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Red Sea Urchin Enhanced Status Report (See California Department of Fish and Game website). California Marine Life Protection Act Master Plan for Marine Protected Areas 2016 (See California Department of Fish and Game website). California’s Marine Protected Area Network Decadal Management Review 2022 (See California Department of Fish and Game website). Monitoring and Evaluation of Kelp Forest ecosystems in the MLPA Marine Protected Area Network (Carr et.al. 2021) (See California Department of Fish and Game website). MPA Collaborative Network (see website, Collaborative Vetted Regulation Recommendations)

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: No known negative economic or fiscal impacts of the proposed changes. It is expected that there will be some positive economic benefits by opening formally closed areas to commercial urchin fishing.

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

[Click here to enter text.](#)

**SECTION 3: FGC Staff Only**

Date received:

FGC staff action:

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

Tracking Number

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

Meeting date for FGC consideration:

FGC action:

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

Tracking Number