

Attachment 1

DRAFT Evaluation Framework for 2023 Marine Protected Area Bin 2 Petitions

The following draft evaluation framework (Draft Framework) was developed for the 15 [Bin 2 Petitions](#) that propose changes to the Marine Protected Area (MPA) Network that were received by the California Fish and Game Commission (CFGC) and referred to the California Department of Fish and Wildlife (CDFW) in 2023. CDFW developed the Draft Framework, with support from staff at the 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 any action taken to make changes to the MPA Network. The Draft 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 Draft Framework includes the following sections:

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

CDFW proposes to use the Draft Framework to present the information used to evaluate petitions and develop recommendations to CFGC for the 2023 MPA Bin 2 petitions. The Bin 2 petitions and petition actions vary in complexity and the Draft Framework is designed to address this spectrum of complexity. In some cases, it will be more appropriate to evaluate whole Bin 2 petitions and in other cases, it will be more appropriate to evaluate the individual proposed actions within a petition. Not all evaluation components in Section IV will apply to every proposed action or petition. CDFW will apply the evaluation components as appropriate, and the level of detail when evaluating each component may vary based on factors such as applicability or information available.

I. Petition Summary

CFGC Tracking Number	
Petition Contact/Affiliation	
Number of Proposed Actions	
Affected MPAs	
Petition Summary	
Link to StoryMap page	
Petitioner's stated rationale and brief justification for proposed actions	

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II. CDFW Draft Recommendations and Brief Justification

Note: If a change to the MPA regulations is not needed to address the proposed change, CDFW will 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	Petition Proposed Action	Petitioner's stated rationale and brief justification for proposed actions	CDFW Draft Recommendation	Brief Justification

III. Bin 2 Petition Grouping: Identify Tribally-focused Petitions

The purpose of this section is to identify if the petition explicitly aims to advance tribal co-management and stewardship of the MPA Network, if it is submitted by a tribe, or includes proposed actions explicitly related to tribes (e.g., tribal exemption, tribal take only MPA). CDFW will use this stage to sort the petitions into “Tribally-focused Petitions” and “Other Petitions.” A “yes” to one or more of the questions below will result in the petition being sorted into the Tribally-focused petitions. CDFW will meet with those identified petitioners and recommend the Tribal Committee discuss the Tribally-focused Petitions. At any point in the process tribes may request consultation with CDFW. All Bin 2 petitions, including Tribally-focused Petitions, may be evaluated with the CDFW 2023 MPA Bin 2 Petition Evaluation Framework in Section IV.

Tribal Components Questions	Answer and Explanation
Was the petition submitted by a tribe, tribal representative, or have a tribal co-sponsor?	
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?	
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)	

IV. CDFW 2023 MPA Bin 2 Petition Narrative and Evaluation

The Draft Framework is based on the [MPA Regulation Change Petition Framework](#) approved by the 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. CDFW has organized the evaluation questions to reflect the structure of the 2023 framework to ensure the petition evaluations align with considerations proposed by CFGC to help guide petition development and evaluation. Additionally, CDFW will identify information and governance gaps and other key considerations, such as competing regulations, effects on other agencies that have overlapping jurisdictions, and interactions between 2023 petitions, that will be critical for CFGC to consider in their decision-making.

Not all evaluation components will apply to every proposed petition action. CDFW will apply the evaluation components as appropriate, and the level of detail when evaluating each component may vary based on factors such as applicability or information available.

Evaluation Narrative: *[This section will include a summary narrative of the CDFW evaluation and recommendations.]*

Evaluation Question	2023_XMPA_1 ¹ Answer and Explanation	2023_XMPA_2 Answer and Explanation	2023_XMPA_3 Answer and Explanation
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?			
Question 2a: Does the proposed change advance adaptive management recommendations in the Decadal Management Review? Question 2b: If not, does the proposed change address a current or emerging MPA management challenge?			
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)?			
Question 4: Does the proposed change have the potential to affect existing regulations, permits, leases, or management activities of any other agency or entity?			
Question 5: Are there significant information gaps that need to be filled to inform the evaluation of the proposed change?			

¹ If it is more appropriate to evaluate the whole petition there will be one column for the answer and explanation. If it is more appropriate to evaluate the individual proposed actions within a petition, there will be a column for each action denoted as 2023_XMPA_1, where X is the petition number followed by the action number.

Evaluation Question	2023_XMPA_1 ¹ Answer and Explanation	2023_XMPA_2 Answer and Explanation	2023_XMPA_3 Answer and Explanation
<p>Question 6: Are there significant management gaps that need to be filled to inform the evaluation of the proposed change?</p>			
<p>Question 7a: Was the proposed change considered during the MLPA Planning Process or the implementation of MPAs around the Northern Channel Islands?</p> <p>Question 7b: If so, is there new information available, changing conditions since the implementation phase, and/or information presented in the DMR that warrants reevaluation of the proposed change?</p>			
<p>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 of MPAs around the Northern Channel Islands?</p>			
<p>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?</p>			
<p>Question 10a: Does the proposed change align with CDFW Feasibility Guidelines?</p> <p>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?</p>			

Evaluation Question	2023_XMPA_1 ¹ Answer and Explanation	2023_XMPA_2 Answer and Explanation	2023_XMPA_3 Answer and Explanation
Question 11: Does the proposed change maintain or improve enforceability of MPA regulations?			
Question 12: Does the proposed change simplify regulatory language or enhance public understanding without changing the intent of the MPA?			
Question 13: Does the proposed change maintain or enhance protection of marine resources?			
Question 14: Does the proposed change provide more access opportunities (i.e. fishing, educational, and/or other recreational opportunities) for traditionally underserved or marginalized communities?			
Question 15: Does the proposed change have the potential to affect consumptive and/or non-consumptive activities? If so, how?			
Question 16: Does the proposed change interact with or have the potential to affect proposed changes in other 2023 MPA petitions?			

V. Supplemental Analyses, Data and Information, and Citations

This section will include any supplemental analyses, supporting data or information, and citations used to inform CDFW's recommendation.

VI. Summary of Other Considerations

This section will summarize other factors, if any, that the Commission should be aware of related to the petition.

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