

California Department of Fish and Wildlife’s
 Evaluation of 2023 Decadal Management Review Marine
 Protected Area Petition:
**Expand Boundaries of Laguna Beach No-take State Marine
 Conservation Area (2023-24MPA_AM)**



I. PETITION SUMMARY

CFGC Tracking Number	2023-24MPA_AM
Petition Contact/Affiliation	Mike Beanan, Laguna Bluebelt Coalition
Number of Proposed Actions	1
Affected MPAs	Laguna Beach No-Take and Dana Point State Marine Conservation Areas (SMCAs)
Petition Summary	Extend the Laguna Beach No-take SMCA southern boundary to the southern border of the City of Laguna Beach, which will require modification of the northern boundary of Dana Point SMCA (modified boundaries as amended).
Link to StoryMap page	2023-24MPA_AM



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>2023-24MPA_AM1 Extend the Laguna Beach No-take SMCA southern boundary to the southern border of the City of Laguna Beach, which will require modification of the northern boundary of Dana Point SMCA (modified boundaries as amended).</p>	<p>The petitioner’s stated intent for the proposed change is: Since the Marine Life Protection Act (MLPA) Initiative planning process, the City of Laguna Beach’s assumed jurisdiction over the city’s southern beaches from the County of Orange. This regulation change will make enforcement easier and more consistent, better protect kelp (<i>Macrocystis pyrifera</i>) beds in South Laguna from fishing and the potential effects of anchor chain drag, and reduce whale entanglement risks from spiny lobster (<i>Panulirus interruptus</i>) trap lines.</p>	<p>Deny. The proposed change to expand the Laguna Beach No-take SMCA and thereby reduce the size of the Dana Point SMCA, does not address an enforcement challenge, advance adaptive management recommendations from the Decadal Management Review (DMR), address a current or emerging MPA management challenge, or align with the original intent of these MPAs as established during the MLPA Initiative planning process. The proposed change is unlikely to benefit migrating whales or have a biologically meaningful impact on kelp at this location beyond what is already offered by the Dana Point SMCA. The proposal would change the boundary so that it no longer aligns with key Feasibility Guidelines, which would likely compromise enforceability. The proposed change would also unnecessarily restrict an existing important fishing ground that was deliberately contemplated during the MLPA Initiative planning process.</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 tribes¹ (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with the CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

Tribal Components Questions	Answer and Explanation
<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"> a. Does the proposed change explicitly aim to advance tribal co-management, subsistence harvesting, stewardship, and/or provide a tribal benefit through recognizing the cultural significance of an area? b. Is the proposed regulatory change explicitly linked to a tribe or tribes? (i.e. tribal exemption, tribal take only MPA, or new MPA for co-management). 	<p>No, This petition was not submitted by a tribe or representative designated by a tribe or tribal organization, and it does not have a tribal co-sponsor.</p>

¹ California Native American tribe is the preferred term to use per the Governor’s Office of Tribal Affairs when generally mentioning tribes of California, both federally and non-federally recognized.

IV. PETITION EVALUATION

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-24MPA_AMI

The petitioner proposes extending the southern boundary of the Laguna Beach No-take SMCA into the northern portion of Dana Point SMCA to align with the city limits of Laguna Beach. In 2023, The County of Orange transferred the county jurisdiction of the beaches in the area of South Laguna Beach to the City of Laguna Beach. The primary aim of the proposed change is to address the petitioner's stated problem, "the southern area of Laguna Beach is inaccurately designated as within Dana Point SMCA leading to confusion about place names and take regulations." The petitioner also asserts the kelp beds off South Laguna Beach need protection from overharvesting and anchor chain drag and mentions concerns that lobster fishing activities in the northern portion of Dana Point SMCA pose a threat to the sensitive kelp forest habitat and interrupt gray whale (*Eschrichtius robustus*) migration. The petitioner states that extending the Laguna Beach No-take SMCA will make MPA enforcement easier, will protect kelp from anchor drag on the rocky substrate, and will limit gray whale interactions with commercial lobster trap lines in the area. Although the petitioner asserts the proposed actions align with one or more of the MLPA Goals/Master Plan objectives, CDFW's evaluation finds the proposal:

- Would not address an enforcement challenge,
- Would not measurably improve the performance of the Laguna Beach State Marine Reserve (SMR) and Laguna Beach No-Take SMCA MPA cluster beyond what these MPAs were designed to provide,
- Would conflict with the original intent of the Dana Point SMCA, which was to maintain intertidal protections while allowing for take of lobster, urchin, and finfish²,
- Would eliminate nearly half of the fishing grounds within the boundaries of the Dana Point SMCA and effectively end all fishing opportunities within Laguna Beach city limits,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

CDFW's Marine Enforcement District (MED) confirmed that the perceived confusion regarding different MPA regulations for Laguna Beach No-take SMCA and Dana Point SMCA that fall within the city limits of Laguna Beach does not pose an enforcement challenge. CDFW enforcement data for 2024 shows fewer than 20 violations for both Laguna No-take SMCA and Dana Point SMCA compared to Bolsa Chica No-take SMCA with 80 violations, and they are not among south coast MPAs with the highest numbers of violations. These results suggest that most people using these MPAs are aware of and

² Any species of bony fish or cartilaginous fish (sharks, skates and rays).

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understand the regulations. Changing the boundary 15 years after implementation without significant ecological benefits to the MPA Network (see below) would likely result in increased confusion and enforcement challenges, which would require significant investments in outreach and enforcement efforts.

The existing boundary aligns with a readily determinable line of latitude, and a prominent coastal outcrop of nearshore rocks, which serves as a clear marker for both off-shore and shore-based users. The proposed new boundary deviates from the CDFW Feasibility Guidelines (See Question 10 in Attachment 1) as the boundary would not fall on an even line of latitude and it is unclear if there is a clear visual marker for shore-based users. The petitioner states that the amended boundary would line up, “with a prominent bluff top outcropping at Three Arch Bay consistent with Laguna Beach city limits.” However, the coordinates provided in the amendment are slightly beyond this point into the Dana Point city limits. Since implementation of California’s MPA Network, targeted legislative and regulatory refinements have been identified to align MPAs with their original intent, clarify or correct provisions, or address priority management and enforcement issues. This includes two regulatory packages that specifically clarified and corrected MPA boundaries throughout the MPA Network following a Network-wide assessment to ensure maximum alignment with the Feasibility Guidelines, improve boundary clarity for shore-based and boat-based users, and ultimately boundary enforceability (Appendix G of the DMR). The current southern boundary at Laguna Beach No-take SMCA was intentionally set and refined through three prior regulatory processes; moving the boundary as proposed would result in increased confusion and enforcement challenges.

The boundary change could be reconsidered if there were significant ecological benefits to MPA Network. However, ending fishing activity alone (by extending the Laguna Beach No-take SMCA boundary) is unlikely to result in meaningful and sustained kelp recovery and/or protection without a clear understanding of the site-specific ecological drivers of kelp loss. While anchor drag and other artifacts of fishing efforts, such as setting lobster traps, may cause damage to the rocky reef that is suitable habitat for giant kelp, it is unclear if this activity is the primary contributor to kelp loss and/or hindering kelp recovery in the northern portion of the Dana Point SMCA. Temporal trends in persistent kelp canopy within the Dana Point SMCA show stable kelp canopy in areas where kelp is present from 2010–2016. Kelp persistence decreased in the years between 2017–2023 following the 2014–2016 Marine Heatwave, which had widespread effects on California’s coastal ecosystems, both inside and outside MPAs (CDFW 2022, Smith et al. 2023, Zeigler et al. 2023, Ortiz-Villa et al. 2025)³. Given that persistence of kelp forests in the Dana Point SMCA was mostly stable prior to the heatwave, despite fishing activities continuing in the

³ See California MPA Petitions SeaSketch platform for kelp persistence mapping: <https://www.seasketch.org/california/app>

area, there are likely multiple factors driving kelp presence and recovery potential in Dana Point SMCA. Statewide kelp restoration and management efforts should target site-specific drivers of kelp loss and be guided by the Kelp Restoration and Management Plan (KRMP), which is in development.

The proposed change is unlikely to reduce or prevent whale entanglements in this area. It is possible that lobster fishery interactions with gray whales may occur when the whales are migrating through the area. NOAA Fisheries' whale entanglement database⁴ reports that gray whale entanglements along their migration route have occurred in California along the Southern California Bight, but exact locations of entanglements are difficult to obtain because the location reported refers to where the whale is first sighted, which may not directly correspond with the location of the initial entanglement. Extending the boundary of the Laguna Beach No-take SMCA into the northern portion of the Dana Point SMCA would likely shift lobster fishing effort further offshore outside of the MPAs, and/or shift fishing efforts south to the new boundary. In either case, this is still within the path of migrating whales. Thus, reducing whale entanglement risk in this area is not likely to occur with the proposed change.

The proposed change is unlikely to measurably improve the performance of the Laguna Beach SMR and Laguna Beach No-take SMCA MPA cluster beyond the benefits these MPAs currently provide. The Laguna Beach MPAs, which include Crystal Cove SMCA, Laguna Beach SMR and No-take SMCA, and Dana Point SMCA, were carefully designed to meet both ecosystem and human-use needs in Orange County. These MPAs were intended to act together to maintain and expand some of the historical protections that were in place before the passage of the MLPA, preserve the marine natural heritage and deep connection the surrounding communities have with the coastal resources in the area, and continue to provide recreational and commercial fishing opportunities (MLPA 2009a). The Laguna Beach SMR and No-take SMCA were designed as an MPA cluster to meet the MLPA Initiative Science Advisory Team (SAT) guidelines for size, spacing, and habitat replication and thus, meet specific goals to protect natural diversity and enhance ecosystem function. These goals remain relevant today. Consequently, expanding the boundary of the Laguna Beach No-take SMCA into a portion of the Dana Point SMCA is not anticipated to improve the design of these MPAs or the overall design of the MPA cluster.

Finally, the original intent of the Dana Point SMCA was to preserve recreational and commercial fishing opportunities for certain species while continuing the legacy protection of rocky intertidal habitat that was in place prior to the passage of the MLPA

⁴ NOAA National whale Entanglement Reports 2017-2024: <https://www.fisheries.noaa.gov/national/marine-life-distress/large-whale-entanglement-response#national-entanglement-reports>

(MLPA 2009a). The Dana Point SMCA is within the most utilized fishing block by the commercial lobster fishery out of Dana Point Harbor (Fig. 1) and the MPA provides the only opportunity to recreationally fish within the city limits of Laguna Beach. A detailed analysis of the socioeconomic impacts of this proposed change is an information gap. However, based on landings and CDFW knowledge of commercial and recreational use of the area, impacts are anticipated to be significant. Thus, implementation of the proposed change is likely to result in significant fishery impacts, with limited ecological benefit beyond what the existing Network provides.

In summary, the proposed change is unlikely to improve enforcement and compliance with the MPA regulations, benefit migrating whales, or have a biologically meaningful impact on kelp at this location beyond what is already offered by the Dana Point SMCA, and it would unnecessarily restrict an important fishing ground that was also contemplated during the MLPA Initiative planning process.

RECOMMENDATION FOR 2023-24MPA_AM1

Given these considerations, and the information in the evaluation below, **CDFW recommends California Fish and Game Commission (CFGC) DENY Petition 2023-24MPA** that includes the proposal to extend the southern boundary of the Laguna Beach No-take SMCA into the northern portion of Dana Point SMCA to align with the city limits of Laguna Beach.

EVALUATION QUESTIONS

2023-24MPA_1_AM1: Extend the Laguna Beach No-take SMCA southern boundary to the southern border of the City of Laguna Beach, which will require modification of the northern boundary of Dana Point SMCA (modified boundaries as amended).

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?

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 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

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MPA Network management. See Question 1 of Attachment 1 for the MLPA Goals and Master Plan objectives.

The petitioner asserts that expanding the southern boundary of Laguna Beach No-take SMCA into a portion of neighboring Dana Point SMCA is consistent with MLPA Goals 1, 2, 3, 4, and 5 related to enhancing natural diversity; sustaining marine life populations; providing recreational, educational, and research opportunities; protecting marine natural heritage; and ensuring adequate enforcement.

However, Laguna Beach No-take SMCA is part of a larger array of MPAs that includes (from north to south) Crystal Cove SMCA, Laguna Beach SMR, Laguna Beach No-take SMCA, and Dana Point SMCA. This array of MPAs was designed to meet multiple 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. Together, the Laguna Beach SMR and Laguna Beach No-take SMCA were designed as an MPA cluster to protect marine resources while meeting as many of the MLPA Initiative SAT guidelines as possible. The SMR and No-take SMCA currently provide representation of a variety of rocky and sandy habitats, including diverse rocky intertidal and shallow kelp reefs, as was intended during the MLPA Initiative planning process. Expanding the fully protected area is not expected to improve the design of these MPAs or the MPA Network.

The MPAs surrounding Laguna Beach SMR and Laguna Beach No-take SMCA were also designed to improve recreational and educational opportunities through recreational fishing and tidepooling (Goal 3). Expanding the Laguna Beach No-take SMCA into the northern portion of the Dana Point SMCA would effectively end recreational take of lobster, urchin, and finfish by hook-and-line and spear and eliminate recreational fishing opportunities within the city limits of Laguna Beach. Furthermore, with ample opportunity for visitors to participate in well-established educational programs that exist in Crystal Cove SMCA/State Park and Dana Point SMCA, it is unlikely that expanding the No-take SMCA into Dana Point SMCA would improve these already robust educational opportunities.

The original intent of the array of MPAs adjacent to the City of Laguna Beach recognized the importance of marine cultural heritage and protecting the unique habitats (Goal 4) in the area. However, it is unclear how expanding the southern boundary of Laguna Beach No-take SMCA into the northern portion of Dana Point SMCA would further recognize the importance of marine cultural heritage or better protect the unique intertidal habitat that the Dana Point SMCA was designed to protect. The boundary expansion would not afford the unique rocky intertidal habitat at this site more regulatory protection. While extending the No-take SMCA may provide some protection for single species that utilize the kelp forest habitat and are currently legal to take in the

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Dana Point SMCA, such as lobster and urchin, there is no evidence that this harvest is negatively affecting kelp forest persistence at this site.

Finally, the petition asserts that expanding the southern boundary of the Laguna Beach No-take SMCA into the northern portion of Dana Point SMCA would simplify enforcement by aligning with the southern city limits of Laguna Beach (Goal/objective 5) and alleviate perceived confusion due to different regulations within the city limits. However, temporal trends in MED enforcement data show few violations in the Laguna Beach SMR, No-take SMCA, and Dana Point SMCA, which suggests that most people using these MPAs are aware of, and abide by, the current regulations.

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

The proposed change would not significantly advance any of the adaptive management recommendations in the DMR.

The petitioner's primary justification for extending the southern boundary of Laguna Beach No-take SMCA into the northern portion of Dana Point SMCA is that since these MPAs were implemented, enforcement jurisdiction in the southern beaches in the area was transferred from the County of Orange to the City of Laguna Beach. The petitioner asserts that the proposed regulation change will make MPA enforcement easier and more consistent. The petitioner asserts that this will increase effectiveness of outreach, education, and enforcement, which supports DMR Recommendation 15 regarding pursuing the most effective outreach and education tools to increase MPA awareness and compliance. However, a well-established tidepool docent program exists in Dana Point SMCA that provides extensive MPA education on these MPAs, including Laguna Beach No-take SMCA. The Orange County MPA Council, a chapter of the MPA Collaborative Network, is also extremely active in local outreach events, providing the public in Laguna Beach with detailed information about the MPA Management Program and local MPA regulations. Thus, it is unlikely that expanding the Laguna Beach No-take SMCA into Dana Point SMCA would improve these already robust educational efforts. Additionally, changing the boundary has potential to present education and enforcement challenges during any transition period to update outreach materials, particularly because these MPAs occur in a popular area for coastal visitation. CDFW recommends targeted coordination between local allied agencies and MED on MPA enforcement to address any outstanding and potential compliance challenges in lieu of a regulatory change to the MPA boundaries. See Question 2A of Attachment 1 for the DMR and adaptive management Recommendations.

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

Since implementation of the MPA Network, the County of Orange ceded jurisdiction of the county-managed beaches within the city limits to the City of Laguna Beach, which could pose a shift in local enforcement efforts and capacity. However, CDFW recommends targeted coordination between local allied agencies and MED on MPA enforcement in lieu of a regulatory change to the MPA boundaries. Additionally, the petition states that the proposed change would benefit kelp and protect migrating whales from entanglement. However, the proposed change is unlikely to benefit migrating whales or have a biologically meaningful impact on kelp at this location beyond what is already offered by the Dana Point SMCA. Therefore, 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.

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)?

No. 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 these 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. State Lands Commission (SLC): Laguna Beach No-take SMCA would overlap with State SLC active lease number 5139 for a wastewater outfall pipeline and ballast rock. This lease expires in 2054. The regulations for both the Dana Point SMCA and Laguna Beach No-take SMCA allow maintenance of existing artificial structures. It is unclear whether the proposed change would have direct or indirect effects on SLC's regulatory or management activities, or the Santa Ana Regional Water Quality Control Board's regulatory activities for the wastewater outfall.

City of Laguna Beach: CDFW shares jurisdiction of Laguna Beach No-take SMCA and Dana Point SMCA with the City of Laguna Beach and implementation of the proposed changes would require CDFW to coordinate enforcement, updates to signage, and outreach efforts.

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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:

- MED citation and compliance data, which indicate no major enforcement challenges,
- Kelp persistence over time in the northern portion of Dana Point SMCA,
- Historical information on why the boundary between Laguna Beach No-take SMCA, and Dana Point SMCA was placed in the current location and the purpose of the array of MPAs and how they work together to meet MLPA Goals/Master Plan objectives,
- NOAA Fisheries whale entanglement data, and
- Internal consultation with subject matter experts on fisheries in the area and associated data.

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

No. CDFW has sufficient management information to proceed with the evaluation of this proposed change, including the foundational principles of the MLPA and information guiding management of MPAs and relevant fisheries.

QUESTION 7A: WAS THE PROPOSED CHANGE CONSIDERED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

Yes. A similar proposal was considered and extensively vetted and discussed during the MLPA Initiative planning process. The South Coast Regional Stakeholder Group proposal 3 recommended that Laguna Beach SMR extend farther south than the proposed boundary change in this petition (MLPA 2009b). CDFW presented several options in the Initial Statement of Reasons document during the rulemaking, and CFGC chose to adopt Option 2R, which aligned the southern boundary of the No-take SMCA with the division between beaches under city and county jurisdiction at that time, as well as a prominent coastal outcrop of nearshore rocks (CFGC 2010).

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

No. Since implementation of the MPA Network, the Orange County Board of Supervisors voted to transfer ownership and management of South Laguna Beaches to the City of Laguna Beach in 2023, so the jurisdictional line no longer exists. However, extending the boundary southward would not address the petitioner's stated problem and thus, does not warrant reevaluation of the proposed change. The existing boundary still aligns with a prominent coastal outcrop of nearshore rocks, which serves as a clear marker for both off-shore and shore-based users and was intentionally referenced during the MLPA Initiative planning process.

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. The proposed change to extend the southern boundary of the Laguna Beach No-take SMCA into the northern portion of Dana Point SMCA does not align with the original intent of the MPA identified during the MLPA Initiative planning process. The Laguna Beach No-take SMCA was designed to serve as a habitat replicate (in a cluster with the Laguna SMR) for a variety of habitats, including kelp forests and sandy beaches.

The proposed extension of the No-take SMCA boundary to the south into the neighboring Dana Point SMCA would conflict with the original intent of that MPA, which was to maintain intertidal protections while allowing for take of lobster, urchin, and finfish. The proposed change would eliminate nearly half of the fishing grounds within the boundaries of the Dana Point SMCA and effectively end all fishing opportunities within Laguna Beach city limits.

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 Science Advisory Team and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on LOP, which is determined by allowed take, and spatial configuration. More specifically, these

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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 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 nine square miles and meet one of the three highest LOPs (i.e., Very High, High, or Moderate-high) to contribute to ecological Goals such as habitat replication and representation.

Laguna Beach No-take SMCA, together with neighboring Laguna Beach SMR, currently meet both minimum criteria (Table 1). The proposed change would increase the area protected in Laguna Beach No-take SMCA for kelp, beach, rocky intertidal, and hard and soft bottom (0-30 and 30-100 m depth) habitats, which may improve the design of this MPA. However, this would not necessarily enhance the functioning of the MPA Network beyond that of the current design because the additional protected area would not contribute to additional habitat replication or representation at the Network scale. Therefore, implementation of the proposed change would not improve the design of the MPA Network or enhance alignment with MLPA Science Guidelines. See Question 9 of Attachment 1 for the MLPA Science Guidelines and additional context.

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

No. The petition aims to align the southern boundary of Laguna Beach No-take SMCA with the city limits of Laguna Beach. However, this does not fall on an even line of latitude. The amended coordinates provided by the petitioner overlap with the northern edge of the Dana Point city limits which could increase regulatory and enforcement complexity for this MPA across different city jurisdictions. The existing boundary aligns with a readily determinable line of latitude, and a prominent coastal outcrop of nearshore rocks, which serves as a clear marker for both off-shore and shore-based users and was intentionally referenced during the MLPA Initiative planning process. Furthermore, the southern boundary of Laguna Beach No-take SMCA was not identified as needing correction during the past adaptive management regulation packages that refined many of the MPA boundaries based on a Network-wide assessment of enforcement challenges. See Question 10a of Attachment 1 for the CDFW Feasibility Guidelines.

QUESTION 10B: IF NOT, IS THERE A RATIONALE FOR MOVING FORWARD WITH THE PROPOSED CHANGE OR AN ALTERNATIVE THAT COULD MEET THE INTENT BUT BETTER ALIGN WITH FEASIBILITY GUIDELINES?

No. There is no 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 petitioner asserts that expanding the southern boundary of the Laguna Beach No-take SMCA into the northern portion of Dana Point SMCA to align with the southern city limits of Laguna Beach would simplify enforcement in the area and alleviate perceived confusion due to different existing regulations within the city limits. However, the amended coordinates provided by the petitioner overlap with the northern edge of the Dana Point city limits which could increase regulatory and enforcement complexity for this MPA across different city jurisdictions. Furthermore, based on MED enforcement data, temporal trends in MPA violations show few violations in the Laguna Beach SMR, Laguna Beach No-take SMCA, and Dana Point SMCA, suggesting that most people using these MPAs are aware of, and comply with, the existing MPA regulations.

While No-take regulations are generally easier to enforce and for the public to understand, expanding the No-take regulations into an existing MPA and split across city jurisdictions where some consumptive uses are allowed has potential to introduce enforcement challenges where none currently exist.

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

No. The proposed change does not simplify regulatory language or enhance public understanding, and it would change the intent of the MPA. Although the petitioner's intent for the extension of the Laguna Beach No-take SMCA into the northern portion of the Dana Point SMCA is to enhance public understanding, it has potential to introduce public confusion in an area where most people using these MPAs are aware of, and comply with, the existing MPA regulations (see response to Question 11 regarding enforceability).

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

Yes. The proposed change to expand the southern boundary of Laguna Beach No-take SMCA into the northern portion of Dana Point SMCA would increase the area protected within a portion of the existing Dana Point SMCA (Table 1) and hence, offer increased

protection to the habitats contained within and to the species for which take is currently allowed, including lobster, sea urchin, finfish, and coastal pelagic species (CPS)⁵.

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. Extending the southern boundary of Laguna No-take SMCA into the northern portion of Dana Point SMCA would end the existing take allowances, including recreational take of finfish by hook-and-line or spearfishing, lobster, and urchin, and the commercial take of spiny lobster, urchin, and CPS, in a portion of the SMCA where these activities are currently allowed. It would also end any consumptive uses within the city limits of Laguna Beach.

The Dana Point SMCA, including the northern portion that is proposed to be closed to fishing, is a very popular location for recreational shore fishing and is the only area open to fishing within the city limits of Laguna Beach. In addition to impacts to shore anglers, CDFW anticipates impacts to the commercial lobster fishery, the commercial sea urchin fishery, and the recreational commercial passenger fishing vessel (CPFV) fleet. The proposed closed area overlaps with CDFW commercial fishing block 757. Commercial landings data summaries indicate block 757 is highly valuable to the commercial lobster fleet (Fig. 1).

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

See Question 16 of Attachment 1.

QUESTION 17: IS THE PROPOSED CHANGE CONSISTENT WITH THE CFGC COASTAL FISHING COMMUNITIES POLICY?

The following analysis was prepared by CFGC staff. See Question 17 of Attachment 1 for additional context on CFGC's response. The proposed change would reduce fishing access, particularly for the fishing participants associated with the coastal fishing community of Dana Point (~7 nautical miles away from area of proposed change). Dana

⁵ Northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Doryteuthis opalescens*).

Point Harbor fishing community is principally dependent on commercial trap fishing and commercial passenger fishing vessel (CPFV) operations (<https://fishingcommunities.net/dana-point/fishing-profile/>). Available fishing grounds for CPFVs and commercial lobster are constrained in this area due to the Laguna Beach SMR/No-take SMCA complex; the petition would further reduce available fishing grounds for CPFVs and the commercial lobster trap fleet homeported to the Dana Point Harbor 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, proposed changes in other 2023 petitions.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

Table 1. MPA attributes (area, LOP, depth range, and habitat extent) of the existing and proposed Laguna Beach No-take SMCA, including the percent change associated with the proposed action(s) in petition 2023-24MPA. Percent change is calculated by dividing the difference between proposed and existing values by the existing value and multiplying by 100. Percent change is reported as N/A when the calculation is not possible, such as when the existing MPA does not contain the habitat type or when existing and proposed values are reported in different units. A dash (—) indicates that the 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** in the cluster columns 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 (>nine sq mi) and LOP (Very High, High, or Moderate-High) criteria (i.e., first two rows must be bold). Laguna Beach No-take SMCA meets those requirements when clustered with the adjacent Laguna Beach SMR.

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	SMR Existing	No-Take SMCA existing	Cluster Existing	No-Take SMCA Proposed	Cluster Proposed	No-Take SMCA Change (%)
MPA Area (sq mi)	6.72	3.09	9.81	4.47	11.19	45
Level of Protection	Very High	Very High	Very High	Very High	Very High	—
Min Depth (m)	0	0	0	0	0	—
Max Depth (m)	457.9	523.3	523.3	523.3	523.3	—
Eelgrass (sq mi)	—	—	—	—	—	—
Kelp (mi)	1.96	—	1.96	0.36	2.32	N/A
Beach (mi)	3.48	0.67	4.15	1.85	5.33	176
Rocky Intertidal (mi)	2.48	0.38	2.86	1.60	4.08	321
Estuaries (sq mi)	<0.001	<0.001	<0.001	<0.001	<0.001	0
Hard Substrate						
0-30 m (mi)	0.31	0.04	0.35	0.07	0.38	75
30-100 m (sq mi)	1e-3	7e-3	8e-3	8e-3	9e-3	14
100-200 m (sq mi)	—	—	—	—	—	0
>200 m (sq mi)	—	—	—	—	—	0
Soft Substrate						
0-30 m (mi)	4.21	1.02	5.23	2.34	6.55	129
30-100 m (sq mi)	2.88	0.94	3.82	1.54	4.42	64
100-200 m (sq mi)	1.13	0.57	1.70	0.57	1.70	0
>200 m (sq mi)	0.57	1.04	1.61	1.04	1.61	0

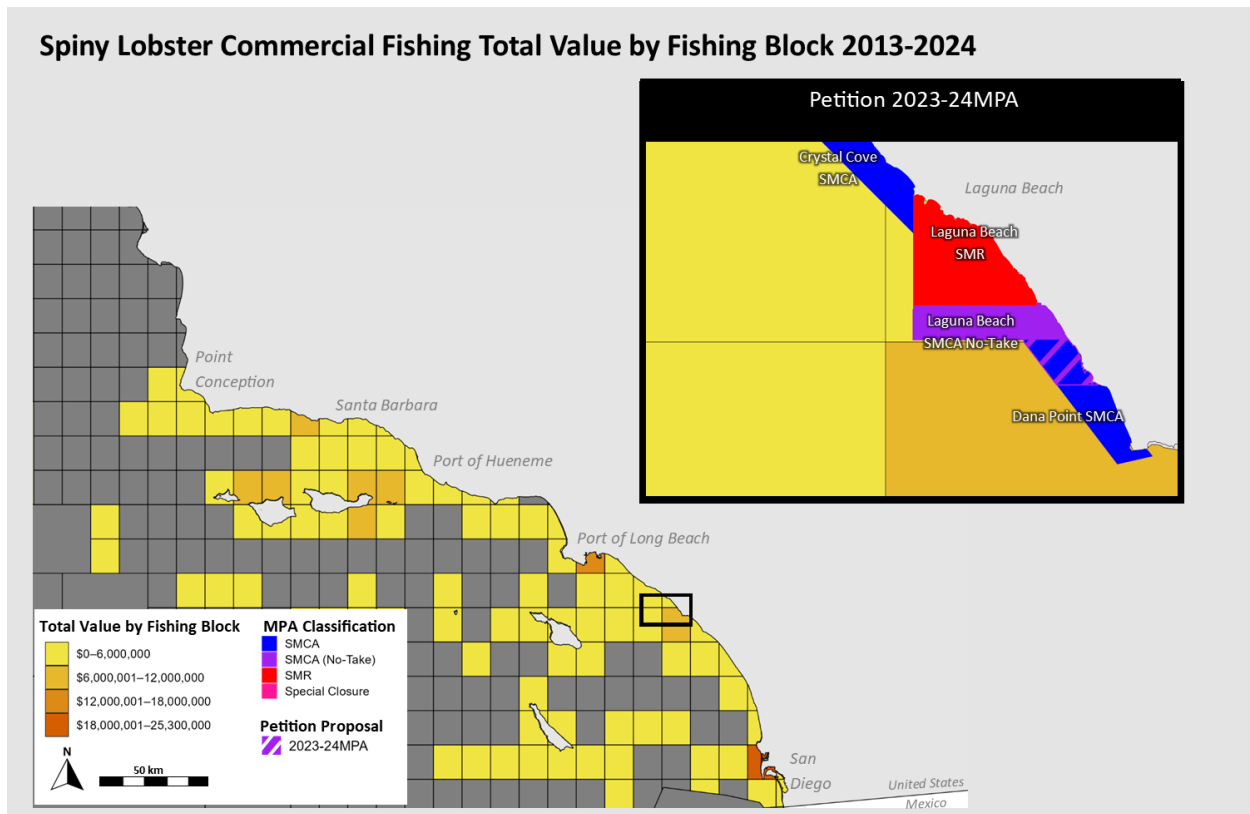


Figure 1. Total value (in millions \$US) of commercially caught California spiny lobster (*Panulirus interruptus*) from 2013 to 2024 by California Department of Fish and Wildlife fishing block for the South Coast Bioregion with reference to petition 2023-24MPA. Actual value provided within fishing blocks that overlap with proposed boundary expansion of Laguna Beach No-Take SMCA.

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