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

Modify Take in 9 SMCAs to Allow Commercial Take of Sea Urchins (2023-14MPA)

I. PETITION SUMMARY

CFGC Tracking Number	2023-14MPA
Petition Contact/Affiliation	David Goldenberg, Executive Director, California Sea Urchin Commission
Number of Proposed Actions	9
Affected MPAs	Sea Lion Cove, Stewarts Point, Salt Point, Double Cone Rock, Naples, Anacapa Island, Point Dume, Point Vicente, and Swami's State Marine Conservation Areas (SMCAs)
Petition Summary	Allow commercial take of sea urchins in 9 State Marine Conservation Areas
Link to StoryMap page	2023-14MPA

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
2023-14MPA_1-9 Allow commercial urchin take at Sea Lion Cove, Stewarts Point, Salt Point, Double Cone Rock, Naples, Anacapa Island, Point Dume, Point Vicente, and Swami's SMCAs.	The petitioner's stated intent for the proposed change is "The marine heat wave that started in 2014 led to large declines in kelp and urchin landings, resulting in federal fishery disaster declaration," and "allowing commercial urchin fishing within the listed SMCAs will improve the sustainability of the urchin industry and may also support kelp recovery efforts."	**Deny all petition actions.** The proposed change to allow commercial urchin harvest within nine SMCAs does not advance adaptive management recommendations from the Decadal Management Review nor address a current or emerging MPA management challenge. Further, the change would conflict with the original goals of these MPAs and potentially undermine the long-term MPA monitoring program. There is no evidence to support the proposed change would improve the sustainability of the urchin industry. Commercial urchin removal efforts are unlikely to result in meaningful and sustained kelp recovery without a clear understanding of the site-specific drivers of kelp loss. Statewide kelp restoration and management efforts should be guided by the Kelp Restoration and Management Plan (KRMP), which is in development.

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 tribes[1] (tribes) throughout the petitions 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 2023-14MPA_1-9

The petitioner has requested to allow commercial urchin harvest within nine SMCAs including Sea Lion Cove, Stewarts Point, Salt Point, Double Cone Rock, Naples, Anacapa Island, Point Dume, Point Vicente, and Swami's SMCAs, and Point Vicente No-take SMCA. The proposed change aims to address the petitioner's stated purpose to, "improve the sustainability of the urchin industry and [allowing commercial urchin harvest] may also support kelp recovery." Although the petitioner asserts the proposed actions align with one or more of the Master Plan objectives, CDFW's evaluation finds the proposal:

- Is inconsistent with the goals of these MPAs, as stated in the MLPA Initiative planning process,
- Does not align with the original intent of the MPAs,
- Would reduce protection levels for Double Cone Rock SMCA, Point Dume SMCA, and Point Vicente No-take SMCA and change the intended design of the 6 other SMCAs in a manner that would undermine the design of the MPA Network,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

The petitioner states that allowing commercial take of urchin in these SMCAs may benefit the urchin fishery and aid in kelp recovery. However, the petitioner did not provide information to support that these SMCAs are overgrazed by urchins. Urchins in heavily overgrazed areas are typically small, starved, and commercially non-viable, meaning urchin harvest from areas where kelp has been overgrazed would likely provide limited economic benefit to the fishery. Selective removal of large, marketable red urchins within barrens would minimally reduce urchin populations, resulting in little positive effect for kelp abundance. While urchin removal in controlled scientific studies has, in some cases, shown localized benefits to kelp recovery, restoration outcomes are highly variable and depend on multiple ecological and environmental factors (Eger 2022, Ward et al. 2022). Large-scale kelp declines, particularly in northern California, have been linked to marine heatwaves, ocean warming, and altered predator-prey dynamics, not solely to urchin abundance (Rogers-Bennett and Catton 2019).

The petition does not include any information on the status of kelp or urchin populations in the SMCAs, or other site-specific information to indicate restoration is needed in these SMCAs. Before pursuing restoration efforts, it is essential to identify whether a given habitat within a specific area needs restoration. It is also critical for kelp restoration efforts to implement intervention measures that address the site-specific ecological drivers of kelp loss. The petition does not make it clear if urchin barrens are a concern in

these SMCAs. It is also unclear the extent to which commercial urchin removal efforts applied widely across the requested SMCAs would result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers.

In addition to CDFW's assessment that the proposed change would not benefit management of the MPA Network, CDFW is concerned the proposed change would introduce regulatory complexity and negatively impact the Network design and long-term monitoring data. The proposed change would reduce protection levels for Double Cone Rock SMCA, Point Dume SMCA, and Point Vicente No-take SMCA, resulting in these three MPAs no longer serving their designed connectivity role in the Network as MPA habitat replicates. This change would also increase the spacing between key habitats within the MPAs and result in a loss of replication of multiple key habitats among the MPAs. Although the change would not reduce the Level of Protection (LOP) for the six non-replicate MPAs, these changes would nevertheless change the intent of the MPAs and their designed role in the MPA Network. Additionally, all nine affected MPAs are part of California's long-term MPA Monitoring Program. Allowing commercial take would alter ecological conditions, introducing variability that would compromise the comparability and integrity of long-term monitoring data. Finally, several MPAs overlap with federally managed areas, including National Marine Sanctuaries, which would necessitate coordination with federal partners.

RECOMMENDATION FOR 2023-14MPA_1-9

Given these considerations, and the information in the evaluation below, **CDFW recommends the California Fish and Game Commission (CFGC) DENY the nine petition actions** proposing to allow commercial urchin harvest in the following SMCAs:

- **2023-14MPA_1**, Sea Lion Cove SMCA,
- **2023-14MPA_2**, Stewarts Point SMCA,
- **2023-14MPA_3**, Salt Point SMCA,
- **2023-14MPA_4**, Double Cone Rock SMCA,
- **2023-14MPA_5**, Naples SMCA,
- **2023-14MPA_6**, Anacapa Island SMCA,
- **2023-14MPA_7**, Point Dume SMCA,
- **2023-14MPA_8**, Point Vicente No-take SMCA, and
- **2023-14MPA_9**, Swami's SMCA.

EVALUATION QUESTIONS

2023-14MPA_1-9: Allow commercial take of sea urchin in nine SMCAs.

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?

No. 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 a whole. 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.

The proposed change would not align with one or more of the MLPA Goals or the MPA Master Plan adaptive management objectives and consequently, would not advance management of the MPA Network. The nine proposed affected SMCAs were designed to meet several MLPA Goals that are still relevant today, including:

- Sea Lion Cove SMCA was designed to meet MLPA Goals 2 and 3
- Stewarts Point SMCA, an MPA within the larger Stewarts Point State Marine Reserve (SMR), was intended to provide recreational take allowances for the Kashia Band of Pomo Indians, a federally recognized tribe in Sonoma County, and was designed to meet Goals 1, 2, 3, and 5 along with the SMR.
- Salt Point SMCA was designed to meet MLPA Goals 3 and 5.
- Double Cone Rock SMCA was designed to meet MLPA Goals 1, 2, 4, 5, and 6.
- Naples SMCA was designed to meet MLPA Goal 3, 4, 5, and 6.
- Anacapa Island SMCA was designed to meet MLPA Goals 1, 2, and 4.
- Point Dume SMCA functions as an MPA cluster with Point Dume SMR and the SMCA was designed to meet Goals 1, 2, 3, 4, 5, and 6.
- Point Vicente SMCA is currently No-take and functions as an MPA cluster with Abalone Cove SMCA, and was designed to meet Goals 1, 2, 3, 4, 5, and 6.
- Swami's SMCA was designed to meet MLPA Goals 1, 2, 3, 4, 5 and 6.

The proposal to allow commercial urchin take from these SMCAs would not support these MPAs in meeting or advancing any of the goals beyond which these MPAs already offer. Adding another take allowance for commercial urchin in these MPAs is not

consistent with MLPA Goals 1 or 2. Although the petitioner states that the urchin take may benefit kelp forests, there is not sufficient scientific evidence to verify commercial urchin take will have the desired effect of restoring kelp in these MPAs or that it is sustainable.

Regarding Goal 6, allowing commercial urchin harvest in Double Cone Rock SMCA would lower the LOP such that this MPA would no longer serve its connectivity objectives as intended in Goal 6. Point Dume SMCA functions as an MPA cluster with Point Dume SMR. Allowing commercial urchin harvest in the SMCA would lower the LOP such that this MPA cluster would no longer serve its connectivity objectives as intended in Goal 6. Point Vicente SMCA is currently No-take and functions as an MPA cluster with Abalone Cove SMCA. Allowing commercial urchin harvest in the SMCA would lower the LOP such that this MPA cluster would no longer serve its connectivity objectives as intended in Goal 6.

The petitioner asserts the proposed change to allow commercial urchin harvest in these nine MPAs is consistent with Regional Objectives 1.1, 1.5, 2.4, and 5.1 identified in Appendix C, D, E, and F of the 2016 Master Plan for Marine Protected Areas (CDFW 2016). However, meeting one or more of the regional objectives does not mean that the MPA with the proposed change would align with the MLPA Goals. In the broader adaptive management framework, the proposed change would not advance management of the MPA Network and in some cases, would compromise individual MPA design and MPA Network design.

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

No. The proposed change would not advance any of the adaptive management recommendations in the Decadal Management Review. See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management Recommendations.

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

No. Although the petition states that the proposed change would address sustainability of the commercial urchin fishery and may contribute to kelp recovery, the proposed change does not address a current or emerging MPA management challenge. The proposed change would not benefit the long-term adaptive management of the statewide MPA Network without compromising the original intent of the affected MPAs and design of the Network.

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)?

Yes. The proposed change interacts with California Code of Regulations (Cal. Code Regs.), title (tit.) 14, section 120.7, particularly subdivision (subd.) (a)(2). The petitioner states allowing commercial urchin harvest may benefit kelp recovery. However, it is unclear whether the petitioner intends to participate in these activities for the sole purpose of commercial urchin harvest, or if there is the intent to conduct research or restoration to improve the resiliency of kelp forests.

If the petitioner wishes to conduct commercial harvest of red urchin (*Mesocentrotus franciscanus*) as part of a research activity (i.e., kelp restoration research), Cal. Code Regs., tit. 14, section 120.7, subd. (a)(2) includes a provision that enables CDFW to issue an authorization letter to allow commercial harvest of red urchin (not purple urchin(*Strongylocentrotus purpuratus*)) within certain closed areas under specific conditions "to provide an economic incentive for cooperative sea urchin management and research activity." However, there is currently no regulatory pathway that would allow commercial harvest of purple urchin for research activities in MPAs, or commercial harvest of purple or red urchin for kelp restoration in MPAs.

CDFW has existing mechanisms to authorize research exploring the benefits of urchin removal to advance kelp recovery through issuance of Scientific Collecting Permits and is exploring the use of Restoration Management Permits to authorize kelp restoration; although, existing regulations do not allow commercial urchin harvest for kelp restoration in MPAs. Until statewide management plans for kelp recovery and restoration are in place (i.e., the KRMP-see response to Question 6), authorizing urchin harvest for kelp restoration research should continue at the research scale versus larger-scale commercial harvest.

Additionally, the proposed change is related to petitions CFGC previously considered and denied:

- 2013 petition to allow take of sea urchins in MPAs,
- 2020 petition to enact emergency regulations for increased recreational take of purple urchins in Monterey. CFGC adopted related regulations in December 2020, but did not approve recreational culling of urchins within MPAs, and
- 2021 petition to authorize culling of red and purple sea urchin within Monterey SMCAs.

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. Salt Point SMCA adjoins Salt Point State Park, but it is unclear whether the proposed change would have direct or indirect effects on the management activities of the Department of Parks and Recreation.

National Oceanic and Atmospheric Administration, National Marine Sanctuaries: Sea Lion Cove, Stewarts Point, and Salt Point SMCAs overlap with Greater Farallones National Marine Sanctuary. Anacapa Island SMCA overlaps with Channel Islands National Marine Sanctuary.

There are Areas of Special Biological Significance that overlap with Anacapa Island and Point Dume SMCAs, however, it is unclear whether the proposed change would have direct or indirect effects on the management activities of the State and Regional Water Quality Control Boards related to the Areas of Special Biological Significance.

There are tribal exemptions for Naples, Anacapa Island, and Point Dume SMCAs for the Santa Ynez Band of Chumash Indians that could be impacted by the proposed action.

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 has sufficient information to evaluate and make a recommendation on this proposal. When evaluating this petition, CDFW reviewed the information in the petition as well as information including but not limited to:

- The status of the red urchin fishery,
- Existing science, regulations, and guidance pertaining to kelp recovery and restoration in California, and
- MLPA Planning documents and related information (e.g., MLPA Goals and MPA Master Plan adaptive management Objectives).

CDFW reviewed the available information and did not find that it supports the petitioner's assertion that, "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 [CFGC, CDFW], and the Ocean Protection Council." The petition did not

include evidence that these SMCAs need restoration or that the proposed change would support kelp recovery efforts in these SMCAs. Without direct evidence of a place-based need linking kelp declines to overgrazing by urchins, the proposed change is unlikely to result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers. See Questions 1, 2, and 6 regarding the merits of this proposal related to advancing kelp recovery.

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

Yes. While urchin removal efforts specifically aimed at kelp recovery have, in some cases, shown localized benefits to kelp recovery, restoration outcomes are highly variable and depend on multiple ecological and environmental factors (Ward et al. 2022). Research in this area is ongoing and emerging. It is essential that kelp restoration and management is comprehensive and uses intervention strategies tailored to the specific drivers of kelp loss in a given area. CDFW has existing mechanisms to authorize research exploring the benefits of urchin removal to advance kelp recovery through issuance of Scientific Collecting Permits and is exploring the use of Restoration Management Permits to authorize kelp restoration; although, these regulations do not allow for commercial harvest. There is a need for clear, statewide guidance to inform the role of urchin take in kelp restoration and management.

CDFW, in partnership with the Ocean Protection Council, is developing a statewide, ecosystem-based, adaptive Kelp Restoration and Management Plan (KRMP) for giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis luetkeana)*. The KRMP will include a cohesive kelp management strategy that consists of three core components:

1. An innovative framework for ecosystem-based management of kelp forests,
2. A harvest management framework and other Fishery Management Plan elements required by the Marine Life Management Act, and
3. A Restoration Toolkit.

Any potential adaptive MPA management measures intended to restore California's kelp beds must align with MLPA Goals and be informed by statewide restoration and management plans such as the KRMP. The Decadal Management Review Recommendation 18 highlights the need for CDFW to "Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and marine managed areas." CDFW has not developed this framework yet, but it could include fishery practices that may support restoration within MPAs and Marine Managed Areas. A decision-making framework for permitting restoration activities in MPAs is also in

development and will work in conjunction with the KRMP to inform appropriate locations for restoration activities.

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. The proposed change (e.g., commercial take of urchin) was not considered for any of the nine listed MPAs during the MLPA Initiative planning process. All nine MPAs were intended to achieve significant protection, either individually or as part of an MPA cluster, and thus commercial take allowances were not considered except in a few very limited cases where the take would not decrease overall protection.

> **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.** There is no information that has emerged since implementation of the MPA Network to support allowing commercial take of urchin in these MPAs.

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. Allowing commercial take of urchin does not align with the original intent of any of the nine MPAs.

During the South Coast MLPA Initiative planning process, the Blue-Ribbon Task Force recommended a High LOP for Swami's MPA (MLPA 2009). However, one of State Parks' primary purposes for this area during the MLPA Initiative planning process was to allow recreational hook-and-line fishing from shore. This concession was made, but it lowered the LOP from High to Moderate-low. Although commercial take of urchin would maintain the Moderate-low protection of Swami's SMCA, allowing commercial take of urchins does not align with the original intent of the MPA, and would further divert from the Blue-Ribbon Task Force's recommendation for a High LOP at Swami's.

Naples SMCA has a Low LOP due to the allowance of commercial take of giant kelp by mechanical and hand harvest, which was intended to offset the socioeconomic impact of the Campus Point SMCA (No-take) on an existing kelp lease. However, no additional commercial take was considered or intended for this SMCA.

Anacapa Island SMCA was intended to be a "limited take area" allowing for only recreational fishing for lobster and pelagic fish, and commercial fishing for lobster. Sea Lion Cove SMCA was designed "to provide protection for vulnerable intertidal habitat, abalone nursery and invertebrate communities" with "take of all invertebrates and marine aquatic plants prohibited." The Salt Point SMCA was designed to "enhance recreational experience via proximity to Stewarts Point and Gerstle Cove SMR" (MLPA 2008). Allowing commercial take of urchins does not align with the original intents of these MPAs.

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 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 the LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least nine 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.

Six of the MPAs affected by this petition do not currently meet the minimum criteria for replicates, due to their LOP (Anacapa SMCA, Stewarts Point SMCA, and Swami's SMCA) or both their size and LOP (Naples SMCA, Salt Point SMCA, and Sea Lion Cove SMCA). Given the proposal would not increase the size or LOP of these MPAs, it would not improve the design of these individual MPAs or the MPA Network, nor would it enhance alignment with the MLPA Science Guidelines.

Three of the MPAs affected by this petition (Double Cone Rock SMCA, Point Dume SMCA in a cluster with Point Dume SMR, and Point Vicente No-take SMCA in a cluster with Abalone Cove SMCA) currently serve their designed function as habitat replicates. The proposed change would lower the LOP of these three MPAs to Moderate-low, meaning they would no longer meet the minimum requirements to serve their designed connectivity role within the Network as habitat replicates. As a result, the proposed change would undermine the design of these individual MPAs and the overall MPA Network. See Question 9 of Attachment 1 for the MLPA Science Guidelines and additional context.

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

No. The proposed change would not align with the following Feasibility Guidelines: 'Take Regulations' guideline to "avoid allowing too many different uses." The change would add a different type and method of take (i.e., commercial take of urchin) to the MPA regulations for nine MPAs, which compromises enforceability of MPA regulations (see response to Question 11 regarding MPA regulation enforceability). 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 alternative that would allow the commercial take of urchin in the nine MPAs while also meeting the CDFW Feasibility Guidelines.

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

No. The proposed change does not maintain or improve enforceability of these MPA regulations. The proposed change adds another type of take allowance (e.g., commercial take of urchin), which compromises enforceability of 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.

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

No. The proposed change would change the intent of the MPA and does not simplify the regulatory language or enhance public understanding.

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

No. The proposed change adds another take allowance that would decrease protection for urchins in all nine of the MPAs listed. This is of concern because red sea urchin populations have experienced lower abundance and diminished gonad size due to declines in its primary food source, kelp, particularly in northern California.

The proposed change would also lower the LOP for three of the nine MPAs and thus, no longer serve their designed connectivity role within the Network as habitat replicates (see response to Question 9 regarding the design of individual MPAs and the MPA Network using MLPA Science Guidelines).

As to maintaining or enhancing kelp protection, without direct evidence of a placed-based need linking kelp declines to the specific driver(s), it is not likely that the proposed change would result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers.

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 of Attachment 1.

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

Yes. This change has the potential to affect consumptive and non-consumptive activities. Allowing commercial urchin harvest within the nine MPAs would provide a new take opportunity that is not currently authorized and has potential to affect commercial urchin diving activities.

Red urchin landings were most affected in northern California, where the fishery experienced severe declines following the 2014-2016 marine heat wave (Fig. 1). Opening small areas could offer some initial harvest opportunities for red urchin divers in the north. However, the long-term benefit to the fishery would be limited due to the relatively small habitat area within these MPAs compared to the overall fishing grounds.

South of Point Conception, the urchin fishery was less affected overall by environmental events. As a result, the potential benefits of the proposed changes in those MPAs are expected to be minimal in both the short and long term.

The proposed change also has the potential to negatively affect non-consumptive activities, such as long-term research and monitoring. For example, the Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO) conducts long-term monitoring of rocky reef habitat in each SMCA, except Sea Lion Cove SMCA. Adding another take allowance in these MPAs has the potential to introduce increased variability in the existing time series and would be detrimental to the long-term monitoring data.

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 following analysis was prepared by CFGC staff. See Question 17 of Attachment 1 for additional context on CFGC's response.

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

- **2023-14MPA_1.** Sea Lion Cove SMCA
  - Noyo Harbor/Fort Bragg (~25 nautical miles (nm) from area of proposed change)
- **2023-14MPA_2.** Stewarts Point SMCA
  - Bodega Bay (~14 nm)
- **2023-14MPA_3.** Salt Point SMCA
  - Bodega Bay (~12 nm)
- **2023-14MPA_4.** Double Cone Rock SMCA
  - Noyo Harbor/Fort Bragg (~25 nm)
- **2023-14MPA_5.** Naples SMCA
  - Santa Barbara (~8 nm)
- **2023-14MPA_6.** Anacapa Island SMCA
  - Ventura Harbor (~10 nm)
  - Channel Islands Harbor (Oxnard) (~11-13 nm)
  - Santa Barbara (~25 nm)
- **2023-14MPA_7.** Point Dume SMCA
  - Port of Los Angeles (San Pedro) (~25 nm)
- **2023-14MPA_8.** Point Vicente SMCA
  - Oceanside Harbor (~6 nm)
  - Dana Point Harbor (~18 nm)
  - Santa Barbara (~28 nm)
- **2023-14MPA_9.** Swami's SMCA
  - Oceanside Harbor (~7 nm)
  - Dana Point Harbor (~18 nm)
  - San Diego Bay (~22 nm)

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

Yes. This petition has the potential to interact with petition 2023-27MPA_AM at Anacapa Island SMCA, where the petitioner is proposing to prohibit or limit lobster take to protect eelgrass from damage associated with anchoring and bottom gear. Granting this petition may result in increased anchoring in Anacapa Island SMCA. Granting 2023-27MPA is not anticipated to affect this petition.

This petition also has the potential to interact with petition 2023-33MPA_AM, which is proposing a westward expansion of Point Dume SMCA as well as adding recreational take from shore by hook-and-line and spearfishing. Although the petitions are not in conflict with each other, both are proposing to increase take at Point Dume in different ways. Granting both petition actions would result in an allowance for recreational take from shore by hook-and-line and spearfishing *and* an allowance for commercial take of urchin. Adding take allowances has the potential to compromise enforceability and introduce increased variability in temporal trends at this location and would be detrimental to long-term monitoring data.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

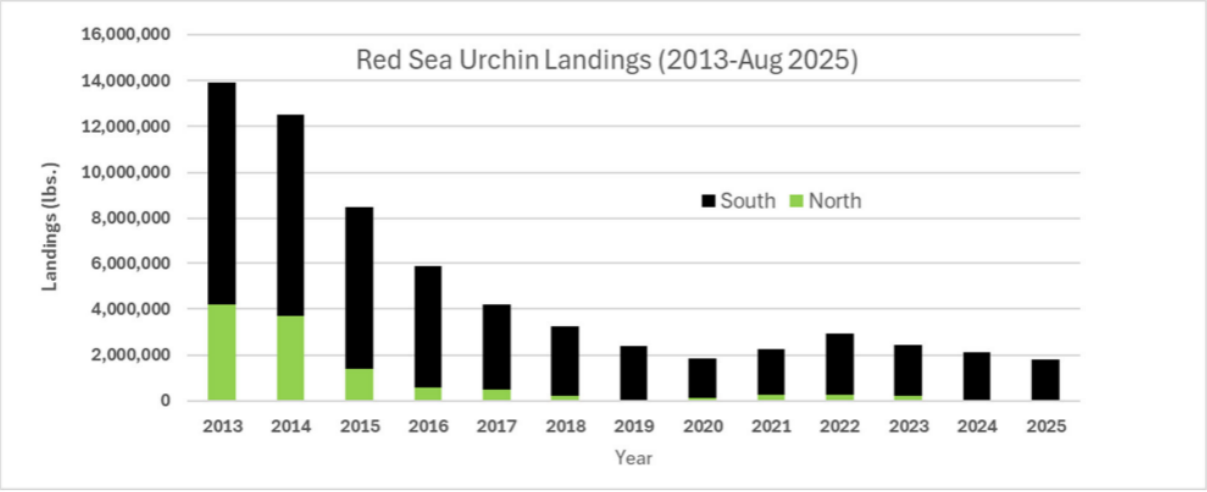

Figure 1. Statewide red sea urchin (*Mesocentrotus franciscanus*) annual landings (pounds of urchin) between 2013-2025. The north (green) and south (black) regions of the commercial fishery are demarcated by the Monterey and San Luis Obispo County line.

CITATIONS

California Department of Fish and Wildlife. 2016. California Marine Life Protection Act Master Plan for Marine Protected Areas. Adopted by the California Fish and Game Commission in August 2016.

Eger, A. M., *et al* (2022). Kelp restoration guidebook: Lessons learned from kelp projects around the world. The Nature Conservancy, Arlington, VA. 6b TNC-KFA-Kelp-Guidebook-2022.pdf

Marine Life Protection Act Initiative (MLPA). 2008. California MLPA North Central Coast Project Integrated Preferred Alternative Marine Protected Area (MPA) Proposal (adopted by the MLPA Blue Ribbon Task Force on April 23, 2008). Revised May 27, 2008.

Marine Life Protection Act Initiative (MLPA). 2009. California Marine Life Protection Act Initiative South Coast Project. Side-by-Side Comparison (maps and proposed regulations) of Revised SCRSG MPA Proposals 1, 2 and 3, and Proposal 0 (Existing MPAs).

Rogers-Bennett, L. and C.A. Catton. 2019. Marine heat wave and multiple stressors tip bull kelp forest to sea urchin barrens. Scientific Reports, 9.

Ward, M., McHugh, T. A., Elsmore, K., Esgro, M., Ray, J, Murphy-Cannella, M., Norton, I. and Freidwald, J. (2022) Restoration of North Coast Bull Kelp Forests: A Partnership Based Approach. *Reef Check* Foundation, Marina del Rey, CA, April 2022, Restoration of Northern California Bull Kelp Forests - A Partnership-based Approach Reef Check Foundation