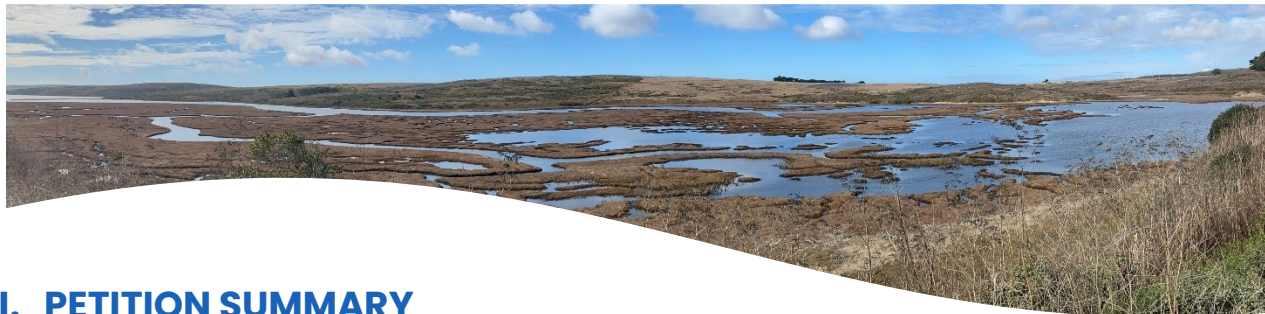


# California Department of Fish and Wildlife's Evaluation of 2023 Decadal Management Review Marine Protected Area Petition:

## **Modify Allowed Uses in Four Monterey Area MPAs, Create a New MPA, and Other Requests (2023-23MPA\_AM)**



### **I. PETITION SUMMARY**

CFGF Tracking Number	2023-23MPA_AM
Petition Contact/Affiliation	Keith Rootsart, Giant Giant Kelp Restoration
Number of Proposed Actions	28
Affected MPAs	Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay State Marine Conservation Areas (SMCAs) and Point Lobos State Marine Reserve (SMR), with other changes affecting MPAs not specified.
Petition Summary	Modify regulations in Pacific Grove Marine Gardens SMCA, Edward F. Ricketts SMCA, and Carmel Bay SMCA to prohibit recreational and commercial take of finfish for diver safety when kelp restoration activities are occurring; allow unlimited commercial and recreational urchin culling in these three MPAs, as well as in a portion of Point Lobos SMR; designate Tanker's Reef as new SMR; other proposed actions to facilitate kelp restoration.
Link to StoryMap page	<a href="#">2023-23MPA_AM</a>



## 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
<p><b>2023-23MPA_1_AM1, 6_AM1, and 11_AM1</b>                      For diver safety, prohibit recreational and commercial take of finfish when a petitioner-proposed “kelp restoration management permit” is active within: Edward F. Ricketts State Marine Conservation Area [SMCA, (2023-23MPA_1_AM1)], Pacific Grove Marine Gardens SMCA (2023-23MPA_6_AM1) and Carmel Bay SMCA (2023-23MPA_11_AM1).</p>	<p>The petitioner’s stated intent for the proposed change is: “Kelp forests need protection from fishing pressure which has detrimental effects on species richness and kelp biomass.” and “This is safer for the volunteer divers involved to avoid fishing boat traffic or getting hooked by fishing gear while diving.”</p>	<p><b>Deny.</b>                      The proposed change to prohibit recreational and commercial take of finfish in three MPAs when a petitioner-proposed “kelp restoration management permit” is active, or while kelp restoration activities are occurring under a Scientific Collecting Permit (SCP) or Restoration Management Permit, for diver safety does not advance adaptive management recommendations from the Decadal Management Review (DMR) nor does it address a current or emerging MPA management challenge. Divers and fishers currently co-exist in MPAs, and diver safety can be addressed through project-specific safety plans and operational coordination without amending MPA regulations. Implementation of this change would make outreach and enforcement nearly impossible, especially considering many kelp restoration activities occur underwater and would be occurring intermittently. The proposed change would undermine regulatory clarity and the enforceability standards that the MPA Network relies upon for effectiveness. The limited term of a permit for kelp</p>

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		<p>restoration activities means the MPA regulations would become obsolete at the end of the permit term. This would result in the MPA regulations having relic language that would need to be removed through subsequent regulatory packages.</p>
<p><b>2023-23MPA_2, 7, 12, and 16</b>                      Allow unlimited recreational urchin removal in Edward F. Ricketts SMCA (2023-23MPA_2), Pacific Grove Marine Gardens SMCA (2023-23MPA_7), Carmel Bay SMCA (2023-23MPA_12), and Point Lobos State Marine Reserve [SMR, (2023-23MPA_16)].</p>	<p>The petitioner’s stated intent for the proposed change is: “Due to widespread urchin barrens following the 2014-2016 marine heat wave and kelp biomass decline in central and northern California, kelp restoration is a proven remedy by scuba divers culling urchins to suppress grazing pressure.”</p>	<p><b>Deny.</b>                      The proposed change to allow unlimited urchin take conflicts with the state’s legislatively established Wanton Waste rule (Fish &amp; G. Code § 7704), which was enacted to prevent waste of fish taken in state waters. Although the petition proposes an exemption to this rule (see 2023-23MPA_27), adopting this proposed change in the MPA regulations would require a subsequent legislative amendment, which is outside the regulatory authority of the California Fish and Game Commission (CFGC). Additionally, urchin removal efforts are unlikely to result in meaningful and sustained kelp recovery without holistically addressing the site-specific drivers of kelp loss. CDFW in partnership with the Ocean Protection Council (OPC) is developing the Kelp Restoration and Management Plan (KRMP), a robust, adaptive, climate-ready approach to managing the state’s kelp forest ecosystems in the face of changing ocean conditions. Kelp restoration and management efforts in California should be guided by the KRMP, as well as the forthcoming decision-making</p>

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Petition Action ID and Proposed Action	Petitioner’s Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		framework for permitting restoration activities in MPAs (DMR Recommendation 18). The KRMP and ongoing research will identify locations where restoration may be appropriate the best intervention strategies, and the scope and scale of those interventions. CDFW will continue to support and permit kelp research and restoration projects on a case-by-case basis until the KRMP is complete and CDFW can complete DMR Recommendation 18 to provide guidance on restoration of kelp in MPAs.
<p><b>2023-23MPA_3, 4, 5, 8, 9, 10, 13, 14, 15, 17, 18, and 19</b></p> <p>In Edward F. Ricketts SMCA, Pacific Grove Marine Gardens SMCA, Carmel Bay SMCA, and Point Lobos SMR, allow the following activities to occur without an SCP:</p> <ul style="list-style-type: none"> <li>• Out-planting kelp on the reef,</li> <li>• Spore dispersal by sporophyte bags, and</li> <li>• Pruning kelp canopy to promote growth and resilience to storms.</li> </ul>	<p>The petitioner’s stated intent for the proposed change is: “[The SCP Process] is exceedingly slow and inappropriate mechanism which, by rule, restricts the restoration activity to being deliberately inconsequential to improving the health of the MPA.” With regards to kelp restoration activities the petition states: “Due to widespread urchin barrens following the 2014-2016 marine heat wave and kelp biomass decline in central and northern</p>	<p><b>Deny.</b></p> <p>The proposed change does not advance adaptive management recommendations from the DMR nor does it address a current or emerging MPA management challenge. CDFW supports kelp restoration and research efforts through the issuance of SCPs and is exploring the use of Restoration Management Permits to authorize kelp restoration. Kelp restoration and management efforts should be guided by the KRMP. The proposal to allow activities including kelp out-planting, spore dispersal by sporophyte bags, and canopy pruning within or outside MPAs without a valid SCP does not align with current permitting and regulatory frameworks. Fish &amp; G. Code, §1002 and SCP regulations are clear that an SCP is required to take or possess wildlife, defined as “any form of plant or animal life,” for propagation purposes. Therefore, the SCP regulations are relevant to all restoration</p>

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	California,” kelp restoration methods such as this are needed to “to enhance kelp recruitment and survivorship.”	and research activities proposing to take kelp from or outplant kelp into marine waters for the purpose of kelp propagation. The SCP regulations ensure scientific research, education, and propagation activities in marine waters are scientifically justified, ecologically appropriate, and legally compliant. Results of permitted activities are reported back to CDFW, and contribute to the conservation, protection of fish and wildlife populations in California, helping inform CDFW management decisions.  The proposed change would also create significant enforcement, compliance, and accountability challenges, and could enable unpermitted take under the guise of restoration.
<p><b>2023-23MPA_20_AM1</b> Establish new_Tanker’s Reef SMR near Monterey (covering 193 acres, or 0.3 sq miles)</p>	<p>The petitioner’s stated intent for the proposed change is: “[The kelp forest inside the Tanker’s Reef area] was created by volunteer divers and is very vulnerable from [sic] fishing pressure because it is outside of MPA fishing prohibitions.”; “reduce externalities as much as possible to determine a</p>	<p><b>Deny.</b> The proposed SMR at 0.3 square miles falls far below the minimum area required to function as a replicate in the MPA network (≥9 square miles). As such, it would not improve network design or meet the scientific criteria necessary to meaningfully enhance biodiversity protection, connectivity, or population resilience. Additionally, it would not address the underlying drivers of kelp decline in the region, would conflict with the petitioner’s desire to continue urchin removal at the proposed site and would create new management challenges without corresponding ecological</p>

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	<p>natural process of kelp reforestation”; “Fishermen taking fish is an externality for the scientific design and confounds the results. Fishing gear often becomes entangled in underwater navigation cables used to guide divers. Furthermore, boat propellers are a threat to injure scuba divers in the area under the water.”</p>	<p>or programmatic benefit. The proposal would add another MPA to an already well-protected area, unnecessarily impacting an important accessible recreational and commercial fishing area. The proposal does not advance adaptive management recommendations from the DMR nor does it address a current or emerging MPA management challenge. The proposal does not align with the Goals of the Marine Life Protection Act (MLPA) or the adaptive management objectives of the MPA Master Plan.</p>
<p><b>2023-23MPA_21</b> Create regulatory pathway to allow placing of artificial reef structures and sunken ship for recreational diving.</p>	<p>The petitioner’s stated intent for the proposed change is: “Creating a shipwreck in protected nearshore waters deep enough to not be displaced by winter storms would be of interest to the scuba diving community. It will also serve as a unique scientific baseline to observe what is the order of marine life formation on a “blank” surface. It may also be beneficial to</p>	<p><b>Deny.</b> The proposed change, to create a regulatory pathway to allow placement of artificial reef structures and sunken ship for recreational diving does not advance adaptive management recommendations from the DMR nor does it address a current or emerging MPA management challenge. The proposed change is not compatible with the current legislative framework for state MPAs, the MLPA’s conservation objectives, or the intent of California’s MPA Network. Legislation establishing MPAs and the current MPA regulations prevent installation of new infrastructure such as a sunken ship in an MPA to minimize human disturbance in MPAs. There are existing regulatory pathways where CDFW</p>

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	<p>plant kelp on artificial structures better suited to kelp growth and marine aquaculture.”</p>	<p>can permit artificial reefs as tools for habitat restoration or other research. There are also existing pathways for permitting research related to kelp recruitment on artificial structures, kelp restoration, and marine aquaculture. These activities do not necessarily need to be done within MPAs, and particularly not in SMRs. MPAs often serve as reference locations for research due to the baseline and long-term monitoring data sets and because of the opportunity to observe natural systems with limited human interference.</p>
<p><b>2023-23MPA_22</b> Allow the placement of seasonal mooring buoys in permitted restoration areas including MPAs.</p>	<p>The petitioner’s stated intent for the proposed change is: “In a sensitive kelp restoration site that has frequent visits, dropping and recovery of the anchor disturbs the kelp we are trying to defend. By deploying a temporary buoy that the boats can attach to instead of dropping an anchor, the kelp is not disturbed. The use of buoys also aids the divers in the kelp restoration activity by providing underwater visual markers to</p>	<p><b>Deny</b> The proposed change, to allow the placement of seasonal mooring buoys in permitted restoration areas including MPAs, does not advance adaptive management recommendations from the DMR nor does it address a current or emerging MPA management challenge. Incidental take for construction of new structures (such as buoy fixture points) is not allowed under current legislation, except as part of a CDFW-permitted scientific or restoration project. CDFW has existing permitting pathways through which restoration activities involving temporary in-water structures could be reviewed and authorized. There is no need to amend regulations to accomplish this. After the completion of the DMR recommendations, CDFW could evaluate whether there is a need to assess MPAs in the network where installation of temporary or permanent</p>

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	guide where to cull the urchins and protect the kelp.”	moorings could minimize or avoid impacts to sensitive habitats where boat anchoring (fishing and other vessels) is persistent.
<p><b>2023-23MPA_23</b> Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and marine managed areas (MMAs).</p>	Not applicable	This action was created in error as this statement was quoted from the DMR recommendations in the petition was intended as rational to support action item 2023-23MPA_24, but was incorrectly interpreted as a proposed change when petitions were initially reviewed.
<p><b>2023-23MPA_24_AMI</b> Establish an approval process within CDFW’s SCP program to grant permits of up to 10-years for urchin removal and kelp restoration within MPAs.</p>	The petitioner’s stated intent for the proposed change is to facilitate permitting of their projects. The petition states that the current SCP permit process is “exceedingly slow and inappropriate mechanism which, by rule, restricts the restoration activity to being deliberately inconsequential to improving the health of the MPA.”	<p><b>Deny.</b> The proposed change, to establish an approval process within CDFW’s SCP program to grant permits of up to 10-years for urchin removal and kelp restoration within MPAs, does not advance adaptive management recommendations from the DMR nor does it address a current or emerging MPA management challenge.</p> <p>The current SCP regulations include one year permit terms for students and up to a three-year permit term for Individual/Entity Permitholders, with the ability to apply to renew the permit at the end of the term. The current permit durations and renewal process ensure that CDFW can</p>

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		periodically review the activities and adjust permit conditions as needed. The current permit terms also ensure CDFW receives and can regularly verify that permit holders are in good standing with their permit conditions. CDFW would not have sufficient oversight with a 10-year permit term.
<p><b>2023-23MPA_25</b> Consider proposed kelp restoration sites as Giant Kelp Restoration (G2KR) adopted reefs for continued kelp restoration.</p>	<p>The petitioner’s stated intent for the proposed change is: CFGC should “affirm kelp restoration as public policy in MPAs and to celebrate community collaboration in kelp restoration, mitigating climate change, and conserving biodiversity in public outreach to stakeholders and encourage ocean stewardship.”</p>	<p><b>Deny.</b> CDFW affirms the importance of kelp restoration and management and continues to invest in the KRMP. CFGC or CDFW do not need to change the MPA regulations to affirm the importance of kelp restoration and management.</p>
<p><b>2023-23MPA_26</b> Allow commercial urchin harvest in MPAs for restoration</p>	<p>The petitioner’s stated intent for the proposed change is: “Commercial fishing regulations will require a restoration exception to harvesting urchins in MPAs” in order to participate in</p>	<p><b>Deny.</b> The proposed change to allow commercial urchin harvest within three State Marine Conservation Areas (SMCAs) and one State Marine Reserve (SMR) does not advance adaptive management recommendations from the DMR, nor does it address a current or emerging MPA management challenge. Further, the change would conflict with the original goals of</p>

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Petition Action ID and Proposed Action	Petitioner’s Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
	restoration activities as requested and described in the petition.	<p>these MPAs and potentially undermine the long-term MPA Monitoring Program.</p> <p>Additionally, commercial urchin removal efforts are unlikely to result in meaningful and sustained kelp recovery without holistically addressing the site-specific drivers of kelp loss. CDFW in partnership with the OPC is developing the KRMP, a robust, adaptive, climate-ready approach to managing the state's kelp forest ecosystems in the face of changing ocean conditions. Kelp restoration and management efforts in California should be guided by the KRMP. The forthcoming decision-making framework for permitting restoration activities in MPAs, which is also in development, will work in conjunction with the KRMP to inform appropriate locations for restoration implementation. The KRMP and ongoing research will identify locations where restoration may be appropriate, the best intervention strategies, and the scope and scale of those interventions. CDFW will continue to support and permit kelp research and restoration projects on a case-by-case basis until the KRMP is complete and CDFW can complete DMR Recommendation 18 to provide guidance on restoration of kelp in MPAs.</p>
<p><b>2023-23MPA_27</b> Grant commercial urchin divers an exemption to</p>	<p>The petitioner’s stated intent for the proposed change is:</p>	<p><b>Deny.</b> The proposed exemption from the Wanton Waste Rule would require legislative amendment to the Fish &amp; G. Code (§7704)</p>

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<p>Wanton Waste Rule to allow for take of un-marketable urchins while participating in kelp restoration and/or allow commercial divers to take urchin under recreational rules.</p>	<p>“Commercial fishing regulations will require a restoration exception to harvesting urchins in MPAs and exemption to the wanton waste rule for kelp restoration activities to allow commercial fishermen to cull urchins that are below the 4.5 cm minimum useful harvest size or for commercial divers to alternate between commercial and recreational fishing.”</p>	<p>and for CFGC to revise the Waste of Fish regulation (Cal. Code Regs. Title 14 §1.87), and the state’s recreational and commercial invertebrate fishing regulations (Cal. Code Regs. Title 14 § 29.06 and Cal. Code regs. Title § 120.7), which are all in place to ensure species are harvested sustainably and in a manner that prevents waste of species taken in state waters.</p>
<p><b>2023-23MPA_28_AM1</b> CFGC and CDFW promote kelp restoration collaboration on their website and in public outreach.</p>	<p>The petitioner’s stated intent for the proposed change is: “We ask that FGC and the Department promote kelp restoration collaboration on their website and in public outreach.”</p>	<p><b>Support with alternative pathway.</b> The proposed action does not require a regulatory change to implement. CDFW will continue to prioritize kelp recovery and the value of partnerships and collaborations.</p>

### 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<sup>1</sup> (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

Tribal Components Questions	Answer and Explanation
<p>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,</p> <ul style="list-style-type: none"> <li>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?</li> <li>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).</li> </ul>	<p>No, this petition was not submitted by a tribe or representative designated by a tribe and does not have a tribal co-sponsor.</p>

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<sup>1</sup> 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

The petitioner has requested a total of 28 actions that include modifying regulations in Pacific Grove Marine Gardens SMCA, Edward F. Ricketts SMCA, Carmel Bay SMCA, and Point Lobos SMR to: intermittently prohibit recreational and commercial take of finfish when kelp restoration is occurring to protect divers (2023-23MPA\_1\_AM1, 6\_AM1, and 11\_AM1); allow unlimited recreational (2023-23MPA\_2, 7, 12, and 16) and commercial (2023-23MPA\_26) urchin harvest; and allow out planting, spore dispersal, and pruning of kelp without a SCP (2023-23MPA\_3, 4, 5, 8, 9, 10, 13, 14, 15, 17, 18, and 19) and other changes to the SCP regulations (2023-23MPA\_24\_AM1). The petition includes proposed regulatory changes to create a new 0.3 mi<sup>2</sup> SMR at Tanker's Reef (2023-23MPA\_20\_AM1); create a regulatory pathway to allow placement of artificial reef structures and a sunken ship for recreational diving (2023-23MPA\_21); allow placement of temporary mooring buoys in MPAs for restoration vessel anchoring and divers (2023-23MPA\_22). The petition also includes a request for an exemption from the Wanton Waste rule (Fish & G. Code § 7704) to allow unlimited urchin culling (2023-23MPA\_27) and other non-regulatory changes (2023-23MPA\_25, 2023-23MPA\_28\_AM1) relating to the petitioner's kelp restoration interests. Similar actions were grouped and analyzed together (e.g., requesting to conduct activities without an SCP). Some of the proposed actions are distinct but are interrelated and would need to be considered together [e.g. unlimited commercial urchin culling (2023-23MPA\_26) and an exemption from the Wanton Waste rule (2023-23MPA\_27)].

CDFW acknowledges the intentions and effort of the petitioner are to aid in the recovery and maintenance of healthy kelp habitats in the Monterey area. However, after careful consideration of the proposed actions in the petition, CDFW has significant concerns with many of the proposed actions (e.g. allowing unlimited commercial urchin harvest and authorizing unpermitted kelp restoration activities) and did not find that any of the proposed regulatory changes were warranted or advisable. The proposed regulatory changes in the petition:

- Would not advance management of the MPA Network or address a current or emerging MPA management challenge, and
- Do not advance adaptive management recommendations from the DMR.

Kelp forest decline is a worldwide phenomenon that is primarily occurring due to the effects of climate change (Wernberg 2023). Kelp loss in California has been exacerbated over the last decade due to the unprecedented conditions brought on by the 2014-16 Marine Heatwave (MHW) (Harvell et al. 2019, Rogers-Bennett and Catton 2019, Eisaguirre et al. 2020). CDFW recognizes the importance of the state's kelp forest ecosystems, which help sustain incredibly biodiverse nearshore ecosystems, support fisheries, and are at the heart of the connection that Californians and tribal nations have with the marine

environment. CDFW, in partnership with the OPC, is developing a statewide, ecosystem-based, adaptive [KRMP](#), which will serve as the comprehensive planning document for the sustainable management of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis luetkeana*) throughout the state. 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.

The KRMP will include essential management frameworks to guide future kelp management decisions and approved restoration activities, including consideration of any projects pursued by the petitioner. Changing the MPA regulations to codify any specific proposed restoration approach prior to the completion of the KRMP is ill advised. The KRMP will ensure future kelp management and restoration activities are applied across the temporal and spatial scales most appropriate for the location in need.

Until the KRMP is available to guide and support implementation of kelp restoration and management activities, CDFW will continue to facilitate kelp research, management, and restoration efforts through the issuance of SCPs and other existing permitting and authorizations. The petition includes requests for regulatory changes to the MPA regulations and the SCP regulations with the stated intent of improving permitting of their kelp restoration projects. However, these regulations are in place to ensure proposed projects meet scientific standards and that CDFW's scientific subject matter experts have sufficient oversight for reviewing and approving projects in marine waters, particularly for projects in MPAs. The petition also included requests for regulatory changes under a regulatory framework that does currently exist in California. Some would require legislative or regulatory changes before the proposed changes in the petition could be considered. For example, the petition includes requests for regulatory changes so that their future activities could be allowed under a "kelp restoration management permit," or in "kelp restoration management areas;" however, neither of these currently exist in statute or regulation. Rather than rejecting the proposed changes on that basis alone, CDFW evaluated these proposals under the construct that CDFW has existing permitting pathways to authorize kelp aquaculture, research and restoration activities [e.g., SCPs and Restoration Management Permits (RMPs)], including in MPAs.

Finally, there are many approaches to adaptively managing California's marine resources and the MPA Network. This petition largely focuses on regulatory changes purportedly to advance kelp restoration efforts for which CDFW already has permitting pathways. But as we consider approaches for adaptively managing the MPA Network into the future, restoration may be but one of the tools in the toolbox to recover kelp.

There is a need to continue to support ongoing research and monitoring, including Long-term Monitoring of the MPA Network, so that the site-specific drivers of ecosystem changes, including kelp loss can be identified. Whenever feasible, avoidance and minimization measures should be implemented prior to restoration. If pursuing restoration, sites should be good candidates for restoration, and the restoration approach should be tailored to address the site-specific drivers of habitat degradation to improve the likelihood of success of the project. Additional narratives and evaluations for the 28 proposed actions are below.

### **EVALUATION NARRATIVE AND OVERVIEW FOR 2023–23MPA\_1\_AMI, 6\_AMI, and 11\_AMI**

The petitioner requests that recreational and commercial take of finfish be prohibited within selected MPAs when a petitioner-requested “kelp restoration management permit” is active to increase diver safety during kelp restoration activities. The petition does not provide information or justification to demonstrate that such a restriction would yield meaningful ecological or management benefits. Intermittent closures dependent upon a permit type that currently does not exist (see Question 4) are unlikely to be an effective management measure for the protection or conservation of marine populations. Therefore, CDFW finds the proposed changes:

- Do not align with the original intent of these MPAs,
- Would not advance management of the MPA Network or address a current or emerging MPA management challenge,
- Do not advance adaptive management recommendations from the DMR, and
- Would result in significant outreach and enforcement challenges.

Divers and fishers currently co-exist in many MPAs that allow fishing activities, and diver safety can be addressed through project-specific safety plans and operational coordination without amending MPA regulations. Kelp restoration management permits do not exist. But rather than rejecting the proposed change on that basis alone, CDFW evaluated the proposal under the construct that kelp restoration activities could be performed under existing permitting pathways (e.g., SCPs).

CDFW issues SCPs with one year or three-year permit terms, permits are not issued in perpetuity. CDFW is exploring the use of RMPs to authorize restoration activities through the RMP Act (Fish & G. Code § 1670–1679). CDFW’s Marine Region has not yet issued an RMP but is currently exploring the use of RMPs to authorize marine (including kelp)-specific restoration and anticipates that RMPs would be issued with a permit term. The limited term of a permit for kelp restoration activities means the MPA regulations would become obsolete at the end of the permit term. This would result in the MPA regulations having to be constantly updated along with investing resources to update signage, conduct public outreach, and training. Otherwise, the regulations would have relic

language that would need to be removed through subsequent regulatory packages and signage, and outreach materials would be inaccurate.

Implementation of this change would make outreach and enforcement nearly impossible, especially considering many kelp restoration activities occur underwater and they would be occurring intermittently. These MPA regulations tied to a permit would become outdated at the end of a restoration project permit term. This would make regulatory updates, signage, public outreach, and education unmanageable. Additionally, it would be extremely difficult to communicate to fishers when and where restoration activities were occurring. Enforcement personnel would face uncertainty about when and where regulations apply, leading to confusion for the public and increased risk of noncompliance. The proposed change would undermine regulatory clarity and the enforceability standards that the MPA Network relies upon for effectiveness.

Finally, this change is part of a larger suite of changes targeting kelp restoration. CDFW, in partnership with OPC, is developing the KRMP. 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.

#### **RECOMMENDATION FOR 2023-23MPA\_1\_AM1, 6\_AM1, and 11\_AM1**

Given these considerations, these proposed actions were not evaluated further and **CDFW recommends CFGC DENY the three petition actions** proposing to Prohibit Recreational and Commercial Take of Finfish During Active Kelp Restoration Management Permits in the following SMCA:

- **2023-23MPA\_1\_AM1**, Edward F. Ricketts SMCA
- **2023-23MPA\_6\_AM1**, Pacific Grove Marine Gardens SMCA
- **2023-23MPA\_11\_AM1**, Carmel Bay SMCA

#### **EVALUATION NARRATIVE AND OVERVIEW FOR 2023-23MPA\_2, 7, 12, and 16**

The petition is proposing changes to the MPA regulations to allow unlimited recreational urchin removal in Edward F. Ricketts SMCA (2023-23MPA\_2), Pacific Grove Marine Gardens SMCA (2023-23MPA\_7), Carmel Bay SMCA (2023-23MPA\_12), and Point Lobos SMR (2023-23MPA\_16). The petition states, "Due to widespread urchin barrens following the 2014-2016 MHW and kelp biomass decline in central and northern California, kelp restoration is a proven remedy by scuba divers culling urchins to suppress grazing pressure." CDFW finds that the proposed changes:

- Are inconsistent with the goals of these MPAs, as defined during the MLPA Initiative planning process,
- Do not align with the original intent of these MPAs,

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- Would not address a current or emerging MPA management challenge,
- Do not advance adaptive management recommendations from the DMR,
- Would not advance management of the MPA Network, and
- Would result in significant outreach and enforcement challenges.

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 (Eger 2022). Large-scale kelp declines have been linked to MHWs, ocean warming, and altered predator-prey dynamics, not solely to urchin abundance (Wernberg 2023). Research in this area is ongoing and emerging and CDFW continues to facilitate research to inform kelp restoration techniques through the issuance of SCPs.

It is critical that kelp restoration efforts holistically address the site-specific drivers of kelp loss to ensure meaningful and sustained kelp recovery. Projects, particularly large-scale projects, would need to identify site-specific drivers of kelp loss, identify project goals and ecological priorities, ensure sites are suitable and conducive to restoration, identify and monitor for performance, and then adaptively manage restoration. CDFW in partnership with OPC is developing the KRMP, a robust, adaptive, climate-ready approach to managing the state's kelp forest ecosystems in the face of changing ocean conditions. The KRMP will help identify ecological priorities, site selection criteria, and management frameworks to guide future kelp management and restoration activities, which may include utilizing urchin removal in some cases. Kelp restoration and management efforts in California should be guided by the KRMP. The KRMP and ongoing research will identify locations where restoration may be appropriate, the best intervention strategies, and the scope and scale of those interventions. CDFW will continue to support and permit kelp research and restoration projects on a case-by-case basis until the KRMP is complete and CDFW can complete DMR Recommendation 18 to provide guidance on restoration of kelp in MPAs. Kelp forest monitoring occurs in several of the proposed sites, so site specific data regarding kelp-urchin dynamics is available to inform more effective management decision making if CDFW identifies these sites as potential candidates for restoration actions in the future. Furthermore, as resources become available, CDFW plans to develop a decision-making framework for considering restoration activities more broadly within the state's MPAs (DMR Recommendation 18), recognizing that one of the Goals of the MLPA is that MPAs act as living laboratories where research and monitoring can occur without the influence of human activities.

The proposed change to allow unlimited take of urchin conflicts with the state's recreational and commercial invertebrate fishing regulations (Cal. Code Regs. Title 14 § 29.06 and Cal. Code Regs. Title 14 § 120.7), Waste of Fish regulation (Cal. Code Regs.

Title 14 §1.87), and legislatively established Wanton Waste rule (Fish & G. Code § 7704). Recreational take of urchins is limited to 35 individuals of each species per day (Cal. Code Regs. Title 14 § 29.06). Commercial take of urchins is allowed only through a limited entry permit program (Cal. Code Regs. Title 14 § 120.7). Although CFGC could update the commercial or recreational regulations, there is no information to support the need for this change. Including an exemption to the Wanton Waste rule (see 2023-23MPA\_27) or changing the Wanton Waste rule would require a legislative amendment, which is outside the regulatory authority of CFGC. The Wanton Waste rule and the Waste of Fish regulation were enacted to prevent waste of fish taken in state waters.

Finally, this proposed change could negatively impact these MPAs' overall ability to play that role as living laboratories. Edward F. Ricketts SMCA, Pacific Grove Marine Gardens SMCA, Carmel Bay SMCA, and Point Lobos SMR MPAs all host long-term research programs—conducted by the Partnership for Interdisciplinary Study of Coastal Oceans (PISCO), Marine Applied Research and Exploration (MARE), the Multi-Agency Rocky Intertidal Network (MARINe), and the California Collaborative Fisheries Research Program (CCFRP). These monitoring efforts depend on consistent ecological baselines. The introduction of unlimited urchin harvest at a large scale could introduce variability that diminishes the scientific value of these datasets and the value of these MPAs, particularly the SMR, as places where natural processes can be studied.

Additionally, the proposed changes are 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 Petition. CFGC approved for consideration of a regular rulemaking with regulations adopted December 2020; but denied inclusion of recreational culling of urchin within MPAs, and
- 2021 petition to authorize culling of red and purple sea urchin within Monterey SMCAs.

### **RECOMMENDATION FOR 2023-23MPA\_2, 7, 12, and 16**

Given these considerations and the additional information in the evaluation table below, **CDFW recommends CFGC DENY the four petition actions** proposing to allow unlimited urchin take from the following MPAs:

- 2023-23MPA\_2, Edward F. Ricketts SMCA
- 2023-23MPA\_7, Pacific Grove Marine Gardens SMCA
- 2023-23MPA\_12, Carmel Bay SMCA
- 2023-23MPA\_16, Point Lobos SMR

## **EVALUATION NARRATIVE AND OVERVIEW FOR 2023-23MPA\_3, 4, 5, 8, 9, 10, 13, 14, 15, 17, 18, and 19**

The petition identifies several concerns related to the SCP issuance for past projects. The petition states that the current SCP permit process is “exceedingly slow and inappropriate mechanism which, by rule, restricts the restoration activity to being deliberately inconsequential to improving the health of the MPA.” The petitioner has requested CDFW establish a “Restoration” category in the SCP process that would: allow restoration methods (such as kelp propagation techniques), coordinate with CDFW research, establish periodic reviews of restoration efforts, allow for 10-year project durations (see 2023-23MPA\_24\_AMI), and allow take of “overpopulating” species until the species reaches the threshold density observed pre-MHW of 2014 (see 2023-23MPA\_2, 7, 12, and 16).

Under the “Restoration” permit category request, the petition includes requests to allow kelp out-planting, spore dispersal by sporophyte bags, and kelp canopy pruning without a valid SCP within four MPAs: Edward F. Ricketts SMCA, Pacific Grove Marine Gardens SMCA, Carmel Bay SMCA, and Point Lobos SMR. With regards to kelp restoration activities, the petition states that “Due to widespread urchin barrens following the 2014-2016 MHW and kelp biomass decline in central and northern California,” kelp restoration methods such as this are needed to “to enhance kelp recruitment and survivorship.”

CDFW’s evaluation finds that the proposal:

- Does not advance adaptive management recommendations from the DMR,
- Does not address a current or emerging MPA management challenge,
- Conflicts with existing regulatory frameworks (Cal. Code Regs. Title 14 § 650, Fish & G. Code § 1670),
- Creates enforcement and compliance challenges that undermine MPA integrity,
- Risks unmonitored ecological impacts and loss of scientific oversight, and
- Contradicts the original protective intent of the affected MPAs.

There is no need to establish a “Restoration” category in the existing SCP program or for updates to MPA regulations. CDFW has the authority and regulatory mechanisms to issue permits for kelp restoration and research through a number of existing permitting mechanisms (e.g., SCP, RMPs). CDFW can issue one or more of these, depending on the proposed project. CDFW has approved multiple SCPs for activities related to kelp restoration. The RMP Act (Fish & G. Code § 1670-1679) became effective January 1, 2025, which allows CDFW to issue a RMP to authorize restoration activities otherwise prohibited under existing law. CDFW’s Marine Region has not yet issued an RMP but is currently exploring the use of RMPs to authorize marine (including kelp)-specific restoration.

The petitioner asserts the proposed changes advance DMR recommendation 18, which is to *“Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and MMAs.”* The proposed action does not advance this recommendation because it does not assist with developing a framework for restoration and mitigation actions. CDFW, in partnership with OPC is developing the KRMP. As previously stated, kelp restoration and management efforts in California should be guided by the KRMP. The KRMP and ongoing research will identify locations where restoration may be appropriate, the best intervention strategies, and the scope and scale of those interventions. CDFW will continue to support and permit kelp research and restoration projects on a case-by-case basis until the KRMP is complete and CDFW can complete DMR Recommendation 18 to provide guidance on restoration of kelp in MPAs.

In August 2024, CDFW’s Marine Region established the Marine Permitting Project and redirected resources to the SCP program. Since the Marine Permitting Project was established, they have invested significantly in programmatic improvement (e.g., developing foundational documents, templates, and resources) with the goal of improving SCP permitting efficiency. The team plans to continue these programmatic improvements in 2026 and beyond. CDFW also will be working to address DMR Recommendation 17, *“Improve the application and approval process for SCPs”* and 18 as time and resources allow. These efforts are more appropriate to address the petitioner’s concerns than a site-specific change to specific MPA regulations.

Regarding the requests to conduct kelp research and restoration activities without an SCP, Cal. Code of Regs., Title 14 §650, requires an SCP for any collection or manipulation of marine organisms for scientific, educational, or restoration purposes. These permits, which the petitioner requests they be exempt from, exist to ensure oversight and minimization of the unintended impact of these types of activities. Kelp pruning, sporophyte seeding, and out planting would all be covered under the propagation purpose of an SCP. Any restoration activities proposed to take place in MPAs would have to be planned, reviewed, authorized and monitored through the SCP or RMP permitting processes to ensure they are scientifically justified, ecologically appropriate, and legally compliant. Permitted restoration projects are required to have performance metrics, monitoring, and reporting, ensuring lessons learned contribute to adaptive management. Bypassing this process would eliminate scientific oversight and performance accountability, undermining the MPA Network’s integrity and adaptive management framework. Unpermitted kelp research and restoration activities including, kelp out-planting or pruning, would circumvent existing scientific review and monitoring requirements that are critical to understanding ecological outcomes, informing adaptive management, and minimizing unintended consequences.

Removing the SCP requirement for this kind of activity would create significant enforceability, compliance, and accountability challenges. This change would make it difficult to determine if kelp manipulation is authorized “restoration” or illegal take, increasing the potential for unpermitted take or habitat damage under the pretense of “promoting growth and resilience.” This difficulty in distinction between authorized and illegal activities would further create confusion among the public and enforcement staff regarding allowable activities within MPAs.

The MPAs that would be affected by the proposed change all host long-term research programs—conducted by PISCO, MARE, MARINE, and CCFRP—that depend on consistent ecological baselines. Unregulated restoration activities could introduce variability that diminishes the scientific value of these datasets and the value of MPAs as places where natural processes can be studied without unknown influencing factors.

### **RECOMMENDATION FOR 2023-23MPA\_3, 4, 5, 8, 9, 10, 13, 14, 15, 17, 18, and 19**

Given these considerations, these proposed actions were not evaluated further and **CDFW recommends CFGC DENY the twelve petition actions** proposing to allow kelp out-planting, spore dispersal by sporophyte bags, and canopy pruning within without a valid SCP at the following MPAs:

- 2023-23MPA\_3, 4, and 5; Edward F. Ricketts SMCA
- 2023-23MPA\_8, 9, and 10; Pacific Grove Marine Gardens SMCA
- 2023-23MPA\_13, 14, and 15; Carmel Bay SMCA
- 2023-23MPA\_17, 18, and 19; Point Lobos SMR

### **EVALUATION NARRATIVE AND OVERVIEW FOR 2023-23MPA\_20\_AMI**

The petitioner has requested establishing a new SMR at Tanker’s Reef, located just south of Monterey Harbor, encompassing approximately 193 acres of ocean area, or 0.3 square miles. The proposal states the intent is to “to reduce externalities as much as possible to determine a natural process of kelp reforestation” and that “taking fish is an externality for the scientific design and confounds the results [of the petitioner’s kelp restoration and urchin culling activities].” The petitioner also states that “Fishing gear often becomes entangled in underwater navigation cables used to guide [restoration] divers. Furthermore, boat propellers are a threat to injure scuba divers in the area under the water.”

The proposed new SMR at Tanker’s Reef would:

- Not be congruous with the original design intent of the existing cluster of SMRs and SMCAs on the Monterey Peninsula,
- Not meet size or design criteria to function as a scientifically meaningful replicate within the MPA Network,

- Not address the underlying drivers of kelp decline in the region, and
- Conflict with the petitioner’s desire to continue urchin removal at the proposed site.

Given these considerations, CDFW’s evaluation finds the proposal:

- Does not advance adaptive management recommendations from the DMR,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

The Tanker’s Reef area was not selected as an MPA during the original MLPA Initiative. During the 2005–2007 Central Coast regional planning process, the Science Advisory Team (SAT), Regional Stakeholder Group, and Blue Ribbon Task Force evaluated multiple configurations of MPAs around the Monterey Peninsula. Tanker’s Reef was considered part of a continuum of heavily used recreational and research areas, and it remained open to maintain equitable access while nearby areas received full and partial protections. The proposed SMR at 0.3 square miles falls far below the minimum area required to function as a replicate in the MPA Network ( $\geq 9$  square miles). Based on the habitat analysis of the proposed area, this very small MPA only has 0.07 square miles of hard substrate and 0.57 linear miles of kelp. As such, it would not improve the Network design or meet the scientific criteria necessary to meaningfully enhance biodiversity protection, larval dispersal, or population resilience. Although the Tanker’s Reef site was not mentioned specifically as a considered site for an MPA in Central Coast MLPA Initiative planning documents, the Regional Stakeholder Group provided clear rationale for their inclusion of rocky reef kelp habitats and recreational and commercial fishing access along the Monterey Peninsula. The iconic and biodiverse kelp habitats within the resulting five nearshore Monterey Peninsula MPAs (Edward F. Ricketts, Pacific Grove Marine Gardens and Carmel Bay SMCAs; Lovers Point –Julia Platt and Asilomar SMRs) were known to be persistent over time, spatially extensive, and contiguous with intertidal rocky habitat. Tanker’s Reef lacks these characteristics and does not support extensive or persistent kelp.

The petitioner’s rationale for the new MPA is to eliminate fishing pressure on a “kelp forest [that] was created by volunteer divers” by prohibiting take of all species within a small, localized reef area. The intent is to also make restoration activities safer for divers and prevent confounding factors to the scientific design of the restoration efforts. However, recent studies (e.g., Ricart et al. 2025, Selgrath et al. 2024) demonstrate that while kelp in some MPAs was more resilient following extreme heat events, kelp dynamics are primarily driven by oceanographic and ecological factors—including temperature, nutrient availability, grazing pressure, and disturbance history—rather than solely by fishing pressure.

The proposed Tanker’s Reef SMR consists of low relief shale rock and mixed sediment habitat that is exposed to frequent ocean swell disturbance and has not shown persistent kelp coverage over time. Kelp presence data from kelpwatch.org measured between 1984 and 2025 indicates that significant annual kelp was only present at the site during 1989, 2001, 2014, and 2015 whereas other areas nearby within the Edward F. Ricketts SMCA, Lovers Point–Julia Platt SMR, and Pacific Grove Marine Gardens SMCA show significantly more persistent and prolific kelp growth during the same time period. Consequently, creating a small new SMR at Tanker’s Reef is unlikely to substantially influence kelp recovery locally or at meaningful spatial or temporal scales. Ongoing statewide efforts—including the KRMP—are intended to guide and coordinate kelp restoration strategies. Implementation of local site-specific protections in an area where kelp persistence is low and ephemeral to begin with before completion of these frameworks would be premature and inconsistent with adaptive management recommendations.

Additionally, if this area was designated as an SMR, the proposed urchin culling and kelp restoration activities would be prohibited under an SMR designation, unless otherwise authorized (e.g., through an SCP). Although the proposed Tanker’s Reef SMR could provide a very small amount of additional local protection to nearshore habitats and species, it does not align with adaptive management objectives guiding the California MPA Network. Current scientific guidance and MPA performance evaluations (CDFW 2022) indicate that adaptive changes must be grounded in demonstrated ecological need, supported by data, and evaluated holistically—not developed as isolated site-specific responses.

While sufficient data exist to evaluate the proposal, critical management gaps remain regarding identifying sites for kelp restoration, identifying the most effective methods for kelp restoration based on site-specific drivers, and the types and scale of restoration that would be appropriate, irrespective of MPA designation status. The KRMP will include essential management frameworks to guide future kelp management decisions and approved restoration activities. The KRMP will ensure future kelp management and restoration activities are applied across the temporal and spatial scales most appropriate for the location in need. Until that plan is fully implemented, establishing a new MPA primarily for kelp recovery at a small local site would be inconsistent with coordinated adaptive management principles.

Furthermore, establishing a small MPA at this site would increase outreach complexity in a densely used area with overlapping jurisdictional boundaries require additional signage at multiple public access points.

During the MLPA Initiative planning Process, there was an intent to leave some areas on the Monterey Peninsula accessible to commercial and recreational fishing. These waters

have many recreational and commercial uses, and this proposed new SMR is anticipated to have a significant impact at a frequently used and easily accessed area. The extent of the socioeconomic impacts of this proposed change on fishers and the local community are unknown.

### **RECOMMENDATION FOR 2023-23MPA\_20\_AM1**

Given these considerations, and the information in the evaluation table below, **CDFW recommends CFGC DENY petition action 2023-23MPA\_20\_AM1** proposing to establish a new Tanker's Reef SMR near Monterey.

### **EVALUATION NARRATIVE AND OVERVIEW FOR 2023-23MPA\_21**

The petitioner has requested to create regulatory pathway to allow placing of artificial reef structures and a sunken ship for recreational diving. The petition asserts that "Creating a shipwreck in protected nearshore waters deep enough to not be displaced by winter storms would be of interest to the scuba diving community. It will also serve as a unique scientific baseline to observe what is the order of marine life formation on a "blank" surface. It may also be beneficial to plant kelp on artificial structures better suited to kelp growth and marine aquaculture." CDFW finds the proposed change:

- Does not address a current or emerging MPA management challenge,
- Does not advance adaptive management recommendations from the DMR, and
- Would not advance management of the MPA Network.

The proposed change is not compatible with the current legislative or regulatory framework for state MPAs, the MLPA's conservation objectives, or the intent of California's MPA Network. Legislation establishing MPAs and the current MPA regulations prevent installation of new infrastructure such as a sunken ship in an MPA. These laws are in place to maintain a High Level of Protection (LOP) and minimize human disturbance within MPAs. The petitioner is proposing to change the MPA regulations to allow installation of artificial structures to benefit recreational diving. But the change would also require a legislative change. Although recreation is an important aspect of MPA management, the proposed change for an artificial reef or sunken ship for recreational diving would not advance management of the MPA Network.

If the intended purpose of the proposed change was to support restoration or research, CDFW has existing regulatory pathways to permit artificial reefs as tools for habitat restoration or to conduct research, including in MPAs. These projects can be permitted with a SCP or an RMP.

CDFW, in partnership with OPC is developing a science-based and stakeholder-informed programmatic guidance plan to inform the statewide implementation of the California Artificial Reef Program (CARP). The CARP was established in 1985 (Fish & G. Code § 6420 -

6425) but was never fully implemented due to lack of allocated resources. The CARP Plan will include guidance on artificial reef materials, design, siting, function, and general performance standards, building on feedback received from stakeholder outreach conducted from 2017 to 2020, and will aggregate the best available science and integrate input from tribes and stakeholders to develop scientifically sound guidance that maximizes the benefits and minimizes the negative impacts of artificial reefs. The CARP Plan is expected to be completed by the end of 2026.

The petitioner also mentions the sunken ship may be an opportunity for research. However, there are also existing pathways for permitting research related to kelp recruitment on artificial structures, kelp restoration, and marine aquaculture. These activities do not need to be conducted within MPAs, and particularly not in SMRs. MPAs often serve as reference locations for research due to the baseline and long-term monitoring data sets and because of the opportunity to observe natural systems with limited human interference.

#### **RECOMMENDATION FOR 2023-23MPA\_21**

Given these considerations, this proposed action was not evaluated further and **CDFW recommends CFGC DENY petition action 2023\_23MPA\_21** proposing to “Create Regulatory Pathway for Artificial Reef Structures and a Sunken Ship for Recreational Diving.”

#### **EVALUATION NARRATIVE AND OVERVIEW FOR 2023-23MPA\_22**

The petitioner requests allowing the placement of seasonal mooring buoys in permitted restoration areas, including within MPAs. The petition states this change is intended to prevent damage to kelp and provide divers and vessels visual markers for kelp restoration. CDFW finds the proposal:

- Does not address a current or emerging MPA management challenge, and
- Does not advance adaptive management recommendations from the DMR.

The proposed change to the MPA regulations would conflict with the current legislative framework that prevents placement of new mooring buoys inside MPAs, except as part of a CDFW-permitted scientific or restoration project (see below). Incidental take for construction of new structures (such as buoy fixture points) is not allowed under any MPA designation (Pub. Resources Code § 36710). Placing mooring buoys, seasonal or otherwise, requires long term placement of anchors or drilling into the seabed to create fixture points for buoys to attach to. These activities could result in incidental take of organisms, which is why the regulations are in place. The proposed change could have unintended consequences for the MPA Network.

Although the petitioner has identified the regulations as a barrier that needs changing, there is no need to change the MPA regulations or Public Resources Code to allow the placement of seasonal mooring buoys. Stillwater Cove within Carmel Bay SMCA has mooring buoys and CDFW has permitting pathways (e.g., SCPs, RMPs, Letters of Authorization) through which restoration activities involving temporary in-water structures could be reviewed and authorized.

Placing mooring buoys, seasonal or otherwise, requires long term placement of anchors or drilling into the seabed to create fixture points for buoys to attach to. Either of these activities could result in incidental take of organisms. Incidental take for construction of new structures (such as buoy fixture points) is not allowed under any MPA designation (Pub. Resources Code § 36710). Therefore, per the current legislative framework, buoys cannot be placed inside of SMRs or SMCAs except as part of a CDFW-permitted scientific or restoration project. A legislative amendment to Pub. Resources Code is outside the jurisdiction of CFGC. Furthermore, CDFW has permitting pathways (e.g., SCPs, RMPs, Letters of Authorization) through which restoration activities involving temporary in-water structures could be reviewed and authorized. There is no need to update the MPA regulations. Currently there are existing mooring buoys, permitted through a State Lands Commission lease to Stillwater Yacht Club, in Stillwater Cove, Monterey County which is within Carmel Bay SMCA and could potentially be utilized by the petitioner for activities in that area. Additionally, as mentioned above, CDFW can review and authorize the placement of buoys as part of a SCP.

After the completion of the DMR recommendations, CDFW could evaluate whether there is a need to assess MPAs in the Network where installation of temporary or permanent moorings could minimize or avoid impacts to sensitive habitats where boat anchoring (fishing and other vessels) is persistent.

### **RECOMMENDATION FOR 2023-23MPA\_22**

Given these considerations, this proposed action was not evaluated further and **CDFW recommends CFGC DENY the petition action 2023-23MPA\_22** proposing to “Allow the Placement of Seasonal Mooring Buoys in Permitted Restoration Areas, Including MPAs.”

### **EVALUATION NARRATIVE AND OVERVIEW FOR 2023-23MPA\_23**

This action was created in error as this statement was quoted from the DMR recommendations in the petition and was intended as rational to support action item 2023-23MPA\_24\_AM1, but was incorrectly interpreted as a proposed change when petitions were initially reviewed. A recommendation is not applicable. This item was not evaluated further.

## EVALUATION NARRATIVE AND OVERVIEW FOR 2023-23MPA\_24\_AM1

The petition identifies a number of concerns related to the SCP issuance for past projects. The petition states that the current SCP permit process is “exceedingly slow and inappropriate mechanism which, by rule, restricts the restoration activity to being deliberately inconsequential to improving the health of the MPA.” The petition also states “The problem is that kelp restoration seeks to change a grazer species population within the defined area, but [the SCP] “Decision Tree” limits the take of species to not affect and change a species population within the area. This leads to situations where kelp restoration experiments are impossible because the number of permitted animals to take is very small and not enough to benefit the recruitment and survival of kelp forests.”

The petitioner has requested CDFW establish a “Restoration” category in the SCP process that would allow restoration methods, coordinate with CDFW Research, establish periodic reviews of restoration efforts, allow for 10-year project durations (see 2023-23MPA\_24\_AM1), and allow take of overpopulating species until the species reaches the threshold density observed pre-MHW of 2014. The proposed change would require an amendment to SCP regulations (Cal. Code Regs. Title 14 § 650(k)). The current SCP regulations include one year permit terms for students and a three-year permit term for Individual/Entity Permitholders, with the ability to renew the SCPs.

CDFW’s evaluation finds that the proposal:

- Does not advance adaptive management recommendations from the DMR,
- Does not address a current or emerging MPA management challenge,
- Conflicts with existing regulatory frameworks (Cal. Code Regs. § 650, Fish & G. Code § 1670),
- Risks unmonitored ecological impacts and loss of scientific oversight, and
- Contradicts the original protective intent of the affected MPAs.

As discussed above in the narrative for Petition Actions 2023\_23MPA\_3, 4, 5, 8, 9, 10, 13, 14, 15, 17, 18, and 19, there is no need to establish a “restoration” category in the existing SCP program or for updates to the SCP or MPA regulations. CDFW has the authority and regulatory mechanisms to issue permits for kelp restoration and research through a number of existing permitting mechanisms. SCPs are an important tool for maintaining scientific oversight and performance accountability for any research and/or restoration projects. The current permit durations and renewal process ensure that CDFW can periodically review the scientific research, education and propagation activities and adjust take and conditions based on changing conditions. It also ensures CDFW receives and can review information and reports from the planned undertakings at least once every three years, which includes verifying that permitholders are in good standing with their permit conditions. CDFW would not have sufficient oversight with a 10-year permit term.

Regarding assertions that the current SCP process is limiting, take of any organism is not inherently restricted to a small number of individuals by the SCP process or limited by a SCP “Decision Tree.” All applications are reviewed and conditioned by CDFW subject matter experts who, among many things, consider and approve take that is sustainable for a population in a given area. Regardless of the permit term, subject matter experts would still review and condition take of species over the permit term, including for restoration efforts to meet CDFW’s obligations as stewards of marine species. Requests for SCPs in MPAs, particularly those with take, and in SMRs, are held to a higher standard and permittees must demonstrate there is a need to conduct work in a given MPA.

Furthermore, as previously stated, kelp restoration and management efforts in California should be guided by the KRMP. The KRMP and ongoing research will identify locations where restoration may be appropriate, the best intervention strategies, and the scope and scale of those interventions. CDFW will continue to support and permit kelp research and restoration projects on a case-by-case basis until the KRMP is complete and CDFW can complete DMR Recommendation 18 to provide guidance on restoration of kelp in MPAs.

The MPAs that would be affected by the proposed change all host long-term research programs—conducted by PISCO, MARE, MARINe, and CCFRP—that depend on consistent ecological baselines. If CDFW is not up to date to activities occurring within these MPAs, or is unaware whether a permit holder is in compliance with their conditions, this could introduce variability that diminishes the scientific value of these datasets and the value of MPAs as places where natural processes can be studied without unknown influencing factors.

#### **RECOMMENDATION FOR 2023–23MPA\_24\_AM1**

Given these considerations, this proposed action was not evaluated further and **CDFW recommends CFGC DENY petition action 2023–23MPA\_24\_AM1** proposing to establish an approval process within CDFW’s SCP program to grant permits of up to 10-years for urchin removal and kelp restoration within MPAs.

#### **EVALUATION NARRATIVE AND OVERVIEW FOR 2023–23MPA\_25**

The petitioner states that CFGC should “affirm kelp restoration as public policy in MPAs and to celebrate community collaboration in kelp restoration, mitigating climate change, and conserving biodiversity in public outreach to stakeholders and encourage ocean stewardship.” CDFW affirms the importance of kelp restoration and management and continues to invest in the KRMP. CFGC and CDFW do not need to change the MPA regulations to affirm the importance of kelp restoration and management.

### RECOMMENDATION FOR 2023–23MPA\_25

Given these considerations, this proposed action was not evaluated further and **CDFW recommends CFGC DENY petition action 2023–23MPA\_25** proposing to consider proposed kelp restoration sites as adopted reefs for continued kelp restoration

### EVALUATION NARRATIVE AND OVERVIEW FOR 2023–23MPA\_26

The petitioner has requested to allow commercial take of urchin within four Monterey Peninsula MPAs, Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay SMCAs, and Point Lobos SMR. The proposed change aims to address the petitioner's interest in kelp restoration activities for the stated purpose of aiding kelp restoration. Although the petitioner asserts the proposed change aligns with one or more of the MLPA Goals, 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 these MPAs,
- Does not advance adaptive management recommendations from the DMR,
- 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 MPAs would support kelp restoration. While urchin removal in controlled scientific studies by divers has, in some cases, shown localized benefits to kelp recovery, durable restoration outcomes are highly variable and depend on multiple ecological and environmental factors (Ward et al., 2022). Large-scale kelp declines, particularly in northern California, have been linked to MHWs, ocean warming, and altered predator-prey dynamics, not solely to urchin abundance (Eger et al 2022, Rogers-Bennet and Catton 2019). It is critical for kelp restoration efforts to implement intervention measures that address the site-specific drivers of kelp loss. It is unclear the extent to which commercial urchin removal efforts applied widely across the requested areas would result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers. Adaptive management actions must be evidence-based, coordinated, and aligned with existing statewide restoration strategies. The KRMP will provide science-based guidance for kelp restoration activities, including standards for when, where, and how interventions—such as urchin removals—may be appropriate. Implementing commercial take allowances in MPAs before completion of this plan and before addressing the DMR Recommendation 18 would be premature and risk inconsistent, non-adaptive management outcomes. CDFW also plans to continue to work with OPC, tribes, and other partners to develop a decision-making framework for permitting restoration activities more broadly within the state's MPAs, recognizing that one of the Goals of the MLPA is

that MPAs act as living laboratories where research and monitoring can occur without the influence of human activities, such as restoration.

In addition to CDFW's assessment that the proposed change would not benefit management of the MPA Network, CDFW is concerned that the proposed change would introduce regulatory complexity and negatively impact the Network design and long-term monitoring data. The proposed change would reduce the overall LOP in Point Lobos SMR from a Very High LOP to a Moderate-low LOP, making it inconsistent with the original MPA design and weakening the integrity of the regional MPA cluster. The MPAs that would be affected by the proposed change all host long-term monitoring programs—conducted by PISCO, MARE, MARINE, and CCFRP—that depend on consistent ecological baselines. Allowing commercial take would alter ecological conditions, introducing variability that would compromise the comparability and integrity of long-term monitoring data. Finally, all MPAs overlap with the federally managed Monterey Bay National Marine Sanctuary, which would necessitate coordination with federal partners.

Introducing a new commercial take allowance within MPAs would significantly impact enforceability. Creating new take allowances in MPAs can make it difficult for enforcement personnel to determine compliance from a distance, increase public confusion regarding legal activities inside MPAs, and create opportunities for illegal take of other species under the guise of authorized harvest.

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 (Tegner 1989, Kalvass and Hendrix 1997). Selective removal of large, marketable red urchins within barrens would thus minimally reduce urchin populations, resulting in little positive effect for kelp abundance. Furthermore, there has not been an active commercial urchin fishery operating out Monterey Bay area ports for decades, as red sea urchin does not occur in large enough abundances to support a fishery (CDFW 2019).

Additionally, the proposed changes are 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 Petition. CFGC approved the petition and adopted regulations December 2020, but denied inclusion of recreational culling of urchin within MPAs, and
- 2021 petition to authorize culling of red and purple sea urchin within Monterey SMCAs.

### RECOMMENDATION FOR 2023-23MPA\_26

Given these considerations, and the information in the evaluation table below, **CDFW recommends CFGC DENY the petition action 2023-23MPA\_26** proposing to allow commercial urchin harvest in MPAs for restoration.

### EVALUATION NARRATIVE AND OVERVIEW FOR 2023-23MPA\_27

The petition requests to grant commercial urchin divers an exemption to Wanton Waste Rule to allow for take of un-marketable urchins while participating in kelp restoration and/or allow commercial divers to take urchin under recreational rules. The proposed exemption from the Wanton Waste Rule would require legislative amendment to the Fish & G. Code (§7704) and for CFGC to revise the Waste of Fish regulation (Cal. Code Regs. Title 14 §1.87), and the state's recreational and commercial invertebrate fishing regulations (Cal. Code Regs. Title 14 § 29.06 and Cal. Code regs. Title § 120.7), which are all in place to ensure species are harvested sustainably and in a manner that prevents waste of species taken in state waters. Legislative amendments are outside the scope of this review.

### RECOMMENDATION FOR 2023-23MPA\_27

Given these considerations, this proposed action was not evaluated further and **CDFW recommends CFGC DENY the petition action 2023-23MPA\_27** proposing to create an exemption from Wanton Waste Rule for urchin harvest.

### EVALUATION NARRATIVE AND OVERVIEW FOR 2023-23MPA\_28\_AM1

The petition requests "that FGC and CDFW promote kelp restoration collaboration on their website and in public outreach." The proposed action does not require a regulatory change to implement so is outside the scope of this review. CDFW will continue to prioritize kelp recovery and the value of partnerships and collaborations.

**CDFW recommends CFGC support the petition action 2023-23MPA\_28\_AM1 with an alternative non-regulatory pathway.** This item was not evaluated further.

### EVALUATION NARRATIVE SUMMARY FOR 2023-23MPA\_AM

In summary, the information above supports CDFW's recommendation to Deny the following proposed actions:

- **2023-23MPA\_1\_AM1, 6\_AM1 and 11\_AM1.** For diver safety, prohibit recreational and commercial take of finfish when a petitioner-proposed "kelp restoration management permit" is active within Edward F. Ricketts SMCA (2023-23MPA\_1\_AM1), Pacific Grove Marine Gardens SMCA (2023-23MPA\_6\_AM1) and Carmel Bay SMCA (2023-23MPA\_11\_AM1).

## CDFW Evaluation 2023-23MPA\_AM Rootsart

- **2023\_23MPA\_3, 4, 5, 8, 9, 10, 13, 14, 15, 17, 18, and 19:** In Edward F. Ricketts SMCA, Pacific Grove Marine Gardens SMCA, Carmel Bay SMCA, and Point Lobos SMR, allow the following activities to occur without a SCP:
  - Out-planting kelp on the reef,
  - Spore dispersal by sporophyte bags, and
  - Pruning kelp canopy to promote growth and resilience to storms.
- **2023-23MPA\_21:** Create regulatory pathway to allow placing of artificial reef structures and sunken ship for recreational diving.
- **2023-23MPA\_22:** Allow the placement of seasonal mooring buoys in permitted restoration areas including MPAs
- **2023-23MPA\_23:** Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and MMAs.
- **2023-23MPA\_24\_AM1:** Establish an approval process within CDFW's SCP program to grant permits of up to 10-years for urchin removal and kelp restoration within MPAs.
- **2023-23MPA\_25:** Consider proposed kelp restoration sites as G2KR adopted reefs for continued kelp restoration.
- **2023-23MPA\_27:** Grant commercial urchin divers an exemption to Cal. Code of Regs. Title 14, §1.87 (Fish Wanton Waste Rule) to allow for take of un-marketable urchins while participating in kelp restoration and/or allow commercial divers to take urchin under recreational rules.

The information above supports CDFW's recommendation to support the following proposed action with an alternative pathway:

- **2023-23MPA\_28\_AM1:** CFGC and CDFW promote kelp restoration collaboration on their website and in public outreach.

There is additional information in the evaluation tables below to support CDFW's recommendation to Deny the following proposed actions:

- **2023-23MPA\_2, 7, 12, and 16:** Allow unlimited recreational urchin removal in Edward F. Ricketts SMCA (2023-23MPA\_2), Pacific Grove Marine Gardens SMCA (2023-23MPA\_7), Carmel Bay SMCA (2023-23MPA\_12), and Point Lobos SMR (2023-23MPA\_16).

- **2023-23MPA\_20\_AMI.** Establish new Tanker's Reef SMR near Monterey (covering 193 acres, or 0.3 sq miles).
- **2023-23MPA\_26:** Allow commercial urchin harvest in MPAs for Restoration

## EVALUATION QUESTIONS

### 2023-23MPA\_2, 7, 12, and 16: Allow unlimited recreational urchin removal.

**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, it would not benefit the MPA Network.

The four proposed affected MPAs are designed to meet several MLPA Goals:

- Edward F. Ricketts SMCA was designed to meet MLPA Goals 1, 2, 3, and 5.
- Pacific Grove Marine Gardens SMCA was designed to meet MLPA Goals 3 and 5.
- Carmel Bay SMCA was designed to meet MLPA Goals 2, 3, and 5.
- Point Lobos SMR was designed to meet MLPA Goals 1, 2, 3, and 5.

The proposal to allow unlimited recreational urchin take from these MPAs would not support these MPAs in meeting Goals 1, 2, or 3 beyond which these MPAs already offer. Although the petitioner states that the purpose of these activities is to restore and conserve kelp forests, there is not sufficient scientific evidence to verify unlimited urchin take will have the desired effect of restoring kelp in these MPAs or that it is sustainable. While urchin removal efforts specifically aimed at kelp recovery, in some cases, have shown localized benefits to kelp recovery, restoration outcomes are highly variable and

depend on multiple ecological and environmental factors (Ward et al., 2022). The ability of the ecosystem to remain stable on its own after restoration activities have occurred is a critical management consideration. It is critical for kelp restoration efforts to implement intervention measures that address the site-specific drivers of kelp loss. It is unclear the extent to which commercial urchin removal efforts applied widely across the requested areas would result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers. Statewide kelp restoration and management efforts should be guided by the best available science and future efforts should be guided by the KRMP, which is in development.

Adding another take allowance for urchin is not consistent with MLPA Goal 1 or 2. The proposed change would not protect abundance of marine life and there also may be unintended consequences of allowing unlimited urchin take from these MPAs.

All four MPAs were designed to meet Goals 3 and 5 but the proposed change would not meet Goal 3 and would be in conflict with that goal to, "Ensure California's MPAs have clearly defined objectives, effective management measures and adequate enforcement and are based in sound science guidelines." because allowing unlimited urchin removal without robust scientific guidance and monitoring may lead to unintended and confounding ecological impacts.

For Point Lobos SMR, the proposed change would make it so it would no longer offer the highest levels of protection or serve its designed function in the MPA Network as an SMR. Therefore, the proposed change is inconsistent with the MLPA Goals intended to be met by all these MPAs.

#### **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 DMR. See Question 2a of Attachment 1 for the DMR and adaptive management Recommendations.

The petitioner asserts the proposed change (i.e., unlimited take of urchin in four MPAs) would advance DMR Recommendation 4: "Apply what is learned from the first DMR to support proposed changes to the MPA Network and Management Program." However, allowing unlimited urchin removal as a potential method for restoration of kelp is not a management measure that is supported by the lessons learned from the first DMR.

While kelp loss is a current and emerging challenge in California both inside and outside MPAs, it is critical that kelp restoration efforts holistically address the site-specific drivers

of kelp loss to ensure meaningful and sustained kelp recovery. Additional areas of research have been identified. [Five kelp research and restoration projects in California, funded in 2024](#) and administered by California Sea Grant, will “investigate optimal conditions for kelp growth, resilience to warming waters, and ways to empower California tribes in restoration efforts.” Collectively, these research projects are expected to offer additional insight into the efficacy and probability of success of different kelp restoration methods, which are likely to vary by location and scale, among other factors.

Taking what we learn from these studies and others before implementing change is the most appropriate course of action per the state’s science-based adaptive management goals. This is consistent with DMR Recommendation 4, which has the underlying management action of “Identify and utilize best science-based approaches to inform potential changes to the MPA Network in order to enhance Network performance.”

**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 contribute to kelp recovery, the proposed change does not address a current or emerging MPA management challenge in a way that would 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. See response to Question 6 for more information on how the state is working towards implementing science-based management measures to assist with kelp forest recovery, which could support adaptive MPA management.

**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 would be in conflict with the Waste of Fish regulation (Cal. Code Regs. Title 14 §1.87) and Wanton Waste rule (Fish & G. Code § 7704). Allowing unlimited recreational take of urchins in these MPAs would conflict with these statewide laws, which are in place to ensure species are harvested sustainably and in a manner that prevents waste of fish taken in state waters.

CDFW has existing mechanisms to authorize research exploring the benefits of urchin removal to advance kelp recovery through issuance of SCPs (Cal. Code Regs. Title 14 § 650(c)(3)(C), which describes removal of detrimental species as a potential purpose of the permit). Until statewide management plans for kelp recovery and restoration are in place (i.e., the KRMP—see response to Question 6), it is most appropriate to continue

authorizing urchin take for kelp restoration research within the structure of an SCP, which provides accountability and oversight.

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 Petition. CFGC approved the petition and adopted regulations adopted December 2020, but denied inclusion of recreational culling of urchin 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.** The forthcoming KRMP, being developed by CDFW, in partnership with OPC which will serve as the comprehensive planning document for the sustainable management of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis luetkeana*) throughout the state. Codifying unlimited urchin take in the MPA regulations under the rationale of this being an effective kelp restoration and management approach may conflict with the KRMP. Any potential adaptive MPA management measures intended to restore California’s kelp forests must align with MLPA Goals and be informed by the KRMP. See narrative and response to Question 6 for more information.

Permitting the unlimited take of sea urchin for non-consumptive purposes is in direct conflict with the Wanton Waste statute in Fish and G. Code § 7704, which states: “It is unlawful to cause or permit deterioration or waste of a fish taken in the waters of this state, or brought into this state, or to take, receive, or agree to receive more fish than can be used without deterioration, waste, or spoilage.” Avoiding conflict with this rule would require a legislative amendment.

California State Parks: CDFW shares jurisdiction of portions of Carmel Bay SMCA and Point Lobos SMR with California State Parks and would need to coordinate enforcement, updates to signage, and outreach efforts.

State Lands Commission: Carmel Bay SMCA overlaps with State Lands Commission leases 7958, 6764, 2714 which permit a seawall, moored buoys in Stillwater Cove, and a multi-use pier. We do not anticipate this proposed change would interact with those leases or permits.

CDFW shares jurisdiction of Pacific Grove Marine Gardens SMCA, Edward F. Ricketts SMCA, Carmel Bay SMCA, and Point Lobos SMR with Monterey Bay National Marine Sanctuary, which is part of the National Oceanic and Atmospheric Administration. CDFW would need to coordinate enforcement, updates to signage, and outreach efforts with Sanctuary staff.

State Water Resources Control Board and Central Coast Regional Water Quality Control Board (Water Boards): Pacific Grove Marine Gardens SMCA and Carmel Bay SMCA overlap with Areas of Special Biological Significance (ASBS), which are designated by the State Water Board. It is unclear whether the proposed change would have direct or indirect effects on the management activities of the Water Boards for these ASBS.

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:

- 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 proposed change. Without direct evidence of a place-based need linking kelp declines to the specific driver(s) (e.g., lack of predators, water temperature), it is unclear the extent to which commercial urchin removal efforts applied widely across the requested areas would result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers.

**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. 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 SCPs and is exploring the use of RMPs to authorize kelp restoration; although, these regulations do not allow for recreational or 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 OPC, is developing a KRMP (see evaluation narrative above). Any potential adaptive MPA management measures intended to restore California's kelp forest ecosystems must align with MLPA Goals and should be informed by statewide restoration and management plans such as the KRMP.

The DMR Recommendation 18 highlights the need for CDFW to "Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and MMAs." CDFW has not had an opportunity to develop this framework, but it could include fishery practices that may support restoration within MPAs and MMAs.

**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 action (i.e., unlimited take of urchins) was not considered during the MLPA Initiative planning process. However, urchin take under typical recreational and commercial regulations and limits was considered and specifically not allowed in all three SMCAs and the full protection of the Hopkins SMR was specifically to allow continued unconfounded research in a fully protected ecosystem.

**QUESTION 7B: IS THERE NEW INFORMATION AVAILABLE, CHANGING CONDITIONS SINCE THE MLPA IMPLEMENTATION PHASE, AND/OR INFORMATION PRESENTED IN THE DECADAL MANAGEMENT REVIEW THAT WARRANTS REEVALUATION OF THE PROPOSED CHANGE?**

**No.** There is no information that has emerged since implementation of the MPA Network to support allowing unlimited recreational take of urchin in these MPAs. The information the petitioner puts forward as warranting a reevaluation is the decline of California's nearshore kelp forests within the last decade. Kelp restoration and management are priorities for the state. However, see narrative and response to Questions 1 through 6 for more concerns with the proposed change.

**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 unlimited take of urchin does not align with the original intent of any of the four MPAs. One of the intended goals of the Edward F. Ricketts SMCA was to “Protect invertebrates and the habitats on which they depend while allowing the harvest of finfish and kelp.” One of the intended goals of the Pacific Grove Marine Gardens SMCA was to “Enhance non-consumptive recreational experience by prohibiting commercial finfishing and all invertebrate take in an area that includes traditional scuba diving sites accessed from the beach or boats.” An intended goal of Carmel Bay SMCA was to “Allow continued recreational harvest of finfish and commercial harvest of kelp by hand in an area of historic recreational use value near Monterey harbor while protecting invertebrates.” An intended goal of the Point Lobos SMR was to “Protect natural age and size structure of invertebrate and fish species associated with sandy and rocky intertidal, kelp bed, shallow rocky reef, shallow sandy bottom, and submarine canyon head habitat.” Allowing unlimited take of urchin does not align with the original intents of these MPAs. See Attachment 1 for more information.

**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 SAT 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 LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 9 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.

The MPAs affected by this petition do not currently meet the minimum criteria for size (Point Lobos SMR) or both size and LOP (Edward F. Ricketts SMCA, Pacific Grove Marine Gardens SMCA, and Carmel Bay SMCA). Since the proposal to allow unlimited urchin take in these MPAs 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. The proposed change would undermine the design of these

individual MPAs and the overall MPA Network. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

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

**No.** The proposed change (i.e., unlimited take of urchin in four MPAs) would not align with the following Feasibility Guidelines: 'Take Regulations' guideline because it would increase regulatory complexity. Additionally, it conflicts with the to the "Take Regulations guideline," avoid conflict with existing regulations." As discussed in the response to Question 3, this proposed change would conflict with the Wanton Waste (Fish & G. Code § 7704) and Waste of Fish Rule (Cal. Code Regs. Title 14 §1.87) and, and recreational urchin fishing regulations. See Question 10a of Attachment 1 for 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 rationale for moving forward with the proposed change or an alternative.

**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., unlimited take of urchin), including to a No-take SMR, 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, and
  - Increasing the potential for the illegal take of other species.

**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 MPAs 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 (i.e., unlimited take of urchin in four MPAs) would decrease protection for urchins in all four of the MPAs. In Point Lobos SMR would reduce the overall LOP in this MPA from a Very High LOP to a Moderate-low LOP. The proposed change would maintain a Low LOP for the Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay SMCAs.

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 unclear the extent to which commercial urchin removal efforts applied widely across the requested areas 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 unlimited recreational urchin harvest within the four MPAs would provide a new take allowance that is not currently authorized.

The proposed change also has the potential to negatively affect non-consumptive activities such as long-term research and monitoring. PISCO, MARE, & MARINE conduct long-term MPA monitoring in Carmel Bay SMCA and Point Lobos SMR. Long-term monitoring of surf zone fishes also occurs in Carmel Bay SMCA and Point Lobos SMR. CCFRP also conducts long-term MPA monitoring in Point Lobos SMR. 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 CFGC JUSTICE, EQUITY, DIVERSITY AND INCLUSION POLICY?**

See Question 16 of Attachment 1.

**QUESTION 17: IS THE PROPOSED CHANGE CONSISTENT WITH 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 change would increase fishing access, particularly for fishing participants and the associated coastal fishing community of Monterey.

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

**No.** The proposed change does not interact with or have the potential to affect proposals in other 2023 MPA petitions.

**2023-23MPA\_20\_AM1. Establish new Tanker's Reef SMR near Monterey (covering 193 acres, or 0.3 sq miles)**

**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.

Adding an SMR at Tanker's reef would not improve the state MPA Network's ability to meet MLPA Goals or MPA Master Plan objectives. The addition of a 193 acre/ 0.3-square-mile SMR at this location may offer local protection for species and habitats in that small area, including for a relatively small amount kelp that may persist there. But the SMR will not contribute to Network-wide or regional-wide Network goals because the proposed MPA is not designed in a manner that meets the MLPA Science Guidelines.

The array of the five other MPAs in Monterey peninsula (Edward F. Ricketts, Pacific Grove Marine Gardens and Carmel Bay SMCA; Lovers Point-Julia Platt and Asilomar SMRs) was designed to meet several MLPA Goals (1-4) by maintaining and expanding some existing protections, preserving natural marine heritage, and allowing some recreational and

commercial take in popular fishing areas. An additional SMR at Tanker’s Reef may offer local protection, but is unlikely to ecologically contribute to the MPA Network beyond what the existing array of MPAs on the peninsula already offer.

**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 DMR. See Question 2a of Attachment 1 for the DMR and adaptive management Recommendations.

The petitioner asserts the proposed change (i.e., Establish new Tanker’s Reef SMR near Monterey) would advance the following adaptive management recommendation in the DMR under Cornerstone Governance, Regulatory and Review Framework, Recommendation 4: *Apply what is learned from the first DMR to support proposed changes to the MPA Network and Management Program.*

However, implementing a new MPA at Tanker’s Reef is unlikely to result in measurable, ecologically meaningful benefits to the MPA Network beyond what the array of the five other MPAs in Monterey peninsula already offer. The proposed change would not address DMR adaptive management recommendations or advance management of the MPA Network.

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

**No.** The proposed change does not address a current or emerging MPA management challenge. While kelp forests are highly valuable and their decline since MPA implementation is a significant management concern, it is unlikely that establishing a SMR at Tanker’s Reef is the best tool for addressing broader kelp management concerns, particularly without evidence of place-based mechanisms or drivers linked to kelp persistence.

Although recent studies (e.g., Ricart et al. 2025; Selgrath et al. 2024) demonstrate that MPAs can provide modest kelp benefits following extreme heat events, kelp dynamics are primarily driven by oceanographic and ecological factors—including temperature, nutrient availability, grazing pressure, and disturbance history—rather than solely by fishing pressure.

The proposed Tanker’s Reef SMR would consist of low relief shale rock and mixed sediment habitat that is exposed to frequent ocean swell disturbance. However, this area has not shown persistent kelp coverage over time. Kelp presence data

from kelpwatch.org measured between 1984 and 2025 indicates that significant annual kelp was only present at the site during 1989, 2001, 2014, and 2015; whereas other areas nearby within the Edward F. Ricketts SMCA, Lovers Point-Julia Platt SMR, and Pacific Grove Marine Gardens SMCA show significantly more persistent and prolific kelp growth during the same time period. Consequently, creating a new SMR at Tanker's Reef is unlikely to substantially influence kelp recovery at meaningful spatial or temporal scales. Additionally, implementation of site-specific MPA regulatory changes that are intended to protect kelp, before the completion and implementation of the KRMP and other restoration frameworks would be premature and inconsistent with adaptive management recommendations

**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.** CDFW does not anticipate that CFGC would need to make conforming changes to other regulations, permits, or leases in response to the proposed change to the MPA regulations.

**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.** The proposed site would overlap with Monterey State Beach, which is managed by State Parks, and Del Monte Beach, which is managed by the City of Monterey. CDFW would need to coordinate with these entities on enforcement, updates to signage, and outreach efforts. It is unclear whether the proposed change would have direct or indirect effects on the regulatory or management activities of these entities.

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?**

**Yes.** When evaluating this petition, CDFW reviewed the information in the petition as well as information including, but not limited to:

- MLPA Planning documents and related information (e.g., MLPA Goals and MPA Master Plan adaptive management objectives),

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- Existing science pertaining to kelp recovery in MPAs,
- Long-term monitoring data related to kelp in MPAs,
- Satellite (1984–2023) and flyover (2002–06; 2008–10; 2013–16) mapping of statewide kelp canopy coverage, and
- Commercial and recreational fishing data.

CDFW has identified information gaps that limit the ability to fully evaluate the proposed change. Key information gaps include:

- Direct evidence of a place-based need for a new MPA at this location,
- Data and information to justify that the proposed regulatory change would meaningfully benefit kelp or other ecosystems,
- Information to justify that the proposed regulatory change would advance other adaptive management of the MPA Network,
- A socioeconomic analysis of costs associated with establishing a new MPA at this location, including impacts to commercial and recreational fishing, and outreach, signage, and enforcement.

While important management concerns related to protecting kelp are raised in the petition, the petition did not include information to justify that the proposed regulatory change would address that concern. Additionally, the petition states that designating this area as a SMR would protect more sandy habitat at Del Monte Beach but did not include information to support that assertion.

The information within the petition, along with other information CDFW reviewed, did not demonstrate that establishing the new SMR at Tanker's Reef would advance MPA adaptive management or that a change in MPA regulations is warranted.

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

**Yes.** This proposed change is intended to benefit kelp reforestation. The forthcoming KRMP is a crucial management framework to have in place before considering MPA regulatory changes aimed at protecting kelp. Any potential adaptive MPA management measures intended to restore California's kelp beds must align with MLPA Goals and should be informed by statewide restoration and management plans such as the KRMP.

The DMR Recommendation 18 highlights the need for CDFW to "Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and MMAs." CDFW has not had an opportunity to develop this framework, but it could include regulatory changes that may support restoration within MPAs and MMAs.

**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 site was not specifically considered as an MPA in the MLPA Initiative planning process. During the 2005–2007 Central Coast regional planning process, the SAT, Regional Stakeholder Group, and Blue Ribbon Task Force evaluated multiple configurations of MPAs around the Monterey Peninsula. The designers considered and attempted to create a balance of protection and continued recreational fishing access in the nearby Monterey peninsula MPAs (Edward F. Ricketts Pacific Grove Marine Gardens and Carmel Bay SMCAs, Lover’s Point–Julia Platt and Asilomar SMRs). Tanker’s Reef was considered part of a continuum of heavily used recreational and research areas, and it remained open to maintain equitable access while nearby areas received full and partial protection.

**QUESTION 7B: IS THERE NEW INFORMATION AVAILABLE, CHANGING CONDITIONS SINCE THE MLPA IMPLEMENTATION PHASE, AND/OR INFORMATION PRESENTED IN THE DECADAL MANAGEMENT REVIEW THAT WARRANTS REEVALUATION OF THE PROPOSED CHANGE?**

**No.** The information the petitioner puts forward as warranting a reevaluation is the decline of California’s nearshore kelp populations within the last decade. However, there is not sufficient evidence that this type of spatial protection will improve kelp restoration or recovery. Additionally, the proposed area has not had significant kelp abundance historically compared to nearby habitats that are protected. See Question 2 for additional discussion.

Large-scale kelp declines have precipitated funding of research projects to evaluate and identify effective kelp restoration methods. Information gained from this research will help inform a plan for future restoration and management efforts. CDFW, in partnership with OPC, is currently developing a statewide, ecosystem-based, adaptive KRMP which will give insight and guidance on kelp restoration. See responses to Questions 1, 2, and 6 for more information.

**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?**

Not applicable, as the proposed change (i.e., Establish new Tanker’s Reef SMR near Monterey) does not affect an existing MPA.

**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 SAT 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 LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 9 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.

The proposed new MPA would be 0.30 square miles with a Very High LOP (Table 1). Because it does not meet the minimum size criterion, implementation of the proposed change would not improve the design of the MPA Network or enhance alignment with the MLPA Science Guidelines. See Question 9 of Attachment 1 for the MPA 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: 'MPA Boundaries' guidelines to "Use readily determined lines of latitude and longitude" and "Use diagonal lines only in limited circumstances." See Question 10a of Attachment 1 for 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.** While the proposed area could be redesigned to better align with feasibility guidelines, there is no rationale for implementing this area which would warrant corrections of that nature.

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

**No.** The proposed change (i.e., implementing a new MPA at Tanker's Reef) does not maintain or improve enforceability of MPA regulations. Although an SMR designation is generally straight forward from an enforcement perspective, a new MPA at this site

would increase enforcement complexity in a densely used area with overlapping jurisdictional boundaries; require additional signage at multiple public access points, necessitate increased outreach in a zone where kayak, small-boat, and shore-based fishers already operate near MPA borders; and create potential confusion for users navigating between adjacent open-access and No-take areas.

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

Not applicable, because the proposed change (i.e., Establish new Tanker's Reef SMR near Monterey) does not amend any existing regulatory language.

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

**Yes.** The proposed change (i.e., Establish new Tanker's Reef SMR near Monterey) would protect 0.52 miles of kelp, 0.84 miles of beach, 0.07 miles of nearshore hard substrate, and 0.18 miles of nearshore soft substrate habitats. This has the potential to enhance local protection of marine resources within this depth strata; however, the proposed new MPA would not meet the minimum SAT guidelines to serve as a habitat replicate. See Question 9 for more information on the SAT guidelines

**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 activities. The area where this petitioner proposes to place this new MPA is adjacent to a busy urban beach and fishing area with easy coastal access. The area would cover a popular semi-protected rocky reef and sandy bottom fishing area that is frequented by small boat users and kayakers. This would likely impact recreational fisheries.

**QUESTION 16: IS THE PROPOSED CHANGE CONSISTENT WITH CFGC JUSTICE, EQUITY, DIVERSITY AND INCLUSION POLICY?**

See Question 16 of Attachment 1.

**QUESTION 17: IS THE PROPOSED CHANGE CONSISTENT WITH 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 change would reduce fishing access - particularly for fishing participants and the associated coastal fishing community of Monterey (though there is limited information about the use of this area by fishery participants homeported in the Monterey fishing community).

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

**No.** The proposed change does not interact with or have the potential to affect proposals in other 2023 MPA petitions.

**2023-23MPA\_26: ALLOW COMMERCIAL URCHIN HARVEST IN MPAs FOR RESTORATION.**

**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, it would not benefit the MPA Network.

The four proposed affected MPAs are designed to meet several MLPA Goals:

- Edward F. Ricketts SMCA was designed to meet MLPA Goals 1, 2, 3, and 5.
- Pacific Grove Marine Gardens SMCA was designed to meet MLPA Goals 3 and 5.

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- Carmel Bay SMCA was designed to meet MLPA Goals 2, 3, and 5.
- Point Lobos SMR was designed to meet MLPA Goals 1, 2, 3, and 5.

The proposal to allow unlimited commercial urchin take from these MPAs would not support these MPAs in meeting Goal 1, 2, or 3 beyond which these MPAs already offer. Although the petitioner states that the purpose of these activities is to restore and conserve kelp forests, there is not sufficient scientific evidence to verify unlimited commercial urchin take will have the desired effect of restoring kelp in these MPAs or that it is sustainable. While urchin removal efforts specifically aimed at kelp recovery have, in some cases, shown localized benefit to kelp recovery, restoration outcomes are highly variable and depend on multiple ecological and environmental factors (Ward et al., 2022). The ability of the ecosystem to remain stable on its own after restoration activities have occurred is a critical management consideration. It is critical for kelp restoration efforts to implement intervention measures that address the site-specific drivers of kelp loss. It is unclear the extent to which commercial urchin removal efforts applied widely across the requested areas would result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers. Statewide kelp restoration and management efforts should be guided by the best available science and future efforts should be guided by the KRMP, which is in development.

Adding another take allowance for commercial urchin is not consistent with MLPA Goal 1 or 2. The proposed change would not protect abundance of marine life and there also may be unintended consequences of allowing unlimited urchin take from these MPAs at a commercial scale.

All four MPAs were designed to meet Goals 3 and 5 but the proposed change would not meet Goal 3 and would be in conflict with that goal to, “Ensure California’s MPAs have clearly defined objectives, effective management measures and adequate enforcement and are based in sound science guidelines.” Allowing unlimited urchin removal without robust scientific guidance and monitoring may lead to unintended and confounding ecological impacts.

For Point Lobos SMR, the proposed change would make it so it would no longer offer the highest levels of protection or serve its designed function in the MPA Network as an SMR. Therefore, the proposed change is inconsistent with the MLPA Goals intended to be met by all these MPAs.

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

**No.** The petitioner asserts the proposed change would advance DMR Recommendation 4: “Apply what is learned from the first DMR to support proposed changes to the MPA Network and Management Program.” However, allowing commercial urchin removal as a

potential method for restoration of kelp is not a management measure that is supported by the lessons learned from the first DMR. See Question 2a of Attachment 1 for the DMR and adaptive management Recommendations.

While kelp loss is a current and emerging challenge in California both inside and outside MPAs, it is critical that kelp restoration efforts holistically address the site-specific drivers of kelp loss to ensure meaningful and sustained kelp recovery. Additional areas of research have been identified. [Five kelp research and restoration projects in California, funded in 2024](#) and administered by California Sea Grant, will “Investigate optimal conditions for kelp growth, resilience to warming waters, and ways to empower California Native American tribes in restoration efforts.” Collectively, these research projects are expected to offer additional insight into the efficacy and probability of success of different kelp restoration methods, which are likely to vary by location and scale, among other factors.

Taking what we learn from these studies and others before implementing change is the most appropriate course of action per the state’s science-based adaptive management goals. This is consistent with DMR Recommendation 4, which has the underlying management action of “Identify and utilize best science-based approaches to inform potential changes to the MPA Network in order to enhance Network performance.”

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

Although the petition states that the proposed change would contribute to kelp recovery, the proposed change does not address a current or emerging MPA management challenge in a way that would 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. See response to Question 6 for more information on how the state is working towards implementing science-based management measures to assist with kelp forest recovery, which could support adaptive MPA management.

**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.** CFGC promulgates recreational and commercial invertebrate fishing regulations in California state waters. The proposed change would require numerous changes Cal. Code Regs. Title 14, §120.7, Taking of Sea Urchins for Commercial Purposes. The proposed change would also require an exemption from the Wanton Waste Rule, which would require legislative amendment to the Fish & G. Code §7704 and a revision to the Waste of

Fish regulation (Cal. Code Regs. Title 14 § 1.87). Allowing unlimited commercial take of urchins in these MPAs would conflict with these statewide regulations, which are in place to ensure species are harvested sustainably and in a manner that prevents waste of fish taken in state waters.

The proposed change interacts with Cal. Code Regs. Title 14, §120.7. - Taking of Sea Urchins for Commercial Purposes, particularly subsection (a)(2). The petitioner states that the proposed change 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 urchin as part of a research activity (i.e., kelp restoration research), Cal. Code Regs. Title 14, § 120.7 subsection (a)(2) includes a provision that enables CDFW to issue an authorization letter to allow commercial harvest of red urchin (not purple urchin) 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 SCPs and is exploring the use of RMPs 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) and forthcoming guidance once DMR Recommendation 18 is addressed, it is most appropriate to continue authorizing urchin harvest for kelp restoration and research 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 Petition. CFGC approved the petition and adopted regulations in December 2020, but denied inclusion of recreational culling of urchin 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?**

CDFW is currently developing the KRMP, in partnership with OPC. The KRMP is a crucial management framework to have in place prior to considering proposed any MPA regulatory changes that are purported to benefit kelp restoration efforts in California. Codifying unlimited commercial urchin take in the MPA regulations under the rationale of this being an effective kelp restoration and management approach may be inconsistent with the KRMP. See narrative and response to Question 6 for more information.

Permitting the unlimited take of sea urchin for non-consumptive purposes is in direct conflict with the Wanton Waste statute in Fish & G. Code § 7704, which states: "It is unlawful to cause or permit deterioration or waste of a fish taken in the waters of this state, or brought into this state, or to take, receive, or agree to receive more fish than can be used without deterioration, waste, or spoilage." Avoiding conflict with this rule would require a legislative amendment.

California State Parks: CDFW shares jurisdiction of portions of Carmel Bay SMCA and Point Lobos SMR with California State Parks and would need to coordinate enforcement, updates to signage, and outreach efforts.

State Lands Commission: Carmel Bay SMCA overlaps with State Lands Commission leases 7958, 6764, 2714 which permit a seawall, moored buoys in Stillwater Cove, and a multi-use pier. We do not anticipate this proposed change would interact with those leases or permits.

CDFW shares jurisdiction of Pacific Grove Marine Gardens SMCA, Edward F. Ricketts SMCA, Carmel Bay SMCA, and Point Lobos SMR with Monterey Bay National Marine Sanctuary, which is part of the National Oceanic and Atmospheric Administration. CDFW would need to coordinate enforcement, updates to signage, and outreach efforts with Sanctuary staff.

Water Boards: Pacific Grove Marine Gardens SMCA and Carmel Bay SMCA overlap with ASBSs, which are designated by the State Water Board. It is unclear whether the proposed change would have direct or indirect effects on the management activities of the Water Boards for these ASBSs.

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 California’s urchin fisheries,
- 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 proposed regulatory change. Without direct evidence of a placed-based need linking kelp declines to the specific driver(s), it is unclear the extent to which commercial urchin removal efforts applied widely across the requested areas would result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers.

**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 SCPs and is exploring the use of RMPs to authorize kelp restoration although, these regulations do not allow for recreational or 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 OPC, is developing a KRMP (see evaluation narrative above). Any potential adaptive MPA management measures intended to restore California’s kelp forest ecosystems must align with MLPA Goals and should be informed by statewide restoration and management plans such as the KRMP.

The DMR Recommendation 18 highlights the need for CDFW to “Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and MMAs.” CDFW has not had an opportunity to developed this framework, but it could include fishery practices that may support restoration within MPAs and MMAs. However, March 2026

there will be serious consideration prior to allowing unlimited take of a native species from an ecosystem within an MPA at a commercial scale.

**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 action (i.e., unlimited commercial take of urchins) was not considered during the MLPA Initiative planning process. However, urchin take under typical recreational and commercial regulations and limits was considered and specifically not allowed in all three SMCAs and the full protection of the Lovers Point-Julia Platt SMR was specifically to allow continued unconfounded research in a fully protected ecosystem.

**QUESTION 7B: IS THERE NEW INFORMATION AVAILABLE, CHANGING CONDITIONS SINCE THE MLPA IMPLEMENTATION PHASE, AND/OR INFORMATION PRESENTED IN THE DECADAL MANAGEMENT REVIEW THAT WARRANTS REEVALUATION OF THE PROPOSED CHANGE?**

**No.** There is no information that has emerged since implementation of the MPA Network to support allowing unlimited recreational take of urchin in these MPAs. The information the petitioner puts forward as warranting a reevaluation is the decline of California's nearshore kelp forests within the last decade. Kelp restoration and management are priorities for the state. However, see narrative and response to Questions 1 through 6 for more concerns with the proposed change as an effective kelp restoration and management strategy.

**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 unlimited take of urchin does not align with the original intent of any of the four MPAs.

One of the intended goals of the Edward F. Ricketts SMCA was to "Protect invertebrates and the habitats on which they depend while allowing the harvest of finfish and kelp." One of the intended goals of the Pacific Grove Marine Gardens SMCA was to "Enhance non-consumptive recreational experience by prohibiting commercial finfishing and all invertebrate take in an area that includes traditional scuba diving sites accessed from the beach or boats." An intended goal of Carmel Bay SMCA was to "Allow continued recreational harvest of finfish and commercial harvest of kelp by hand in an area of historic recreational use value near Monterey harbor while protecting invertebrates." An intended goal of the Point Lobos SMR was to "Protect natural age and size structure of

invertebrate and fish species associated with sandy and rocky intertidal, kelp bed, shallow rocky reef, shallow sandy bottom, and submarine canyon head habitat.” Allowing unlimited commercial take of urchin does not align with the original intents of these MPAs (see Attachment 1 for more information).

**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?**

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 SAT 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 LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 9 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.

The MPAs affected by this petition do not currently meet the minimum criteria for size (Point Lobos SMR) or both size and LOP (Edward F. Ricketts SMCA, Pacific Grove Marine Gardens SMCA, and Carmel Bay SMCA). Since the proposal to allow unlimited urchin take in these MPAs 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. The proposed change would undermine the design of these individual MPAs and the overall MPA Network. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

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

**No.** The proposed change (i.e., unlimited commercial take of urchin in four MPAs) would not align with the following Feasibility Guidelines: ‘Take Regulations’ guideline because it would increase regulatory complexity. Additionally, it conflicts with the ‘Take Regulations’ guideline, “avoid conflict with existing regulations.” As discussed in the response to Question 3, this proposed change would conflict with the Wanton Waste and Waste of Fish Rules, and commercial urchin fishing regulations. See Question 10a of Attachment 1 for 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 rationale for moving forward with the proposed change or an alternative

**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., unlimited take of urchin), including to a No-take SMR, 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, and
- Increasing the potential for the illegal take of other species.

**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 MPAs and does not simplify the regulatory language or enhance public understanding.

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

The proposed change (i.e., unlimited commercial take of urchin in four MPAs) would decrease protection for urchins in all four of the MPAs. In Point Lobos SMR would reduce the overall LOP in this MPA from a Very High LOP to a Moderate-low LOP. The proposed change would maintain a Low LOP for the Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay SMCAs.

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 unclear the extent to which commercial urchin removal efforts applied widely across the requested areas 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?

The proposed change has the potential to affect consumptive and non-consumptive activities. Allowing unlimited commercial urchin harvest within the four MPAs would provide a new take allowance that is not currently authorized.

The proposed change also has the potential to negatively affect non-consumptive activities such as long-term research and monitoring. PISCO, MARE, & MARINE conduct long-term MPA monitoring in Carmel Bay SMCA and Point Lobos SMR. Long-term monitoring of surf zone fishes also occurs in Carmel Bay SMCA and Point Lobos SMR. CCFRP also conducts long-term MPA monitoring in Point Lobos SMR. Adding unlimited commercial urchin harvest 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 CFGC JUSTICE, EQUITY, DIVERSITY AND INCLUSION POLICY?

See Question 16 of Attachment 1.

**QUESTION 17:** IS THE PROPOSED CHANGE CONSISTENT WITH 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 change is unlikely to directly harm any coastal fishing community. While in concept this change could increase access to fishing grounds, there has not historically been an active commercial sea urchin fishery associated with the Monterey port area.

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

**No.** The proposed change does not interact with or have the potential to affect proposals in other 2023 MPA petitions.

## V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

**Table 1.** MPA attributes (area, LOP, depth range, and habitat extent) of Tankers Reef SMR as proposed in petition 2023–MPA23. A dash (–) indicates that the proposed MPA does not contain the habitat type. Habitat extent may be reported in linear miles or square miles, depending on data availability and SAT guidance.

Values shown in **bold** indicate that the MPA attribute meets the relevant science guideline established by the SAT during the MLPA Initiative planning process. An MPA contributes to habitat replication only if it first meets the minimum size (>9 sq mi) and LOP (Very High, High, or Moderate-High) criteria (i.e., first two rows must be bold).

Habitat Attribute	Proposed
MPA Area (sq mi)	0.30
Level of Protection	<b>Very High</b>
Min Depth (m)	
Max Depth (m)	
Eelgrass (sq mi)	–
Kelp (mi)	0.52
Beach (mi)	0.84
Rocky Intertidal (mi)	–
Estuaries (sq mi)	–
Hard Substrate	
0–30 m (mi)	0.07
30–100 m (sq mi)	–
100–200 m (sq mi)	–
>200 m (sq mi)	–
Soft Substrate	
0–30 m (mi)	0.18
30–100 m (sq mi)	–
100–200 m (sq mi)	–
>200 m (sq mi)	–

### CITATIONS

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