Staff Summary for April 15-16, 2026

2. Bin 2 Marine Protected Area (MPA) Petitions: Evaluations and Recommendations for Non-Tribally Led or Co-Led Petitions

Today's Item **Information ☒** **Action ☐**

Receive and discuss Department presentation of its evaluations and recommendations for the ten bin 2 MPA petitions that are not tribally led or co-led.

Summary of Previous/Future Actions

• Received 20 MPA petitions	December 2023
• Referred 20 MPA petitions to Marine Resources Committee (MRC) and Department for review and recommendation	February 2024
• Approved MRC recommendation for sorting MPA petitions and evaluating individual actions within "binned" petitions, and supported scheduling consideration of individual actions as recommendations are ready	August 2024
• MRC received Department recommendations for individual actions proposed in five "bin 1" MPA petitions and developed MRC recommendations; recommendations adopted by Commission	November 2024; MRC and December 2024
• Petitioners for the 15 "bin 2" petitions afforded an opportunity to amend petitions	December 2024 – March 2025
• MRC received Department proposal for bin 2 petition evaluation framework and developed recommendations for grouping the 15 MPA petitions in bin 2 for future review and discussion	July 16-17, 2025; MRC
• Received and approved MRC recommendation for the bin 2 petition evaluation framework, with one modification related to a question about tribal leadership/sponsorship of petitions	August 13-14, 2025
• **Today receive Department bin 2 petition evaluations for 10 non-tribally led or co-led petitions**	**April 15-16, 2026**
• At regional meetings in San Mateo, Goleta and San Clemente, receive presentations from petitioners, ask clarifying questions, receive community input, and discuss petitioned actions	April 21, 2026 May 5 - 6 and 19, 2026

Background

In November 2023, the Commission received 20 petitions proposing modifications to MPAs or additional MPAs across the state's MPA network. By late 2024, the Commission acted on five of the petitions—categorized as "bin 1" for near-term evaluation—leaving 15 "bin 2" petitions for subsequent review. Bin 2 petitioners were afforded an opportunity until March 2025 to submit amendments to their original petitions. Since that deadline, multiple petitioners have shared additional requested changes for the Commission's awareness, noting that these revisions respond to community concerns or, in one instance, input from the U.S. Department of Defense. The Commission supported the Department's and staff's request not to incorporate additional informal amendments into the evaluation process. Petitioners were advised to identify and explain any proposed amendments to their submitted petitions during future meetings when the bin 2 petitions would be heard and discussed, after petition evaluations were received.

On March 20, 2026, the Department released its evaluations and recommendations for 10 of the 15 petitions—those not led or co-led by tribes or tribal communities. The Department's evaluations were informed in part by evaluation work conducted on two questions by Commission staff. The evaluation materials released by the Department includes a transmittal memo, a DMR MPA petition evaluation companion document, and petition-specific analyses (exhibits 1-12). The release of the evaluations generated substantial public interest, with approximately 20 substantive comments received in advance of this meeting (exhibits 14-32).

Evaluations for the five tribally led or co-led petitions are still in development. Consistent with a Commission request, the Department is consulting with the Commission's Tribal Committee before completing its analyses. The five petitions are scheduled for discussion at the April 14, 2026 Tribal Committee meeting.

At today's meeting, the Department will present a summary of its evaluations and recommendations for all proposed actions associated with the 10 non-tribal petitions (Exhibit 13), providing the Commission an opportunity to hear a consolidated overview, ask clarifying questions, and receive additional public input.

The evaluation presentations and public input will lay the foundation for public dialogue at the regional scale. The Commission will next hold three regional meetings—April 21, May 5–6, and May 19—with a focus on the bin 2 MPA petitions. The meetings will provide petitioners an opportunity to present their proposals, describe any changes since the March 2025 amendment deadline, and engage in dialogue with the Commission, alongside robust public participation. Additional details about the regional meetings are available on the Commission's website. Links to the 2023 MPA petitions can be found on the Commission's website as well as under the petitions for regulation change webpage. Regional meeting goals and participation guidelines are also available on the Commission meetings page.

In addition to the Department's evaluations, the California Ocean Protection Council (OPC), through Secretary Wade Crowfoot, submitted a letter to the Commission providing input on proposals to adaptively manage California's MPA network, with the stated intent to complement the Department's evaluation. The letter highlights OPC's unique policy role in managing California's network, supporting adaptive management, using MPAs to protect full ecosystems, prioritizing tribal stewardship, and supporting thriving fishing communities and climate-resilient

fisheries. In the near future, OPC plans to provide specific input on existing petitions using a policy lens that can complement the rigorous assessment the Department completed of the MPA petitions under a separate set of questions and criteria established by the Commission. See Exhibit 33.

Significant Public Comments

Supportive of Some or All Department Recommendations

- Organizations, businesses, and individuals advocating for fishing access commend the Department's evaluation overall and express support for recommendations to deny MPA expansions and other actions that would directly decrease access to fishing opportunity.
    a. The Sportfishing Association of California, a family of commercial fishermen and commercial passenger fishing vessel operators in Santa Barbara, the American Sportfishing Association, the owner of a landing in San Diego, and a coalition of three fishing advocacy groups all express strong support for the Department's analysis and recommendations for the bin 2 MPA petitions. They emphasize that the Department consistently applied the master plan for MPAs, Marine Life Protection Act (MLPA) history, guidance from the first decadal management review of the network, and best available science through a transparent, multi-year process informed by broad stakeholder engagement. They note that the evaluation reflects extensive Commission proceedings, public testimony, and input from tribes, agencies, non-governmental organizations, and fishing communities, and they request that any future decisions affecting fishing access continue to follow this established, science-based framework. Collectively, they concur with the Department's recommendations to deny petitions they conclude lack scientific justification or would disproportionately restrict public access, and they urge the Commission to uphold the Department's findings and maintain equitable, science-driven MPA management (exhibits 14, 15, 16, 17, 18).
    b. The president of Marina del Rey Sportfishing, Inc. and three captains for the company support the Department's recommendations (Exhibit 19).
- A coalition of 31 organizations, two individuals, Oceana, Surfrider Foundation, and the Marine Conservation Institute strongly support the Department's recommendations to deny actions that would weaken existing protections. The letters underscore the importance of maintaining the ecological integrity, connectivity, and climate resilience of California's MPA system (exhibits 20 and 21, 22). Two of the letters emphasize that the Department appropriately applied the MLPA, master plan for MPAs guidance, and guidance from the first decadal management review of the network, and that adaptive management should strengthen—not reduce—protections within the MPA network (exhibits 20 and 21).
    a. An additional comment letter that is also included under Agenda Item 5, supports the Department's recommendations to deny two petitions that would reduce protections within California's MPA network (Exhibit 23).

Responses from Petitioners

- Giant Giant Kelp Restoration (G2KR), petitioner for petition 2023-23MPA_AM, finds that the Department's evaluation of their petition overlooks key information, applies

inconsistent or overly restrictive interpretations of restoration authorities, and mischaracterizes the petition's intent and history. G2KR contends that existing permitting pathways are either unusable or inconsistently offered, delaying urgent kelp restoration despite widespread habitat loss. G2KR further asserts that the Department's approach reflects structural barriers, mistrust of practitioners, and a failure to apply adaptive management as promised under the MLPA. Overall, the letter urges the Commission to reconsider the evaluation and support practical, science-aligned restoration options for kelp recovery (Exhibit 24).

- Laguna Bluebelt Coalition, petitioner for petition 2023-24MPA, states that the Department's evaluation contains inaccuracies and misinterpretations that led to incorrect conclusions. They cite new Reef Check data showing stronger kelp density and lower urchin abundance inside existing Laguna MPAs to support their claim that expanding protections would provide ecological benefits. They also dispute the Department's reasoning on enforcement, whale entanglement risk, public understanding of regulations, and boundary decisions, emphasizing that adaptive management should allow updates based on new science and community support. They urge the Commission to reconsider the evaluation (Exhibit 25).
    a. A member of the public provides further testimonial against the Department's evaluation of petition 2023-24MPA. They cite NOAA data to assert that removing traps would directly reduce whale-entanglement risk, emphasize the importance of consistent citywide rules for enforcement considerations, and draw on decadal management review findings to conclude that the proposed expansion is supported by the best-available science (Exhibit 26).
- The Environmental Defense Center, petitioner for petition 2023-27MPA_AM contends that the Department's evaluation of their petition failed to consider site-specific research that shows lobster traps have significantly degraded eelgrass in the SMCA, while eelgrass in the adjacent SMR has expanded under identical environmental conditions. The letter presents data to assert that the petition aligns with the original intent of the Channel Islands MPAs, the MLPA, and Master Plan for MPAs guidance, all of which prioritize habitat protection and adaptive management. The authors contend that updated regulations are needed to protect rare eelgrass habitat, improve ecosystem function, and support broader conservation and fishery benefits demonstrated in nearby MPAs. They urge the Commission to approve the petition—preferably option 1—to remove lobster trapping from the SMCA or, at minimum, expand the special closure to better protect eelgrass habitat (Exhibit 27).

Concerns About Information Not Considered in Evaluations

- The Marine Conservation Institute conducted their own protection-level analysis using The MPA Guide, and provide additional considerations they believe should inform Commission deliberations, such as the need for adaptive management responses to localized ecological pressures (Exhibit 22).
- Save Duxbury Access expresses concern with the Department's evaluation of petition 2023-32MPA, believing that the recommendation for boundary expansions is reached without site-specific evidence or a consistent application of bin 2 criteria used to deny

other petitions. They urge the Commission to maintain current boundaries unless a full adaptive-management framework, documented need, and cumulative-impact analysis are presented. (Exhibit 28)

- A group of scientists find that the Department's evaluations insufficiently consider accelerating climate-driven stressors affecting California's ocean and, therefore, underweights the need for stronger, more precautionary protections. The scientists emphasize that the Department's reviews do not fully incorporate the extensive body of recent ecological research showing that fully and highly protected MPAs provide significantly greater resilience, connectivity, and climate-adaptation benefits than lower-protection designations. They contend that petitions proposing strengthened or expanded protections should be prioritized—and those reducing protections rejected—because the Department's evaluations do not sufficiently integrate climate-smart design principles, the importance of persistent kelp refugia, or the pressing need to maintain and reinforce ecological connectivity. (Exhibit 29)
- Fish On asserts that the Commission staff's evaluations of questions 16 and 17 and the Department's evaluations of the remaining questions fail to meaningfully incorporate justice, equity, diversity, and inclusion (JEDI) principles, overlooking power imbalances, demographic inequities, and the exclusionary history of MPA governance. They argue the evaluations narrowly interpreted impacts on users, did not apply JEDI and Coastal Fishing Communities policy considerations consistently, and failed to identify and elevate information gaps related to marginalized communities in Question 5 of the framework. The authors contend that the evaluations rely too heavily on "original intent" without acknowledging historical inequities, thereby missing an opportunity to advance environmental justice through adaptive management. (Exhibit 30)
- Azul argues that the Commission staff's evaluations of questions 16 and 17 and the Department's evaluations of the remaining questions inadequately applied the Commission's JEDI Policy, wrongly concluding that equity analysis was "not possible" and thereby defaulting to a status quo that has historically excluded Indigenous, subsistence, and communities of color from MPA decision-making. Azul contends that meaningful JEDI evaluation does not require perfect datasets and should incorporate lived experience, traditional knowledge, and qualitative equity metrics—tools the Department and Commission staff failed to develop or use. The letter also critiques the the dismissal of key JEDI commitments as "not relevant" and for not creating or applying the necessary evaluative frameworks, resulting in continued procedural inequities in the petition review process. (Exhibit 31)
- Four Bolinas residents partially support the Department's recommendation as it relates to petition 2023-32MPA's proposed SMR designation but they raise a need for local adaptive management framework, direct evidence of site-specific need, and a comprehensive cumulative impacts analysis for the boundary expansion proposals. (Exhibit 32)

Recommendation (N/A)

Exhibits

1. Department memo transmitting ten non-tribally led or co-led MPA petitions
2. Department evaluation for petition 2023-14MPA
3. Department evaluation for petition 2023-15MPA_AM
4. Department evaluation for petition 2023-16MPA
5. Department evaluation for petition 2023-18MPA
6. Department evaluation for petition 2023-23MPA_AM
7. Department evaluation for petition 2023-24MPA_AM
8. Department evaluation for petition 2023-27MPA_AM
9. Department evaluation for petition 2023-32MPA
10. Department evaluation for petition 2023-33MPA_AM
11. Department evaluation for petition 2023-34MPA
12. Department companion document for completed MPA petition evaluations
13. Department presentation
14. Letter from Jaime, Jason, and Matthew Diamond, Stardust Sportfishing, received March 30, 2026
15. Letter from Ken Franke, President, Sportfishing Association of California, received March 30, 2026
16. Letter from Larry Phillips, Pacific Fisheries Policy Director, American Sportfishing Association, received April 2, 2026
17. Email from Frank Ursitti, Owner, H&M Landing San Diego, received March 30, 2026
18. Joint letter from Allwaters PAC, Backcountry Hunters & Anglers, and the California Coastal Conservation Association, received 4/2/2026
19. Sample email from Rick Oefinger, President, Marina del Rey Sportfishing, Inc., received April 1, 2026
20. Email from Katie O'Donnell, Senior Ocean Conservation Manager, WILDCOAST, transmitting a joint letter from 31 organizations and two individuals, received April 2, 2026
21. Letter from Caitlynn Birch, Marine Scientist & Campaign Manager, Oceana, and Jennifer Savage, California Policy Associate Director, Surfrider, received April 2, 2026
22. Letter from Marine Conservation Institute, received March 31, 2026
23. Email from Eric Praske, received March 31, 2026
24. Email from Keith Rootsaert, Founder, Giant Giant Kelp Restoration, received April 2, 2026

25. Letter from Mike Beanan, Laguna Bluebelt Coalition, received April 2, 2026
26. Letter from Eryn Oelstrom, received April 1, 2026
27. Letter from Azsha Hudson, Marine Conservation Analyst, Environmental Defense Center, received April 1, 2026
28. Letter from Mollie Lounibos, Save Duxbury Access, received April 2, 2026
29. Letter from Rikki Eriksen, Informal MPA Scientific Working Group in California, received April 2, 2026
30. Letter from Anupa Asokan, Founder and Executive Director, Fish On, received April 2, 2026
31. Letter from Marcela Gutiérrez-Graudiņš, Founder & Executive Director, Azul, received April 2, 2026
32. Sample email from Rick Gordon, Bolinas resident, received March 22, 2026
33. Letter from Secretary Wade Crowfoot, Chair, California Ocean Protection Council, received March 20, 2026

Motion (N/A)

Signed original on file,
received March 20, 2026

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

MEMORANDUM

Date: March 20, 2026

To: Melissa Miller-Henson, Executive Director
California Fish and Game Commission

From: Craig Shuman
Marine Regional Manager

Subject: CDFW 2023 MPA Bin 2 Petition Evaluations for the Ten Non-Tribally-led Petitions

At its February 14-15, 2024, meeting, the California Fish and Game Commission (CFGC) referred 20 Marine Protected Area (MPA) petitions to the California Department of Fish and Wildlife (CDFW) for review, evaluation, and recommendation. Throughout 2024, CDFW implemented a 3-phased approach to evaluate MPA petitions which was supported by the Marine Resources Committee (MRC) and approved by CFGC in April 2024. The MRC considered CDFW's recommendations on 5 petitions (Bin 1) at the November 6-7, 2024, MRC meeting and CFGC adopted the recommendations at the December 11-12, 2024, CFGC meeting.

At the March 13, 2025, MRC meeting, CDFW presented the proposed timeline and process for the remaining 15 petitions (Bin 2). This included the development of an evaluation framework for the Bin 2 petitions and sorting the petitions into groups to facilitate subsequent petition discussions. CFGC approved the proposed timeline and process at their April 16-17, 2025, meeting. CDFW, with support from staff at CFGC and the Ocean Protection Council, developed the draft 2023 MPA Bin 2 Petition Evaluation Framework for the MRC's consideration at the July 16-17, 2025, meeting, which was approved by CFGC at their August 2025 meeting with minor modifications. CDFW has completed the Evaluations and Recommendations for the ten non-Tribally-led petitions (Attachments 2-11) as listed below. CDFW's recommendations on the ten non-Tribally-led petitions are based on petitions and amendments received as of March 2025. Additional changes, amendments and interested party engagements completed by petitioners after that date have not been considered as part of the evaluation and recommendations. CDFW recognizes that new information on these petitions may be available for CFGC consideration.

- 2023-14MPA: Modify take in 9 SMCAs to Allow Commercial Take of Sea Urchins
- 2023-15MPA-AM: Reclassify Footprint, Gull Island, and Santa Barbara Island SMRs to SMCAs to Allow Take of Highly Migratory Species
- 2023-16MPA: Reclassify Stewarts Point and Bodega Head SMRs to SMCAs to Allow Commercial Salmon Trolling
- 2023-18MPA: Modify Allowed Uses at Several Santa Barbara Channel MPAs and Special Closures: Vandenberg SMR, Kashtayit SMCA, and San Miguel and Anacapa Island Special Closures
- 2023-23MPA-AM: Modify Allowed Uses in Four Monterey Area MPAs, Create a New MPA, and Other Requests
- 2023-24MPA-AM: Expand Boundaries of Laguna Beach No-take SMCA
- 2023-27MPA-AM: Amend Existing Anacapa Island SMCA or Special Closure to Protect Eelgrass
- 2023-32MPA: Reclassify Duxbury Reef SMCA to an SMR and Expand the Southern and Northern Boundaries
- 2023-33MPA-AM: Expand Boundaries of Cabrillo, Natural Bridges, Point Conception, South Point, and Gull Island SMRs, Point Dume SMCA, and Add a New SMCA at Pleasure Point
- 2023-34MPA: Reclassify Point Buchon SMCA to an SMR and Limit Allowable Uses at Farnsworth Onshore and Offshore SMCAs to Recreational Spearfishing

CDFW also prepared a 2023 Decadal Management Review Marine Protected Area Petition Evaluation Companion Document (Companion Document; Attachment 1). The Companion Document should be read in advance of the petition evaluations as it includes supplemental information and additional context that is relevant for all the evaluations. The Companion Document includes a summary of CDFW's outreach to California Native American tribes and engagement with Tribally-led petitioners. CDFW plans to provide an update on the Tribally-led petitions at the Tribal Committee meeting on April 14, 2026.

If you have any questions or need more information, please contact me at r7regionalmgr@wildlife.ca.gov.

Attachment 1: CDFW's 2023 Decadal Management Review Marine Protected Area Petition
Evaluation Companion Document

Attachment 2: CDFW Evaluation and Recommendations for 2023-14MPA: Modify take in 9 SMCAs to Allow Commercial Take of Sea Urchins

Attachment 3: CDFW Evaluation and Recommendations for 2023-15MPA-AM: Reclassify Footprint, Gull Island, and Santa Barbara Island SMRs to SMCAs to Allow Take of Highly Migratory Species

Attachment 4: CDFW Evaluation and Recommendations for 2023-16MPA: Reclassify Stewarts Point and Bodega Head SMRs to SMCAs to Allow Commercial Salmon Trolling.

Attachment 5: CDFW Evaluation and Recommendations for 2023-18MPA: Modify Allowed Uses at Several Santa Barbara Channel MPAs: Vandenberg SMR, Kashtayit SMCA, and San Miguel and Anacapa Island Special Closures

Attachment 6: CDFW Evaluation and Recommendations for 2023-23MPA-AM: Modify Allowed Uses in Four Monterey Area MPAs, Create a New MPA, and Other Requests

Attachment 7: CDFW Evaluation and Recommendations for 2023-24MPA-AM: Expand Boundaries of Laguna Beach No-take SMCA

Attachment 8: CDFW Evaluation and Recommendations for 2023-27MPA-AM: Amend existing Anacapa Island SMCA or Special Closure to Protect Eelgrass

Attachment 9: CDFW Evaluation and Recommendations for 2023-32MPA: Reclassify Duxbury Reef SMCA to an SMR and Expand the Southern and Northern Boundaries

Attachment 10: CDFW Evaluation and Recommendations for 2023-33MPA-AM: Expand Boundaries of Cabrillo, Natural Bridges, Point Conception, South Point, and Gull Island SMRs, Point Dume SMCA, and Add a New SMCA at Pleasure Point

Attachment 11: CDFW Evaluation and Recommendations for 2023-34MPA: Reclassify Point Buchon SMCA to an SMR and Limit Allowable Uses at Farnsworth Onshore and Offshore SMCAs to Recreational Spearfishing

ec: Meghan Hertel, Director
California Department of Fish and Wildlife

Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Kevin Thomas, Deputy Director
Regional Operations

Nathaniel Arnold, Chief
Law Enforcement Division

Wendy Bogdan, General Counsel
Office of General Counsel

Claire Waggoner, Marine Region Habitat
Conservation Program Manager
Marine Region

Erica Mason, Statewide Marine Protected Area
Management Project Supervisor
Marine Region

Jenn Eckerle, Deputy Secretary for Ocean and
Coastal Policy Natural Resources Agency

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

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



I. PETITION SUMMARY

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

March 2026

II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

Note: If a change to the Marine Protected Area (MPA) regulations is not needed to address the proposed change, California Department of Fish and Wildlife (CDFW) did not evaluate the proposed change using the framework. However, CDFW may recommend an alternative pathway to achieving the desired outcome of the proposed change.

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

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes[1] (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with the CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

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

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

IV. PETITION EVALUATION

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-14MPA_1-9

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

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

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

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

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

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

RECOMMENDATION FOR 2023-14MPA_1-9

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

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

EVALUATION QUESTIONS

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

QUESTION 1: DOES THE PROPOSED CHANGE SUPPORT THE MPA NETWORK IN MEETING ONE OR MORE OF THE MLPA GOALS AND ALIGN WITH MPA MASTER PLAN ADAPTIVE MANAGEMENT OBJECTIVES?

No. The MLPA Goals and Master Plan objectives are inextricably linked and act as the foundational tools that CDFW utilizes for effective adaptive management of the MPA Network. Individual MPAs in the Network were not necessarily designed to address all six Goals of the MLPA but instead act as an important component of a functioning Network that was designed to holistically address the MLPA Goals as a whole. As such, CDFW has evaluated this action within the broader adaptive management framework and how the proposed action may or may not align with the MLPA Goals/Master Plan objectives and advance MPA Network management. See Question 1 of Attachment 1 for the MLPA Goals and Master Plan Objectives.

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

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

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

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

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

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

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

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

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

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

QUESTION 3: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING CFGC NON-MPA REGULATIONS, PERMITS, OR LEASES (E.G., KELP LEASES, AQUACULTURE LEASES, EXPERIMENTAL FISHING PERMITS)?

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

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

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

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

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

QUESTION 4: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING REGULATIONS, PERMITS, LEASES, OR MANAGEMENT ACTIVITIES OF ANY OTHER AGENCY OR ENTITY?

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

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

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

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

This list may not be exhaustive. The proposed change may have the potential to affect existing regulations, permits, leases, or management activities of Tribal governments, other agencies, and entities not identified here.

QUESTION 5: ARE THERE SIGNIFICANT INFORMATION GAPS THAT NEED TO BE FILLED TO INFORM THE EVALUATION OF THE PROPOSED CHANGE?

No. CDFW has sufficient information to evaluate and make a recommendation on this proposal. When evaluating this petition, CDFW reviewed the information in the petition as well as information including but not limited to:

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

CDFW reviewed the available information and did not find that it supports the petitioner's assertion that, "allowing commercial urchin fishing within the listed SMCAs will improve the sustainability of the urchin industry and may also support kelp recovery efforts endorsed by [CFGC, CDFW], and the Ocean Protection Council." The petition did not

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

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

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

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

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

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

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

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

No. The proposed change (e.g., commercial take of urchin) was not considered for any of the nine listed MPAs during the MLPA Initiative planning process. All nine MPAs were intended to achieve significant protection, either individually or as part of an MPA cluster, and thus commercial take allowances were not considered except in a few very limited cases where the take would not decrease overall protection.

> **QUESTION 7B:** IS THERE NEW INFORMATION AVAILABLE, CHANGING CONDITIONS SINCE THE MLPA IMPLEMENTATION PHASE, AND/OR INFORMATION PRESENTED IN THE DMR THAT WARRANTS REEVALUATION OF THE PROPOSED CHANGE?
>
> **No.** There is no information that has emerged since implementation of the MPA Network to support allowing commercial take of urchin in these MPAs.

QUESTION 8: IF THE PROPOSED CHANGE AFFECTS AN EXISTING MPA, DOES THE PROPOSED CHANGE ALIGN WITH THE ORIGINAL INTENT OF THE MPA IDENTIFIED DURING THE MLPA INITIATIVE PLANNING PROCESS OR THE IMPLEMENTATION PROCESS OF MPAS AROUND THE NORTHERN CHANNEL ISLANDS?

No. Allowing commercial take of urchin does not align with the original intent of any of the nine MPAs.

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

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

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

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

No. The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on the LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least nine square miles and meet one of the three highest LOPs (i.e., Very High, High, or Moderate-high) to contribute to ecological goals such as habitat replication and representation.

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

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

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

No. The proposed change would not align with the following Feasibility Guidelines: 'Take Regulations' guideline to "avoid allowing too many different uses." The change would add a different type and method of take (i.e., commercial take of urchin) to the MPA regulations for nine MPAs, which compromises enforceability of MPA regulations (see response to Question 11 regarding MPA regulation enforceability). See Question 10a of Attachment 1 for the CDFW Feasibility Guidelines.

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

No. There is no alternative that would allow the commercial take of urchin in the nine MPAs while also meeting the CDFW Feasibility Guidelines.

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

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

- Making it more difficult to discern if an activity is allowed when surveilling the MPA from afar,
- Increasing the potential for non-compliance with members of the public who observe the activity taking place in an MPA but are unfamiliar with the regulations.

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

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

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

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

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

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

QUESTION 14: DOES THE PROPOSED CHANGE PROVIDE MORE EQUITABLE ACCESS OPPORTUNITIES (E.G., FISHING, EDUCATIONAL, AND/OR OTHER RECREATIONAL OPPORTUNITIES) FOR TRADITIONALLY UNDERSERVED OR MARGINALIZED COMMUNITIES?

See Question 14 of Attachment 1.

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

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

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

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

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

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

See Question 16 of Attachment 1.

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

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

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

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

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

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

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

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

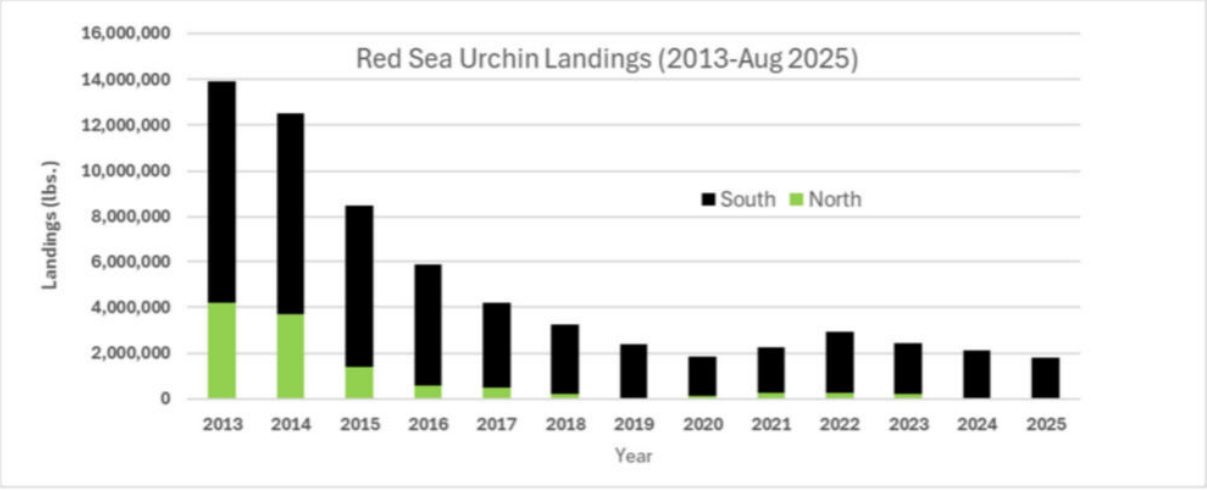


Figure 1. Statewide red sea urchin (*Mesocentrotus franciscanus*) annual landings (pounds of urchin) between 2013-2025. The north (green) and south (black) regions of the commercial fishery are demarcated by the Monterey and San Luis Obispo County line.

CITATIONS

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

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

Reclassify Footprint, Gull Island, and Santa Barbara Island SMRs to SMCAs to Allow Take of Highly Migratory Species (2023-15MPA_AM)



I. PETITION SUMMARY

CFGC Tracking Number	2023-15MPA_AM
Petition Contact/Affiliation	Blake Hermann
Number of Proposed Actions	3
Affected MPAs	Footprint SMR, Gull Island SMR, Santa Barbara Island SMR
Petition Summary	Reclassify three State Marine Reserves/Federal Marine Reserves (SMR/FMRs) in the Northern Channel Islands as State Marine Conservation Areas/Federal Marine Conservation Areas (SMCA/FMCAs) to allow use of Deep Set Buoy Gear (DSBG), pending the potential establishment of a DSBG fishery in state waters, commercial take of swordfish (*Xiphias gladius*) by harpoon, and one of six options representing various combinations of recreational and/or commercial take of highly migratory species (HMS) or pelagic finfish, and possession of coastal pelagic species (CPS). Petitioner includes options for partial reclassification of two of the three marine protected areas (MPAs) into inshore limited take or No-take MPAs/offshore limited take MPAs, with the portion of the existing MPA that extends into federal waters assuming the same regulations as the offshore portion in state waters. Target species and gear options proposed are intended to limit ecosystem impacts due to the selective nature of the fishing gear.
Link to StoryMap page	2023-15MPA_AM

CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

CALIFORNIA MARINE PROTECTED AREAS

March 2026

II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

Note: If a change to the Marine Protected Area (MPA) regulations is not needed to address the proposed change, California Department of Fish and Wildlife (CDFW) did not evaluate the proposed change using the framework. However, CDFW may recommend an alternative pathway to achieving the desired outcome of the proposed change.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-15MPA_1_AM2 Reclassify Footprint SMR/FMR to an SMCA/FMCA to allow use of DSBG, pending the potential establishment of a DSBG fishery in state waters; commercial take of swordfish by harpoon; and one of six options representing various combinations of recreational and/or commercial take of HMS or pelagic finfish by hook-and-line and/or spear, and possession of CPS (Table 1).	The petitioner's stated intent for the proposed change is that HMS and pelagic finfish, including swordfish, were not intended to be protected by this MPA, and that take of these species will provide economically beneficial sustainable commercial fishing opportunities while minimally impacting the ecosystem due to the selective nature of the gear.	**Deny petition actions 2023-15MPA_1_AM2, 2023-15MPA_2_AM2 and 2023-15MPA_3_AM2.** The proposed change, to reclassify Footprint SMR/FMR to an SMCA/FMCA to allow use of DSBG, commercial take of swordfish by harpoon, and various combinations of other recreational and/or commercial take, does not advance adaptive management recommendations from the Decadal Management Review or address a current or emerging MPA management challenge. Furthermore, the change would conflict with the original goals of these MPAs, create enforcement feasibility issues, and require coordination and a corresponding rulemaking with the National Oceanographic and Atmospheric Administration (NOAA) Channel Islands National Marine Sanctuary (CINMS). CINMS has not indicated to date to CDFW that protection level modifications appear needed in order to better support the goals established for these MPAs. There is not sufficient evidence to demonstrate that the proposed change would advance MPA adaptive management or that a change in MPA regulations is warranted.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-15MPA_2_AM2 Reclassify Gull Island SMR/FMR to an SMCA/FMCA, or partially reclassify into an onshore portion with stronger take protections and an offshore portion with fewer restrictions. Within at least the offshore area, allow use of DSBG pending the potential establishment of a DSBG fishery in state waters; commercial take of swordfish by harpoon; and one of six options representing various combinations of recreational and/or commercial take of HMS or pelagic finfish by hook-and-line and/or spear, and possession of CPS (Table 1).	See 2023-15MPA_1_AM2.	**Deny.** See 2023-15MPA_1_AM2.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-15MPA_3_AM2 Reclassify Santa Barbara Island SMR to an SMCA, or partially reclassify into an onshore portion with stronger take protections and an offshore portion with fewer restrictions. Within at least the offshore portion, allow use of Deep Set Buoy Gear (DSBG) pending the potential establishment of a DSBG fishery in state waters; commercial take of swordfish by harpoon; and one of six options representing various combinations of recreational and/or commercial take of HMS or pelagic finfish by hook-and-line and/or spear, and possession of CPS (Table 1).	See 2023-15MPA_1_AM2.	**Deny.** See 2023-15MPA_1_AM2.

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes[1] (tribes) throughout the petition process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with the CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

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

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

IV. PETITION EVALUATION

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-15MPA_1_AM2, _2_AM2, AND _3_AM2

The petitioner has requested that three SMRs/FMRs in the Northern Channel Islands (Footprint, Gull Island, and Santa Barbara Island SMRs/FMRs) be reclassified to allow take of select species. These No-take MPAs extend beyond the 3 nautical mile (nm) state waters boundary to the 6 nm CINMS boundary in federal waters. The purpose of these federal reserves within the CINMS is to "further the protection of Sanctuary biodiversity and to complement the state's marine reserves." However, the petitioner seeks to open these No-take MPAs to increase opportunities for take of HMS[2] (as defined in California Code of Regulations (Cal. Code Regs.), title (tit.) 14, § 1.49) and pelagic finfish[3] (as defined in Cal. Code Regs., tit. 14, § 632, subdivision (subd.) (a)(3)) including swordfish, using a variety of gear types intended to minimize impact to other species and habitats within the MPAs. The proposal also includes an allowance for possession of CPS[4] (Cal. Code Regs., tit. 14, § 1.49). The proposed change aims to address a number of problems stated by the petitioner. Firstly, the petitioner states that, "The problem created by [the MPAs established in the Northern Channel Islands in 2003] was the unintentional protection of seasonal pelagic and highly migratory species that migrate into Southern California in the summer months." The petitioner also asserts the proposed action to allow these activities would resolve, "a large conflict in these MPAs" related to commercially targeted swordfish that are, "legally taken" (i.e., hooked or harpooned) outside of an MPA but that may require gear retrieval within an MPA's boundaries due to movement by the fish and associated gear during the soak period. The petitioner further asserts that local naval closures result in limited and unpredictable fishing area availability in the Northern Channel Islands at any given time, which could be mitigated by providing access to areas that currently prohibit take (See response to Question 7b in the evaluation framework below for a complete list of concerns raised by the petitioner).

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[2] albacore, bluefin, bigeye, and yellowfin tuna (*Thunnus* spp.), skipjack tuna (*Katsuwonus pelamis*), dorado (dolphinfish) (*Coryphaena hippurus*), striped marlin (*Kajikia audax*), thresher sharks (common, pelagic, and bigeye) (*Alopias* spp.), shortfin mako shark (*Isurus oxyrinchus*), blue shark (*Prionace glauca*), and Pacific swordfish (*Xiphias gladius*)

[3] northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena* spp.), billfishes* (family *Istiophoridae*), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family Scombridae) including Pacific bonito (*Sarda chiliensis*), and yellowtail (*Seriola dorsalis*). *Within the billfish family, commercial take of marlin is prohibited.

[4] northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Doryteuthis opalescens*)

The petitioner's proposal for the Gull Island and Santa Barbara Island MPAs includes two alternatives: reclassifying the entire SMR as an SMCA, or establishing a new MPA cluster, with an onshore portion with stronger take protections (either a No-take SMR or a restrictive limited-take SMCA) and an offshore portion with fewer restrictions. The proposal for Footprint SMR/FMR does not include nearshore/offshore options, as it is in the channel between Santa Cruz and Anacapa Islands and thus does not border the mainland coast.

The petition proposes expanding opportunity within the new SMCAs by allowing use of deep-set buoy gear (DSBG), allowing commercial take of swordfish by harpoon, and selecting one of 6 options for other commercial and/or recreational take of HMS and pelagic finfish, as well as possession of CPS. Gear types would include hook and line, no-bottom contact hook and line, and/or spear (see Table 1 for all proposed options).

The petitioner also requests consideration of an allowance for DSBG inside the affected MPAs, pending any potential establishment of a DSBG fishery by the California Fish and Game Commission (CFGC). DSBG is currently not permitted for use in California state waters, except for an active experimental fishing permit (EFP) issued by CDFW which allows limited testing of DSBG by specific permit holders, including in the area around the Northern Channel Islands.

To facilitate analysis of the various options, CDFW distilled each variation of the petitioner's proposal into three proposed actions, Footprint (2023-15MPA_1_AM2), Gull Island (2023-15MPA_2_AM2), and Santa Barbara Island (2023-15MPA_3_AM2). CDFW evaluated the proposed actions as a whole because the analysis of redesignating all or portions of these SMR/FMRs to SMCA/FMCAs to allow commercial or recreational take of the proposed species (HMS/pelagic finfish, swordfish, plus CPS possession) using any of the proposed gear types (hook and line, no-bottom contact hook and line, spear, harpoon), is similar regardless of the particular location or variation considered. As redesignating the portions of the three SMR/FMRs that occur in federal waters is not within CFGC authority, CDFW focused the petition evaluation on proposed changes specified within state waters. In considering and weighing decisions to amend portions of the MPA Network around the Channel Islands, it is important to note the Islands MPAs were established through a joint state/federal community-based process, respective state and federal rule making processes with aligned MPA goals and regulations, and has been co-managed by the state, CINMS, and Channel Islands National Park.

Although the petitioner asserts the proposed options in the petition align with one or more of the MPA Master Plan objectives, CDFW's evaluation finds the petition (including all six options for the three affected SMR/FMRs):

- Is inconsistent with the goals of these MPAs as stated in the Northern Channel Islands MPA planning process,
- Does not align with the original intent of the MPAs,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

The petition proposal is inconsistent with the goals of these SMR/FMRs defined during the Northern Channel Islands MPA planning process, and these goals remain relevant today, including:

- To protect representative and unique marine habitats, ecological processes, and populations of interest; to identify and protect multiple levels of diversity (e.g. species, habitats, biogeographic provinces, trophic structure, and
- To set aside areas which provide physical, biological, and chemical functions (See NOAA 2007a and 2007b for goals of the Northern Channel Islands MPA planning process).

These SMR/FMRs were intentionally designed and placed with ecosystem-level protection objectives in mind. Although the Marine Reserves Working Group did not identify HMS and pelagic finfish, including swordfish, as species of interest or likely to benefit from MPAs during the Northern Channel Islands MPA planning process, the affected SMR/FMRs continue to offer refuge to individuals of these species when they are present and may be used for biological functions (e.g., swordfish basking).

Currently, Gull Island and Santa Barbara Island SMR/FMRs serve as part of the backbone of California's MPA Network, facilitating habitat and resource protection and ecological connectivity. Some of the proposed options would result in the current Level of Protection (LOP) being reduced from Very High to Moderate-low, which would result in these MPAs losing their status as habitat replicates. This has potential to compromise ecological connectivity objectives for the MPA Network, including between the Northern Channel Islands and the mainland coast. While the petitioner offers take options to allow these MPAs to maintain their replicate status (e.g., some inshore/offshore options), the MPAs would no longer offer the highest levels of protection or serve their designed function in the MPA Network as SMR/FMRs. All three MPAs and their No-take designations were expanded into federal waters in 2006 and 2007 by NOAA regulations cited in the Federal Register (See NOAA 2007b). Thus, redesignating these No-take MPAs as partial take MPAs in state waters would result in misalignment with regulations in the adjoining No-take FMRs. Redesignating the portions of the three MPAs that occur in federal waters is not within CFGC authority. Since the implementation of these MPAs, NOAA Sanctuaries has not indicated to CDFW that protection level modifications appear needed in order to

better support the goals established for these MPAs. The petition is currently under review by CINMS staff.

The petition proposal to partially or fully reclassify select Channel Island SMR/FMRs to SMCA/FMCAs is anticipated to present enforcement feasibility challenges due to increasing take regulation complexity combined with options for the inshore/offshore design. These proposed changes could cause public confusion about spatial, regulatory, and user group differences in allowed uses in the proposed near-shore and offshore areas, leading to greater accidental or intentional non-compliance and copycat behavior.

Regarding the petitioner's request for CFGC to consider an allowance for DSBG inside the state waters of the affected SMR/FMRs, there is no current process underway to broaden the use of DSBG to state waters beyond the currently active EFP, so such an allowance would be premature.

RECOMMENDATION FOR 2023-15MPA

Given these considerations, and the information in the evaluation below, **CDFW recommends CFGC DENY the petition**, including proposed changes:

- **2023-15MPA_1_AM2**, reclassify Footprint SMR to SMCA,
- **2023-15MPA_2_AM2**, reclassify all or portions of Gull Island SMR to SMCA, and
- **2023-15MPA_3_AM2**, reclassify all or portions of Santa Barbara Island SMR to SMCA.

EVALUATION QUESTIONS

2023-15MPA_1_AM2, _2_AM2, and _3_AM2: Reclassify three Channel Island SMRs to SMCAs, or reclassify portions into inshore/offshore (limited take or No-take/limited take) MPAs, to allow one of six options representing various combinations of recreational and commercial take of highly migratory species (HMS), possession of coastal pelagic species (CPS), and recreational and/or commercial take of pelagic finfish, using various gear types, including deep-set-buoy-gear.

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 Marine Life Protection Act (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 MPA Network management. See Question 1 of Attachment 1 for the MLPA Goals and Master Plan objectives.

Although the petitioner asserts the proposed actions would align with the MLPA Goals and MLPA Master Plan, in the broader adaptive management framework, the proposed change would not advance management of the MPA Network. As part of California's MPA Network, the three MPAs affected by the proposed changes are intended to meet several MLPA Goals that are still relevant today, including:

- Footprint SMR: Goals 1, 2, and 5,
- Gull Island SMR: Goals 1, 2, 5, and 6, and
- Santa Barbara Island SMR: Goals 1, 2, 5, and 6

Although HMS and swordfish stocks were not identified as species of interest or likely to directly benefit from directly MPAs due to their high mobility and large geographic ranges, the affected SMR/FMRs currently offer refuge to individuals of these species when they are present and may be used for biological functions (e.g., swordfish basking). These SMR/FMRs were intentionally designed and placed with ecosystem-level protection objectives in mind.

Currently, Gull Island and Santa Barbara Island SMR/FMRs are habitat replicates within the backbone of California's MPA Network, facilitating habitat and resource protection and ecological connectivity. Some of the proposed options have the potential to compromise ecological connectivity objectives for the MPA Network, which includes connectivity between the Northern Channel Islands and the mainland coast. Thus, the impact of the proposed changes to these SMR/FMRs has the potential to be greater than the take of HMS and pelagic finfish alone. While the petitioner offers some take options to allow these MPAs to maintain their replicate status (e.g., nearshore limited take zones), they would no longer offer the highest levels of protection or serve their designed function in the MPA Network as SMRs/FMRs. Additionally, they would no longer be aligned with the FMR goals.

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

No. None of the options the petitioner proposes advance adaptive management recommendations from the Decadal Management Review (DMR). See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management Recommendations.

The petitioner cites several DMR Recommendations to justify allowing fishing for HMS and pelagic finfish within the affected SMR/FMRs, characterizing this activity as now being realized as, "low impact." During the planning process, MPAs were acknowledged as not being as suitable for the protection of species that are highly mobile with large geographic ranges. However, the affected SMR/FMRs were intentionally established as No-take areas to meet MLPA Goals around ecosystem-level protection and thus, HMS and pelagic finfish are protected in these MPAs when present. While selective pelagic fishing gear may reduce direct MPA impacts, the affected SMR/FMRs were sited through extensive ecological and socioeconomic analysis and fishery stakeholder input. The petitioner's rationale for introducing pelagic fishing does not offer new information resulting from the DMR or outweigh the foundational design principles of these No-take MPAs to warrant the proposed change, and thus, would not advance MPA adaptive management recommendations.

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. The petitioner's stated intent for the proposed change is, "The problem created by [the MPAs established in the Northern Channel Islands in 2003] was the unintentional protection of seasonal pelagic and highly migratory species that migrate into Southern California in the summer months," which is not a current or emerging MPA management challenge.

The petitioner also asserts the proposed action to allow these activities would resolve, "a large conflict in these MPAs" related to commercially targeted swordfish that are, "legally taken" outside of an MPA but that may require gear retrieval within an MPA's boundaries due to movement by the fish and associated gear during the soak period. This is also not a current or emerging MPA management challenge (see response to Question 7b for more details).

See response to Question 1 regarding the goals that these MPAs are designed to meet and response to Question 8 for additional information on the background and intended purpose of these MPAs.

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. However, the petition proposal includes a request for CFGC to consider an allowance for DSBG inside the state waters of the affected SMR/FMRs, pending any potential establishment of a state DSBG fishery by CFGC. DSBG is currently not permitted for use in California state waters. There is an active EFP issued by CDFW which allows limited testing of DSBG by specific permit holders, including in the area around the Northern Channel Islands (CDFW 2025). Though it is possible that this gear type may be allowed in state waters in the future, at this time it is unclear if and when CFGC might allow use of DSBG in state waters beyond the EFP.

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 three affected SMR/FMRs extend into federal waters. Following the Northern Channel Islands MPA designation process, the state of California collaborated with NOAA to extend some of the MPAs inside of CINMS into federal waters (Fig. 1). By design, these federally designated protected areas maintain consistent regulations with the state portions of the MPAs. Redesignating the portions of the three MPAs that occur in federal waters is not within CFGC authority. Since the implementation of these MPAs, NOAA Sanctuaries has not indicated to CDFW that protection level modifications appear needed in order to better support the goals established for these MPAs. NOAA Sanctuaries is currently reviewing the petition.

The three affected SMR/FMRs are inside and co-managed with CINMS and Channel Islands National Park, both of which are federally administered. Implementation of the proposed changes would require consultation and coordination with federal authorities and would likely affect their management activities.

Regarding the petition's proposal to include DSBG as a fishing gear option within the affected SMR/FMRs, DSBG is already permitted in federal waters for those with federal HMS permits outside of MPAs, though there are additional endorsements and permits also required.

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

- The California Environmental Quality Act documents that accompanied the original rulemaking establishing these MPAs (CDFG 2002a, CDFG 2002b),
- History of the Community-Based Process on Marine Reserves at the Channel Islands National Marine Sanctuary 1999-2001 (MRWG 2002),
- NOAA's Final Environmental Impact Statement for the Establishment of Marine Reserves and Marine Conservation Areas in the Channel Islands National Marine Sanctuary (NOAA 2007a),
- NOAA's final rule on the marine reserves inside Channel Islands National Marine Sanctuary (NOAA 2007b),
- The DSBG EFP conditions (CDFW 2025), and
- Internal consultation with CDFW's Marine Enforcement District on the feasibility complications that this proposed change would introduce.

Though the petitioner provided extensive supplementary information with their petition, this information, along with other information CDFW reviewed, did not demonstrate that the proposed change 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?

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 the 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?

No. None of the options proposed by the petitioner were considered during the Northern Channel Islands MPA planning process. There were some proposals which did not include an MPA at Santa Barbara Island, and that area would have therefore been open to fishing as proposed in this petition (other than use of DSBG). However, in all alternatives where MPAs were considered at these sites, only SMRs were considered. None of the sites in the petition's proposal were considered for partial take SMCAs.

Following the initial proposal for the Northern Channel Islands MPAs, both the recreational and commercial fishing stakeholders returned a prioritized list of adjustments to that proposal. None of the options proposed by this petitioner were listed in the high priority requests by either group during this planning process.

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. CDFW recognizes that the petitioner has worked to assemble a significant volume of information in their petition and provided their rationale to consider reevaluation of the SMRs discussed. However, the information presented does not support a recommendation to grant the proposed changes in the petition. The petitioner's stated reasons and CDFW's response follows:

- According to the petitioner, since implementation, research has shown that species discussed in the petition likely do not significantly benefit from state spatial protections, as their ranges are so large and these species are so mobile that state protected areas represent a small portion of their habitat.
    - During the Northern Channel Islands MPA planning process, it was acknowledged and recognized that MPAs should not be designed to protect highly mobile species because MPAs could not be designed large enough to capture their seasonal movement patterns and large geographic ranges. Thus, areas selected and placed for No-take protection, in which ecosystem-level protection was desired, were intended to offer the highest protection to the habitat, invertebrates, and fishes with smaller home ranges.
    - Although HMS and swordfish stocks were not identified as species of interest or likely to directly benefit from MPAs due to their high mobility and large geographic ranges, the affected SMR/FMRs currently offer refuge to individuals of these species when they are present and may be used for biological functions (e.g., swordfish basking).
    - HMS and pelagic finfish may receive benefits from marine reserves even if they spend more time outside than inside marine reserves. HMS and pelagic finfish fulfill an ecosystem role within marine reserves as predators on and forage for other species. Such species may benefit from fully protected zones if their prey is concentrated in a given area or if the zones include breeding, aggregating or resting grounds. Scientific research suggests that pelagic species gather in certain spots (usually banks or ridges), particularly during critical life cycle stages. Maintaining marine reserves in these areas is beneficial as the number and size of pelagic

animals in the food web dictates what other organisms thrive or decline (NOAA 2007a).

- According to the petitioner, limited take of pelagic finfish is unlikely to negatively impact the species that each SMR, "aims to protect" (such as species of interest identified as important for each MPA in the original California Environmental Quality Act document for the project).
    - The petition proposes the use of gear types that are selective to the target species, including options for no-bottom contact hook and line. While these gear types are intended to minimize fishing impacts within the affected SMRs, the Northern Channel Islands MPA planning process, after careful consideration of socioeconomic impacts and incorporating recommendations from commercial and recreational fishing stakeholders, established these areas with the intention they would prohibit all take. This included the recognition that the MPAs would also serve to benefit depleted groundfish stocks and other species of concern at the time.
    - Per NOAA's Final Environmental Impact Statement (FEIS) concerning adopting these MPAs into federal regulation: allowing the take of pelagic species does not fully meet the goals of NOAA's action adopting these MPAs. See section 3.1.2.2 of the FEIS for a discussion on the impacts of limited take (NOAA 2007a).
- The petitioner states that the proposal would result in more equal representation of MPA types across the state (the statewide MPAs established during the MLPA Initiative planning process have a higher proportion of SMCAs than the set of MPAs established during the Northern Channel Islands MPA planning process).
    - Equal representation of MPA types across the state is not an adaptive MPA management goal. Having a higher portion of SMRs within CINMS relative to the overall Network is commensurate with a nationally and internationally recognized biologically significant area containing sensitive species and habitats.
    - Per NOAA's FEIS from when these MPAs were adopted: Marine conservation areas will not achieve the purpose and goals of the action as well as marine reserves. See sections 3.1.2.2 and 5.1.1.1 of the FEIS for more discussion on the ecological value of marine reserves compared to marine conservation areas (NOAA 2007a).
- The petitioner perceives the proposed changes to align with prior MPA management documents and processes, such as the MLPA Goals and the DMR.

  - The petition's proposal does not align with the Goals of the MLPA or the DMR Recommendations. See responses to Questions 1 and 2 for a more in-depth explanation of why not.
- The petitioner believes the proposal would support sustainable fisheries and further develop the local and state economy.
  - While MPAs may offer benefits to fisheries, specific measures intended to support sustainable fisheries should be addressed through updates to fishery management rather than revising MPA regulations. Furthermore, the marginal increase in catch that might result from the proposed change is not expected to impact sustainability or enhance the local or state economy in a measurable way.
- According to the petitioner, the proposed changes will provide streamlined regulations that are reasonably enforceable.
  - The proposed change would increase regulatory complexity, not simplify regulations, and as such, would not improve enforceability. See responses to Questions 11 and 12 for a more in-depth explanation of why not.
- The petitioner identifies concerns about commercial swordfish anglers being penalized for gear retrieval within an MPA due to a "legally taken fish" moving from outside to inside an MPA's boundaries during the soak period and resulting in punitive consequences or wasted fish.
  - A fish that is hooked or harpooned outside the MPA and ultimately retrieved inside the MPA is not 'legally taken.' 'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code § 86). Hauling a fish and associated gear aboard is part of the catching or capturing process and therefore qualifies as take. By letter of the law, even if a swordfish is hooked or harpooned outside of the MPA and then the vessel, gear and fish drift into the MPA while it is being hauled in, it technically is a violation of the regulation. On the rare occasion that this occurs, CDFW's Marine Enforcement District (MED) will investigate the incident and determine whether to issue a citation to the individual or to give a warning to the person based on all of the evidence, statements, and facts on hand. If regulations allowed for take of swordfish outside of an MPA, and subsequently allowed those taking the fish to drift inside of the MPA while they are hauling in the fish, this would weaken MED's ability to enforce MPA regulations because it would be impossible to distinguish those that drifted in from those who are deliberately taking inside an MPA and thus hiding behind such an exemption. The conflict the petitioner describes results from a misunderstanding of the regulation, not from misapplication of law enforcement. This can be resolved without an MPA

regulation amendment by fishery participants changing the location of where they fish.

- If only gear and no fish were retrieved, having gear or lines in the water and terminal tackle attached to those lines is considered an attempt to hunt, pursue, catch, capture, or kill and therefore qualifies as take. If gear targeting fish is retrieved within a No-take MPA, that is also technically a violation of the regulation, even if no fish were retrieved.

- According to the petitioner, localized U.S. Navy closures result in limited and unpredictable fishing area availability in the Northern Channel Islands at any given time.
  - This is not an MPA management issue.
  - While any impact may seem significant for those who experience it, NOAA's economic analysis conducted for their FEIS determined that the socioeconomic impact to fisheries from NOAA's action would be minimal (NOAA 2007a).

For these reasons, opening the affected SMR/FMRs to take of HMS and pelagic finfish including swordfish is not an appropriate means of addressing the petitioner's stated problem. Additionally, there is not sufficient evidence to demonstrate that the proposed change would advance MPA adaptive management or that a change in MPA regulations is warranted.

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. None of the options for proposed changes align with goals identified during the Northern Channel Islands MPA planning process. According to the planning documents, the biodiversity goal of the process was, "to protect representative and unique marine habitats, ecological processes, and populations of interest" (MRWG 2002). An objective under that goal was to set aside areas which provide physical, biological, and chemical functions. The petitioner identifies the Footprint SMR specifically as a calm area in the lee of Santa Cruz Island where basking swordfish are more easily sighted. Calm waters allow swordfish to partake in basking behavior (Sepulveda et al. 2010), which suggests these species may use these areas for biological functions and benefit from protection.

The affected SMR/FMRs were intentionally established as No-take areas to meet MLPA Goals around ecosystem-level protection; HMS and pelagic finfish are protected in these MPAs when present, and thus, the proposed change would conflict with the foundational objectives for these areas.

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

No. The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team and outlined in the MLPA 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 Level of Protection (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.

Footprint SMR does not currently meet the minimum size criterion. None of the proposed options would increase its size, and all would decrease its LOP by reclassifying it from an SMR to an SMCA. As a result, implementation of any option would not improve the design of Footprint SMR or the MPA Network, nor would it enhance alignment with the MLPA Science Guidelines, and thus, does not warrant a change.

Santa Barbara Island and Gull Island SMRs currently serve their designed function as habitat replicates. The proposed change under Options 1-4, without the inshore SMR/offshore SMCA, would lower the level of protection from Very High to Moderate-low, meaning they would no longer meet the minimum requirements to serve their designed connectivity role within the Network as habitat replicates. Such a change would decrease habitat replication and representation, increase spacing between habitat types, and undermine the design of these individual MPAs and the overall MPA Network.

The proposed change under Options 1-4, with the inshore SMR/offshore SMCA, would divide each of the two SMRs into an inshore SMR with a Very High LOP and an offshore SMCA with a High LOP. Options 5 and 6 would convert both SMRs to SMCAs with High LOPs. Although these options would result in the MPAs maintaining their habitat replicate status, the MPAs would no longer provide the highest LOP or serve their intended function in the MPA Network as SMRs. Therefore, implementation would not improve the design of these individual MPAs or the MPA Network, nor would it enhance alignment with the MLPA Science Guidelines.

See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context. See Table 2 for more information on the protection level and habitat representation in each of these MPAs.

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

No. The options proposed in this petition would not align with Feasibility Guidelines related to enforceability. Feasible take regulations avoid precluding, “some uses while allowing other uses that are very similar" (e.g., allowing only take of HMS or pelagic finfish by a take method that can also be used for other species) and, "those which prohibit very specific gear types that must be checked on the water" (e.g., prohibited "bottom-contact gear" options).

The inshore SMR/offshore SMCA options conflict with MPA cluster orientation feasibility, "MPA clusters oriented in an alongshore fashion (stacked north/south) are preferred compared to inshore/offshore orientation." They also deviate from the MPA design guidance under “Multiple Zoning” to, “avoid having areas split to allow for different uses in different portions of an MPA.” 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 any of the options presented in the petition or an alternative.

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

No. None of the options presented in the petition maintain or improve enforceability of MPA regulations. Each proposed alternative adds another type and method of take to otherwise No-take MPAs and in some cases, incorporates an inshore/offshore design, which compromises enforceability of these 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.

Transitioning a third of the Channel Islands MPA Network to partial-take marine conservation areas is expected to intensify existing enforcement challenges, increasing operational costs and reducing the capacity to maintain oversight across the entire network. This is complicated by the potential for differing regulations in state and federal

waters, should CFGC and NOAA make different decisions about granting any of the changes proposed by this petition. The Channel Islands network of MPAs was intentionally designed to reduce complexity (NOAA 2007a). This includes the seamless and consistent marine zoning regulations between state and federal waters.

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

No. All options proposed in this petition would change the intent of all affected SMR/FMRs and would complicate both regulatory language and public understanding. Adding MPA regulatory language for existing No-take MPAs to include specific gear types for different species is inherently more complicated than disallowing all take.

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

No. All options proposed would reduce protection of marine resources by redesignating all or portions of the affected No-take SMR/FMRs to SMCA/FMCAs to allow commercial and/or recreational take of one or more of the following species groups: HMS, pelagic finfish (including swordfish), plus possession of CPS. Although these may not be the primary species benefitting from these MPAs, as they are highly mobile and have large geographic ranges, the affected SMR/FMRs offer refuge when they are present in the area. See response to 7b for more details on the ecological role of these species relevant to MPAs.

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 in Attachment 1.

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

Yes. All options proposed would increase the available area accessible within CINMS to commercially and/or recreationally fish for one or more of the following species groups: HMS, pelagic finfish (including swordfish), plus possession of CPS. These consumptive uses would therefore likely increase in these areas. However, the amount of area that would be accessible within the broader Southern California Bight in which the desired species inhabit, and where the fisheries occur, would be less than 1%. Fishing for swordfish and other pelagic and highly migratory species is currently allowed in over 80% of CINMS (data provided by NOAA Sanctuaries staff).

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 proposed change would increase fishing access, particularly for pelagic fishing participants and the associated coastal fishing communities of:

- Ventura Harbor and Channel Islands Harbor
- Port of Los Angeles (San Pedro)
- Santa Barbara

These communities are between ~20 nm and ~64 nm from individual areas of proposed change. See Question 17 of Attachment 1 for additional context on CFGC's response.

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

Yes. This proposed change would interact with 2023-33MPA_4, which proposes to expand the Gull Island SMR/FMR and maintain its No-take status. Thus, the proposed change to allow partial take in the Gull Island SMR/FMR is in direct conflict with proposed changes in 2023-33MPA_4.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

Table 1. The six options proposed by the petitioner for various gear types to be used for combinations of recreational and/or commercial take of HMS or pelagic finfish and possession of CPS. All of these options assume that the relevant MPA will be partially or fully reclassified from an SMR/FMR to an SMCA/FMCA. Proposed take regulations are assumed to apply to the SMCA portion of any proposal. All proposals include a request for commercial take of swordfish by harpoon. The petitioner also requests an allowance for use of DSBG inside these potential SMCAs, pending the establishment of DSBG fishery in state waters, separately from and without regard to these six options.

Options	Recreational Take: Pelagic Finfish	Recreational Take: HMS	Commercial Take: Pelagic Finfish	Commercial Take: HMS	CPS
1	Hook and line, spear	N/A	Hook and line	N/A	N/A
2	N/A	Hook and line, spear	N/A	Hook and line	Possession
3	Hook and line, spear *no bottom contact	N/A	Hook and line *no bottom contact	N/A	N/A
4	N/A	Hook and line, spear *no bottom contact	N/A	Hook and line *no bottom contact	Possession
5	Spear	N/A	N/A	N/A	N/A
6	N/A	Spear	N/A	N/A	N/A

Table 2. MPA attributes (area, LOP, depth range, and habitat extent) of the existing Footprint, Gull Island, and Santa Barbara Island SMRs as referenced in petition 2023-15MPA. 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 Science Advisory Team (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).

	Footprint SMR	Gull Island SMR	Santa Barbara Island SMR
MPA Area (sq mi)	7.05	**19.93**	**12.77**
Level of Protection	**Very High**	**Very High**	**Very High**
Min Depth (m)	49.3	0	0
Max Depth (m)	534.5	698.1	588.6
Eelgrass (sq mi)	—	—	—
Kelp (mi)	—	**3.11**	1.04
Beach (mi)	—	**2.29**	0.15
Rocky Intertidal (mi)	—	**1.89**	**1.03**
Estuaries (sq mi)	—	—	—
Hard Substrate			
0-30 m (mi)	—	**2.18**	0.04
30-100 m (sq mi)	0.10	0.14	0.11
100-200 m (sq mi)	**0.16**	**0.17**	0.02
>200 m (sq mi)	**0.23**	**2.09**	—
Soft Substrate			
0-30 m (mi)	—	**2.79**	**1.24**
30-100 m (sq mi)	1.05	**3.89**	1.63
100-200 m (sq mi)	**1.53**	**3.36**	0.46
>200 m (sq mi)	**3.59**	**7.40**	0.04

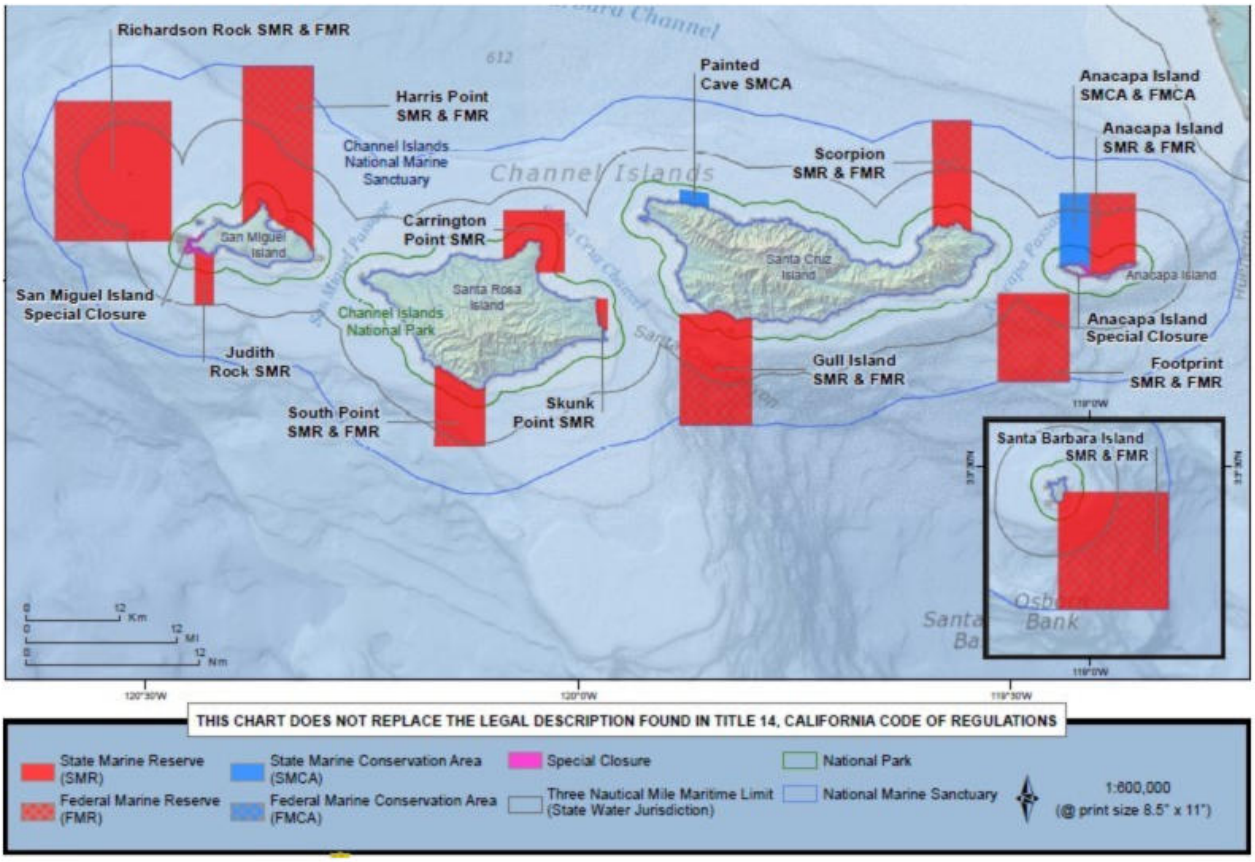


Figure 1. Map of the Northern Channel Islands showing state and federal MPAs.

CITATIONS

California Department of Fish and Game (CDFG). 2002a. Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary, vol. I.

California Department of Fish and Game (CDFG). 2002b. Environmental Document: Marine Protected Areas in the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary, vol. II.

California Department of Fish and Wildlife (CDFW). 2025. Marine Fisheries: Experimental Fishing Permit No. EFPT3-001.

Marine Reserves Working Group (MRWG). 2002. History of the Channel Islands Marine Reserves Working Group Process.

National Oceanic and Atmospheric Administration (NOAA). 2007a. Channel Islands National Marine Sanctuary Final Environmental Impact Statement for the Establishment of Marine Reserves and Marine Conservation Areas.

National Oceanic and Atmospheric Administration (NOAA). 2007b. Establishment of Marine Reserves and a Marine Conservation Area Within the Northern Channel Islands National Marine Sanctuary. Federal Register 72:100 29208-29235.

Sepulveda, C.A., Knight, A., Nasby-Lucas, N., and M.L. Domeier. 2010. Fine-scale movements of the swordfish *Xiphias gladius* in the Southern California Bight. *Fisheries Oceanography* 19:4 279-289. DOI: 10.1111/j.1365-2419.2010.00543.x.

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

Reclassify Stewarts Point and Bodega Head SMRs to SMCAs to Allow Commercial Salmon Trolling (2023-16MPA)



I. PETITION SUMMARY

CFGC Tracking Number	2023-16MPA
Petition Contact/Affiliation	Richard Ogg, Bodega Bay Fisherman's Marketing Association
Number of Proposed Actions	2
Affected MPAs	Stewarts Point and Bodega Head SMRs
Petition Summary	Reclassify Stewarts Point and Bodega Head State Marine Reserves (SMRs) to State Marine Conservation Areas (SMCAs) to allow commercial take of salmon (*Oncorhynchus* spp.) by trolling.
Link to StoryMap page	2023-16MPA

March 2026

II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

Note: If a change to the Marine Protected Area (MPA) regulations is not needed to address the proposed change, the California Department of Fish and Wildlife (CDFW) did not evaluate the proposed change using the framework. However, CDFW may recommend an alternative pathway to achieving the desired outcome of the proposed change.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-16MPA_1: Reclassify Stewarts Point SMR to an SMCA to allow commercial take of salmon by trolling.	The petitioner's stated intent for the proposed change is, "The existing Marine Protection Areas (MPAs) create problematic fishing practices by creating obstacles to efficient trolling around Bodega Head and Stewarts Point Reserves, forcing inefficient fishing and preventing access to otherwise productive trolling grounds."	**Deny.** The proposed change to reclassify Stewarts Point and Bodega Head SMRs to SMCAs to allow commercial take of salmon by trolling does not advance adaptive management recommendations from the Decadal Management Review or address a current or emerging MPA management challenge. Further, the change would conflict with the original goals of these MPAs, create enforcement feasibility issues, and potentially introduce additional impacts through incidental take of groundfish. There is not sufficient evidence to demonstrate that the proposed change would advance MPA adaptive management or that a change in MPA regulations is warranted.
2023-16MPA_2: Reclassify Bodega Head SMR to an SMCA to allow commercial take of salmon by trolling.	See 2023-16MPA_1	**Deny.** See response for 2023-16MPA_1.

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes[1] (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

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

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

IV. PETITION EVALUATION

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-16MPA_1 & 2023-16MPA _2

The petitioner has requested that two SMRs on the north coast, Stewarts Point and Bodega Head, be redesignated to SMCAs to allow commercial trolling for salmon. The petitioner seeks to open these MPAs to salmon trolling to provide the commercial salmon fleet with more fishing opportunities to maintain economic viability. The proposed change aims to address the petitioner's stated problem, "The existing Marine Protection Areas (MPAs) create problematic fishing practices by creating obstacles to efficient trolling around Bodega Head and Stewarts Point Reserves, forcing inefficient fishing and preventing access to otherwise productive trolling grounds." Although the petitioner asserts the proposed actions align with one or more of the Master Plan objectives, CDFW's evaluation finds the proposal:

- Is inconsistent with the goals of these MPAs, as defined during the Marine Life Protection Act (MLPA) Initiative planning process,
- Does not align with the original intent of the MPAs,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

The proposed change is inconsistent with the goals of these MPAs defined during the MLPA Initiative planning process and presented to the California Fish and Game Commission (CFGC) when the resulting MPAs were adopted into regulation. These goals remain relevant today, including protecting or rebuilding populations of rare, threatened, endangered, depressed, depleted, or overfished species. Although salmon are not the primary beneficiary of these SMRs, the SMRs currently offer protection to salmon when they are present in these waters.

Currently, Stewarts Point and Bodega Head SMRs serve as part of the backbone of California's MPA Network, facilitating habitat and resource protection and ecological connectivity. Although commercial trolling for salmon offers a High Level of Protection (LOP) and thus, would not impact either MPA's status as a replicate, these MPAs would no longer offer the highest levels of protection (i.e., Very High LOP) or serve their designed function in the MPA Network as SMRs. The proposed changes to Stewarts Point and Bodega Head SMRs would likely have impacts extending beyond the commercial harvest of salmon because of potential incidental take associated with salmon trolling. Although all other species taken must be immediately returned to the water in the SMCA, there may be incidental take of groundfish species such as yellowtail rockfish (*Sebastes flavidus*) and lingcod (*Ophiodon elongatus*) due to unintentional mortalities resulting from interacting with fishing gear.

Salmon populations continue to face a multitude of natural and anthropogenic stressors that are affecting their population and fishery stocks. Commercial ocean salmon fishing has remained closed since 2023 along the entire California coast in state and federal waters to allow populations to rebuild. In the future, if the federal regulations (Title 50 Code of Federal Regulations (C.F.R) § 660.334) and state regulations (California Code of Regulations (Cal. Code Regs.), title (tit.) 14 § 182) are changed to reopen commercial salmon fishing, the proposed change to the MPA regulation would not address the petitioner's concern or have the desired outcome. Expanding commercial salmon fishing opportunities is fundamentally a fishery management issue and would not be effectively addressed using MPA adaptive management.

The proposed change to redesignate SMRs to SMCAs is anticipated to present enforcement feasibility challenges due to increasing regulation complexity.

RECOMMENDATION FOR 2023-16MPA_1 & _2

Given these considerations, and the information in the evaluation below, **CDFW recommends CFGC DENY both petition actions**:

- **2023-16MPA_1**, Reclassify Stewarts Point SMR to SMCA to allow commercial take of salmon by trolling, and
- **2023-16MPA_2**, Reclassify Bodega Head SMR to SMCA to allow commercial take of salmon by trolling.

EVALUATION QUESTIONS

2023-16MPA_1 & 2023-16MPA _2: Reclassify Stewarts Point and Bodega Head SMRs to SMCAs to allow commercial take of salmon by trolling.

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

Although the petitioner asserts the proposed actions align with one or more of the Master Plan objectives, the proposed change would not advance management of the MPA Network. The two proposed affected MPAs were designed to meet several MLPA Goals that are still relevant today:

- Bodega Head SMR, Goals 1, 2, 3, and 5.
- Stewarts Point SMR, Goals 1, 2, 3, and 5.

The proposed change to allow commercial salmon trolling is inconsistent with the goals of these MPAs as defined during in the MLPA Initiative planning process. These include, in part, "to protect ecosystem structure, function, integrity and ecological processes to facilitate recovery of natural communities from disturbances both natural and human induced," and, "to protect or rebuild populations of rare, threatened, endangered, depressed, depleted, or overfished species, where identified, and the habitats and ecosystem functions upon which they rely." These goals are still relevant today.

Granting this petition to allow commercial salmon trolling in these SMRs runs counter to current state and federal management activities for these species. This is particularly true for Coho salmon (*Oncorhynchus kisutch*) on the northern California coast and California coastal Chinook salmon (*Oncorhynchus tshawytscha*), both of which are currently listed as threatened under the California Endangered Species Act. Although salmon were not identified as key species likely to benefit from MPA protection within the North Central Coast Study Region, as important forage species, salmon can benefit local ecosystem function through their protection (MLPA 2005). Additionally, MPAs offer direct benefits to salmon near river mouths where salmon are aggregated when they return to spawn upriver (e.g., Stewarts Point SMR).

Both SMRs maintain the highest level of protection and serve as part of the backbone of California's MPA Network, facilitating habitat and resource protection and ecological connectivity. The commercial ocean salmon fishery was closed in 2025 for the third consecutive year from the Oregon/California Border to the U.S./Mexico Border in both state and federal waters (PFMC 2025). When the salmon closure is lifted, the proposed change to allow commercial trolling for salmon in these SMRs would likely lead to some incidental take (e.g., groundfish). Thus, the potential impact of the proposed change to these SMRs would be greater than the commercial take of salmon alone.

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

No. The proposed change does not advance adaptive management recommendations from the Decadal Management Review.

See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management recommendations.

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

The proposed change does not address a current or emerging MPA management challenge. The petitioner's stated intent for the proposed change is, "The existing Marine Protection Areas (MPAs) create problematic fishing practices by creating obstacles to efficient trolling around Bodega Head and Stewarts Point Reserves, forcing inefficient fishing and preventing access to otherwise productive trolling grounds." While CDFW acknowledges that these MPAs do require salmon trollers to stay outside their borders while fishing, transiting through these areas while not fishing is allowed. In addition, Bodega Head and Stewarts Point SMRs currently offer protection to salmon when they are present in these waters.

See response to Question 1 regarding the goals that these MPAs meet and Question 8 for additional information on the history, background, and purpose of these MPAs.

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. Although CFGC would not have to make conforming changes to other state regulations, this proposed change would interact with other state and federal regulations if CFGC chooses to grant this petition.

CFGC commercial salmon fishing regulations (Cal. Code Regs. tit. 14, § 182) are adopted to conform with federal commercial salmon regulations in California state waters. As of 2025, commercial ocean salmon fishing, which is federally regulated, remained closed for the third year in a row from the Oregon/California Border to the U.S./Mexico Border in state and federal waters. A regulatory change creating an allowance in these MPAs when salmon is closed statewide could create confusion about the 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. Federal regulations establish rules for salmon trolling (50 C.F.R. § 660.334). A regulatory change to create an allowance in these MPAs when salmon is closed statewide could create confusion around these federal regulations.

The proposed change may affect the National Marine Sanctuaries management activities as Stewarts Point SMR and Bodega Head SMR are within Greater Farallones National Marine Sanctuary.

There is a State Lands Commission (SLC) lease for water intake pipes at the land-sea interface of the Bodega Head SMR. However, it is unclear whether the proposed change would have direct effects on the lease or SLC's management activities.

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

- The status of the salmon fishery (PFMC 2025),
- The letters of determination on fishery disaster from the Secretary of Commerce for 2023 and 2024 (USDC 2023, USDC 2024),
- 50 C.F.R. § 660.334 Open access non-groundfish salmon troll fishery—management measures, and
- MLPA Initiative planning process documents and related information (e.g., MLPA Goals and MPA Master Plan adaptive management objectives).

The information in the petition and other information CDFW reviewed did not demonstrate that the proposed change is relevant to MPA adaptive management or that a change to the MPA regulations is warranted.

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 and information guiding management of MPAs and the ocean salmon fishery.

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. During the MLPA Initiative planning process, all proposals included SMRs at Stewarts Point and Bodega Head. While some proposals outlined SMRs with slightly different boundaries (i.e., covered portions of the current areas or adjacent areas), none of the proposals considered establishing SMCAs that allowed commercial or recreational take of any species (MLPA 2008a, MLPA 2008b).

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. The information that the petitioner cites as warranting reevaluation is the decline of California's salmon fishery since the MLPA Initiative planning process. There is insufficient basis for the argument that this proposed change to the MPA regulations would benefit the commercial salmon fishery. The downturn in the California salmon fishery is not due to a lack of fishing areas, but rather to significant declines in the salmon stocks themselves. The current salmon declines are driven by a combination of natural and human-caused stressors affecting salmon populations. The Secretary of Commerce declared fishery disasters for the 2023 and 2024 California Sacramento River Fall Chinook and Klamath River Fall Chinook fisheries (USDC 2023, USDC 2024). Commercial ocean salmon fishing has been closed since 2023 from the Oregon/California border to the U.S./Mexico border in both state and federal waters (PFMC 2025).

For these reasons, opening these MPAs to commercial salmon fishing is not considered an appropriate means of addressing the broader fishery decline. Moreover, such a change would not improve adaptive management of the MPA Network, nor would it be advisable even under conditions of stock recovery.

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 changes proposed in this petition do not align with the intent of these MPAs as established during the MLPA Initiative planning process. According to the planning documents (MLPA 2008a, MLPA 2008b), both MPAs were designed to meet multiple goals, including, “to protect ecosystem structure, function, integrity and ecological processes to facilitate recovery of natural communities from disturbances both natural and human

induced," and, "to protect or rebuild populations of rare, threatened, endangered, depressed, depleted, or overfished species, where identified, and the habitats and ecosystem functions upon which they rely." Reclassifying these SMRs to SMCAs to allow commercial take of salmon by troll, and the associated incidental take of non-targeted species such as groundfish, would conflict with these foundational objectives.

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

No. The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on level of protection (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.

Stewarts Point and Bodega Head SMRs meet both minimum criteria, and thus currently contribute to foundational ecological network objectives. Reclassifying these MPAs as SMCAs to allow salmon trolling would lower their LOP from Very High to High. Although they would still meet the minimum requirements, these MPAs would no longer provide the highest LOP or serve their intended function in the MPA Network as SMRs. Therefore, implementation of the proposed change would not improve the design of the individual MPAs or the MPA Network, nor would it enhance alignment with the 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. This proposed change would not align with the following Feasibility Guidelines: under Take Regulations, to avoid complex regulations, "complex regulations to avoid would include…those which preclude some uses while allowing other uses that are very similar." Salmon may not be the only finfish which could be caught using troll gear in these areas, complicating enforcement.

Additionally, adding a take allowance to the regulations for these existing SMRs has the potential to attract other fishing activity to the area, creating additional enforcement challenges (see more information in response to Question 11 below). 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 (i.e., reclassify SMR to SMCA to allow commercial take of salmon by trolling) does not maintain or improve enforceability of these MPA regulations. The proposed change adds another type of take allowance, 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 does not simplify regulatory language or enhance public understanding, and it would change the intent of the MPA.

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

No. The proposed change would reduce protection for marine resources by allowing take in MPAs that are currently No-take SMRs. This allowance would include the commercial take of salmon, which could also result in incidental take of non-targeted species. Thus, the proposed change would reduce the overall protection of marine resources.

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. If granted, the proposed change would increase the available area accessible to commercial trolling for salmon. Commercial salmon fishing, a consumptive use, would therefore likely increase in these areas once the commercial salmon fishery reopens.

Stewarts Point and Bodega Head SMRs contain long-term MPA monitoring sites for rocky reef habitats surveyed by remotely operated vehicles, divers on SCUBA, and non-lethal hook-and-line monitoring of fish populations. It is uncertain whether these non-consumptive activities would be directly affected. However, by allowing commercial salmon fishing in MPAs that currently serve their designed function as SMRs, there is potential this would increase variability in the existing long-term monitoring time series.

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 increase fishing access, particularly for boat-based commercial salmon trollers and associated coastal fishing community of Bodega Bay, which is ~21 nautical miles (nm) from Stewarts Point and 3 nm from Bodega Head.

The petition may have mixed support from angling communities by not granting the same access to recreational fishery participants.

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

CITATIONS

Marine Life Protection Act Initiative (MLPA). 2005. California Marine Life Protection Act Initiative Master Plan Science Advisory Team Some Key Species Likely to Benefit from Marine Protected Areas in the Central Coast Study Region November 28, 2005.

Marine Life Protection Act Initiative (MLPA). 2008a. California Marine Life Protection Act Initiative North Central Coast Regional Goals and Objectives as adopted by the MLPA Blue Ribbon Task Force on February 14, 2008.

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

Pacific Fishery Management Council (PFMC). 2025. Preseason Report III: Council Adopted Management Measures and Environmental Assessment Part 3 for 2025 Ocean Salmon Fishery Regulations: BN19. Document prepared for the Council and its advisory entities.

United States Department of Commerce (USDC). 2023. Letter from Secretary of Commerce Gina Raimondo to Governor Gavin Newsom. Positive fishery disaster determination for California Sacramento River Fall Chinook and Klamath River Fall Chinook Salmon Fisheries.

United States Department of Commerce (USDC). 2024. Letter from Secretary of Commerce Gina Raimondo to Governor Gavin Newsom. Positive fishery disaster determination for California Sacramento River Fall Chinook and Klamath River Fall Chinook Salmon Fisheries.

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

Modify Allowed Uses at Several Santa Barbara Channel MPAs and Special Closures: Vandenberg SMR, Kashtayit SMCA, and San Miguel and Anacapa Special Closures (2023-18MPA)



I. PETITION SUMMARY

CFGC Tracking Number	2023-18MPA
Petition Contact/Affiliation	Greg Helms, Ocean Conservancy
Number of Proposed Actions	7
Affected MPAs	Vandenberg and Point Conception SMRs, Kashtayit and Campus Point SMCAs, and San Miguel Island and Anacapa Island Special Closures
Petition Summary	Multiple action items to modify allowed uses at several Santa Barbara Channel MPAs
Link to StoryMap page	2023-18MPA

March 2026

II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

Note: If a change to the Marine Protected Area (MPA) regulations is not needed to address the proposed change, California Department of Fish and Wildlife (CDFW) did not evaluate the proposed change using the framework. However, CDFW may recommend an alternative pathway to achieving the desired outcome of the proposed change.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-18MPA_1 Redesignate a portion of Vandenberg State Marine Reserve (SMR) to create a narrow State Marine Conservation Area (SMCA) alongshore for the entire length of Vandenberg SMR that allows recreational shore fishing for finfish by hook-and-line.	The petitioner's stated reason for the proposed change is that, "An equity concern has arisen due to the SMR restrictions not being applied to Vandenberg Space Force personnel and dependents, in contrast to non-military residents at nearby Surf Beach who must comply."	**Deny.** The proposed change is inconsistent with the original goals and intent of this MPA. Vandenberg SMR serves as a core component, or "backbone," of the state's ecologically connected MPA Network. Redesignating any portion of this SMR to an SCMA would result in the MPA no longer meeting Science Advisory Team (SAT) criteria for a habitat replicate of nearshore habitats. This would result in a gap in replication of nearshore habitats and would undermine the MPA's role in maintaining ecological connectivity within the MPA Network. Given the importance of Vandenberg SMRs' role in providing a nearshore habitat replicate, changes to this MPA would require compelling evidence of need. There was insufficient evidence to demonstrate a need that would justify compromising the connectivity of the MPA Network.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2022-04 Redesignate a portion of Vandenberg SMR to create a small SMCA that allows shore fishing on the one half mile stretch of beach known as Surf Beach.	The petitioner's stated intent for the proposed change is to allow for families to once again fish for subsistence, and/or provide a low cost/no-cost recreational alternative for the residents of Lompoc and the surrounding area.	**Deny.** See 2023-18MPA_1.
2023-18MPA_2 Provide continued support for Marine Monitor (M2) radar, ground-truthing, and agency coordination at Point Conception SMR.	The petition states that there is high vessel activity in the remote Pt. Conception SMR, which is a challenge for enforcement, and that M2 radar monitoring system may help address enforcement challenges.	**Support, with alternative pathway.** Monitoring and enforcement are essential components of managing the MPA Network. CDFW values M2 monitoring and supports the collaborative use of resources to continue to support its use in the MPA Network. This proposed action would not require a change to the MPA regulations to implement and was not evaluated further.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-18MPA_3 At Kashtayit SMCA, simplify take regulations to: "Recreational take of finfish, invertebrates ~~(except rock scallops and mussels)~~, and giant kelp ~~by hand harvest~~ is allowed."	The petition states that, "[local stakeholders] (including enforcement partners) report visitors, along with those working to improve compliance, have difficulty interpreting the existing regulatory language for the SMCA due to its length and parenthetical exceptions."	**Deny.** The proposed change would change the intent of the regulations and reduce protections for giant kelp, rock scallops, and mussels, which were intentionally added in the Marine Life Protection Act (MLPA) Initiative planning process for Kashtayit SMCA. The proposed change does not advance adaptive management recommendations from the Decadal Management Review and does not address a current or emerging MPA management challenge, including an enforcement challenge.
2023-18MPA_4 Change color of No-take Campus Point SMCA from purple to red on maps	The petition states that depicting this No-take SMCA in red, consistent with SMRs, is likely a clearer indication that the MPA is a No-take area.	**Support, with alternative pathway.** Outreach and education are essential components of MPA management. This proposed action was in Bin 1, and the California Fish and Game Commission (CFGC) supported it with an alternative pathway. Please see the memo regarding the status of implementation. This proposed action would not require a change to the MPA regulations to implement and was not evaluated further.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-18MPA_5 Eliminate pinniped special closure at San Miguel Island	The petition states that strong and stable pinniped populations negate the continued need for the Special Closure.	**Deny.** The proposal to abolish the San Miguel Island and Anacapa Island Special Closures and to reduce the size of the California brown pelican fledgling area within the Anacapa Island Special Closure does not address a current MPA management challenge and would conflict with the original intent of these protections. These areas were established prior to MPA implementation in the northern Channel Islands to safeguard highly sensitive seabird and pinniped populations. Given ongoing sensitivity of these animals to human disturbance and natural population fluctuations, there is a continued need for these special closures.
2023-18MPA_6 Reduce the size of the brown pelican Anacapa Island Special Closure regulations to allow boat access to Frenchy's Cove	The petition states that boundaries of the brown pelican fledgling area of Anacapa Island Special Closure interfere with the intended allowance for boat landing at Frenchy's Cove.	**Deny.** See 2023-18MPA_5.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-18MPA_7 Reassess and consider removing the following special closure at Anacapa Island: "No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands"	The petition states that the overlapping conservation zones are visually confusing and the broader full island seabird closure is based on depth along a steep, cliffside seabed area that is difficult to comply with and enforce.	**Deny.** See 2023-18MPA_5.

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes[1] (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

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

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

IV. PETITION EVALUATION

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-18MPA_1 VANDENBERG SMR PARTIAL RECLASSIFICATION TO AN SMCA

The petitioner requests that an alongshore strip of the Vandenberg State Marine Reserve (SMR) on the central coast be redesignated to a State Marine Conservation (SMCA) to allow shore-based hook-and-line fishing for finfish. The request is framed as a partial reclassification intended to address concerns related to, "the SMR restrictions not being applied to Vandenberg Space Force Base (SFB) personnel and dependents, in contrast to non-military residents at nearby Surf Beach who must comply." The Vandenberg SMR is adjacent to Vandenberg SFB, and much of the shoreline abutting the SMR lies within or immediately adjacent to base property. The petitioner states that, "the concern could be addressed through equally enforcing no-take regulations throughout this SMR, but that such enforcement may be infeasible." The petitioner proposes that establishing a 100-meter zone inshore of the existing SMR that allows hook-and-line fishing for finfish along the coastal dimension of the existing MPA would allow regulations to be enforced more equitably across military and civilian populations.

In addition to this petition, CFGC received a similar petition in 2022 (2022-04) from the City of Lompoc, which neighbors Vandenberg SFB and SMR. That petition was deferred pending completion of the Decadal Management Review (DMR). Petition 2022-04 requests that a half-mile onshore portion of the Vandenberg SMR at Surf Beach be redesignated to an SMCA to allow recreational shore fishing, including allowing take of "Sand Perch and/or similar species and take of Sand Crabs" for bait. The petition from the City of Lompoc states that, "[Implementation of Vandenberg SMR] has placed a great hardship upon the City, in terms of family subsistence, as well as creating a negative financial impact on the City of Lompoc due to a reduction in tourism related revenues." The City further states that Surf Beach previously provided a low- or no-cost recreational activity.

Due to the similar nature of these two proposed changes to Vandenberg SMR, CDFW evaluated petition 2022-04 (proposed Surf Beach SMCA) alongside the 2023-18MPA (proposed onshore strip SMCA).

CDFW finds the proposals in both petitions:

- Are inconsistent with the goals of the Vandenberg SMR, as defined during the MLPA Initiative planning process,
- Do not align with the original intent of the MPA,
- Do not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

Both proposed changes, the shoreline ribbon SMCA and the Surf Beach SMCA, are inconsistent with the goals Vandenberg SMR was designed to meet during the MLPA Initiative planning process. These goals, which remain relevant today, include to:

> "*Provide for complete protection of a diverse area containing shallow hard and soft habitats, kelp beds, and associated fish and invertebrate, while benefiting from protection provided by an existing state marine reserve and restrictions on vessel traffic, including fishing vessels, due to the presence of Vandenberg Air Force Base. This area is important to the formation of an ecologically sound MPA Network component, by linking these habitats to similar habitats in other parts of the region."*

Vandenberg SMR was designed to replicate sandy beach, rocky intertidal, and shallow hard and soft bottom habitats within an SMR (Goal 4) and enhance the reproductive capacity of nearshore and midwater fish and invertebrate species (Goal 2); the lee of Point Arguello is likely larval retention area (Ohashi and Wang 2004, White et al. 2019).

Vandenberg SMR, like other SMRs, serves as a core component, or "backbone," of the state's ecologically connected MPA Network. Redesignating any portion of this SMR to an SCMA would result in the MPA no longer meeting Science Advisory Team (SAT) criteria for a backbone MPA (i.e., a habitat replicate). SAT guidelines require that MPAs that contribute to habitat replication be at least 9 square miles in area and have at least a Moderate-high level of protection (LOP). Allowing shore-based hook-and-line fishing would reduce the LOP of that area to Moderate-low. While the remaining portion of Vandenberg SMR would maintain an LOP of Very High, it would no longer contribute to replication goals of key nearshore habitats. Therefore, this proposed change would create a gap between hard and soft bottom (0-30 m) nearshore habitat replicate MPAs, as without replication at Vandenberg SMR, the spacing between replicate MPAs would exceed 62 mile SAT guidelines. As a result, both proposed options would result in the nearshore portion of the MPA losing status as a habitat replicate, which has the potential to compromise ecological connectivity objectives for the MPA Network and the overall Network design (see response to Question 9 for additional information).

The petitions would also increase regulatory complexity in an area that already presents enforcement challenges, thereby increasing the likelihood of non-compliance with both state and federal regulations. In addition to there being no public access along the portion of beach within the military base, there are two species in the area facing threats from habitat loss and human disturbance. Southern California steelhead (*Oncorhynchus mykiss*) is listed as Endangered (NMFS 1997), and western snowy plover (*Anarhynchus*

nivosus[2]) is listed as Threatened (USFWS 1993) under the federal Endangered Species Act (ESA). Southern California steelhead was also listed as Endangered in 2024 under the California Endangered Species Act (CESA). Vandenberg SMR protects the mouth of the Santa Ynez River, a historically significant spawning and nursery area for Southern California steelhead that once supported the largest steelhead run in southern California (Busby et al. 1996). MPAs near river mouths provide important benefits for steelhead where they aggregate prior to upstream spawning (Simenstad & Cordell 2000). Reducing protections alongshore could adversely affect returning steelhead and ongoing steelhead restoration efforts. In addition, seasonal closures are in place on the beach and dunes to protect snowy plovers, including a seven-month closure from March through the end of September that restricts public access to the north and south of Surf Beach. This area is also highly frequented by white shark (*Carcharodon carcharias*), which are fully protected in California waters. As such, granting either proposal would likely require additional regulatory language to restrict gear types and shore-based shark fishing to limit white shark fishery interactions. Thus, the proposed changes to partially redesignate Vandenberg SMR are anticipated to present enforcement feasibility challenges due to increasing regulatory complexity and the introduction of potential conflicts with steelhead and snowy plover restoration and recovery efforts.

Petition 2022-04 would present further enforcement challenges because the western snowy plover closure boundaries are temporary and can move from year to year; there are large, dynamic dunes that limit the visibility of any landmarks, and the dunes are not conducive to installation of permanent signage. Consequently, there are no prominent, permanent landmarks or geological features to utilize for boundaries for a SMCA at Surf Beach. The lack of visual boundaries for shore-based fishers would limit public understanding and increase enforcement challenges. The requested take allowance of, "Sand Perch and/or similar species and take of sand crabs" to use for bait would increase regulatory complexity and enforcement burden. For example, allowing take of sand crabs would allow digging that could disguise take of other invertebrates such as Pismo clams, making it difficult to gauge compliance at a distance.

Given all of these considerations, redesignation of any portion of Vandenberg SMR as an SMCA to allow shore fishing would require compelling evidence of need. Petition 2023-18MPA states the need for the proposed change is because the SMR restrictions are only being enforced for non-military personnel and are not being applied to Vandenberg Space Force personnel and dependents. CDFW's Marine Enforcement District (MED) currently enforces the regulations at Vandenberg SMR regardless of an individual's

[2] This is the updated scientific name for western snowy plover; however, the U.S. Fish and Wildlife Service has continued to use the scientific name *Charadrius nivosus nivosus* for the listed entity until publication of a rule revising the name on the list of endangered and threatened species.

affiliation with the Space Force, and communicates this to enforcement partners. Although the petitioner asserts a shoreline ribbon would, "improve equitable access" for non-military personnel to fish, the change would not result in equitable fishing access because most of the proposed shoreline ribbon lies within Vandenberg SFB and would still be inaccessible to the public. The change in Petition 2023-18MPA would provide increased access to shore fishing for finfish for both military personnel and the public specifically at Surf Beach (a stretch of approximately 0.5 miles), which would be open year-round to fish. Outside of snowy plover nesting season, the public would be able to access slightly more of the beach area near the base (e.g., Ocean Beach) in addition to Surf Beach, but would still be limited in beach access because of the base boundaries to the north and south. Redesignating only the Surf Beach portion of the SMR as an SMCA (as requested in Petition 2022-04) would provide the public and base personnel equal access to shore fishing. Surf Beach is adjacent to the base and is approximately nine miles from the City of Lompoc and has lower barriers to access than other nearby beaches; it has free parking, does not require base access, and is not subject to seasonal snowy plover closures.

CDFW carefully considered the statements in the City of Lompoc's petitions, including that, "the City of Lompoc is a regionally isolated community and is also recognized as a disadvantaged community," and that opening Surf Beach, "would allow for families to once again fish for subsistence." Considering Vandenberg SMR, the closest accessible areas to Vandenberg SFB and the City of Lompoc where fishing is allowed are Rancho Guadalupe Dunes Preserve to the north and Jalama Beach County Park to the south, which are accessible by car but are 35 and 20 miles away respectively (Patsch and Reineman 2023). Although there are recreational opportunities within Vandenberg SMR, fishing is prohibited. Given the limited information in the petition, the data readily available to CDFW, and the evaluation timeline, CDFW was unable to determine whether Vandenberg SMR is affecting access to subsistence fishing for a historically marginalized or underserved community (see response to Question 14 in Attachment 1). One of the Justice, Equity, Diversity, and Inclusion recommendations of the DMR is to, "Evaluate the accessibility of MPAs to various community groups." This evaluation could include an assessment of the communities near the City of Lompoc, identify potential regional equity and access issues in the MPA Network, and identify potential solutions. This evaluation was not feasible within the constraints of the petition evaluation process and implementing a site-specific redesignation without this assessment would be premature.

In summary, changes to California's MPA Network are subject to a deliberately high threshold, reflecting the Network's science-based design, its long-term conservation objectives, and the need to maintain ecological connectivity and consistency across regions., This threshold is particularly high for SMRs due to the their critical role as a

backbones of the MPA network through their contribution to habitat replication and connectivity and for protecting sensitive species and habitats. As documented above, any redesignation of this SMR would require compelling justification and evidence that the proposed change would advance the goals of the MPA Network while avoiding adverse ecological, enforcement, and equity outcomes. CDFW's evaluation did not find compelling justification and evidence to warrant recommending granting either petition's proposal.

RECOMMENDATION FOR 2023-18MPA_1

Given these considerations, and the information in the evaluation below, **CDFW recommends CFGC DENY**:

- Petition action **2023-18MPA_1**, Redesignate a portion of Vandenberg SMR to create a narrow SMCA alongshore for the entire length of Vandenberg SMR that allows recreational shore fishing for finfish by hook-and-line, and
- Petition **2022-04**, Redesignate a portion of Vandenberg SMR at Surf Beach to an SMCA that allows recreational shore fishing.

EVALUATION NARRATIVE FOR 2023-18MPA_2 PROVIDE CONTINUED SUPPORT FOR MARINE MONITOR (M2) RADAR, GROUND-TRUTHING, AND AGENCY COORDINATION AT POINT CONCEPTION SMR

The petition states that there is high vessel activity in the remote Pt. Conception SMR, which is a challenge for enforcement, and that M2 radar monitoring system may help address enforcement challenges. Monitoring and enforcement are essential components of managing the MPA Network. CDFW supports non-regulatory measures to address illegal fishing, including enhanced surveillance tools like M2 radar, to reduce unintentional noncompliance, and ensuring sufficient resources for enforcement. However, implementing this proposed action would not require a change to the MPA regulations.

RECOMMENDATION FOR 2023-18MPA_2

Given these considerations, the proposed change was not evaluated further and, **CDFW recommends CFGC support the petition action 2023-18MPA_2 with an alternative pathway**.

EVALUATION NARRATIVE FOR 2023-18MPA_3 KASHTAYIT TAKE CHANGE

The petitioner has requested to change the take regulations for Kashtayit State Marine Conservation Area (SMCA) to: "Recreational take of finfish, invertebrates ~~(except rock scallops and mussels)~~, and giant kelp (*Macrocystis pyrifera*) ~~by hand harvest~~ is allowed."

The petitioner seeks this change to enhance clarity and understanding of the regulations because, "[local stakeholders] (including enforcement partners) report visitors, along with those working to improve compliance, have difficulty interpreting the existing regulatory language for the SMCA due to its length and parenthetical exceptions."

CDFW finds the proposed change:

- Is inconsistent with the goals of the Kashtayit SMCA, as defined during the MLPA Initiative planning process,
- Does not align with the original intent of the MPA,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

The proposed change would simplify the regulations, but it would also change the intent of the regulations and eliminate provisions that are in place to protect giant kelp, rock scallops and mussels, and habitat in this MPA. Minimizing take of these species to protect their local abundance and their role in the ecosystem was an intentional choice at the time the MPA was designed. The Kashtayit SMCA was intended to allow low-impact recreational take, especially take in line with traditional Chumash practices (MLPA 2009a).

During the MLPA Design Process, the Blue Ribbon Task Force (BRTF) intentionally excluded take of rock scallops and mussels from the list of allowed invertebrates and limited take of giant kelp to recreational harvest by hand. This alternative was supported by the South Coast Regional Stakeholder Group and subsequently adopted by CFGC. The exclusion of rock scallops and mussels was an intentional decision to protect the local abundance of these species as well as their ecosystem service as habitat-forming species. Mussels and giant kelp create physical structure which provides habitat for other species (Cameron et al. 2024, Teagle et al. 2017). People harvesting rock scallops and mussels can also use tools that damage the substrate during harvest, which can result in permanent habitat loss (CDFG 2001, MLPA 2010). For these reasons, the BRTF recommended the alternative excluding rock scallops and mussels from the allowed take at Kashtayit SMCA.

The BRTF also considered options for commercial and recreational take, and the methods for take of giant kelp (hand harvest and mechanical harvest) when developing

recommendations for the regulations throughout the MPA Network. The decision to only allow recreational take of giant kelp by hand harvest in Kashtayit SMCA was intentional. Hand harvest of giant kelp removes smaller patches of giant kelp canopy at or near the surface compared to mechanical harvest. Mechanical harvest of giant kelp significantly alters the abundance of giant kelp relative to hand harvest, by removing large amounts of giant kelp canopy to a depth of approximately four feet, which can remove important canopy habitat and alter kelp forest communities (MLPA 2009b, MLPA 2010). Although it is unlikely that a recreational user would choose to mechanically harvest kelp given the current harvest regulations (10 pounds wet weight, tit 14 Cal. Code Regs. § 30.00), the proposed change would allow for mechanical kelp harvest in Kashtayit SMCA, which conflicts with the original intent of the MPA.

Additionally, the proposed change would make the Kashtayit SMCA regulations inconsistent with all other instances of recreational kelp harvest as an allowed use in the MPA regulations, which specify, "by hand" or "hand harvest." Mechanical harvest is associated with commercial kelp harvest in the MPA regulations and there are additional provisions in the commercial kelp harvest regulations (tit 14 Cal. Code Regs. § 165 and § 165.5) associated with mechanical harvest. It is likely the recreational bag limit for kelp harvest would serve as a de facto limit on the harvest method to hand only. However, would result in inconsistencies with all other allowances for recreational take of kelp in the MPA regulations, which could lead to confusion and enforcement challenges.

CDFW did not find information to support that the current regulations cause an enforcement challenge at Kashtayit SMCA or that the proposed change would address an MPA management challenge or would benefit the MPA or the MPA Network. Although the proposed change would simplify the regulations, there is no information to justify removing the existing protections for giant kelp or rock scallops and mussels from Kashtayit SMCA. Improving signage and outreach efforts for the current regulations could be just as effective, or more effective, than a regulatory change.

RECOMMENDATION FOR 2023-18MPA_3

Given these considerations, and the information in the evaluation below, **CDFW recommends CFGC DENY the petition action 2023-18MPA_3**:

- Simplify take regulations at Kashtayit SMCA to: "Recreational take of finfish, invertebrates ~~(except rock scallops and mussels)~~, and giant kelp ~~by hand harvest~~ is allowed."

EVALUATION NARRATIVE FOR 2023-18MPA_4 CHANGE COLOR OF NO-TAKE CAMPUS POINT SMCA FROM PURPLE TO RED ON MAPS

The petition states that depicting this No-take SMCA in red, consistent with SMRs, is likely a clearer indication that the MPA is a No-take area. Outreach and education are essential components of MPA management. This proposed action was in Bin 1, and CFGC supported it with an alternative pathway (CDFW 2025). This proposed action would not require a change to the MPA regulations to implement.

RECOMMENDATION FOR 2023-18MPA_4

Given these considerations, the petition action was not evaluated further and **CDFW recommends CFGC support petition action 2023-18MPA_4 with an alternative pathway.**

EVALUATION NARRATIVE FOR 2023-18MPA_5-7 SPECIAL CLOSURES

The petitioner has requested (1) the removal of San Miguel Island Special Closure, (2) the reduction in size of the brown pelican (*Pelecanus occidentalis*) fledgling area of Anacapa Island Special Closure, and (3) the removal of the Anacapa Island Special Closure, all within the Channel Islands National Marine Sanctuary. The petitioner states, "with a NMFS marine mammal station equipped with M2 radar onsite and large, stable pinniped populations present in this zone…consider whether the Special Closure remains a necessary sub-component of MPA design." The petitioner additionally states the boundary of the brown pelican fledgling area of the Anacapa Island Special Closure, "has interfered with the intended allowance for vessels to land safely at Frenchy's Cove," and that the Anacapa Island Special Closure, as a whole, "is based on depth along a steep, cliffside seabed area that is difficult to comply with and enforce." The petitioner states that, "given the extensive MPA and closure complex established to protect marine life including seabirds," the Anacapa Island Special Closure is not needed. However, given the information provided, the petitioner's stated solutions could not be substantiated as relevant or necessary, and CDFWs' evaluation finds the proposed change:

- Is inconsistent with the intent of these special closures, as defined during the Northern Channel Islands MPA planning process and subsequent MLPA Initiative planning process,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

Before the Northern Channel Islands MPA planning process, protections for birds and pinnipeds in these areas were already in place in the form of ecological reserves. During

the Northern Channel Islands MPA planning process, these special closures were intentionally designed to provide additional spatial protections in areas where specific wildlife species were highly vulnerable to disturbance. Around the Channel Islands, these closures serve a targeted conservation purpose beyond the broader protections of the MPA Network. Frenchy's Cove is a popular recreational and fishing destination on the western islet of Anacapa Island that includes a small beach and tidepools and is situated within both the island-wide nearshore Anacapa Special Closure and the larger Anacapa SMCA. Anacapa Island Special Closure, which prohibits the use of nets or traps within waters less than 20 feet deep around the island, was established primarily to protect feeding and roosting seabirds, including the California brown pelican. Within Anacapa Island Special Closure is the brown pelican fledgling area, designated from the mean high tide mark seaward to a water depth of 20 fathoms (120 feet) on the north side of West Anacapa Island, including Frenchy's Cove. The west and east borders of the brown pelican fledgling area are the west end of the beach at Frenchy's Cove and Portuguese Rock, which is approximately 0.8 miles to the east of the beach. The area prohibits public entry into the area from January 1 through October 31 to protect nesting birds, nests, and fledglings during brown pelican nesting season. Similarly, the San Miguel Island Special Closure provides critical protection for pinniped haul-out and breeding sites, one of the few such pinniped-focused closures in California. Subsequent to the Northern Channel Island MPA planning process, and during the MLPA Initiative planning process in the South Coast Region, these two special closures were left unchanged. Since that time, NOAA Sanctuaries has not indicated a change of intent regarding the protection status of these areas.

Pinniped populations at San Miguel Island fluctuate naturally due to factors such as domoic acid exposure and shifts in prey distribution. Given this variability, maintaining consistent spatial protections remains important to reduce human-related stressors that can compound natural population pressures. Although California sea lion populations have increased from historical lows (Carretta et al. 2019), current evidence does not demonstrate that pinnipeds at San Miguel Island, nor nesting seabirds at Anacapa Island, no longer require the protections provided by existing seasonal closures. The Channel Islands National Marine Sanctuary Condition Report (ONMS 2019) states that many living resources around the northern Channel Islands have shown stabilization or improvement since 2009. Making large changes to these areas may compromise this trend. At the time of the Northern Channel Islands MPA planning process, six species of pinnipeds were documented as having historically occurred in the northern Channel Islands, including four Otarids and two Phocids; two species, Steller sea lion (*Eumetopias jubata*), and Guadalupe fur seal (*Arctocephalus townsendi*) were identified as having occurred in the Sanctuary and were listed as threatened under the Endangered Species Act (NMFS 1985, 1990). Currently, the western distinct population segment of Steller sea lion is listed under the ESA as endangered and Guadalupe fur seal is listed under the ESA

as threatened. Thus, the protection offered to these and other pinnipeds by the San Miguel Special Closure remains relevant today.

Similarly, at the time of the Northern Channel Islands MPA planning process, the California brown pelican was listed as endangered the federal and California Endangered Species Acts. The California brown pelican's delisting under both acts in the late 2000s was followed by a period of prey scarcity and associated die-offs, underscoring the ongoing fragility of this species. The petitioner asserts that reducing the brown pelican closure at Anacapa Island to allow boat access to Frenchy's Cove reflects, "Regional Stakeholder Group (RSG) intent." However, no documentation has been provided to substantiate this claim, nor is such intent reflected in the historical MLPA record. It is important to clarify that seasonal boat access to Frenchy's Cove Beach in December and November on the west side of the cove was approved during the MLPA Initiative planning process and remains in effect today. Nesting and roosting seabirds are highly sensitive to human disturbance. The presence of vessels, as well as associated noise, lights, and fishing activity, can disrupt essential behaviors such as feeding, resting, or breeding (Wright et al. 2007). Brown pelicans are especially vulnerable to disturbance during the nesting season and depend on access to forage fishes like Pacific sardine (*Sardinops sagax*) and Northern anchovy (*Engraulis mordax*). Given that California brown pelicans are extremely sensitive to human disturbance and that their population dynamics are closely tied to fluctuations in forage fish prey availability and broader oceanic conditions, the protection offered by the Anacapa Island Special Closures are still relevant today.

The petitioner asserts that the eastern boundary of Anacapa Island Special Closure for brown pelican fledglings was intended by the Regional Stakeholder Group to allow boater access to a beach that is currently within the special closure. The public currently has access to the beach at Frenchy's Cove from the north seasonally for the months of November and December. Anacapa Island Special Closure has historically protected pelican fledglings since before CFGC adopted the Channel Islands MPAs in 2002. In the 2002 rulemaking, the eastern boundary of the Anacapa Island Special Closure was generally described as 345° magnetic off the western edge of Frenchy's Cove. In 2005, CFGC adopted a regulatory cleanup package where the Special Closure's language was moved from being within the specific MPAs sub-section to its own sub-section and the Special Closure received discrete coordinates for the boundaries. The eastern boundary of the Anacapa Island Special Closure aligned with the two MPAs at Anacapa Island via a line extending 000° True off the western edge of Frenchy's Cove (34° 00.4' N. lat. 119° 24.6' W. long., CFGC 2002a). During the MLPA planning process, the rulemaking made the boundaries more precise by including two additional decimal places (which defined the eastern boundary at 119° 24.600'). In 2015, CFGC adopted a rulemaking package that included additional boundary cleanups for the MPA Network, and they did not identify the

need to further adjust the boundary (CDFW 2015). The current boundaries, including the eastern boundary, align with the SAT guidelines, and are where they were intended to be. Any modification to these closures would require close coordination and agreement with federal partners, including agencies responsible for managing federally protected and listed species. Reducing protections at this time would be inconsistent with federal and state conservation mandates and ongoing collaborative efforts to safeguard vulnerable wildlife populations. The consequences of further boundary changes (e.g., negative impacts to pelicans and pinnipeds, public understanding, compliance, and enforcement) outweigh any potential benefits from improving public access.

RECOMMENDATION FOR 2023-18MPA_5, _6, and _7

Given these considerations, and the information in the evaluation below, **CDFW recommends CFGC DENY proposed actions:**

- **2023-18MPA_5**, Eliminate pinniped special closure at San Miguel Island,
- **2023-18MPA_6**, Reduce the size of the brown pelican Anacapa Island Special Closure regulations to allow boat access to Frenchy's Cove, and
- **2023-18MPA_7**, Reassess and consider removing the following special closure at Anacapa Island: "No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands"

EVALUATION QUESTIONS

2023-18MPA_1: REDESIGNATE A PORTION OF VANDENBERG SMR TO CREATE A NARROW SMCA ALONGSHORE FOR THE ENTIRE LENGTH OF VANDENBERG SMR THAT ALLOWS RECREATIONAL SHORE FISHING FOR FINFISH BY HOOK-AND-LINE.

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

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

The proposed changes (petition 2023-18MPA_1 and 2022-04) do not support the MPA Network in meeting MLPA Goals, do not align with the MPA Master Plan adaptive management objectives, and thus do not advance management of the MPA Network. Vandenberg SMR was designed to meet MLPA Goals 1, 2, 3, 4, and 5.

The proposed changes in petitions 2023-18MPA and 2022-04 to redesignate a portion of this SMR to an SMCA to allow recreational take of fish is inconsistent with the goals of this MPA as defined during the MLPA MPA planning process and presented to CFGC when the resulting MPAs were adopted into regulation. These goals in part include: to "Protect area with high marine bird, marine mammal, fish, and invertebrate species diversity and abundance," to "protect natural age and size structure of Nearshore Fishery Management Plan species which occur within the central coast," to "protect ecosystem structure and functions in representative shallow habitat in southern end of central coast," to "help protect marine bird and marine mammal species of concern by protecting forage base adjacent to colonies and rookeries," and to "replicate with a state marine reserve the same range of habitats found at fished sites at Point Sal."

Granting this petition to redesignate a portion of this SMR would interfere with Vandenberg SMR's ability to meet these goals. Allowing take of finfish in a sandy beach habitat would cause the natural structure and function of the population of those fishes at the site to not be preserved. Both proposed options would result in the portion of the MPA the petitioners wish to redesignate having its LOP reduced from the current Very High to Moderate-low, which would result in this MPA losing its status as a habitat replicate for key nearshore habitats. The changes to the MPA would change the design, which could interfere with larval connectivity, particularly as the lee of Point Arguello (where Vandenberg SMR is located), is a likely larval retention area (Ohashi and Wang 2004, White et al. 2019). Furthermore, Vandenberg SMR protects the mouth of the Santa Ynez River, a historically significant spawning and nursery area for Southern California steelhead (Busby et al. 1996), which once supported the largest steelhead run in Southern California. MPAs near river mouths can provide important benefits for steelhead where they aggregate prior to upstream spawning (Simenstad & Cordell 2000).

Although redesignating a portion of Vandenberg SMR at Surf Beach to allow shore-based hook-and-line fishing aligns with MLPA Goal 3, "Improve recreational, educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity," this SMR was already designed to meet Goal 3 by improving study opportunities. It was designed to encompass an existing PISCO monitoring site, a Multi-

Agency Rocky Intertidal Network (MARINe) monitoring site, and a Point Blue Conservation Science study site, and was designed to serve as an unfished reference location (i.e., same range of habitats) to fished sites at Point Sal (MLPA 2006a).

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

No. The proposed changes (2023-18MPA_1 and 2022-04) do not advance adaptive management recommendations from the Decadal Management Review (DMR). See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management Recommendations.

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

No. The creation of an alongshore ribbon SMCA or Surf Beach SMCA would create MPA management challenges, such as enforcement challenges (see Question 11), and compromise network connectivity (see Question 9).

Both petitioners state that the proposed changes would benefit equity of access to coastal resources in this area. Advancing justice, equity, diversity, and inclusion is a priority for CDFW and is beneficial for adaptively managing the MPA Network. Petition 2023-18MPA_1 asserts that the proposed changes would result in equitable access to shore fishing because the regulations are not currently being enforced consistently for military and non-military personnel. However, CDFW MED enforces the Vandenberg SMR regulations regardless of affiliation with Vandenberg SFB or other facets of the military. Redesignating an alongshore ribbon of this SMR, as proposed in 2023-18MPA_1, would not increase equitable access to the area because most of the alongshore ribbon is contained within the Vandenberg SFB, which is not accessible to the public.

In Petition 2022-04, the City of Lompoc states, “the City of Lompoc is a regionally isolated community and is also recognized as a disadvantaged community,” and that opening Surf Beach “would allow for families to once again fish for subsistence.” Redesignating the Surf Beach portion of Vandenberg SMR to an SMCA, as proposed by Petition 2022-04, would create an SMCA that could be equally accessed by base personnel and the public. However, based on the information available, CDFW was not able to determine whether the proposed change would advance justice or equitable access to fishing for a disadvantaged community (see Question 14). The outcomes from completing DMR recommendation 8, “Evaluate the accessibility of MPAs to various community

groups," could help address this question. However, CDFW has not started working on this DMR recommendation.

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. Vandenberg SFB enforces annual seasonal restrictions and partial closures at Surf, Wall, and Minuteman beaches to protect the threatened western snowy plover during its nesting season (7 months, March 1 through Sept. 30, U.S. Space Force n.d.a., n.d.b.). The closures are federally mandated under the Endangered Species Act to protect the plover's nesting habitat and allow chicks to fledge. A section of Surf Beach usually remains open to the public, but visitors must stay out of posted, fenced-off nesting areas. Thus, both proposals would interact with this protection and have the potential to impact management activities.

NOAA Fisheries is responsible for implementing the Endangered Species Act for southern California steelhead. NOAA also collaborates with CDFW's Fisheries Branch on the California Monitoring Plan (Adams et al. 2011, Boughton et al. 2022). The California Monitoring Plan is designed to inform salmon and steelhead recovery, conservation, and management activities. The Santa Ynez River mouth, an historically important location for adult steelhead returning to spawn, is located within Vandenberg SMR just south of the Vandenberg SFB. Fishing is closed for steelhead in the Santa Ynez River. Opening shore-based hook-and-line fishing within Vandenberg SMR has the potential to interact with this protection (i.e., steelhead returning to spawn at the river mouth) and would introduce confounding factors into ongoing monitoring efforts. Southern California steelhead are listed as Endangered under the federal ESA and CESA.

In 2024, a 2019 State Water Resources Control Board order was upheld that required the U.S. Bureau of Reclamation (Reclamation) to study steelhead passage around Bradbury Dam on the Santa Ynez River. The order to comply with state law, which includes evaluating options like fish ladders, etc. to help steelhead access critical upstream spawning and rearing habitats, gave 24 months for Reclamation to complete the study. Opening shore-based hook-and-line fishing within Vandenberg SMR has the potential to

interact with adult steelhead returning to the river to spawn and the success of future upstream habitat restoration efforts.

Since the establishment of Vandenberg SMR, the Chumash Heritage National Marine Sanctuary was established, which encompasses the MPA. Any regulatory changes to Vandenberg SMR may require CFGC to consult with Sanctuary staff.

There are State Lands Commission leases and Bureau of Ocean Energy Management pipelines that overlap with this SMR, but we do not anticipate they would be affected by this proposed change, as they are related to offshore oil and gas activities.

County of Santa Barbara Parks Division manages portions of the beach and Ocean Park, a park on the shoreline at Surf Beach. County Rangers support enforcement of the snowy plover closures. They may experience impacts associated with increased visitation and may need additional resources to support management activities.

County of Santa Barbara Public Works maintains restroom and park structures at Surf Beach and Ocean Park. They may experience impacts associated with increased visitation and may need additional resources to support management activities.

Southern Pacific Railroad operates the Lompoc Surf Train Station, which is directly adjacent to surf beach, as well as the associated parking lot and leased area for the tracks.

If 2023-18MPA_1 is approved, a pathway to the beach would have to be created as currently there is no safe passage from Ocean Park to the beach, in part due to the train tracks. This would require coordination with many entities, including the Coastal Commission, Southern Pacific Railroad, County of Santa Barbara Parks Division, and County of Santa Barbara Public Works.

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. CDFW has adequate information to evaluate and make a recommendation on both proposals. When evaluating the petitions, CDFW reviewed the information in the petitions as well as information including but not limited to:

- The petition from the City of Lompoc, which speaks to the rationale for the proposed change,

- The location of Vandenberg Space Force Base and its annual beach closures (U.S. Space Force n.d.a. and n.d.b.),
- The California Coastal Access, Facilities, Amenities, and Parking Dashboard (Patsch and Reineman 2023),
- California Marine Life Protection Act Initiative Central Coast Project Side-by-Side Comparison of Proposed MPA Packages 1, 2R and 3R (MLPA 2006b), and
- CFGC Preferred Alternative for Implementation of the MLPA in the Central California Coast Region (MLPA 2006a).

Given the limited information in the petitions, the data readily available to CDFW, and the evaluation timeline, CDFW was unable to analyze determine whether Vandenberg SMR is affecting access to subsistence fishing for a historically marginalized or underserved community (See response to Question 14 in Attachment 1). One of the Justice, Equity, Diversity, and Inclusion recommendations of the DMR is to "Evaluate the accessibility of MPAs to various community groups." This evaluation could include an assessment of the communities near the City of Lompoc, identify potential regional equity and access issues in the MPA Network, and identify potential solutions. This evaluation was not feasible within the constraints of the petition evaluation process and implementing a site-specific redesignation without this assessment would be premature.

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 and information on the management of habitat and species present in the area of the MPA.

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. During the Central Coast MLPA Initiative planning process, the three alternatives designed by the Regional Stakeholder Group (RSG) maintained and expanded the pre-existing Vandenburg SMR into one SMR or two larger SMRs (MLPA 2006b). An SMCA that allowed recreational fishing within Vandenberg SMR was never considered; however, options 2R and 3R included two separate SMRs that were north and south of Surf Beach. Proposals 2R and 3R both protected the Santa Ynez river mouth, but they would have had an area in between them (including Surf Beach) where commercial and recreational fishing would have been permitted, including hook-and-line fishing from shore.

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. The information that the petitioners cite as warranting reevaluation is:

- For 2023-18MPA_1: Inequitable enforcement of SMR regulations between base personnel and non-base personnel since the establishment of the SMR.
    - CDFW MED enforces Vandenberg SMR's regulations regardless of any individual's affiliation with Vandenberg SFB.
- For 2022-04: Loss of valuable opportunities to subsistence fish and recreate, and negative financial impacts to the community from loss of fishing tourism.
    - The petitioner states these impacts but does not include any data or supplemental information to validate this assertion. As stated above, one of the recommendations in the DMR is to "Evaluate the accessibility of MPAs to various community groups." This evaluation could include an assessment of the communities near the City of Lompoc, identify potential regional equity and access issues in the MPA Network, and identify potential solutions. This type of evaluation for the City of Lompoc was not feasible within the constraints of the petition evaluation process and implementing a site-specific redesignation without this assessment would be premature.

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. Opening this area to take, as proposed by the petitioner or as proposed by the City of Lompoc in Petition 2022-04, conflicts with the intent of Vandenberg SMR. The MPA was designed as an SMR with the intent of meeting several Central Coast Regional Goals, all of which are still relevant today:

- Protect area with high marine bird, mammal, fish, and invertebrate species diversity and abundance. (Goal 1),
- Protect communities associated with an area that has unique oceanographic conditions in a transition zone near a biogeographical regional boundary, including sandy beach, rocky intertidal, kelp forest, and hard and soft bottom habitat, and near each other. (Goal 1),
- Protect natural age and size structure of CDFW Nearshore Fishery Management Plan species that occur within the central coast. (Goal 1),

- Protect trophic structure and food web in an area representative of shallow habitats south of Morro Bay. (Goal 1),
- Protect ecosystem structure and functions in representative shallow habitat in southern end of central coast. (Goal 1),
- Increase ecological benefits to an area containing a mosaic of shallow hard and soft bottom habitats through the expansion of an existing state marine reserve. (Goal 1),
- Help protect marine bird and marine mammal species of concern by protecting the forage base adjacent to colonies and rookeries. (Goal 2),
- Protect larval sources and enhance reproductive capacity of benthic fishes, invertebrates, and coastal pelagic finfish. (Goal 2),
- Establish a state marine reserve which encompasses an existing PISCO monitoring site, a Multi-Agency Intertidal Network (MARINe) monitoring site, and a Point Blue Conservation Science study site. (Goal 3),
- Replicate with a state marine reserve the same range of habitats found at fished sites at Point Sal. (Goal 3),
- Include and replicate within a state marine reserve sandy beach, rocky intertidal, and shallow hard and soft bottom habitats. (Goal 4), and
- Establish a state marine reserve that meets preferred Master Plan Framework scientific guidelines for size. (Goal 5).

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

No. The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on 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. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

Only MPAs that encompass the full range of depths from 0-30 m are likely to include the complete suite of biodiversity associated with these nearshore habitats. For this reason, the SAT only considers those MPAs or MPA clusters that encompass the entire depth zone,

from the shoreline to 30 m depth, to contribute toward representation of nearshore habitats (0-30 m rock, 0-30 m soft bottom, and kelp) in the MPA Network. In cases where the 0-30 m depth zone is split across multiple MPAs with different levels of protection, these nearshore habitats are evaluated at the lowest LOP afforded within the 0-30 m depth zone. For example, shoreline or "ribbon" MPAs that confine uses to a narrow band along the shoreline may lower the LOP afforded to the shallowest portion of the 0-30 m depth zone and alter the unique marine communities specific to this depth zone. Furthermore, take activities allowed within the ribbon MPA may alter the abundances of species across the entire 0-30 m zone if the species utilize a range of depths either through movement of individuals or through seasonal or ontogenetic shifts in habitat use. Thus, in the case of an MPA configuration that includes an offshore MPA with a higher LOP and a nearshore ribbon MPA with a lower LOP, representation of nearshore (0-30 m) habitats will be assessed at the lower LOP assigned to the ribbon MPA.

Vandenberg SMR currently meets both minimum criteria and thus currently contributes to foundational ecological network objectives. It contributes to habitat replication for kelp, beach, rocky intertidal, hard substrate (0-30 m depth), and soft substrate (0-30 and 30-100 m depths) habitats. See Table 1 for more information on habitat in Vandenberg SMR.

Reclassifying the SMR's alongshore span (2023-18MPA_1) or a portion within the SMR (2022-04) to an SMCA to allow shore-based hook-and-line fishing would reduce the LOP of the redesignated portion of the MPA from Very High to Moderate-low. Additional take allowances (e.g., sand crab for bait) would further reduce the LOP. Both proposed changes would also decrease habitat replication and representation, increase spacing between habitat types (namely, kelp, beach, rocky intertidal, and hard and soft substrate from 0 to 30 m depth), and diminish the Network's overall ability to meet MLPA Goals.

Thus, granting either proposal has the potential to compromise Vandenberg SMR's ability to serve its intended function in the MPA Network. As such, implementation would not improve the design of this MPA or the MPA Network, nor would it enhance alignment with MPA science guidelines.

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

No. Both proposals (2023-18MPA_1 or 2022-04) would not align with Feasibility Guidelines related to Take Regulations, MPA Boundaries, MPA Types, Awkward Shapes and Wedges, and MPA Cluster Orientation. Non-adherence with these guidelines impacts enforceability. See Question 10a of Attachment 1 for CDFW Feasibility Guidelines.

This area is highly frequented by white shark (*Carcharodon carcharias*), which are fully protected in California waters. As such, granting either proposal may require additional regulatory language to restrict gear types and shore-based shark fishing to limit white shark fishery interactions. The requested take allowance of, "Sand Perch and/or similar species and take of sand crabs" to use for bait would also increase regulatory complexity. These could lead to conflict with feasibility criteria related to Take Regulations, which state that complex regulations such as "those which preclude some uses while allowing other uses that are very similar" or "those which include technical or complex prohibitions" should be avoided.

The offshore ribbon boundary requested in this petition (2023-18MPA_1) would conflict with guidance to avoid curved or undulating lines and not straight lines of latitude or longitude and to "avoid using depth contours and distance offshore." Additionally, a shore-based fishing allowance within an existing SMR conflicts with guidance that "take regulations proposed for an MPA should reflect the proposed MPA type." It also conflicts with "Multiple zoning" guidance that MPAs should avoid abrupt transitions from highly protected areas to areas of relatively little protection (i.e., Moderate-low or Low LOPs). Guidance on multiple zoning states, "Problems are likely to occur when confusing differences in regulations occur over small spatial areas. This can lead to unintentional infractions and can reduce public understanding," and "Three particular types of multiple zoning that should be avoided are the creation of "doughnut zones" [as proposed in Petition 2022-04], L-shaped MPAs, and "ribbons" [as proposed in Petition. 2023-18MPA]."

Finally, creating different regulations or classifications that share a boundary are referred to as a "cluster." Thus, both petition proposals would result in a cluster oriented east/west (or an east/west portion of the MPA), which conflicts with guidance to orient MPA clusters in an alongshore arrangement (stacked north/south).

> **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 either petition (2023-18MPA_1 or 2022-04) or an alternative.

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

No. The proposed changes in both petitions (i.e., Reclassifying all or part of the SMR's alongshore span to an SMCA that allows shore-based hook-and-line fishing) do not maintain or improve enforceability of these MPA regulations. The proposal in both petitions (2023-18MPA_1 and 2022-04) has the potential to increase complexity of

enforcement by having different MPA classifications with different regulations in close proximity.

Allowing take of "Sand Perch and/or similar species and take of Sand Crabs" as proposed by petition 2022-04 would increase enforcement burden. Allowing take of specific surf species but not other species of fish would increase enforcement burden as it would require CDFW MED to enforce specific individual behaviors. Allowing take of sand crabs would allow digging that could disguise take of other invertebrates such as Pismo clams, making it difficult to gauge compliance at a distance. Additionally, white shark, which are fully protected in California, frequent the area. Granting either petition would likely require additional regulatory language to restrict gear types and shore-based shark fishing to limit white shark fishery interactions, which could further add to enforcement complexity.

Both proposals have the potential to further complicate enforcement due to the lack of existing permanent onshore landmarks to inform boundaries at the site, including boundaries for Vandenberg SFB and the western snowy plover closure. This has the potential to increase unintentional noncompliance by users.

Finally, the two proposals deviate from several CDFW Feasibility Guidelines, which also could decrease enforceability of MPA regulations (see Question 10 for more information on the Feasibility guidelines and concerns related to regulatory complexity).

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

No. The proposal in both petitions (2023-18MPA_1 or 2022-04) would not simplify regulatory language or enhance public understanding, and both would change the intent of the MPA.

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

No. Petition 2023-18MPA_1 would reduce protection for marine resources by allowing shore-based hook-and-line fishing. Petition 2022-04 would reduce protection for marine resources by allowing take of "Sand Perch and/or similar species and take of Sand Crabs" for bait on a half-mile onshore portion of the Vandenberg SMR at Surf Beach. Either option would allow take in what is currently a No-take SMR and therefore lower the overall LOP from Very High to Moderate-low in that portion of the MPA (see Question 9 on how each proposal conflicts with MPA science guidelines).

Two species in the area, southern California steelhead and western snowy plover, are listed as Endangered and Threatened, respectively, under the federal Endangered Species Act. Southern California steelhead are also listed as Endangered under CESA. Both proposals have the potential to reduce protection and impact ongoing monitoring and restoration efforts for these sensitive species (see Question 4 for potential interactions with non-FGC management and activities). Additionally, white shark, which are fully protected in California, frequent the area. Granting either petition would likely introduce the potential for damage to white sharks via interactions with fishing gear and would require additional regulatory language to restrict gear types and shore-based shark fishing to limit white shark fishery interactions.

Redesignating the whole sandy beach portion of Vandenberg SMR would significantly reduce protections for the sandy beach ecosystem therein and also reduce replication for that type of ecosystem in the MPA Network. Additionally, redesignating the whole alongshore portion of Vandenberg SMR would include redesignating the area around the Santa Ynez River mouth, one of the ecological resources this MPA was designed to protect.

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?

Petition 2023-18MPA states that this proposed change would be for the purpose of equity and access. The City of Lompoc states in petition 2022-04 that their community is disadvantaged, and that access to no or low-cost opportunities to recreate and subsistence fish would benefit their community. CDFW reviewed available data and conducted and initial assessment, but there is a need to conduct a broader assessment to determine if the change would maintain or enhance access (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. Proposals in both petitions (2023-18MPA_1 and 2022-04) would allow recreational shore-based hook-and-line fishing in an MPA that is currently closed to all fishing. Consumptive use by recreational and/or subsistence anglers would be expected to increase, particularly for residents of Lompoc, given it is the closest city.

It is unknown if or how existing long-term MPA monitoring, a non-consumptive activity, would be affected.

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 proposed change would increase fishing access for the recreational fishing community, particularly for Lompoc residents (~9 mi from area of proposed change). However, impact to nearest fishing community port of Santa Barbara (located >50 mi from area of proposed change) is anticipated to be unlikely. See Question 17 of Attachment 1 for additional context on CFGC's response.

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

No. This petition does not directly interact with any other proposed changes in other 2023 MPA petitions. However, both petitions (2023-18MPA_1 and 2022-04) have potential to indirectly interact with 2023-28MPA, which proposes a new SMCA at Point Sal. That petition would create a protected area around the closest coastal access point north of Vandenberg SMR and Vandenberg SFB. The petitioner for that petition proposes an SMCA at Point Sal which would allow tribal take and recreational take of finfish by hook-and-line from shore. Additionally, one of Vandenberg SMR's objectives established during the Central Coast MLPA Initiative planning process was to "Replicate with a state marine reserve the same range of habitats found at fished sites at Point Sal."

2023-18MPA_3: AT KASHTAYIT SMCA, SIMPLIFY TAKE REGULATIONS TO: "RECREATIONAL TAKE OF FINFISH, INVERTEBRATES ~~(EXCEPT ROCK SCALLOPS AND MUSSELS)~~, AND GIANT KELP ~~BY HAND HARVEST~~ IS ALLOWED."

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 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.

This proposed change, to allow take of mussels and rock scallops and recreational mechanical harvest of giant kelp at Kashtayit SMCA, would not advance management of the MPA Network. The proposed change is inconsistent with the goals of these MPAs defined during the MLPA Initiative planning process and presented to CFGC when the resulting MPAs were adopted into regulation. This MPA was designed to meet MLPA Goals 3, 5, and 6. The proposed change would reduce this MPA's ability to meet some of those goals.

Changing these regulations would reduce the MPA's ability to meet MLPA Goal 3 because it would increase human disturbance and be inconsistent with protecting biodiversity. Mussels and giant kelp are structure-forming species that are important to the formation of marine ecosystems because the structures they form create secondary habitat for other species (Teagle et al. 2017, Cameron et al. 2024; MLPA 2010). Allowing or increasing take of mussels and giant kelp could reduce habitat availability for other species in the ecosystem, potentially reducing the biodiversity of the ecosystem.

The proposed change would also reduce the MPA's ability to meet MLPA Goal 5 as the MPA would no longer meet the clearly defined objectives established during the MLPA MPA design process. Kashtayit SMCA was intended to allow low-impact recreational take, especially take in line with traditional Chumash practices. The proposed change would increase the impact of take, which is inconsistent with this objective, and the intended goals of this MPA as designed in the planning process (MLPA, 2009a). Additionally, the proposed change to allow mechanical take in addition to hand harvest of giant kelp has an increased impact on the environment, as outlined in the MLPA (2009b).

The proposed change is not expected to affect the MPA's ability to meet MLPA Goal 6. Kashtayit SMCA does not currently meet size or protection thresholds to count towards network connectivity. This proposed change would not change that.

The proposed change would also conflict with the MPA Master Plan adaptive management objective to "Protect the structure and function of marine ecosystems." Increasing the take allowance and reducing protections for rock scallops and mussels and potentially giant kelp has the potential for impacts to the larger ecosystem. As mentioned above, mussels and giant kelp are structure-forming species that create habitat. Take of these species could lead to habitat loss due to damage to the physical environment during harvest or the loss of these species' function in the ecosystem as habitat-forming species. For example, take of scallops can damage substrate, as one

method of take requires prying them off the rock with an abalone iron (CDFG 2001). Therefore, allowing take would interfere with the structure and function of the ecosystem.

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

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

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

No. The proposed change would not address a current or emerging MPA management challenge or advance management of the MPA Network. Although the proposal aims to simplify regulatory language, and clear understandable regulatory language is a goal of management, the ecological costs outweigh any potential benefits. Improving signage and outreach efforts for the current regulations could be just as effective, or more effective, than a regulatory change.

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 manages kelp harvest in the state and uses spatial units called Administrative Kelp Beds to track commercial kelp harvest. Kashtayit SMCA is located within the area designated as Administrative Kelp Bed 31. Two different commercial entities have a CFGC approved kelp harvest plan for mechanical harvest of giant kelp in Administrative Kelp Bed 31, but not within Kashtayit SMCA. While the change proposed, if granted, would technically allow either mechanical or hand harvest within Kashtayit SMCA, it would still be limited to recreational harvest of giant kelp and subject to current bag limits. Although it is unlikely recreational harvesters would use mechanical means given the current bag limit (10 pounds per person per day), the proposed change would theoretically allow for recreational mechanical harvest. Commercial harvest of giant kelp by hand or mechanical means would still be prohibited within Kashtayit SMCA. The proposed change would require additional outreach and coordination with commercial and recreational kelp harvesters to ensure the change in regulations is adequately understood.

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. This MPA is adjacent to Gaviota State Park. Any changes made to regulations in this area may require consultation or coordination with State Parks.

Since the establishment of this MPA, the Chumash Heritage National Marine Sanctuary was established, which encompasses this MPA. Any changes to this MPA may require consultation or coordination with sanctuary staff.

There is a State Lands Commission lease for the Gaviota Pier, but we do not anticipate that this proposed change would interact with that lease.

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 adequate 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 MLPA designation documents, which indicate the intent behind the allowed activities in the Kashtayit SMCA (MLPA 2009a),
- Scientific research on the ecosystem role of mussels and kelp as ecosystem-forming species (Teagle et al. 2017, Cameron et al. 2024), and
- The intent of the designers of this MPA from the original MLPA planning process (MLPA 2009b, MLPA 2010).

The information in the petition and other information CDFW reviewed did not demonstrate that the proposed change is relevant to MPA adaptive management or that a change to the MPA regulations is warranted.

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.

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. Prior to the establishment of Kashtayit SMCA, this area was Refugio SMCA,[3] which allowed among other things, recreational take of rock scallops and mussels. These changes to the Refugio SMCA language were considered by the BRTF, and vetted through the Regional Stakeholder Group, and the language was identified in the MLPA South Coast Integrated Preferred Alternative, which was adopted by CFGC for Kashtayit SMCA. During the MLPA planning process, the BRTF recommended an alternative to update the take allowances to protect the local abundance of rock scallops, mussels, and giant kelp, and exclude harvest of rock scallops and mussels because of the potential to damage the rocks or other substrate during harvest, which can alter community structure and result in permanent habitat loss. Additionally, the integrated preferred alternative included recreational take of giant kelp by hand. During the MLPA planning process, the BRTF carefully selected commercial or recreational take of kelp, and mechanical and/or hand harvest of kelp for each MPA based on the MPA-specific goals. The BRTF highlighted that mechanical harvest of giant kelp has greater impacts to kelp abundance, kelp canopy, and kelp ecosystems than hand harvest (MLPA 2009b). Every occurrence of recreational take of kelp in the MPA regulations specifies "by hand" or "hand harvest;" mechanical harvest of kelp is associated with commercial take in the MPA regulations and commercial kelp regulations (Cal. Code Regs. Section 165 and 165.5). The inclusion of "giant kelp by hand" in the Kashtayit SMCA regulations is intentional.

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

No. There is no new information that warrants reevaluation of the proposed change.

[3] Refugio SMCA: "Prohibits all recreational take except for chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels, worms, and finfish. Prohibits all commercial take except for algae (except giant kelp and bull kelp); crabs, ghost shrimp, jackknife clams, sea urchins, worms, and finfish."

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. This proposed change does not align with the original intent of the MPA identified during the MLPA Initiative planning process. This MPA was intended to allow low-impact recreational take, especially take in line with traditional Chumash practices (MLPA 2009a). The proposed change would increase take allowance and reduce protections for rock scallops, mussels, and potentially giant kelp. The proposed change could lead to permanent habitat loss due to damage to the physical environment during harvest of rock scallops and mussels, which support the broader ecosystem as structure-forming species that create habitat for other species. Additionally, throughout the MPA regulations, "hand harvest" is specified for recreational take of Macrocystis. This was an intentional decision during the MLPA planning process. Although it is unlikely recreational harvesters would use mechanical harvest for the current 10 pound bag limit, the proposed change does not align with the original intent of the MPA and would introduce regulatory inconsistency in the MPA regulations. The proposed change would also increase impacts on the ecosystem and conflict with the low-impact take envisioned during the planning process.

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

No. The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on 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. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

Kashtayit SMCA does not currently meet the minimum criteria for LOP or size. Because the proposal to change the regulations would not increase the size and would, in fact, decrease the LOP of this MPA, implementation would not enhance alignment with MLPA Science Guidelines. Rather, the proposed change would compromise the design of Kashtayit SMCA and would not improve the MPA Network design.

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

Yes. The Take Regulations section of the Feasibility Guidelines stipulates that complex regulations should be avoided, including those that preclude some uses while allowing other uses that are very similar. The change proposed in this petition may improve alignment with the Take Regulations section in the Feasibility Guidelines by reducing the complexity of the Kashtayit SMCA 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?
>
> **Not applicable.**

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

In general, reducing complexity of the take allowances in the MPA could improve enforceability after a period of outreach and education associated with the regulatory change. However, the proposed change would result in unique regulations for recreational kelp harvest in Kashtayit SMCA that would be inconsistent with all other recreational take of kelp in the MPA regulations, which may present an enforcement challenge.

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

No. Although the change proposed in this petition makes the regulatory language simpler, the simplifying change has a substantive effect. This would change the intent of the MPA by increasing types and methods of allowable take, which conflicts with the original intent.

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

No. The proposed change would reduce protection for marine resources by allowing take of resources which are currently protected, including rock scallops, mussels, and giant kelp. Furthermore, this change might have compounding effects on marine resources, as removal of habitat structure (damage caused to hard substrate when harvesting rock scallops and mussels), including biogenic habitat (removal of scallops, mussels, and giant kelp), affects community structure and function (Teagle et al. 2017, Cameron et al. 2024).

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. If granted, the proposed change would likely increase take of rock scallops and mussels in the SMCA.

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 proposed change attempts to reduce regulatory complexity for the recreational fishing community. This would advance the CFC policy commitment to "increasing understanding and compliance and reducing enforcement burdens." However, impact on a nearby coastal fishing community (Santa Barbara, ~20 nautical miles south from area of proposed change) is anticipated to be unlikely. See Question 17 of Attachment 1 for additional context on CFGC's response.

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

Yes. Petitions 2023-19MPA (SYBCI, Chitqawi) and 2023-20MPA (SYBCI, Point Buchon) are proposing to use current Kashtayit SMCA regulations and the tribal take exemption for Santa Ynez Band of Chumash Indians in new or amended MPAs.

2023-18MPA_5-7: ELIMINATE SAN MIGUEL ISLAND AND ANACAPA ISLAND SPECIAL CLOSURES, REDUCE THE SIZE OF THE BROWN PELICAN FLEDGLING AREA AT ANACAPA ISLAND

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?

Goals of the MLPA are specific to MPAs and do not apply to the MPA Network's special closures, which were areas adopted by CFGC and prohibit access or restrict boating

activities in waters adjacent to sea bird rookeries or marine mammal haul-out sites. While special closures are not MPAs, they do support MLPA Goals by protecting marine life, and the abolishment or reduction of these special closures would not contribute to the Goals of the MLPA. See Question 1 of Attachment 1 for the MLPA Goals and Master Plan objectives.

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

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

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

No. The proposed change does not address a current or emerging MPA management challenge. The petitioner's stated intent for the proposed changes is to remove protection for pinnipeds and seabirds, pointing to recovered pinniped populations and that Anacapa Island SMCA and SMR already provide protection for seabirds, making the closures unnecessary. However, the petition does not provide any evidence to indicate the special closures are unnecessary. Additionally, the petitioner asserts the original intent at Anacapa Island during the planning process was to allow boating access at Frenchy's Cove. Boating access was discussed during the Northern Channel Islands MPA planning process and access is allowed seasonally at Frenchy's Cove. There is no new information that points to a need for reducing the size of the brown pelican special closure to increase boating access.

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.

Additionally, in 2014 a petition was submitted to evaluate use of special closures in the Central Coast Region; however, the action was dropped after the petitioner failed to follow up on a revised and refined proposal through stakeholder and agency workgroup effort (see CDFW 2022, Appendix G, Table 3).

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 three northern Channel Islands special closures overlap with the Channel Islands National Marine Sanctuary. Any modifications to or removal of the special closures would affect federal management and research efforts and would require consultation with the Office of the National Marine Sanctuary and National Park Service. The special closure on San Miguel Island and the two special closures on Anacapa Island provide a buffer zone between human activity and marine mammal haul-out and sea bird nesting sites. Additional federal enforcement may be required to further monitor and enforce issues related to the Marine Mammal Protection Act and the Migratory Bird Treaty Act should these special closures be removed or modified.

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

- History of the Community-Based Process on Marine Reserves at the Northern Channel Islands National Marine Sanctuary 1999-2001 (MRWG 2002),
- The CEQA documents that accompanied the original rulemaking establishing these MPAs (CDFG 2002a & 2002b),
- The Channel Islands National Marine Sanctuary Condition Report (ONMS 2019),
- NOAA Fisheries California sea lion census data (NMFS 2019),
- NOAA's final rule on the marine reserves inside the Northern Channel Islands National Marine Sanctuary (NOAA 2007)

This information, along with other information CDFW reviewed, did not demonstrate that the proposed change 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?

No. CDFW has sufficient management information to proceed with the evaluation of this proposed change.

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. During the Northern Channel Islands MPA planning process, the San Miguel Special Closure replaced the existing San Miguel Island Ecological Reserve, which incorporated the reserve's existing restrictions on boating and access to continue protections for pinnipeds to haul out (CDFG 2002b, Appendix 4). Similarly, the Anacapa Island Special Closure replaced the existing Anacapa Island Ecological Reserve, which also incorporated the existing provision for no net or trap to be used in waters less than 20 feet deep, as well as the brown pelican fledgling area (CDFG 2002b, Appendix 4). This smaller area within the island-wide Anacapa Island Special Closure prohibits public access from January 1 through October 31 to protect nesting birds, nests, and fledglings during brown pelican nesting season. Subsequently, during the MLPA Initiative planning process, and following CFGC guidance, both the San Miguel and Anacapa Island Special Closures were incorporated without modification into South Coast MPAs (CFGC 2002b). Thus, the areas within the affected Special Closures were evaluated and retained through both the Channel Islands and MLPA Initiative planning processes.

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

No. There is no new information or changed conditions that warrants reevaluating or modifying these special closures. The petitioner points to recovered pinniped populations and that Anacapa Island SMCA and SMR already provide protection for seabirds, making the San Miguel and Anacapa Island special closures unnecessary. Although some populations have increased since the closures were designated, sufficient evidence was not presented to justify removing or modifying the protections currently in place. See the response to Question 8 for more information on original intent identified during the implementation process of the MPAs around the Northern Channel Islands.

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. Reducing or abolishing these special closures would conflict with the intent of their establishment. Special closures serve to buffer and provide additional protection from the impacts of human disturbance for sea birds, marine mammals, and other marine life. San Miguel Island Special Closure protects some of the largest seal and sea lion

rookeries along the west coast of the United States. The Anacapa Island Special Closure protects nesting seabirds year-round, with an additional seasonal brown pelican fledgling area that is designated from the mean high tide mark seaward to a water depth of 20 fathoms (120 feet) on the north side of West Anacapa Island. This seasonal closure allows protection for brown pelicans during nesting season (from January 1 through October 31), while allowing boat access during less sensitive times of the year.

During the Northern Channel Islands MPA planning process, the California brown pelican and Northern fur seal (*Callorhinus ursinus*) were identified as species of interest for consideration by the Marine Reserves Working Group. Additionally, Steller sea lion and Guadalupe fur seal were identified as having occurred in the Channel Islands National Marine Sanctuary and were listed as threatened under the Endangered Species Act (NMFS 1985, 1990). Currently, the western distinct population segment of Steller sea lion is listed under the ESA as endangered and Guadalupe fur seal is listed under the ESA as threatened (NMFS 1985, 1990). Though the California brown pelican was delisted under the ESA in 2009, they are extremely sensitive to human disturbance. Thus, the protection offered by the San Miguel Island and Anacapa Island special closures is still relevant today.

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 MPA science guidelines only apply to MPAs. The proposals to eliminate, reduce, or remove special closures would not improve the design of the MPA Network or enhance alignment with 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?

Not applicable. CDFW Feasibility Guidelines only apply to MPAs and the proposed change does not apply to an MPA. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

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?

Not applicable. CDFW Feasibility Guidelines only apply to MPAs and the proposed change does not apply to an MPA.

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

2023-18MPA_5&6:

No. The proposed change would not maintain or enhance enforceability, as compliance is not a concern at these two closures.

2023-18MPA_7:

No. The proposed change would not enhance enforceability. Enforcement officer observations indicate that traps at this location are not typically set shallower than 20 feet deep. Traps that are found in shallow depths in this area are reported to be associated with inclement weather.

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

No. The petitioner asserts the guiding rationale for eliminating the special closures at Anacapa and San Miguel islands "simplifies regulatory language"; however, proposed action changes the intent of the regulations. Improved public understanding could instead be achieved through enhanced outreach and education.

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

No. The proposed elimination and/or reduction in size of the Anacapa and San Miguel Island Special Closures decreases protection for marine resources, particularly by reducing nesting and fledgling habitat for the California brown pelican and haul out sites for two pinniped species, Stellar sea lion and Guadalupe fur seal, which are currently listed under the ESA as endangered and threatened, respectively (NMFS 1985, 1990).

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. The proposed change (i.e. elimination of a special closure and/or changing its boundaries) is expected to increase boating (non-consumptive) and fishing (consumptive) activities in the affected areas. It also has the potential to impact any

existing research and monitoring (non-consumptive) of California brown pelican and pinniped populations at either Anacapa Island Special Closure, San Miguel Island Special Closure, or both.

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 analyses were prepared by CFGC staff. See Question 17 of Attachment 1 for additional context on CFGC's responses.

2023-18MPA_5: Eliminate pinniped Special Closure at San Miguel Island

The proposed change attempts to reduce regulatory complexity, particularly for boat-based fishing participants homeported to the coastal fishing communities of:

- Santa Barbara (~ 55 n mi from area of proposed change), and
- Channel Islands Harbor (Oxnard, ~60 n mi away from area of proposed change).

This proposed change could advance the CFC policy by potentially increasing understanding of regulations.

2023-18MPA_6: Reduce the size of the brown pelican Anacapa Island Special Closure to allow boat access to Frenchy's Cove

The proposed change would increase fishing and safe harbor access, particularly for boat-based fishing participants homeported in the coastal fishing communities of:

- Channel Islands Harbor (Oxnard),
- Ventura Harbor (~10 n mi away from area of proposed change), and/or
- Santa Barbara (~25 n mi area of proposed change).

Frenchy's Cove is a key anchorage on the island's north side that provides some protection from the west wind and swell; the next-nearest protected anchorage is ~10 n mi eastward, at Santa Cruz Island. Opening access for the 10 months currently closed may support safe anchorage for commercial fishing vessels that homeport in Oxnard, Santa Barbara, and/or Ventura.

2023-18MPA_7: Reassess and consider removing the following Special Closure at Anacapa Island: "No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands"

Impacts, if any, would be most relevant for net and trap fishery participants homeported in fishing communities of:

- Channel Islands Harbor (Oxnard),
- Ventura Harbor (~10 nm away from area of proposed change), and/or
- Santa Barbara (~25 nm area of proposed change).

Further input directly from those communities would be needed to clarify potential impacts.

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

Yes. The proposed action 2023-18MPA_6 (Reduce the size of the brown pelican Anacapa Island Special Closure to allow boat access to Frenchy's Cove) would be moot if the closure was abolished as per proposed action 2023-18MPA_7 (Reassess and consider removing the following Special Closure at Anacapa Island: "No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands"). There are also potential contraindications between both of these proposed actions and options stated in petition 2023-27MPA (amend existing Anacapa SMCA, evaluating three options (solutions) and choose the one that best protects the eelgrass meadow while allowing for community access), and 2023-34 (allow commercial take of sea urchins in nine State Marine Conservation Areas, including Anacapa Island SMCA) which could also affect the Anacapa Island Special Closure.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

Table 1. MPA attributes (area, LOP, depth range, and habitat extent) of the existing Vandenberg SMR, as well as the nearshore and offshore MPAs proposed in 2023-18MPA_1 (A) and 2022-04 (B). 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 Science Advisory Team (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).

	Existing	Offshore SMR (A)	Nearshore SMCA (A)	Offshore SMR (B)	Nearshore SMCA (B)
MPA Area (sq mi)	**32.91**	**31.83**	1.08	**32.88**	0.03
Level of Protection	**Very High**	**Very High**	Moderate-Low	**Very High**	Moderate-Low
Min Depth (m)	0	0	0	0	0
Max Depth (m)	42.0	42.0	8.2	42.0	5.3
Eelgrass (sq mi)	—	—	—	—	—
Kelp (mi)	**1.28**	1.28[a]	—	**1.28**	—
Beach (mi)	**13.19**	—	**13.19**	**12.73**	0.42
Rocky Intertidal (mi)	**9.99**	—	**9.99**	**9.99**	—
Estuaries (sq mi)	1e-3	—	1e-3	1e-3	—
Hard Substrate					
0-30 m (mi)	**2.18**	2.18[a]	—	**2.18**	—
30-100 m (sq mi)	0.04	0.04	—	0.04	—
100-200 m (sq mi)	—	—	—	—	—
>200 m (sq mi)	—	—	—	—	—
Soft Substrate					
0-30 m (mi)	**12.04**	12.04[a]	—	**12.04**	—
30-100 m (sq mi)	**8.85**	**8.85**	—	**8.85**	—
100-200 m (sq mi)	—	—	—	—	—
>200 m (sq mi)	—	—	—	—	—

[a] Would not count towards habitat replication despite meeting the minimum size because the MPA does not encompass the full 0-30 m depth range

CITATIONS

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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

CFGC Tracking Number	2023-23MPA_AM
Petition Contact/Affiliation	Keith Rootsaert, 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	2023-23MPA_AM

March 2026

II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

Note: If a change to the Marine Protected Area (MPA) regulations is not needed to address the proposed change, California Department of Fish and Wildlife (CDFW) did not evaluate the proposed change using the framework. However, CDFW may recommend an alternative pathway to achieving the desired outcome of the proposed change.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-23MPA_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 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).	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."	**Deny.** 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

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		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.
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 State Marine Reserve [SMR, (2023-23MPA_16)].	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."	**Deny.** The proposed change to allow unlimited urchin take conflicts with the state's legislatively established Wanton Waste rule (Fish & 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

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.
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 an SCP: • Out-planting kelp on the reef, • Spore dispersal by sporophyte bags, and • Pruning kelp canopy to promote growth and resilience to storms.	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	**Deny.** 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 & G. Code, §1002 and SCP regulations are clear that an SCP is required to take or possess wildlife, defined as "any form of plant of animal life," for propagation purposes. Therefore, the SCP regulations are relevant to all restoration

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
	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.
2023-23MPA_20_AM1 Establish new_Tanker's Reef SMR near Monterey (covering 193 acres, or 0.3 sq miles)	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	**Deny.** 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

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
	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."	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.
2023-23MPA_21 Create regulatory pathway to allow placing of artificial reef structures and sunken ship for recreational diving.	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	**Deny.** 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

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
	plant kelp on artificial structures better suited to kelp growth and marine aquaculture."	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.
2023-23MPA_22 Allow the placement of seasonal mooring buoys in permitted restoration areas including MPAs.	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	**Deny** 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

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
	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.
2023-23MPA_23 Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and marine managed areas (MMAs).	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.
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.	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."	**Deny.** 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. 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

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		periodically review the activities and adjust permit conditions as needed. The current permit terms also ensure CDFW receives and can regularly verify that permitholders are in good standing with their permit conditions. CDFW would not have sufficient oversight with a 10-year permit term.
2023-23MPA_25 Consider proposed kelp restoration sites as Giant Giant Kelp Restoration (G2KR) adopted reefs for continued kelp restoration.	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."	**Deny.** 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.
2023-23MPA_26 Allow commercial urchin harvest in MPAs for restoration	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	**Deny.** 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

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.	these MPAs and potentially undermine the long-term MPA Monitoring Program. 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.
2023-23MPA_27 Grant commercial urchin divers an exemption to	The petitioner's stated intent for the proposed change is:	**Deny.** The proposed exemption from the Wanton Waste Rule would require legislative amendment to the Fish & G. Code (§7704)

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
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.	"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."	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.
2023-23MPA_28_AM1 CFGC and CDFW promote kelp restoration collaboration on their website and in public outreach.	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."	**Support with alternative pathway.** 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.

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes[1] (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

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

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

IV. PETITION EVALUATION

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^2 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_AM1, 6_AM1, and 11_AM1

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 SMCAs:

- **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,

- 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_AM1), 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_AM1

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 (≥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 rational 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 permitholder 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).

- **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_AM1.** 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 placed-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 SMCAs; 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),

- 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 placed-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 COMMERICAL 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.

- 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?
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> 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,

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	**Very High**
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)	—

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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

March 2026

II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

Note: If a change to the Marine Protected Area (MPA) regulations is not needed to address the proposed change, California Department of Fish and Wildlife (CDFW) did not evaluate the proposed change using the framework. However, CDFW may recommend an alternative pathway to achieving the desired outcome of the proposed change.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-24MPA_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).	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 (*Macrocystis pyrifera*) beds in South Laguna from fishing and the potential effects of anchor chain drag, and reduce whale entanglement risks from spiny lobster (*Panulirus interruptus*) trap lines.	**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.

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes[1] (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with the CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

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

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

IV. PETITION EVALUATION

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-24MPA_AM1

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 finfish[2],
- 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).

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 database[4] 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

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

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.

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

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.

	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

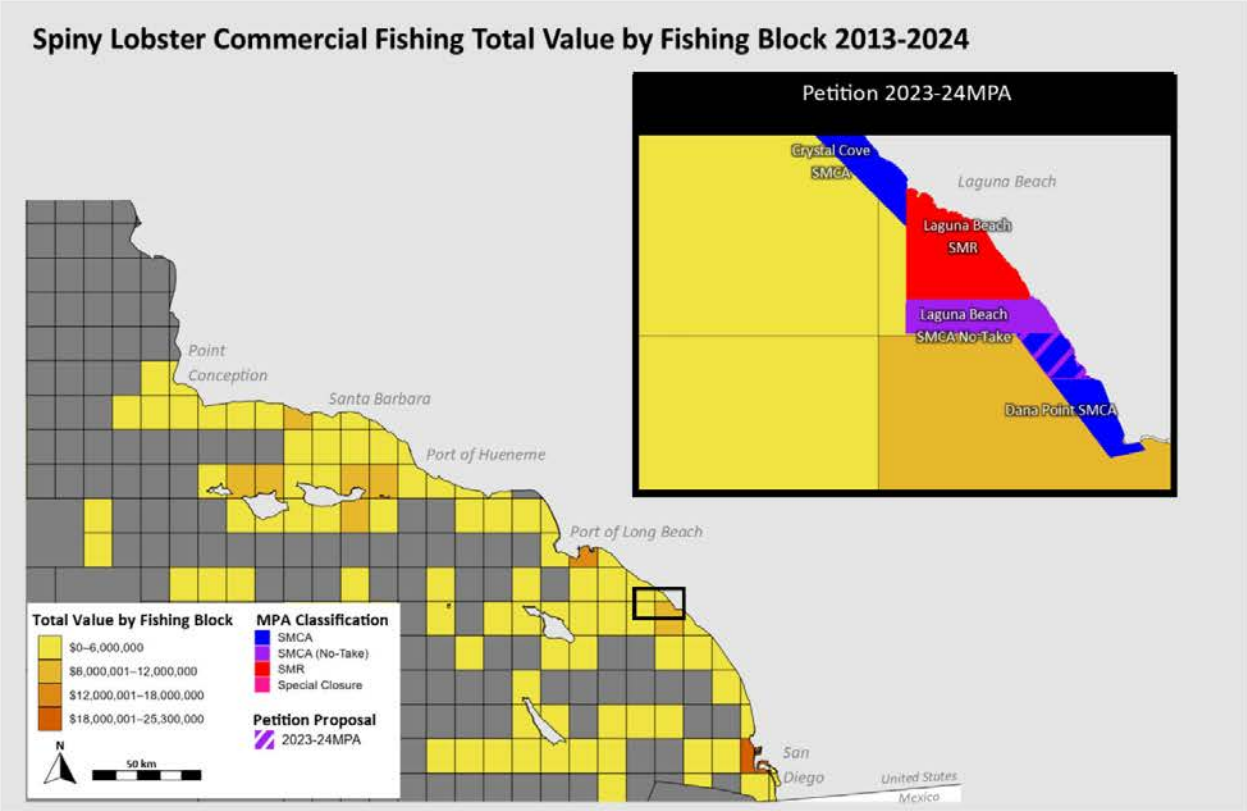


Figure 1. Total value (in millions $US) of commercially caught California spiny lobster (*Panulirus interruptus*) from 2013 to 2024 by California Department of Fish and Wildlife fishing block for the South Coast Bioregion with reference to petition 2023-24MPA. Actual value provided within fishing blocks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

CITATIONS

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regulations) of Revised SCRSG MPA Proposals 1, 2 and 3, and Proposal 0 (Existing MPAs). Sub-region 4: Newport Beach to Agua Hediondo.

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

Amend Existing Anacapa Island SMCA or Special Closure to Protect Eelgrass (2023-27MPA_AM)



I. PETITION SUMMARY

CFGC Tracking Number	2023-27MPA_AM
Petition Contact/Affiliation	Azsha Hudson, Environmental Defense Center
Number of Proposed Actions	1
Affected MPAs	Anacapa Island State Marine Conservation Area (SMCA) or Special Closure
Petition Summary	Amend existing Anacapa Island SMCA or Special Closure with one of three options to best protect eelgrass (*Zostera* spp.) meadows while allowing for community access (removed classification change and modified take regulations as amended). See detailed options in Section II.
Link to StoryMap page	2023-27MPA_AM

March 2026

II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

Note: If a change to the Marine Protected Area (MPA) regulations is not needed to address the proposed change, the California Department of Fish and Wildlife (CDFW) did not evaluate the proposed change using the framework. However, CDFW may recommend an alternative pathway to achieving the desired outcome of the proposed change.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-27MPA_1_AM1 Amend existing Anacapa Island SMCA or Special Closure, evaluating three options (solutions) and choose the one that best protects the eelgrass meadow while allowing for community access: **Option 1:** Change Anacapa Island SMCA regulations to disallow commercial California spiny lobster (*Panulirus interruptus*) fishing year-round. **Option 2:** Change Anacapa Island SMCA regulations to disallow hard bottomed	The petitioner's stated intent for the proposed change is to protect eelgrass meadows located in the Anacapa Island SMCA from hard bottomed objects such as the gear type listed for the commercial lobster fishery and anchors used for vessels.	**Deny the petition, including all three options.** CDFW acknowledges the significant ecological importance and value of eelgrass meadows. Although there has been a decline and lack of eelgrass recovery at Frenchy's Cove, there is no indication that the primary driver of the decline or lack of recovery of eelgrass in Frenchy's Cove is bottom contact fishing gear and anchoring that may occur during the two-month window when fishing is allowed in the brown pelican (*Pelecanus occidentalis*) fledgling area. The proposed options are unlikely to have a biologically meaningful impact on eelgrass at this location beyond what is already offered by the Anacapa Island SMCA and Special Closure and brown pelican fledgling area, and it would unnecessarily restrict an important fishing ground that was carefully contemplated and deliberated during the Northern Channel Islands MPA planning and implementation process.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
fishing gear (including anchoring if applicable) near eelgrass meadows. **Option 3:** Change the border of the Anacapa Island Special Closure, prohibiting the deployment of lobster traps in waters from 0-30 meters (0-98.43 feet) deep instead of the existing 0-20 feet (0-6.1 meters) deep off Anacapa Island.		

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes[1] (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

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

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

IV. PETITION EVALUATION

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-27MPA_1_AM1

The petitioner has requested consideration of three options for regulatory change to enhance protection of eelgrass within Frenchy's Cove at Anacapa Island SMCA and Special Closure. The petitioner asserts that the proposed options are "intended to protect the Anacapa Island SMCA eelgrass meadow and associated biodiversity from lobster trapping [and anchoring] which occurs during the months of November and December [when the California brown pelican fledgling area is open]."

The three options proposed by the petitioner include:

1. Change Anacapa Island SMCA regulations to disallow commercial lobster fishing year-round,
2. Change Anacapa Island SMCA regulations to disallow hard bottomed fishing gear (including anchoring if applicable) near eelgrass meadows, or
3. Change the border of the Anacapa Island Special Closure, prohibiting the deployment of lobster traps in waters from 0-30 meters (0-98.43 feet) deep instead of the existing 0-20 feet (0-6.1 meters) deep off Anacapa Island.

Frenchy's Cove is a popular recreational and fishing destination on the western islet of Anacapa Island that includes a small beach and tidepools and is situated within both the island-wide nearshore Anacapa Island Special Closure and the larger Anacapa Island SMCA. The Anacapa Island Special Closure prohibits setting nets and traps around the island in waters less than 20 feet deep year-round to protect seabirds and prohibits public activities from occurring within the 20 fathom (120 feet) brown pelican fledgling area from January 1 – October 31 to protect nesting birds, nests, and fledglings during brown pelican nesting season. The west and east borders of the brown pelican fledgling area include the west end of the beach at Frenchy's Cove and Portuguese Rock, which is ~0.8 miles (~1.3 km) to the east. The Anacapa Island SMCA regulations allow commercial and recreational take of lobster and recreational take of pelagic finfish[2] (Cal. Code Regs., tit. 14, § 632 subd. (a)(3)).

CDFW acknowledges the significant ecological importance and value of eelgrass meadows and shares concern regarding the lack of eelgrass recovery at Frenchy's Cove.

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[2] Pelagic finfish as defined for MPA regulations include: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena* spp.), billfishes (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family Scombridae) including Pacific bonito (*Sarda chiliensis*), and yellowtail (*Seriola dorsalis*).

The petitioner asserts that the proposed options to enhance eelgrass protection at this location align with one or more of the MLPA Goals and Decadal Management Review (DMR) Recommendations. However, given the biology of eelgrass and other factors discussed below, CDFW's evaluation finds the options proposed by the petitioner:

- Are inconsistent with the goals of this MPA, as defined during the implementation process around the Northern Channel Islands and the MLPA Initiative planning process,
- Do not align with original intent of this MPA or the full Anacapa Island Special Closure,
- Would not advance management of the MPA Network or address a current or emerging MPA management challenge,
- Would not advance management of the MPA Network, and
- Do not enhance or improve enforcement of the MPA and Special Closure regulations.

Eelgrass, a seagrass that is found in the very low intertidal to subtidal zone, is inherently episodic and variable, and the persistence of a stable meadow can be affected by many physical factors (i.e., temperature, sedimentation, currents) (Livingston 1984, Frederiksen et al. 2004, Krumhansl et al. 2021, DuBois et al. 2022). Before the MPAs were established around the Northern Channel Islands in 2003, eelgrass meadows at Anacapa Island nearly disappeared after white urchin (*Lytechinus pictus*) numbers increased and heavily grazed the eelgrass in the wake of the 1982-1983 El Niño (Alstatt 2003, 2014, 2021, Engle and Miller 2005). While many eelgrass meadows around Anacapa Island recovered and are present today, eelgrass did not re-colonize the historical site in Frenchy's Cove, and a restoration plan was developed and implemented in 2002. Restoration efforts were successful at re-establishing eelgrass in Frenchy's Cove yet monitoring and mapping efforts have observed a steady decline since (Fig. 1) (Alstatt 2014, 2021). The last mapping effort of eelgrass meadows around the Northern Channel Islands occurred in 2015, coinciding with the 2014-2016 Marine Heat Wave (MHW). The most recent diver surveys were conducted in 2019. Both efforts showed little-to-no eelgrass present at the restoration site in Frenchy's Cove (Fig. 1). However, stable eelgrass meadows occur elsewhere around Anacapa Island and other Channel Islands, including in areas where fishing and boating activities occur. While the Special Closure, including the brown pelican fledgling area, was designed to protect sea birds around the island, at Frenchy's Cove the seabird protections also provide 10 months of ancillary eelgrass protection within waters less than 120 feet (~36.5 meters) deep in the brown pelican fledgling area and year-round ancillary eelgrass protection within waters less than 20 feet (~6 meters) deep. Although there is potential for impacts from bottom contact fishing gear and anchoring to occur during the two-month window when fishing is

allowed in the brown pelican fledging area (i.e., >20 feet deep November 1 – December 31), it is likely there are additional factors, including the 2014-2016 MHW, and site-specific attributes such as temperature, currents, and suitable substrate to sustain eelgrass, that are also contributing to the lack of recovery of eelgrass in Frenchy's Cove. Thus, prohibiting commercial lobster fishing in the Anacapa Island SMCA year-round (Option 1) is unlikely to address the petitioner's stated problem.

Another proposed option offered by the petitioner would extend the Special Closure depth limit to 98 feet (30 meters) to prohibit the deployment of lobster traps in water depths less than this limit (Option 3). Although the deepest observations of persistent eelgrass meadows around Anacapa Island have occurred at a maximum depth of about 45 feet (13.7 meters) (Engle and Miller 2005, Alstatt 2014, 2021, Sherman and DeBruyckere 2018), eelgrass around the Channel Islands typically occurs within shallower depths of 0 to 20 feet (~6 meters) (Engle and Miller 2005, Sherman and DeBruyckere 2018). Given the brown pelican fledgling area currently offers protection to eelgrass at Frenchy's Cove within the 120 foot (~36.5 meters) depth limit for 10 months out of the year and within the 20 foot (~6 meters) depth limit year round, it is unlikely that extending the island-wide Special Closure boundary to 98 feet (30 meters) would provide measurable benefits or protection to eelgrass in Frenchy's Cove beyond what the Special Closure and associated brown fledgling area already provide. The second option presented by the petitioner to prohibit hard bottomed fishing gear (including anchoring if applicable) near eelgrass meadows is inherently problematic for MPA regulations due to the dynamic nature of eelgrass and associated enforcement feasibility concerns.

CDFW also finds that the proposal's potential impacts to consumptive and non-consumptive users are anticipated to be significant, as the Anacapa Island SMCA continues to be an important fishing ground, especially for the recreational and commercial lobster fisheries and an important site for non-consumptive users (Fig. 2). The proposed option to extend the depth limit of the Special Closure into deeper waters would further restrict all access to Anacapa Island for all users and not just commercial lobster activities. Given the proposal is not expected to provide measurable benefits or enhanced protection for eelgrass in Frenchy's Cove, it would unnecessarily restrict an important area to consumptive and non-consumptive users that was carefully contemplated and deliberated during Northern Channel Islands MPA planning and implementation (MRWG n.d.). All proposed options deviate from the original intent of the Anacapa Island SMCA, which was to provide commercial and recreational fishing opportunities in lieu of a State Marine Reserve (SMR) at this location and to compensate for consumptive losses around the other Northern Channel Islands due to implementation of other SMRs (MRWG n.d., MLPA 2009).

RECOMMENDATION FOR 2023-27MPA_1_AM1

Given these considerations and the information in the evaluation below, **CDFW recommends the California Fish and Game Commission (CFGC) DENY petition 2023-MPA27**, including all three options proposed within **2023-27MPA_1_AM1** to "…amend existing Anacapa Island SMCA or Special Closure, evaluating three options (solutions) and choose the one that best protects the eelgrass meadow while allowing for community access."

In lieu of a regulatory change to the MPA Network, CDFW recommends continued eelgrass research and monitoring at Frenchy's Cove and other areas where eelgrass persists around the Northern Channel Islands. This could provide more insight into the suite of drivers that may be impacting eelgrass persistence at this location and would better inform potential management actions. Although there is no quantitative evidence to support the presumption that bottom contact or fishing activities are the primary driver of eelgrass loss in this area, the installation of mooring buoys at Frenchy's Cove is an MPA adaptive management measure that has potential to address some of the petitioner's concerns at this site when it is accessible to boating activities, while also maintaining the MPA's intended goals.

The information below applies to the three options, and in certain cases, there is additional option-specific information.

EVALUATION QUESTIONS

2023-27MPA_1_AM1: Amend Anacapa Island SMCA or Special Closure with one of three options (see petition summary above for options) to best protect eelgrass meadows while allowing for community access.

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

The petitioner asserts that amending the Anacapa Island SMCA or Special Closure regulations would better protect eelgrass meadows at Frenchy's Cove during the two-month window when the brown pelican fledgling area is open and that this proposed amendment is consistent with MLPA Goals/MPA Master Plan objectives 1, 2, 3, and 5, which are related to enhancing natural diversity, sustaining marine life populations, providing recreational, educational, and research opportunities, and ensuring science-informed management measures.

Although the petitioner asserts the proposed actions would align with the MLPA Goals and MPA Master Plan objectives, in the broader adaptive management framework, the proposed change would not advance management of the MPA Network.

Anacapa Island SMCA was designed with the goals of balancing ecosystem level biodiversity protections, recognizing the rich marine heritage that the marine waters around the Channel Islands provide, and maintaining important fisheries in a portion of state waters and the Channel Island National Marine Sanctuary (CINMS). These goals are aligned with MLPA Goals 2, 3, 4, and 5 and are still relevant today. Thus, the proposed change would offer no change in the design of the affected MPA for these goals.

CDFW recognizes the important role that eelgrass plays as a foundational species that enhances biodiversity (Duffy 2006, Nordlund et al. 2016, Sherman and Debruyckere 2018) (Goal 1) and the importance of protecting unique habitats such as eelgrass meadows (Goal 4). However, given the typical shallow distribution of eelgrass and many factors potentially influencing its persistence at this site, the proposed options for change in the Anacapa Island SMCA or Special Closure are unlikely to benefit eelgrass at Frenchy's Cove beyond what is currently offered by the Special Closure and brown pelican fledgling area.

Additionally, all the proposed options would conflict with the intended goal to maintain important fisheries (Goal 3). Given the data gaps that exist regarding the presence of eelgrass currently in Frenchy's Cove and the drivers contributing to its population dynamics, more work is needed to make a science-informed decision regarding the management of this species in this location (Goal 5).

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

No. The petitioner asserts that the proposed options would advance two prioritized DMR Recommendations #4: to apply what is learned from the DMR to support proposed changes to the MPA Network, and #9: to advance OPC's 2020-2025 Strategic Plan priorities specific to protecting and restoring eelgrass habitat in the state's coastal waters (OPC Strategic Plan Target 3.1.4). However, given the typical shallow depth

distribution of eelgrass and many factors potentially influencing its persistence in the area, the proposed options are unlikely to result in measurable, biologically meaningful benefits to eelgrass in Frenchy's Cove beyond what the Special Closure and brown pelican fledgling area currently offer. Thus, the proposed options in the petition would not advance management of the MPA Network. See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management Recommendations.

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

No. The proposed options in the petition would not address a current or emerging MPA management challenge. While the lack of eelgrass recovery at Frenchy's Cove is a concern, eelgrass restoration is not currently an MPA management challenge. It is important for any eelgrass restoration effort to implement intervention measures that address the site-specific ecological drivers of eelgrass loss, and there is insufficient evidence to support the assertion that bottom contact or fishing activities that are occurring in a two-month period annually is the primary driver contributing to eelgrass loss or lack of recovery in Frenchy's Cove.

CDFW recommends continued research and monitoring at Frenchy's Cove and other areas where eelgrass persists around the Northern Channel Islands. This could provide more insight into the suite of drivers that may be impacting eelgrass persistence at this location and would better inform potential management actions.

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. The following is a list of tribes, agencies, and other entities that may be impacted by the proposed change.

National Oceanic and Atmosphere Administration (NOAA), CINMS: CINMS manages an MPA (Anacapa Island Federal Marine Conservation Area (FMCA)) in federal waters

directly adjacent to the state Anacapa Island SMCA. For reasons such as ease of enforcement, the federal and state MPAs around the Northern Channel Islands have the same regulations. This change would make the regulations inconsistent and CINMS and NOAA would need to pursue updating the federal regulations to end commercial lobster fishing in the federal Anacapa Island SMCA if CFGC chooses to grant Option 1. Furthermore, NOAA is the lead federal agency that administers the Marine Mammal Protection Act and CDFW shares jurisdiction of the Anacapa Island Special Closures. If CFGC chooses to grant the petition, CDFW would need to coordinate enforcement, updates to signage, and outreach efforts with CINMS.

National Park Service: CDFW shares jurisdiction of the Anacapa Special Closures with Channel Islands National Park and would need to coordinate enforcement, updates to signage, and outreach efforts.

State Water Resources Control Board and Regional Water Quality Control Board (Water Boards): The Anacapa Island MPAs all fall within an existing Area of Special Biological Significance. It is unclear whether the proposed change would have direct or indirect effects on the management activities of the Water Boards for these ASBS.

State Lands Commission (SLC): The Anacapa Island Special Closure overlaps with active SLC lease 8390 for the Anacapa Island boat dock. It is unclear whether the proposed change would have direct or indirect effects on SLC's regulatory or management activities.

Santa Ynez Band of Chumash Indians: There is a tribal exemption for the Anacapa Island SMCA for the Santa Ynez Band of Chumash Indians.

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:

- Results from ongoing eelgrass monitoring at this site and other locations around the Channel Islands,
- Eelgrass mapping around Anacapa Island, including Frenchy's Cove (available through 2015) and additional diver survey data from 2019,

- Existing science and guidance pertaining to eelgrass recovery and restoration in California (including OPC's 2026-2030 Strategic Plan statewide targets for eelgrass restoration),
- Fishing block data for the commercial California spiny lobster fishery, and
- MLPA Initiative planning documents, historical documentation of the implementation of MPAs around the Northern Channel Islands, and other related information (e.g. MLPA Goals and MPA Master Plan adaptive management objectives).

The information provided in the petition, along with other information CDFW reviewed, did not demonstrate that the proposed change would advance MPA adaptive management or that a change in MPA regulations is warranted.

Without more definitive evidence of a place-based need linking eelgrass declines to specific drivers, including fishing and boating activities in Frenchy's Cove, it is unlikely the options presented in the petition would result in measurable, biologically meaningful benefits to eelgrass beyond what the Special Closure and brown pelican fledgling area currently provide.

CDFW will continue to work with tribes and other partners to identify priorities and critical data gaps to fill to better inform management actions to benefit eelgrass at this location and statewide.

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 eelgrass.

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. Before the Northern Channel Islands MPA planning process, protections in this area were already in place in the form of an ecological reserve. During the Northern Channel Islands MPA planning process, the Anacapa Island Special Closure was intentionally designed to retain the existing regulations of the ecological reserve at the time and to serve a targeted conservation purpose beyond the broader protection of the MPA Network (MRWG n.d.). The Anacapa Island Special Closure, which prohibits setting nets and traps within 20 feet of shore around the island, was established primarily to protect feeding and roosting seabirds, including the California brown pelican.

Subsequently, during the MLPA Initiative planning process in the South Coast Region (MLPA 2009), and following CFGC guidance, this Special Closure was left unchanged.

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. DMR Recommendation 18 identifies the need to develop a framework to evaluate appropriate restoration and mitigation actions within MPAs, which could include eelgrass habitats that have been affected by anthropogenic and environmental factors. However, Recommendation 18 also stresses the need to align regional restoration and mitigation actions with a statewide framework, which has not yet been developed.

While our knowledge regarding the success of eelgrass restoration and the effects of climate change on eelgrass species has advanced since the implementation of the Northern Channel Islands MPAs (Ward and Beheshti 2023), there is a need for more recent eelgrass survey data around the islands, including Frenchy's Cove. CDFW recommends continued research and monitoring of eelgrass and the factors that could affect its persistence at Frenchy's Cove. Such efforts are more likely to inform appropriate management and restoration measures and have greater potential to be more effective in addressing the petitioner's stated problem than amending MPA regulations for the Anacapa Island SMCA or Special Closure.

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 options do not align with the original intent of the Anacapa Island SMCA or Special Closure, which combined were intended to provide habitat protection for feeding and nesting birds, while allowing some level of recreational and commercial take, including the take of lobster, to continue.

The original intent of the Anacapa Island Special Closure, which prohibits the setting of nets or traps in waters less than 20 feet around the island, was to decrease entanglement risk for birds feeding near roosting grounds on the island. The original intent of the seasonal brown pelican fledgling area (Jan. 1-Oct. 31) within the Anacapa Island Special Closure and larger Anacapa Island SMCA was to provide protection from human disturbance to an important brown pelican rookery area when juvenile brown pelicans are fledging from their nesting sites. Although the original intent of the Special

Closure was not to protect eelgrass meadows, it offers protection to eelgrass in the shallow waters around Anacapa Island during the closure.

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 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.

Take of lobster and pelagic finfish are currently allowed in Anacapa Island SMCA, both of which are Moderate-low LOP activities. Under all three proposed options to protect eelgrass meadows, pelagic finfish take would remain allowed, meaning the level of protection would not increase. Since none of the options would increase the size or level of protection of the SMCA, implementation would not improve the design of the individual MPA or the MPA Network, nor would it enhance alignment with the MLPA Science Guidelines, and thus, does not warrant a change. 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?

Option 1 (change Anacapa Island SMCA regulations to disallow commercial lobster fishing year-round):

Yes. This proposed change aligns with the Feasibility Guidelines, as it does not intend to change the spatial design of the MPA and simplifies the take regulations.

Option 2 (change Anacapa Island SMCA regulations to disallow hard bottomed fishing gear (including anchoring if applicable) near eelgrass meadows):

No. The proposed change aligns with the Feasibility Guidelines, with the exception that it deviates from the MPA design guidance under "Multiple Zoning" to "avoid having areas split to allow for different uses in different portions of an MPA." Furthermore, prohibiting the use of specific gear types near eelgrass meadows is not enforceable because the presence of eelgrass meadows can be highly variable and change over time.

Option 3 (change the border of Anacapa Island Special Closure, prohibiting the deployment of lobster traps from 0-30 meters (0-98.43 feet) instead of the existing 0-20 ft (0-6.1 meters) deep):

No. The proposed change does not align with the purpose of a special closure designation, which was intended during the MLPA Initiative planning process to be utilized to protect breeding seabirds and marine mammal populations from human disturbance. The Feasibility Guidelines advise that special closure restrictions should not be directly related to take of living marine resources, such as eelgrass. 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 options and CDFW has not identified a feasible alternative that would meet the intent of the proposed options but better align with the Feasibility Guidelines.

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

Option 1 (change Anacapa Island SMCA regulations to disallow commercial lobster year-round):

Yes. The proposed action (i.e., disallowing the commercial take of lobster but retaining the recreational take allowance) has potential to increase enforceability by removing a method of take.

Option 2 (change Anacapa Island SMCA regulations to disallow hard bottomed fishing gear (including anchoring if applicable) near eelgrass meadows):

No. The proposed action (i.e., change SMCA regulations to disallow hard bottomed fishing gear (including anchoring if applicable) near eelgrass meadows) is not enforceable as proposed. The location and extent of eelgrass meadows are not stationary and without specific boundaries, this option does not meet CDFW Feasibility Guidelines.

Option 3 (change the border of the Anacapa Island Special Closure, prohibiting the deployment of lobster traps from 0-30 meters (0-98.43 feet) instead of the existing 0-20 ft deep):

No. The proposed action (i.e., extend the existing [Anacapa Island Special Closure] prohibition of deployment of lobster traps less than 20 feet deep to apply out to 30 meters (0-98.43 feet)) would not meet CDFW Feasibility Guidelines, as depth contour boundaries are traditionally difficult to enforce.

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

No. The intent of the proposed change is not to simplify the regulatory language or enhance public understanding. However, the proposed change would change the intent of the MPA and have potential to make the regulatory language more complex. The existing regulations for Anacapa Island are already complex, and Options 2 and 3 would further complicate the regulations.

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

Yes. Option 1 (prohibiting commercial lobster fishing) may confer some extra protection for California spiny lobster, but none of the options are likely to offer meaningful protection to eelgrass as the proposal intends.

Although there is potential for impacts from bottom contact fishing gear and anchoring to occur in Frenchy's Cove during the two-month window when fishing is allowed in the brown pelican fledging area, it is likely there are other factors, including the 2014-2016 MHW, and site-specific attributes such as temperature, currents, and suitable substrate to sustain eelgrass, that are contributing to the lack of recovery of eelgrass in Frenchy's Cove. Thus, prohibiting commercial lobster fishing in the Anacapa Island SMCA year-round (Option 1) is unlikely to enhance protection of eelgrass within Frenchy's Cove.

Additionally, although the deepest observations of persistent eelgrass meadows around Anacapa Island have occurred at a maximum depth of about 45 feet (13.7 meters) (Engle and Miller 2005, Alstatt 2014, 2021, Sherman and DeBruyckere 2018), eelgrass typically occurs within shallower depths of 0 to 20 feet (0-6 meters) (Engle and Miller 2005, Sherman and DeBruyckere 2018). Given the brown pelican fledgling area currently offers protection to eelgrass at Frenchy's Cove within the 120 foot (~36.5 meters) depth limit for 10 months out of the year and within the 20 foot (~6 meters) depth year round, it is unlikely that extending the island-wide Special Closure boundary to 98 feet (~30 meters) would provide measurable benefits or protection to any remaining eelgrass in Frenchy's Cove beyond what the Special Closure and brown pelican fledgling area currently provide.

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. Significant impacts to the commercial lobster fishery would be expected. The affected MPA overlaps with CDFW fishing block 684, and commercial landings data indicate this fishing block is highly valuable to the commercial California spiny lobster fleet (Fig. 2).

Given the proposed change is not expected to provide measurable benefits or enhanced protection to any remaining eelgrass in Frenchy's Cove, it would unnecessarily restrict an important fishing ground that was carefully contemplated and deliberated during Northern Channel Islands MPA planning and implementation.

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 boat-based fishing participants homeported in the coastal fishing communities of:

- Channel Islands Harbor (Oxnard) (~15 nautical miles (nm) away from area of proposed change),
- Ventura Harbor (~10 nm away from area of proposed change), and/or
- Santa Barbara (~25 nm away from area of proposed change).

The three options proposed by the petitioner would have differing impacts on fishing in this area. It is unclear to what degree it would constrain access for the commercial lobster fleet homeported in the Santa Barbara fishing community, where the commercial lobster trapping fleet represents the second-highest valued homeported fishery.

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

Yes. This petition has the potential to interact with proposed changes in petition 2023-18MPA (proposed actions_6, 7) that aim to reduce the size of the brown pelican fledgling area within the Anacapa Island Special Closure to allow year-round boat access to Frenchy's Cove and to consider abolishing the Anacapa Island Special Closure around the full extent of the island.

This petition also has the potential to interact with petition 2023-14MPA (proposed action_6), which aims to allow commercial take of urchin in the Anacapa Island SMCA.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

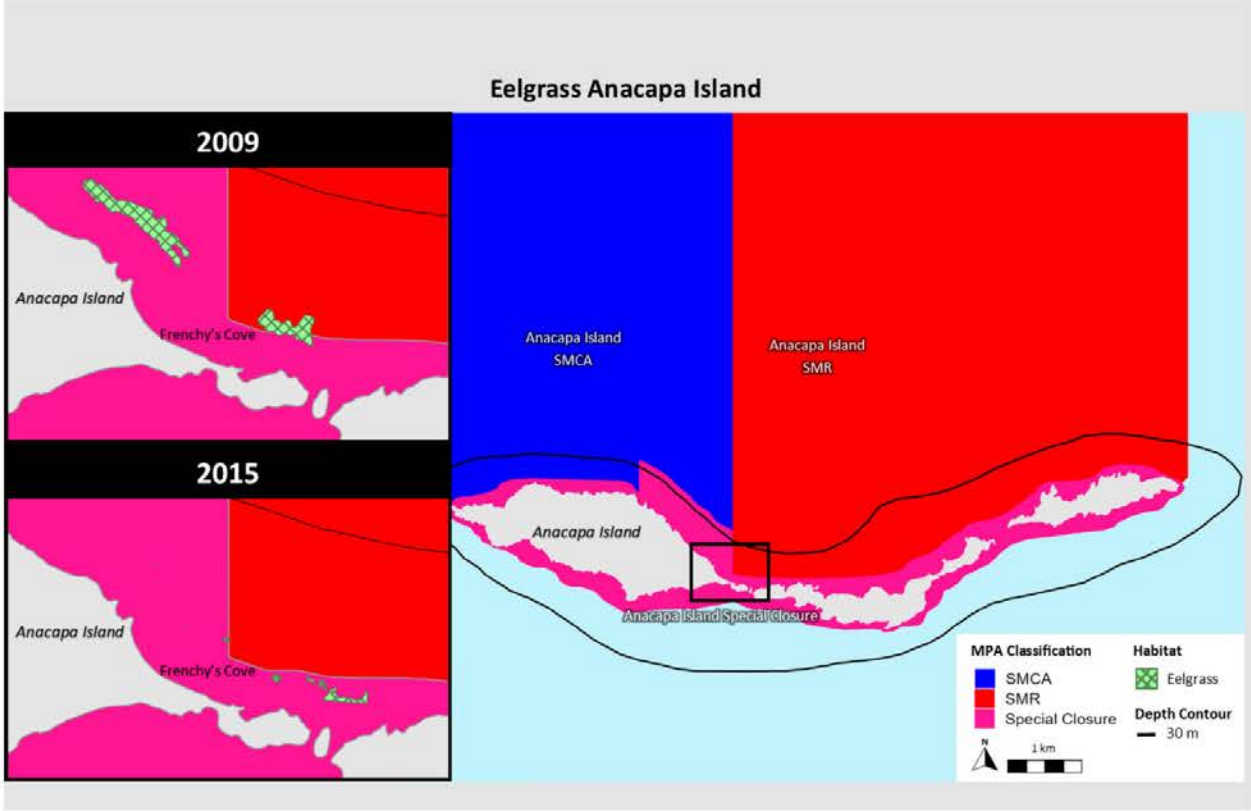


Figure 1. Eelgrass habitat maps in Frenchy's Cove on Anacapa Island, Northern Channel Islands in 2009 and 2015. These are the most recent years that coordinated eelgrass mapping surveys occurred around Anacapa Island. Eelgrass extent is depicted in green crosshatching. The Anacapa Island SMCA (blue) and SMR (red) do extend to the mean

high tide line, however, overlap with the full island Special Closure (out to 20 foot depth) and the seasonal brown pelican fledgling Special Closure in Frenchy's Cove that extends out to 120 foot depth annually January 1-October 31 (Special Closures shown in pink).

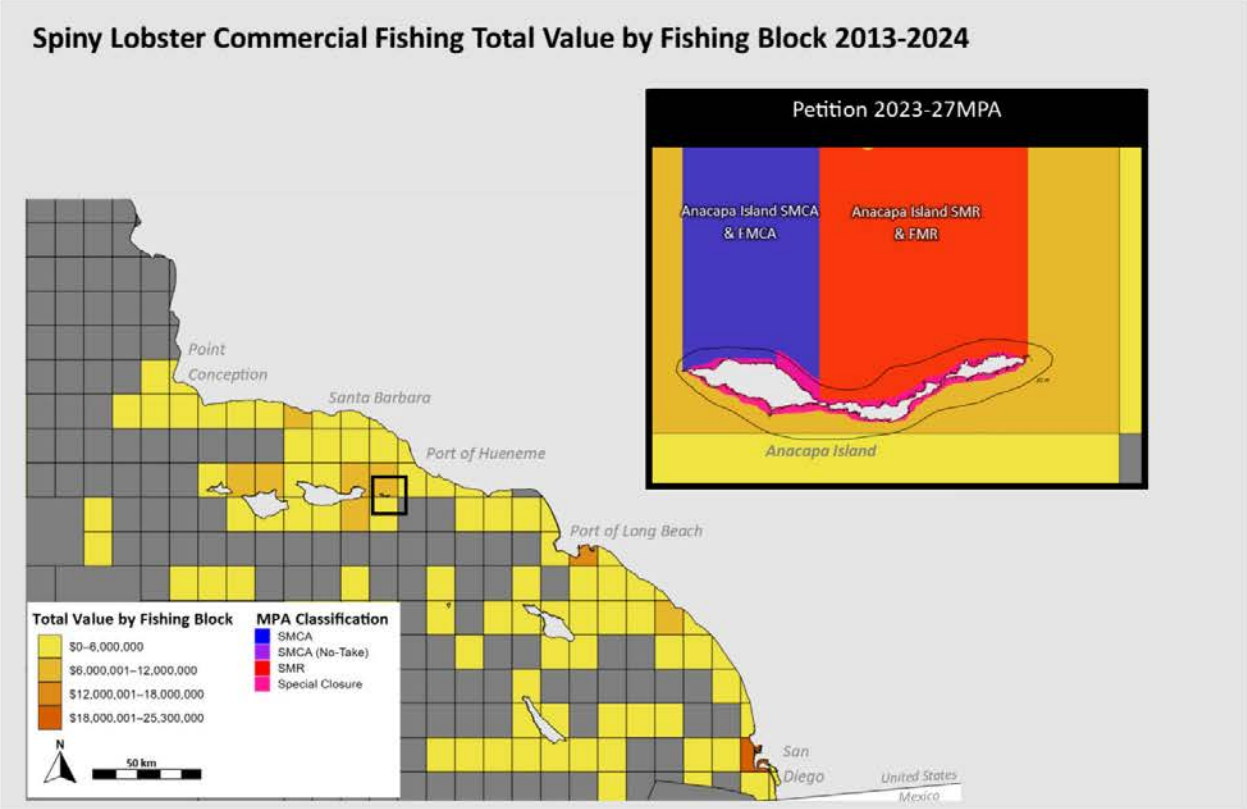


Figure 2. Total value (in millions $US) of commercially caught California spiny lobster (*Panulirus interruptus*) from 2013 to 2024 by California Department of Fish and Wildlife fishing block for the South Coast Bioregion. Actual value provided within fishing blocks that overlap with Anacapa Island SMCA and Special Closures, and the area referenced in petition 2023-27MPA.

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

Reclassify Duxbury Reef SMCA to an SMR and Expand the Southern and Northern Boundaries (2023-32MPA)



I. PETITION SUMMARY

CFGC Tracking Number	2023-32MPA
Petition Contact/Affiliation	Ashley Eagle-Gibbs, Environmental Action Committee (EAC) of West Marin
Number of Proposed Actions	3
Affected MPAs	Duxbury Reef SMCA
Petition Summary	Change Duxbury Reef State Marine Conservation Area (SMCA) to a State Marine Reserve (SMR), extend the southern boundary further south, and extend the northern boundary to the Double Point Special Closure.
Link to StoryMap page	2023-32MPA

March 2026

II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

Note: If a change to the Marine Protected Area (MPA) regulations is not needed to address the proposed change, the California Department of Fish and Wildlife (CDFW) did not evaluate the proposed change using the framework. However, CDFW may recommend an alternative pathway to achieving the desired outcome of the proposed change.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-32MPA_1 Reclassify Duxbury Reef SMCA to an SMR to prohibit take.	The petitioner's stated intent for the proposed change is difficulty of interpretation and enforcement of current regulations resulting in large incidence of take violations.	**Deny.** The petitioner asserts that current regulations cause confusion and that there has been an increase in non-compliance relative to other Marin County MPAs. These claims are unsubstantiated by CDFW enforcement data. The proposed change would not result in additional regulatory protection for the rocky intertidal habitat that the current MPA was designed to protect, and it would unnecessarily eliminate established uses previously vetted during the Marine Life Protection Act (MLPA) Initiative planning process. The proposal deviates from the adaptive management recommendations of the Decadal Management Review and conflicts with the MPA's original intent to balance habitat protection with recreational fishing. Current SMCA regulations do not present enforcement challenges for Marine Enforcement District (MED) within the existing MPA boundaries. MED has identified some enforcement challenges with people legally harvesting outside of the MPA boundaries, then traversing through the MPA to return to the main access point, however this challenge may be best addressed by the proposed boundary changes (see below). Improved signage, education, and outreach efforts at this location could be just as or more effective than a regulatory change to an SMR.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-32MPA_2 Expand the proposed Duxbury Reef MPA by extending the southern boundary.	The petitioner's stated intent for the proposed change is to increase habitat protections to fully cover the entirety of the contiguous reef habitat.	**Grant in concept.** CDFW recommends expanding protections of the rocky intertidal habitat in a manner that does not change the existing Duxbury Reef SMCA and does not restrict existing commercial or recreational take allowances beyond new intertidal protections in the expansion area. This could be achieved by: • Designating a new SMCA to protect the southern portion of the contiguous rocky intertidal habitat of Duxbury Reef, • Designing take regulations for the new southern Duxbury Reef SMCA to balance the goals of expanding protections for intertidal invertebrates (except abalone when allowed) and seaweed with the goal of maintaining existing commercial and recreational take of other species from shore and by boat, and • Designing the SMCA boundaries to maximize alignment with Science and Feasibility Guidelines (See Attachment 1) to optimize intertidal protections and enforceability for shore-based and boat-based users. Duxbury Reef is the largest intertidal shale reef in North America and is a unique habitat not found elsewhere in California. Protecting the southern portion of the reef has potential to enhance biodiversity and ecosystem function at this site by protecting the connected rocky intertidal habitat. CDFW proposes to expand boundaries of the SMCA to the south to encompass the southernmost fringe of the reef that extends south of Duxbury Point. The proposed change to encompass one of the rarest

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		habitats in California and the largest shale reef in North America has potential to increase climate resiliency of the associated ecological community by protecting the entirety of the contiguous reef habitat. The proposed change is consistent with the intended goals of the Duxbury Reef SMCA, aligns with the original intent of this MPA, and supports adaptive management of the MPA Network. During the MLPA Initiative planning process, Duxbury Reef was identified as an important site for the fishing community, especially for the adjacent, rural community of Bolinas, so the California Fish and Game Commission (CFGC) approved regulations that preserved some of the recreational take popular at this site. Expanding the southern boundary with the current SMCA regulations or as an SMR would further restrict existing recreational and commercial fishing activities at Duxbury Reef. With a goal to protect intertidal habitat, the expanded boundaries and take regulations should be designed in a way that does not unnecessarily restrict commercial and recreational fishing that occurs beyond the reef. CDFW recognizes the importance of Duxbury Reef to the adjacent community of Bolinas and broader Marin County as a site that supports multiple uses of the marine environment. This proposed alternative pathway would meet the petitioner's goals of protecting more of this unique rocky intertidal habitat while balancing the needs of the local community and the intent of this MPA that was established in the MLPA Initiative planning process.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		CDFW also recommends the petitioners work with the local community of Bolinas, and other interested parties to build a comprehensive outreach and education strategy at Duxbury Reef to foster stewardship of this reef in an inclusive manner.
2023-32MPA_3 Expand the proposed Duxbury Reef MPA by extending the northern boundary north to Double Point Special Closure.	The petitioner's stated intent for the proposed change is to increase habitat protections to fully cover the entirety of the contiguous reef habitat.	**Grant in concept.** CDFW recommends expanding protections of the rocky intertidal habitat in a manner that does not change the existing Duxbury Reef SMCA and does not restrict existing commercial or recreational take allowances beyond new intertidal protections in the expansion area. This could be achieved by: • Designating a new SMCA to protect the northern portion of the contiguous rocky intertidal habitat of Duxbury Reef. CDFW would develop boundaries of the SMCA to extend north near Double Point/Stormy Stack Rock Special Closure, which would encompass the northern fringe of the reef, • Designing take regulations for the new northern Duxbury Reef SMCA to balance the goals of expanding protections for intertidal invertebrates (except abalone when allowed) and seaweed with the goal of maintaining existing commercial and recreational take of other species from shore and by boat, and • Designing the SMCA boundaries to maximize alignment with Science and Feasibility Guidelines (See Attachment 1) to optimize intertidal protections and enforceability for shore-based and boat-based users. See justification for 2023-32MPA_2 for more details.

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes[1] (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

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

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

IV. PETITION EVALUATION

The petitioner has proposed reclassifying the Duxbury Reef SMCA as an SMR and expanding its northern and southern boundaries to cover the entire contiguous rocky intertidal habitat. Duxbury Reef is the largest shale reef in North America and is a unique habitat not found elsewhere in California. It overlaps with portions of Point Reyes National Seashore, Duxbury Reef Area of Special Biological Significance (ASBS), and the Greater Farallones National Marine Sanctuary (GFNMS). The current SMCA designation allows recreational take of finfish[2] from shore and red abalone (*Haliotis rufescens*) (note the abalone fishery is closed until 2036) (as defined in California Code of Regulations (Cal. Code Regs.), title (tit.) 14, § 632, subdivision (subd.)(a)(2)), which the petitioner states creates public confusion regarding permitted activities and enforcement challenges that could be addressed by prohibiting all take. The petition refers to observations made by visitors and docents which suggest that seeing legal fishing leads others visiting the reef to mistakenly believe they can harvest invertebrates and seaweed from the rocky intertidal, resulting in noncompliant take. The petitioner also requests expanding the MPA's northern and southern boundaries to protect the entirety of the intertidal reef habitat to more effectively safeguard the area's rare shale reef biodiversity and overall ecosystem health.

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-32MPA_1

The petitioner has proposed to reclassify Duxbury Reef SMCA to an SMR because of "difficulty of interpretation and enforcement of current regulations and the resulting large incidence of take violations." Currently, the recreational take of finfish from shore and abalone is allowed in this MPA. The petitioner asserts that an SMR designation at this MPA would simplify regulations, align with one or more of the MLPA Goals, and improve protection for intertidal habitat. However, given that MED data report zero citations issued in recent years, and other factors discussed below, CDFW's evaluation finds the proposed change:

- Would not result in additional regulatory protection for the rocky intertidal habitat,
- Is inconsistent with the goals of this MPA, as identified in the MLPA Initiative planning process,
- Does not align with the original intent of this MPA,
- Does not address a current or emerging MPA management challenge, and
- Does not advance management of the MPA Network.

The proposed change is inconsistent with the goals of this MPA defined during the MLPA Initiative planning process (MLPA 2008a) and presented to CFGC when the resulting MPA

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

was adopted into regulation. These goals remain relevant today, including protecting marine natural heritage and improving recreational opportunities. Duxbury Reef SMCA is a relatively accessible area that attracts many visitors due to its exceptional tidepooling, wildlife viewing, and recreational fishing opportunities. Despite the high rate of human visitation at Duxbury Reef SMCA, CDFW found no objective evidence substantiating the petitioner's assertions that confusion about the current SMCA regulations is causing significant illegal take from the rocky intertidal habitat within the current MPA boundaries (Table 1). The petitioner provided MPA Watch data as an attachment to the petition and notes nearly 1000 potential violations of MPA regulations between 2019 and 2024 at Duxbury Reef. MPA Watch is a statewide community science program that trains volunteers to passively observe and collect data on human activity and use of coastal marine resources both inside and outside MPAs. Data collection is standardized across the state to ensure scientifically rigorous, comparable data to examine how human uses are changing as a result of MPA implementation. While MPA Watch observations on human uses could help inform enforcement efforts in MPAs, the program is not designed to collect definitive data on violations of MPA regulations. MPA Watch volunteers may observe and/or report potential violations to MED through CDFW's CalTIP hotline (1-888-334-2258) while they are conducting their surveys at their discretion, but it is not part of the standardized data collection nor a requirement of the survey (MPA Watch Network, 2020).

In the case of the Duxbury Reef SMCA, EAC of West Marin prepares the MPA Watch reports for Marin Couty. The annual reports for Duxbury Reef and the petition characterize all hand collection of biota, including the handling of organisms while participating in tidepooling activities, as "potential violations[3]." Of the "potential violations" included in the MPA Watch reports from Duxbury Reef since 2019, between 1 and 6 were reported each year to MED and/or other enforcement partners such as Marin County Parks (EAC of West Marin 2019-2024, Table 1). Most of the "potential violations" reported to MED were offshore recreational fishing activities, which are not permitted in Duxbury Reef SMCA. Data provided by MED show that officers visit Duxbury Reef throughout the year but have not issued any citations for violating the MPA or other regulations at Duxbury Reef between 2019 and 2025 (Table 1). MED has indicated that they prioritize on the ground education regarding potential take associated with tidepooling activities and would generally only issue a citation if there is clear intention to harvest intertidal organisms for the purpose of consumption or removal of organisms from the site. Outreach and education are one of the pillars of the MPA Management Program, and MED officers in the

[3] Marin County MPA Watch reports include the term "potential violations" because activities observed by MPA Watch volunteers have not been consistently reported to, or investigated and confirmed by MED.

field are key to informing people about the MPA Network and ensuring compliance with the regulations.

While SMRs generally simplify enforcement by prohibiting all take, MED enforcement data do not indicate a unique enforcement challenge regarding compliance with the current SMCA regulations within the existing MPA boundaries at this site (Table 1). Given this, a reclassification to an SMR is not likely to effectively resolve the petitioner's concerns regarding public tidepooling practices at Duxbury Reef SMCA. Experience from other heavily visited tidepooling areas in California, research conducted in select south coast MPAs (Tydlaska and Edwards 2022), and testimonials reported from the docents conducting outreach at Duxbury Reef SMCA (EAC of West Marin, 2019-2024), indicate that targeted outreach and education can be just as, or more, effective than changes in MPA regulations. The MPA Watch data at Duxbury Reef showed a decrease in potential violations following implementation of the Duxbury Docent program in January 2021 (Table 1). The MPA Watch annual reports continue to report high visitation at Duxbury Reef SMCA relative to other MPAs in Marin County and the 2024 report mentioned attrition in the Duxbury Docent and MPA Watch programs. CDFW has partnered with local entities at comparable sites that are popular for tidepooling to implement outreach and education strategies tailored to site-specific conditions with successful outcomes. Enhanced signage and focused outreach efforts during peak low-tide periods at Duxbury Reef SMCA could continue to engage the public to improve tidepool practices and support outreach and compliance with the SMCA regulations.

The Duxbury Reef SMCA was designed during the MLPA Initiative planning process to balance resource protection with traditional recreational access (MLPA 2008a), and a No-take designation would restrict existing allowed uses that are important to the coastal heritage of the local community Bolinas. These take allowances were carefully contemplated and deliberated during the MLPA Initiative planning process. Maintaining current take allowances supports local marine resource access, allows communities like Bolinas to continue long-standing fishing practices, and fosters community stewardship. In addition, Duxbury Reef overlaps with fishing grounds used by the local commercial hook-and-line California halibut (*Paralichthys californicus*) fishery, which contributes to a local and sustainable food supply for West Marin communities (Fig. 1).

RECOMMENDATION FOR 2023-32MPA_1

Given these considerations, and the information from the evaluation below, **CDFW recommends CFGC DENY PETITON 2023-32MPA_1** to reclassify Duxbury Reef SMCA to an SMR. CDFW also recommends the petitioners work with the local community of Bolinas, and other interested parties to build a comprehensive outreach and education strategy at Duxbury Reef to foster stewardship of this reef in an inclusive manner.

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-32MPA_2 and 3

The petitioner proposes extending the southern boundary of Duxbury Reef SMCA to the southern end of the reef and the northern boundary of Duxbury Reef SMCA to Double Point/Stormy Stack Special Closure to encompass the entirety of the contiguous rocky intertidal reef habitat. CDFW acknowledges the significant ecological importance of the shale reef at Duxbury Reef SMCA, and after careful review, finds the proposed boundary changes to protect intertidal habitat:

- Are consistent with the goals of this MPA, as identified in the MLPA Initiative planning process, and may help further advance these goals,
- Improve the overall design of the MPA,
- Align with the original intent of this MPA, and
- Advance management of the MPA Network at Duxbury Reef.

Duxbury Reef is part of the largest shale reef in North America and represents a unique geologic feature not found elsewhere in California. Prior to the MLPA Initiative planning process, the area was established by CFGC in 1971 as the Duxbury Reef Reserve and designated by the State Water Resources Control Board as an ASBS in 1974. During the MLPA Initiative planning process, alternative MPAs were considered at this location north of the existing MPA that would have included the northern portion of the rocky intertidal habitat as well as larger areas of offshore waters that would have allowed for more types of offshore take (MLPA 2008b). The Blue Ribbon Task Force did not advance these in the preferred alternative given the proposed fishing restrictions within these larger alternative SMCAs and the proximity of other proposed MPAs that would have further restricted fishing, missing the opportunity to afford protection to the rocky intertidal habitat to the north of the current MPA (MLPA 2008b). While the current onshore and offshore boundaries of Duxbury Reef SMCA include the reef from the mean high tide line out to 1,000 feet seaward of mean lower low water, the northern- and southernmost portions of the rocky intertidal habitat of Duxbury Reef are not within the current MPA boundaries. Given that this MPA was specifically designed to protect rocky intertidal habitat, the proposed actions to expand the boundaries of the MPA to both the north and south to encompass the entire rocky intertidal ecosystem at this site present an adaptive management opportunity to improve overall MPA design of Duxbury Reef SMCA. Encompassing the entire intertidal reef in a manner that does not preclude existing shore-based and offshore commercial and recreational fishing activities could increase biodiversity and ecosystem function by protecting the most extensive rocky intertidal habitat that exists in the state, and better protect a sensitive, rare habitat that is particularly vulnerable to the effects of climate change (Harley 2011, Thorner et al. 2014, Kaplanis et al. 2024).

Expanding the northern and southern boundaries of Duxbury Reef SMCA would improve the overall design of the MPA[4]. Expanding the MPA to the north and south would increase the MPA's alongshore span to better align with the Science Advisory Team's (SAT) preferred threshold (6 to 12.5 miles) identified during the MLPA Initiative planning process. Expanding the alongshore span has potential to further enhance biodiversity and ecosystem function by incorporating extensive rocky intertidal habitat that is currently outside the MPA boundaries (Table 2). In addition, expanding the boundaries to include the full extent of the rocky intertidal reef would improve consistency with CDFW Feasibility Guidelines, which recommend avoiding MPA boundaries that divide continuous beach and rocky intertidal habitats, as occurs under the current MPA configuration.

CDFW recognizes the importance of Duxbury Reef to the adjacent community of Bolinas and broader Marin County as a site that supports multiple uses of the marine environment. Not only is Duxbury Reef a popular place to experience nature through tidepooling, wildlife viewing, and beach recreation, the waters offshore the reef support important recreational and commercial fishing grounds. During the MLPA Initiative planning process, the North Central Coast Regional Stakeholder Group and Blue Ribbon Task Force recognized the importance of the need for multiple uses to coexist at the reef, and recommended CFGC adopt the Duxbury Reef SMCA that aims to protect the rocky intertidal habitat while allowing some recreational uses to continue. The need to balance these multiple uses still exists today. The area proposed for the southern expansion remains an important recreational fishing ground. The area proposed for the northern expansion also supports an important local hook-and-line California halibut fishery out of the port of Bolinas. CDFW commercial fisheries block data shows that Duxbury Reef overlaps with commercial fishing block 447, which is the most valuable fishing block for the hook-and-line California halibut fishery operating out of port of Bolinas and is utilized by other San Francisco Bay Area ports (Fig. 1). Commercial fishermen report fishing within 1000 feet from shore at Duxbury Reef (outside the existing Duxbury Reef SMCA) when weather conditions permit, especially in the northern part of the reef that would be affected by the proposed northern expansion.

Since the objective of the proposed northern and southern expansions is to protect the biodiversity in the intertidal habitat of the reef, extending the boundaries with the current SMCA regulations or as an SMR would unnecessarily restrict existing commercial and

[4] The petitioner states part of the rationale for extending the northern boundary is that "incorporating this northern section ensures that this unique reef habitat is fully protected in its entirety from take and disturbance to marine mammals, seabirds, intertidal and subtidal species." To clarify, extending the boundaries of the MPA (whether as an SMCA or SMR) would not change existing protections for marine mammals or seabirds or change recreational access to the area the because the MPA is not/would not be a Special Closure.

recreational take. Therefore, CDFW recommends an alternative solution to address the petitioner's intent of protecting the rocky intertidal habitat while meeting local community needs and not reducing existing protections in the MPA Network.

RECOMMENDATION FOR 2023-32MPA_2 and 3

Given these considerations and the information from in the evaluation below, **CDFW recommends CFGC Grant in Concept 2023-32MPA_2 and 2023-32MPA_3**. CDFW recommends expanding protections of the rocky intertidal habitat in a manner that does not change the existing Duxbury Reef SMCA and does not restrict existing commercial or recreational take allowances beyond new intertidal protections in the expansion areas. This could be achieved by:

- Designating two new SMCAs to protect the northern and southern portions of the contiguous rocky intertidal habitat of Duxbury Reef,
- Designing take regulations for the new northern and southern Duxbury Reef SMCAs to balance the goals of expanding protections for intertidal invertebrates (except abalone when allowed) and seaweed with the goal of maintaining existing commercial and recreational take of other species from shore and by boat, and
- Designing the SMCA boundaries to maximize alignment with Science and Feasibility Guidelines (See Attachment 1) to optimize intertidal protections and enforceability for shore-based and boat-based users.

CDFW also recommends the petitioners work with the local community of Bolinas and other interested parties to build a comprehensive outreach and education strategy at Duxbury Reef to foster stewardship of this reef in an inclusive manner.

EVALUATION QUESTIONS

2023-32MPA_1: Reclassify Duxbury Reef SMCA to an SMR prohibit take.

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 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 and advance management

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

The petitioner asserts that reclassifying Duxbury Reef SMCA to an SMR (combined with the proposed boundary expansions to the north and the south), would advance MLPA Goals 1, 2, 3, and 4 related to preserving natural diversity, sustaining marine life populations, protecting marine habitats for the intrinsic value, and improving recreational and educational opportunities.

Duxbury Reef SMCA was designed to meet regional MPA Goals 2 and 3 "protect species while allowing traditional recreational access," and "protect an area of important marine natural heritage." Regarding improving recreational and educational opportunities (Goal 4), Duxbury Reef was already recognized during the MLPA Initiative planning process as an "important educational site & long term research site [that] takes advantage of long monitoring – PISCO (Multi-Agency Rocky Intertidal Network, or MARINe) sites at Duxbury Reef & Bolinas Point, educational use of Duxbury Reef, long term studies by College of Marin & GFNMS, & GFNMS planning docent program." Thus, the proposed change would offer no change in the design of the affected MPA in terms of Goals 2, 3, or 4.

Reclassifying Duxbury Reef SMCA as a SMR would be consistent with Goal 1, however, this action would not result in additional regulatory protection for the rocky intertidal habitat. Harvest of rocky intertidal species is already prohibited within the SMCA, with limited exceptions for certain nearshore finfish that may occur in this habitat (e.g., monkeyface prickleback (*Cebidichthys violaceus*)) and abalone (red abalone has been closed since 2018 and is expected to remain closed until at least April 1, 2036, to allow populations to recover).

Long-term monitoring at Duxbury Reef indicates that the abundance of some species has increased over time, while others have declined (MARINe long-term monitoring data), patterns that are consistent with statewide trends and reflect the inherent variability of rocky intertidal populations (Miner et al. 2018, Raimondi and Smith 2022). The long-term monitoring site is located north of the most heavily visited portion of the reef, which limits the ability to assess the direct effects of human visitation on areas of highest use without a targeted study.

Based on the available information, observed ecological variability cannot be attributed to a single factor, such as human visitation or potential poaching. Accordingly, it is unclear whether reclassification to an SMR alone would provide greater benefits to biodiversity and ecosystem function than other management approaches. While the simple regulations of No-take MPAs are generally easier to enforce (Goal 5), improving

signage and outreach efforts regarding the current MPA regulations could be just as, or more, effective than a regulatory change to redesignate the MPA to an SMR.

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

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

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

No. The proposed change does not address a current or emerging MPA management challenge. While the petitioner asserts that prohibiting take could help the growing number of people visiting the reef understand and comply with the regulations, improving signage and outreach efforts about the current regulations is likely to be just as, or more effective, than a regulatory change to an SMR. See response to Question 1 regarding the goals this MPA was designed to meet and response to Question 8 for additional information on the background and intended purpose of this MPA.

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 Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board (Water Boards): Duxbury Reef SMCA falls within an existing ASBS that has boundaries just slightly north (to Arroyo Hondo river) of the northern SMCA boundary and extending further offshore than the SMCA. It is unclear whether the proposed change would have direct or indirect effects on the management activities of the Water Boards for this ASBS. However, we do not anticipate that Marin County would need to update their Duxbury Reef ASBS Compliance Plan in response to the proposed change.

Marin County Parks: CDFW shares jurisdiction of Duxbury Reef SMCA with Marin County Parks and would need to coordinate enforcement, updates to signage, and outreach efforts.

National Park Service: CDFW shares jurisdiction of Duxbury Reef SMCA with Point Reyes National Seashore and would need to coordinate enforcement, updates to signage, and outreach efforts.

National Oceanic and Atmospheric Administration (NOAA), Greater Farallones National Marine Sanctuary (GFNMS): CDFW shares jurisdiction of Duxbury Reef SMCA with GFNMS and would need to coordinate enforcement, updates to signage, and outreach efforts.

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:

- Rocky intertidal long-term monitoring (MARINe) data,
- CDFW's enforcement and compliance data,
- MPA Watch data and annual reports for Marin County, and
- MLPA Initiative planning documents and related information (e.g., MLPA Goals and MPA Master Plan adaptive management objectives).

CDFW reviewed the available information and did not find that it supports the petitioner's assertions that there is "documented difficulty of interpretation and enforcement of current regulations" which results in a "large incident of take violations." Improving signage and outreach efforts could be just as, or more effective, than a regulatory change to convert the SMCA to an SMR. Furthermore, the information indicates the proposed action is unlikely to measurably enhance protection beyond what is currently offered, is inconsistent with the original intent of the MPA, and would unnecessarily impact recreational fishing opportunities.

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.

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

No. The proposed change was not considered during the MLPA Initiative planning process. All MPA proposals set forth by the Blue Ribbon Task Force included some level of take to meet the Goals of the MLPA and the marine resource use needs of the local community (MLPA 2008b). As such, the proposed change would deviate from the original intent of the MPA (see response to Question 8 for detail regarding original intent).

One of the Regional Stakeholder Group proposals for Duxbury Reef was to designate it as a State Marine Park with the same level of take as the current SMCA (MLPA 2008b). CFGC adopted the Regional Stakeholder Group's recommendations for take for Duxbury Reef SMCA, acknowledging the desire to protect the rocky intertidal habitat while also providing local fishing communities with some continued access. Designating Duxbury Reef SMCA as a State Marine Park is under the authority and discretion of the State Parks and Recreation Commission.

> **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.** CDFW has not identified any critical new information that would warrant the redesignation of Duxbury Reef SMCA to an SMR.

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 reclassify Duxbury Reef SMCA to an SMR does not align with the original intent of the MPA as established during the MLPA Initiative planning process. The original intent was to maintain a portion of the existing MPA as a natural marine heritage site by protecting the intertidal reef while allowing for shore-based recreational fishing. Reclassification would terminate all recreational fishing, contradicting the MPA's

original design to balance resource protection with traditional recreational fishing access.

Current regulations already prohibit the harvest of invertebrates and seaweed within the rocky intertidal habitat. Consequently, an SMR designation would offer no additional protection for these specific intertidal species. Aside from potential abalone harvest (currently under a statewide closure through April 1, 2036), the intertidal habitat is already protected from take under the existing SMCA status.

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 MPA 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 (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 Level of Protection (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.

Duxbury Reef SMCA is 0.69 square miles with a moderate LOP and therefore was not designed to meet either criterion (Table 1). Reclassifying the SMCA to an SMR would not change the spatial area of the MPA but it would increase the LOP from Moderate to Very High, which would enhance alignment with the SAT guidelines.

Additionally, intertidal SMRs and SMCAs do not follow the scientific guideline which "recommends extending MPAs from shallow to deep habitats. If intertidal protection is desired, it should be in areas where offshore habitats are also protected." The proposed action would not increase the MPA's area to the minimum recommended size, and unlikely to improve the design of the Duxbury Reef SMCA or the 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?

Yes. While the existing Duxbury Reef SMCA was not designed to meet all CDFW Feasibility Guidelines, the proposed change was analyzed by identifying factors relevant to a reclassification from an SMCA to SMR, which include the MPA Types and Take Regulations. The proposed change aligns with the classifications in the MPA Types

section of the Feasibility Guidelines. The current regulations for the SMCA meet the Take Regulations feasibility guidelines, although the proposed change would further simplify the take 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. Although the proposed change to reclassify Duxbury Reef SMCA to an SMR has potential to improve enforceability at this MPA because No-take MPAs are generally easier to enforce, MED found no objective evidence that confusion about the current SMCA regulations is causing significant illegal take from the rocky intertidal habitat within the current MPA boundaries. Of the close-to 1000 "potential violations" (characterized by the petitioner as all hand collection of biota, including the handling of organisms during tidepooling activities) observed during MPA Watch surveys from 2019-2024 at Duxbury Reef, between 1 and 6 were reported each year to MED through CDFW's CalTIP hotline (1-888-334-2258) and/or other enforcement partners. Most of these were offshore recreational fishing activities which are not permitted in Duxbury Reef SMCA. Data provided by MED show that officers visit Duxbury Reef throughout the year but have not issued any citations for violating the MPA or other regulations at Duxbury Reef between 2019 and 2024 (Table 1). MED has indicated that they prioritize on the ground education regarding potential take associated with tidepooling activities and would generally issue a citation only if there is a clear intention to harvest intertidal organisms. The petitioner's concern regarding the public and tidepooling could be better addressed with improved outreach and signage at the site.

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

No. Although the petitioner's stated intent of the reclassification to an SMR is to simplify the current SMCA regulations to help enhance public understanding, the reclassification would change the original intent of the MPA, which was to provide rocky intertidal habitat protection while allowing some recreational take from shore. Additionally, it is likely that public understanding could be better addressed with improved outreach and signage at the site.

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

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

No. While reclassifying Duxbury Reef SMCA to an SMR has the potential to enhance protection of recreationally caught finfishes from shore, it would only maintain (not enhance) protection for the rocky intertidal habitat, as it is already protected under the current SMCA regulations:

> *"It is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, EXCEPT: Recreational take of abalone[5], and finfish[6] from shore only, is allowed."*

The red abalone fishery has been closed since 2018 and is expected to remain closed until at least April 1, 2036. The proposed change would not enhance protection of abalone until the fishery reopens.

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. Reclassification to an SMR would end recreational fishing opportunities where there are few alternative places for local fishing to occur within Marin County due to other nearby SMRs and terrain of the surrounding coastline. The proposed change would prohibit the current recreational fishing allowances that include the recreational take of finfish from shore and abalone. This has potential to impact recreational anglers, primarily those who poke pole for monkeyface prickleback, as well as users who rely on the area for subsistence fishing.

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[5] Please note that the abalone fishery is closed until at least 2026.

[6] Any species of bony fish or cartilaginous fish (sharks, skates and rays).

Non-consumptive activities are not expected to be impacted by the proposed action (e.g. access, dog walking, tidepooling, surfing, research and monitoring, etc.).

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, which may cause harm to communities dependent upon fishing access, including the coastal fishing communities of:

- Bolinas (~3 nautical miles (nm) away from area of proposed change) and
- San Francisco (~14 nm away from area of proposed change).

The action is anticipated to impact the commercial small boat hook-and-line fishery homeported in the Bolinas 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 MPA petitions.

2023-32MPA_2, 3: Expand the MPA by extending the southern and northern boundaries.

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

The rocky intertidal habitat at Duxbury Reef is part of the largest shale reef in North America that is a rare habitat that exists no place else in California. The existing northern boundary of Duxbury Reef SMCA does not include the northern portion of the reef, and to the south, the offshore boundary of the MPA (1,000 feet seaward of mean lower low water), does not extend far enough offshore to encompass the southernmost extension of the reef off Duxbury Point.

Expanding the southern and/or northern boundaries to encompass the contiguous intertidal shale reef habitat is consistent with MLPA Goal 4 "To protect marine natural heritage, including protection of representative and unique marine life habitats in north central California waters, for their intrinsic value" and would do more to protect this important marine natural heritage site.

The proposed boundary expansions also have potential to enhance enforceability by extending similar regulations across the entire habitat, which is also aligned with Goal 5, "To ensure that north central California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines."

This MPA was already designed to meet Goals 2 and 3 (see response to Question 1 under 2023-32MPA_1 for details on the specific goals).

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

No. The proposed change does not advance adaptive management recommendations from the Decadal Management Review. See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management recommendations.

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

Visitation at Duxbury Reef SMCA has increased since the COVID 19 pandemic and the potential effects of climate change, such as sea level rise, threaten rocky intertidal habitats statewide. Due to the significant challenge that climate change presents in California and globally, especially to coastal marine environments (Mach et al. 2017, Smith et al. 2023), CDFW remains committed to managing the MPA Network through the lens of climate resilience (Hoffman et al. 2021). The proposed change to encompass one of the rarest habitats in California, and the largest shale reef in North America, within the Duxbury Reef SMCA, has potential to

increase climate resiliency of the associated ecological community by protecting the entirety of the contiguous reef habitat.

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. However, Both proposed boundary expansions have the potential to overlap with three current Experimental Fishing Permits (EFPs) operating between the California/Oregon border and Point Conception. The EFPs prohibit operation within MPA boundaries so changes to the permits would not be needed. The recommended alternative pathway would not interact with existing EFPs.

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 Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board (Water Boards): Duxbury Reef SMCA falls within an existing ASBS that has boundaries just slightly north (to Arroyo Hondo river) of the northern SMCA boundary and extending further offshore and south than the current SMCA boundaries. The proposed boundary changes would not align with the ASBS boundaries either. It is unclear whether the proposed change would have direct or indirect effects on the management activities of the Water Boards. However, we do not anticipate that Marin County would need to update their Duxbury Reef ASBS Compliance Plan in response to the proposed change.

Marin County Parks: CDFW shares jurisdiction of Duxbury SMCA with Marine County Parks and would need to coordinate enforcement, updates to signage, and outreach efforts.

National Park Service: CDFW shares jurisdiction of Duxbury Reef SMCA with Point Reyes National Seashore and would need to coordinate enforcement, updates to signage, and outreach efforts.

NOAA, GFNMS: CDFW shares jurisdiction of Duxbury SMCA with GFNMS and would need to coordinate enforcement, updates to signage, and outreach efforts.

This list may not be exhaustive. Tribal governments, and/or other agencies and entities may have overlapping jurisdictions with CDFW in the area that could be affected by the proposed change.

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:

- Rocky intertidal long-term monitoring (MARINe) data,
- Enforcement and compliance data,
- MLPA Initiative planning documents and related information (e.g., MLPA Goals and MPA Master Plan adaptive management objectives), and
- Commercial California halibut landings.

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.

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

No. The proposed change to encompass the northern and southern boundaries of Duxbury Reef SMCA was not specifically considered during the MLPA Initiative planning process as proposed. The Blue Ribbon Task Force and Regional Stakeholder Group contemplated various shapes and sizes of an SMCA that would have protected the northern portion of the rocky intertidal habitat (MLPA 2008b), but the Blue Ribbon Task Force did not advance these in the preferred alternative given the proposed fishing restrictions within these larger alternative SMCAs and the proximity of other proposed MPAs that would have further restricted fishing (MLPA 2008a,b). The integrated preferred alternative that was adopted in 2012 used the boundaries from the then existing Duxbury Reef Marine Reserve (MLPA 2008b).

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?

Yes. Visitation at Duxbury Reef SMCA has increased since the COVID 19 pandemic and the effects of climate change, such as sea level rise, threaten rocky intertidal habitats statewide. Due to the significant challenge that climate change presents in California and globally, especially to coastal marine environments (Mach et al.

2017, Smith et al. 2023), CDFW remains committed to managing the MPA Network through the lens of climate resilience (Hoffman et al. 2021).

The proposed change to encompass one of the rarest habitats in California, and the largest shale reef in North America, within the Duxbury Reef SMCA, has potential to increase climate resiliency of the associated ecological community by protecting the entirety of the contiguous reef habitat (Bates et al. 2019, Anderson et al. 2023).

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?

The original intent of the Duxbury Reef SMCA identified during the MLPA Initiative planning process was to maintain a portion of the existing MPA as a natural marine heritage site by protecting the intertidal reef while allowing for shore-based recreational fishing.

The proposed boundary extensions partially align with the original intent as they would protect the entire shale reef rocky intertidal habitat but would impact fishing activities that were deliberately retained during the MLPA Initiative planning process. The recommended alternative pathway would more closely align with the original intent identified during the MLPA Initiative planning process.

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 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.

Duxbury Reef SMCA is 0.69 square miles with a Moderate LOP and therefore does not meet either criterion (Table 1). Extending either the northern or southern boundary or both would increase the area protected within the MPA, which would improve the design of this individual MPA. However, because the proposed changes would not increase the MPA's LOP, implementation would not improve the design of the MPA Network as defined

by the 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. As proposed, neither boundary extension aligns with CDFW Feasibility Guidelines that recommend MPA boundaries be well marked, recognizable, clear and simple, consider multiple users (including shore-based and offshore users), and facilitate effective enforcement.

Additionally, the proposed northern boundary aligns with the Double Point/Stormy Stack Rock Special Closure, which uses distance from shore and does not align with a whole line of latitude. However, see response to 10b below regarding enhancing feasibility of the proposed boundaries. 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?

Yes. The northern and southern boundaries can be refined to (1) protect the entirety of the rocky intertidal shale reef without unnecessarily eliminating established uses previously vetted during the MLPA Initiative planning process, and (2) optimize enforceability for shore-based and boat-based users. The boundary expansions do aim to include the extent of the rocky reef which would improve consistency with the guidelines that recommend avoiding MPA boundaries that divide continuous beach and rocky intertidal habitats. Including the entire extent of the reef inside the MPA boundaries could improve enforceability by applying similar regulations to the entire habitat (see response to Question 11 for enhancing enforceability of the proposed boundaries).

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

The northern and southern boundaries and take restriction proposed in the petition may present enforcement challenges. CDFW recommends granting the extended boundaries in concept but would design the boundaries and take restrictions to maximize alignment with Science and Feasibility Guidelines, which would optimize and potentially improve enforceability.

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

Not applicable. The proposal to expand the southern and northern boundaries was not intended to simplify or clarify the current regulatory language for Duxbury Reef SMCA. The proposed alternative could enhance understanding of the boundaries by including the extent of the rocky intertidal reef habitat within the MPA without impacting the majority of existing commercial and recreational fishing activities in the expanded areas.

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

Yes.
2023-32MPA_2: Expanding the southern boundary would protect an additional 0.48 square miles of area and 0.36 square miles of nearshore hard bottom habitat (Table 2).

2023-32MPA_3: Expanding the northern boundary would protect an additional 0.77 square miles of area, 0.59 square miles of nearshore hard bottom habitat, and 3.25 linear miles of rocky intertidal habitat (Table 2).

Both expansions would enhance protection of intertidal marine organisms (except abalone when the fishery is open and finfish). Other commercial and recreational fishing currently occurs in these areas and would continue under CDFW's proposed alternative.

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. As proposed in the petition, extending either the southern or northern boundaries of Duxbury Reef SMCA with the existing take regulations would prohibit any take of marine resources except for recreational take of finfish from shore and recreational take of abalone. Reports from the local community of Bolinas note that this could affect boat-based take by both recreational and commercial fisheries that fish offshore of the reef when conditions allow. This area lies within CDFW Fishing Block 447, which is heavily used by commercial hook-and-line California halibut fishermen stationed in Bay Area ports, especially the port of Bolinas (Fig. 1).

However, the recommended alternative would meet the petitioner's goals of protecting more of this special rocky intertidal habitat while minimizing further impacts to consumptive users.

Granting either the proposed southern or northern boundary extension in addition to the reclassification to an SMR (**2023-32MPA_1**) would impact existing consumptive activities.

Non-consumptive activities are not expected to be impacted by either boundary extension (e.g. access, dog walking, tidepooling, surfing, research and monitoring, etc.).

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 shore-based hook-and-line anglers and the commercial small boat hook-and-line fishery homeported in the coastal fishing communities of:

- Bolinas (~3 nm away from area of proposed change) and
- San Francisco (~14 nm away from area of proposed change).

The impacts of this proposed change are anticipated to be exacerbated if coupled with reclassification as proposed in action 2023-32MPA_1 of this petition.

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 MPA petitions.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

Table 1: MPA Watch data on human visitation at Duxbury Reef reported in the program's annual reports from 2019-2024 and MPA Watch observations classified by the petitioner as "potential violations" that include hand collection of biota and boat-based consumptive activities. MPA Watch data reports for the full calendar year of 2025 are not

currently available. CDFW MED total number of visits and enforcement citations issued at Duxbury Reef SMCA for 2019-2025. MED did not start reporting number of officer visits to MPAs until 2023 so there is no data available from 2019-2022.

Year	MPA Watch observations	MPA Watch observations identified as "potential violations"	MPA Watch observations of offshore (boat-based) consumptive activities	CDFW enforcement visits	CDFW enforcement citations issued
2019	842	40	3	No data	0
2020	2,380	299	6	No data	0
2021	1,557	126	2	No data	0
2022	2,593	151	0	No data	0
2023	2,552	259	4	24	0
2024	1,750	130	2	17	0
2025	No data	No data	No data	3	0

Table 2: MPA attributes (area, LOP, depth range, and habitat extent) of the existing Duxbury SMCA and as proposed in petition 2023-MPA32. 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 Science Advisory Team (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). Duxbury Reef currently has an LOP of Moderate; the LOP would be Very High if it were reclassified to an SMR as proposed.

	Existing	Proposed North Expansion	Proposed South Expansion	Total Proposed Plus Existing
MPA Area (sq mi)	0.69	0.77	0.48	1.94
Level of Protection	Moderate			Moderate
Min Depth (m)	0	0	0	0
Max Depth (m)	5.7	21.4	11.2	21.4
Eelgrass (sq mi)	—	—	—	—
Kelp (mi)	0.02	**0.95**	**0.36**	**1.33**
Beach (mi)	**3.02**	**3.45**	**0**	**6.48**
Rocky Intertidal (mi)	**3.03**	**3.25**	**0**	**6.27**
Estuaries (sq mi)	—	—	—	—
Hard Substrate				
0-30 m (sq mi)**	0.58	0.59	0.36	1.52
30-100 m (sq mi)	—	—	—	—
100-200 m (sq mi)	—	—	—	—
>200 m (sq mi)	—	—	—	—
Soft Substrate				
0-30 m (sq mi)**	0.06	0.18	0.12	0.36
30-100 m (sq mi)	—	—	—	—
100-200 m (sq mi)	—	—	—	—
>200 m (sq mi)	—	—	—	—

**Note that nearshore substrate measurements are in square miles rather than linear miles.

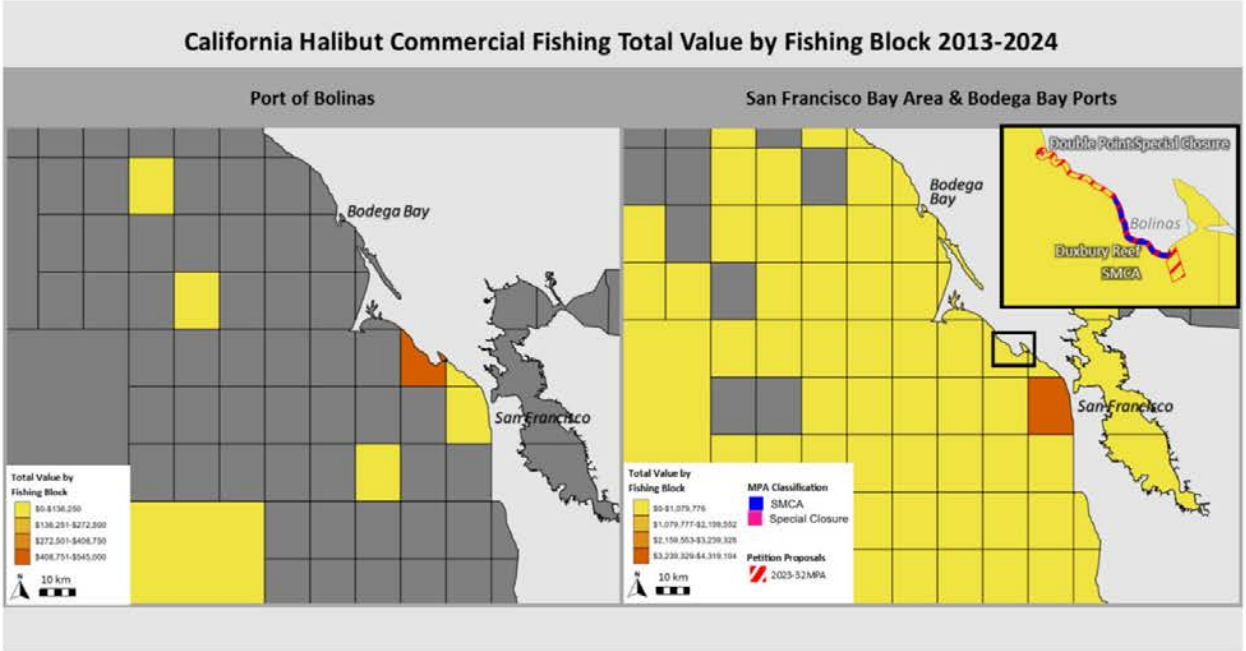


Figure 1. Total value (in millions of $US) of commercially caught (by hook-and-line) California halibut from 2013-2024 by California Department of Fish and Wildlife fishing blocks for the San Francisco Bay Area. The left panel depicts the fleet fishing out of the Port of Bolinas. The right panel depicts the fleet fishing out of all Bay Area Ports from San Francisco Bay to Bodega Bay. The inset depicts the commercial fishing block 447 that overlaps with the proposed boundary expansions and redesignation of Duxbury Reef SMCA.

CITATIONS

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

Expand Boundaries of Cabrillo, Natural Bridges, Point Conception, South Point, and Gull Island SMRs, Point Dume SMCA, and Add a New SMCA at Pleasure Point (2023-33MPA_AM)



I. PETITION SUMMARY

CFGC Tracking Number	2023-33MPA_AM
Petition Contact/Affiliation	Laura Deehan, Environment California Research and Policy Center and Azul
Number of Proposed Actions	7
Affected MPAs	Cabrillo State Marine Reserve (SMR), Natural Bridges SMR, Point Conception SMR, South Point SMR, Gull Island SMR, Point Dume State Marine Conservation Area (SMCA), and Pleasure Point SMCA (proposed new MPA)
Petition Summary	To protect kelp forest habitat, designate one new MPA and expand boundaries at six existing MPAs; add new take allowance at Point Dume SMCA.
Link to StoryMap page	2023-33MPA_AM

CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

CALIFORNIA MARINE PROTECTED AREAS

March 2026

II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

Note: If a change to the marine protected area (MPA) regulations is not needed to address the proposed change, California Department of Fish and Wildlife (CDFW) did not evaluate the proposed change using the framework. However, CDFW may recommend an alternative pathway to achieving the desired outcome of the proposed change.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-33MPA_1-7 Expand six MPAs and establish a new MPA to protect kelp.	The petitioner's stated intent for the proposed change is to protect kelp beds identified by recent analyses as highly persistent, historically stable, and currently in good condition. The petitioner states, "removing, to the extent possible, direct human impacts on these resilient kelp forests that are potential climatic refuges will not only help these areas persist, but will also enhance the state's restoration efforts for other kelp forests in decline."	**Deny 2023-33MPA_1-7.** The following applies to all proposed actions in the petition. Additional considerations for individual MPAs are included below. The proposed actions are not anticipated to improve the MPA Network from either an ecological or management perspective. The proposed changes would not advance management recommendations from the Decadal Management Review (DMR) or current or emerging MPA management challenge (CDFW 2022). While kelp declines and climate change are key issues of concern, the proposed actions are not the most effective solutions. In addition, the proposed changes do not align with the original intent of the affected MPAs. The petition relies on the premise that expanding MPAs to encompass kelp patches identified as particularly persistent will meaningfully improve kelp stability, resilience, and/or recovery. However, this is not supported by site-specific

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		mechanistic evidence. While MPAs remain a core conservation tool, they are not a standalone or flexible mechanism for supporting kelp restoration or enhancing kelp persistence, and implementation could introduce regulatory constraints that limit future restoration opportunities. Kelp restoration and management efforts should be guided by the forthcoming Kelp Restoration and Management Plan (KRMP), which will provide the framework for developing and implementing effective kelp management strategies and best practices for kelp restoration. The proposed MPA expansions and new MPA may have the potential to interact with the regulations and permitting activities of various federal and state agencies, including the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Board (regional water boards; collectively, Water Boards) related to point source (e.g., wastewater treatment facilities) and non-point source discharges (e.g., stormwater runoff) into Marine Managed Areas. The DMR indicated the MPA Network as designed is meeting expectations and functioning effectively to achieve the goals of the Marine Life Protection Act (MLPA) (CDFW 2022).

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		Therefore, significant regulatory changes to the MPA Network should meet a high threshold of demonstrated conservation value and need, as well as clear, science-supported benefit built off rigorous scientific analysis, robust tribal and stakeholder engagement, and iterative statewide collaboration to ensure the scientific integrity of the MPA Network and the mandates of the MLPA are met.
2023-33MPA_1_AM1 Expand Cabrillo State Marine Reserve (SMR) westward (to 3-mile state line) and northward (to New Hope Rock) by ~9.99 sq mi.	See stated rationale and brief justification for 2023-33MPA_1-7.	**Deny.** Expansion to the 3 nautical mile (nm) limit of state waters is not necessary to achieve the petition's stated objective of protecting kelp, which is largely confined to shallow waters less than approximately 98 feet (30 m) in depth. The proposed action also conflicts with the original intent of this MPA, which was deliberately designed to protect nearshore habitats while minimizing socioeconomic impacts, particularly to the lobster fishery. The petitioner did not provide sufficient evidence to warrant expanding Cabrillo SMR. In addition, the U.S. Navy opposes this MPA expansion due to concerns that the expansion would create operational constraints to military readiness.
2023-33MPA_2_AM1 Expand Point Dume State Marine Conservation Area	See stated rationale and brief justification for 2023-33MPA_1-7.	**Deny.** The proposed additional take allowance of recreational hook-and-line fishing from shore would conflict with the

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
(SMCA) westward by 4.6 sq mi. and add allowance for recreational take from shore by hook-and-line and by spearfishing.		intent of the MPA and compromise the designed function of the Point Dume SMCA/SMR cluster such that it would no longer serve as a backbone/replicate MPA for kelp, beach, rocky intertidal, and soft bottom habitats. This would create a substantial spacing gap between these habitats and diminish MPA Network functionality. During the MLPA Initiative planning process, this MPA cluster was intentionally designed to have a High (Point Dume SMCA) and Very High (Point Dume SMR) Level of Protection (LOP) so that it would serve as a habitat replicate and facilitate connectivity with the rest of the MPA Network. Implementing the proposed change would reduce the LOP to Moderate-low, which would compromise the design of the individual MPA as well as the MPA Network. During the MLPA Initiative planning process, all alternatives for take regulations in the SMCA were deliberately developed to allow some fishing activities while maintaining the High-LOP backbone cluster at Point Dume. None of the alternatives contemplated the inclusion of hook-and-line fishing from shore because this would result in a Moderate-Low LOP. The present proposal would not only change the intentional MPA design, but it would also change the MPA cluster design and

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		function so that it no longer serves as a habitat replicate, weakening the MPA Network. The proposed MPA expansion would also unnecessarily limit recreational and commercial fishing in the area proposed for expansion, the socioeconomic impacts of which are unknown. The majority of the proposed MPA expansion lies within a high-value commercial fishing block. Expanded boundaries for Point Dume were considered during the MLPA Initiative planning process and deliberately not retained by the Blue Ribbon Task Force (BRTF) and California Fish and Game Commission (CFGC) because the final configuration achieved the goal of maximizing habitat replication while minimizing impacts to consumptive uses. The petitioner did not provide sufficient evidence to warrant expanding Point Dume SMCA. Additionally, the proposed change would not align with the CDFW Feasibility Guidelines because the boundaries are not described using readily determined lines of latitude and longitude, and it is unclear if the landmarks suggested by the petitioner to identify the proposed boundaries are easily recognizable for both shore- and boat-based users. This, along with the addition of a new take allowance could also create enforcement challenges.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
2023-33MPA_3 Expand South Point SMR westward by 26.3 sq mi.	See stated rationale and brief justification for 2023-33MPA_1-7.	**Deny.** The proposed expansion would not meaningfully improve the design of South Point SMR or the MPA Network, or advance adaptive management recommendations from the DMR. During the Channel Islands MPA planning process, expanded boundaries to capture more kelp forest were considered at South Point SMR. However, as a deliberate outcome of the process, the western area towards Bee Rock/Cluster Point was not retained in the final design due to concerns that the additional area would significantly increase economic impacts to fisheries, particularly for lobster and urchin, which are concerns that remain relevant today. The petitioner did not provide sufficient evidence to warrant expanding South Point SMR.
2023-33MPA_4 Expand Gull Island SMR northward by 1.8 sq mi.	See stated rationale and brief justification for 2023-33MPA_1-7.	**Deny.** Gull Island SMR currently meets the criteria necessary to support MPA Network ecological objectives and contributes to Network-wide habitat replication of several key habitats, including kelp. The proposed expansion would not meaningfully improve the design of Gull Island SMR or the MPA Network, or advance adaptive management recommendations from the DMR.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		The petition proposes to expand the MPA north to include Posa Anchorage on the southwest side of Santa Cruz Island. This area was initially included in the working draft recommendation developed by CDFW and the National Oceanic and Atmospheric Administration (NOAA) during the Channel Islands MPA planning process but was later redesigned to exclude the anchorage. This decision remains relevant today. Inclusion of this area would impose unnecessary socioeconomic impacts, particularly to the squid fishery. The petitioner did not provide sufficient evidence to warrant expanding the boundary of Gull Island SMR.
2023-33MPA_5 Expand Point Conception SMR eastward by 14.6 sq mi.	See stated rationale and brief justification for 2023-33MPA_1-7.	**Deny.** Point Conception SMR currently meets the criteria necessary to support MPA Network ecological objectives and contributes to Network-wide habitat replication of several key habitats, including kelp. The proposed expansion would add incidental benefit to the MPA Network by adding an additional replicate for nearshore hard substrate but would not improve spacing between habitats to better meet Science Guidelines or advance adaptive management recommendations from the DMR. Expanded boundaries were considered during the MLPA Initiative planning process. The boundaries ultimately implemented reflect a deliberate compromise to optimize both conservation and fishing

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		priorities. Expanding the boundaries would alter this intentional balance and introduce avoidable socioeconomic impacts, particularly to recreational fisheries and the commercial nearshore groundfish and squid fisheries. The petitioner did not provide sufficient evidence to warrant expanding the boundary of Point Conception SMR. In addition, the proposed change would compromise MPA design by changing the boundary from one that aligns with Feasibility Guidelines to one that does not, which could create unnecessary enforcement challenges.
2023-33MPA_6_AM1 Expand Natural Bridges SMR southward and eastward to the edge of Natural Bridges State Beach by ~14.5 sq mi.	See stated rationale and brief justification for 2023-33MPA_1-7.	**Deny.** Expansion of Natural Bridges SMR into deeper offshore waters is unnecessary to achieve the petitioner's stated objective of protecting kelp, which is largely confined to shallow nearshore waters (generally < 100 feet (~30 m) depth). The proposed action is also inconsistent with the original intent of this MPA, which was deliberately designed to protect intertidal and nearshore habitats while minimizing socioeconomic impacts near Santa Cruz Harbor. The petitioner did not provide sufficient evidence to warrant the expansion of Natural Bridges SMR. Lastly, the proposed change would compromise MPA design by creating a hanging corner where the offshore boundary does not fully

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Recommendation and Brief Justification
		align with the 3 nm state water limit, which could introduce enforcement challenges.
2023-33MPA_7_AM1 Designate 3.2 sq mi. as a new SMCA near Pleasure Point (Santa Cruz); allow recreational take from shore by hook-and-line and spearfishing only.	See stated rationale and brief justification for 2023-33MPA_1-7.	**Deny.** Due to its small size and Moderate-low LOP, the proposed new SMCA near Pleasure Point would not contribute to Network ecological objectives, improve MPA Network design or function, or advance adaptive management recommendations from the DMR. The proposed new MPA is also not expected to fulfill the stated objective of supporting kelp resilience. A small, Low-LOP MPA at this location was previously considered during the MLPA Initiative planning process and not adopted. The petition does not provide sufficient evidence to warrant the creation of a small MPA with minimal protection at Pleasure Point. The proximity of the proposed new MPA to Santa Cruz Harbor is expected to impose substantial socioeconomic impacts. Additionally, the boundaries of the proposed MPA do not align with Feasibility Guidelines, which may create enforcement challenges.

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes[1] (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

Tribal Components Questions	Answer and Explanation
Was the petition submitted by a California Native American tribe, representative designated by a tribe or tribal organization, or have a tribal co-sponsor? If yes, a. Does the proposed change explicitly aim to advance tribal co-management, subsistence harvesting, stewardship, and/or provide a tribal benefit through recognizing the cultural significance of an area? b. Is the proposed regulatory change explicitly linked to a tribe or tribes? (i.e. tribal exemption, tribal take only MPA, or new MPA for co-management).	No, the petition was not submitted by a tribe or representative designated by a tribe, nor does it have a tribal co-sponsor.

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

IV. PETITION EVALUATION

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-33MPA_AM

The petitioner has requested to: expand the boundaries of Cabrillo SMR, Point Dume SMCA, South Point SMR, Gull Island SMR, Point Conception SMR, and Natural Bridges SMR; establish a new 3.2 mi^2 SMCA at Pleasure Point in Santa Cruz that allows recreational take from shore by hook-and-line and spearfishing; and add a new take allowance at Point Dume SMCA (recreational take from shore by hook-and-line and spearfishing). The proposed changes are intended to enhance protections for kelp forests. The petitioner asserts that the proposed expansions and new MPA would encompass patches of kelp identified by recent analyses (Arafeh-Dalmau et al. 2021; Arafeh-Dalmau et al. 2023; Giraldo-Ospina et al. 2023) as particularly stable, resilient, and persistent, and that protection of more kelp in MPAs would "preserve what we have left, and increase our chances of restoration in the future."

While the petitioner asserts that the proposed actions align with several goals of the MLPA, CDFW's evaluation finds that the proposal:

- Is not anticipated to improve the design of the MPA Network from either an ecological or an MPA management perspective (and in some cases compromises MPA Network design),
- Does not advance adaptive management recommendations from the DMR or address a current or emerging MPA management challenge,
- Is inconsistent with the goals and original intent of the affected MPAs and the broader MPA Network,
- Should not be considered without guidance from the forthcoming KRMP,
- Is expected to introduce unnecessary costs and impacts that outweigh expected benefits, and
- Does not align with guidance outlined in the Master Plan for MPAs (CDFW 2016) for what would warrant significant changes to the MPA Network, which requires a demonstrable science-supported benefit to the MPA Network.

Kelp Management and MPAs

The petition for these regulatory changes is not anticipated to improve the MPA Network from either an ecological or a management perspective because current scientific evidence does not support the use of MPAs as a standalone targeted solution to kelp management in the absence of site-specific justification.

There are two canopy-forming kelp species in California. Giant kelp (*Macrocystis pyrifera*) is abundant south of San Francisco and bull kelp (*Nereocystis luetkeana*) is the dominant species north of Davenport, in Santa Cruz County. A number of biotic and abiotic factors influence the distribution and persistence of both species, including depth, water temperature, seascape complexity, substrate type, competition, and grazing pressure (Foster and Schiel 1985, Steneck et al. 2002, Ricart et al. 2025). The influence of anthropogenic, often climate-driven, stressors on kelp forest ecosystems has intensified in recent years, at times producing unexpected interactive effects that can restructure kelp forest ecosystems. A widely cited example is the catastrophic kelp decline along much of the coast, with particularly acute impacts to bull kelp in northern California, which has been linked to a 'perfect storm' of prolonged abnormally warm waters stemming from a marine heatwave and subsequent El Niño event in 2014-16, the effective extirpation of a key predator to disease, and the ensuing herbivore population growth that intensified grazing pressure (Harvell et al. 2019, Rogers-Bennett and Catton 2019, Eisaguirre et al. 2020). Other localized stressors, such as pollution, sedimentation, water darkening, and invasive species establishment, may also have cumulative impacts on kelp vulnerability to disturbance (Foster and Schiel 2010, Filbee-Dexter et al. 2024). These may be further mediated by the effects of historical harvest on the population dynamics and demographic structure of key kelp forest species, such as California sheephead (*Bodianus* (formerly *Semicossyphus) pulcher*) and California spiny lobster (*Panulirus interruptus*) (Lenihan et al. 2021; Ziegler et al. 2022; Kumagai et al. 2024; Ortiz-Villa et al. 2025).

These dynamics demonstrate why kelp forests are particularly challenging to study and manage. Their hysteretic nature, high spatial and temporal variability, and complex ecological structure can obscure detection of drivers and mechanisms behind large differences at various scales (Foster 1990, Hamilton et al. 2022, Ortiz-Villa et al. 2025). As a result, simply identifying patches of kelp that appear persistent does not provide evidence of the operational drivers at those sites or the management strategy most likely to be effective, and protecting more kelp is, on its own, not necessarily the most effective way to support large-scale kelp persistence or resilience.

Considering this, and in response to recent declines, a large body of research has emerged investigating the capacity of kelp forests to resist and recover from disturbance, identify the drivers connected to metrics of resilience, and explore whether MPA protection can support kelp resilience. MPAs are well documented to support higher abundance, biomass, density, diversity, and reproductive output of many organisms, including in kelp forest ecosystems (Lester et al. 2009, Hamilton et al. 2010, Edgar et al. 2014, Caselle et al. 2015, Lenihan et al. 2021, Lenihan et al. 2022). It has been theorized that these direct effects of MPA protection may translate into broader ecosystem resilience through a variety of pathways. Communities inside MPAs may be more resistant to

disturbance and better able to recover afterward due to increased functional redundancy, greater genetic and demographic diversity, improved individual condition, and enhanced community stability (Bates et al. 2019, Jacquemont et al. 2022, Eisaguirre et al. 2020, Kumagai et al. 2024, Filbee-Dexter et al. 2024, Ortiz-Villa et al. 2025). One commonly predicted mechanism is the trophic cascade, whereby recovery of predators inside MPAs suppresses herbivore populations, indirectly supporting kelp recruitment, survival, and growth (Ripple et al. 2016).

The petitioner highlights some of this research suggesting that MPAs can support kelp forest stability (Eisaguirre et al. 2020, Kawamoto and Taino 2021, House and Allen 2022, Heineke et al. 2023, Peleg et al. 2023) as justification for expanding MPAs for kelp protection. In so doing, there may be an implicit assumption that these mechanisms are broadly and reliably present across the MPA Network, and that expanding MPAs will predictably increase or maintain kelp forest stability, recovery, or persistence. However, empirical evidence for the capacity of MPAs to improve kelp resilience has been equivocal, and outcomes appear strongly dependent on species, context, and scale. Around the world, many studies demonstrate resilience benefits for kelp forest fish and invertebrate communities, as well as for kelp itself (Micheli et al. 2012, Eisaguirre et al. 2020, Peleg et al. 2023, Ziegler et al. 2023, Benedetti-Cecchi et al. 2024, Kumagai et al. 2024, Olguin-Jacobson et al. 2025, Ortiz-Villa et al. 2025). In California's MPA Network, results from the first DMR indicated that kelp canopy was more stable and resilient in MPAs, particularly in the South Coast (CDFW 2022). At the same time, other studies have found contradictory or unexpected results, including inconsistent kelp responses to protection, variable evidence for trophic cascades, examples in which MPAs did not prevent kelp forest community shifts during marine heatwaves, and evidence for other independent mechanisms or region-specific drivers of kelp resilience (Foster 1990; Lester et al. 2009; Gilby and Stevens 2014; Roberts et al. 2017; Turnbull et al. 2018; Freedman et al. 2020; Malakhoff and Miller 2021; Barrientos et al. 2022; Smith et al. 2023; Kumagai et al. 2024; Reis et al. 2024; Cavanaugh et al. 2025; Ortiz-Villa et al. 2025; Ricart et al. 2025; Shrestha et al. 2025; Thoroude et al. 2025).

Overall, MPAs do not consistently or predictably confer resilience to kelp and therefore cannot be considered a standalone kelp restoration tool without site-specific mechanistic evidence, particularly when the dominant drivers operate beyond MPA borders (Mora and Sale 2011, Gilby and Stevens 2014, Bates et al. 2019, Arkema et al. 2024, Filbee-Dexter et al. 2024, Ortiz-Villa et al. 2025). In short, the general proposition that MPAs can improve kelp is not equivalent to a site-specific prediction that MPA expansion will meaningfully improve kelp persistence or recovery. Therefore, using MPAs as a targeted site-specific management tool for protecting existing kelp canopy or regeneration potential is not currently considered an appropriate pathway.

This does not mean that MPAs lack value for kelp forests. While MPAs are not a panacea and cannot stop marine heatwaves or other large-scale effects of climate change, they remain a foundational conservation tool that can reduce local stressors, rebuild populations of key species, and support ecosystem-based management goals (Roberts et al. 2017, Lopazanski et al. 2023, Filbee-Dexter et al. 2024). They also provide a valuable platform for long-term monitoring in unmanipulated ecosystems, supporting opportunities for detecting ecosystem change, evaluating climate impacts, and distinguishing the effects of MPA protection from high natural background variability (Bates et al. 2019, Hall-Arber et al. 2021). As noted by a working group convened to support the DMR, continued comprehensive monitoring is critical to understanding the capacity of the MPA Network to resist and recover from future heatwave events (Hofmann et al. 2021). Absent direct evidence from long-term monitoring indicating that relevant mechanisms are locally present and responsive to protection, there is no scientific basis to expect that the proposed actions in this petition are the most effective tools to meaningfully improve kelp resilience or recovery.

Addressing kelp declines throughout the state is a priority. In response, CDFW, in partnership with the Ocean Protection Council, is developing a statewide, ecosystem-based, adaptive Kelp Restoration Management Plan (KRMP), which will serve as the comprehensive planning document for the sustainable management of giant and bull kelp 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 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.

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 mandates of the MLPA is that MPAs act as living laboratories where research and monitoring can occur without the influence of human activities.

Ultimately, MPAs are one tool within a broader management strategy for climate adaptation and kelp recovery (Roberts et al. 2017, Jacquemont et al. 2022, Lopazanski et

al. 2023, Arkema et al. 2024, Filbee-Dexter et al. 2024). There is not sufficient evidence to support that the proposed MPA expansions would be an effective mechanism for kelp protection and restoration, particularly absent location-specific justification. In addition, expanding or designating new MPAs for kelp recovery may introduce regulatory constraints that complicate, delay, or limit restoration actions (Filbee-Dexter et al. 2024). As highlighted in DMR Recommendations 9 and 25, MPAs will continue to play a strategic role in marine conservation, but future effectiveness will likely depend on integrating climate considerations into MPA design, continuing long-term monitoring, and pairing MPAs with complementary approaches where appropriate (Hamilton et al. 2022, Arafeh-Dalmau et al. 2023, Filbee-Dexter et al. 2024, Kumagai et al. 2024). The KRMP and outcomes of DMR Recommendation 18 are needed to inform decisions about the role of MPAs in kelp restoration and management before updating the MPA regulations.

MPA-Specific Concerns

In addition to the fact that the proposed expansions and new MPA are not likely to address the petitioner's desired outcome of "protecting the natural regeneration potential of kelp forest ecosystems statewide," the following section includes additional concerns related to the specific MPAs the petition is proposing to expand or establish and the proposal to add recreational take by hook and line and spearfishing to Point Dume SMCA. Many of the proposed expansions do not improve MPA Network design and, in some cases, would conflict with and possibly undermine the original intent of the affected MPAs.

Cabrillo SMR:
The petitioner proposes expanding Cabrillo SMR to enhance kelp protection. Though not the petitioner's stated intent, the proposed expansion would enhance the design of the MPA with respect to minimum size criteria established by the Science Advisory Team (SAT) during the MLPA Initiative planning process, and, in that sense, improve MPA Network design (Table 1). However, a much larger version of Cabrillo SMR was considered during the MLPA Initiative planning process and deliberately not retained by the BRTF and CFGC. This reflects a deliberate decision to delineate Cabrillo SMR as a relatively small, nearshore MPA with a focus on protecting rocky intertidal and nearshore habitats while minimizing socioeconomic impacts (MLPA 2009a). That design continues to serve its stated ecological role of protecting species like kelp. Kelp is restricted to inhabit the shallow photic zone, as the ideal depth range for giant kelp in California is ~16-65 feet (~5-20 meters) (Foster and Schiel 1985). The petition includes a proposal to expand Cabrillo SMR into deeper waters beyond the depth that kelp can physically grow, which would not achieve the petitioner's stated conservation objective of protecting kelp. The proposed expansion would also reduce access to offshore fishing grounds, especially for the commercial lobster fleet (Fig. 1), thereby introducing unnecessary socioeconomic

impacts that were intentionally limited through the original MPA design. In addition, the U.S. Navy has expressed opposition to the Cabrillo SMR expansion since it would encroach on waters used for various military activities, another operational conflict that was considered during the MLPA Initiative planning process and avoided by the original design. The proposed change would require additional discussions with the Navy pursuant to mandates in Fish & G. Code section 2863.

Point Dume SMCA:
The petitioner proposes expanding Point Dume SMCA to enhance kelp protection and adding a take allowance for recreational shore-based hook-and-line fishing. Point Dume SMCA and neighboring Point Dume SMR act together as an MPA cluster that currently meets the criteria necessary to contribute to MPA Network ecological objectives, such as habitat replication and representation, in a key section of coastline (Table 2). Adding the proposed take allowance would lower the SMCA's LOP from High to Moderate-low. As a result, the MPA cluster at Point Dume would no longer serve its designed ecological function for habitat replication and representation in this area, thereby creating a considerable spacing gap in this stretch of coastline. This would substantially compromise the design of the MPA and weaken the MPA Network as a whole. While adding shore-based hook-and-line fishing would increase recreational access, this action would not further the petitioner's stated goal of "removing…direct human impacts." The consumptive activities currently allowed in this SMCA were deliberately chosen during the MLPA Initiative planning process to generate support from a wide range of consumptive and conservation interests while maintaining a High LOP (MLPA 2009a). The addition of a lower LOP allowance represents a significant departure from a carefully negotiated balance intentionally established by the original design.

With respect to the proposed expansion, the existing Point Dume MPA cluster already meets SAT guidelines for size, spacing, and replication of a number of key habitats. Expanding boundaries would not add any additional replicated habitats but rather compromise the design of the Point Dume MPA cluster. Extended boundaries were considered during the MLPA Initiative planning process (MLPA 2009b), and the specific configuration ultimately implemented was deliberately chosen to maximize habitat replication with minimal impacts to fisheries (MLPA 2009a). The petitioner did not provide sufficient evidence to warrant expanding or adding the take allowance to Point Dume SMCA. The proposed changes would alter an intentionally adopted design of the Point Dume MPA cluster and compromise the ecological MPA Network design and function without advancing adaptive management recommendations from the DMR.

South Point SMR:
The petitioner proposes expanding South Point SMR to enhance kelp protection. South Point SMR currently meets the criteria necessary to support MPA Network ecological

objectives and contributes to Network-wide habitat replication of several key habitats, including kelp. Habitat replication thresholds are based on protecting sufficient area to encompass 90% of the species diversity associated with a particular habitat. Because South Point SMR already meets these guidelines, the proposed expansion would not improve South Point SMR's role in the MPA Network because it would not meet any additional Network-scale design objectives beyond those already achieved. Although the proposed expansion would increase the amount of kelp protected from 3.78 to 11.96 linear miles (Table 3), the petition does not provide site-specific evidence demonstrating that protecting additional kelp area would result in measurable, biologically meaningful benefits beyond what is already provided by South Point SMR. Expansion of the western boundary, similar to the present proposed action, was explored during the Channel Islands MPA planning process and intentionally not adopted due to the excessive projected impact to multiple fisheries (CINMS 2002). The petitioner did not provide sufficient evidence to warrant expanding South Point SMR.

Furthermore, in considering and weighing decisions to amend portions of the MPA Network around the Channel Islands, it is important to note the Channel Islands MPAs were established through a joint state/federal community-based process and respective state and federal rulemaking processes with aligned MPA goals and regulations, and have been co-managed by the state, CINMS, and Channel Islands National Park. South Point SMR was expanded into federal waters by NOAA regulations cited in the Federal Register (NOAA 2007). Thus, expanding the boundaries of this MPA would result in misalignment with the boundaries in the adjoining Federal Marine Reserve. Since the implementation of this MPA, NOAA Sanctuaries has not indicated to CDFW that boundary modifications are needed to better support the goals of this MPA. Therefore, the proposed expansion of South Point SMR would alter an intentionally adopted design without improving the ecological MPA Network design or function, or advancing adaptive management recommendations from the DMR.

Gull Island SMR:
The petitioner proposes expanding Gull Island SMR to enhance kelp protection. Gull Island SMR currently meets the criteria necessary to support MPA Network ecological objectives and contributes to Network-wide habitat replication of several key habitats, including kelp. Habitat replication thresholds are based on protecting sufficient area to encompass 90% of the species diversity associated with a particular habitat. Because Gull Island SMR already meets these guidelines, the proposed expansion would not enable Gull Island SMR to meet any additional Network-scale design objectives beyond those already achieved. Although the proposed expansion of this SMR would yield an increase in the amount of kelp protected from 3.11 to 5.70 linear miles (Table 4), the petition does not provide site-specific evidence demonstrating that protecting additional kelp area would result in measurable, biologically meaningful benefits beyond

what is already provided. Expanded boundaries, as proposed here, were originally considered during the Channel Islands MPA planning process and deliberately modified to the existing shape to exclude Posa Anchorage on the northwest side of the SMR (CINMS 2002). The petitioner did not provide sufficient evidence to warrant expanding Gull Island SMR. Therefore, the proposed expansion would alter an intentionally adopted design without improving the ecological MPA Network design or function, or advancing adaptive management recommendations from the DMR.

Point Conception SMR:
The petitioner proposes expanding Point Conception SMR to enhance kelp protection. Point Conception SMR currently meets the criteria necessary to support MPA Network ecological objectives and contributes to Network-wide habitat replication of several key habitats, including kelp. Habitat replication thresholds are based on protecting sufficient area to encompass 90% of the species diversity associated with a particular habitat. Although the proposed expansion of this SMR would yield an increase in the amount of kelp protected from 2.27 to 6.47 linear miles (Table 5), the petition does not provide site-specific evidence demonstrating that protecting additional kelp area would result in measurable, biologically meaningful benefits beyond what is already provided. The expansion would enable the SMR to function as a replicate for one additional habitat (nearshore hard bottom) but would not improve the MPA Network's ability to meet spacing guidelines beyond what is currently provided. The proposed expansion would not meaningfully improve the design of Point Conception SMR or the MPA Network, or advance adaptive management recommendations from the DMR.

Throughout the three rounds of MPA array development during the MLPA Initiative planning process, a large SMR at Point Conception was consistently included in most proposals, with many proposing an eastern boundary extended beyond what was ultimately implemented (MLPA 2009b). The design of the existing shape is the result of deliberate compromise between consumptive and conservation priorities (MLPA 2009a). Therefore, the proposed expansion would alter an intentionally adopted design and likely reintroduce socioeconomic impacts that were explicitly avoided during the planning process. The proposed expansion would especially affect the commercial squid fishery (Fig. 2). The petitioner did not provide sufficient evidence to warrant expanding Point Conception SMR. Lastly, the proposed expansion would reduce alignment with Feasibility Guidelines, which could create enforcement challenges.

Natural Bridges SMR:
The petitioner proposes expanding Natural Bridges SMR to enhance kelp protection. Though not the petitioner's stated intent, the proposed expansion would enhance the design of the MPA with respect to minimum size criteria established by the SAT during the MLPA Initiative planning process, and, in that sense, strengthen MPA Network design

(Table 6). However, the expansion would be inconsistent with the original intent and objectives of the MPA. While an external group submitted a proposed array that included a much larger version of Natural Bridges SMR, this proposal was deliberately not retained by the BRTF and CFGC. This reflects a deliberate decision to delineate Natural Bridges SMR as a relatively small, nearshore MPA with a focus on protecting rocky intertidal and other nearshore habitats while minimizing impacts to consumptive activities near Santa Cruz Harbor. That design continues to serve its stated ecological role of protecting species like kelp, which is restricted to the shallow photic zone (the ideal depth range for giant kelp in California is ~16-65 feet (5-20 meters; Foster and Schiel 1985). Expansion into deeper waters beyond the depths that kelp can physically grow as proposed in the petition would not achieve the petitioner's stated conservation objective of protecting kelp. The proposed expansion would also reduce access to offshore fishing grounds, thereby reintroducing socioeconomic impacts that were intentionally limited through the original design. Lastly, the proposed expansion would reduce alignment with Feasibility Guidelines, which could create enforcement challenges. The petitioner did not provide sufficient evidence to warrant expanding Natural Bridges SMR. The proposed expansion would not meaningfully improve the design of Natural Bridges SMR or the MPA Network, or advance adaptive management recommendations from the DMR.

Establish a New MPA: Pleasure Point SMCA:
The petitioner proposes creating Pleasure Point SMCA to enhance kelp protection. The proposed new MPA would be 3.1 square miles with a Moderate-low LOP which would not meet the minimum Science Guidelines for MPA size (≥9 square miles) or LOP (Table 7). Given this, the proposed design would not be expected to offer robust localized protection and is thus unlikely to deliver the ecological benefits anticipated by the petitioner. More broadly, the design is incompatible with contributing to MPA Network-scale ecological or conservation goals. A small MPA in this location was considered during the MLPA Initiative planning process (MLPA 2006) for the purpose of protecting large surfgrass beds and associated invertebrates, but was rejected, likely due to the lack of meaningful ecological benefits offered by its proposed small size and Low LOP. The petitioner did not provide sufficient evidence to warrant the creation of a small MPA with minimal protection at Pleasure Point. Additionally, the proposed new MPA's proximity to Santa Cruz Harbor and valuable fishing areas is likely to adversely impact consumptive users without adding demonstrable value to the overall MPA Network. The proposed new MPA would not meaningfully contribute to the MPA Network or advance adaptive management recommendations from the DMR.

Other Network-wide Considerations

During the MLPA Initiative planning process, socioeconomic analyses were available to inform MPA array design proposals (i.e., static economic impact analyses based on

participatory surveys, dynamic bioeconomic modeling based on larval connectivity and associated fishery participant behavior). The petitioner asserts that short-term socioeconomic impacts to recreational and commercial fisheries would be offset by future benefits to fisheries. However, socioeconomic data were not included in the petition, and CDFW was unable to develop the location-specific socioeconomic analyses or broader statewide fishery impacts needed to substantiate the claim. CDFW does not recommend considering these significant MPA expansions or new MPAs until this critical information gap is filled.

The proposed actions would also introduce additional regulatory and implementation complexity and cost that is not commensurate with the expected benefits. For example, several MPAs overlap with federally managed areas, including National Marine Sanctuaries, which would necessitate coordination with federal partners. Additionally, in the Northern Channel Islands, state MPAs with corresponding offshore federal marine reserves, such as South Point and Gull Islands SMRs, may require a corresponding expansion in federal waters to maintain alignment. Similarly, the state's existing MPAs are State Water Quality Protection Areas (SWQPAs), designated by the State Water Board pursuant to the California Ocean Plan (State Water Board 2019). It is unclear how the Implementation Provisions for Marine Managed Areas in the California Ocean Plan would interact with the proposed MPA expansions. However, if the State Water Board identifies the expanded areas as part of the SWQPAs, the regional water boards would need to update permits associated with point source (e.g., wastewater treatment plants) and non-point source (e.g., stormwater runoff) discharges into these Marine Managed Areas. The regional water boards' workload associated with updating permits and cost of compliance associated with new permit requirements for permittees is unknown.

The DMR did not identify the need for significant structural changes to the MPA Network. Ecological responses to protection in California's marine ecosystems are expected to require long timeframes to become detectable, and the MPA Network remains relatively young (Hall-Arber et al. 2021). Data and information evaluated in the first DMR indicate that the Network as designed is meeting expectations and functioning effectively in meeting MLPA Goals (CDFW 2022). The DMR highlighted that more time, data, and information is needed to truly assess vulnerabilities in the MPA Network and that it is expected that ecosystem resilience will continue to strengthen as ecological benefits from MPA protection continue to build over time (CDFW 2022).

Without demonstrated performance flaws or science-supported needs, significant design changes are not justified. Part of MPA adaptive management includes a "learning-by-doing" approach where long-term scientific monitoring results are expertly evaluated through periodic review and regulations adjusted, if needed. Approving a proposal of this magnitude without scientific justification or demonstrable benefit sets a

precedent that risks undermining the ecological value and scientific integrity of the MPA Network and the mandates of the MLPA.

MPA Network stability also provides important benefits, and maintaining a high threshold for change is necessary to protect the integrity and effectiveness of the MPA Network. Frequent or inadequately justified changes to the MPA Network can undermine public understanding and support, complicate enforcement, disrupt long-term monitoring and research designs, and impose costs across each of the management pillars. Each change to the MPA Network, even a minor one, carries implementation costs. Based on the available information, there is no indication that expanding these six existing MPAs or establishing a new SMCA would deliver meaningful ecological or management value to the Network, and in some cases, would compromise the design and enforceability of the existing MPA Network.

CDFW is committed to proactive adaptive management of the MPA Network. However, any structural changes must be grounded in demonstrated need, sound science, and an inclusive statewide process consistent with the MLPA's mandates and intent. The proposed actions do not meet these standards. Given this, and the lack of direct evidence linking specific drivers of kelp decline or recovery to specific areas, expanding or designating new MPAs in the proposed locations to protect kelp or potential kelp habitat is not recommended at this time. A more effective and adaptive approach to protecting California's iconic kelp forests lies in advancing ecosystem-based management and restoration efforts through the forthcoming KRMP, which will provide a transparent and adaptive framework to address kelp declines directly while incorporating emerging science and balancing ecological, socioeconomic, and cultural considerations.

RECOMMENDATION FOR 2023-33MPA_AM

Given these considerations, and the information in the evaluation below, **CDFW recommends CFGC DENY the proposed actions**:

- **2023-33MPA_1_AM1,** Expand Cabrillo SMR westward and northward by ~9.99 square miles,
- **2023-33MPA_2_AM1,** Expand Point Dume SMCA westward by 4.6 square miles and add allowance for recreational take from shore by hook-and-line and by spearfishing,
- **2023-33MPA_3,** Expand South Point SMR westward by 26.3 square miles,
- **2023-33MPA_4,** Expand Gull Island SMR northward by 1.8 square miles,
- **2023-33MPA_5,** Expand Point Conception SMR eastward by 14.6 square miles,
- **2023-33MPA_6_AM1,** Expand Natural Bridges SMR southward and eastward by ~14.5 square miles, and

- **2023-33MPA_7_AM1**: Designate 3.2 square miles as a new SMCA near Pleasure Point in Santa Cruz; allow recreational take from shore by hook-and-line and by spearfishing.

EVALUATION QUESTIONS

2023-33MPA_1_AM1: Expand Cabrillo SMR westward (to 3 nm state line) and northward (to New Hope Rock) by 9.99 sq mi.

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 petitioner asserts that the proposed MPA would align with Goals 1-4, which address preserving natural diversity and marine natural heritage, protecting marine populations and habitats, improving recreational opportunities, and protecting representative habitats for their intrinsic value. However, within the broader adaptive management framework for the statewide MPA Network, it is not evident that expanding Cabrillo SMR would advance Network-level management.

During the MLPA Initiative planning process, Cabrillo SMR was deliberately designed to contribute to multiple objectives within MLPA Goals 1, 3, 4, 5, and 6. Although the proposed expansion of Cabrillo SMR may appear to enhance existing ecological protections consistent with Goals 1, 2, and 4, there is not sufficient information to support that this proposed action would align with the petitioner's stated purpose, which is to protect persistent kelp patches and enhance the state's restoration potential for other kelp forests in decline. Extending the MPA boundary offshore to the 3 nm state boundary would unnecessarily include deeper habitat beyond where kelp can grow, as kelp only grows within the shallow photic zone. Available observations from the area around Cabrillo SMR indicate kelp does not occur within the proposed offshore expansion beyond approximately the 30-m (~98.5 ft) depth contour, located less than 1.5 miles (1.3

nm) from shore. As a result, the proposed expansion is not well aligned with its stated conservation purpose (MLPA 2009a).

Furthermore, potential ecological gains must be weighed against other MLPA Goals. The MPA Network was intentionally designed to balance conservation benefits with the needs of coastal communities and diverse ocean users, including fisheries (Goal 3). During the planning process, the site-specific rationale (Goal 5) resulted in Cabrillo SMR boundaries deliberately drawn to protect rocky intertidal and nearshore habitats, including kelp forests, while minimizing impacts on productive nearby and offshore fishing grounds. Based on fishery activity around the Cabrillo SMR since implementation, those same potential impacts remain relevant today (see response to Question 15 on impacts to consumptive users). These tradeoffs were a core component of the science-based, stakeholder-driven process that established, and continues to guide, management of California's MPA Network (Goal 6). Advancing major MPA boundary changes through isolated petitions is inconsistent with that approach.

Therefore, while the petitioner asserts alignment with MLPA Goals, the proposed expansion would not clearly advance MPA management or performance objectives, and in some cases, may even undermine them.

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

No. The proposed change does not advance adaptive management recommendations from the DMR (CDFW 2022). See Question 2a of Attachment 1 for the DMR and DMR Recommendations.

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

No. The petitioner cites climate-related declines in kelp forests as justification for expanding the SMR, suggesting that increasing the amount of protected kelp habitat and removing direct human impacts would help conserve remaining kelp canopy and improve restoration potential. While kelp forests are highly valuable and their region-wide decline since 2014 is a significant management concern, it is not clear that this issue represents an MPA-specific management challenge, nor one best addressed by expanding MPA boundaries, particularly without evidence of place-based mechanisms or drivers linked to kelp persistence within the petitioner's stated MPAs or proposed new MPA.

Although climate change was not explicitly incorporated into the original MLPA Initiative planning process, the ecological principles underlying Network design, such as larval connectivity and habitat replication, support both ecological and

climate resilience. Indeed, MPAs in California have been shown to support larger, older, and more abundant marine populations that are more resilient to disturbances (CDFW 2022). Still, the extent to which these ecological benefits translate into improved resistance or adaptation to climate-driven impacts on kelp remains uncertain, and the magnitude of any such benefit is likely highly spatiotemporally variable. More research is needed to determine the factors that contribute to kelp forest resilience in the context of climate change and how best to mitigate impacts. If warming ocean temperatures are the primary driver of kelp decline in California, expanding MPA boundaries alone is unlikely to provide significant benefits.

Given these uncertainties, pursuing a substantial boundary expansion without stronger scientific basis and a coordinated management strategy would be premature. Currently, the proposed northward and westward expansion of Cabrillo SMR does not clearly address a demonstrated MPA management challenge, nor is it evident that expanding the SMR is the appropriate tool for addressing broader kelp management concerns in California. The forthcoming KRMP will provide the comprehensive strategy to guide future kelp management decisions statewide.

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 expansion overlaps with Administrative Kelp Bed 2 (open) and Bed 3 (leasable). Open kelp beds are available to commercial kelp harvest and leases cannot be issued. Commercial kelp can be harvested within leasable kelp beds until a lease is obtained for the bed, at which time the bed can only be harvested by the lease holder. Commercial kelp harvest was last reported in Bed 2 in 2022 and in Bed 3 in 2012.

The proposed change also has the potential to impact two existing Experimental Fishing Permits (EFPs): EFPT3-001 (swordfish/tuna) and EFPT4-001 (box crab/king crab).

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 expansion would extend into waters off Point Loma where the U.S. Navy conducts training, testing, research, and development activities for military readiness related to national defense. The Department of the Navy has previously stated their opposition to the proposed change, citing concerns that the expansion would create operational constraints to military readiness. The proposed change would require

additional discussions with the Navy pursuant to mandates in Fish & G. Code section 2863. The MPA is adjacent to the Cabrillo National Monument, which is federally administered by the National Park Service. Implementation of the proposed change would require consultation and coordination with federal authorities and may interact with their management activities.

The proposed SMR expansion has the potential to interact with the regulations and permitting activities of the Water Boards related to point source (e.g., wastewater treatment facilities) and non-point source discharges (e.g., stormwater runoff) into Marine Managed Areas. The State Water Board can designate SWQPAs to prevent the undesirable alteration of natural water quality within MPAs. The State Water Board's Water Quality Control Plan for Ocean Waters of California (California Ocean Plan) was amended in 2012 to include the process for designating SWQPAs and Implementation Provisions for Marine Managed Areas (Chapter III.E., State Water Board 2019). This was done with the intention to align these SWQPAs with the MPA Network. The provisions are implemented by the regional water boards, including through Waste Discharge requirements, National Pollutant Discharge Elimination System Permits, and municipal separate storm sewer system permits. If the State Water Board designates the expanded area as part of the existing SWQPAs, this would have implications on the Water Boards' workload and for permittees that would need to come into compliance with new permit requirements. The scope and magnitude of the Water Boards' workload and the cost of compliance for permittees is unknown.

The City of San Diego's Point Loma Wastewater Treatment Plant operates just north of Cabrillo SMR's existing northern boundary. The facility's outfall pipe extends 4.5 miles (3.9 nm) offshore from the treatment plant and the terminal point would be outside of the proposed expanded SMR. However, the proposed expansion may affect the permitting and management activities of the Water Boards.

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),
- Existing science pertaining to kelp recovery in MPAs,

- Long-term monitoring data related to kelp in MPAs,
- Satellite (1984-2023; Bell et al. 2025) and flyover (2002-06; 2008-10; 2013-16; CDFW 2024) 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 linking kelp declines to specific driver(s) at this location,
- Consideration of socioeconomic and tribal interests and how these will be factored into the decision-making process with respect to kelp management at this location, and
- A statewide assessment of kelp restoration and recovery tools developed through the KRMP.

While important management concerns related to kelp recovery and restoration are raised in the petition, the petitioner did not present sufficient information to justify the proposed change as the appropriate solution.

Long-term MPA monitoring data indicate we have early, though inconsistent, evidence that MPAs may enhance resilience to climate change and other disturbances for ecosystems within their borders. Continued, consistent monitoring is necessary to determine which factors are most influential in supporting kelp recovery and resilience and how these factors vary regionally.

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

Yes. The forthcoming KRMP is the crucial management framework to have in place before considering MPA regulatory changes aimed at protecting kelp.

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. Expanded boundaries for Cabrillo SMR were suggested by an external proposal in the first of three rounds of MPA array development during the MLPA Initiative planning process (MLPA 2009b) but not retained in subsequent rounds of proposals (MLPA 2009a).

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. The petitioner cites new analyses identifying California kelp beds that may be more resilient to disturbance, as well as recent scientific literature investigating the effects of MPA protection on kelp forests. Additionally, several recent studies highlight enhanced kelp resilience within MPAs in the South Coast in particular. However, a broad view of the best available science does not indicate consistent or reliable benefits to kelp resulting from MPA protection. As a result, there is not sufficient evidence to support the proposed change as an effective solution. Without direct, location-specific links between drivers and kelp persistence or decline, expanding a few select MPAs for kelp recovery or to enhance resilience is unlikely to have a biologically meaningful impact on kelp and might unnecessarily restrict more effective restoration activities in the process.

Local drivers of kelp persistence and resilience need to be identified first, and management actions must be tailored to address those drivers. Therefore, pursuing this change ahead of additional long-term data collection and the KRMP, which will provide the essential management framework to guide future kelp management decisions, would be premature.

Therefore, while large-scale kelp declines and the occurrence of climate change-related disturbances do indicate changing conditions since the implementation phase, the petitioner did not provide sufficient evidence to warrant expanding Cabrillo SMR.

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?

Yes and no. The original intent of the MPA was to protect nearshore ecosystems. The MPA was intentionally not extended to the 3 nm limit of state waters to avoid negative socioeconomic impacts. Therefore, the proposed alongshore extension of this MPA is in line with the original intent, while the offshore extension is not.

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?

Yes. 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 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.

Cabrillo SMR is 0.39 square miles with a Very High LOP and therefore meets the LOP, but not the size guideline (Table 1). Expanding the SMR as proposed would increase its area above the size threshold, allowing it to meet both criteria. The expanded MPA would be large enough to contribute to replication and representation of kelp, beach, rocky intertidal, hard bottom (0-30 m depth zone), and soft bottom (30-100 m depth zone) habitats. While each of these habitats is already sufficiently represented in the Network, their spacing is not always optimal. Therefore, increasing the SMR's area would strengthen its contribution to foundational Network ecological goals such as habitat spacing. In this respect, implementation of the proposed change would improve the design of the individual MPA and the MPA Network and enhance alignment with 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 proposed change would not align with the following Feasibility Guidelines: boundaries are not described using readily determined lines of latitude and longitude, and it is unclear if the landmarks suggested by the petitioner to identify the proposed boundaries are easily recognizable for both shore- and boat-based users. 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 that better aligns with the Feasibility Guidelines.

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

No. The proposed northern boundary is not aligned with readily determinable lines of latitude and longitude. Additionally, it is unclear if the petitioner's suggested landmark to

identify the proposed boundary is easily recognizable for both shore- and boat-based users. This could complicate enforcement of the MPA.

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.

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

Yes. The proposed change would maintain or enhance protection of marine resources by significantly increasing the area of several habitats protected within the MPA, including kelp forests, in sufficient amounts to contribute towards habitat replication. However, it is uncertain whether this would produce the kelp resiliency benefits anticipated by the petitioner. While MPAs may indirectly support kelp, they are not considered the best available management tool at this time, especially when the drivers behind the current decline are systemic rather than location specific. Considering this, insufficient evidence has been provided to justify the expansion of this MPA for the purpose of supporting kelp persistence or recovery.

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. The proposed change has the potential to affect both consumptive and non-consumptive activities.

The proposed boundary expansion would make several coastal access points and the Mission Bay Harbor closer to the boundaries of the MPA. Users who rely on these access points for consumptive activities would be displaced, and both recreational and commercial consumptive activities would likely experience adverse impacts. Most of the proposed expansion lies within a broadly high-value commercial fishing block. Specifically, this block has the highest lobster landings by value in San Diego County (Fig. 1). Significant impacts are expected for the commercial urchin and lobster fisheries, with additional negative effects likely for commercial highly migratory species fisheries and the commercial passenger fishing vessel (CPFV) fleet operating in the area, especially

those conducting half-day trips. Extending the SMR past the rockfish conservation area 100-fathom line could also affect commercial nearshore groundfish fishing.

As stated above (see Question 7), this area was considered for inclusion in the MPA Network during the planning process but was ultimately excluded due to its high importance to commercial and recreational fisheries. Those same considerations remain relevant and indicate that the proposed change would have substantial effects on existing consumptive uses of the area.

Expanding this already well-visited MPA may have beneficial impacts on non-consumptive activities. The increased proximity to multiple access points would allow continued (and potentially more convenient) access for non-consumptive activities. Regarding research and study opportunities, there are kelp and intertidal long-term monitoring sites within the proposed expanded boundaries, which may disrupt existing experimental designs.

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 access to local fishing grounds and add more regulatory burdens, particularly for small boat commercial fishery participants or CPFVs homeported in the coastal fishing community of San Diego (~6 nm away from area of proposed change).

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

No. There are no potential interactions or effects on any of the other 2023 MPA petitions.

2023-33MPA_2_AM1: Expand Point Dume SMCA westward by 4.6 sq mi and add allowance for recreational take from shore by hook-and-line and by spearfishing.

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 petitioner asserts that the proposed MPA would align with Goals 1-4, which address preserving natural diversity and marine natural heritage, protecting marine populations and habitats, improving recreational opportunities, and protecting representative habitats for their intrinsic value. However, within the broader adaptive management framework for the statewide MPA Network, it is not evident that modifying Point Dume SMCA, which was deliberately developed during the MLPA Initiative planning process to contribute to all six MLPA Goals, would advance Network-level management.

Point Dume SMCA was specifically designed to protect marine life populations and habitats (Goals 1-2). Monitoring results pooled across habitats from 2019-2020 show a significant positive MPA effect on fish biomass in the southern bioregion, indicating that MPAs are performing as hoped (Smith et al. 2025).

Point Dume SMCA also contributes to habitat replication goals developed during the planning process (Goal 4). Together with the adjacent Point Dume SMR, the SMCA protects multiple key habitats, including kelp, which is the overarching purpose of the petition. If the proposed expansion were implemented, it would not add sufficient area of any key habitats to meet additional replication goals. Furthermore, because the replication threshold is based on protecting sufficient area to encompass 90% of the species diversity associated with each habitat, it is unclear what meaningful ecological benefit would be achieved by adding marginal area beyond what already meets established guidelines, especially while reducing the LOP with the proposed take allowance.

Remarkably, Point Dume SMCA contributes to these ecological goals and simultaneously supports recreational and study opportunities (Goal 3), minimizes negative socioeconomic impacts while enhancing positive ones for all users (Goal 5), and reflects the rigorous, science-based, stakeholder-driven planning process that underpins the statewide Network (Goal 6). This deliberate balance signifies the carefully considered tradeoffs made during the MLPA Initiative planning process.

The petitioner's proposal would compromise this balance. Allowing additional take would lower the SMCA's LOP to Moderate-low, which is incompatible with achieving Goals 1 and 2. Expanding boundaries without strong scientific justification does not advance Goal 4, and introduces new conflicts with Goals 3, 5, and 6 by discounting original planning process decisions, imposing socioeconomic impacts without clear ecological benefit, and relying on inconclusive evidence that additional protected area will deliver the kelp-related benefits anticipated by the petitioner.

Therefore, while the petitioner asserts alignment with MLPA Goals, the proposed expansion and added take allowance would not clearly advance MPA management or performance objectives, and in some cases, may even undermine them.

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

No. The proposed change does not advance adaptive management recommendations from the DMR (CDFW 2022). See Question 2a of Attachment 1 for the DMR and DMR Recommendations.

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

No. The petitioner cites climate-related declines in kelp forests as justification for expanding the SMCA, suggesting that increasing the amount of protected kelp habitat and removing direct human impacts would help conserve remaining kelp canopy and improve restoration potential. While kelp forests are highly valuable and their decline since MPA implementation is a significant management concern, it is not clear that this issue represents an MPA-specific management challenge, nor one best addressed by expanding MPA boundaries, particularly without evidence of place-based mechanisms or drivers linked to kelp persistence.

Although climate change was not explicitly incorporated into the original MLPA Initiative planning process, the ecological principles underlying Network design, such as larval connectivity and habitat replication, support both ecological and climate resilience. Indeed, MPAs in California have been shown to support larger,

older, and more abundant marine populations that are more resilient to disturbances (CDFW 2022). Still, the extent to which these ecological benefits translate into improved resistance or adaptation to climate-driven impacts on kelp remains uncertain, and the magnitude of any such benefit is likely highly spatiotemporally variable. More research is needed to determine the factors that contribute to kelp forest resilience in the context of climate change and how best to mitigate impacts. If warming ocean temperatures are the primary driver of kelp decline in California, expanding MPA boundaries alone is unlikely to provide significant benefits.

Given these uncertainties, pursuing a substantial boundary expansion without stronger scientific basis and a coordinated management strategy would be premature. Currently, the proposed westward expansion and additional take allowance for Point Dume SMCA do not clearly address a demonstrated MPA management challenge, nor is it evident that expanding the SMCA is the appropriate tool for addressing broader kelp management concerns in California. The forthcoming KRMP will provide the comprehensive strategy to guide future kelp management decisions statewide.

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 MPA overlaps with Administrative Kelp Bed 17, which is leasable. Commercial kelp can be harvested within leasable kelp beds until a lease is obtained for the bed, at which time the bed can only be harvested by the lease holder. Commercial kelp harvest was last reported in this bed in 2015.

The proposed change also has the potential to impact two existing EFPs: EFPT3-001 (swordfish/tuna) and EFPT4-001 (box crab/king crab), particularly the former. Point Dume is listed as one of five authorized fishing areas in the EFP terms and conditions for EFPT3-001 (swordfish/tuna) and the expansion would eliminate roughly 75% of the EFP's fishable area around Point Dume.

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 change expands an existing overlap with an Area of Special Biological Significance (ASBS). It is unclear whether the proposed change would affect the management activities of the State or Regional Water Quality Control Boards

The MPA is adjacent to Robert H. Meyer State Beach. Implementation of the proposed expansion may interact with the management activities of the Department of Parks and Recreation and would require coordination on enforcement, updates to signage, and outreach efforts.

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),
- Existing science pertaining to kelp recovery in MPAs,
- Long-term monitoring data related to kelp in MPAs,
- Satellite (1984-2023; Bell et al. 2025) and flyover (2002-06; 2008-10; 2013-16; CDFW 2024) 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 linking kelp declines to specific driver(s) at this location,
- Consideration of socioeconomic and tribal interests and how these will be factored into the decision-making process with respect to kelp management at this location, and
- A statewide assessment of kelp restoration and recovery tools developed through the KRMP.

While important management concerns related to kelp recovery and restoration are raised in the petition, the petitioner did not present sufficient information to justify the proposed change as the appropriate solution.

Long-term MPA monitoring data indicate we have early, though inconsistent, evidence that MPAs may enhance resilience to climate change and other disturbances for ecosystems within their borders. Continued, consistent monitoring is necessary to determine which factors are most influential in supporting kelp recovery and resilience and how these factors vary regionally.

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

Yes. The forthcoming KRMP is the crucial management framework to have in place before considering MPA regulatory changes aimed at protecting kelp.

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 slightly expanded western boundary (118° 53.500′ W) was considered in proposals 2 and 3 in the third and final round of MPA array development in the South Coast Planning Region (MLPA 2009b). The boundary included in Proposal 1 (118° 53.000′ W) was ultimately adopted.

Recreational shorefishing for unspecified species was not considered. All three Round 3 proposals allowed take of pelagic finfish, Pacific bonito, and white seabass by spearfishing, which was ultimately adopted in the regulations. Proposals 2 and 3 also proposed to allow take of coastal pelagic finfish and market squid by dip net, and Proposal 3 also included an allowance for the take of jumbo squid by hook-and-line (MLPA 2009b). These take regulations were deliberately developed to allow some fishing activities while maintaining the High LOP backbone cluster at Point Dume. As stated in the considerations for Proposal 1 regarding the proposed recreational and commercial take regulations, "[w]e allowed for squid and coastal pelagic species seining, spearfishing for pelagics, and harpooning for swordfish [all High LOP activities] to generate cross interest support from conservation and consumptive communities." The proposed take regulations in this petition would reduce the LOP to Moderate-low, such that the Point Dume cluster would no longer contribute to Network-scale replication and representation goals. This is not aligned with the original intent developed during the planning process.

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. The petitioner cites new analyses identifying California kelp beds that may be more resilient to disturbance, as well as recent scientific literature investigating the effects of MPA protection on kelp forests. Additionally, several recent studies highlight enhanced kelp resilience within MPAs in the South Coast in particular. However, a broad view of the best available science does not indicate consistent or reliable benefits to kelp resulting from MPA protection. As a result, there is not sufficient evidence to support the proposed change as an effective solution. Without direct, location-specific links between drivers and kelp persistence or decline, expanding MPAs for kelp recovery is unlikely to have a biologically meaningful impact on kelp and might unnecessarily restrict more effective restoration activities in the process.

Local drivers of kelp persistence and resilience need to be identified first, and management actions must be tailored to address those drivers. Therefore, pursuing this change ahead of additional long-term data collection and the KRMP, which will provide the essential management framework to guide future kelp management decisions, would be premature.

Therefore, while large-scale kelp declines and the occurrence of climate change-related disturbances do indicate changing conditions since the implementation phase, the petitioner did not provide sufficient evidence to warrant the proposed changes.

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. While the proposed expansion does encompass more of the habitats that the MPA is intended to protect, it does not align with the original intent of the shape or take regulations implemented, which aimed to minimize, to the extent possible, fisheries impacts while maintaining a High LOP. Therefore, the proposed expansion conflicts with deliberate decisions made during the MLPA Initiative planning process to optimize multiple, sometimes competing, priorities.

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

No. The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on 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 levels of protection (i.e., Very High, High, or Moderate-high) to contribute to ecological goals such as habitat replication and representation.

Point Dume SMCA, together with neighboring Point Dume SMR, currently meets both minimum criteria and thus contributes to foundational ecological Network objectives (Table 2). The proposed expansion would increase the area protected within the MPA of several already replicated key habitats, namely kelp, beach, rocky intertidal, and soft bottom (0-30, 30-100, 100-200, and >200 m depth zones) habitats, which would improve the design of this MPA. However, because the MPA already meets the size thresholds for these habitats, the extent to which this additional habitat area would provide further ecological benefit is uncertain. The expansion would also increase the area of hard bottom habitat in the 0-30 and 30-100 m depth zones, but not enough to meet the minimum thresholds required of these habitats to contribute to habitat replication or representation. Furthermore, any benefit of increased size would be negated by the proposed take allowance. The additional take allowance proposed by the petitioner would reduce the LOP of Point Dume SMCA from High to Moderate-low, meaning it would no longer contribute to Network-scale habitat goals. Since Point Dume SMR does not meet the minimum size criterion on its own, implementation of the proposed change in take regulations would remove the entire Point Dume cluster from habitat replication and representation analyses, leaving a major connectivity gap in a key stretch of the coast.

Since the increase in size would not advance additional Network-scale ecological objectives and the proposed take allowance would invalidate this MPA's contribution to such objectives by decreasing the LOP of the SMCA, implementation of the proposed change would not improve the design of the individual MPA or of the Network and would decrease alignment with 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 proposed change would not align with the following Feasibility Guidelines: boundaries are not described using readily determined lines of latitude and longitude, and it is unclear if the landmarks suggested by the petitioner to identify the proposed boundaries are easily recognizable for both shore- and boat-based users. 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 that better aligns with the Feasibility Guidelines.

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

No. The western boundary is not aligned with lines of latitude and longitude or easily recognizable permanent landmarks, which could complicate enforcement. Moreover, the proposed change adds an additional take allowance which compromises enforceability 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 does not simplify regulatory language.

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

No. The proposed change does not enhance protection of marine resources because it would introduce another type of take (recreational hook-and-line fishing from shore) that decreases protection for nearshore fish species that are currently protected under the existing regulations. Although implementation of the proposed change would increase the area contained within the MPA of multiple habitats, including sandy beach,

rocky intertidal, kelp forests, and soft bottom habitats (Table 2), sufficient area is already protected in the existing MPA of some of these habitats to contribute towards habitat replication. Of the remaining habitats, not enough area is added through the proposed expansion to meet the requirement to count towards replication goals. Furthermore, the Point Dume SMCA and neighboring Point Dume SMR act together as an MPA cluster which was intentionally designed to maintain some critical fisheries allowances in the area while meeting the design criteria necessary to contribute to MPA Network ecological objectives in a key section of coastline. Adding the proposed take allowance would lower the SMCA's LOP from High to Moderate-low. As a result, both the SMCA and SMR would no longer serve as a critical ecological replicate in the Network, creating a considerable connectivity gap in this stretch of coastline. This would substantially compromise the design of the MPA cluster and the Network as a whole and may alter connectivity dynamics between this area and surrounding MPAs. Lastly, although the petitioner's intent is to increase protections for kelp forest habitat within MPAs, it is uncertain whether the proposed expansion would produce the kelp resiliency benefits anticipated by the petitioner. While MPAs may indirectly support kelp, they are not considered the best available management tool at this time, especially when the drivers behind the current decline are systemic rather than location specific. Considering this, insufficient evidence has been provided to justify the expansion of this MPA for the purpose of supporting kelp persistence or recovery.

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. The proposed change has the potential to affect both consumptive and non-consumptive activities.

Both recreational and commercial consumptive activities would likely experience adverse impacts. Although recreational take of white seabass and pelagic finfish by spearfishing is allowed, expansion of the SMCA would limit other types of fishing and could have significant impacts on local recreational fishing opportunities and private boat fishermen. Most of the proposed expansion lies within a high-value commercial fishing block (681). In particular, there is potential for negative impacts to the commercial swordfish fishery and the CPFV fleet, especially out of Channel Islands and Ventura Harbors.

As stated above (see Question 7), this area was considered for inclusion in the MPA Network during the planning process but was ultimately excluded due to its high importance to commercial and recreational fisheries. Those same considerations remain relevant and indicate that the proposed change would have substantial effects on existing consumptive uses of the area.

Expanding this MPA could benefit non-consumptive users by bringing two additional coastal access points within the boundaries of the MPA. In addition, the expansion would place the MPA adjacent to all three pocket beaches comprising Robert H. Meyer Memorial State Beach (as opposed to only one currently). Regarding research and study opportunities, there do not appear to be any long-term monitoring sites within the boundaries of the proposed expansion.

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 add a new recreational take opportunity within the existing MPA footprint. However, the expansion of the MPA would decrease take opportunities in the newly protected areas. This action is particularly relevant for the coastal fishing communities of:

- Ventura Harbor (~40 nm away from area of proposed change), and
- Channel Islands Harbor (Oxnard, ~38 nm away from area of proposed change).

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

Yes. This petition has the potential to interact with Petition 2023-14MPA, where the petitioner is proposing to allow commercial urchin take in nine MPAs, including Point Dume SMCA. These petitions may be in conflict, since the present petitioner aims to enhance ecological protections and adding an allowance for urchin take would further reduce the MPA's LOP.

2023-33MPA_3: Expand South Point SMR westward by 26.3 sq mi.

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 petitioner asserts that the proposed MPA would align with Goals 1-4, which address preserving natural diversity and marine natural heritage, protecting marine populations and habitats, improving recreational opportunities, and protecting representative habitats for their intrinsic value. However, within the broader adaptive management framework for the statewide MPA Network, it is not evident that expanding South Point SMR would advance Network-level management.

South Point SMR was established in 2003 as part of the Channel Islands MPA planning process. The Marine Reserves Working Group (MRWG) collaboratively designed a network of No-take reserves intended to conserve biodiversity, sustain fisheries, support education and research, and preserve natural and cultural heritage, while minimizing negative socioeconomic impacts (CINMS 2002). These goals, which clearly align with the six MLPA Goals/Master Plan objectives, informed the SMR's final design.

South Point SMR was specifically designed to protect marine life populations and habitats (Goals 1-2). Monitoring results from the Channel Islands show that both abundance and biomass of targeted species are greater within reserves compared to reference areas outside MPA boundaries (Caselle et al. 2015), indicating that MPAs are performing as intended towards achievement of ecological goals.

South Point SMR also contributes to habitat replication goals developed during the planning process (Goal 4). The MRWG explicitly aimed to conserve marine biodiversity and habitats in a reserve network at a minimum cost in terms of area, boundary length, and economic impacts. The SMR protects multiple key habitats, including kelp forests, which is the overarching purpose of the petition. The proposed expansion would not

enable the MPA to meet replication goals for any additional key habitats. Because replication thresholds are based on protecting sufficient area to encompass 90% of species diversity associated with a particular habitat, adding a small amount of additional area beyond what already meets established guidelines is likely to yield only nominal ecological benefit while potentially imposing disproportionate impacts on other users. Therefore, the proposed expansion introduces socioeconomic impacts without evidence of ecological benefit and undermines the tradeoffs established during the planning process.

This relates directly to Goals 3, 5, and 6. The existing South Point SMR was designed not only to meet ecological goals but also to support recreational and study opportunities (Goal 3), minimize negative socioeconomic impacts while enhancing positive ones for all users (Goal 5), and reflect the rigorous, science-based, stakeholder-driven planning process that underpins the statewide Network (Goal 6). This balance signifies the carefully considered tradeoffs made during the Channel Islands MPA planning process. At that time, there was a request to consider extending the South Point SMR west to Bee Rock, as is proposed in this petition. CDFW and NOAA jointly determined that doing so "was not possible…without greatly increasing the economic impact to lobster and urchin fisheries," and the recommendation went unheeded. The considerations informing that decision remain relevant today.

The proposed expansion would compromise the balance achieved during the planning process. Expanding boundaries without clear scientific justification does not advance Goals 1, 2, or 4, and introduces new conflicts with Goals 3, 5, and 6 by discounting prior planning decisions, imposing socioeconomic impacts, and relying on inconclusive evidence that additional protected area will deliver the kelp-related benefits anticipated by the petitioner.

Therefore, while the petitioner asserts alignment with MLPA Goals, the proposed expansion would not clearly advance MPA management or performance objectives, and in some cases, may even undermine them.

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

No. The proposed change does not advance adaptive management recommendations from the DMR (CDFW 2022). See Question 2a of Attachment 1 for the DMR and DMR Recommendations.

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

No. The petitioner cites climate-related declines in kelp forests as justification for expanding South Point SMR, suggesting that increasing the amount of protected kelp habitat and removing direct human impacts would help conserve remaining kelp canopy and improve restoration potential. While kelp forests are highly valuable and their decline since MPA implementation is a significant management concern, it is not clear that this issue represents an MPA-specific management challenge, nor one best addressed by expanding MPA boundaries, particularly without evidence of place-based mechanisms or drivers linked to kelp persistence.

Although climate change was not explicitly incorporated into the original MLPA Initiative planning process, the ecological principles underlying Network design, such as larval connectivity and habitat replication, support both ecological and climate resilience. Indeed, MPAs in California have been shown to support larger, older, and more abundant marine populations that are more resilient to disturbances (CDFW 2022). Still, the extent to which these ecological benefits translate into improved resistance or adaptation to climate-driven impacts on kelp remains uncertain, and the magnitude of any such benefit is likely highly spatiotemporally variable. More research is needed to determine the factors that contribute to kelp forest resilience in the context of climate change and how best to mitigate impacts. If warming ocean temperatures are the primary driver of kelp decline in California, expanding MPA boundaries alone is unlikely to provide significant benefits.

Given these uncertainties, pursuing a substantial boundary expansion without stronger scientific basis and a coordinated management strategy would be premature. Currently, the proposed westward expansion of South Point SMR does not clearly address a demonstrated MPA management challenge, nor is it evident that expanding the SMR is the appropriate tool for addressing broader kelp management concerns in California. The forthcoming KRMP will provide the comprehensive strategy to guide future kelp management decisions statewide.

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 South Point SMR expansion overlaps with Administrative Kelp Bed 114, which is open. Open kelp beds are available to commercial kelp harvest and leases cannot be issued. Commercial kelp harvest was last reported in this bed in 2005.

The proposed change also has the potential to impact two existing EFPs: EFPT3-001 (swordfish/tuna) and EFPT4-001 (box crab/king crab).

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. South Point SMR is inside the CINMS and the Channel Islands National Park, which are federally administered by NOAA and the National Park Service, respectively. Implementation of the proposed change would require consultation and coordination with federal authorities and may interact with their management activities. CDFW would need to work with NOAA on coordinated enforcement, updates to signage, and outreach efforts. Note that the expansion would modify the state SMR so it would no longer align with the South Point Federal Marine Reserve.

South Point SMR overlaps with an ASBS that circumnavigates the Northern Channel Islands, and the proposed change would further overlap with this ASBS. It is unclear whether the proposed change would affect the management activities of the State or Regional Water Quality Control Boards.

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),
- Existing science pertaining to kelp recovery in MPAs,
- Long-term monitoring data related to kelp in MPAs,
- Satellite (1984-2023; Bell et al. 2025) and flyover (2002-06; 2008-10; 2013-16; CDFW 2024) 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 linking kelp declines to specific driver(s) at this location,

- Consideration of socioeconomic and tribal interests and how these will be factored into the decision-making process with respect to kelp management at this location, and
- A statewide assessment of kelp restoration and recovery tools developed through the KRMP.

While important management concerns related to kelp recovery and restoration are raised in the petition, the petitioner did not present sufficient information to justify the proposed change as the appropriate solution.

Long-term MPA monitoring data indicate we have early, though inconsistent, evidence that MPAs may enhance resilience to climate change and other disturbances for ecosystems within their borders. Continued, consistent monitoring is necessary to determine which factors are most influential in supporting kelp recovery and resilience and how these factors vary regionally.

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

Yes. The forthcoming KRMP is the crucial management framework to have in place before considering MPA regulatory changes aimed at protecting kelp.

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. During the Channel Islands MPA planning process, stakeholder feedback on the working draft jointly developed by CDFW and NOAA following conclusion of the Channel Islands MRWG advised extending the South Point SMR to the west towards Bee Rock/Cluster Point to capture more kelp forest (CIMNS 2002). The agencies determined that it was not possible to increase the representation of kelp forests without greatly increasing the economic impact to the lobster and urchin fisheries, and the expanded boundary was not considered further.

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. The petitioner cites new analyses identifying California kelp beds that may be more resilient to disturbance, as well as recent scientific literature investigating the effects of MPA protection on kelp forests. Additionally, several recent studies highlight enhanced kelp resilience within MPAs in the South Coast in particular. However, a broad view of the best available science does not indicate consistent

or reliable benefits to kelp resulting from MPA protection. As a result, there is not sufficient evidence to support the proposed change as an effective solution. Without direct, location-specific links between drivers and kelp persistence or decline, expanding MPAs for kelp recovery is unlikely to have a biologically meaningful impact on kelp and might unnecessarily restrict more effective restoration activities in the process.

Local drivers of kelp persistence and resilience need to be identified first, and management actions must be tailored to address those drivers. Therefore, pursuing this change ahead of additional long-term data collection and the KRMP, which will provide the essential management framework to guide future kelp management decisions, would be premature.

Therefore, while large-scale kelp declines and the occurrence of climate change-related disturbances do indicate changing conditions since the implementation phase, the petitioner did not provide sufficient evidence to the proposed expansion of South Point SMR.

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. While the proposed expansion of South Point SMR does encompass larger areas of the habitats that the MPA is intended to protect, it does not align with the original intent of the shape implemented, which aimed to minimize impacts to fisheries. Therefore, the expansion conflicts with deliberate decisions made during the Channel Islands MPA planning process to optimize multiple, sometimes competing, priorities. See Response to Question 7.

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

No. The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on 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.

South Point SMR currently meets both minimum criteria and thus contributes to foundational ecological Network objectives (Table 3). The proposed change would increase the area protected within the MPA of several already replicated key habitats, namely kelp, beach, rocky intertidal, hard bottom (0-30 and 30-100 m depth zones), and soft bottom (0-30, 30-100, 100-200, and >200 m depth zones) habitats, which would improve the design of this MPA. However, because the MPA already meets the area thresholds for these habitats, the extent to which this additional habitat area would provide further ecological benefit is uncertain.

The expansion would also increase the area of hard bottom habitat in the 100-200 m depth zone, but not enough to meet the minimum threshold required of this habitat to contribute to habitat replication or representation. Since the increase in size would not advance additional MPA Network-scale ecological objectives, implementation of the proposed expansion of South Point SMR would not improve the design of the MPA Network or enhance alignment with 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?

Yes. The proposed change aligns with CDFW Feasibility Guidelines, as does the existing design. There was not sufficient information provided in the petition that outweighs the original decisions in the Channel Islands MPA or MLPA Initiative planning processes to justify moving forward with the proposed change. 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?
>
> **Not applicable.**

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

Yes and No. The proposed change maintains enforceability of MPA regulations by aligning the proposed western boundary with a recognizable landmark, although it does not align with a readily determinable line of latitude and longitude. While whole lines of latitude and longitude are preferred for demarcating boundaries, aligning with a recognizable landmark is still consistent with CDFW Feasibility Guidelines for MPA design.

However, the expansion would change the state South Point SMR boundary so it would no longer align with the South Point Federal Marine Reserve. Boundary misalignment could introduce a new enforcement challenge.

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.

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

Yes. The proposed expansion of South Point SMR would protect an additional distance of 8.18 linear miles of kelp, 5.04 linear miles of beach, and 6.79 linear miles of rocky intertidal, as well as additional area of hard and soft bottom habitats at a range of depths (Table 3). This has the potential to provide local protection for habitats and species within the newly expanded area. However, the MPA was designed to protect sufficient area of these habitats such that the MPA already contributes towards replication for all but one of these habitats. For the remaining habitat that is not currently a replicate (hard substrate, 100-200 m depth), the proposed expansion still would not include enough area to meet the requirement to count towards replication goals.

Furthermore, although the petitioner's intent is to increase protections for kelp forest habitat within MPAs, it is uncertain whether the proposed expansion would produce the kelp resiliency benefits anticipated by the petitioner. While MPAs may indirectly support kelp, they are not considered the best available management tool at this time, especially when the drivers behind the current decline are systemic rather than location specific. Considering this, insufficient evidence has been provided to justify the expansion of South Point SMR for the purpose of supporting kelp persistence or recovery.

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. The proposed change has the potential to affect both consumptive and non-consumptive activities.

Expanding the South Point SMR could negatively impact consumptive uses, with significant impacts expected for the commercial lobster, urchin, and nearshore

groundfish fisheries, the CPFV fleet operating out of Santa Barbara, and private boaters fishing for white seabass and halibut. During the Channel Islands MPA planning process, expanded boundaries to encompass more kelp forest within South Point SMR was noted as a priority change for the working draft. However, the area west towards Bee Rock/Cluster Point was deliberately not added due to concerns of significantly increased economic impacts to certain fisheries, which remains relevant today. The petition did not discuss economic impacts to the fisheries.

Regarding non-consumptive users, the proposed expansion has the potential to impact researchers and long-term monitoring sites for several core habitats. There are intertidal, kelp, and deep reef long-term monitoring sites that would fall within the boundaries of the proposed expansion. The proposed South Point SMR expansion would subsume current non-MPA reference sites within the SMR's No-take boundaries, impacting the experimental design for these MPA monitoring groups and their long-term studies.

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 and add more regulatory burdens, particularly for fishing participants associated with the coastal fishing communities of:

- Channel Islands Harbor (Oxnard),
- Ventura, and
- Santa Barbara.

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

No. There are no potential interactions or effects on any of the other 2023 MPA petitions.

2023-33MPA_4: Expand Gull Island SMR northward by 1.8 sq mi.

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 petitioner asserts that the proposed MPA would align with Goals 1-4, which address preserving natural diversity and marine natural heritage, protecting marine populations and habitats, improving recreational opportunities, and protecting representative habitats for their intrinsic value. However, within the broader adaptive management framework for the statewide MPA Network, it is not evident that expanding Gull Island SMR would advance Network-level management.

Gull Island SMR was established in 2003 as part of the Channel Islands MPA implementation process. The MRWG collaboratively designed a network of No-take reserves intended to conserve biodiversity, sustain fisheries, support education and research, and preserve natural and cultural heritage, while minimizing negative socioeconomic impacts. These goals, which clearly align with the six MLPA Goals/Master Plan objectives, informed the SMR's final design.

Gull Island SMR was specifically designed to protect marine life populations and habitats (Goals 1-2). Monitoring results from the Channel Islands show that both abundance and biomass of targeted species are greater within reserves compared to reference areas outside MPA boundaries (Caselle et al. 2015), indicating that MPAs are performing as intended towards achievement of ecological goals.

Gull Island SMR also contributes to habitat replication goals developed during the planning process (Goal 4). The MRWG explicitly aimed to conserve marine biodiversity and habitats in a reserve network at a minimum cost in terms of area, boundary length, and economic impacts. The SMR protects multiple key habitats, including kelp, which is the overarching purpose of the petition. The proposed expansion would not enable the

MPA to meet replication goals for any additional key habitats. Because replication thresholds are based on protecting sufficient area to encompass 90% of species diversity associated with a particular habitat, adding a small amount of additional area beyond what already meets established guidelines is likely to yield only nominal ecological benefit while potentially imposing disproportionate impacts on consumptive users. Therefore, the proposed expansion introduces socioeconomic impacts without evidence of ecological benefit and undermines the balance established during the planning process.

This relates directly to Goals 3, 5, and 6. The existing Gull Island SMR was designed not only to meet ecological goals but also to support recreational and study opportunities (Goal 3), minimize negative socioeconomic impacts while enhancing positive ones for all users (Goal 5), and reflect the rigorous, science-based, stakeholder-driven planning process that underpins the statewide Network (Goal 6). This balance reflects the carefully considered tradeoffs made during the Channel Islands MPA planning process. At that time, the area this petition proposes to expand into was included in the initial working draft version of Gull Island SMR. Recreational fishing participants requested that Posa Anchorage be opened. Recognizing the significant impacts to recreational and commercial fishing of closing the anchorage, the area was removed from the working draft. The considerations informing that decision remain relevant today.

The proposed expansion of Gull Island SMR would compromise the balance achieved during the planning process. Expanding boundaries without clear scientific justification does not advance Goals 1, 2, or 4, and introduces new conflicts with Goals 3, 5, and 6 by discounting prior planning decisions, imposing socioeconomic impacts, and relying on inconclusive evidence that additional protected area will deliver the kelp-related benefits anticipated by the petitioner.

Therefore, while the petitioner asserts alignment with MLPA Goals, the proposed expansion would not clearly advance MPA management or performance objectives, and in some cases, may even undermine them.

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

No. The proposed change does not advance adaptive management recommendations from the DMR (CDFW 2022). See Question 2a of Attachment 1 for the DMR and DMR Recommendations.

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

No. The petitioner cites climate-related declines in kelp forests as justification for expanding Gull Island SMR, suggesting that increasing the amount of protected kelp habitat and removing direct human impacts would help conserve remaining kelp canopy and improve restoration potential. While kelp forests are highly valuable and their decline since MPA implementation is a significant management concern, it is not clear that this issue represents an MPA-specific management challenge, nor one best addressed by expanding this MPA's boundary, particularly without evidence of place-based mechanisms or drivers linked to kelp persistence.

Although climate change was not explicitly incorporated into the original MLPA Initiative planning process, the ecological principles underlying Network design, such as larval connectivity and habitat replication, support both ecological and climate resilience. Indeed, MPAs in California have been shown to support larger, older, and more abundant marine populations that are more resilient to disturbances (CDFW 2022). Still, the extent to which these ecological benefits translate into improved resistance or adaptation to climate-driven impacts on kelp remains uncertain, and the magnitude of any such benefit is likely highly spatiotemporally variable. More research is needed to determine the factors that contribute to kelp forest resilience in the context of climate change and how best to mitigate impacts. If warming ocean temperatures are the primary driver of kelp decline in California, expanding MPA boundaries alone is unlikely to provide significant benefits.

Given these uncertainties, pursuing a substantial boundary expansion without stronger scientific basis and a coordinated management strategy would be premature. Currently, the proposed northward expansion of Gull Island SMR does not clearly address a demonstrated MPA management challenge, nor is it evident that expanding the SMR is the appropriate tool for addressing broader kelp management concerns in California. The forthcoming KRMP will provide the comprehensive strategy to guide future kelp management decisions statewide.

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 Gull Island SMR expansion overlaps significantly with Administrative Kelp Bed 111, which is leasable. Commercial kelp can be harvested within leasable kelp

beds until a lease is obtained for the bed, at which time the bed can only be harvested by the lease holder.

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. Gull Island SMR is inside the CINMS and the Channel Islands National Park, which are federally administered by NOAA and the National Park Service, respectively. Implementation of the proposed change would require consultation and coordination with federal authorities and may interact with their management activities. CDFW would need to work with NOAA on coordinated enforcement, updates to signage, and outreach efforts. Note that the expansion does not affect alignment with the Gull Island Federal Marine Reserve, as the expansion extends onshore towards Santa Cruz Island, entirely in state waters.

Gull Island SMR overlaps with an ASBS that circumnavigates the Northern Channel Islands, and the proposed change would further overlap with this ASBS. It is unclear whether the proposed change would affect the management activities of the State or Regional Water Quality Control Boards.

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),
- Existing science pertaining to kelp recovery in MPAs,
- Long-term monitoring data related to kelp in MPAs,
- Satellite (1984-2023; Bell et al. 2025) and flyover (2002-06; 2008-10; 2013-16; CDFW 2024) 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 linking kelp declines to specific driver(s) at this location,
- Consideration of socioeconomic and tribal interests and how these will be factored into the decision-making process with respect to kelp management at this location, and
- A statewide assessment of kelp restoration and recovery tools developed through the KRMP.

While important management concerns related to kelp recovery and restoration are raised in the petition, the petitioner did not present sufficient information to justify the proposed change as the appropriate solution.

Long-term MPA monitoring data indicate we have early, though inconsistent, evidence that MPAs may enhance resilience to climate change and other disturbances for ecosystems within their borders. Continued, consistent monitoring is necessary to determine which factors are most influential in supporting kelp recovery and resilience and how these factors vary regionally.

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

Yes. The forthcoming KRMP is the crucial management framework to have in place before considering MPA regulatory changes aimed at protecting kelp.

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. The Channel Islands MRWG proposed two configurations of the MPA boundaries for Gull Island SMR, one of which did not include Posa Anchorage, and one that extended onshore to Santa Cruz Island and included the proposed expansion area. After the work of the MRWG concluded, the Channel Islands Sanctuary Advisory Council advised CDFW and NOAA to jointly finish the work of the MRWG and develop a recommendation to provide to the CFGC. Both options proposed by the MRWG were considered by CDFW and NOAA, and the latter was included in the working draft that was sent to the MRWG and local fishing and environmental groups for input prior to submission to CFGC. CDFW and NOAA's recommendation aimed to reflect the progress made during the MRWG process as well as state and federal legislation, regulations, and jurisdictions in place at the time (CINMS 2002). The constituencies that reviewed the recommendations provided CDFW and NOAA with a list of their top priorities to incorporate into the MPA configurations for CFGC's consideration. One of the top priority changes expressed by the recreational fishing community was exclusion of the area that included Posa Anchorage from the Gull

Island SMR. In response, Posa Anchorage was removed from the working draft to allow recreational and commercial fishing to continue (CINMS 2002).

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. The petitioner cites new analyses identifying California kelp beds that may be more resilient to disturbance, as well as recent scientific literature investigating the effects of MPA protection on kelp forests. Additionally, several recent studies highlight enhanced kelp resilience within MPAs in the South Coast in particular. However, a broad view of the best available science does not indicate consistent or reliable benefits to kelp resulting from MPA protection. As a result, there is not sufficient evidence to support the proposed change as an effective solution. Without direct, location-specific links between drivers and kelp persistence or decline, expanding MPAs for kelp recovery is unlikely to have a biologically meaningful impact on kelp and might unnecessarily restrict more effective restoration activities in the process.

Local drivers of kelp persistence and resilience need to be identified first, and management actions must be tailored to address those drivers. Therefore, pursuing this change ahead of additional long-term data collection and the KRMP, which will provide the essential management framework to guide future kelp management decisions, would be premature.

Therefore, while large-scale kelp declines and the occurrence of climate change-related disturbances do indicate changing conditions since the implementation phase, the petitioner did not provide sufficient evidence to warrant revisiting this decision.

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 does not align with the original intent of the MPA identified during the Channel Islands MPA planning process. The area within the proposed expansion was initially considered and then removed to allow recreational and commercial fishing following feedback on the working draft from consumptive users. Therefore, the expansion conflicts with deliberate decisions made during the Channel Islands MPA planning process to optimize multiple, sometimes competing, priorities.

QUESTION 9: DOES THE PROPOSED CHANGE IMPROVE INDIVIDUAL MPA OR MPA NETWORK DESIGN SO THAT IT BETTER ALIGNS WITH OR MEETS THE MPA SCIENCE GUIDELINES?

No. The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the Science Advisory Team and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on 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.

Gull Island SMR currently meets both minimum criteria and thus contributes to foundational ecological Network objectives, including replication and representation of kelp, beach, rocky intertidal, hard bottom (0-30, 100-200, and >200 m depth zones), and soft bottom (0-30, 30-100, 100-200, and >200 m depth zones) habitats (Table 4).

Shifting the SMR boundary north would add additional area to the SMR of many of these already replicated habitats. While this may improve the design of the individual MPA, it would not advance additional Network-scale ecological objectives beyond what is currently provided. Therefore, implementation of the proposed change would not improve the design of the MPA Network or enhance alignment with 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?

Yes. The proposed change may better align with CDFW Feasibility Guidelines by aligning the complete shoreward boundary of the MPA with the island's coastline. However, there was not sufficient information provided in the petition that outweighs the original decisions in the Channel Islands MPA or MLPA Initiative planning processes to justify moving forward with the proposed change. 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?
>
> **Not Applicable.**

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

Yes. The proposed change maintains (and may enhance) enforceability of MPA regulations by aligning the proposed expansion with an existing boundary line, which is consistent with CDFW Feasibility Guidelines for MPA design. Over time, following significant outreach and engagement regarding the proposed change, enforceability may even be enhanced by removing the existing hanging corner in this MPA's design. However, it is important to note that the existing boundaries comply with Feasibility Guidelines by aligning with whole minutes of latitude and longitude, and enforcement concerns have not been highlighted for this MPA.

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.

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

Yes. The proposed expansion would protect an additional distance of 2.59 linear miles of kelp, 2.41 linear miles of beach, and 1.72 linear miles of rocky intertidal, as well as additional area of hard and soft bottom habitats at a range of depths (Table 4). This has the potential to provide local protection for habitats and species within the newly expanded area. However, the MPA was designed to protect sufficient area of these habitats such that the MPA already contributes to replication for each of these key habitats.

Furthermore, although the petitioner's intent is to increase protections for kelp forest habitat within MPAs, it is uncertain whether the proposed expansion would produce the kelp resiliency benefits anticipated by the petitioner. While MPAs may indirectly support kelp, they are not considered the best available management tool at this time, especially when the drivers behind the current decline are systemic rather than location specific. Considering this, insufficient evidence has been provided to justify the expansion of this MPA for the purpose of supporting kelp persistence or recovery.

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. The proposed change has the potential to affect both consumptive and non-consumptive activities.

Expanding the SMR could negatively impact consumptive uses, with significant impacts expected for the commercial lobster fishery. This area is also particularly important for the commercial squid fleet (Fig. 2), CPFVs operating out of Santa Barbara, Channel Islands, and Ventura Harbors, and both recreational and commercial highly migratory species fishing. The gillnet fleet may also be adversely impacted.

As stated above (see Question 7), this area was considered for inclusion during the Channel Islands MPA planning process but was ultimately excluded due to its high value to the commercial squid fleet and the request to maintain access to Posa Anchorage.

This MPA is not easily accessible to the public, and the proposed expansion would not readily increase accessibility for non-consumptive users. Regarding research and study opportunities, there do not appear to be any long-term monitoring sites within the boundaries of the proposed expansion.

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 and add more regulatory burdens, particularly for fishing participants associated with the coastal fishing community of Santa Barbara (~29 nm away from area of proposed change).

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

Yes. This petition has the potential to interact with Petition 2023-15MPA, where the petitioner is proposing to reclassify Gull Island SMR as an SMCA to modify take regulations. These petitions may be in conflict, since the present petitioner aims to enhance ecological protections and redesignation to an SMCA would reduce protection.

2023-33MPA_5: Expand Point Conception SMR eastward by 14.6 sq mi.

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 petitioner asserts that the proposed MPA would align with Goals 1-4, which address preserving natural diversity and marine natural heritage, protecting marine populations and habitats, improving recreational opportunities, and protecting representative habitats for their intrinsic value. However, within the broader adaptive management framework for the statewide MPA Network, it is not evident that expanding Point Conception SMR, which was deliberately developed during the MLPA Initiative planning process to contribute to all six MLPA Goals, would advance Network-level management.

Point Conception SMR was specifically designed to protect marine life populations and habitats (Goals 1-2). Monitoring results pooled across habitats from 2019-2020 show a significant positive MPA effect on fish biomass in the southern bioregion, indicating that MPAs are performing as expected (Smith et al. 2025).

Point Conception SMR also contributes to habitat replication goals developed during the planning process (Goal 4). The SMR protects multiple key habitats, including kelp, which is the overarching purpose of the petition. The proposed expansion would enable the MPA to meet replication goals for only one additional key habitat (hard substrate, 0-30 m depth). The MPA already protects the amount of area necessary to encompass 90% of the associated species diversity in seven other key habitats. Therefore, protecting additional hard substrate may yield only nominal ecological benefit while potentially imposing disproportionate impacts on other users. Therefore, the proposed expansion introduces socioeconomic impacts without evidence of ecological benefit and undermines the balance established during the planning process.

This relates directly to Goals 3, 5, and 6. The existing Point Conception SMR was designed not only to meet ecological goals but also to enhance cultural, recreational, and educational uses (Goal 3), minimizes negative socioeconomic impacts while optimizing positive ones for all users (Goal 5), and reflects the rigorous, science-based, stakeholder-driven planning process that underpins the statewide Network (Goal 6). This deliberate balance reflects the carefully considered tradeoffs made during the MLPA Initiative planning process.

The proposed expansion would compromise this balance. Expanding boundaries without clear scientific justification does not advance Goals 1, 2, or 4, and introduces new conflicts with Goals 3, 5, and 6 by discounting prior planning decisions, imposing socioeconomic impacts, and relying on inconclusive evidence that the additional protected area will deliver the kelp-related benefits anticipated by the petitioner.

Therefore, while the petitioner asserts alignment with MLPA Goals, the proposed expansion would not clearly advance MPA management or performance objectives, and in some cases, may even undermine them.

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

No. The proposed change does not advance adaptive management recommendations from the DMR (CDFW 2022). See Question 2a of Attachment 1 for the DMR and DMR Recommendations.

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

No. The petitioner cites climate-related declines in kelp forests as justification for expanding the SMR, suggesting that increasing the amount of protected kelp habitat and removing direct human impacts would help conserve remaining kelp canopy and improve restoration potential. While kelp forests are highly valuable and their decline since MPA implementation is a significant management concern, it is not clear that this issue represents an MPA-specific management challenge, nor one best addressed by expanding MPA boundaries, particularly without evidence of place-based mechanisms or drivers linked to kelp persistence.

Although climate change was not explicitly incorporated into the original MLPA Initiative planning process, the ecological principles underlying Network design, such as larval connectivity and habitat replication, support both ecological and climate resilience. Indeed, MPAs in California have been shown to support larger, older, and more abundant marine populations that are more resilient to

disturbances (CDFW 2022). Still, the extent to which these ecological benefits translate into improved resistance or adaptation to climate-driven impacts on kelp remains uncertain, and the magnitude of any such benefit is likely highly spatiotemporally variable. More research is needed to determine the factors that contribute to kelp forest resilience in the context of climate change and how best to mitigate impacts. If warming ocean temperatures are the primary driver of kelp decline in California, expanding MPA boundaries alone is unlikely to provide significant benefits.

Given these uncertainties, pursuing a substantial boundary expansion without stronger scientific basis and a coordinated management strategy would be premature. Currently, the proposed eastward expansion of Point Conception SMR does not clearly address a demonstrated MPA management challenge, nor is it evident that expanding the SMR is the appropriate tool for addressing broader kelp management concerns in California. The forthcoming KRMP will provide the comprehensive strategy to guide future kelp management decisions statewide.

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 expansion of this MPA overlaps significantly with Administrative Kelp Bed 32, which is leasable. Commercial kelp can be harvested within leasable kelp beds until a lease is obtained for the bed, at which time the bed can only be harvested by the lease holder. Commercial kelp harvest was last reported in this bed in 2019. CFGC approved a kelp harvest plan to mechanically harvest kelp in this bed, but implementation of the proposed expansion would encompass almost the entire bed, effectively rendering it no take.

The proposed change also has the potential to impact four existing EFPs: EFPT2-001 (Dungeness crab/hagfish/rock crab), EFPT2-002 Dungeness crab/rock crab (spot prawn), EFPT2-004 (Dungeness crab), EFPT4-001 (box crab/king crab).

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 MPA is inside the Chumash Heritage National Marine Sanctuary, which is federally administered by NOAA and co-managed with tribes. Implementation of the proposed change would require consultation and coordination with federal and tribal authorities and may interact with their management activities. CDFW would need to work

with NOAA and tribes on coordinated enforcement, updates to signage, and outreach efforts.

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),
- Existing science pertaining to kelp recovery in MPAs,
- Long-term monitoring data related to kelp in MPAs,
- Satellite (1984-2023; Bell et al. 2025) and flyover (2002-06; 2008-10; 2013-16; CDFW 2024) 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 linking kelp declines to specific driver(s) at this location,
- Consideration of socioeconomic and tribal interests and how these will be factored into the decision-making process with respect to kelp management at this location, and
- A statewide assessment of kelp restoration and recovery tools developed through the KRMP.

While important management concerns related to kelp recovery and restoration are raised in the petition, the petitioner did not present sufficient information to justify the proposed change as the appropriate solution.

Long-term MPA monitoring data indicate we have early, though inconsistent, evidence that MPAs may enhance resilience to climate change and other disturbances for ecosystems within their borders. Continued, consistent monitoring is necessary to determine which factors are most influential in supporting kelp recovery and resilience and how these factors vary regionally.

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

Yes. The forthcoming KRMP is the crucial management framework to have in place before considering MPA regulatory changes aimed at protecting kelp.

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. Expanded eastward boundaries were considered during the MLPA Initiative planning process, but none included an eastern boundary extending as far east as the current proposal (MLPA 2009b), and were deliberately not retained by the BRTF and CFGC. A proposal with an eastern boundary aligned with 120 25' W, was ultimately chosen to balance conservation and consumptive priorities.

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. The petitioner cites new analyses identifying California kelp beds that may be more resilient to disturbance, as well as recent scientific literature investigating the effects of MPA protection on kelp forests. Additionally, several recent studies highlight enhanced kelp resilience within MPAs in the South oast in particular. However, a broad view of the best available science does not indicate consistent or reliable benefits to kelp resulting from MPA protection. As a result, there is not sufficient evidence to support the proposed change as an effective solution. Without direct, location-specific links between drivers and kelp persistence or decline, expanding MPAs for kelp recovery is unlikely to have a biologically meaningful impact on kelp and might unnecessarily restrict more effective restoration activities in the process.

Local drivers of kelp persistence and resilience need to be identified first, and management actions must be tailored to address those drivers. Therefore, pursuing this change ahead of additional long-term data collection and the KRMP, which will provide the essential management framework to guide future kelp management decisions, would be premature.

Therefore, while large-scale kelp declines and the occurrence of climate change-related disturbances do indicate changing conditions since the implementation phase, the petitioner did not provide sufficient evidence to warrant revisiting this decision.

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?

Yes. The proposed change aligns with the original intent of the MPA identified during the MLPA Initiative planning process, in that it would increase the amount protected of several key habitats, such as kelp, beach, rocky intertidal, and both soft and hard bottom habitat at a range of depths (Table 5). However, the MPA was deliberately designed during the planning process to encompass sufficient area of these key habitats to meet habitat replication goals. Therefore, the proposed expansion would not advance these goals beyond what the existing design already achieves. The proposed expansion would add sufficient area of nearshore hard bottom habitat to contribute to replication of this habitat, but this is incidental to the stated objectives of the petition. Furthermore, the expansion conflicts with compromises made during the MLPA Initiative planning process to optimize multiple, sometimes competing, priorities.

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?

Yes. 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 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.

Point Conception SMR currently meets both minimum criteria and thus contributes to foundational ecological Network objectives, including replication and representation of kelp, beach, rocky intertidal, hard bottom (30-100 m depth zone), and soft bottom (0-30, 30-100, and 100-200 m depth zones) habitats (Table 5). Shifting the SMR boundary east as proposed would increase the area of these habitats within the MPA, which would improve the design of the individual MPA. However, because the MPA already meets the area thresholds for these habitats, the extent to which this additional habitat area would provide further ecological benefit is uncertain.

The expansion would also add enough nearshore hard bottom habitat to the SMR to meet the minimum area threshold for this habitat type, thereby enabling it to contribute

to replication goals for an additional key habitat. Although current spacing (approximately 31 miles) is already within the recommended maximum distance of 62 miles, the expansion would further reduce spacing between replicates of this habitat type. In this respect, the proposed change would improve MPA Network design and enhance alignment with 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 proposed change would not align with the following Feasibility Guidelines: the proposed boundary is not described using readily determined lines of latitude and longitude or easily recognizable permanent landmarks. 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 that better aligns with the Feasibility Guidelines.

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

No. The proposed eastern boundary is not aligned with readily determinable lines of latitude and longitude or easily recognizable permanent landmarks, which could complicate enforcement of this MPA.

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.

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

Yes. The proposed expansion would protect an additional distance of 4.20 linear miles of kelp, 3.61 linear miles of beach, and 2.75 linear miles of rocky intertidal, as well as additional area of hard and soft bottom habitats at a range of depths (Table 5). This has the potential to provide local protection for habitats and species within the newly expanded area. However, the MPA as designed already protects sufficient area to contribute towards replication of all but one of these habitats (i.e., nearshore hard substrate).

The proposed expansion would add sufficient nearshore hard bottom habitat for the MPA to meet replication criteria for this habitat, which is important for kelp. However, this MPA already encompasses sufficient kelp to contribute to replication objectives. Furthermore, the petition does not improve MPA Network design related to nearshore bottom habitat, nor is improving replication of this habitat a stated objective of the petition. As such, the additional habitat protection would not meaningfully improve the design of the MPA or the MPA Network, or advance adaptive management recommendations from the DMR.

Furthermore, although the petitioner's intent is to increase protections for kelp forest habitat within MPAs, it is uncertain whether the proposed expansion would produce the kelp resiliency benefits anticipated by the petitioner. While MPAs may indirectly support kelp, they are not considered the best available management tool at this time, especially when the drivers behind the current decline are systemic rather than location specific. Considering this, insufficient evidence has been provided to justify the expansion of this MPA for the purpose of supporting kelp persistence or recovery.

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. The proposed change has the potential to affect both consumptive and non-consumptive activities.

Expanding the SMR could negatively impact consumptive uses, with particularly significant impacts to the squid fleet (Fig. 2). The expansion also has the potential to adversely impact commercial fishing for nearshore groundfish.

As stated above (see Question 7), this area was considered for inclusion in the MPA Network during the planning process but was ultimately excluded due to its high importance to commercial and recreational fisheries. Those same considerations remain relevant and indicate that the proposed change would have substantial effects on existing consumptive uses of the area.

This MPA is not readily accessible to the public. The proposed expansion does not add any nearby coastal access points but does place the eastern boundary approximately four miles closer to the nearest boat launches in Gaviota State Park and Goleta Beach County Park and the nearest harbor in Santa Barbara. This could benefit non-consumptive users. Regarding research and study opportunities, there are long-term

monitoring sites within the boundaries of the proposed expansion (e.g., shallow and deep rocky reef habitats). The proposed SMR expansion would subsume current non-MPA reference sites within the SMR's No-take boundaries, impacting the experimental design for these MPA monitoring groups and their long-term studies.

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 and add more regulatory burdens, particularly for fishing participants associated with the coastal fishing community of Santa Barbara (~45 nm away from area of proposed change).

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

No. There are no potential interactions or effects on any of the other 2023 MPA petitions.

2023-33MPA_6_AM1: Expand Natural Bridges SMR southward and eastward to the edge of Natural Bridges State Beach by ~14.5 sq mi.

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 petitioner asserts that the proposed MPA would align with Goals 1-4, which address preserving natural diversity and marine natural heritage, protecting marine populations and habitats, improving recreational opportunities, and protecting representative habitats for their intrinsic value. However, within the broader adaptive management framework for the statewide MPA Network, it is not evident that expanding Natural Bridges SMR would advance Network-level management.

Natural Bridges SMR was deliberately designed during the MLPA Initiative planning process to contribute to Goals 1, 2, 3, and 4. Although the proposed expansion of Natural Bridges SMR appears to enhance existing ecological protections consistent with Goals 1, 2, and 4, this proposed action is not consistent with the petitioner's stated purpose, which is to protect persistent kelp patches. Extending the MPA boundary out to the 3 nm limit is not necessary to achieve this, as kelp only grows within the shallow photic zone. Available observations from the area around Natural Bridges SMR indicate kelp does not occur within the proposed offshore addition beyond approximately 0.4 miles (0.35 nm) from shore. As a result, the proposed expansion is not well aligned with its stated conservation purpose.

Furthermore, potential ecological gains must be weighed against other MLPA Goals. The MPA Network was intentionally designed to balance conservation benefits with the needs of coastal communities and diverse ocean users, including fisheries (Goal 3). During the planning process, the site-specific rationale (Goal 5) resulted in Natural Bridges SMR boundaries deliberately drawn to protect rocky intertidal and nearshore habitats, including kelp forest, while minimizing impacts on productive nearby and offshore fishing grounds. These tradeoffs were a core component of the science-based, stakeholder-driven process that established, and continues to guide, management of California's MPA Network (Goal 6). Advancing major MPA boundary changes through isolated petitions is inconsistent with that approach.

Therefore, while the petitioner asserts alignment with MLPA Goals, the proposed expansion would not clearly advance MPA management or performance objectives, and in some cases, may even undermine them.

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

No. The proposed change does not advance adaptive management recommendations from the DMR (CDFW 2022). See Question 2a of Attachment 1 for the DMR and DMR Recommendations.

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

No. The petitioner cites climate-related declines in kelp forests as justification for expanding the SMR, suggesting that increasing the amount of protected kelp habitat and removing direct human impacts would help conserve remaining kelp canopy and improve restoration potential. While kelp forests are highly valuable and their decline since MPA implementation is a significant management concern, it is not clear that this issue represents an MPA-specific management challenge, nor one best addressed by expanding MPA boundaries, particularly without evidence of place-based mechanisms or drivers linked to kelp persistence.

Although climate change was not explicitly incorporated into the original MLPA Initiative planning process, the ecological principles underlying Network design, such as larval connectivity and habitat replication, support both ecological and climate resilience. Indeed, MPAs in California have been shown to support larger, older, and more abundant marine populations that are more resilient to disturbances (CDFW 2022). Still, the extent to which these ecological benefits translate into improved resistance or adaptation to climate-driven impacts on kelp remains uncertain, and the magnitude of any such benefit is likely highly spatiotemporally variable. More research is needed to determine the factors that contribute to kelp forest resilience in the context of climate change and how best to mitigate impacts. If warming ocean temperatures are the primary driver of kelp decline in California, expanding MPA boundaries alone is unlikely to provide significant benefits.

Given these uncertainties, pursuing a substantial boundary expansion without stronger scientific basis and a coordinated management strategy would be premature. Currently, the proposed southward and eastward expansion of Natural Bridges SMR does not clearly address a demonstrated MPA management challenge, nor is it evident that expanding the SMR is the appropriate tool for addressing broader kelp management concerns in California. The forthcoming KRMP will provide the comprehensive strategy to guide future kelp management decisions statewide.

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 MPA significantly overlaps with Administrative Kelp Bed 222, which is open. Open kelp beds are available to commercial kelp harvest and leases cannot be

issued. Implementation of the proposed expansion would encompass almost the entire bed, effectively rendering it no take. Commercial kelp harvest was last reported in this bed in 2019. Additional seasonal restrictions are set by Monterey Bay National Marine Sanctuary (MBNMS).

The proposed change also has the potential to impact four existing EFPs: EFPT2-001 (Dungeness crab/hagfish/rock crab), EFPT2-002 Dungeness crab/rock crab (spot prawn), EFPT2-004 (Dungeness crab), and EFPT4-001 (box crab/king crab).

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 MPA is inside the MBNMS, which is federally administered by NOAA. Implementation of the proposed change would require consultation and coordination with federal authorities and may interact with their management activities. CDFW would need to work with NOAA on coordinated enforcement, updates to signage, and outreach efforts.

There are active leases authorized by the State Lands Commission within the proposed boundaries that may be affected by the proposed change. It is unclear whether the proposed change would have direct effects on the State Lands Commission's management activities.

The MPA is adjacent to Natural Bridges State Beach. If the proposed change was implemented, CDFW would need to work with the Department of Parks and Recreation on coordinated enforcement, updates to signage, and outreach efforts.

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),
- Existing science pertaining to kelp recovery in MPAs,
- Long-term monitoring data related to kelp in MPAs,

- Satellite (1984-2023; Bell et al. 2025) and flyover (2002-06; 2008-10; 2013-16; CDFW 2024) 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 linking kelp declines to specific driver(s) at this location,
- Consideration of socioeconomic and tribal interests and how these will be factored into the decision-making process with respect to kelp management at this location, and
- A statewide assessment of kelp restoration and recovery tools developed through the KRMP.

While important management concerns related to kelp recovery and restoration are raised in the petition, the petitioner did not present sufficient information to justify the proposed change as the appropriate solution.

Long-term MPA monitoring data indicate we have early, though inconsistent, evidence that MPAs may enhance resilience to climate change and other disturbances for ecosystems within their borders. Continued, consistent monitoring is necessary to determine which factors are most influential in supporting kelp recovery and resilience and how these factors vary regionally.

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

Yes. The forthcoming KRMP is the crucial management framework to have in place before considering MPA regulatory changes aimed at protecting kelp.

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. Other configurations for Natural Bridges SMR were initially considered in the Natural Bridges area in early phases of planning and design in the Central Coast region. Several of the proposals included an intertidal SMR similar to what was ultimately implemented. One proposal included a small nearshore SMR surrounded by a large SMCA. An additional proposal included an SMR slightly north towards Davenport that extended to the 3 nm limit of state waters. Subsequent rounds of proposals included only configurations that protected the intertidal zone (MLPA 2006). An SMR that extended to

greater depths near Santa Cruz Harbor was explicitly excluded to avoid negative socioeconomic impacts to those fishing in deeper offshore waters.

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. The petitioner cites new analyses identifying California kelp beds that may be more resilient to disturbance, as well as recent scientific literature investigating the effects of MPA protection on kelp forests. Additionally, several recent studies highlight enhanced kelp resilience within MPAs in the South Coast in particular. However, a broad view of the best available science does not indicate consistent or reliable benefits to kelp resulting from MPA protection. As a result, there is not sufficient evidence to support the proposed change as an effective solution. Without direct, location-specific links between drivers and kelp persistence or decline, expanding MPAs for kelp recovery is unlikely to have a biologically meaningful impact on kelp and might unnecessarily restrict more effective restoration activities in the process.

Local drivers of kelp persistence and resilience need to be identified first, and management actions must be tailored to address those drivers. Therefore, pursuing this change ahead of additional long-term data collection and the KRMP, which will provide the essential management framework to guide future kelp management decisions, would be premature.

Therefore, while large-scale kelp declines and the occurrence of climate change-related disturbances do indicate changing conditions since the implementation phase, the petitioner did not provide sufficient evidence to warrant revisiting this decision.

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 does not align with the original intent of the MPA identified during the MLPA Initiative planning process. The SMR was designed specifically to protect intertidal and nearshore habitat while minimizing impacts to consumptive activities near Santa Cruz harbor (MLPA 2006). The proposed boundaries extend far beyond the habitats the MPA was specifically designed to protect and would likely produce significant negative socioeconomic impacts. This conflicts with deliberate decisions

made during the MLPA Initiative planning process to optimize multiple, sometimes competing, priorities.

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?

Yes. 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 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.

Natural Bridges SMR is 0.25 square miles with a Very High LOP and therefore meets the LOP, but not the size, guideline (Table 6). Expanding the SMR as proposed would increase its area above the size threshold, allowing it to meet both criteria. The expanded MPA would be large enough to contribute to replication and representation of kelp, beach, rocky intertidal, hard bottom (0-30 m depth zone), and soft bottom (0-30 and 30-100 m depth zone) habitats. Additionally, spacing would be reduced between replicates of each of these habitats. This is most notable for soft bottom habitats in the 30-100 m depth zone, for which the distance between the nearest existing replicates currently exceeds the recommended maximum of 62 miles. This spacing guideline would be met if the SMR were expanded. Therefore, increasing the SMR's area would strengthen its contribution to foundational Network ecological goals and enhance alignment with 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 proposed change would not align with the following Feasibility Guidelines: extending the MPA to the 3 nm state water limit results in a hanging corner due to the delineation of state waters offshore Monterey Bay. 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 that better aligns with the Feasibility Guidelines.

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

No. The southward expansion offshore compromises enforceability. While offshore boundaries should extend from the shoreline to the 3 nm state water limit, as recommended by CDFW Feasibility Guidelines, doing so for this MPA creates a hanging corner that may create compliance and enforcement challenges.

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.

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

Yes. The proposed change would maintain or enhance protection of marine resources by significantly increasing the area of several habitats protected within the MPA, including kelp forest, in sufficient amounts to contribute towards habitat replication. However, it is uncertain whether this would produce the kelp resiliency benefits anticipated by the petitioner. While MPAs may indirectly support kelp, they are not considered the best available management tool at this time, especially when the drivers behind the current decline are systemic rather than location specific. Considering this, insufficient evidence has been provided to justify the expansion of this MPA for the purpose of supporting kelp persistence or recovery.

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. The proposed change has the potential to affect both consumptive and non-consumptive activities.

The MPA is easily accessible for both shore- and boat-based users through numerous coastal access points and the nearby Santa Cruz Harbor. Users who rely on these access points for consumptive activities would be displaced, and both recreational and commercial consumptive activities would likely experience adverse impacts. The proposed expansion lies within a broadly high-value commercial fishing block. Significant impacts to the commercial market squid fishery in particular, are expected. The area also contains highly valuable squid spawning grounds, and in 2021, the value from this single commercial fishing block was $1.3 million (Fig. 3). Impacts to the commercial nearshore groundfish fishery are also likely.

As stated above (see Question 7), this area was considered for inclusion in the MPA Network during the planning process but was ultimately excluded due to its high importance to commercial and recreational fisheries. Those same considerations remain relevant and indicate that the proposed change would have substantial effects on existing consumptive activities in the area.

Expanding this already well-visited MPA may have beneficial impacts on non-consumptive activities. Easy accessibility to this MPA, coupled with the expansion adjacent to Natural Bridges State Park, would allow continued access for non-consumptive uses. Regarding research and study opportunities, this area is frequently accessed by researchers due to the proximity to marine science campus at the University of California, Santa Cruz. Existing scientific collecting permits and research may be impacted by the restrictions associated with SMR designation. There are no long-term monitoring sites within the boundaries of the proposed expansion.

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 change would reduce fishing access and add more regulatory burdens, particularly for fishing participants associated with the coastal fishing community of Santa Cruz (~2-3 nm away from area of proposed change).

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

No. There are no potential interactions or effects on any of the other 2023 MPA petitions, though it should be noted that 2023-33MPA_7_AM1 proposes to create a new MPA less than five miles east of Natural Bridges SMR (see below).

2023-33MPA_7_AM1: Create new SMCA near Pleasure Point with allowance for recreational take from shore by hook-and-line and spearfishing.

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 petitioner asserts that the proposed MPA would align with Goals 1-4, which address preserving natural diversity and marine natural heritage, protecting marine populations and habitats, improving recreational opportunities, and protecting representative habitats for their intrinsic value. However, within the broader adaptive management framework for the statewide MPA Network, it is not evident that establishing Pleasure Point SMCA would advance Network-level management.

The stated purpose of the petition is to protect patches of kelp identified by the petitioner as being healthy and highly persistent. While this intent is theoretically aligned with MLPA Goals, the petition does not present conclusive evidence tying specific drivers of kelp resilience in this location to enhancement through MPA protection. Given the current lack of understanding about place-based drivers of kelp persistence at this location, establishing an MPA here is not scientifically justified based on protecting kelp or supporting future restoration.

Additionally, the proposed regulations allow for the take of finfish from shore, which would give the proposed MPA an LOP of Moderate-low. This conflicts with the petitioner's

stated ecological goals, such as the protection of biodiversity and ecosystem function (Goal 1) or the conservation of marine life populations (Goal 2).

The minimal LOP for the proposed MPA, coupled with the small size, precludes the achievement of Goal 4. Though the proposed MPA would indeed contain unique marine life habitats (Goal 4), such as beach and kelp forest habitats, the MPA as proposed would not meet minimum science guidelines (see response to Question 9) and therefore would not contribute to Network replication goals for these habitats.

The area near the proposed MPA includes Santa Cruz Harbor as well as several state parks and beaches and already receives high levels of visitation for a wide range of consumptive and non-consumptive recreational activities. It is unclear how establishing an MPA that, based on MPA Science Guidelines, is not expected to produce its intended ecological benefits while simultaneously removing existing recreational consumptive opportunities would meaningfully improve public enjoyment (Goal 3) at an already popular and well-used location. It is also notable that, during the planning process, Natural Bridges SMR, located less than five miles west of the proposed SMCA at Pleasure Point, was designed specifically as an intertidal SMR to avoid anticipated negative socioeconomic impacts associated with siting an SMR near Santa Cruz Harbor. Similar considerations remain relevant to this proposal, since the proposed MPA would only allow recreational fishing from shore.

The SMCA as proposed could be managed and enforced as part of the Network, but the stated objectives are not sufficient justification for the creation of a new MPA and do not appear to align with sound scientific guidelines (Goal 5).

Lastly, the MLPA Initiative planning process set a clear precedent for creating and managing California's MPAs as a cohesive Network through a long-term, robust, science-based, stakeholder-driven process (Goal 6). Establishing a new MPA through CFGC's petition process without significant scientific vetting and engagement with tribes and the public is not in line with this foundation.

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

No. The proposed change does not advance adaptive management recommendations from the DMR (CDFW 2022). See Question 2a of Attachment 1 for the DMR and DMR Recommendations.

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

No. The petitioner cites climate-related declines in kelp forests as justification for creating a new SMCA, suggesting that increasing the amount of protected kelp habitat and removing direct human impacts would help conserve remaining kelp canopy and improve restoration potential. While kelp forests are highly valuable and their decline since MPA implementation is a significant management concern, it is not clear that this issue represents an MPA-specific management challenge, nor one best addressed by expanding MPA boundaries, particularly without evidence of place-based mechanisms or drivers linked to kelp persistence.

Although climate change was not explicitly incorporated into the original MLPA Initiative planning process, the ecological principles underlying Network design, such as larval connectivity and habitat replication, support both ecological and climate resilience. Indeed, MPAs in California have been shown to support larger, older, and more abundant marine populations that are more resilient to disturbances (CDFW 2022). Still, the extent to which these ecological benefits translate into improved resistance or adaptation to climate-driven impacts on kelp remains uncertain, and the magnitude of any such benefit is likely highly spatiotemporally variable. More research is needed to determine the factors that contribute to kelp forest resilience in the context of climate change and how best to mitigate impacts. If warming ocean temperatures are the primary driver of kelp decline in California, expanding MPA boundaries alone is unlikely to provide significant benefits.

Given these uncertainties, pursuing the creation of a new MPA with the objective of protecting kelp without stronger scientific basis and a coordinated management strategy would be premature. Currently, the proposed new MPA at Pleasure Point does not clearly address a demonstrated MPA management challenge, nor is it evident that creating the MPA is the appropriate tool for addressing broader kelp management concerns in California. The forthcoming KRMP will provide a comprehensive strategy to guide future kelp management decisions statewide.

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 MPA overlaps with Administrative Kelp Bed 221, which is open. Open kelp beds are available to commercial kelp harvest and leases cannot be issued.

Commercial kelp harvest was last reported in this bed in 2024. Additional seasonal restrictions are set by MBNMS.

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 MPA overlaps granted lands held by Santa Cruz County. The County was granted sovereign tidelands and submerged lands in 1935, primarily for the establishment, maintenance, and operation of coastal facilities, such as a harbor, wharves, docks, and boathouses. It is unclear whether the proposed change would affect the County's management activities.

There are active leases authorized by the State Lands Commission along the shoreward boundary of the proposed MPA that may be affected by the proposed change. It is unclear whether the proposed change would have direct effects on the State Lands Commission's management activities.

The proposed MPA is inside the MBNMS, which is federally administered by NOAA. Implementation of the proposed change would require consultation and coordination with federal authorities and may interact with their management activities. CDFW would need to work with NOAA on coordinated enforcement, updates to signage, and outreach efforts.

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),
- Existing science pertaining to kelp recovery in MPAs,
- Long-term monitoring data related to kelp in MPAs,
- Satellite (1984-2023; Bell et al. 2025) and flyover (2002-06; 2008-10; 2013-16; CDFW 2024) 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 linking kelp declines to specific driver(s) at this location,
- Consideration of socioeconomic and tribal interests and how these will be factored into the decision-making process with respect to kelp management at this location, and
- A statewide assessment of kelp restoration and recovery tools developed through the KRMP.

While important management concerns related to kelp recovery and restoration are raised in the petition, the petitioner did not present sufficient information to justify the proposed change as the appropriate solution.

Long-term MPA monitoring data indicate we have early, though inconsistent, evidence that MPAs may enhance resilience to climate change and other disturbances for ecosystems within their borders. Continued, consistent monitoring is necessary to determine which factors are most influential in supporting kelp recovery and resilience and how these factors vary regionally.

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

Yes. The forthcoming KRMP is the crucial management framework to have in place before considering MPA regulatory changes aimed at protecting kelp.

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. During the MLPA Initiative planning process for the Central Coast Planning Region, a small intertidal MPA with a similar alongshore span and an allowance for finfish take from shore was included in Package 3R, one of three packages advanced by the Blue Ribbon Task Force (MLPA 2006). This MPA was not incorporated into the preferred alternative or rulemaking package.

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. The petitioner cites new analyses identifying California kelp beds that may be more resilient to disturbance, as well as recent scientific literature investigating

the effects of MPA protection on kelp forests. Additionally, several recent studies highlight enhanced kelp resilience within MPAs in the South Coast in particular. However, a broad view of the best available science does not indicate consistent or reliable benefits to kelp resulting from MPA protection. As a result, there is not sufficient evidence to support the proposed change as an effective solution. Without direct, location-specific links between drivers and kelp persistence or decline, expanding MPAs for kelp recovery is unlikely to have a biologically meaningful impact on kelp and might unnecessarily restrict more effective restoration activities in the process.

Local drivers of kelp persistence and resilience need to be identified first, and management actions must be tailored to address those drivers. Therefore, pursuing this change ahead of additional long-term data collection and the KRMP, which will provide the essential management framework to guide future kelp management decisions, would be premature.

Therefore, while large-scale kelp declines and the occurrence of climate change-related disturbances do indicate changing conditions since the implementation phase, the petitioner did not provide sufficient evidence to warrant revisiting this decision.

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. The proposed change 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 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 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 3.1 square miles with a Moderate-low LOP, based on proposed take regulations (Table 7). Because it does not meet either minimum critera, 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 MLPA Science Guidelines and additional context.

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

No. The proposed change would not align with the following Feasibility Guidelines: boundaries are not described using readily determined lines of latitude and longitude, and it is unclear if the landmarks suggested by the petitioner to identify the proposed boundaries are easily recognizable for both shore- and boat-based users. Additionally, the offshore boundary does not extend to the 3 nm state water boundary. 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 that better aligns with the Feasibility Guidelines.

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

No. In general, partial take MPAs are more difficult to enforce than No-take MPAs because partial take MPAs may lead to increased instances of unintentional non-compliance with MPA regulations.

The proposed new MPA would result in enforcement challenges associated with the boundaries because they do not align with the Feasibility Guidelines. The boundaries are not aligned with readily determinable lines of latitude and longitude or easily recognizable permanent landmarks, and the offshore boundary does not extend to the 3 nm state water boundary, all of which compromises enforceability.

Additionally, because this is a proposed new MPA, there is an anticipated period of non-compliance following regulatory changes, particularly when additional restrictions are implemented. This would require additional resource investments in outreach, education, and enforcement to support enforcement and compliance.

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

No. It would not simplify any existing regulatory language. The proposed change would require the addition of new regulatory language, which is somewhat complex for a partial-take SMCA.

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

Yes. The proposed change could maintain or enhance local protection of marine resources by adding MPA protection, thus prohibiting many extractive activities. However, some consumptive uses would still be permitted and the MPA as proposed would have a Moderate-low LOP, which could compromise any benefits gained. Furthermore, the proposed MPA is not large enough to contribute towards replication goals for key habitats, such as kelp forests. Since the petitioner's primary intent is to increase protections for kelp forest habitat within MPAs, it is uncertain whether the proposed expansion would produce the kelp resiliency benefits anticipated by the petitioner. While MPAs may indirectly support kelp, they are not considered the best available management tool at this time, especially when the drivers behind the current decline are systemic rather than location specific. Considering this, insufficient evidence has been provided to justify the creation of this MPA for the purpose of supporting kelp persistence or recovery.

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. The proposed change has the potential to affect both consumptive and non-consumptive activities.

The proposed MPA would be easily accessible for both shore- and boat-based users through numerous coastal access points, with the boat launch at Capitola Wharf approximately 0.2 miles away, and the Santa Cruz Harbor approximately 1.1 miles away. This high accessibility would allow continued use of both consumptive recreational and non-consumptive activities.

Though the area is easily accessible, the proposed regulations would restrict all recreational fishing activities except shore-based take by hook-and-line and spearfishing. This is a popular area for boat-based fishing for nearshore groundfish, salmon, and halibut. Limiting access could therefore have significant impacts on local recreational fishing opportunities.

Commercial consumptive uses would also be adversely impacted, with negative impacts to the commercial salmon, nearshore groundfish, and highly migratory species fisheries expected. The proposed MPA is within a high-value commercial fishing block.

Regarding research and study opportunities, there do not appear to be any long-term monitoring sites within the boundaries of the proposed expansion.

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 and add more regulatory burdens, particularly for fishing participants associated with the coastal fishing community of Santa Cruz (~2-3 nm away from area of proposed change).

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

No. There are no potential interactions or effects on any of the other 2023 MPA petitions, though it should be noted that 2023-33MPA_6_AM1 proposes to expand Natural Bridges SMR, which is less than five miles west of the proposed Pleasure Point SMCA (see above).

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

Table 1. 2023-33MPA_1_AM1 (proposed expansion Cabrillo SMR) MPA attributes (area, LOP, depth range, and habitat extent) of the existing and proposed Cabrillo SMR, including the percent change associated with the proposed action(s) in petition 2023-MPA33_AM. 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 Science Advisory Team 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).

	Existing	Proposed	Change (%)
MPA Area (sq mi)	0.39	**10.43**	2,574
Level of Protection	**Very High**	**Very High**	—
Min Depth (m)	0	0	—
Max Depth (m)	13.0	82.3	—
Eelgrass (sq mi)	9e-4	9e-4	0
Kelp (mi)	0.49[a]	**3.00**	512
Beach (mi)	0.90	**1.73**	92
Rocky Intertidal (mi)	**0.97**	**3.27**	237
Estuaries (sq mi)	—	—	—
Hard Substrate			
0-30 m (mi)	0.23[b]	**2.56**	N/A
30-100 m (sq mi)	—	0.11	N/A
100-200 m (sq mi)	—	0.04	N/A
>200 m (sq mi)	—	—	—
Soft Substrate			
0-30 m (mi)	0.15[b]	0.48	N/A
30-100 m (sq mi)	—	**6.31**	N/A
100-200 m (sq mi)	—	0.18	N/A
>200 m (sq mi)	—	—	—

[a] Measured by hand since MPA polygon does not overlap the linear kelp dataset

[b] Measured in square miles rather than linear miles because the MPA polygon does not overlap the linear substrate dataset

Table 2. 2023-33MPA_2_AM1 (proposed expansion Point Dume SMCA and addition of recreational take from shore by hook and line and spearfishing)

MPA attributes (area, LOP, depth range, and habitat extent) of the existing and proposed Point Dume SMCA, including the percent change associated with the proposed action(s) in petition 2023-MPA33_AM. 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 Science Advisory Team 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). Point Dume SMCA meets those requirements when clustered with Point Dume SMR. If the take allowance proposed by the petition were granted, the cluster would no longer meet these criteria.

	SMR Existing	SMCA Existing	Cluster Existing	SMCA Proposed	Cluster Proposed	SMCA change (%)
MPA Area (sq mi)	7.53	15.92	**23.45**	20.69	**28.22**	30
Level of Protection	Very High	High	**High**	Mod-Low	Mod-Low	—
Min Depth (m)	0	0	0	0	0	—
Max Depth (m)	649.4	683.4	683.4	683.4	683.4	—
Eelgrass (sq mi)	—	—	—	—	—	—
Kelp (mi)	1.29	1.60	**2.89**	2.95	**4.24**	84
Beach (mi)	2.56	4.03	**6.59**	5.30	**7.86**	32
Rocky Intertidal (mi)	1.34	0.46	**1.80**	0.56	**1.90**	22
Estuaries (sq mi)	—	3e-5	3e-5	3e-5	3e-5	0
Hard Substrate						
0-30 m (mi)	0.02	0.08	0.10	0.32	0.34	300
30-100 m (sq mi)	4e-3	2e-3	6e-3	0.09	0.09	4400
100-200 m (sq mi)	4e-3	1e-3	5e-3	1e-3	5e-3	0
>200 m (sq mi)	—	—	—	—	—	—
Soft Substrate						
0-30 m (mi)	2.23	4.12	**6.35**	5.21	**7.44**	26
30-100 m (sq mi)	1.04	5.69	**6.73**	7.67	**8.71**	35
100-200 m (sq mi)	0.72	1.57	**2.29**	2.42	**3.14**	54
>200 m (sq mi)	4.42	5.66	**10.08**	6.39	**10.81**	13

Table 3. 2023-33MPA_3 (proposed expansion South Point SMR)

MPA attributes (area, LOP, depth range, and habitat extent) of the existing and proposed South Point SMR, including the percent change associated with the proposed action(s) in petition 2023-MPA33_AM. 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 Science Advisory Team 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).

	Existing	Proposed	Change (%)
MPA Area (sq mi)	**13.08**	**40.96**	213
Level of Protection	**Very High**	**Very High**	—
Min Depth (m)	0	0	—
Max Depth (m)	392.9	395.7	—
Eelgrass (sq mi)	—	—	—
Kelp (mi)	**3.78**	**11.96**	216
Beach (mi)	**1.45**	**6.49**	348
Rocky Intertidal (mi)	**3.47**	**10.26**	196
Estuaries (sq mi)	—	—	—
Hard Substrate			
0-30 m (mi)	**1.29**	**3.15**	144
30-100 m (sq mi)	**0.26**	**0.99**	281
100-200 m (sq mi)	4e-3	5e-3	25
>200 m (sq mi)	—	—	—
Soft Substrate			
0-30 m (mi)	**2.49**	**8.39**	237
30-100 m (sq mi)	**3.57**	**11.83**	231
100-200 m (sq mi)	**5.70**	**8.23**	44
>200 m (sq mi)	**1.63**	**4.22**	159

Table 4. 2023-33MPA_4 (proposed expansion Gull Island SMR)

MPA attributes (area, LOP, depth range, and habitat extent) of the existing and proposed Gull Island SMR, including the percent change associated with the proposed action(s) in petition 2023-MPA33_AM. 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 Science Advisory Team 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).

	Existing	Proposed	Change (%)
MPA Area (sq mi)	**19.93**	**21.67**	9
Level of Protection	**Very High**	**Very High**	—
Min Depth (m)	0	0	—
Max Depth (m)	698.1	698.1	—
Eelgrass (sq mi)	—	—	—
Kelp (mi)	**3.11**	**5.70**	83
Beach (mi)	**2.29**	**4.70**	105
Rocky Intertidal (mi)	**1.89**	**3.61**	91
Estuaries (sq mi)	—	—	—
Hard Substrate			
0-30 m (mi)	**2.18**	**2.31**	6
30-100 m (sq mi)	0.14	0.14	0
100-200 m (sq mi)	**0.17**	**0.17**	0
>200 m (sq mi)	**2.09**	**2.09**	0
Soft Substrate			
0-30 m (mi)	**2.79**	**4.83**	73
30-100 m (sq mi)	**3.89**	**4.61**	19
100-200 m (sq mi)	**3.36**	**3.36**	0
>200 m (sq mi)	**7.40**	**7.40**	0

Table 5. 2023-33MPA_5 (proposed expansion Point Conception SMR)

MPA attributes (area, LOP, depth range, and habitat extent) of the existing and proposed Point Conception SMR, including the percent change associated with the proposed action(s) in petition 2023-MPA33_AM. 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 Science Advisory Team 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).

	Existing	Proposed	Change (%)
MPA Area (sq mi)	**22.52**	**37.18**	65
Level of Protection	**Very High**	**Very High**	—
Min Depth (m)	0	0	—
Max Depth (m)	153.5	153.5	—
Eelgrass (sq mi)	—	—	—
Kelp (mi)	**2.27**	**6.47**	185
Beach (mi)	**1.98**	**5.59**	182
Rocky Intertidal (mi)	**3.43**	**6.18**	80
Estuaries (sq mi)	—	—	—
Hard Substrate			
0-30 m (mi)	0.15	**1.96**	1207
30-100 m (sq mi)	**0.57**	**0.81**	42
100-200 m (sq mi)	9e-4	9e-4	0
>200 m (sq mi)	—	—	—
Soft Substrate			
0-30 m (mi)	**3.67**	**6.05**	65
30-100 m (sq mi)	**15.34**	**23.54**	53
100-200 m (sq mi)	**3.60**	**3.60**	0
>200 m (sq mi)	—	—	—

Table 6. 2023-33MPA_6_AM1 (proposed expansion Natural Bridges SMR)

MPA attributes (area, LOP, depth range, and habitat extent) of the existing and proposed Natural Bridges SMR, including the percent change associated with the proposed action(s) in petition 2023-MPA33_AM. 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 Science Advisory Team 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).

	Existing	Proposed	Change (%)
MPA Area (sq mi)	0.25	**14.67**	5768
Level of Protection	**Very High**	**Very High**	—
Min Depth (m)	0	0	—
Max Depth (m)	3.2	72.9	—
Eelgrass (sq mi)	—	—	—
Kelp (mi)	0.17[a]	4.16	2347
Beach (mi)	**3.10**	**3.28**	6
Rocky Intertidal (mi)	**3.79**	**3.87**	2
Estuaries (sq mi)	2e-3	2e-3	0
Hard Substrate			
0-30 m (mi)	0.16[b]	**1.42**	N/A
30-100 m (sq mi)	—	0.14	N/A
100-200 m (sq mi)	—	—	—
>200 m (sq mi)	—	—	—
Soft Substrate			
0-30 m (mi)	0.05[b]	**2.76**	N/A
30-100 m (sq mi)	—	**10.68**	N/A
100-200 m (sq mi)	—	—	—
>200 m (sq mi)	—	—	—

[a] Measured by hand since MPA polygon does not overlap the linear kelp dataset

[b] Measured in square miles rather than linear miles because the MPA polygon does not overlap the linear substrate dataset

Table 7. 2023-33MPA_7_AM1 (proposed new Pleasure Point SMCA)

MPA attributes (area, LOP, depth range, and habitat extent) of Pleasure Point SMCA as proposed in petition 2023-MPA33_AM. 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 Science Advisory Team 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).

	Proposed
MPA Area (sq mi)	3.13
Level of Protection	Mod-Low
Min Depth (m)	0
Max Depth (m)	28.8
Eelgrass (sq mi)	—
Kelp (mi)	**1.33**
Beach (mi)	**1.37**
Rocky Intertidal (mi)	0.55
Estuaries (sq mi)	—
Hard Substrate	
0-30 m (mi)	0.01
30-100 m (sq mi)	—
100-200 m (sq mi)	—
>200 m (sq mi)	—
Soft Substrate	
0-30 m (mi)	**1.16**
30-100 m (sq mi)	—
100-200 m (sq mi)	—
>200 m (sq mi)	—

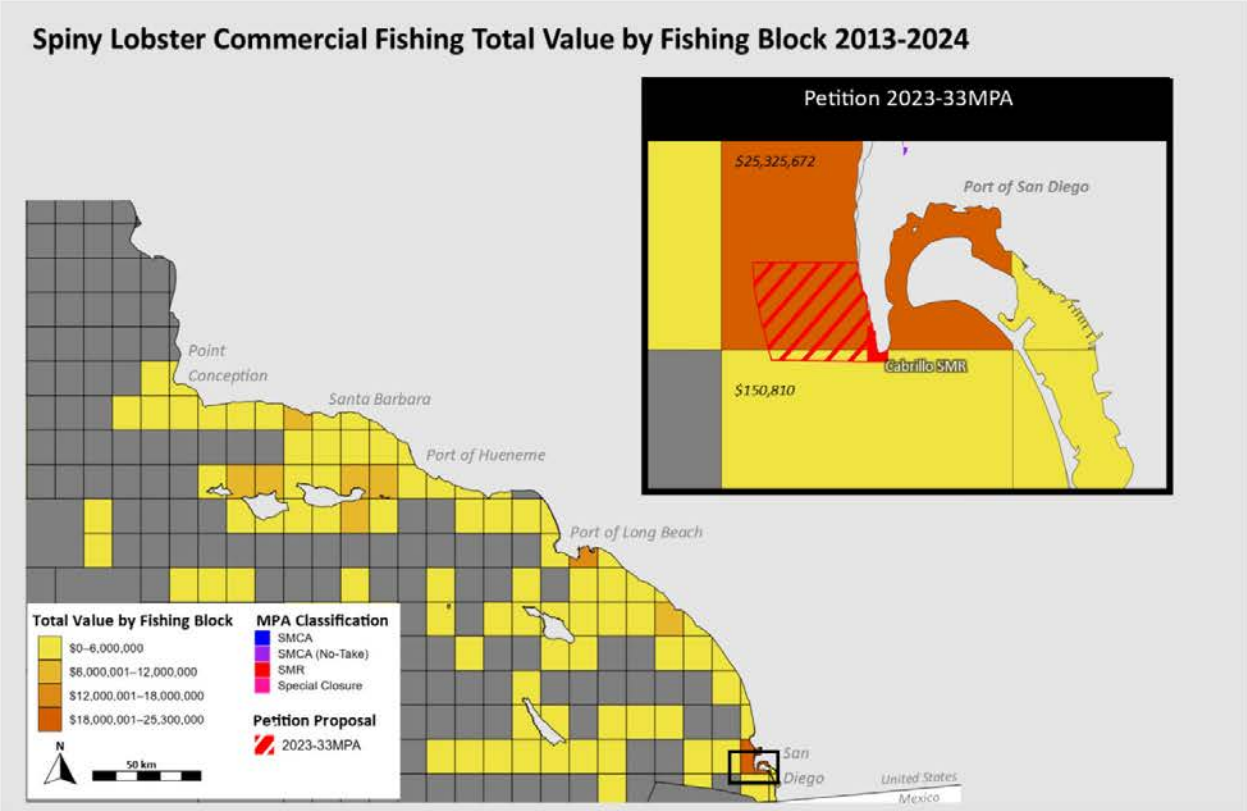


Figure 1. Total value (in millions $US) of commercially caught spiny lobster (*P. interruptus*) from 2013 to 2024 by CDFW fishing block for the South Coast Bioregion with reference to Petition 2023-33MPA_AM.

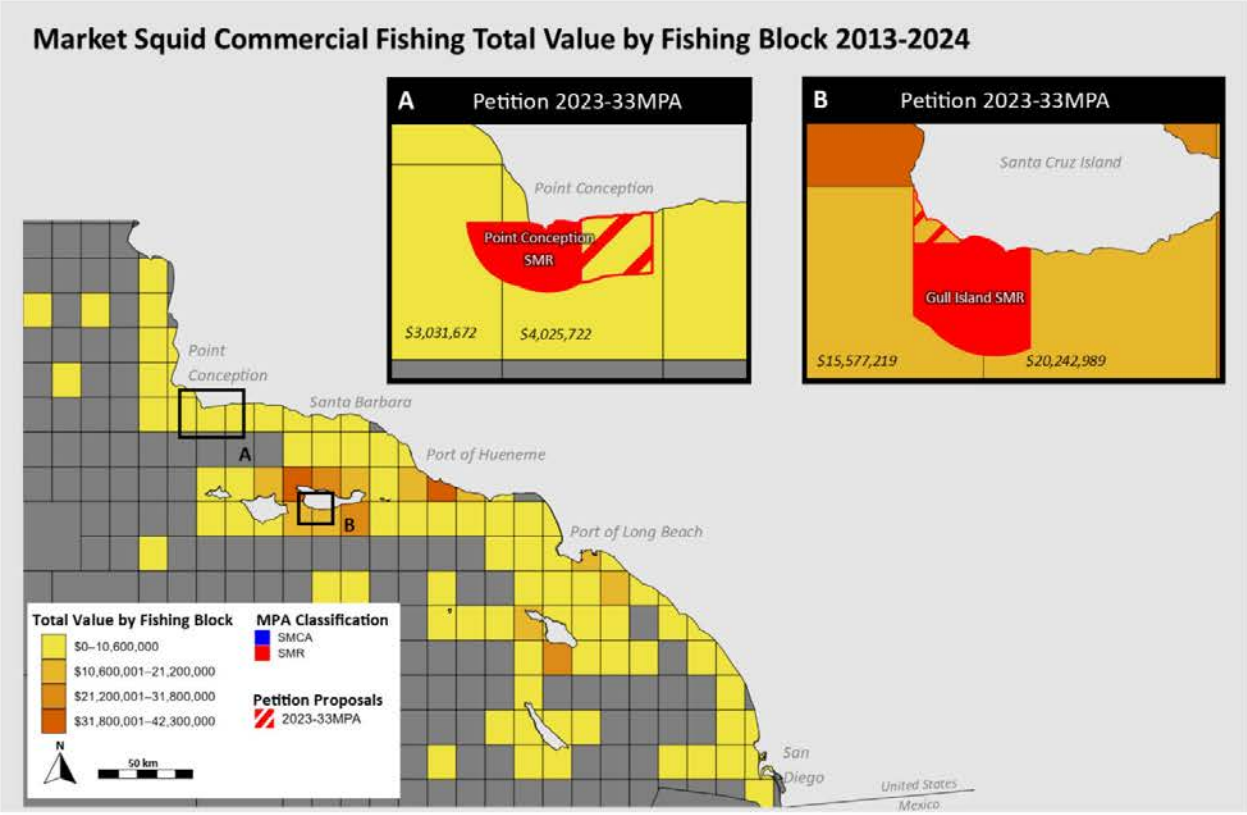


Figure 2. Total value (in millions $US) of commercially caught California market squid (*Doryteuthis opalescens*) from 2013 to 2024 by CDFW fishing block for the South Coast Bioregion with reference to petition 2023-33MPA_AM. Actual value provided within fishing blocks that overlap with the proposed boundary expansion of (A) Point Conception SMR and (B) Gull Island SMR.

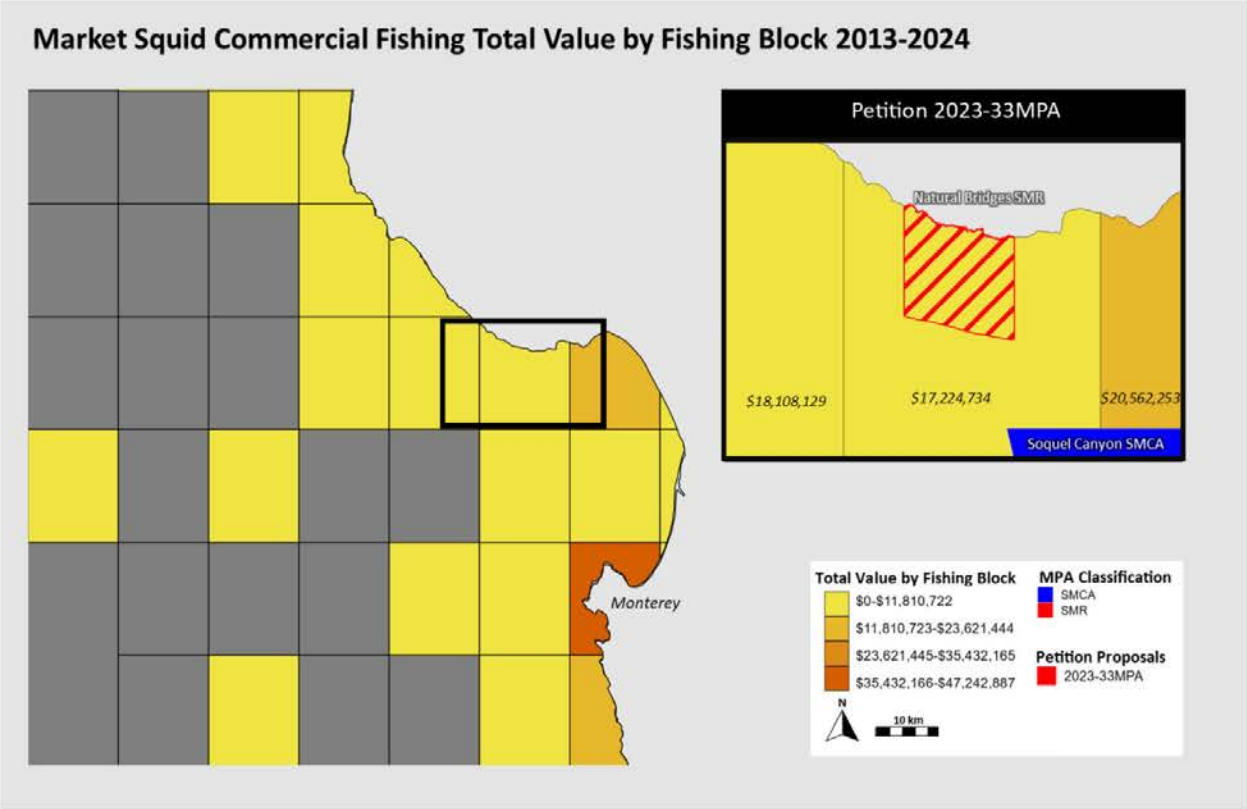


Figure 3. Total value (in millions $US) of commercially caught California market squid (*Doryteuthis opalescens*) from 2013 to 2024 by CDFW fishing block for the Central Coast with reference to petition 2023-33MPA_AM. Actual value provided within fishing blocks that overlap/are adjacent with the proposed boundary expansion of Natural Bridges SMR.

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

Reclassify Point Buchon SMCA to an SMR and Limit Allowable Uses at Farnsworth Onshore and Offshore SMCAs to Recreational Spearfishing (2023-34MPA)



I. PETITION SUMMARY

CFGC Tracking Number	2023-34MPA
Petition Contact/Affiliation	Laura Deehan, Environmental California Research and Policy Center and Azul
Number of Proposed Actions	3
Affected MPAs	Point Buchon State Marine Conservation Area (SMCA), Farnsworth Onshore SMCA, Farnsworth Offshore SMCA
Petition Summary	Reclassify Point Buchon SMCA as a State Marine Reserve (SMR) and modify allowed uses at Farnsworth Onshore and Offshore SMCAs.
Link to StoryMap page	2023-34MPA

March 2026

II. CDFW DRAFT 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 Draft Recommendation and Brief Justification
2023-34MPA_1 Reclassify Point Buchon SMCA to SMR to prohibit take.	The petitioner's stated intent for the proposed change is that compliance with Point Buchon SMCA/SMR regulations is very low and the current level of protection does not provide sufficient benefits. Change of classification will increase compliance and level of protection.	**Deny.** The proposed reclassification of Point Buchon SMCA as an SMR would not improve MPA design or function within the Network and would create unnecessary socioeconomic impacts. Scientific review shows that additional No-take protections would not increase habitat representation, ecological function, or connectivity beyond what the existing SMR/SMCA cluster already provides. Compliance concerns raised in the proposal are not supported by enforcement data, which indicate generally low citation levels and improving trends. Maintaining recreational and commercial salmon and albacore fishing aligns with the original design intent of the SMCA and balances conservation with community needs.

Petition Action ID and Proposed Action	Petitioner's Stated Rationale and Brief Justification for Proposed Actions	CDFW Draft Recommendation and Brief Justification
2023-34MPA_2 Change regulations to allow only recreational spearfishing within Farnsworth Onshore SMCA boundaries.	The petitioner's stated intent for the proposed change is that allowed take in the SMCA creates confusion and causes violations, and the current level of protection does not provide sufficient benefits. Change of regulations will increase compliance and level of protection.	**Deny.** Available information does not demonstrate that the proposed change to further restrict allowed gear types in the affected MPA would produce measurable ecological benefits to benthic species or the Network beyond current conditions. Concerns raised regarding illegal fishing are primarily related to enforcement challenges rather than regulatory confusion and are better addressed through non-regulatory measures. Longterm MPA monitoring data do not indicate declines in key protected resources, such as California hydrocoral. Implementing the proposed change would be inconsistent with the original intent of the MPAs, unlikely to advance MLPA Goals, and would unnecessarily impact recreational and commercial fisheries.
2023-34MPA_3 Change regulations to allow only recreational spearfishing within Farnsworth Offshore SMCA boundaries.	See 2023-34MPA_2.	**Deny.** See 2023-34MPA_2.

III. BIN 2 PETITION GROUPING: IDENTIFY TRIBALLY-LED PETITIONS

The 2023 MPA Petition Companion Document (Attachment 1) includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes[1] (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with the CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

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

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

IV. PETITION EVALUATION

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-34MPA_1

The petitioner has requested to reclassify Point Buchon SMCA to an SMR. The proposed change aims to address the petitioner's desire to "improve conservation outcomes for California SMCAs with compliance issues and low levels of protection." The petition cites California Department of Fish and Wildlife (CDFW) law enforcement updates and outcomes from a series of compliance forums as identifying Point Buchon as a potential hotspot of low compliance (MPACN 2020a). The petitioner asserts that the perceived compliance issues could reduce the ecological benefits this MPA would otherwise provide to the Network.

The petitioner proposes merging the existing offshore Point Buchon SMCA with the adjacent onshore Point Buchon SMR to create a single, No-take MPA. The current SMCA regulations permit recreational and commercial fishing for salmon (*Oncorhynchus* spp.) and albacore (*Thunnus alalunga*). The petitioner states redesignation to an SMR would "increase the level of protection and help to improve enforceability" due to perceived low compliance and the headlands of Point Buchon allegedly obscuring the southeast corner from view, facilitating poaching (MPACN 2020a). They also cite anticipated impacts from "growing threats related to climate change, increased human use, new ocean uses, and infrastructure projects such as offshore wind and aquaculture" as reasons for "stronger protections."

The petitioner asserts the proposed action aligns with one or more goals of the Marine Life Protection Act (MLPA). However, CDFW's evaluation finds the proposed change:

- Is inconsistent with the goal of the MPA, as defined during the MLPA Initiative planning process,
- Does not align with the original intent of the MPA,
- Would not provide measurable benefits to the MPA Network beyond what is currently offered, and
- Would unnecessarily impact recreational and commercial fishing.

Since the onset of digital citation tracking in 2016, citations within Point Buchon SMCA were fewer than 10 citations per year until 2022, where MED issued 19 citations (Table 1), which MED attributed to reductions in rockfish bag limits implemented through emergency action for that year (CFGC 2022). While No-take MPAs are generally easier to enforce than partial take MPAs, Point Buchon SMCA balances the goals of the MLPA to provide recreational opportunities while affording a High Level of Protection (LOP). To improve compliance, MED increased enforcement, as well as education and outreach in partnership with the MPA Collaborative Network (MPACN), Ocean Protection Council, California Marine Sanctuary Foundation, Cal Poly San Luis Obispo, and others at Point

Buchon SMCA. Following these efforts, citations decreased to 14 citations in 2023 and none during 2024 or 2025. In addition to outreach and education, a Community Compliance Forum cited by the petitioner also recommended enhanced monitoring tools like M2 radar systems (MPACN 2020a), which CDFW supports. Reclassifying the SMCA to an SMR was not a recommended solution during these forums and is unlikely to benefit compliance more effectively than continued enforcement and outreach and education.

Point Buchon SMCA currently supports important near-port fishing opportunities for salmon and albacore when individuals of these species are present and fishing regulations allow. Prohibiting these fisheries would disproportionately affect local fishers who rely on a limited number of offshore access points along this portion of the coast without added ecological benefit. During the Central Coast MLPA Initiative planning process, inclusion of an SMCA portion within the Point Buchon cluster was intended to minimize socioeconomic impacts by allowing recreational and commercial fishing for albacore and salmon. Due to the selectivity of the fishing gear for these species, this MPA's design also met the Science Advisory Team (SAT) criteria for a High LOP. Together with the onshore SMR, the current SMCA is a backbone MPA (i.e., habitat replicate), facilitating ecological connectivity within the Network. This design aligns with MLPA Goals by balancing ecological protection with socioeconomic considerations.

Although reclassifying Point Buchon SMCA to an SMR would increase its LOP from High to Very High, this change is not expected to enhance the design of the MPA Network, as the MPA is already serving its ecological connectivity role, and is likely to provide minimal enhanced protection to salmon and albacore. Both species are migratory and their presence in the area varies on different temporal scales (e.g., seasonally, decadal), depending on a variety of atmospheric and oceanographic factors. Given the temporary presence of these species within the MPA and that compliance with MPA regulations has improved since 2022, CDFW anticipates the proposed change would have minimal ecological benefit beyond what is currently offered.

While offshore wind development areas are in the planning phase near Point Buchon, there is currently insufficient information to support the assertion that converting this partial-take MPA to a No-take MPA would increase ecological resilience or mitigate potential impacts from future infrastructure. Similarly, CDFW acknowledges the petitioner's concerns regarding other future stressors (e.g., climate change, human use, aquaculture) on California's coastal ecosystems; however, it is unlikely that prohibiting recreational and commercial fishing of salmon and albacore in Point Buchon SMCA would be more effective at increasing the MPA's resilience to these stressors than continuing education, outreach, and enforcement to ensure compliance.

In summary, the information reviewed by CDFW indicates that compliance at Point Buchon SMCA has improved since 2022 and that the proposal to convert the SMCA to an SMR is inconsistent with the original intent of the MPA, is unlikely to measurably enhance protection beyond what is currently offered, and thus, would unnecessarily impact recreational and commercial fishing opportunities for salmon and albacore. More appropriate adaptive management measures for this MPA include continuing education, outreach, enforcement, and supporting enhanced monitoring tools like M2 radar systems.

RECOMMENDATION FOR 2023-34MPA_1

Given these considerations, and the information in the evaluation questions below, **CDFW recommends California Fish and Game Commission (CFGC) DENY 2023-34MPA_1** proposed change to redesignate Point Buchon SMCA to an SMR.

EVALUATION NARRATIVE AND OVERVIEW FOR 2023-34MPA_2 & 2023-34MPA_3

The petitioner has requested to modify take regulations for Farnsworth Onshore and Offshore SMCAs. The proposed changes aim to address the petitioner's overall stated problem to "improve conservation outcomes for California SMCAs with compliance issues and low levels of protection." The petition cites CDFW law enforcement updates and outcomes from a series of compliance forums as identifying these two MPAs as potential hotspots of low compliance (MPACN 2020b). The petitioner asserts that the perceived compliance issues could cause potential negative effects on the ecological benefits these MPAs would otherwise provide to the Network.

The proposal requests to reduce the take allowance at Farnsworth Onshore and Farnsworth Offshore SMCAs to only allow recreational spearfishing. The petitioner states the two MPAs "are currently 'minimally protected'… due to the substantial number of gear types allowed and species targeted." The petitioner further states that the regulatory language of the two MPAs "is almost impossible to detect, leading to confusion about what is and isn't permitted." The petition also cites MPACN reports of alleged illegal activity by commercial passenger fishing vessels targeting groundfish at Farnsworth Offshore SMCA (MPACN 2020b). The petitioner asserts that the proposed action to allow spearfishing only would increase compliance and protection and align with one or more Goals of the MLPA. They also stated a need to better protect a highly sensitive, rare, and valuable ecosystem, specifically benthic habitats that support California hyrdrocoral (*Stylaster californicus*) and black (*Haliotis cracherodii*) and white (*Haliotis sorenseni*) abalone. However, given the evaluation presented below, CDFW finds the proposed change:

- Is inconsistent with the MLPA Initiative-established MPA Goals, which are still relevant today,
- Does not align with the original intent of the MPAs,

- Is unlikely to provide measurable benefits to the benthic habitat or the MPA Network beyond what is currently offered, and
- Would unnecessarily impact recreational and commercial fishing.

Farnsworth Onshore and Offshore SMCAs are part of a cluster of MPAs located on the windward side of Santa Catalina Island off southern California. The primary distinction in regulations between the two Farnsworth SMCAs is the take of pelagic finfish[2], where the Offshore SMCA allows recreational take of pelagic finfish by hook-and-line or spearfishing, and the Onshore SMCA allows recreational take of pelagic finfish by spearfishing only. All other recreational and commercial regulations are identical in both MPAs and include recreational take of market squid by hand-held dip net; white seabass by spearfishing; and marlin, tuna and dorado by trolling. The Farmsworth SMCAs also allow commercial take of coastal pelagic species[3] by round-haul net, brail gear, and light boat; and swordfish by harpoon.

The petitioner's claims that the affected SMCAs are currently minimally protected are based on levels of protection defined in Grorud-Colvert et al.'s (2021) MPA Guide framework. The MPA Guide was developed to provide general guidance on MPA design and a consistent approach for categorizing and comparing MPAs at a global scale. However, the more appropriate resource for determining the LOP of California's MPAs is the MLPA Initiative regional LOPs assigned by the SAT. When designing California's MPA Network, scientists in each planning region specifically assigned each MPA an LOP that reflects region-specific fisheries, gear types, and species–habitat interactions, which were then extensively vetted through the regional stakeholder process.

During the MLPA Initiative Planning Process, the key purpose identified for the Farnsworth Onshore and Offshore SMCAs was to protect the unique pinnacles, habitats, and species on and around Farnsworth Bank (MLPA 2009a). The Blue Ribbon Task Force chose an MPA design that provided a High LOP while minimizing socioeconomic impacts to the commercial squid and swordfish harpoon fisheries. This was achieved by only allowing pelagic fishing and gear types, which had been assigned a High LOP by the SAT. Thus, regulations at both Farnsworth SMCAs were specifically designed to prohibit bottom-contact fishing gear to protect benthic habitats. Having met size and spacing SAT

[2] Albacore, bluefin, bigeye, and yellowfin tuna (*Thunnus* spp.); skipjack tuna (*Katsuwonus pelamis*); dorado (dolphinfish) (*Coryphaena hippurus*); striped marlin (*Kajikia audax*); thresher sharks (common, pelagic, and bigeye) (*Alopias* spp.); shortfin mako shark (*Isurus oxyrinchus*); blue shark (*Prionace glauca*); and Pacific swordfish (*Xiphias gladius*)

[3] northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Doryteuthis opalescens*)

guidelines (in addition to a High LOP), these MPAs were also designed as habitat replicates to facilitate ecological connectivity within the MPA Network.

The two MPAs replaced and expanded upon a previous, smaller protected area named Farnsworth Bank SMCA, which was established in 1972 by CFGC to prevent the collection and harvest of California hydrocoral. Farnsworth Bank, a high spot in the benthic topography within the SMCA, was also designated an Area of Special Biological Significance by the State Water Resources Control Board on March 21, 1974 and is widely visited by commercial diving vessels due to its pinnacles and hydrocoral densities. During the planning process, concerns about anchor damage to hydrocoral led the Blue Ribbon Task Force to recommend that CDFW evaluate and, if feasible, install a mooring system and prohibit anchoring (MLPA 2009a); however, no mooring system has been implemented, and anchoring remains allowed.

CDFW shares the petitioner's concerns regarding alleged illegal take of groundfish, indicated by vessels within Farnsworth Offshore SMCA that relocate when MED patrol vessels approach. However, the issue appears related to enforcement logistics rather than regulatory clarity, as MED has confirmed that the site's location makes intercepting violators difficult. CDFW supports non-regulatory measures to address illegal fishing, including enhanced surveillance tools like M2 radar, expanded use of geolocation applications, targeted public outreach to reduce unintentional noncompliance, and ensuring sufficient resources for enforcement.

Anchoring by diving and fishing vessels may pose a greater risk to benthic resources than alleged illegal fishing. For example, a 1981 State Water Resources Control Board water quality monitoring report identified boat anchors and chains as the primary threat to California hydrocoral at Farnsworth Bank, with additional impacts associated with scuba divers, and recommended installation of a permanent mooring or establishment of an anchor drop zone (SWRCB 1981). Just before the Farnsworth SMCAs were established, Love et al. (2010) reported light monofilament line as the most observed form of debris during four research submersible surveys at Farnsworth Bank and nearby areas, followed by anchor gear and heavy line/cable (Love et al. 2010). At present, the extent to which anchoring or illegal fishing with bottom contact gear has affected hydrocoral within the Farnsworth SMCAs since implementation is uncertain. Long-term MPA monitoring using remotely operated vehicles (ROVs) shows substantial increases across bioregions in California hydrocoral (up to 455%) following the 2013–2014 marine heatwave (Wong et al. 2026). Although Farnsworth was excluded from that analysis due to baseline data limitations, surveys as of 2021 indicate hydrocoral densities at Farnsworth were comparable to or higher than other sites surveyed during the same period (Table 2). Continued monitoring is needed to better assess and distinguish among the effects of anchoring, fishing, and other drivers on sensitive habitats within

Farnsworth Bank SMCAs, including hydrocoral populations and other benthic species. Such data could also inform the need for, and spatial extent of, a future designated anchoring drop zone or permanent mooring array.

Socioeconomic impacts to the commercial squid fleet were a key consideration in the MLPA Initiative planning process (MLPA 2009a). In the northern Channel Islands alone, about 25% of regional squid catch from 1999 to early 2003 occurred in areas later closed due to the establishment of the MPA Network (CDFW 2024). The Farnsworth Onshore and Offshore SMCAs continue to be important fishing areas for the commercial squid fleet, particularly Farnsworth Onshore SMCA (Figure 1), as well as to the commercial swordfish harpoon fishery. Given the California market squid (*Doryteuthis opalescens*) fishery's high sustainability[4] and the fact that these areas already function as core components of the MPA Network, further reductions to the fishing grounds and restricting take to spearfishing only would impose socioeconomic costs without clear ecological benefit. From an MPA Network design perspective, the Farnsworth SMCAs fulfill their intended role as partial-take MPAs with a High LOP, while nearby No-take MPAs (Blue Cavern Onshore No-take SMCA and Long Point SMR) provide Very High LOPs. Modifying MPA regulations at Farnsworth would therefore be unlikely to improve habitat protection, connectivity, or MPA Network performance beyond what is currently offered.

In summary, available information does not demonstrate that further restricting allowed gear types in the affected MPAs would produce measurable ecological benefits beyond current conditions. Concerns raised regarding illegal fishing are primarily related to education, outreach, and enforcement challenges rather than regulatory shortcomings and are better addressed through non-regulatory measures. Monitoring data does not indicate declines in key protected resources, such as California hydrocoral, that would justify additional fishing restrictions. Implementing the proposed change would be inconsistent with the original intent of the MPAs, unlikely to advance MLPA Goals, and would unnecessarily impact recreational and commercial fishing.

RECOMMENDATION FOR 2023-34MPA_2 & 2023-34_3

Given these considerations, and the information in the evaluation questions below, **CDFW recommends CFGC DENY** both petition actions:

- **2023-34MPA_2**, Change regulations to allow only recreational spearfishing within Farnsworth Onshore SMCA boundaries, and

[4] https://www.seafoodwatch.org/stories/california-market-squid; https://fisheries.msc.org/en/fisheries/cwpa-california-market-squid-purse-seine/; https://www.fisheries.noaa.gov/species/california-market-squid/seafood

- **2023-34MPA_3**, Change regulations to allow only recreational spearfishing within Farnsworth Offshore SMCA boundaries

EVALUATION QUESTIONS

2023-34MPA_1: Reclassify Point Buchon SMCA to SMR to prohibit take

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

The petitioner asserts the proposed action aligns with MLPA Goals 1, 2, and 5 related to preserving natural diversity, sustaining marine life populations, and ensuring California's MPAs have clearly defined objectives, effective management measures and adequate enforcement and are based on sound scientific guidelines.

During the Central Coast MLPA Initiative planning process, Point Buchon SMCA was designed to protect and replicate hard and soft bottom habitat, protect benthic and forage species, protect larval sources, and minimize socio-economic impacts by allowing some recreational and commercial fishing (MLPA 2006b). This area is important to the formation of an ecologically sound MPA Network component, by linking these habitats to similar habitats in other parts of the region. This summary of objectives corresponds to Goals 2-6.

Thus, reclassification of Point Buchon SMCA to an SMR would offer no change in the design of the affected MPA in terms of Goals 2 and 5. Reclassifying Point Buchon SMCA as an SMR would meet MLPA Goal 1; however, given that compliance in this SMCA has improved since 2022 and that the presence of albacore and salmon is seasonal to decadal, the actual ecological benefit of a reclassification is anticipated to be minimal.

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

No. The petitioner asserts that the proposed change would:

> *"…advance DMR Recommendation 4.b.) 'Identify and utilize best science-based approaches to inform potential changes to the MPA Network in order to enhance Network performance.' Since the creation of the MPA network, a decade of scientific peer-reviewed research from around the world has shown that highly to fully protected areas provide the greatest benefits for biodiversity conservation, and that partially protected areas only hinder enforcement, public understanding, and conservation outcomes."*

By design, Point Buchon SMCA already provides a High LOP, and together with the onshore SMR comprises part of the MPA Network backbone, facilitating ecological connectivity within the Network. Thus, the proposed change is unlikely to enhance MPA Network performance beyond what is currently provided and does not advance adaptive management recommendations in the DMR. See Question 5 for information reviewed by CDFW in this evaluation. See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management Recommendations.

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

No. The proposed change does not address a current or emerging MPA management challenge.

QUESTION 3: DOES THE PROPOSED CHANGE HAVE THE POTENTIAL TO AFFECT EXISTING CFGC NON-MPA REGULATIONS, PERMITS, OR LEASES (E.G., KELP LEASES, AQUACULTURE LEASES, EXPERIMENTAL FISHING PERMITS)?

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?

No. The proposed change is not expected to affect existing regulations, permits, leases, or management activities of other agencies and entities.

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:

- Community Compliance Forum Reports (MPACN 2020a & 2020b),
- CDFW MED Data (Table 1), and
- MLPA Planning documents and related information (e.g., MLPA Goals and MPA Master Plan adaptive management objectives).

CDFW reviewed the available information and did not find that it supports the petitioner's assertions that "compliance with Point Buchon SMCA/SMR… regulations is very low." Furthermore, the information indicates that the proposed solution is inconsistent with the original intent of the MPA and unlikely to measurably enhance protection beyond what is currently offered, and thus, would unnecessarily impact recreational and commercial fishing opportunity.

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.

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. All MPA arrays developed by the Regional Stakeholder Group during the Central Coast MLPA Initiative planning process included an offshore SMCA adjacent to an onshore SMR at Point Buchon. All three Regional Stakeholder Group proposals included recreational and commercial take of salmon, while two of the proposed arrays also included recreational and commercial take of albacore (MLPA 2006a). Species likely to benefit from this MPA included various invertebrates, groundfish, seabirds, and harbor porpoise (MLPA 2006b). The offshore Point Buchon SMCA was intended to work in concert with the adjacent onshore Point Buchon SMR. See Question 8 for more information on the original intent of this MPA.

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

No. There is no information that has emerged since implementation of the MPA Network to support 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. Redesignating Point Buchon SMCA to an SMR by removing recreational and commercial take of salmon and albacore does not align with original intent of the MPA. During the Central Coast MLPA Initiative planning process, one stated intent was to "provide additional protection for benthic species and typical forage species (squid and pelagic finfish) while allowing fishing for salmon and albacore" (Goal 2). Another Goal (Goal 5) was to minimize the socio-economic impacts by positioning the SMR on the north side of Diablo Security Closure and to allow fishing in the offshore SMCA. The SMCA was designed to work together with the onshore SMR as an MPA cluster, with the overall intention of balancing ecological protection and connectivity with social and economic considerations. The SMCA currently provides one of the few close-to-port offshore fishing opportunities for anglers along this portion of the coast targeting salmon and albacore.

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 provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on the LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 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.

Point Buchon SMCA, together with neighboring Point Buchon SMR, currently meets both minimum criteria (area and LOP), and thus already contributes to foundational ecological Network objectives. The proposed change would increase the SMCA's LOP from High to Very High. However, since Point Buchon SMCA already meets both minimum criteria, this increase in protection is unlikely to measurably enhance protection beyond

the existing contribution to the Network. Therefore, implementation of the proposed change would not improve the design of the 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?

Yes. The proposed action to reclassify Point Buchon SMCA to an SMR to prohibit take aligns with CDFW Feasibility Guidelines. The change would result in one large SMR at Point Buchon within the existing boundaries of the SMCA/SMR complex. This single MPA configuration aligns with guidance in which distance offshore should "extend from the shoreline to the three-mile state water boundary." Additionally, the north and south boundaries are already on readily determinable latitude lines. 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?
>
> **Not applicable.**

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

Yes. Reducing take allowances and allowed activities in this MPA could improve enforceability. In general, No-take MPAs are easier to enforce than partial take MPAs. However, although MED confirmed a period of low compliance in 2022, this was following an emergency action reducing rockfish bag limits (CFGC 2021). Compliance issues are not uncommon after regulatory changes are enacted and they typically taper off after increased outreach and enforcement. Historically, citations within Point Buchon SMCA were fewer than 10 per year prior to 2022, when 19 citations were issued. Citations have since declined, with 14 in 2023 and no citations issued in 2024 or 2025 (Table 1). MED attributes the improved compliance to additional outreach and education efforts as well as enforcement presence. Recommended solutions from Community Compliance Forums cited by the petitioner include continued education, outreach, and support for enhanced monitoring tools like M2 radar systems. Continuing outreach and education efforts and enforcement presence may be as or more effective than the proposed regulatory change.

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

No. Although converting the SMCA to an SMR would further simplify the regulatory language, the proposed action would change the intent of the MPA.

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

Yes. Redesignating Point Buchon SMCA to an SMR would maintain the existing protections within the MPA and could enhance protection for individuals of ocean salmon and albacore, for which recreational and commercial take is currently allowed. However, both species are migratory and their presence in the area varies on different temporal scales (e.g., seasonally, decadal), depending on a variety of atmospheric and oceanographic factors. Thus, the actual benefit the proposed change may have on these species is anticipated to be minimal. In addition, there may be benefits to other non-target species that may be incidentally taken and discarded during fishing for salmon and albacore.

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. The proposed action would decrease consumptive activities through eliminating commercial and recreational take of salmon and albacore in this MPA.

This is one of the few areas in the region that is close to port where there are opportunities for offshore salmon and albacore fishing when they are in the area and when state and federal fishing regulations allow. Both albacore and salmon are migratory and their presence in the area varies on different temporal scales (e.g., seasonally, decadal), depending on a variety of atmospheric and oceanographic factors, which can also impact their availability.

Non-consumptive activities would likely not be affected.

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 commercial and recreational salmon and albacore fishery participants homeported in the coastal fishing communities of:

- Avila (Port San Luis, ~7 nautical miles (nm) away from area of proposed change), and
- Morro Bay (~7 nm away from area of proposed change).

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

Yes. The proposed change would conflict with the Tribally-led petition submitted by the Santa Ynez Band of Chumash Indians (2023**-**20MPA), which proposes a change (2023-20MPA_4) to add a tribal exemption for the Santa Ynez Band of Chumash Indians at Point Buchon SMCA.

2023-34MPA_2 & 2023-34MPA_3: Change regulations to allow only recreational spearfishing within Farnsworth Onshore & Farnsworth Offshore SMCAs boundaries

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

The petitioner asserts the proposed action aligns with MLPA Goals 1, 2, and 5 related to preserving natural diversity, sustaining marine life populations, and ensuring California's MPAs have clearly defined objectives, effective management measures and adequate enforcement and are based on sound scientific guidelines. During the MLPA Initiative Planning Process, the two affected MPAs were designed to meet Goals 1, 2, 4, 5, and 6. Thus the proposed change would offer no change in the design of these affected MPAs.

The affected MPAs were designed to balance conservation of unique, sensitive seafloor habitat and marine life, including California hydrocoral, while preserving opportunities for recreational fishing and the commercial squid and swordfish harpoon fleets. This intent is still relevant today.

The proposed change does not align with MPA Master Plan adaptive management objectives. Available information does not demonstrate that further restricting allowed gear types in the affected MPAs would produce measurable ecological benefits beyond current conditions (see Question 9 on how these MPAs meet SAT guidelines to serve as High LOP habitat replicates and Question 13 regarding whether the change would enhance protection of marine resources). Monitoring data does not indicate declines in key protected resources, such as California hydrocoral, that would justify additional restrictions. Concerns raised regarding illegal fishing are primarily related to enforcement challenges rather than regulatory shortcomings and are better addressed through non-regulatory measures. Implementing the proposed change would therefore be inconsistent with the original intent of the MPAs, unlikely to advance MLPA Goals, and would unnecessarily impact recreational and commercial fisheries.

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

No. The proposed change does not advance any adaptive management recommendations from the Decadal Management Review. The petition states that the proposed change would:

> *"...advance DMR Recommendation 4.b.) 'Identify and utilize best science-based approaches to inform potential changes to the MPA Network in order to enhance Network performance.' Since the creation of the MPA network, a decade of scientific peer-reviewed research from around the world has shown that highly to fully protected areas provide the greatest benefits for biodiversity conservation, and that partially protected areas only hinder enforcement, public understanding, and conservation outcomes."*

The affected MPAs already meet the size, spacing, and LOP SAT guidelines to serve as habitat replicates, facilitating ecological connectivity within the MPA Network. Given the

Farnsworth MPAs already have a High LOP, the proposed change would not increase the LOP of these MPAs. See Question 2a of Attachment 1 for the Decadal Management Review and adaptive management Recommendations.

> **QUESTION 2B:** IF NOT, DOES THE PROPOSED CHANGE ADDRESS A CURRENT OR EMERGING MPA MANAGEMENT CHALLENGE?
>
> **No**. The proposed change does not address an emerging MPA management challenge. The petitioner's stated problem related to the affected MPA's current protection status is inaccurate (see Question 9 for how these MPAs meet SAT criteria to serve as habitat replicates with a High LOP). Concerns raised regarding illegal fishing are primarily related to education, outreach, and enforcement challenges rather than regulatory shortcomings and are better addressed through non-regulatory measures (see Question 11 related to compliance concerns and enforceability). Monitoring data does not indicate declines in key protected resources, such as California hydrocoral, that would justify additional fishing restrictions (see Question 13 related to the potential for the proposed action to maintain or enhance protection of marine resources).

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. Farnsworth Onshore SMCA and Farnsworth Offshore SMCA both overlap with administrative kelp bed lease #105; however, neither existing nor proposed regulations include kelp harvest. Thus, the proposed change would not require CFGC to make conforming changes.

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?

No. While Farnsworth Offshore SMCA encompasses an existing Area of Special Biological Significance designated by the State Water Resources Control Board and Los Angeles Regional Water Quality Control Boards, it is unclear whether the proposed change would have direct or indirect effects on the management activities of the Water Boards. CDFW does not anticipate that the Santa Catalina Island Company and Santa Catalina Island Conservancy would need to update their Farnsworth Area of Special Biological Significance Compliance Plan in response to the proposed change.

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 hydrocoral (MPA long-term monitoring data; Wong et al. 2026),
- Prior reports of benthic impacts and debris at Farnsworth Bank (SWRCB 1981, Love et al. 2010),
- The status of the market squid fishery (CDFW 2024),
- CDFW's enforcement and compliance data, and
- MLPA Initiative planning documents and related information (e.g., MLPA Goals and MPA Master Plan adaptive management objectives).

CDFW reviewed the available information, and the proposed solution is unlikely to enhance protection beyond what is currently offered, is inconsistent with the original intent of the MPA, and would unnecessarily impact recreational and commercial fishing opportunities.

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.

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. During the MLPA Initiative Planning Process, none of the alternatives at Farnsworth were limited to spearfishing only. Take allowances at Farnsworth were heavily deliberated during the MLPA Planning Process, including several partial-take options as well as a single SMR that extended out to the three-mile state waters boundary (MLPA 2009b). This area was noted as a particular challenge due to high levels of commercial and recreational use in addition to military constraints on San Clemente Island (MLPA 2009c). The final configuration of MPAs that was adopted by CFGC balanced commercial and recreational take while protecting sensitive benthic habitat (MLPA 2009c).

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. The petition states concerns with alleged illegal take of groundfish and the associated impacts to benthic habitat for California hydrocoral and abalone, as well as a lack of clarity in the existing regulations for allowable uses between Farnsworth Onshore and Offshore SMCAs. As stated in Question 7a, the regulations at the Farnsworth MPAs were carefully crafted and intentionally designed to support pelagic surface activities that are less likely to negatively impact the key species of California hydrocoral and the benthic habitat. Long-term MPA monitoring data using ROVs does not indicate declines in key protected resources, such as California hydrocoral, that would justify additional restrictions (see Question 13 related to protection of marine resources).

Concerns raised regarding illegal fishing are primarily related to education and outreach and enforcement challenges and less to do with public confusion around the MPA regulations (see Question 11 related to compliance concerns and enforceability) and would be better addressed through non-regulatory methods.

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 current regulations for both affected MPAs were designed to allow specific types of pelagic recreational and commercial fishing that minimize bottom contact and protect benthic habitat. The regulatory allowance for commercial squid and commercial swordfish by harpoon was included in these SMCAs to balance ecological objectives with socioeconomic concerns raised by the fleets.

Both MPAs, especially the Farnsworth Onshore SMCA, continue to be important fishing areas for California market squid. Commercial Fishing Block 807, which contains both MPAs, holds the highest total commercial value for market squid south of the Palos Verdes Peninsula, totaling over $23 million from 2013-2024 (Figure 1).

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 MPA 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 level of protection, 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.

Farnsworth Onshore and Offshore SMCAs currently meet both minimum criteria, and thus already contribute to foundational ecological Network objectives. Modifying the regulations to allow only recreational spearfishing would not change the existing High LOP. Since the proposed action would not change the size or LOP of the SMCAs, implementation would not improve the design of the individual MPAs or the MPA Network, nor would it 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?

Yes. The proposed change aligns with CDFW Feasibility Guidelines, as it would simplify the regulations, which has the potential to increase enforceability. See Question 10a of Attachment 1 for the CDFW Feasibility Guidelines.

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

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

Yes. In general, reducing take allowances and allowed activities in these MPAs would enhance enforceability. It can be difficult for enforcement officers to intercept violators at Farnsworth Offshore SMCA if violators can detect and evade (e.g., dumping illegal catch overboard) patrol vessels before they arrive at the scene. However, MED has confirmed that most commercial sportfishing operations comply with the regulations. Since electronic citation tracking started in 2016, MED has issued fewer than seven citations per year in Farnsworth Offshore SMCA (with the exception of 15 citations in 2020) and fewer than three citations per year at Farnsworth Onshore SMCA (which averages to less than one per year in the 10-year span, Table 1).

Reducing the affected MPAs' take allowances to spearfishing only may address some of the petitioner's concerns with non-compliance and improve enforceability for the regulations; however non-regulatory efforts such as improved outreach and support for additional enforcement, including the use of technology like M2 radar, are alternative solutions that would support surveillance and help to address non-compliance at this site. These alternative solutions may be more effective than a regulatory change.

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

No. Although reducing take allowances/allowed activities in MPAs would simplify regulatory language, the proposed change to allow only spearfishing in both affected MPAs would change the intent of the MPAs to maintain other types of recreational pelagic fishing, as well as fishing for commercial squid and commercial swordfish by harpoon (see Question 8 for more information on intent of these MPAs).

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

Yes. The proposed change to allow only recreational spearfishing in the Farnsworth Onshore and Offshore SMCAs would likely result in fewer hook-and-line fishery interactions with pelagic species. Although pelagic species may not be the primary species to benefit from MPAs in general, as many are highly mobile and have large geographic ranges, the proposed change may enhance protection when individuals are present in these MPAs.

During the MLPA Initiative Planning Process, the intention of both MPAs was to protect species associated with the benthic habitat; species listed as likely to benefit included rockfishes *(Sebastes* spp.), kelp bass (*Paralabrax clathratus*), scorpionfish (*Scorpaena guttata*), giant sea bass (*Stereolepis gigas*), sheephead *(Bodianus pulcher),* angel shark *(Squatina squatina*), lobster *(Panulirus interruptus*), rock scallops *(Crassadoma gigantea*), black abalone (*Haliotis cracherodii*), and white abalone (*Haliotis sorenseni*) (MLPA 2009d). Thus, the proposed change alone is unlikely to enhance protection of these benthic species.

The proposed change would maintain the overall LOP of both MPAs. At the individual MPA level, Farnsworth Onshore and Offshore SMCAs currently meet size and LOP SAT guidelines, and thus already contribute to foundational ecological Network objectives. Modifying the regulations to allow only recreational spearfishing would not change the existing High LOP.

Regarding protection of California hydrocoral, the petitioner states,

> *"the risk of damage to this highly sensitive ecological area is too high to allow even for pelagic fishing activities, which can result in bottom disturbance and bycatch. For instance, party boat patrons have often been observed dropping weighted lines that interact with bottom habitat…"*

Anchoring is likely to pose a greater risk to benthic resources than alleged illegal groundfish take. Although the extent to which anchoring or illegal fishing with bottom contact gear has affected hydrocoral within the Farnsworth SMCAs since implementation is uncertain, long-term MPA monitoring using ROVs shows substantial increases in California hydrocoral (up to 455%) across bioregions following the 2013–2014 marine heatwave (Wong et al. 2026). Additionally, ROV surveys as of 2021 indicate hydrocoral densities at Farnsworth were comparable to or higher than other sites surveyed in the same year (Table 2). Thus, the proposed regulatory change is unlikely to enhance protection of California hydrocoral. Non-regulatory measures, such as the installation and ongoing maintenance of mooring buoys, would likely be a far more effective tool to protect California hydrocoral.

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. Changing the MPA regulations to allow only recreational spearfishing within the Farnsworth Onshore and Offshore SMCAs is likely to pose significant impacts to commercial squid fishing (Figure 1) and commercial harpoon fishing for swordfish.

The proposed change is not expected to affect non-consumptive activities.

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 commercial coastal pelagic species (including squid) and

swordfish fishery participants, boat-based recreational anglers, and commercial passenger fishing vessel operators homeported in the coastal fishing communities of:

- San Pedro (~22-24 nm from area of proposed change),
- Ventura (~55-58 nm away from area of proposed change), and/or
- Channel Islands Harbor (Oxnard, ~53-56 nm away from area of proposed change).

There is potential to impact several fisheries currently authorized to use these MPA areas. The exemptions in this MPA cluster were carefully crafted to minimize impacts to select recreational and commercial fisheries while maintaining high levels of protection.

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

No. There are no potential interactions of effects on any of the other 2023 MPA petitions.

V. SUPPLEMENTAL ANALYSES, DATA AND INFORMATION, AND CITATIONS

TABLES AND FIGURES

Table 1. CDFW Marine Enforcement District total citations for Point Buchon State Marine Conservation Area (SMCA), Point Buchon State Marine Reserve (SMR), and Farnsworth Onshore and Offshore SMCAs between 2016 and 2025.

MPA	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Point Buchon SMCA	2	4	9	0	1	3	19	5	0	0
Point Buchon SMR	7	7	7	17	21	3	30	7	0	2
Farnsworth Offshore SMCA	7	4	1	5	15	3	6	0	2	2
Farnsworth Onshore SMCA	3	2	0	0	0	1	1	0	0	2

Table 2. Density of California hydrocoral colonies per 100m^2 from remotely operated vehicle (ROV) long term MPA monitoring surveys, by geographic region in California and survey location* between 2019 and 2021. High density locations provided in bold. Only locations* with hydrocoral present are included. The sampling unit is based on 10m long subsegments of ROV transects with 50% or more rocky substrate. Year and location combinations with no data indicate that surveys were not performed. Unless specified, the density reported is from pooled data of all sites (MPA status protected and unprotected) that were surveyed at each location.

		ROV Survey Year		
Bioregion	Survey Location	2019	2020	2021
North	Point St. George		0.1	0.1
	Sea Lion Gulch		**102.3**	**291.7**
	Point Arena			0.1
	Bodega Bay	6.5	3.2	
	North Farallon Islands		**31.2**	
	South East Farallon Islands	**77.2**	**51.6**	
Central	Portuguese Ledge	0.5		
	Cypress Point	**52.2**		**41.1**
	Point Lobos SMR	**53.4**		**24.2**
	Point Sur	**14.5**		**13.3**
	Big Creek		5.9	
	Piedras Blancas		0.1	
	Point Buchon	0.9		2.1
South	Harris Point SMR (San Miguel Island)		5.9	

Castle Rock (San Miguel Island)	5.2	4.9	
South Point SMR (Santa Rosa Island)	0.1		
Rodes Reef (Santa Rosa Island)	0.02		
Gull Island SMR (Santa Cruz Island)	0.1		
Cluster Point (Santa Rosa Island)	8.2	5.1	
Catalina Island (All Sites)		**16.3**	**19.1**
Farnsworth Offshore SMCA		**69**	**61**

* Note that ROV survey locations for long-term MPA monitoring in California were originally selected based on surveying groundfish and thus, not all existing ROV survey locations for MPA monitoring include California hydrocoral habitat.

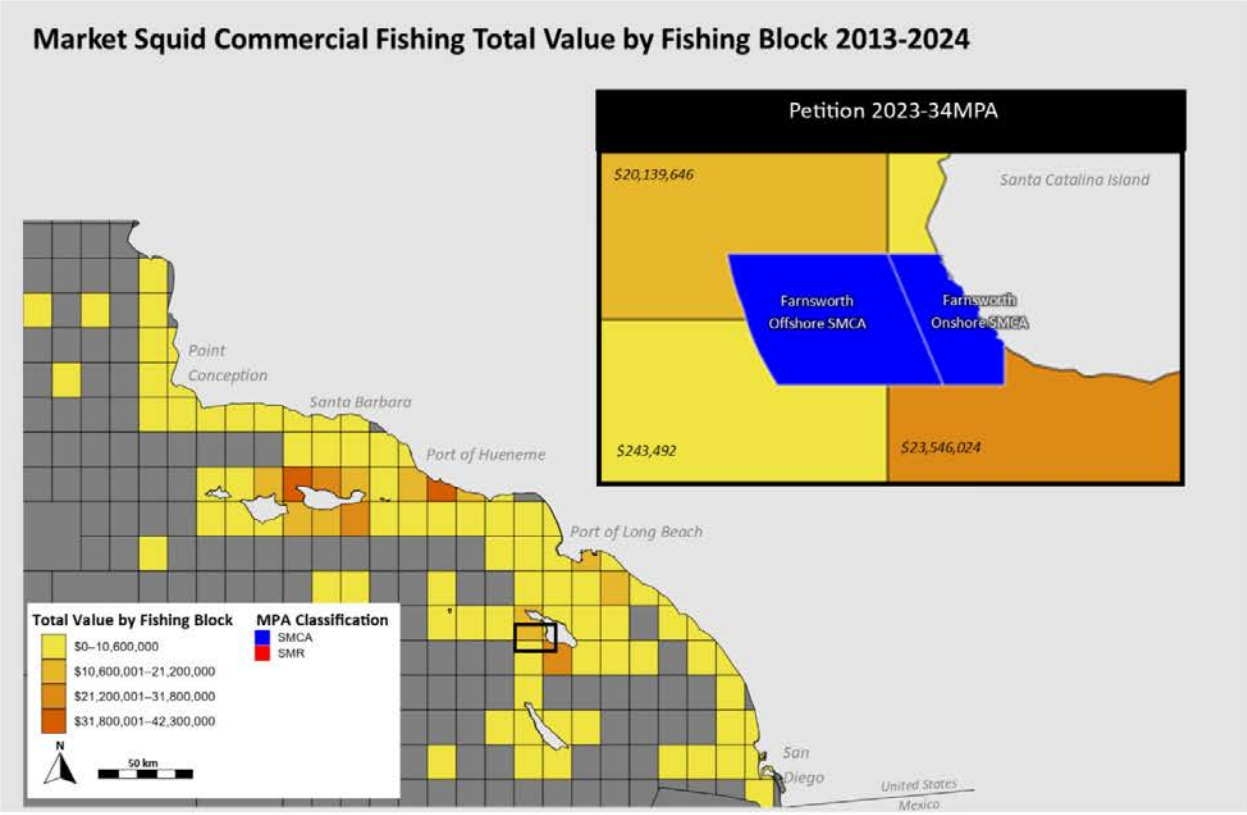


Figure 1. Total value (in millions $US) of commercially caught California market squid (*Doryteuthis opalescens*) from 2013 to 2024 by California Department of Fish and Wildlife fishing block for the South Coast Bioregion with reference to petitions 2023-34MPA. Actual value provided within fishing blocks that overlap with the proposed regulatory changes to Farnsworth Onshore and Offshore State Marine Conservation Areas (SMCA).

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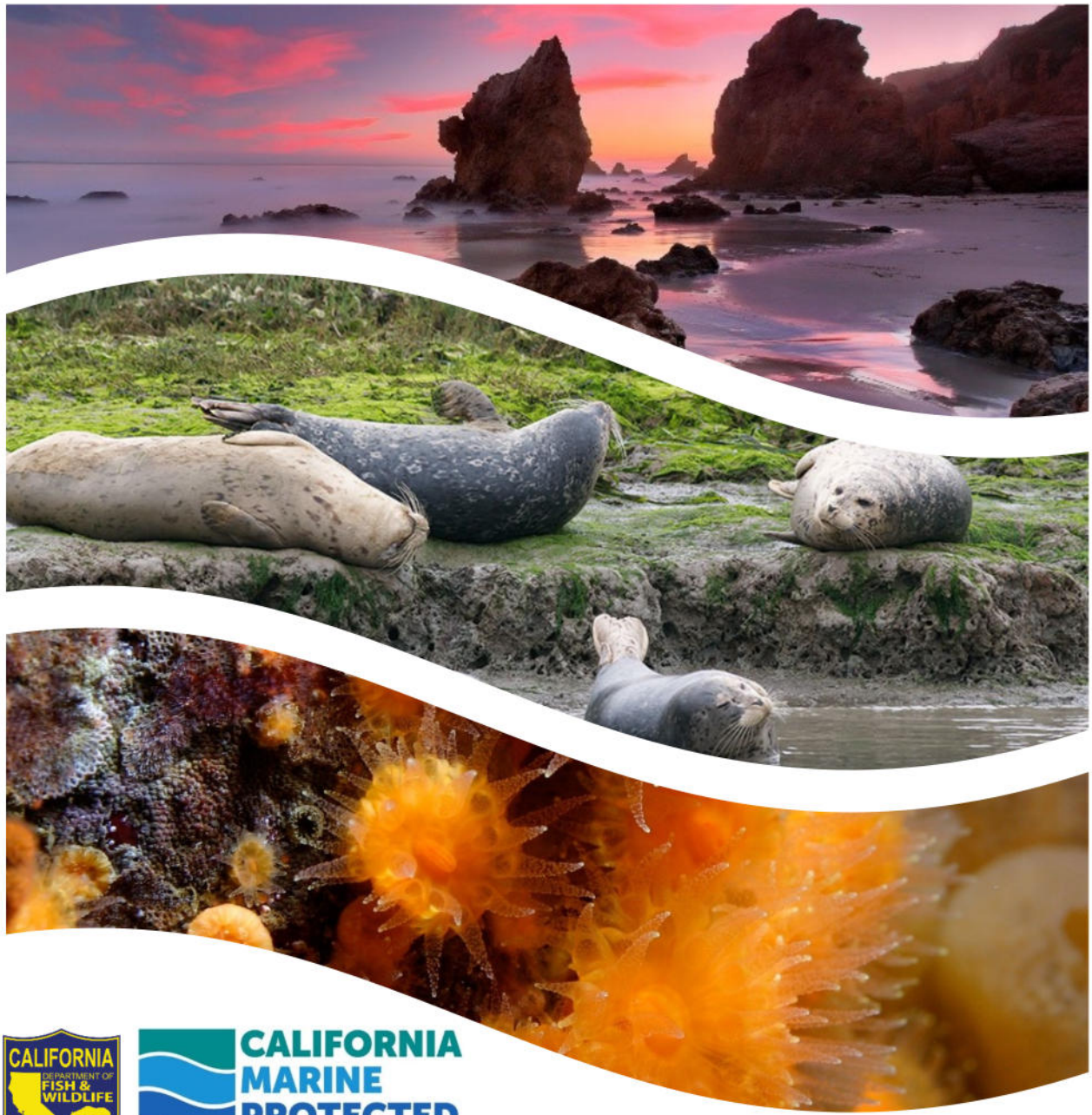
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Attachment 1

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

COMPANION DOCUMENT



CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

CALIFORNIA MARINE PROTECTED AREAS

March 20, 2026

This document is the 2023 Decadal Management Review Marine Protected Area Petition Evaluation Companion Document (Companion Document). The Companion Document and the California Department of Fish and Wildlife (CDFW) Transmittal Memo should be read in advance of the 2023 Bin 2 Petition Evaluations as it includes supplemental information and additional context for the evaluations.

INTRODUCTION

At its February 14-15, 2024, meeting, the California Fish and Game Commission (CFGC) referred 20 Marine Protected Area (MPA) petitions to CDFW for review, evaluation, and recommendation. These petitions were sorted into Bin 1 and Bin 2 petitions. The Marine Resources Committee (MRC) considered CDFW's recommendations on 5 Bin 1 petitions at the November 6-7, 2024 MRC meeting and CFGC adopted the MRC's recommendations at the December 11-12, 2024 CFGC meeting.

On August 14, 2025, the CFGC approved an evaluation framework (Framework) for the 15 Bin 2 Petitions referred to the CDFW proposing changes to the MPA Network. CDFW developed the Framework, with support from staff at CFGC and Ocean Protection Council (OPC), based on the adaptive management process outlined in chapter 4 of the 2016 Master Plan for MPAs. The 2016 Master Plan directs CDFW and CFGC to use the Marine Life Protection Act (MLPA) goals and mandates, MPA objectives, and design considerations as the primary basis for evaluating any action taken to make changes to the MPA Network. The 2016 Master Plan adaptive management process also includes consideration of emerging issues, such as changes to the MPA Network that would enhance climate resilience and/or help mitigate climate impacts. CDFW considered climate change effects throughout the evaluation, recognizing that the effects of climate change are overarching and climate resilience is an implicit goal of adaptive management of the MPA Network as a whole. The Framework also draws from the Decadal Management Review (DMR) and recommendations, and the MPA Regulation Change Petition Framework approved by CFGC at their August 2023 meeting, which is rooted in the DMR recommendation cornerstones of MPA Governance, MPA Management Program Activities, and MPA Network Performance.

The Framework includes the following sections:

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

CDFW used the Framework to transparently evaluate petitions and develop recommendations to CFGC for the 2023 MPA Bin 2 petitions. The evaluations were based on materials submitted in December 2023 and amendments received through March 2025; subsequent changes, improvements, or stakeholder engagement undertaken by petitioners after March 2025 were not considered. CDFW recognizes that new information on these petitions may be available for CFGC consideration.

The Bin 2 petitions and petition actions vary in complexity, and the Framework is designed to address this spectrum of complexity. In some cases, it was more appropriate to evaluate Bin 2 petitions as a whole and in other cases, it was more appropriate to evaluate the individual proposed actions or grouped proposed actions that were similar within a petition. Not all evaluation components in Section IV applied to every proposed action or petition as they were not all relevant to each proposed action or petition. CDFW applied the evaluation components as appropriate, and the level of detail varied based on factors such as applicability of the question or information available. Non-regulatory requests were not evaluated through the Framework. For some petitions, CDFW recommended an alternative pathway to achieving the desired outcome of the proposed change.

The DMR indicated the MPA Network is meeting expectations and functioning effectively to achieve the goals of the MLPA. Therefore, significant regulatory changes to the MPA Network should meet a high threshold of demonstrated conservation value and need, as well as clear, science-supported benefit.

This evaluation is not the only process by which regulatory changes have been considered as part of the adaptive management of the MPA Network. 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. Since 2013, four legislative amendments and seven regulatory packages have been enacted to strengthen and support the adaptive management of the MPA Network and Management Program. The regulatory amendments:

- 2014 – Clarified and corrected provisions, including general provisions, definitions, take, and boundaries
- 2015 – Clarified and corrected provisions, including general provisions, definitions, take, and boundaries. This includes refining and correcting boundary coordinates for 106 MPAs.
- 2016 – Added provisions for tribal take in north coast MPAs
- 2018 – Repealed a special closure due to conflict with private property

- 2018 – Added provisions for tribal take in south coast MPAs and amended boundaries to better align with historical subsistence and cultural use
- 2022 – Cleaned up State Marine Recreational Management Area language
- 2023 – Provided a mechanism for operation and maintenance of pre-existing artificial structures in MPAs

The legislative amendments include Senate Bill 96 (2013), Assembly Bill 298 (2015), Assembly Bill 2369 (2018), and Assembly Bill 63 (2021). See Appendix G of the Decadal Management Review for more information about regulatory packages and legislative amendments that apply to MPA Network management implemented since 2012. All amendments were deliberately and carefully constructed to preserve the integrity of the MPA Network.

The Department remains committed to adaptive management through regulatory and non-regulatory pathways and will continue to work with tribes and partners to advance the recommendations of the DMR through a science-based inclusive statewide process consistent with the requirements of the MLPA and MPA Master Plan.

SUPPLEMENTAL EVALUATION INFORMATION

CDFW compiled supplemental information and additional context for the Tribally-led petitions, the responses to Evaluation Questions 1, 2a, 9, 10a, and 14, and Section V. Supplemental Analyses, Data and Information, And Citations. CFGC staff conducted the analysis and prepared the responses for Questions 16 and 17 and provided additional context for their evaluations below. The information provided here was common across the evaluations and is included here to prevent having to repeat it in each evaluation.

TRIBALLY-LED PETITIONS

This Companion Document includes a summary of the process for identifying Tribally-led petitions, CDFW's outreach to all California Native American tribes throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners (Attachment A below). As directed by CFGC, CDFW evaluated the Tribally-led petitions with the CDFW 2023 MPA Bin 2 Petition Evaluation Framework. Tribally-led petitions, per CFGC direction, will next be discussed at the April 14, 2026, CFGC Tribal Committee Meeting. *Note: 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.*

The following petitions were identified by CFGC as Tribally-led petitions:

- Tolowa Dee-ni' Nation: Remove Recreational Take of Smelt and Change the Boundary at Pyramid Point SMCA (2023-21MPA)
- Santa Ynez Band of Chumash Indians (SYBCI): Designate a new Chitqawi SMCA in Morro Bay with a Tribal Exemption for SYBCI (2023-19MPA)
- Santa Ynez Band of Chumash Indians: Change the Take and Add a Tribal Exemption at Point Buchon SMCA, Change the Boundary at Point Buchon SMR (2023-20MPA)
- Santa Ynez Band of Chumash Indians: Designate a new SMCA near Mishopshno/Carpinteria with a Tribal Exemption for SYBCI (2023-29MPA)
- Northern Chumash Tribal Council: Designate a new SMCA at Point Sal (Santa Barbara Co.) With Allowance for Recreational Take of Finfish by Hook and Line From Shore (2023-28MPA)

Summary of Tribal Outreach and Engagement with California Native American Tribes for the 2023 MPA Petitions

In late 2023, CFGC received 20 petitions from California Native American tribes (tribes) and the public requesting changes to California's Marine Protected Area (MPA) Network. The CFGC referred the 2023 MPA Petitions to CDFW to evaluate in early 2024. This document provides a summary of tribal outreach and engagement with California Native Tribes for the 20 MPA petitions, including five Tribally-led petitions, proposing approximately 70 changes to the MPA regulations for MPAs from southern California to the Oregon border (2023 MPA petitions).

Summary of CDFW tribal outreach for all 2023 MPA petitions

Since receiving the petitions, CDFW has provided regular updates on the status of the 2023 MPA petitions and petition evaluation process through email communications and mailed letters to the CDFW tribal contact list. The CDFW tribal contact list includes over 400 individuals across the state who represent and/or work for a California Native American tribe. The statewide list is maintained by CDFW's Tribal Liaison and includes people on the Native American Heritage Commission (NAHC) contact list and others who have elected to receive updates from CDFW related to tribes. These updates included offers for consultation and meetings between tribes and CDFW. In October 2025, CFGC and CDFW sent letters via email and postal mail to the CDFW tribal contact list to specifically offer formal consultation or informal meetings on the 2023 MPA Petitions. CDFW also presented written and verbal updates at meetings of the CFGC's Tribal Committee. These outreach efforts to tribes are summarized in Table 1.

Summary of additional outreach and engagement with tribes for Tribally-led petitions

At the August 12, 2025, CFGC's Tribal Committee meeting, the Tribal Committee identified four of the 2023 MPA petitions as Tribally-led petitions, which are petitions that were submitted by a tribe, representative designated by a tribe, or tribal organization, or have a tribal co-sponsor. These included:

- 2023-19MPA submitted by Santa Ynez Band of Chumash Indians
- 2023-20MPA submitted by Santa Ynez Band of Chumash Indians
- 2023-21MPA submitted by Tolowa Dee-ni' Nation
- 2023-29MPA submitted by Natural Resource Defense Council and co-sponsored by Santa Ynez Band of Chumash Indians

At the May 7, 2025, meeting, the Tribal Committee requested CDFW send additional offers to all tribes for consultation on the remaining 2023 MPA Petitions and to reach out to offer to meet with tribes associated with the Tribally-led petitions.

On October 16, 2025, CDFW distributed to the CDFW statewide tribal contact list a letter offering joint tribal consultation with CDFW and CFGC on any 2023 MPA petition. This letter was also included in the fall quarterly CDFW Tribal Updates email.

On November 24, 2025, CFGC received a letter from Northern Chumash Tribal Council and Natural Resources Defense Council indicating that Northern Chumash Tribal Council was a formal co-sponsor for petition 2023-28MPA, and requested CFGC consider the petition a Tribally-led petition.

At the December 9, 2025, Tribal Committee Meeting, the Tribal Committee reconsidered this petition and recommended CFGC designate it as a Tribally-led petition. At the December 11, 2025, CFGC Meeting, CFGC designated petition 2023-28MPA as a Tribally-led petition.

At the February 11, 2026, CFGC meeting, CFGC approved the addition of an update and discussion on the Tribally-led petitions at the April 14, 2026, Tribal Committee Meeting.

Between September 2025 and February 2026, CDFW participated in several discussions with representatives of tribes regarding the Tribally-led petitions.

Table 1. Summary of CDFW tribal outreach and engagement to-date related to the 2023 MPA petitions and petition process, including communication method and type of content. Unless otherwise specified, all tribal outreach communications included tribes listed on the CDFW tribal contact list maintained by CDFW's Department Tribal Liaison, which includes 400 people from the NAHC Contact List and additional tribal representatives.

Date	Method	Content
5/31/2024	Email	Released Blog Post: Seeking Your Feedback to Help Manage California's Marine Protected Area Network
10/4/2024	Email	CDFW Informational MPA DMR Petition Process Update: Background, DMR petition process, next steps, upcoming meetings
10/25/2024	Email	Released Blog Post: MPA Day
11/22/2024	Email	CDFW Informational MPA DMR Petition Process Update: Background, DMR petition process, next steps, upcoming meetings
4/11/2025	Email	CDFW Tribal Liaison provided Department update email, including CDFW Informational MPA DMR Petition Process Update
5/7/2025	Tribal Committee: Meeting Materials	Written Informational Update: California's Marine Protected Area Network Decadal Management Review and Subsequent Marine Protected Area Regulation Amendment Petition Process (pg. 99 of 129) Verbal update on the 2023 MPA petitions and draft evaluation framework by Susan Ashcraft, Commission Marine Advisor
8/14/2025	Tribal Committee: Meeting Presentation	Presentation by Craig Shuman, CDFW Marine Region Manager, on 2023 MPA petitions and draft evaluation framework. Tribal Committee identified four Tribally-led petitions.
9/2025	Email	CDFW invitation to meet to discuss petitions sent to petitioners for the four Tribally-led petitions
10/16/2025	Mail	Invitation Letter for joint tribal consultation with CDFW and CFGC on any 2023 MPA petition
10/17/2025	Email	CDFW Tribal Liaison - Department update email, including CDFW Informational MPA DMR Petition Process Update and Invitation Letter for Joint Tribal Consultation
10/20/2025 – 2/27/26	Meetings	Discuss Tribally-led petitions with tribal petitioners

CDFW 2023 MPA BIN 2 PETITION EVALUATION

EVALUATION QUESTIONS

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 the proposed actions 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.

MLPA Goals

1. Protect the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems.
2. Help sustain, conserve and protect marine life populations, including those of economic value, and rebuild those that are depleted.
3. Improve recreational, educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.
4. Protect marine natural heritage, including protection of representative and unique marine life habitats in CA waters for their intrinsic values.
5. Ensure California's MPAs have clearly defined objectives, effective management measures and adequate enforcement and are based in sound science guidelines.
6. Ensure the State's MPAs are designed and managed, to the extent possible, as a network.

Master Plan Adaptive Management Objectives

- Protect the structure and function of marine ecosystems
- Improve native marine life populations, including those of economic value
- Ensure minimal disturbance while allowing for sustainable opportunities for recreation, education and research
- Ensure comprehensive representation of all key habitats, including unique habitats

- Use learning acquired through administration of the MPA Management Program to adaptively manage the objectives, management measures, enforcement efforts, and scientific guidelines to inform management decisions
- MPAs function as a cohesive statewide network

Question 2a: Does the proposed change advance adaptive management recommendations in the Decadal Management Review?

Decadal Management Review
Adaptive Management Recommendations

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?

To ensure consistency across petition evaluations, CDFW developed a decision tree to evaluate if a proposed action would improve individual MPA or MPA Network design and/or improve alignment with the Science Guidelines (Figure 1). The decision tree includes considerations such as whether the proposed change has the potential to affect the MPA's size or level of protection and other questions to respond to the question. The Science Guidelines were developed by the Science Advisory Team during the MLPA Initiative planning process to provide quantitative, science-based guidance for achieving network-scale ecological objectives (e.g., North Coast Study Region guidance Executive Summary from the North Coast SAT Methods Used to Evaluate MPA Proposals). While there were slight deviations between planning regions in the amount of individual habitat types necessary to meet habitat representation and replication targets, key design elements were consistent statewide. In particular, MPAs intended to contribute to ecological goals were required to be at least 9 square miles in size and meet one of the three highest levels of protection (Very High, High, or Moderate-High).

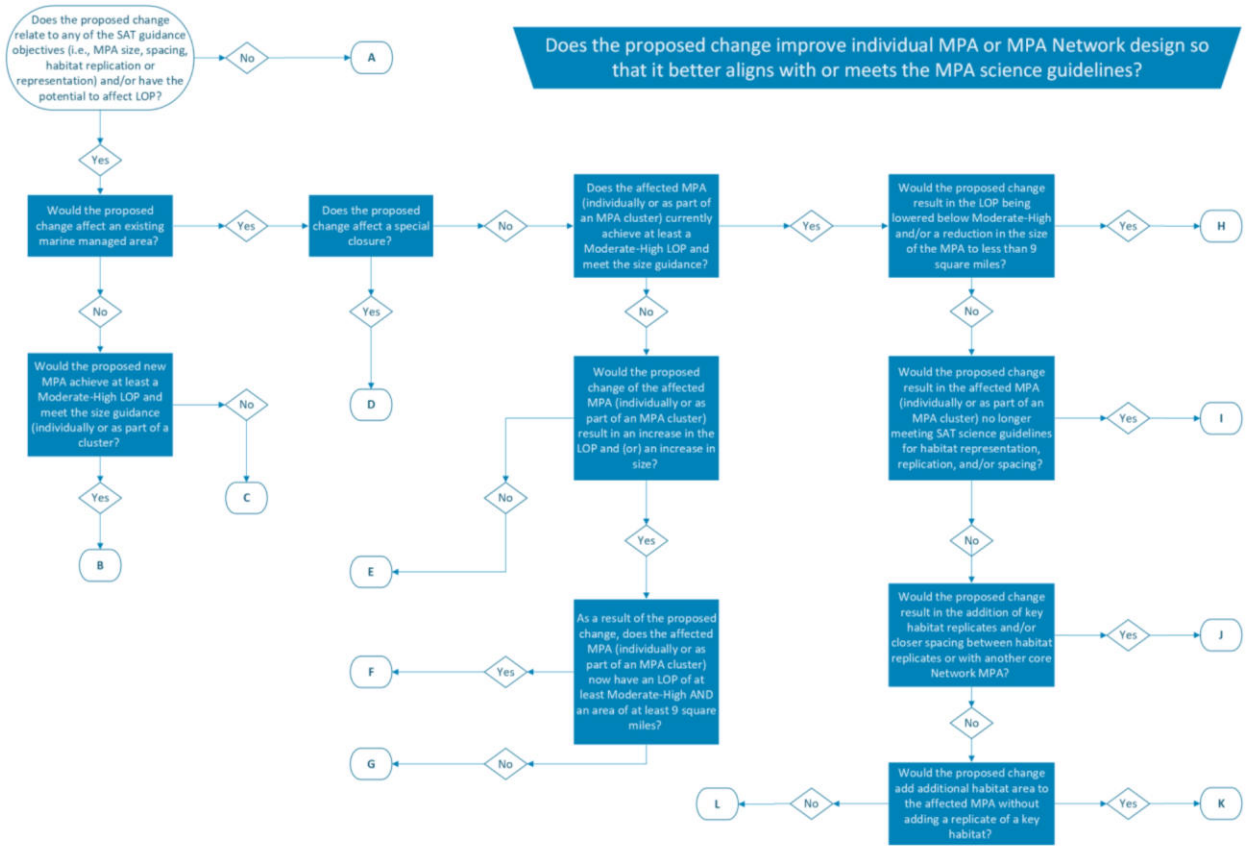


Figure 1. Decision tree framework used to formulate responses for Question 9 for each proposed action. The starting point, at the upper left corner, is based on whether the proposed change has the potential to affect the MPA's size or level of protection. The rest of the questions help to identify the effects such a change may have on the design of the individual MPA and the MPA Network. Based on this decision tree, the effects of a proposed action were determined to belong to one of the following groups:

A. Not applicable because the proposed action does not affect MPA size or LOP. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the Science Guidelines.
B. New MPA meets minimum size and LOP requirements. Proposed action would improve Network design and enhance alignment with the Science Guidelines.
C. New MPA does not meet minimum size and/or LOP requirement. Proposed action does not improve Network design, nor does it enhance alignment with the Science Guidelines.
D. Not applicable because the Science Guidelines do not apply to special closures. Proposed action does not improve Network design, nor does it enhance alignment with the Science Guidelines.

E. Neither existing MPA nor as proposed meets minimum size and/or LOP requirement. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the Science Guidelines.
F. Existing MPA does not meet minimum size and/or LOP requirement, but would meet both as proposed. Proposed action improves the design of the individual MPA and the MPA Network, and enhances alignment with the Science Guidelines.
G. Existing MPA does not meet minimum size and/or LOP requirement. Proposed change improves individual MPA design, but does not improve MPA Network design or enhance alignment with the Science Guidelines.
H. Existing MPA meets minimum size and LOP requirements, but no longer would as proposed. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the Science Guidelines.
I. Existing MPA meets minimum size and LOP requirements. MPA as proposed meets both criteria but no longer meets one or more Science Guidelines. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the Science Guidelines.
J. Existing MPA meets minimum size and LOP requirements. Proposed action results in meeting additional Science Guideline(s). Proposed action improves design of individual MPA and MPA Network, and enhances alignment with the Science Guidelines.
K. Existing MPA meets minimum size and LOP requirements. Proposed action increases the amount of habitat(s) protected but additional Science Guidelines are not met. Proposed action improves the design of the individual MPA but not of the MPA Network, and does not enhance alignment with the Science Guidelines.
L. Both existing MPA and as proposed meet minimum size and LOP requirements. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the Science Guidelines.

Question 10a: Does the proposed change align with CDFW Feasibility Guidelines?

CDFW Feasibility 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?

CDFW is committed to improving access to marine resources in California for traditionally underserved and marginalized communities. This question was included in the evaluation framework because of that commitment, as well as input from partners to prioritize improvement of accessibility and recommendations from the Decadal Management Review (DMR) to integrate justice, equity, diversity, and inclusion

principles into MPA management. However, after exploration of the available information and methods that could be used to address this question for each proposed action, CDFW determined that providing the level of evaluation this question and the relevant communities deserve was not possible within the scope of the petition evaluations. Most of the petitions did not include sufficient information to accurately assess benefits and/or impacts to historically marginalized and underserved communities. Additional details and outreach are needed by petitioners to support this portion of the analysis.

Additionally, in evaluating this question, CDFW reviewed multiple information sources, and found there are many different approaches to defining and identifying "traditionally underserved or marginalized communities." CDFW reviewed the definition of disadvantaged communities (DACs) in Senate Bill 535; which is based on pollution burden and federally recognized tribal status (a map of DACs per this definition is available here, data used to determine community status is available through the CalEnviroScreen tool). Using excess pollution burden to define and identify disadvantaged communities has some applicability to the MPA Network, such as concerns related to water quality. However, it did not seem like the most appropriate approach for defining and identifying "traditionally underserved or marginalized communities" or evaluating issues related to accessing fishing, recreation, or educational opportunities in the context of the MPA Network.

CDFW considered the definition of DACs utilized by the California Department of Water Resources, where DACs are areas where median annual household income is 80% or less of the statewide median annual household income (a map of those communities is available here). However, when examined spatially, this definition covers much of the area of the state, making it difficult to identify discrete communities.

CDFW found the data and information in the California Governor's Office of Land Use and Climate Innovation's Vulnerable Communities Platform would likely be the best to help understand access issues related to the MPA Network. The Vulnerable Communities Platform provides information on more specific and potentially applicable metrics, such as food insecurity and linguistic isolation, which could be used to better understand access issues (e.g., subsistence fishing, language access for outreach materials, individual indicators data is available here). However, using this information would require a determination of the most appropriate criteria to identify objective thresholds to define traditionally underserved or marginalized communities.

Given that lack of sufficient information on benefits to historically marginalized and underserved communities in the petitions as filed, CDFW will continue to work with tribes and other partners on a broader approach outside of the narrow scope of this petition process to assess access and equity issues across the entire MPA Network. This

includes working on DMR Recommendation 8, to "Evaluate the accessibility of MPAs to various community groups." Through this separate process, CDFW could work collaboratively with communities and partners, including to align on:

- A definition of "traditionally underserved or marginalized communities" in the context of the MPA Network or access to marine resources, developed with and for communities,
- Barriers to access experienced by these communities related to access to marine resources and/or MPAs, and
- Methods by which those barriers may be mitigated.

Question 16: Is the proposed change consistent with the CFGC Justice, Equity, Diversity and Inclusion Policy?

California Fish and Game Commission (CFGC) staff conducted this analysis and prepared the response to Question 16.

Justice, Equity, Diversity and Inclusion Policy Overview

The California Fish and Game Commission's (CFGC) Justice, Equity, Diversity and Inclusion Policy (JEDI Policy) reflects CFGC's deep commitment and responsibility to support safe and equitable access to California's thriving native wildlife and natural habitats, supported by inclusive decision-making that reflects the needs and values of the state's diverse communities. The policy acknowledges the significant past injustices experienced by historically marginalized and underserved communities and seeks to correct the burdens these communities have faced in accessing nature, participating in regulatory decision-making, and the privilege often associated with outdoor access. The JEDI Policy also considers and seeks to correct the disproportionate burdens on California Native American tribes and recognizes their interwoven stewardship relationships with the environment.

The JEDI Policy identifies 13 individual commitments referred to as "actions" that guide how CFGC advances its JEDI commitments. Implementation of the policy has been an ongoing priority of CFGC since its adoption in February 2022 and CFGC staff are continuing to explore meaningful ways to meet its commitments. Inclusion of the JEDI Policy in the evaluation framework was intended to highlight this commitment.

Evaluation of MPA Petitions

Evaluating MPA petitions for their consistency with CFGC's JEDI Policy marked the first time CFGC staff attempted to systematically apply the policy's principles to inform CFGC decision-making. Through the process of evaluating MPA petitions against the JEDI Policy, CFGC staff found it was unable to make determinations about whether, or to

what extent, any specific petition advances or conflicts with the JEDI Policy. The findings are described in detail here, along with next steps to resolve these limitations moving forward.

CFGC staff reviewed the pending MPA petitions to identify conceptual intersections with JEDI principles. Of the 13 commitments in the policy, 7 are not relevant to the evaluation because they focus on internal operations, partnerships, and governance processes. The remaining 6 are directly applicable to the MPA petitions:

- Considering and correcting for disproportionate burdens on historically marginalized communities,
- Improving responsiveness to the needs of marginalized fish and wildlife users;
- Amplifying tribal voices and issues,
- Considering the implications of decisions on subsistence activities,
- Improving and championing safe and equitable access to abundant and healthy fish and wildlife populations, and
- Promoting cultural, community, and economic opportunities related to fish and wildlife that CFGC regulates.

In seeking to apply the six applicable commitments, staff identified several knowledge gaps that limited its ability to provide consistent or objective petition-level JEDI determinations. Ultimately, CFGC staff concluded that there is insufficient information available to meaningfully assess potential JEDI-related implications of petitions in a manner that reflects the intent of the policy.

Key concepts such as subsistence activities, equitable access to abundant fish and wildlife populations, and cultural, community and economic opportunities do not have Commission-adopted definitions, metrics, or measurable criteria. Without clearly articulated definitions, datasets, or rubrics, petition-specific JEDI assessments would be inherently speculative. Staff has, however, gained a clearer understanding of these gaps, which will be important to address in future policy implementation.

Tribally-Led Petitions

One area that CFGC has already recognized is the distinct role of petitions that amplify tribal voices, which is reflected in how CFGC has grouped these petitions for discussion. Five petitions were submitted either by a tribe or with tribal participation as co-sponsors for petitions submitted by non-tribal proponents; CFGC has grouped these as “Tribally-led,” which includes tribally cosponsored petitions. Some of these petitions advance tribally identified MPA names and, in some cases, include recommendations related to pursuing co-management or co-stewardship. Collectively, they reflect the

interests of federally recognized tribes as well as non-federally recognized tribal communities with enduring relationships to California's coast. Many of these proposals have the potential to foster long-term partnerships or shared leadership with California Native American tribes, which are considered marginalized and/or underserved communities, supporting the broader intent of CFGC's JEDI Policy.

Petitioner Intent

CFGC staff acknowledges that several petitions explicitly reference, within their petition rationale(s), goals related to equitable access, subsistence activities, long-term abundance of fish and wildlife, or other JEDI-related intentions. While the stated intentions are important context, the previously-described evaluation limitations prevent staff from assessing the degree to which these intentions may achieve the goals. CFGC staff acknowledges that changes to harvest or non-consumptive access may relate to subsistence or equity considerations, but cannot reliably characterize the nature or extent of those relationships without risking over-generalization or speculation.

Current and Future Focus

In the absence of the tools needed for petition-level JEDI analysis, and because many JEDI commitments were intended primarily to guide CFGC processes, CFGC staff has begun to focus on the overall petition process, including planning for regional MPA petition meetings. CFGC staff efforts have included: consulting with partners to inform development of approaches to support safe and inclusive participation; selecting meeting locations near affected communities to reduce travel barriers; elevating tribal voices; increasing transparency about meeting format and expectations; and exploring additional ways to provide accessible engagement opportunities. The regional meetings are an opportunity for CFGC to engage with local communities regarding MPA petitions. Proposals that reflect community knowledge, lived experience, and local needs align more closely with the inclusive decision-making envisioned by the JEDI Policy. Public comments emphasizing the level of community engagement, or lack thereof, were not considered when conducting the petition evaluations.

Evaluation of the MPA petitions has highlighted critical next steps needed to strengthen CFGC's ability to apply the JEDI Policy in future evaluations. Consistent with the intent of Recommendation 8 in CDFW's Marine Protected Area Network Decadal Management Review — a mid-term priority focused on evaluating the accessibility of MPAs to various community groups — staff recognizes that broader collaborative efforts with various partners will be needed to establish the foundational elements for integrating JEDI considerations across the MPA Network. Advancing this work will support both the

CFGC's JEDI Policy goals and more meaningful future evaluations, beyond what is possible within the limited scope of this petition process.

Links

JEDI Policy: California Fish and Game Commission Justice, Equity, Diversity, and Inclusion Policy, approved February 16, 2022

JEDI Policy Definitions: California Fish and Game Commission JEDI Definitions

Question 17: Is the proposed change consistent with the CFGC Coastal Fishing Communities Policy?

CFGC staff conducted this analysis and prepared the responses to Question 17 for the proposed actions in the evaluations. CFGC staff provided this additional context for their evaluations of Question 17.

Coastal Fishing Communities Policy Overview

The CFGC Coastal Fishing Communities (CFC) Policy guides CFGC, in partnership with CDFW, in supporting the long-term needs, social well-being, and economic health of California's coastal fishing communities while upholding the conservation and management goals central to both agencies' missions and mandates. The CFC Policy defines coastal fishing communities broadly as: (a) social, cultural, economic, and/or place-based groups whose members are dependent upon, engaged in, or benefit from local, wild-capture, commercial, recreational, or subsistence marine harvest or processing to meet the social and economic needs of the community; (b) include, but are not limited to, the businesses and organizations that depend upon or support those activities; and (c) may be a subset or member of larger or associated coastal communities. Adopted in February 2024, the CFC Policy formalizes a vision for how CFGC engages with fishing communities, incorporates their needs into decision-making, and contributes to their resilience.

Evaluation of MPA Petitions

Evaluating MPA petitions for their consistency with CFGC's CFC Policy marked the first time CFGC staff has attempted to apply the policy's principles to inform CFGC decision-making. Through the process of evaluating MPA petitions against the policy, CFGC staff found it was unable to make determinations about whether, or to what extent, any specific petition advances or conflicts with the goals of the CFC Policy. The findings are described in detail here, along with next steps to resolve these limitations moving forward.

The goal of Question 17 is to identify where petitioned actions may conceptually intersect with the CFC Policy—not to evaluate biological outcomes addressed elsewhere in the petition evaluation framework or provide a full socioeconomic analysis.

As CFGC staff applied the CFC Policy to each petition and its proposed actions, it became clear that only limited information is currently available to assess potential implications for coastal fishing communities. The policy encompasses broad aims, such as maintaining or enhancing fishing opportunities, supporting community resilience and adaptive capacity, and ensuring coastal fishing community interests are meaningfully factored into CFGC decision-making.

However, CFGC does not yet have detailed economic, demographic, or cultural data to determine how proposed regulatory changes may affect specific coastal fishing communities. Existing statewide information—primarily the Ocean Sport Fishing web application and community profiles from FishingCommunities.net, last updated in 2023 using 2021 data—provides useful general context on ports, landings, and community characteristics. CFGC staff expertise and experience also contributed to the understanding of impacts of petitioned actions on nearby coastal fishing communities. These sources of information do not provide the level of resolution necessary to draw conclusions about individual community dependence, vulnerability, or long-term resilience.

Given the limitations, CFGC staff focused the evaluation on three elements that could be consistently and objectively applied across all petitions:

- Describes the nature of the proposed regulatory change,
- Identifies whether a petition action would increase, decrease, or have no direct effect on commercial or recreational fishing opportunity within or near the affected MPA, and
- Identifies the coastal fishing communities most geographically-proximate to the affected area, by identifying the nearest ports or harbors and travel distance between them, although these do not necessarily reflect smaller coastal fishing communities that may be affected.

Some petition actions were given “not applicable” responses, reflecting that those actions are not subject to evaluation as they are either not regulatory change requests or they are proposals outside of the regulatory framework for MPA management.

Some petitions propose increasing fishing opportunities, which could conceptually support short- or long-term community resilience within the context of California’s existing fishing regulations and the broader fisheries management goals, and other petitions propose strengthening or expanding MPAs, which may confer long-term

ecological benefits that indirectly support fishing communities. However, CFGC staff cannot evaluate the proposed changes on biological, stock-related, or long-term effects relative to supporting fishing opportunities under this question.

A full understanding of potential benefits or impacts to coastal fishing communities requires meaningful input from the community members themselves—commercial, recreational, and subsistence harvesters, as well as the businesses and organizations that support local fishing economies. CFGC staff view this evaluation as an initial step based on the information currently available, and not as a comprehensive assessment of the lived experience, priorities, or needs of individual communities. Public comments that provide such feedback have not been directly considered in the evaluation. While CFGC has received a wealth of public comments to inform its understanding of the range of views thus far, CFGC's upcoming regional MPA petition review meetings will provide an important opportunity for commenters to further supplement CFGC staff's analysis with direct feedback from those most connected to the affected areas. Continued dialogue with coastal fishing communities will help strengthen the foundation for applying the CFC Policy in future decision-making and improve CFGC's ability to better understand and support the adaptive capacity and long-term resilience of California's fishing communities over time.

Possible next steps in policy implementation and pathways to begin filling data gaps is anticipated for discussion at a future CFGC Marine Resources Committee meeting. This discussion ideally would lead to developing options and needs to enable integrating consideration of the CFC policy into CFGC's decision-making.

Links

CFC Policy: California Fish and Game Commission Coastal Fishing Communities Policy, adopted February 14, 2024 (also included on the following page)

Current Regulations Map: Ocean Sport Fishing Web App

Partner website, California Fishing Communities, providing profiles of the history, economics, and culture of California's fishing communities (last updated in 2023 with 2021 data): FishingCommunities.net

SUMMARY OF OTHER CONSIDERATIONS

After completing the evaluations, none of the petition evaluations had information to include in this section beyond what was provided in the other five sections of the evaluation. Consequently, this section was removed from the evaluations.

2023 BIN 2 MPA PETITIONS

Evaluations and Recommendations for Non-Tribally Led Petitions

Dr. Craig Shuman, Marine Regional Manager
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

April 15, 2026

CALIFORNIA MARINE PROTECTED AREAS

Marine Life Protection Act

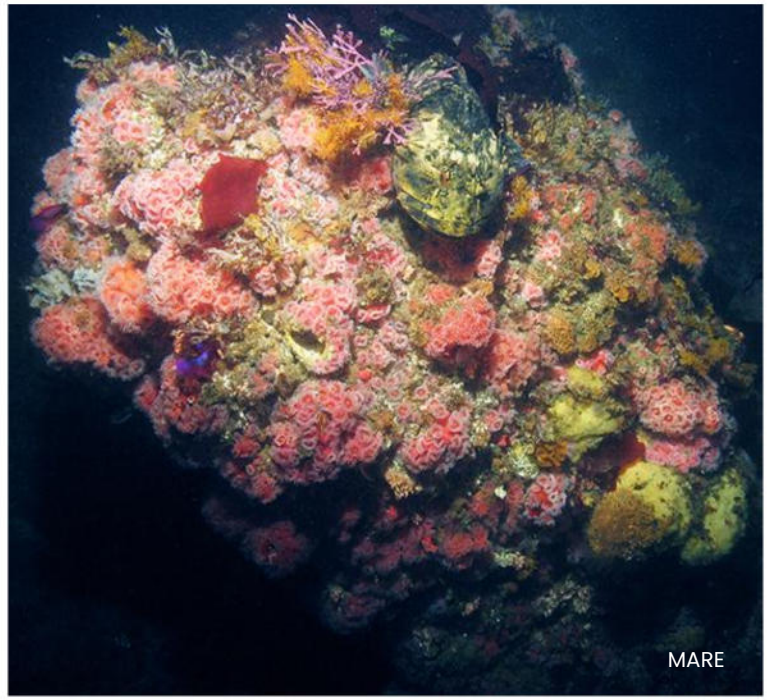
- Landmark legislation passed in 1999
- "California's MPAs were established on a piecemeal basis rather than according to a coherent plan and sound scientific guidelines…creates the illusion of protection…" FGC §2851 (a)
- Six MLPA Goals Fish & Game Code section 2853(b)
- Two unsuccessful attempts to implement in 2001 and 2002



Marine Life Protection Act Initiative

Public-Private Partnership formed in 2004

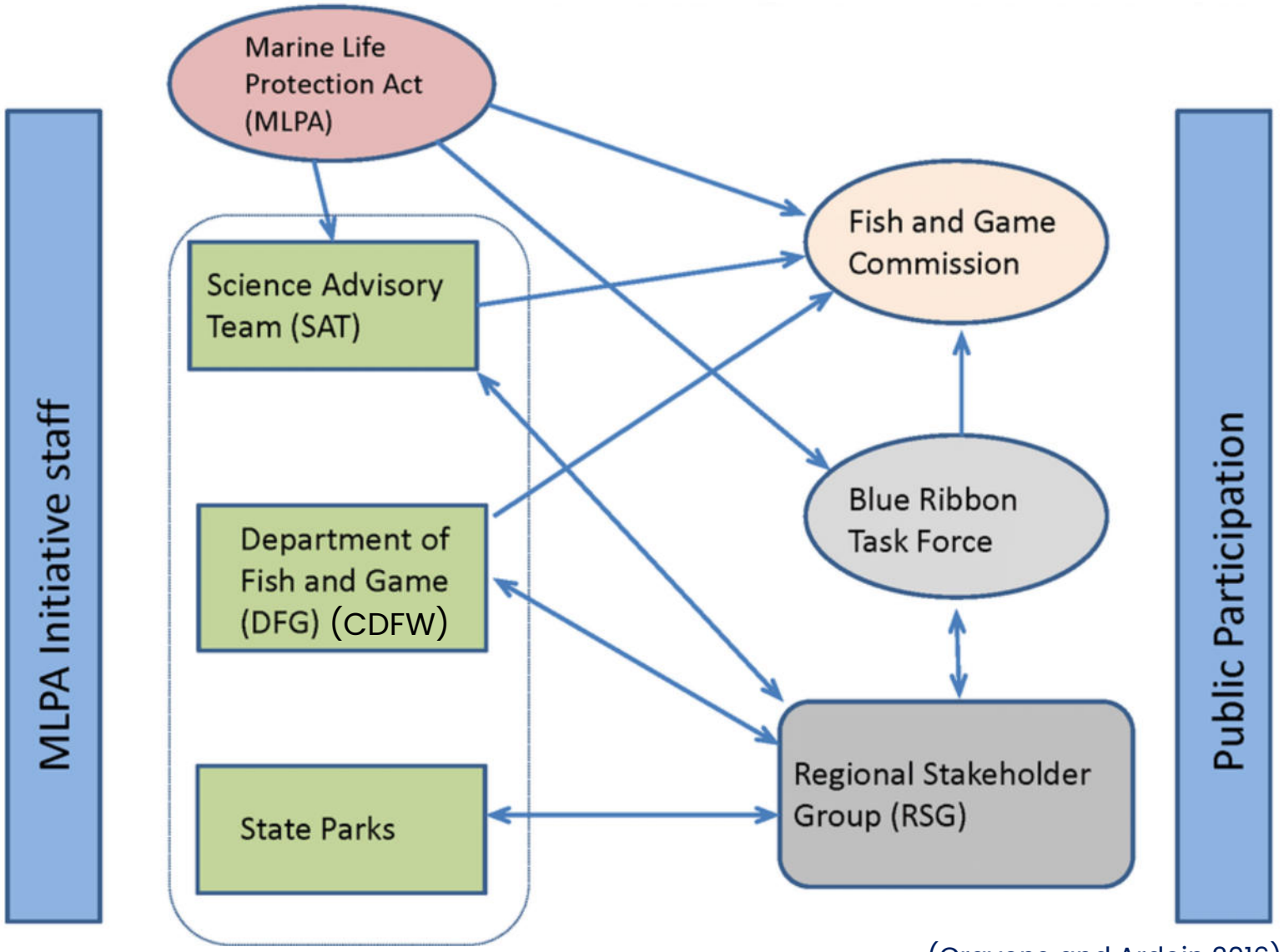
- Central Coast: 2005-2006
- North Central Coast: 2007-2008
- South Coast: 2008-2009
- North Coast: 2009-2011



Marine Life Protection Act Initiative (cont.)







(Cravens and Ardoin 2016)

Importance of Iteration

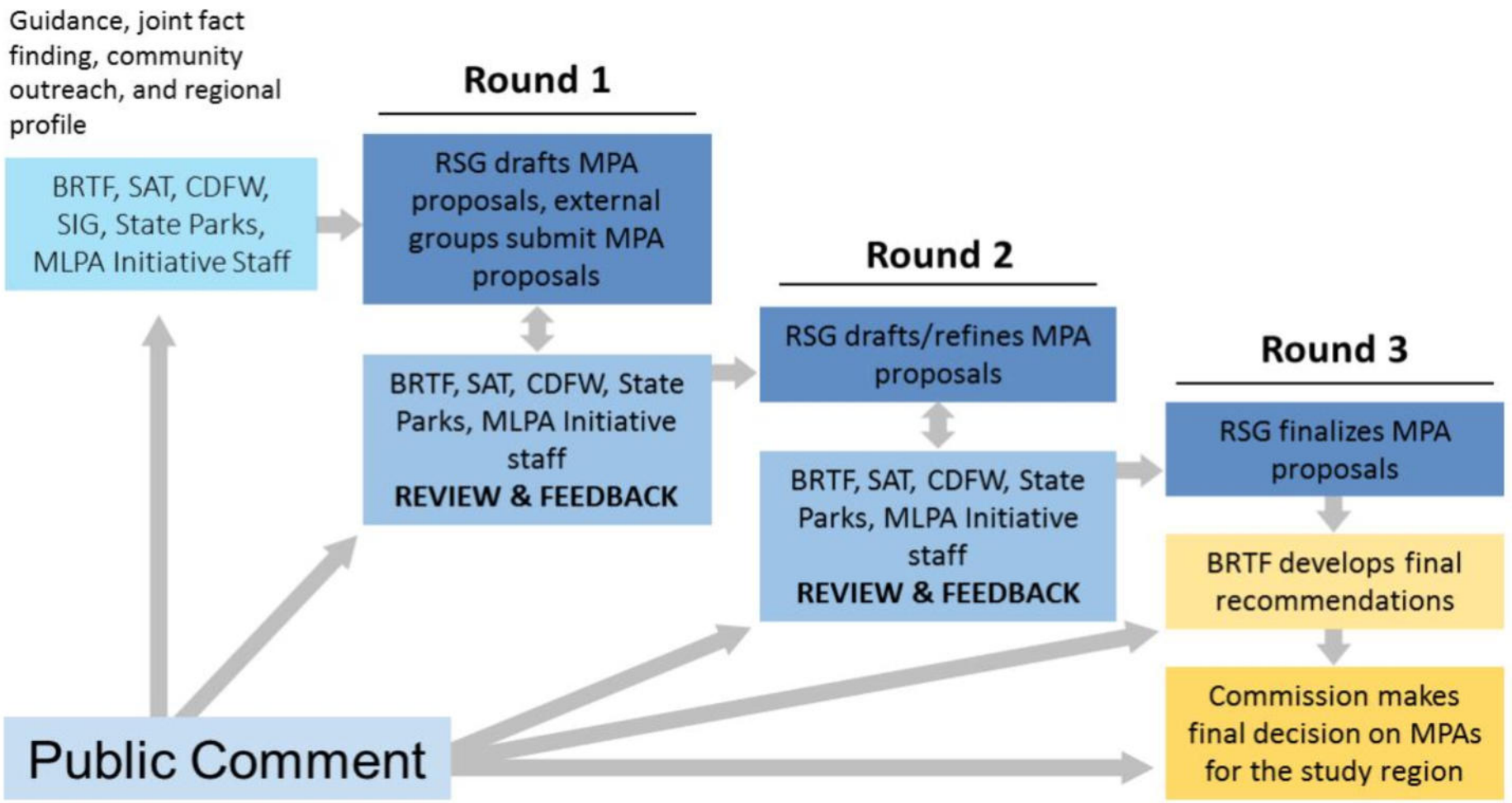
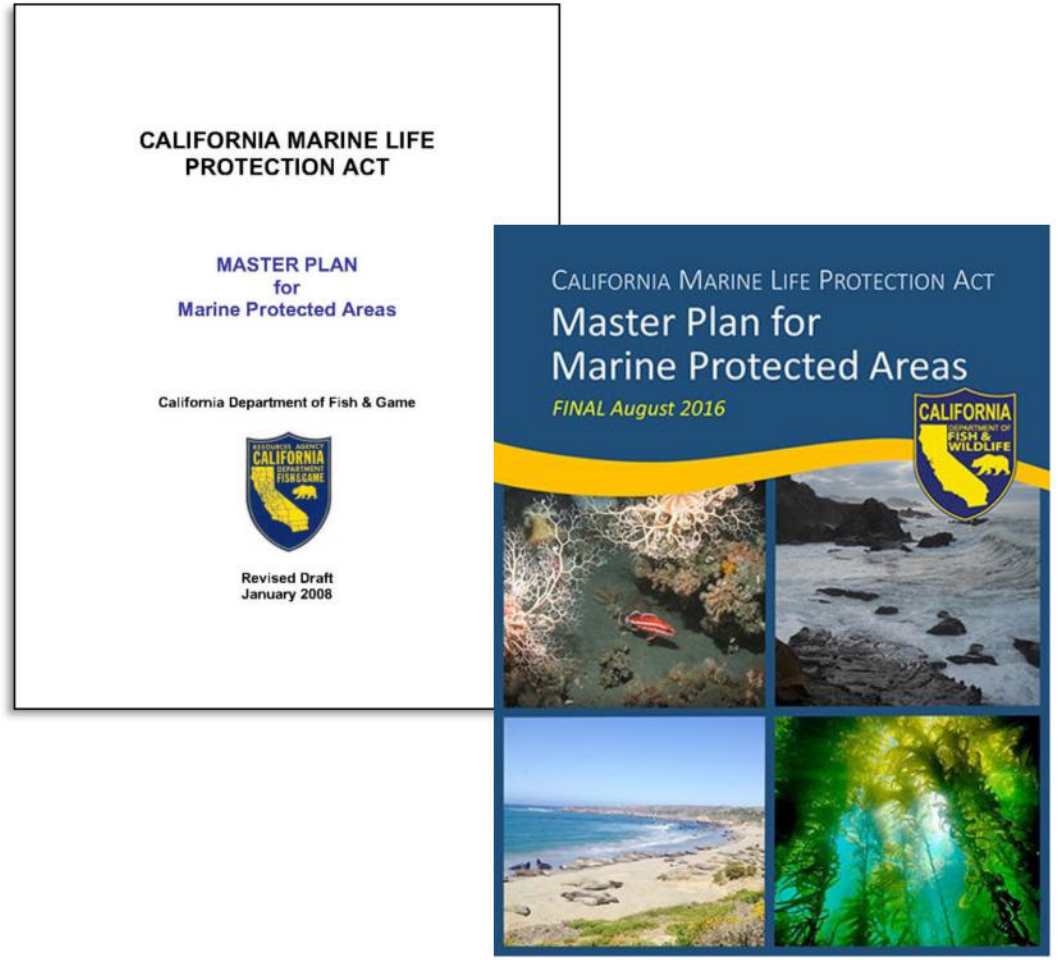


Figure 5. General process used by the MLPA Initiative to develop alternative MPA proposals in each regional MPA planning process or planning region.

Adaptive Management of the MPA Network

Master Plan for MPAs:

- 2008
- 2016
  - Outreach and Education
  - Research and Monitoring
  - Enforcement and Compliance
  - Policy and Permitting



Regional Management Reviews

- Channel Islands: 2008
- Central Coast: 2013
- North Central Coast: 2015
- South Coast: 2017
- North Coast: 2018



MPA Network Management

Adaptive Process

- Long-term scientific monitoring
- Periodic Review: data expertly evaluated
- Ongoing, across all Management Pillars
  - Regulatory
  - Non-regulatory



Adaptive Management Regulatory Amendments

- 2014: Clean-up package*
- 2015: Clean-up package*
- 2016: Tribal take allowance
- 2018: Repeal of special closure due to private property issue
- 2018: Tribal take allowance, boundary modification
- 2022: SMRMA language clean-up
- 2023: Pre-existing structures

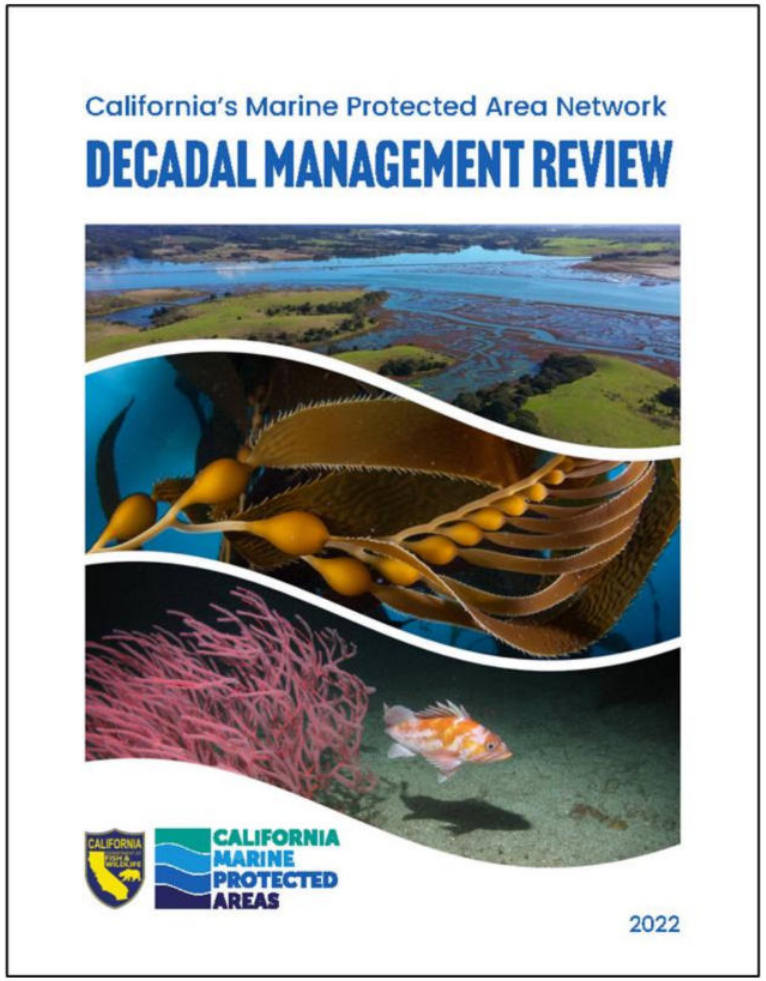
* General provisions, definitions, take, boundaries



Amanda Van Diggelen CDFW

Decadal Management Review Key Findings

- For some species and habitats, MPAs support populations of larger and/or more abundant fish and invertebrates
  - Results vary across bioregions, habitats, and other factors
- Evidence of enhanced connectivity, ecosystem integrity, and resilience
  - MPA Network is still young, more to learn
- Did not identify performance gaps that warrant significant structural modification
- Informed 28 priority recommendations
  - ~80 specific actions



DMR Adaptive Management Recommendations

Near-Term (ongoing – 2 years)

- Rec 1: Improve state agencies tribal engagement
- Rec 4: Apply Review knowledge to Network/Management changes
- Rec 7: Expand outreach and education materials
- Rec 9: Continue OPC coordination
- Rec 10: Improve coordination across Management Program pillars
- Rec 11: Update Action Plan
- Rec 16: More targeted outreach to specific audiences
- Rec 17: Improve SCP process
- Rec 18: Use policy to review MPA restoration/mitigation efforts
- Rec 20: Increase enforcement capacity
- Rec 21: Enhance citation record keeping and management
- Rec 25: Implement MPA climate change research
- Rec 27: Improve understanding of MPA effects on fisheries

Mid-Term (2 – 5 years)

- Rec 2: Create pathway to tribal MPA management
- Rec 3: Build tribal capacity to participate in MPA management
- Rec 6: Include and fund more diverse researchers and stakeholders
- Rec 8: Evaluate MPA accessibility
- Rec 12: Improve understanding of human dimensions
- Rec 13: Explore innovative technologies
- Rec 14: Develop MPA community science strategy
- Rec 15: Evaluate Outreach needs and resource effectiveness
- Rec 22: Increase knowledge on MPA judicial outcomes
- Rec 23: Examine MPA Network design attribute more effectively
- Rec 26: Consider climate change in human dimensions monitoring
- Rec 28: Integrate influencing factors into MPA performance evaluations

Long-Term (5- 10 years)

- Rec 5: Establish targets to meet MLPA goals
- Rec 19: Create MPA Enforcement Plan
- Rec 24: Better incorporate marine cultural heritage into MPA Network

2023 MPA Petition Process Milestones

Date	Milestone
Aug 2023	California Fish and Game Commission (CFGC) approves prioritization framework and to consider changes to the MPA Network using the existing CFGC petition process
Oct 2023	CFGC releases "Overview of Process to Consider Potential Changes to California's MPA Network"
Dec 2023	CFGC receives 20 MPA-related petitions with 80+ actions
Feb 2024	CFGC refers all 20 petitions to CDFW for evaluation
Apr 2024	CFGC adopts 3-phased approach to petition evaluation

2023 MPA Petition Process Milestones (2/3)

Date	Milestone
Aug 2024	CFGC approves binning petitions, requests CDFW evaluate Bin 1 petitions and develop a proposed framework to evaluate Bin 2 petitions
Nov 2024	CDFW releases recommendations for five Bin 1 petitions
Dec 2024	CFGC makes decisions on Bin 1 petitions and establishes March 14, 2025 deadline for amendments to Bin 2 petitions
Mar 2025	Deadline for amendments to Bin 2 petitions
Apr 2025	CFGC refers amended Bin 2 petitions to CDFW for evaluation
Apr–May 2025	CDFW develops Draft Bin 2 Petition Evaluation Framework with Ocean Protection Council and CFGC staff

2023 MPA Petition Process Milestones (3/3)

Date	Milestone
May 2025	Update and discussion at CFGC TC on Bin 2 MPA petitions and proposed approach for evaluations
Aug 2025	• Update and discussion on MPA petitions and Draft Eval Framework at CFGC TC • CFGC TC identifies four Tribally-led petitions • CFGC approves framework for evaluating Bin 2 petitions
Dec 2025	Update and discussion at CFGC TC on Bin 2 MPA petitions; identifies one more Tribally-led petition; directs CDFW to come back to April 2026 CFGC TC to discuss MPA Petitions
Mar 2026	CDFW releases evaluations and Companion Document for the ten non-Tribally-led Bin 2 MPA Petitions for the 64 proposed actions
Apr 2026	Update and discussion at CFGC TC on Bin 2 MPA petitions

2023 MPA Bin 2 Petition Evaluation Framework

CGFC Approved August 2025, includes:

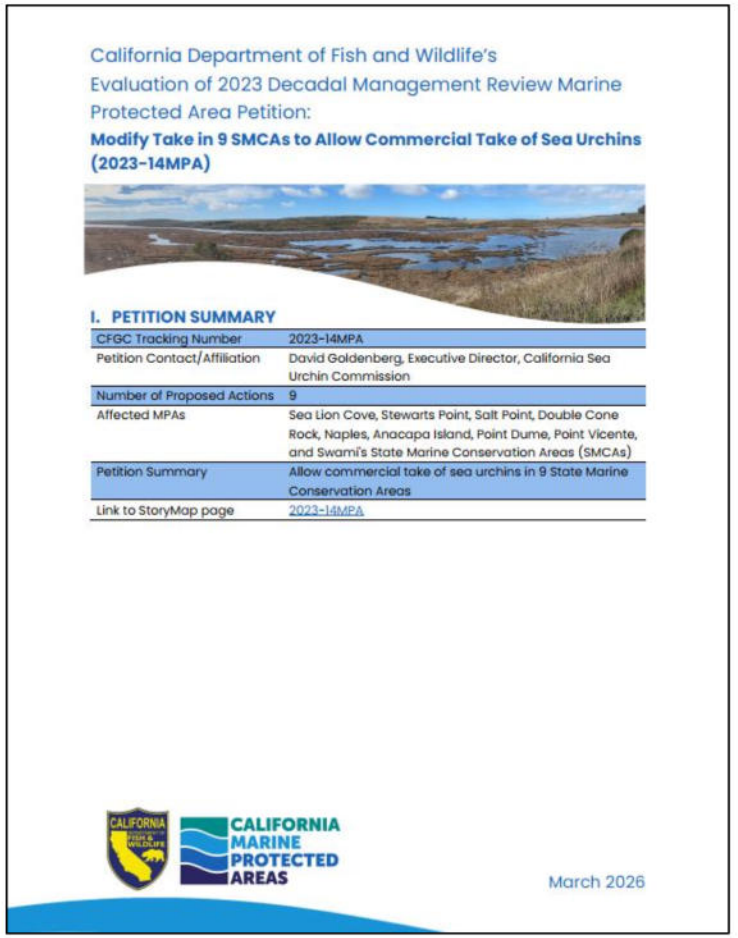
I. Petition Summary

II. CDFW Recommendations with Brief Justifications

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

IV. CDFW 2023 MPA Bin 2 Petition Narrative and Evaluation

V. Supplemental Analyses, Data and Information, and Citations



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

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

I. PETITION SUMMARY

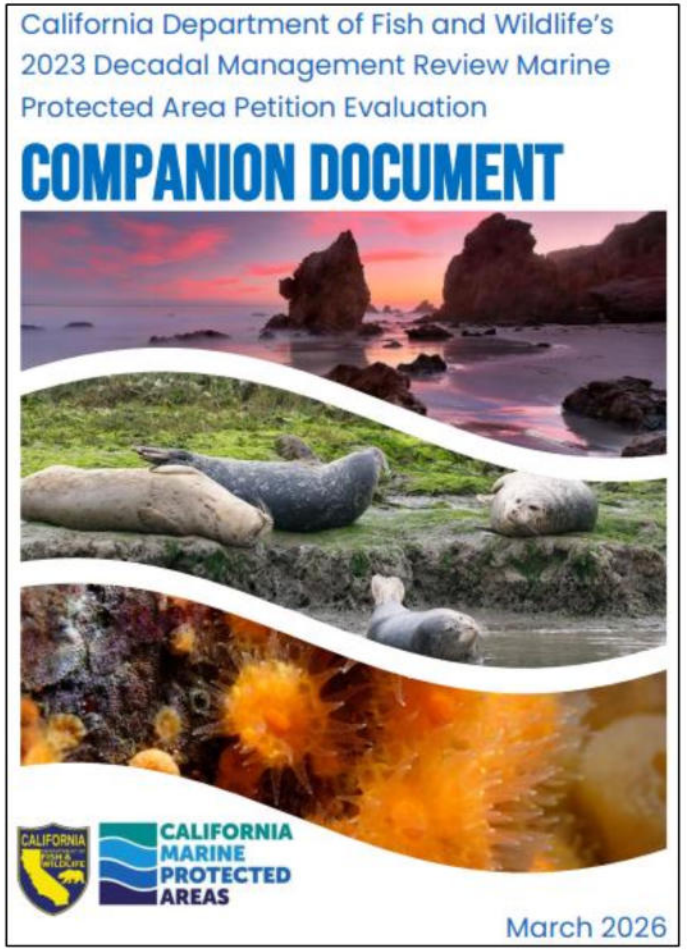
CFGC Tracking Number	2023-14MPA
Petition Contact/Affiliation	David Goldenberg, Executive Director, California Sea Urchin Commission
Number of Proposed Actions	9
Affected MPAs	Sea Lion Cove, Stewarts Point, Salt Point, Double Cone Rock, Naples, Anacapa Island, Point Dume, Point Vicente, and Swami's State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

CALIFORNIA MARINE PROTECTED AREAS

March 2026

2023 MPA Bin 2 Petition Evaluation Companion Document

- History of MPA Network Adaptive Management
- Summary of tribal outreach and engagement
- Supplemental information, reference materials, and additional context for evaluations



Tribally-led Petitions

- Submitted by a California Native American tribe, representative designated by a tribe or tribal organization, or has a tribal co-sponsor.
- CDFW update provided at the April 14th CFGC Tribal Committee meeting, go to https://fgc.ca.gov/Meetings/2026 for more information.
- These five petitions (19, 20, 21, 28, and 29) are not included in this presentation.

Presentation Format

- **Petitions presented in numeric order**
- **Two Formats**
  - Single slide: petitions with a single proposed action or group of similar actions
  - Multiple slides: petitions with multiple proposed actions
- **Content**
  - Title of petition/proposed action(s)
  - Summary of proposed action(s)
  - Petitioner rationale
  - CDFW Recommendation

2023-14MPA: Modify Take in 9 SMCAs to Allow Commercial Take of Sea Urchin

9 Proposed Actions Affecting:

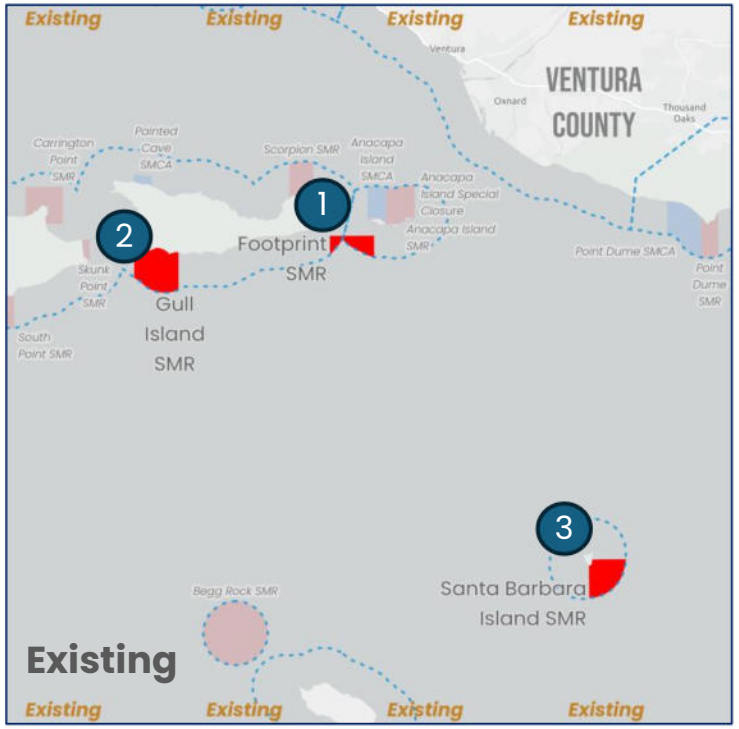
1. Sea Lion Cove SMCA
2. Stewarts Point SMCA
3. Salt Point SMCA
4. Double Cone Rock SMCA
5. Naples SMCA
6. Anacapa Island SMCA
7. Point Dume SMCA
8. Point Vicente No-take SMCA
9. Swami's SMCA

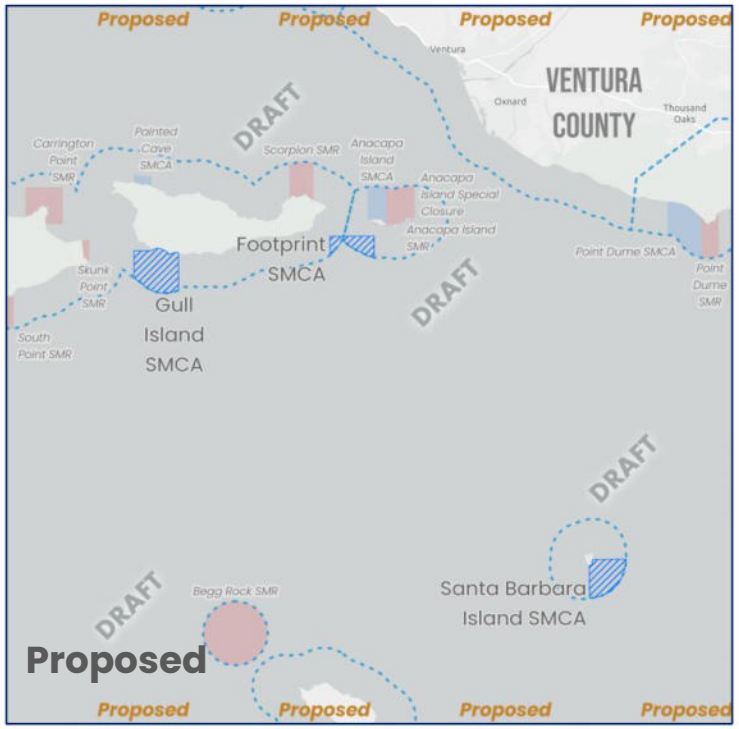


CDFW Recommendation:
DENY 2023-14MPA_1-9

2023-15MPA_AM: Reclassify Footprint, Gull Island, and Santa Barbara Island SMRs to SMCAs to Allow Take of Highly Migratory Species.

3 Proposed Actions: Reclassify 1. Footprint, 2. Gull Island, and 3. Santa Barbara Island SMRs to SMCAs to Allow Take of Highly Migratory Species.

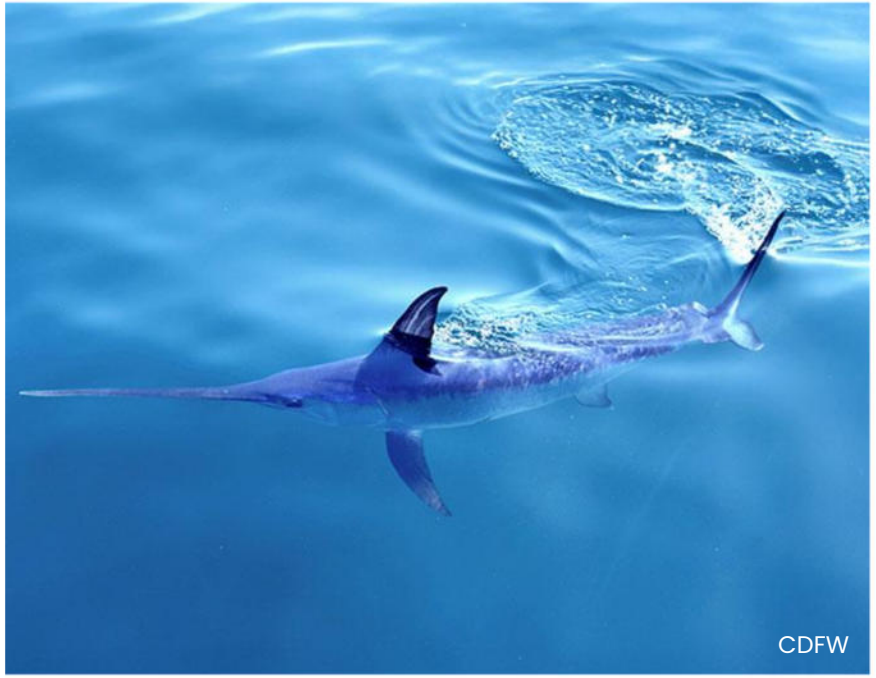




2023-15MPA_1-3_AM2: Reclassify Footprint, Gull Island, and Santa Barbara Island SMRs to SMCAs to Allow Take of Highly Migratory Species.

6 Petitioner Proposed Options:

Options	Recreational Take: Pelagic Finfish	Recreational Take: HMS	Commercial Take: Pelagic Finfish	Commercial Take: HMS	CPS
1	Hook and line, spear	N/A	Hook and line	N/A	N/A
2	N/A	Hook and line, spear	N/A	Hook and line	Possession
3	Hook and line, spear *no bottom contact	N/A	Hook and line *no bottom contact	N/A	N/A
4	N/A	Hook and line, spear *no bottom contact	N/A	Hook and line *no bottom contact	Possession
5	Spear	N/A	N/A	N/A	N/A
6	N/A	Spear	N/A	N/A	N/A



CDFW Recommendation:
DENY 2023-15MPA_1-3_AM2

2023-16MPA: Reclassify Stewarts Point and Bodega Head SMRs to SMCAs to Allow Commercial Salmon Trolling

2 Proposed Actions: Reclassify 1. Stewarts Point SMR and 2. Bodega Head SMR to SMCAs to Allow Commercial Salmon Trolling





CDFW Recommendation:
DENY 2023-16MPA_1-2

2023-18MPA: Modify Allowed Uses at Several Santa Barbara Channel MPAs and Special Closures: Vandenberg SMR, Kashtayit SMCA, and San Miguel and Anacapa Island Special Closures

Summary of 7 Proposed Actions:

1. Allow recreational take of finfish from shore in Vandenberg SMR

   (2022-04) Allow recreational fishing at Surf Beach within Vandenberg SMR

2. *Continue support of M2 Monitoring at Point Conception

3. Change take at Kashtayit SMCA

4. *Change color of No-take Campus Point SMCA from purple to red

5-7. Eliminate the San Miguel Special Closure and Anacapa Island Special Closure (Full Island), Reduce the size of the Anacapa Island Special Closure (Seasonal)



***Non-regulatory**

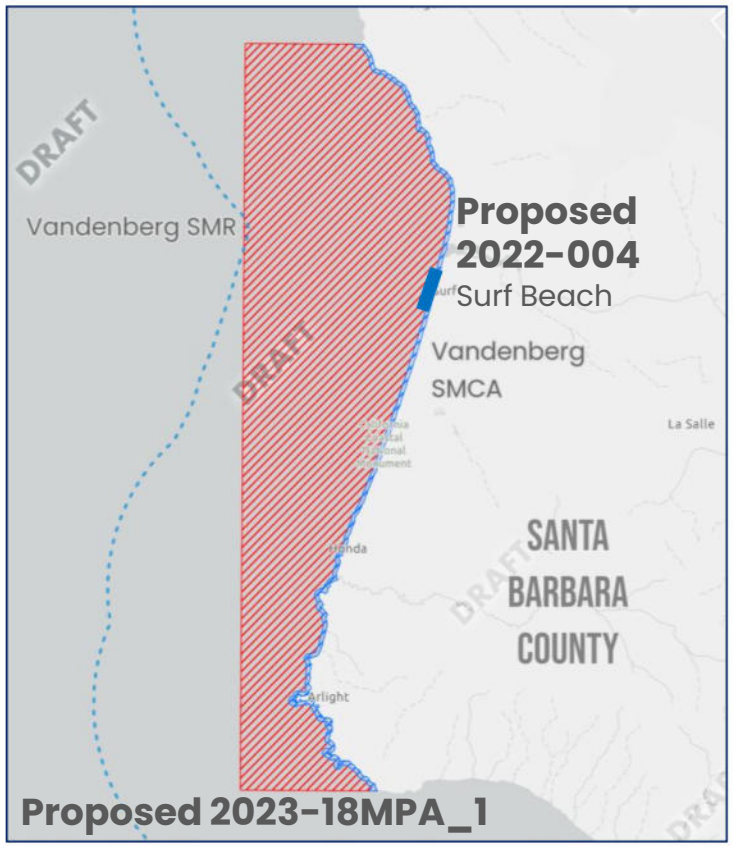
2023-18MPA_1 (and **2022-004):** Reclassify a portion of Vandenberg SMR to a SMCA with recreational take of finfish by hook and line from shore

Summary of Proposed Action:

1. Redesignate a portion of Vandenberg SMR to create a narrow SMCA alongshore for the entire length of Vandenberg SMR that allows recreational take of finfish by hook and line from shore.

   (2022-004): Redesignate a portion of Vandenberg SMR to create a small SMCA that allows shore fishing on the one half mile stretch of beach known as Surf Beach.





CDFW Recommendation:
DENY 2023-18MPA_1 and
DENY 2022-004

2023-18MPA_3: At Kashtayit SMCA, simplify take regulations to: "Recreational take of finfish, invertebrates, and giant kelp is allowed."

Summary of Proposed Action:

At Kashtayit SMCA, simplify take regulations to remove the strikethrough text in the following:

> *"Recreational take of finfish, invertebrates ~~(except rock scallops and mussels)~~, and giant kelp ~~by hand harvest~~ is allowed."*



CDFW Recommendation:
DENY 2023-18MPA_3

2023-18MPA_5-7: Eliminate San Miguel Special Closure; reduce size of Anacapa Island Special Closure and consider removing net/trap closure

Summary of Proposed Actions:

5. Eliminate pinniped special closure at San Miguel Island
6. Reduce the size of the brown pelican Anacapa Island Special Closure regulations to allow boat access to Frenchy's Cove
7. Reassess and consider removing the following special closure at Anacapa Island: "No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands"



CDFW Recommendation:
DENY 2023-18MPA_5-7

2023-23MPA_AM: Modify Allowed Uses in Four Monterey Area MPAs, Create a New MPA, and Other Requests

Summary of 28 Proposed Actions:

1, 6, and 11. Prohibit recreational and commercial take of finfish when a petitioner-proposed "kelp restoration management permit" is active within 3 MPAs.

2, 7, 12, and 16. Allow unlimited recreational urchin removal in 4 MPAs.

3, 4, 5, 8, 9, 10, 13, 14, 15, 17, 18, and 19. Allow kelp out-planting , spore dispersal bags, and kelp pruning without an SCP.

20. Establish new Tanker's Reef SMR near Monterey.

23. *Restoration framework within MPAs and MMAs.

26. Allow commercial urchin harvest in MPAs.

28_AM1. *CFGC and CDFW promote kelp restoration collaboration on their website and in public outreach.

21, 22, 24_AM1, 25, and 27 Other Requests.

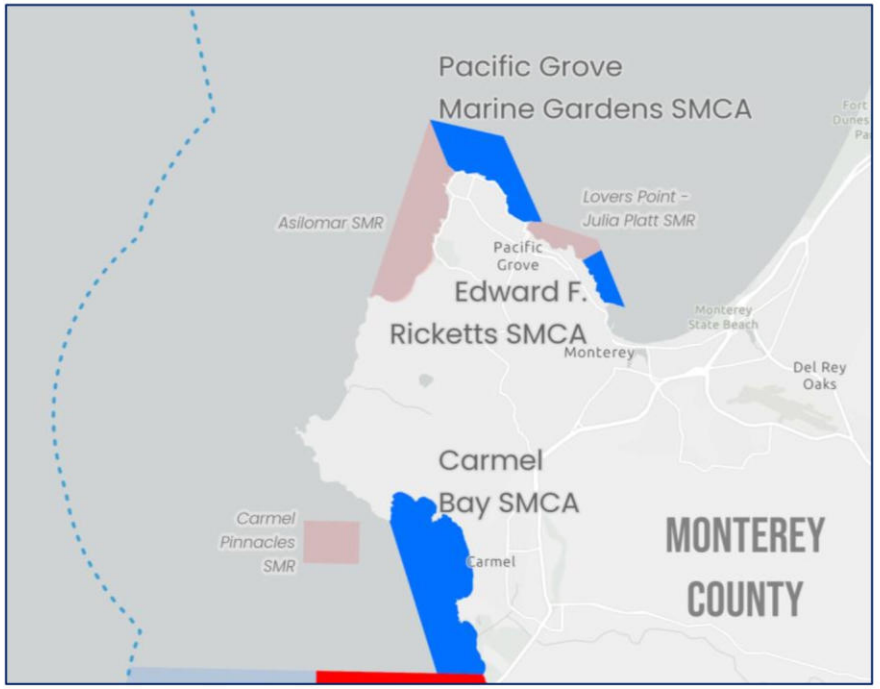
***Non-regulatory**


S. Wertz

2023-23MPA_1, 6, and 11 For diver safety, prohibit recreational and commercial take of finfish when a petitioner-proposed "kelp restoration management permit" is active.

3 Proposed Actions Affecting:

- Edward F. Ricketts SMCA
- Pacific Grove Marine Gardens SMCA
- Carmel Bay SMCA

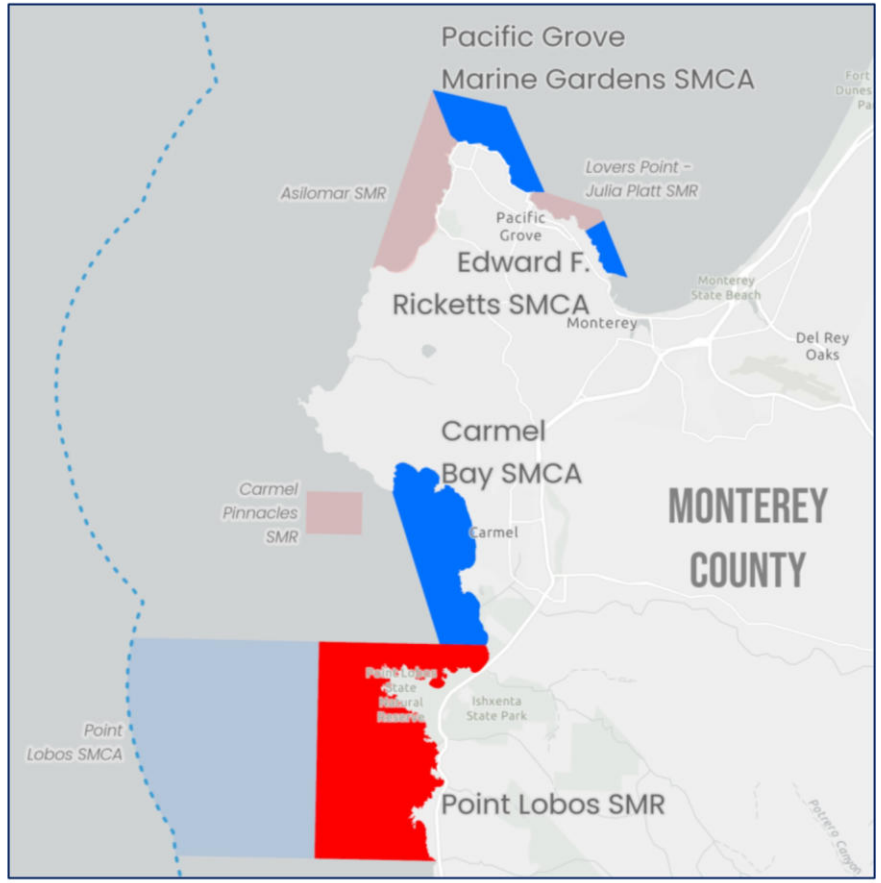


CDFW Recommendation:
DENY 2023-23MPA_1, 6, and 11

2023-23MPA_2, 7, 12, and 16 Allow unlimited recreational take of urchin.

4 Proposed Actions Affecting:

- Edward F. Ricketts SMCA
- Pacific Grove Marine Gardens SMCA
- Carmel Bay SMCA
- Point Lobos SMR

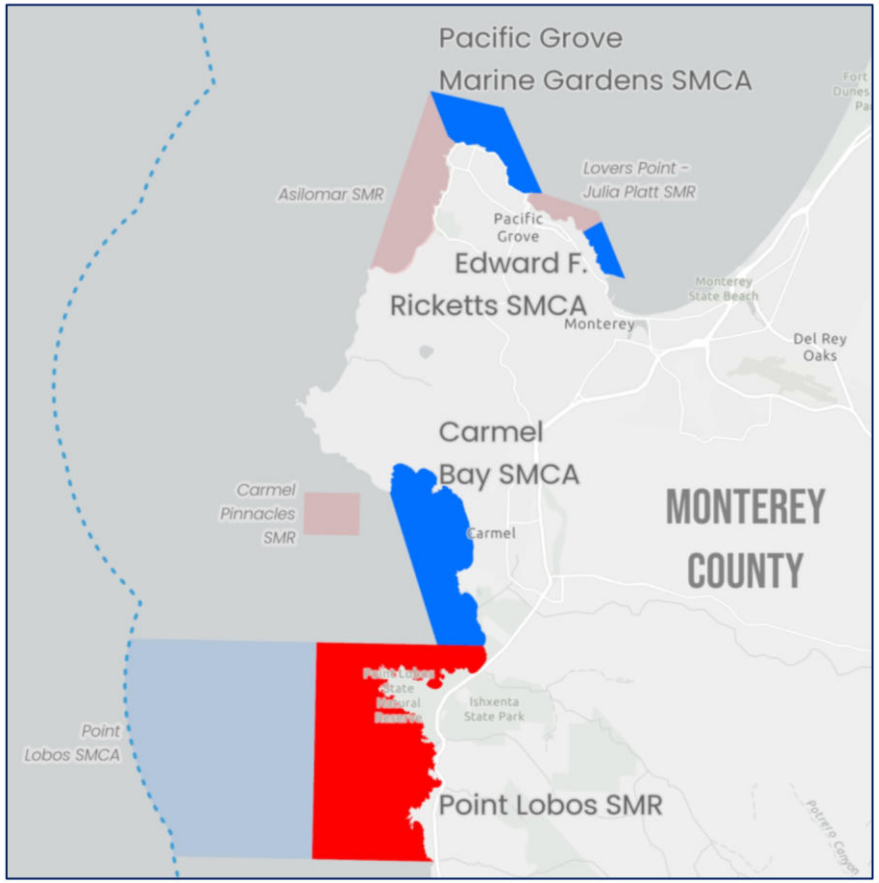


CDFW Recommendation:
DENY 2023-23MPA_2, 7, 12, and 16

2023-23MPA_3, 4, 5, 8, 9, 10, 13, 14, 15, 17, 18, and 19: Allow out-planting of kelp on the reef, spore dispersal by sporophyte bags, and pruning kelp canopy to promote growth and resilience to storms without an SCP.

12 Proposed Actions Affecting:

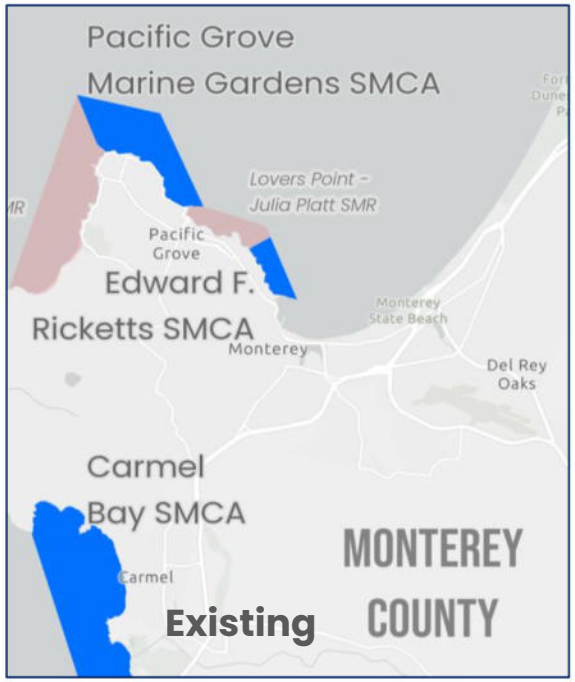
- Edward F. Ricketts SMCA
- Pacific Grove Marine Gardens SMCA
- Carmel Bay SMCA
- Point Lobos SMR

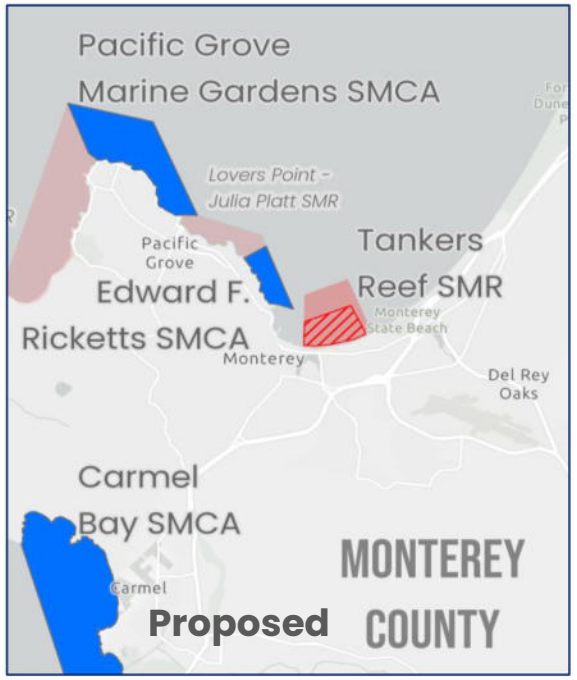


CDFW Recommendation:
DENY 2023-23MPA_3-5, 8-10, 13-15, and 17-19

2023-23MPA_20_AM1: Establish New SMR at Tanker's Reef.

Summary of Proposed Action: Establish New SMR at Tanker's Reef near Monterey (covering 193 acres, or 0.3 sq miles)





CDFW Recommendation:
DENY 2023-MPA_20_AM1

2023-23MPA_26: Allow commercial urchin harvest in MPAs for restoration.

Summary of Proposed Action:

Allow commercial urchin harvest in MPAs for kelp restoration.



CDFW Recommendation:
DENY 2023-23MPA_26

2023-23MPA: Proposed Actions 21, 22, and 24_AM1

Summary of Proposed Actions:

21. Create regulatory pathway to allow placing of artificial reef structures and sunken ship for recreational diving.

22. Allow the placement of seasonal mooring buoys in permitted restoration areas including MPAs.

24_AM1. Establish an approval process within CDFW's SCP program to grant permits of up to ten years for urchin removal and kelp restoration within MPAs.

CDFW Recommendation:
DENY 2023-23MPA_21

CDFW Recommendation:
DENY 2023-23MPA_22

CDFW Recommendation:
DENY 2023-23MPA_24_AM1

2023-23MPA: Proposed Actions 25 and 27

Summary of Proposed Actions:

25. Consider proposed kelp restoration sites as Giant Giant Kelp Restoration adopted reefs for continued kelp restoration.

27. 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.

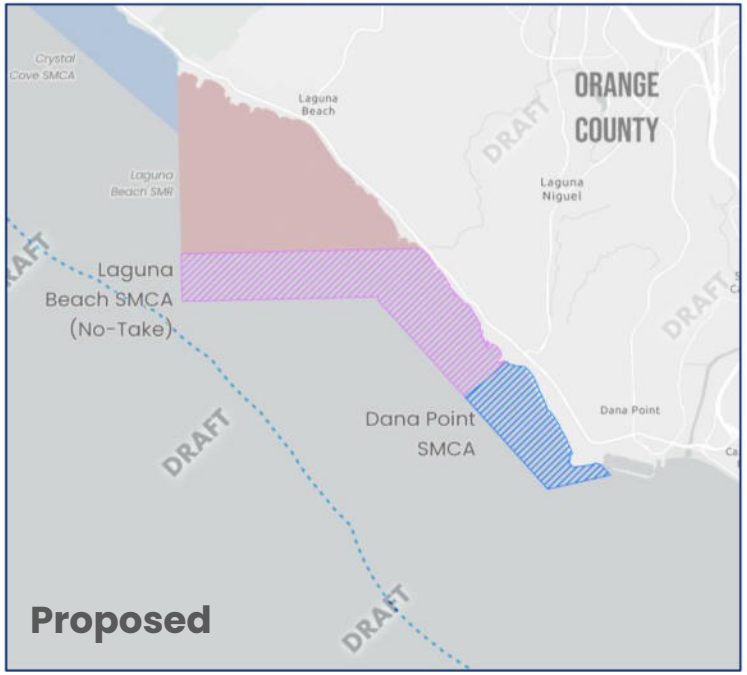
CDFW Recommendation:
DENY 2023-23MPA_25

CDFW Recommendation:
DENY 2023-23MPA_27

2023-24MPA_AM: Extend the Laguna Beach No-take SMCA southern boundary to the southern border of the City of Laguna Beach.

Summary of Proposed Action: 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).





CDFW Recommendation:
DENY 2023-24MPA_1_AM1

2023-27MPA_AM: Amend existing Anacapa Island SMCA or Special Closure to Protect Eelgrass While Allowing for Community Access.

Summary of Proposed Action:

Amend existing Anacapa Island SMCA or Special Closure, evaluating three options (solutions) and choose the one that best protects the eelgrass meadow while allowing for community access.



2023-27MPA_AM1_1: Select best of three options to amend existing Anacapa Island SMCA or Special Closure to protect the eelgrass meadows and allow community access.

3 Petitioner Proposed Options:

i. Change Anacapa Island SMCA regulations to disallow commercial California spiny lobster (*Panulirus interruptus*) fishing year-round.

ii. Change Anacapa Island SMCA regulations to disallow hard bottomed fishing gear (including anchoring if applicable) near eelgrass meadows.

iii. Change the border of the Anacapa Island Special Closure, prohibiting the deployment of lobster traps in waters from 0-30 meters (0-98.43 feet) deep instead of the existing 0-6.1 meters (0-20 feet) deep off Anacapa Island.



CDFW Recommendation: DENY all options 2023-27MPA_AM1_1

2023-32MPA: Reclassify Duxbury Reef SMCA to an SMR and Expand the Southern and Northern Boundaries

Summary of 3 Proposed Actions:

1. Reclassify Duxbury Reef SMCA to an SMR to prohibit take.
2. Expand Duxbury Reef MPA by extending the southern boundary to encompass the southern portion of the reef
3. Expand Duxbury Reef MPA by extending the northern boundary to Double Point/Stormy Stack Special Closure.



CDFW Recommendation:
DENY 2023-32MPA_1;
GRANT in Concept 2023-32_2, 3

2023-33MPA_AM: Expand Boundaries of Cabrillo, Natural Bridges, Point Conception, South Point, and Gull Islands SMRs, Point Dume SMCA, Add Take at Point Dume SMCA, and Add a New SMCA at Pleasure Point

7 Proposed Actions:

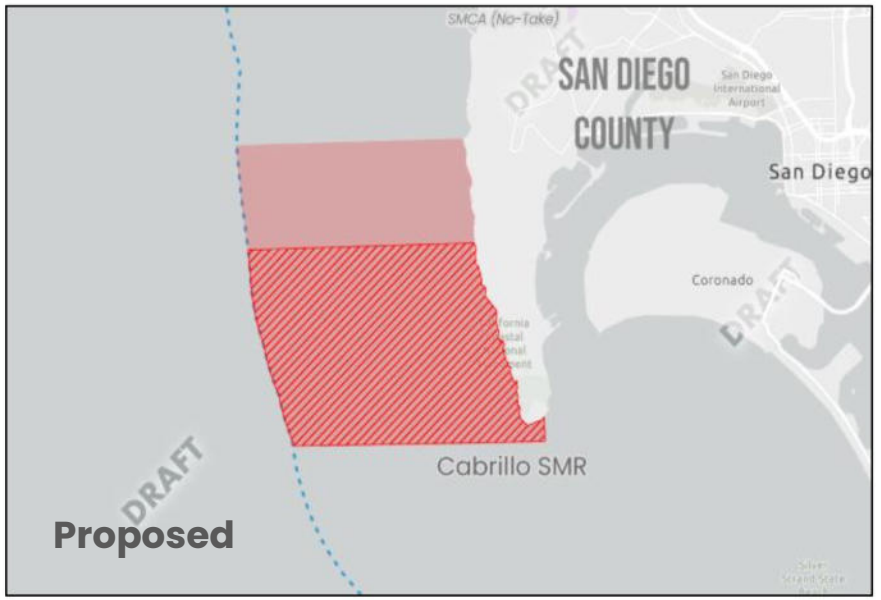
1. Expand Cabrillo SMR ~9.99 sq. miles
2. Expand Point Dume SMCA ~4.6 sq. Miles, Add Take
3. Expand South Point SMR by 26.3 sq. miles
4. Expand Gull Island SMR by 1.8 sq. miles
5. Expand Point Conception SMR by 14.6 sq. miles
6. Expand Natural Bridges SMR 14.5 sq. miles
7. Designate a New 3.2 sq. mile SMCA at Pleasure Point (Santa Cruz)



2023-33MPA_1_AM1: Expand Cabrillo SMR ~9.99 sq. miles

Summary of Proposed Action: Expand Cabrillo SMR westward (to 3 nautical mile state line) and northward (to New Hope Rock) by ~9.99 sq mi.

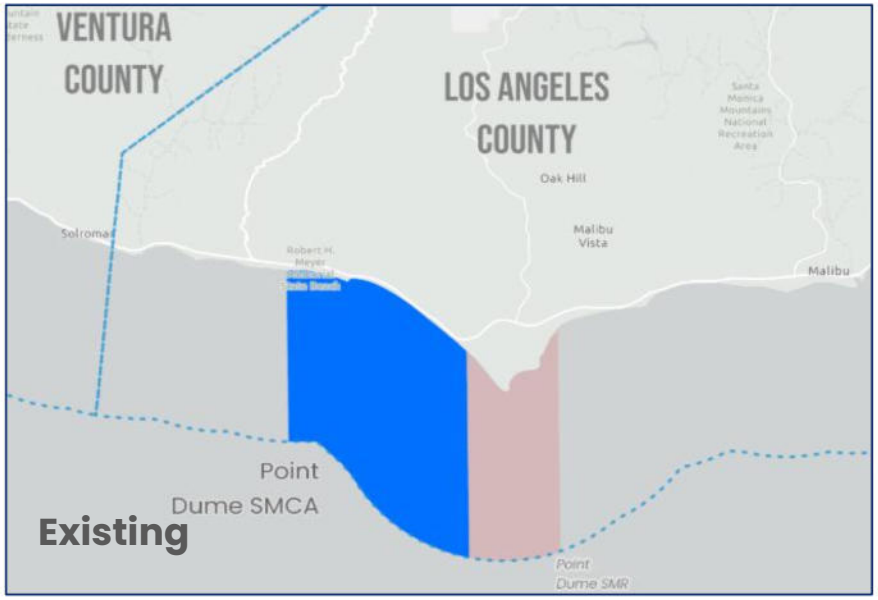


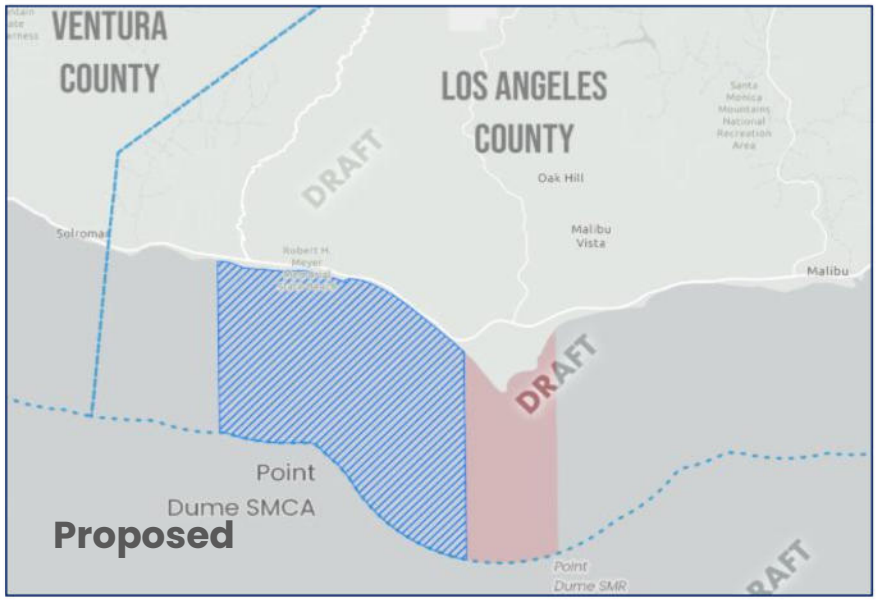


CDFW Recommendation:
DENY 2023-33MPA_1_AM1

2023-33MPA_2_AM1: Expand Point Dume SMCA ~4.6 sq. Miles, Add Recreational Take Allowance From Shore by Hook-and-Line and Spear

Summary of Proposed Action: Expand Point Dume SMCA westward by 4.6 sq mi and add allowance for recreational take from shore by hook-and-line and spearfishing.



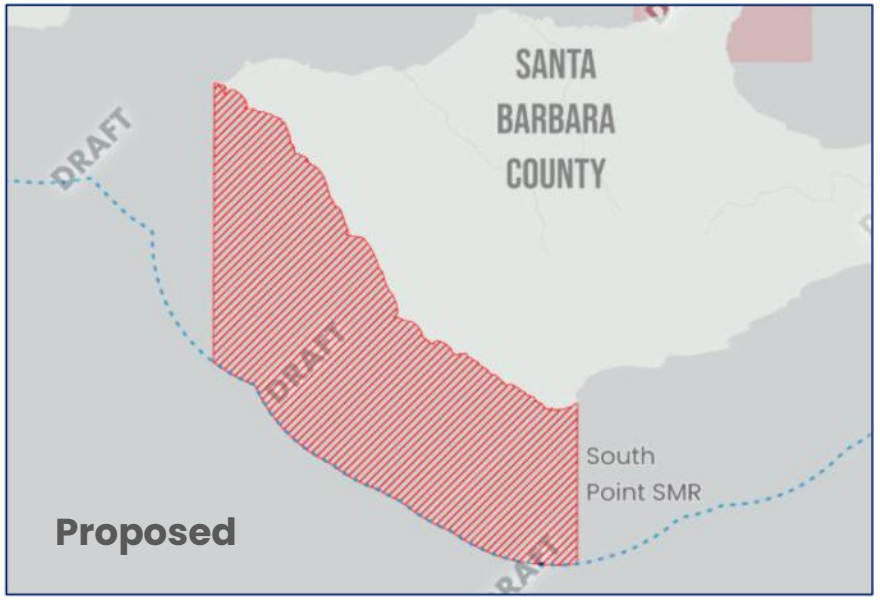


CDFW Recommendation:
DENY 2023-33MPA_2_AM1

2023-33MPA_3: Expand South Point SMR by 26.3 sq. miles

Summary of Proposed Action: Expand South Point SMR westward by 26.3 sq mi.



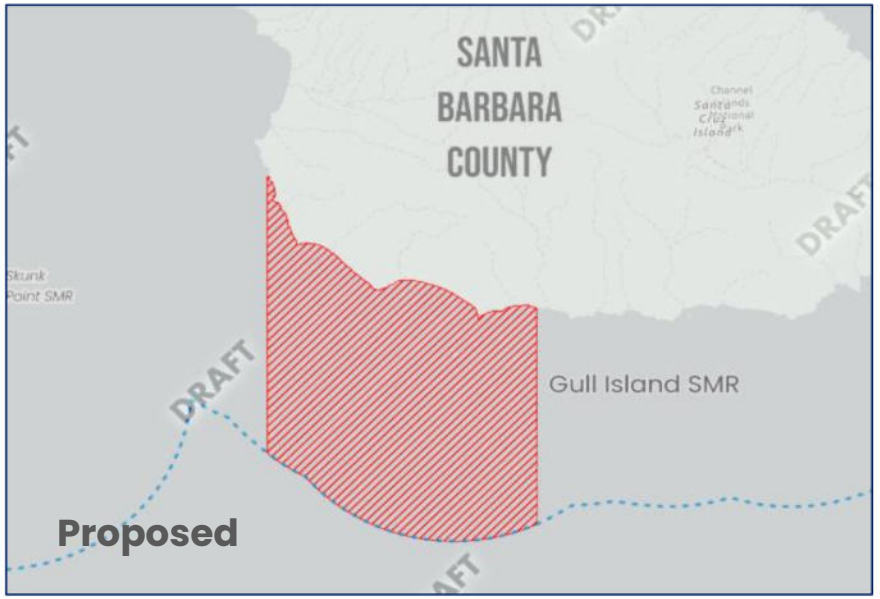


CDFW Recommendation:
DENY 2023-33MPA_3

2023-33MPA_4: Expand Gull Island SMR by 1.8 sq. miles

Summary of Proposed Action: Expand Gull Island SMR northward by 1.8 sq mi.

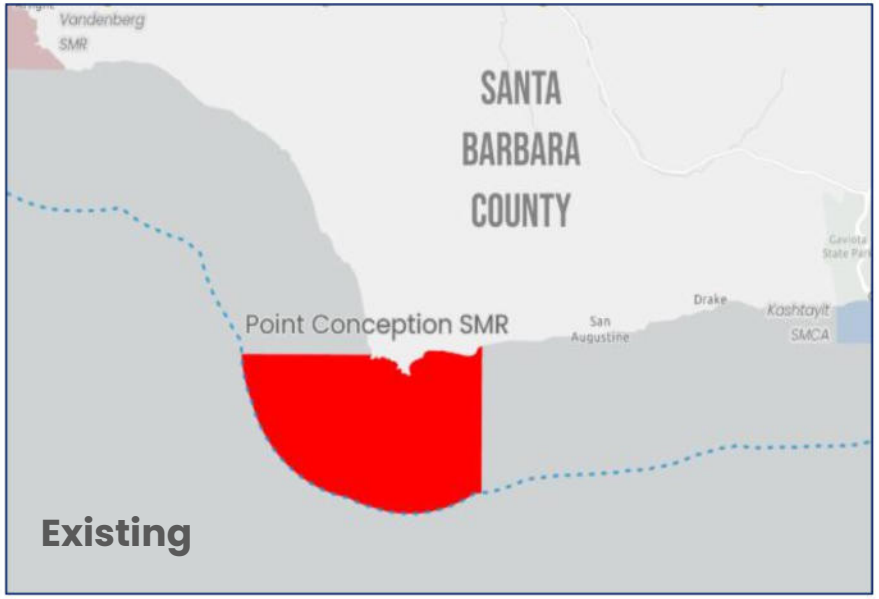


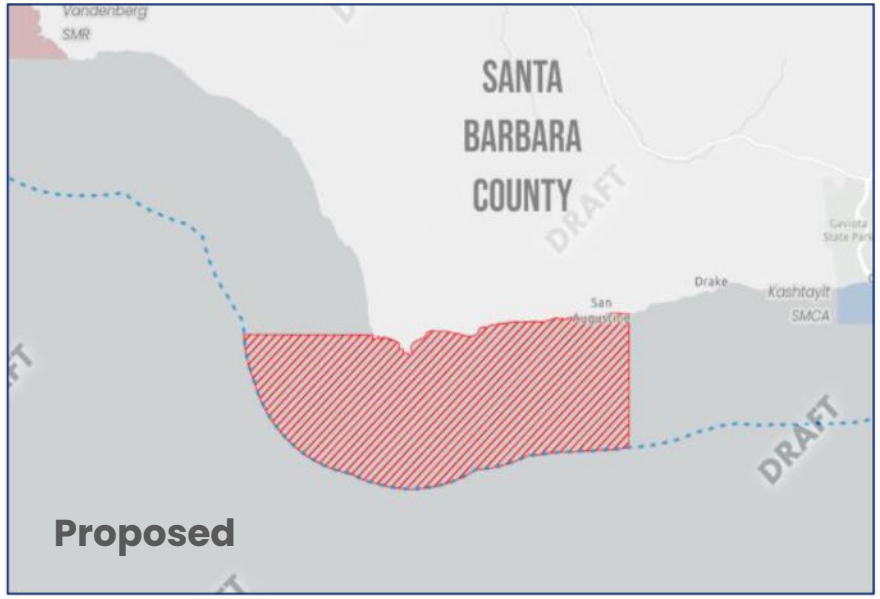


CDFW Recommendation:
DENY 2023-33MPA_4

2023-33MPA_5: Expand Point Conception SMR by 14.6 sq. miles

Summary of Proposed Action: Expand Point Conception SMR eastward by 14.6 sq mi.



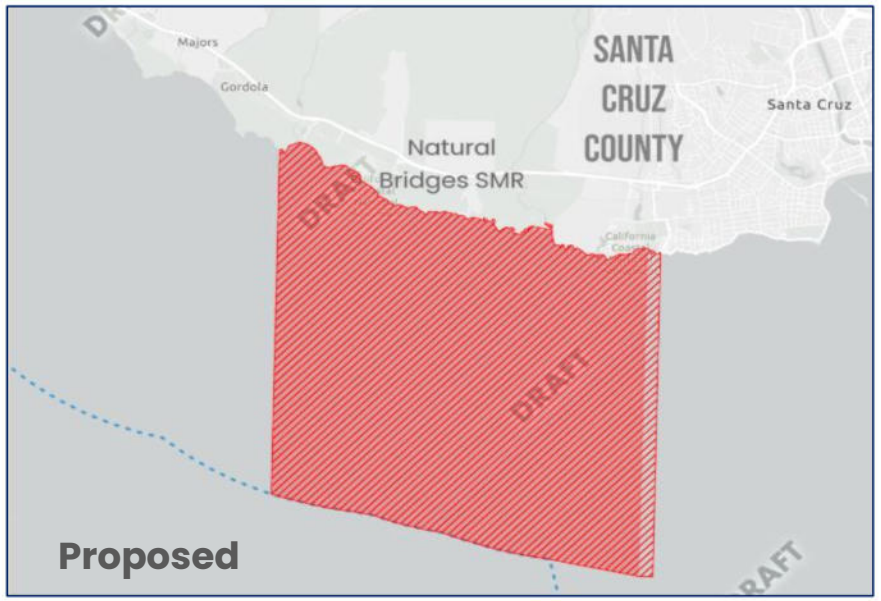


CDFW Recommendation:
DENY 2023-33MPA_5

2023-33MPA_6_AM1: Expand Natural Bridges SMR 14.5 sq. miles

Summary of Proposed Action: Expand Natural Bridges SMR southward and eastward to the edge of Natural Bridges State Beach by ~14.5 sq mi.



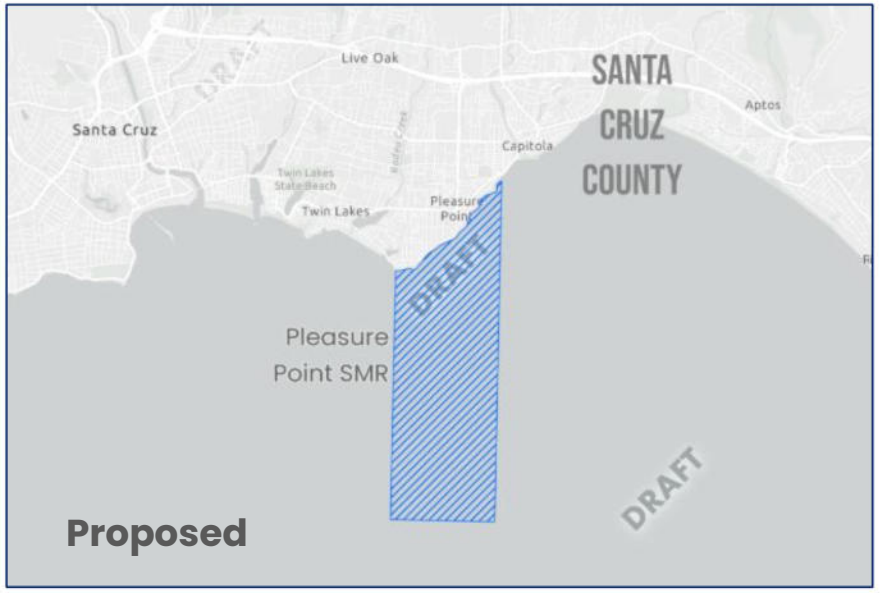


CDFW Recommendation:
DENY 2023-33MPA_6_AM1

2023-33MPA_7_AM1: Designate a new 3.2 sq mi SMCA at Pleasure Point (Santa Cruz)

Summary of Proposed Action: Designate 3.2 sq mi. as a new SMCA near Pleasure Point (Santa Cruz); allow recreational take from shore by hook-and-line and spearfishing only.





CDFW Recommendation:
DENY 2023-33MPA_7_AM1

2023-34MPA: Reclassify Point Buchon SMCA to an SMR and Limit Allowable Uses at Farnsworth Onshore and Offshore SMCAs to Recreational Spearfishing

3 Proposed Actions:

1. Reclassify Point Buchon SMCA to an SMR.
2. Limit Allowable Uses Farnsworth Onshore SMCA to Recreational Spearfishing.
3. Limit Allowable Uses Farnsworth Offshore SMCA to Recreational Spearfishing.



2023-34MPA_1: Reclassify Point Buchon SMCA to an SMR

Summary of Proposed Action: Reclassify Point Buchon SMCA to an SMR to prohibit take.





CDFW Recommendation:
DENY 2023-34MPA_1

2023-34MPA_2-3: Change Farnsworth Onshore and Offshore SMCAs regulations to allow only recreational spearfishing

Summary of Proposed Actions:

Change regulations to allow only recreational spearfishing within Farnsworth Onshore and Offshore SMCA boundaries.

Existing regulations:

Offshore SMCA: allows recreational take of pelagic finfish by *hook-and-line or spearfishing*; commercial take of coastal pelagic species by round-haul net, brail gear, and light boat; and swordfish by harpoon

Onshore SMCA: allows recreational take of pelagic finfish by *spearfishing only*

Both MPAs: allows recreational take of market squid by hand-held dip net; white seabass by spearfishing; and marlin, tuna and dorado by trolling



Existing and Proposed

CDFW Recommendation:
DENY 2023-34MPA_2-3

Next Steps

- Five Tribally-led petitions: Discussed at April 14 CFGC TC
- Upcoming Regional Petition Discussion Meetings:
  - **April 21**, **San Mateo** Elks Lodge, Del Norte through Monterey counties
  - **May 5-6**, **Goleta** Hilton Garden Inn, San Luis Obispo through Santa Barbara counties
  - **May 19**, **San Clemente** Holiday Inn Express, Los Angeles through San Diego counties, including Santa Catalina Island
- For more information about regional meetings: fgc.ca.gov/Meetings/2026

Recap: DMR Adaptive Management Recommendations

Near-Term (ongoing – 2 years)

- Rec 1: Improve state agencies tribal engagement
- Rec 4: Apply Review knowledge to Network/Management changes
- Rec 7: Expand outreach and education materials
- Rec 9: Continue OPC coordination
- Rec 10: Improve coordination across Management Program pillars
- Rec 11: Update Action Plan
- Rec 16: More targeted outreach to specific audiences
- Rec 17: Improve SCP process
- Rec 18: Use policy to review MPA restoration/mitigation efforts
- Rec 20: Increase enforcement capacity
- Rec 21: Enhance citation record keeping and management
- Rec 25: Implement MPA climate change research
- Rec 27: Improve understanding of MPA effects on fisheries

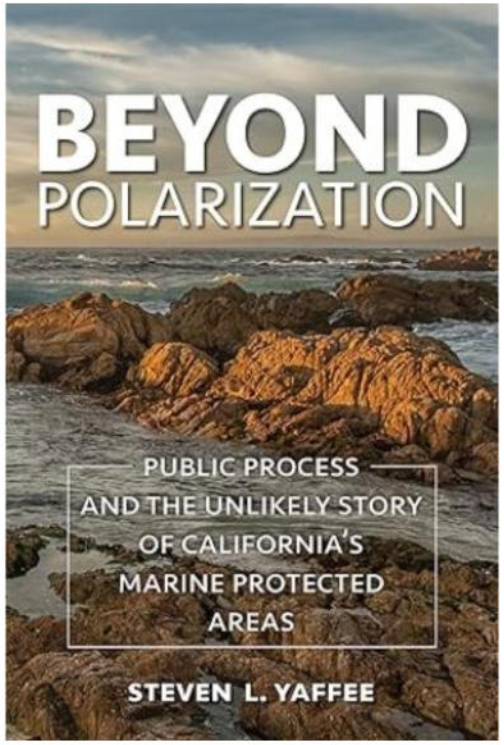
Mid-Term (2 – 5 years)

- Rec 2: Create pathway to tribal MPA management
- Rec 3: Build tribal capacity to participate in MPA management
- Rec 6: Include and fund more diverse researchers and stakeholders
- Rec 8: Evaluate MPA accessibility
- Rec 12: Improve understanding of human dimensions
- Rec 13: Explore innovative technologies
- Rec 14: Develop MPA community science strategy
- Rec 15: Evaluate Outreach needs and resource effectiveness
- Rec 22: Increase knowledge on MPA judicial outcomes
- Rec 23: Examine MPA Network design attribute more effectively
- Rec 26: Consider climate change in human dimensions monitoring
- Rec 28: Integrate influencing factors into MPA performance evaluations

Long-Term (5- 10 years)

- Rec 5: Establish targets to meet MLPA goals
- Rec 19: Create MPA Enforcement Plan
- Rec 24: Better incorporate marine cultural heritage into MPA Network

Power of Collaboration



"After almost 100 years on the planet, I now understand the most important place on Earth is not on land, but at sea"

Sir David Attenborough

Outlook

Agenda item 2 FGC April 15, MPA Bin 2 Petitions

From Jaime Diamond <info@stardustsportfishing.com>
Date Mon 03/30/2026 08:18 PM
To FGC <FGC@fgc.ca.gov>

Clarifying my attached letter is for agenda item 2 4/15/26

On Mon, Mar 30, 2026 at 8:14 PM Jaime Diamond <info@stardustsportfishing.com> wrote:

> Please confirm receipt of my attached comments.
>
> --
> Jaime Diamond

--
Jaime Diamond
Stardust/Coral Sea
Owner
805-259-6775
www.StardustSportfishing.com

March 28, 2026

To: California Fish and Game Commission

From: Stardust Sportfishing and Santa Barbara Landing

Subject: Bin 2 Petition Analysis

Dear Chair Sklar and Commissioners,

Stardust Sportfishing and Santa Barbara Landing offers sportfishing trips, whale watching, guided Channel Islands kayaking and SCUBA adventures, SCUBA instruction, kayak & jet ski rentals, fishing clinics, and a bait and tackle store located in the Santa Barbara Harbor. We are the main provider of ocean access (both consumptive and non-consumptive) to the public from Santa Barbara. Stardust Sportfishing is owned by husband and wife team Captain Jason and Jaime Diamond. We are board members of The Sportfishing Association of California, and Jaime serves as Regional Vice President of SAC.

The MPA network was developed after an extensive and traumatic process, Captain Jason was part of the regional stakeholder group for the Santa Barbara area. Recreational anglers and charter operators had to adapt to the loss of access to approximately fifty percent of our traditional fishing areas. Unfortunately, some were not able to and went out of business.

Today, we have adapted to the framework, trust has been built as recreational anglers and vessels from the CPFV sector including our vessels Stardust & Coral Sea, have been involved in the study of the MPA network. We believed what we were told, it would never happen again, that was it. Unfortunately, now, we find ourselves far down the path of MPA 2.0, despite a list of 27 adaptive management recommendations from the MPA Decadal Management Review, which would or could have offered meaningful change to improve and strengthen the network vs blanket expansions. The sportfishing industry did not submit petitions to remove any MPA's, because we respect the work that has been done, and the protections as they are.

We applaud the CDFW analyses of the non-tribal bin 2 2023 MPA petitions submitted in response to the Decadal Management Review recognizing the adaptive management component of the Marine Life Protection Act.

In 2023 the "draft evaluation framework (Draft Framework) was developed for the 15 Bin 2 Petitions that propose changes to the Marine Protected Area (MPA) Network that were received by the California Fish and Game Commission (CFGC) and referred to the California Department of Fish and Wildlife (CDFW) in 2023. CDFW developed the Draft Framework, with support from staff at the CFGC and Ocean Protection Council (OPC), based on the adaptive management process outlined in chapter 4 of the 2016 Master Plan for MPAs. The 2016 Master Plan directs CDFW and CFGC to use the Marine Life Protection Act (MLPA) goals and mandates, MPA objectives, and design considerations as the primary basis for any action taken to make

changes to the MPA Network. The Draft Framework also draws from the Decadal Management Review (DMR) and recommendations, and the MPA Regulation Change Petition Framework approved by CFGC at their August 2023 meeting, which is rooted in the DMR recommendation cornerstones of MPA Governance, MPA Management Program Activities, and MPA Network Performance." (Evaluation Framework for 2023 Marine Protected Area Bin 2 Petitions at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=232901&inline).

We support the Department's work product and recommendations and believe the Department has exhaustively researched and cited the components of the MLPAI process which illuminate the choices and considerations to guide their analyses and recommendations.

We offer our recommendations to the Commission for1 tribal petition and 5 non-tribal petitions that would have a detrimental impact on our own business and the broader sportfishing community a. We review the implications of the proposed actions with the greatest potential impact on our ability to provide public access to the state's rich and sustainably managed marine resources, our continued economic vitality, and the overall continued sustainable management of our fisheries.

Petition 2023-29MPA, and absent CDFW recommendations,

DENY based on the following:

Petitioners propose the establishment of a new State Marine Conservation Area off the coast of Carpinteria. This proposal is redundant, scientifically unsupported, reduces public access to all but the documented members of the Federally recognized Santa Ynez Band of Chumash. It creates an undue burden on a region already heavily impacted MPA fisheries closures.

Tribal Stewardship and Co-Management

We continue to support California's commitment to tribal sovereignty and co-management of native resources. However, we emphasize that tribal stewardship does not require the creation of new MPAs.

Tribal stewardship is currently a component of the MPA framework under the MLPA Master Plan. There are four MPA's allowing the Santa Ynez Band of Chumash exclusive fishing access at Anacapa SMCA, Naples Reef SMCA, Point Dume SMCA, and Kashtayit SMCA. Tribal exemptions allow traditional and ceremonial take. These examples demonstrate that the state can honor its commitment to tribal sovereignty and Traditional Ecological Knowledge (TEK) by modifying current regulations without closing additional area to public access for fishing. This was most recently done at the August 22, 2018, FGC meeting.

The Santa Ynez Band of Chumash previously submitted a petition for Tribal Take within several existing MPA's. In 2018, after a full analysis, the FGC approved their petition. (FGC Decision Document 08-22-2018) The new petition 2023-29MPA is exclusionary in nature. The area they propose is currently open and accessible to the public and all tribal members regardless of federal recognition. If implemented this new closure would exclude access for all others, including descendants of local Chumash who also have ancestral ties to these waters but are not registered members of the Santa Ynez Band. True collaborative co-management should be explored across California's entire MPA network to ensure equitable access for all tribal

members. We encourage you to prioritize collaborative management at these existing sites. Additional closures which eliminate access for non-federally recognized tribes and the public are not needed, nor appropriate.

Scientific Rationale for Denial

The scientific justifications provided in the petition are fundamentally flawed:
Connectivity: The petition argues for a new MPA to fill a gap in the network. However, official measurements show the spacing between existing MPAs at Campus Point and Point Dume is 60.60 miles, which falls within the state's recommended 31–62 mile spacing guideline, making a new designation unnecessary.

Species-Specific Protection: The petition focuses heavily on protecting juvenile white shark nurseries. The Fish and Game Commission established clear precedent in 2020 when it denied a nearly identical petition for this exact location, stating that MPAs are intended to protect entire ecosystems, not individual highly mobile species like sharks.

The petitioner proposes allowing shore-based finfish take, which reduces the area's Level of Protection to moderate-low. Under the MLPAI SAT guidance this LOP would not support MPA connectivity goal.

Disproportionate Regional Impact

The Santa Barbara Channel is already one of the most protected regions in California with 19 MPA's. Currently, 21% of Channel Islands National Marine Sanctuary waters in this area are protected, significantly exceeding the state average of 16%. Furthermore, 96.41% of the Channel Islands MPA network is designated as no-take, compared to a 60% average for the rest of the state. Closing Carpinteria would further marginalize local recreational fishermen who have already seen their traditional grounds significantly reduced.

Carpinteria Reef, the reef that would be almost entirely inside the proposed MPA, is one of relatively few reef areas close to harbor for fishing. Approving this petition will be the end of local fishing access to coastal reefs. It will totally exclude opportunity for those who cannot afford or safely travel across to the Channel Islands such as skiffs, kayak fishermen and freedivers. The reefs in the protected waters of the proposed MPA are where charter boats take first timers, trips with special needs children, and our wounded warriors due to close proximity to the harbor, generally protected area from weather, and the variety of fish habitat in this zone. There is also an overwhelming amount of public outcry on this petition due to a lack of meaningful local outreach. The Carpinteria reef area is vital to the local community, economy, local charter businesses, and tourism. Closing this area to fishing would ignore carefully negotiated outcome for this region during the MLPAI process. It would greatly reduce access for all non-Santa Ynez Band Chumash tribal people as well as create regulatory conflicts in the planned decommissioning of oil infrastructure in the area. We respectfully urge you to deny Petition 2023-29MPA---

Petition2023-27MPA-AM1 – new restrictions on anchoring within the existing Anacapa Island SMR/SMCA complex.

Deny (in concurrence with the CDFW recommendation and rationale)

There is little evidence that the current allowance of anchoring in these waters is having an enduring negative impact on seagrass beds in this area. Seagrass in the area is predominantly Zostera Marina, a resilient flowering plant that propagates predominantly through sub-benthic rhizomes lying buried beneath the seafloor in soft bottom substrates.

Its appearance and density above the bottom vary seasonally and season to season. Primary influences on its abundance are lighting (water clarity and depth), appropriate substrate, surge and current strength. The impact of anchoring, should it happen to be within an area colonized by Zostera, is minimal and temporary. Current levels of anchoring in the area are relatively low and sea grass beds disturbed quickly recover.

Members or our fleet do fish within this SMCA and appreciate the access to coastal pelagic species there. Anchoring is part of that activity, and this proposal leaves open the potential for an anchoring prohibition that would adversely impact that fishing opportunity for the public.

Petition 2023-33MPA –

This petition proposes the following MPA expansions and new MPAs

- **i. Cabrillo SMR - expand westward and northward by 15.2 sq mi ~9.9 sq mi**
- **ii. Point Dume SMCA - expand westward by 4.6 sq mi**
- **iii. South Point SMR - expand westward by 26.3 sq mi**
- **iv. Gull Island SMR - expand northward by 1.8 sq mi**
- **v. Point Conception SMR - expand eastward by 14.6 sq mi**
- **vi. Natural Bridges SMR - expand southward by 13.7 sq mi, eastward to the edge of Natural Bridges State Beach by ~14.5 sq mi**
- **vii. Pleasure Point, Santa Cruz - designate 3.2 sq mi as a new State Marine Reserve Conservation Area**

Deny (in concurrence with the CDFW recommendation and rationale)

This petition is a bold “land grab” which proposes to turn vast areas of prime, valued rocky reef habitat, especially in waters of less than 100 meters, into marine parks that ban fishing. This habitat type is already over-represented within our MPA network as compared to its natural occurrence in state waters. These proposed actions are completely out of line with the guidance provided for adaptive management measures to be considered by the Commission, which offered that this would not be MLPA-2.

To date our award winning MPA network has shown that a larger biomass-per-area of the species that fisheries target has developed within our MPAs. This state-wide result is driven by differences observed in the southern regions.

What has not been observed within the scientific monitoring effort was a difference in fish diversity, or ecosystem resistance to change (due to the recent marine heat wave). While these kinds of benefits have been observed globally that they were not here indicate two things.

The first is if there are differences in ecosystem resilience or species diversity between waters inside and outside of MPAs in California, the scale of the difference is likely to be small.

The second is quite revealing and illuminates that the existing robust fisheries management and environmental protections are already protecting biodiversity and ecosystem resilience at a very high level statewide. What's missing is only robust protection from future industrialization. However, this is something that is provided for within the National Marine Sanctuary waters.

The petitioners proposed actions would exclude fishing from vast areas of rocky bottom habitat in waters less than 100 meters. It is precisely this habitat type that our captains most depend on to provide successful fishing for our customers.

While the proposed actions are state-wide in nature, they disproportionately cost public access from Santa Barbara and Santa Cruz harbors. In areas closed to fishing the lost fishing access has so far not been compensated for by additional public participation based on an area being closed to fishing. Fishing participation transcends physical ability, socioeconomic strata, educational levels, cultural backgrounds, creeds and colors in ways SCUBA diving and underwater photography participation commonly does not.

Petition 2023-23MPA

This petition proposes to reclassify Duxbury Reef SMCA to an SMR and Expand the Southern and Northern Boundaries

Deny all proposed new restrictions to take and seaward boundary expansions in concurrence with the CDFW recommendations

The CDFW notes the following: "The petitioner asserts that current regulations cause confusion and that there has been an increase in non-compliance relative to other Marin County MPAs. These claims are unsubstantiated by CDFW enforcement data. The proposed change would not result in additional regulatory protection for the rocky intertidal habitat that the current MPA was designed to protect, and it would unnecessarily eliminate established uses previously vetted during the Marine Life Protection Act (MLPA) Initiative planning process."

Member vessel owners and operators with the Golden Gate Fisherman's Association (GGFA a SAC affiliate member) note "Our member vessels provide access to California's public fisheries for thousands of residents and visitors each year, many of whom would otherwise have no opportunity to fish due to economic, physical, or geographic limitations. Any expansion of the Duxbury Reef MPA would further restrict access to these public trust resources and disproportionately impact underprivileged and local community members who rely on affordable and equitable access to the ocean...Further closures in areas like Duxbury Reef remove historically important fishing grounds without sufficient consideration of social, economic, and access-related impacts."

GGFA members provided this broader comment on proposals that expand the area that the public is excluded from fishing. "We are concerned that continued MPA expansion without demonstrable conservation necessity shifts the burden of protection onto working families, small businesses, and underserved communities, while failing to acknowledge the conservation success already achieved through existing regulations. Limiting access does not equate to equity, nor does it automatically result in improved resource outcomes."

The SAC as a whole concurs with these SAC members' perspective.

The GGFA respects the CDFW's support for extending the intertidal invertebrate protections within this proposal "Grant in concept." This would allow the public's continued access to fish from shore. Most of our clients participate in surf fishing as well. Many if not most were first introduced to the rewards and the personal gratification that comes from harvesting one's own foods from the wild by it.

Petition 2023-24 proposal to expand the spatial extent of the prohibition of public access for fishing off the City of Laguna Beach.

Deny (in concurrence with the CDFW recommendation and rationale)

The Department found that the proposal does not "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." They found that the proposed action would not further the proposer's stated objectives within their petition – ease of enforcement, kelp protection, whale entanglement risk.

We concur. We also note that the proposer's purpose appeared contrary to providing equitable access to a public trust resource for underserved communities (fishing within the state's submerged lands).

Rather, the intent appears to be an effort to further the relative exclusion of the public from the shorelines and coastal waters offshore of the economically exclusive community of Laguna Beach.

Our fleet out of Dana Point Harbor regularly takes the public to fish in the waters proposed for closure, a 1.3-mile stretch of some of the most scenic coastline in the state. The loss of access to fish these waters would halve the beautiful near-coastal fishing area north of Dana Point Harbor, where rocky headlands and deep secluded coves predominate.

A roughly 2.5-mile stretch immediately up-coast of the Dana Point Harbor, it is precisely these coves and headlands where the charter fleet out of Dana Wharf Sportfishing and Whale Watching takes organized groups of underserved youth, disabled veterans and others that are on limited time schedules or mobility challenged to experience recreational fishing in beautiful and inspiring surroundings.

Petition 2023-34MPA

Reclassify Point Buchon SMCA to an SMR and Limit Allowable Uses at Farnsworth Onshore and Offshore SMCAs to Recreational Spearfishing

Deny (in concurrence with the CDFW recommendation and rationale)

Within their analysis the Department notes the extensive deliberations by the various stakeholders during the 2-year Southern Region MLPAI Regional Stakeholder Group process. The take allowances at the Farnsworth MPA cluster were carefully considered and vetted, resulting in the current configuration and take allowances.

These take allowances provide important public access to mobile species which largely do not benefit from spatially based protections. At the same time the cluster provides spatially based protections for demersal, sessile and resident species including Stylaster hydrocoral, at scale.

The Farnsworth Bank is very important to our Santa Monica Bay, Los Angeles, Long Beach, Newport Bay and Dana Point Harbor based party boats' access to target squid, bonito, yellowtail, white sea bass and other species. The regionally famous "Farnsworth mossback yellows" are fish of legend – difficult to land once hooked but a true prize and badge of honor if successful.

The Department's analysis of these proposed actions (2023-34MPA_2 & 2023-34_3) provide "...further reductions to the fishing grounds and restricting take to spearfishing only would impose socioeconomic costs without clear ecological benefit. From an MPA Network design perspective, the Farnsworth SMCAs fulfill their intended role as partial-take MPAs with a High LOP..."

The Farnsworth is a site where avid anglers desire to fish big-game -- where the challenge is elevated but so is the potential reward.

In conclusion, we applaud the efforts of the scientists, regulators and staff from CDFW and the CFGC for their extraordinary effort to review and communicate with the community on this important topic. We strongly feel working together we can continue to strengthen the network through research, monitoring and targeting water quality issues.

Sincerely,

Jaime Diamond

Jaime Diamond

Stardust Sportfishing, Owner

Santa Barbara Landing, CEO/GM

Jason Diamond

Captain Jason Diamond

Stardust Sportfishing, Owner/Operator

Santa Barbara Landing, Partner

Outlook

SAC Letter to FGC Ref Agenda Item 2, April 15, 2026

From K Fran [redacted]
Date Mon 03/30/2026 05:49 PM
To FGC <FGC@fgc.ca.gov>

Hi Melissa,

I hope all is well. I am sure you are all working very hard.

Please find attached a letter from SAC to the FGC for the next meeting. I plan to be there in person.

Best wishes,

Ken

Ken Franke

President

Sportfishing Association of California

5060 N. Harbor Drive, Suite 165 | San Diego, CA, 92106
(619) 760-4031 | www.californiasportfishing.org

SAC SPORTFISHING ASSOCIATION OF CALIFORNIA

5060 N. Harbor Drive, Suite 165
San Diego, CA 92106
(619) 760-4031

March 28, 2026

To: California Fish and Game Commission (CFGC)
From: Sportfishing Association of California
Subject: Bin 2 Non-Tribal Petition analysis by the CDFW

The Sportfishing Association of California (SAC) is an organization whose membership includes commercial passenger fishing vessels (CPFV) based throughout the coastal ports of California. We provide public access to over one million visitors annually for fishing, whale watching and ocean charters.

The MPA network was developed after an extensive and often extremely stressful process. Recreational anglers and related vessel service providers had to adapt to the loss of access to approximately fifty percent of their traditional fishing areas.

That was then. Now everyone has adapted to the framework after what was a painful time. It is proving to be resilient. Trust has been built as recreational anglers and vessels from the CPFV sector have been involved in the study of the MPA network.

SAC appreciates and complements the analyses of the non-tribal bin 2 2023 MPA petitions submitted in response to the Decadal Management Review recognizing the adaptive management component of the Marine Life Protection Act.

In 2023 the "draft evaluation framework (Draft Framework) was developed for the 15 Bin 2 Petitions that propose changes to the Marine Protected Area (MPA) Network that were received by the California Fish and Game Commission (CFGC) and referred to the California Department of Fish and Wildlife (CDFW) in 2023. CDFW developed the Draft Framework, with support from staff at the CFGC and Ocean Protection Council (OPC), based on the adaptive management process outlined in chapter 4 of the 2016 Master Plan for MPAs. The 2016 Master Plan directs CDFW and CFGC to use the Marine Life Protection Act (MLPA) goals and mandates, MPA objectives, and design considerations as the primary basis for any action taken to make changes to the MPA Network. The Draft Framework also draws from the Decadal Management Review (DMR) and recommendations, and the MPA Regulation Change Petition Framework approved by CFGC at their August 2023 meeting, which is rooted in the DMR recommendation cornerstones of MPA Governance, MPA Management Program Activities, and MPA Network Performance." (Evaluation Framework for 2023 Marine Protected Area Bin 2 Petitions at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=232901&inline).

Within this framework there were 18 approved target questions, 3 of which contained follow-on components which brought the total to 21. The CDFW has diligently provided a question-by-question analysis for each proposed action within each of the 10 non-tribal bin 2 proposals. A simplified 3-column table provides a brief summary of the results of these analyses along with a concise recommendation for each action.

We appreciate and complement the Department on their having held these 21 goalposts firm in their analyses, supporting these primary objectives.

- The proposed change is consistent with the goals of the MPA, as identified in the MLPA Initiative planning process, and may help further advance these goals.
- The proposed change improves the overall design of the MPA.
- The proposed change aligns with the original intent of the MPA.
- The proposed change advances management of the MPA Network.

We support the Department's work product and recommendations. We find that the Department has exhaustively researched and cited the components of the MLPAI process which illuminate the choices and considerations within that process and used that information to guide their analyses and recommendations.

Below we provide our recommendations to the Commission for those non-tribal petitions that would have important impacts to our fleet. We consider the implications of the proposed actions that have the greatest potential to impact our ability to provide public access to the state's rich and sustainably managed marine resources, our continued economic vitality and the overall continued sustainable management of our fisheries.

Petition 2023-23MPA

This petition proposes to reclassify Duxbury Reef SMCA to an SMR and Expand the Southern and Northern Boundaries

Deny all proposed new restrictions to take and seaward boundary expansions in concurrence with the CDFW recommendations

The CDFW notes the following: "The petitioner asserts that current regulations cause confusion and that there has been an increase in non-compliance relative to other Marin County MPAs. These claims are unsubstantiated by CDFW enforcement data. The proposed change would not result in additional regulatory protection for the rocky intertidal habitat that the current MPA was designed to protect, and it would unnecessarily eliminate established uses previously vetted during the Marine Life Protection Act (MLPA) Initiative planning process."

Member vessel owners and operators with the Golden Gate Fisherman's Association (GGFA a SAC affiliate member) note "Our member vessels provide access to California's public fisheries for thousands of residents and visitors each year, many of whom would otherwise have no opportunity to fish due to economic, physical, or geographic limitations. Any expansion of the Duxbury Reef MPA would further restrict access to these public trust resources and disproportionately impact underprivileged and local community members who rely on affordable and equitable access to the ocean...Further closures in areas like Duxbury Reef remove historically important fishing grounds without sufficient consideration of social, economic, and access-related impacts."

GGFA members provided this broader comment on proposals that expand the area that the public is excluded from fishing. "We are concerned that continued MPA expansion without demonstrable conservation necessity shifts the burden of protection onto working families, small businesses, and underserved communities, while failing to acknowledge the conservation

success already achieved through existing regulations. Limiting access does not equate to equity, nor does it automatically result in improved resource outcomes."

The SAC as a whole concurs with these SAC members' perspective.

The GGFA respects the CDFW's support for extending the intertidal invertebrate protections within this proposal "Grant in concept." This would allow the public's continued access to fish from shore. Most of our clients participate in surf fishing as well. Many if not most were first introduced to the rewards and the personal gratification that comes from harvesting one's own foods from the wild by it.

Petition 2023-24 proposal to expand the spatial extent of the prohibition of public access for fishing off the City of Laguna Beach.

Deny (in concurrence with the CDFW recommendation and rationale)

The Department found that the proposal does not "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." They found that the proposed action would not further the proposer's stated objectives within their petition – ease of enforcement, kelp protection, whale entanglement risk.

We concur. We also note that the proposer's purpose appeared contrary to providing equitable access to a public trust resource for underserved communities (fishing within the state's submerged lands).

Rather, the intent appears to be an effort to further the relative exclusion of the public from the shorelines and coastal waters offshore of the economically exclusive community of Laguna Beach.

Our fleet out of Dana Point Harbor regularly takes the public to fish in the waters proposed for closure, a 1.3-mile stretch of some of the most scenic coastline in the state. The loss of access to fish these waters would halve the beautiful near-coastal fishing area north of Dana Point Harbor, where rocky headlands and deep secluded coves predominate.

A roughly 2.5-mile stretch immediately up-coast of the Dana Point Harbor, it is precisely these coves and headlands where the charter fleet out of Dana Wharf Sportfishing and Whale Watching takes organized groups of underserved youth, disabled veterans and others that are on limited time schedules or mobility challenged to experience recreational fishing in beautiful and inspiring surroundings.

Petition2023-27MPA-AM1 – new restrictions on anchoring within the existing Anacapa Island SMR/SMCA complex.

Deny (in concurrence with the CDFW recommendation and rationale)

There is little evidence that the current allowance of anchoring in these waters is having an enduring negative impact on seagrass beds in this area. Seagrass in the area is predominantly Zostera Marina, a resilient flowering plant that propagates predominantly through sub-benthic rhyzomes lying buried beneath the seafloor in soft bottom substrates.

Its appearance and density above the bottom varies seasonally and season to season. Primary influences on its abundance are lighting (water clarity and depth), appropriate substrate,

surge and current strength. The impact of anchoring, should it happen to be within an area colonized by Zostera, is minimal and temporary. Current levels of anchoring in the area are relatively low and sea grass beds disturbed quickly recover.

Members or our fleet do fish within this SMCA and appreciate the access to coastal pelagic species there. Anchoring is part of that activity and this proposal leaves open the potential for an anchoring prohibition that would adversely impact that fishing opportunity for the public.

Petition 2023-33MPA

This petition proposes the following MPA expansions and new MPAs

i. Cabrillo SMR - expand westward and northward by 15.2 sq mi ~9.9 sq mi

ii. Point Dume SMCA - expand westward by 4.6 sq mi

iii. South Point SMR - expand westward by 26.3 sq mi

iv. Gull Island SMR - expand northward by 1.8 sq mi

v. Point Conception SMR - expand eastward by 14.6 sq mi

vi. Natural Bridges SMR - expand southward by 13.7 sq mi, eastward to the edge of Natural Bridges State Beach by ~14.5 sq mi

vii. Pleasure Point, Santa Cruz - designate 3.2 sq mi as a new State Marine Reserve Conservation Area

Deny (in concurrence with the CDFW recommendation and rationale)

This petition is a bold "land grab" which proposes to turn vast areas of prime, valued rocky reef habitat, especially in waters of less than 100 meters, into marine parks that ban fishing. This habitat type is already over-represented within our MPA network as compared to its natural occurrence in state waters. These proposed actions are completely out of line with the guidance provided for adaptive management measures to be considered by the Commission, which offered that this would not be MLPA-2.

To date our award winning MPA network has shown that a larger biomass-per-area of the species that fisheries target has developed within our MPAs. This state-wide result is driven by differences observed in the southern regions.

What has not been observed within the scientific monitoring effort was a difference in fish diversity, or ecosystem resistance to change (due to the recent marine heat wave). While these kinds of benefits have been observed globally that they were not here indicates two things.

The first is if there are differences in ecosystem resilience or species diversity between waters inside and outside of MPAs in California, the scale of the difference is likely to be small.

The second is quite revealing and illuminates that the existing robust fisheries management and environmental protections are already protecting biodiversity and ecosystem resilience at a very high level statewide. What's missing is only robust protections from future industrialization. However, this is something that is provided for within the National Marine Sanctuary waters.

The petitioners proposed actions would exclude fishing from vast areas of rocky bottom habitat in waters less than 100 meters. It is precisely this habitat type that our captains most depend on to provide successful fishing for our customers.

While the proposed actions are state-wide in nature, they disproportionately cost public access from Santa Barbara and Santa Cruz harbors. In areas closed to fishing the lost fishing access has so far not been compensated for by additional public participation based on an area being closed to fishing. Fishing participation transcends physical ability, socioeconomic strata, educational levels, cultural backgrounds, creeds and colors in ways SCUBA diving and underwater photography participation commonly does not.

Petition 2023-34MPA

Reclassify Point Buchon SMCA to an SMR and Limit Allowable Uses at Farnsworth Onshore and Offshore SMCAs to Recreational Spearfishing

Deny (in concurrence with the CDFW recommendation and rationale)

Within their analysis the Department notes the extensive deliberations by the various stakeholders during the 2-year Southern Region MLPAI Regional Stakeholder Group process. The take allowances at the Farnsworth MPA cluster were carefully considered and vetted, resulting in the current configuration and take allowances.

These take allowances provide important public access to mobile species which largely do not benefit from spatially based protections. At the same time the cluster provides spatially based protections for demersal, sessile and resident species including Stylaster hydrocoral, at scale.

The Farnsworth Bank is very important to our Santa Monica Bay, Los Angeles, Long Beach, Newport Bay and Dana Point Harbor based partyboats' access to target squid, bonito, yellowtail, white sea bass and other species. The regionally famous "Farnsworth mossback yellows" are fish of legend – difficult to land once hooked but a true prize and badge of honor if successful.

The Department's analysis of these proposed actions (2023-34MPA_2 & 2023-34_3) provide "...further reductions to the fishing grounds and restricting take to spearfishing only would impose socioeconomic costs without clear ecological benefit. From an MPA Network design perspective, the Farnsworth SMCAs fulfill their intended role as partial-take MPAs with a High LOP..."

The Farnsworth is a site where avid anglers desire to fish big-game -- where the challenge is elevated but so is the potential reward.

Petition 2023-29MPA, and absent CDFW recommendations,

DENY (based on the following)

Petitioners propose the establishment of a new State Marine Conservation Area off the coast of Carpinteria. This proposal is redundant, scientifically unsupported, reduces public access to all but the documented members of the Federally recognized Santa Ynez Band of Chumash. It creates an undue burden on a region already heavily impacted MPA fisheries closures.

Tribal Stewardship and Co-Management

We continue to support California's commitment to tribal sovereignty and co-management of native resources. However, we emphasize that tribal stewardship does not require the creation of new MPAs.
Tribal stewardship is currently a component of the MPA framework under the MLPA Master Plan. There are four MPA's allowing the Santa Ynez Band of Chumash exclusive fishing access at Anacapa SMCA, Naples Reef SMCA, Point Dume SMCA, and Kashtayit SMCA. Tribal exemptions allow traditional and ceremonial take. These examples demonstrate that the state can honor its commitment to tribal sovereignty and Traditional Ecological Knowledge (TEK) by modifying current regulations without closing additional area to public access for fishing. This was most recently done at the August 22, 2018 FGC meeting.

The Santa Ynez Band of Chumash previously submitted a petition for Tribal Take within several existing MPA's. In 2018, after a full analysis, the FGC approved their petition. (FGC Decision Document 08-22-2018) The new petition 2023-29MPA is exclusionary in nature. The area they propose is currently open and accessible to the public and all tribal members regardless of federal recognition. If implemented this new closure would exclude access for all others, including descendants of local Chumash who also have ancestral ties to these waters but are not registered members of the Santa Ynez Band. True collaborative co-management should be explored across California's entire MPA network to ensure equitable access for all tribal members. We encourage you to prioritize collaborative management at these existing sites. Additional closures which eliminate access for non-federally recognized tribes and the public are not needed, nor appropriate.

Scientific Rationale for Denial

The scientific justifications provided in the petition are fundamentally flawed:
Connectivity: The petition argues for a new MPA to fill a gap in the network. However, official measurements show the spacing between existing MPAs at Campus Point and Point Dume is 60.60 miles, which falls within the state's recommended 31–62 mile spacing guideline, making a new designation unnecessary.

Species-Specific Protection: The petition focuses heavily on protecting juvenile white shark nurseries. The Fish and Game Commission established clear precedent in 2020 when it denied a nearly identical petition for this exact location, stating that MPAs are intended to protect entire ecosystems, not individual, highly mobile species like sharks.

The petitioner proposes allowing shore-based finfish take, which reduces the area's Level of Protection to moderate-low. Under the MLPAI SAT guidance this LOP would not support MPA connectivity goal.

Disproportionate Regional Impact

The Santa Barbara Channel is already one of the most protected regions in California With 19 MPA's. Currently, 21% of Channel Islands National Marine Sanctuary waters in this area are protected, significantly exceeding the state average of 16%. Furthermore, 96.41% of the Channel Islands MPA network is designated as no-take, compared to a 60% average for the

rest of the state. Closing Carpinteria would further marginalize local recreational fishermen who have already seen their traditional grounds significantly reduced.

Carpinteria Reef, the reef that would be almost entirely inside the proposed MPA, is one of relatively few reef areas close to harbor for fishing. Approving this petition will be the end of local fishing access to coastal reefs. It will totally exclude opportunity for those who cannot afford or safely travel across to the Channel Islands such as skiffs, kayak fishermen and freedivers. The reefs in the protected waters of the proposed MPA are where charter boats take first timers, trips with special needs children, and our wounded warriors due to close proximity to the harbor, generally protected area from weather, and the variety of fish habitat in this zone. There is also an overwhelming amount of public outcry on this petition due to a lack of meaningful local outreach. The Carpinteria reef area is vital to the local community, economy, local charter businesses, and tourism. Closing this area to fishing would ignore carefully negotiated outcome for this region during the MLPAI process. It would greatly reduce access for all non-Santa Ynez Band Chumash tribal people as well as create regulatory conflicts in the planned decommissioning of oil infrastructure in the area. We respectfully urge you to deny Petition 2023-29MPA---

In conclusion, we applaud the efforts of the scientists, regulators and staff from CDFW and the CFGC for their extraordinary effort to review and communicate with the community on this important topic. We strongly feel working together we can continue to strengthen the network through research, monitoring and targeting water quality issues.

Sincerely,



Ken Franke
President

April 2, 2026

Submitted electronically to fgc@fgc.ca.gov.

California Fish & Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: *04/15/26 Fish and Game Commission Meeting Agenda Item 2: Bin 2 MPA Petitions*

Dear President Sklar and Honorable Commissioners and Staff,

The American Sportfishing Association (ASA) is a national member-trade organization of the recreational angling sector *representing over 80 California member businesses and organizations* including mom-and-pop bait and tackle stores, recreational charter fleets and captains, conservation nonprofits, fishing guides, media houses, major national retail stores, international brands, local marinas and landings, and many others. In California, the recreational angling sector contributes upward of $7.9 billion annually to the state's overall economy, *generates a total of $672 million in state and local taxes*, and supports over 43,000 jobs.

Together, we are writing to express our strong support for the California Department of Fish and Wildlife's (CDFW) recommendations to deny the ten non-tribal bin 2 Marine Protected Area (MPA) petitions. We appreciate the Department's thoughtful, science-based, policy-grounded, and comprehensive analysis and encourage the Commission to adopt these recommendations.

Our community's economic impact, its role in advancing social equity and outdoor access to California's ocean and lakes, and the cultural and familial heritage of recreational fishing are deeply woven into the fabric of the state's natural resource policy decision-making. In addition to the strong conservation ethic demonstrated by individual anglers and our multi-billion-dollar contribution to the state's economy, the recreational fishing sector also directly supports the budgets of the California Natural Resources Agency (CNRA) and the California Department of Fish and Wildlife (CDFW). This occurs through state fishing license fees – approximately $80 million annually – as well as a self-imposed federal excise tax on fishing equipment and tackle, which is distributed through the Federal Sport Fish Restoration Act (SFRA) and contributes

roughly $20 million annually to California. *We respectfully ask that the Commission consider these contributions and this broader context as it evaluates our comments.*

ASA believes CDFW's review appropriately applied the guidance provided by the Master Plan for MPAs, considered the historical context of the MLPA process, and relied on the best available science and policy. As outlined by the Department, the non-tribal Bin 2 petitions do not present new or compelling scientific information and are frequently inconsistent with the goals and design of the existing MPA network. Perhaps most importantly, CDFW evaluated that the non-tribal bin 2 petitions fail to demonstrate the proposed changes would improve conservation or biodiversity outcomes. Because the existing network was developed through an extensive, science-based, and stakeholder-driven process - we agree with the Department that any proposed modifications should meet a similarly high standard.

While mindful of the limitations of MPAs when applied as a fisheries management tool, ASA's California members recognize the important role MPAs play within a comprehensive and durable conservation strategy. We support the continued implementation and stewardship of MPAs as part of a broader, science-based framework that prioritizes long-term ecosystem health. *At the same time, the best available science indicates that the primary drivers of biodiversity loss are factors such as habitat degradation, water quality, climate change, and other ecosystem stressors. Responsibly managed recreational fisheries contribute to healthy biodiversity and should be considered within this broader context.*

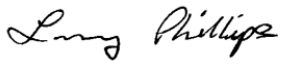
To that end, we emphasize the importance of California's and the United States' existing, world-class, fisheries management frameworks under the Magnuson-Stevens Act through the Pacific Fishery Management Council and under the Marine Life Management Act through CDFW. These processes provide transparent, inclusive, and science-based platforms for fisheries management that account for stock abundance as well as broader ecosystem impacts. It is our strong belief that these established systems remain the appropriate and effective venues for fisheries management decisions.

ASA, our California members, and the community of California anglers remain committed to working collaboratively with state and federal agencies, tribes, non-governmental organizations, and other stakeholders to address the issues impacting our coastal waters and communities, including stormwater runoff, untreated sewage, plastics, harmful algal blooms, predation, invasive species, and changing ocean conditions. In this regard, we hope the durability provisions within the state's 30x30 framework offer a valuable opportunity to better align stakeholder efforts and direct resources toward addressing these impacts, including those affecting existing MLPA MPAs.

The recreational fishing community, as long-term stewards and significant contributors to California's economy, have a direct and enduring interest in the health of the state's marine ecosystems and remain committed to advancing solutions grounded in science and collaboration. **In summary, we are writing to *express our strong support for the California Department of Fish and Wildlife's (CDFW) recommendations to deny the ten non-tribal bin 2 MPA petitions and to encourage the Commission to adopt these recommendations.***

Thank you for your time and consideration of these comments.

Sincerely,



Larry Phillips
Pacific Fisheries Policy Director
American Sportfishing Association

CC
Office of California Governor Gavin Newsom
Hon. Wade Crowfoot, Secretary of the California Natural Resources Agency
Commissioners & Staff, California Fish & Game Commission
Councilmembers & Staff, California Ocean Protection Council
Hon. Robert Rivas, Speaker of the California State Assembly
Hon. Monique Limón, California Senate President pro Tempore
Hon. Diane Papan, Chair, California Assembly Water, Parks, & Wildlife Committee
Hon. Josh Becker, Chair, California Senate Natural Resources & Water Committee
Members, California Legislative Outdoor Sporting Caucus

Outlook

Comments on MPA Proposals

From Frank Ursitti <frank@hmlanding.com>
Date Mon 03/30/2026 09:29 PM
To FGC <FGC@fgc.ca.gov>

March 30, 2026

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Commissioners,

I am writing as the owner of H&M Landing in San Diego, representing the single largest fleet of Commercial Passenger Fishing Vessels on the West Coast. Additionally, we are surrounded by three parallel organizations making up approximately 50% of the state's CPFV inspected fleet. Collectively, we transport 500,000 passengers annually.

Our fleet—and others like it across the state—provides affordable public access to fishing, whale watching, and ocean recreation for more than one million Californians annually. These operations support small businesses, coastal jobs, and local economies up and down the state.

California's Marine Protected Area (MPA) network was not created without cost. Our industry gave up access to approximately half of our most productive fishing grounds. That was a substantial and lasting concession made in good faith.

We adapted. We stayed engaged. We became part of the solution.

Today, the system is working. The MPA network is functioning as designed, supported by active participation from the fleet in research and monitoring. The adaptive management framework established under the Marine Life Protection Act is doing exactly what it was intended to do.

The California Department of Fish and Wildlife has conducted a disciplined, science-based review of the 2023 MPA petitions. Their analysis is consistent with the law, the original design of the network, and the adaptive management framework. We support their recommendations.

However, several of the proposals under consideration go well beyond that framework.

They introduce new restrictions and expand closures without demonstrated conservation need, without measurable ecological benefit, and without regard for the real economic and social impacts. These proposals shift the burden of conservation onto small businesses, working families, and communities that have already absorbed significant losses.

Our fleet cannot give any more than it already has.

Further restrictions will directly reduce public access to California's ocean resources, disproportionately impact underserved communities, and weaken the very businesses that provide that access. Once that access is lost, it is not easily restored.

It is also important to be clear: limiting access does not automatically improve environmental outcomes. California's fisheries are already among the most highly regulated and sustainably managed in the world, and the existing MPA network is delivering measurable results.

At some point, continued expansion stops being management and becomes overreach.

Adaptive management was never intended to be a pathway for ongoing closure. It was intended to be a disciplined, science-based process for evaluating and refining what already exists.

That discipline matters now.

I urge your office to support the Department's recommendations and ensure that California stays within the framework it established—one that balances conservation with public access and economic sustainability.

That balance is working today.

We should not undermine it.

Respectfully,

Frank T. Ursitti

April 2, 2026

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

Re: 04/15/26 Fish and Game Commission Meeting Agenda Item 2: Bin 2 MPA Petitions

Dear President Sklar and honorable Commissioners and Staff,

This letter reflects the shared sentiment of conservation and recreational fishing advocacy organizations, Allwaters, Backcountry Hunters & Anglers and the California Coastal Conservation Association.

We are writing to express our strong support and gratitude to the Department of Fish & Wildlife (Department) for their thoughtful and thorough analysis of the Marine Protected Area (MPA) petitions and our full agreement with their recommendations. We strongly encourage the Commission to adopt the thoughtful, empirical recommendations of the Department's career staff scientists and to judiciously consider the diverse communities who would be critically impacted by additional closures to coastal fisheries.

The Department's consistent application of the guidance provided by the Master Plan for MPAs, historical documentation of the original MLPA decision making process, and evaluation of best available science and policy was robust and transparent. While there were petitions that our groups advocated for alternative outcomes, we recognize and respect the determinations of Department staff and stand behind the established process for informed decision-making regarding petitions.

The Department's approach was not developed in a vacuum. Rather, it was the direct result of over two and a half years of Commission and MRC meetings, countless hours of testimony and thousands of pages of stakeholder input. In addition, regular citizens, Tribes, other Government Agencies, and a myriad of NGOs shared their perspectives to ensure a

clear and transparent process for petition evaluation and prioritization. From the initial referral of the petitions to the analysis and adoption of Bin 1, the creation of the decision-making matrix, creating a committee of the whole to hear the arguments, and a myriad of other milestones, this process was the culmination of a diverse set of stakeholder voices and grounded in longstanding law and procedure. The Department's science-based recommendations are thus bolstered by the voices of a large and diverse constituency who helped to formulate the transparent process. We strongly encourage the Commission to honor the outcome of years of diligent work and to recognize the Department's recommendations as the authority on these matters.

The Commission can be confident that this decision will set the standard for our MPA network to be adaptively managed by science, stakeholder input and law, rather than ideology or emotion, exactly as the MLPA dictated.

Furthermore, we look forward to reviewing the Department's recommendations on the remaining petitions now classified as tribally led or co-led. Our organizations deeply respect tribal sovereignty, the principles of tribal co-management and tribal authority to conduct government to government consultations regarding tribal interests and access to natural resources. At the same time, we respectfully request that any decisions to expand the MPA network and to close recreational access to fishing for the general public follow the guidance provided by the Master Plan for MPAs and the science-based decision-making framework that has guided the MPA petition evaluation process over the past several years.

Sincerely,

Matt Bond
Allwaters

Devin O'Dea
Backcountry Hunters & Anglers

Chris Arechaederra
California Coastal Conservation Association

From: Marina del Rey Sportfishing <[redacted]>
Sent: Tuesday, March 31, 2026 11:24 AM
To: FGC <FGC@fgc.ca.gov>
Subject: re: MLPA Changes DENY

Commissioners,

Marina del Rey Sportfishing, Inc, it's Seven CPFVs, their Crews and Captains as well as the dozen or so Dock and Office Personnel and Marina del Rey Bait Company Capt and Crew wish to advise The Commission of our Whole Hearted Support of the DFW Recommendation regarding NO Changes and Modifications to the existing MLPA's.

Sincerely, and Thanks,

Rick Oefinger, President

Marina del Rey Sportfishing,Inc.

13759 Fiji Way

Marina del Rey,CA 90292

310 372 3712 Office

[redacted]

[redacted]

www.mdrsf.com

Outlook

April 2026 FGC Meeting Agenda Item 2: MPA Petitions Public Comment Letter

From Katie O'Donnell <katie@wildcoast.org>
Date Thu 04/02/2026 04:14 PM
To FGC <FGC@fgc.ca.gov>; fgcericsklar[redacted]; Samantha Murray [redacted] commissionerdariusanderson [redacted] commissioner.zavaleta [redacted]; jhostler [redacted]
Cc Shuman, Craig [redacted]; Waggoner, Claire [redacted]; Worden, Sara [redacted]; Eckerle, Jenn@CNRA <Jenn.Eckerle@resources.ca.gov>; Lewis, Staci@CNRA <Staci.Lewis@resources.ca.gov>; Esgro, Michael@CNRA <Michael.Esgro@resources.ca.gov>; Ashcraft, Susan [redacted] Miller-Henson, Melissa [redacted]

Good afternoon,

Please see the attached letter for **Agenda Item 2: MPA Petitions** for the upcoming April 15-16 FGC meeting.

Signed by 31 organizations and 2 individuals, the letter respectfully asks the FGC Commission to support CDFW's recommendation to reject petitions 2023-14, 2023-15, 2023-16, and 2023-18 (except for supporting 2023-18MPA_2: Marine Monitor radar at Point Conception).

This letter summarizes how these petitions would weaken the MPA network's integrity, fail to adhere to science-based guidelines and Marine Life Protection Act goals, and conflict with the Decadal Management Review. The letter notes that in total, the four petitions would reduce protections across 18 MPAs within California's MPA Network.

Thank you for your leadership and for considering these comments.

Please let me know if you have any questions!

Thank you,
Katie

--

WILDCOAST COSTASALVAJE

Katie O'Donnell
Senior Ocean Conservation Manager
she/her/hers

DONATE TODAY!





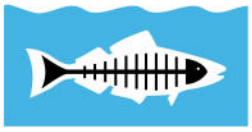


























































Friends of Rose Creek
"Connecting Our Communities"



April 2, 2026

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

RE: **Agenda Item 2** - Opposition to Petitions 2023-14, 2023-15, 2023-16, and 2023-18 which would weaken the California MPA Network

Dear President Sklar, Vice President Anderson, and Honorable Commissioners:

The undersigned organizations -representing public interest, marine science, environmental conservation, and coastal communities - strongly oppose Petitions 2023-14, 2023-15, 2023-16, and 2023-18 and agree with California's Department of Fish and Wildlife (CDFW)'s recommendations to deny them. These proposals would significantly weaken California's Marine Protected Area (MPA) Network and undermine the ecological integrity that the Marine Life Protection Act (MLPA) was created to protect. In total, the petitions would reduce protections across eighteen MPAs, including six State Marine Reserves (SMRs), two no-take State Marine Conservation Areas (SMCAs), eight SMCAs, and two Special Closure Areas.

We urge the Fish and Game Commission (FGC) to deny petitions that fail to meet the Decadal Management Review (DMR)'s definition of adaptive management: "Guided by the principles of adaptive management, [the first ten-year management review] is an opportunity to evaluate progress to date, celebrate accomplishments, provide lessons learned, and identify recommendations to strengthen the MPA Network and Management Program going forward."[1]

We oppose these petitions because they:

- **Weaken MPA Network Integrity**
  California's MPA network was intentionally designed using science-based guidelines developed by CDFW and expert scientists to ensure larval connectivity, habitat representation, trophic structure, and ecosystem resilience. Because the network functions as an interconnected system, weakening individual MPAs compromises the entire network and conflicts with the goals of the MLPA. The International Union for Conservation of Nature (IUCN) recognized the network's effectiveness by adding it to the Green List of Protected and Conserved Areas after a seven-year evaluation. Rolling back protections or increasing extractive activities threatens the network's ability to sustain biodiversity and ecological connectivity.

[1]California Department of Fish and Wildlife. California's Marine Protected Area Network Decadal Management Review. 2022, nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=209209.

- **Fail to Adhere to Science-Based Guidelines and MLPA Goals**
  The MLPA requires that any modifications to MPAs support its six statutory goals and align with established scientific guidelines[2]. The petitions fail to meet these standards. The network's design was grounded in peer-reviewed research on fish movement, larval dispersal, and population persistence, including spatial population models demonstrating that minimum size and spacing criteria are essential for ecological connectivity. Reducing protections in ways that violate these criteria lacks scientific justification and risks degrading network performance.

  Scientific literature is also clear that adaptive management is intended to strengthen MPAs based on monitoring data, not weaken them[3]. As California enters a critical phase of long-term monitoring and adaptive management, peer-reviewed guidance emphasizes that adaptability means refining protections using new evidence, not making ad hoc reductions. A 2023 global synthesis of 307 MPA design recommendations across 56 publications established "permanence and adaptability" as foundational principles, defining the latter specifically as evidence-based enhancement rather than diminished protection[4].

- **Do Not Align with the Decadal Management Review (DMR)**
  The state has invested heavily in monitoring and data synthesis, including more than $60 million from the Ocean Protection Council since 2017. Findings from the DMR highlight the need to maintain and enhance resilience in the face of climate change, which is a goal fundamentally incompatible with weakening existing protections.

Deny Petition 2023-14MPA: Opening Sea Urchin Harvest to Commercial Fishing Within Existing MPAs

The undersigned organizations urge the FGC to reject Petition 2023-14MPA. The proposed changes fail to address the underlying drivers of kelp decline, contradicts the core mandates of the MLPA, and would weaken the integrity of the broader MPA network. We support CDFW's recommendation to deny the petition, including its conclusion that the proposal conflicts with the original objectives of the affected MPAs and does not align with adaptive management guidance from the DMR.

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[2]California Legislature. California Fish and Game Code, div. 3, ch. 10.5, Marine Life Protection Act, https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=3.&title=&part=&chapter=10.5.&article=

[3] Van Diggelen, Amanda D., et al. "California's Lessons Learned and Recommendations for Effective Marine Protected Area Network Management." *Marine Policy*, vol. 137, Mar. 2022, p. 104928, https://doi.org/10.1016/j.marpol.2021.104928. 7 January 2022.

[4] Burns, E. S., et al. "Finding harmony in Marine Protected Area design guidelines." *Conservation Science and Practice*. Vol. 5, Issue 6. https://doi.org/10.1111/csp2.12946. 24 April 2023.

The Proposed Action Would Not Address Kelp Loss

The petition seeks to open nine SMCAs to commercial urchin harvest to support kelp restoration. However, purple urchins - the species responsible for kelp barrens - represent only 0.26% of commercial landings and have almost no market value. Red urchins make up 99.73% of landings but are not driving kelp decline[5]. Opening MPAs would therefore incentivize removal of red urchins, not the ecologically harmful purple urchins, and would not meaningfully reduce urchin pressure on kelp forests. Current research instead supports targeted, science-based purple urchin removals using trained divers to minimize ecosystem impacts[6], [7].

The Petition Conflicts With MLPA Goals

The proposal undermines four MLPA goals (1, 2, 5, and 6) by exposing protected species to increased risk, weakening trophic dynamics, and creating enforcement challenges[8]. Allowing commercial take within MPAs increases confusion and accidental take, contradicting the MLPA's requirement for clear, enforceable protections[9]. Multiple gear types can be used to take urchins[10], and vessels can carry or switch gear, making it difficult for wardens to verify compliance within SMCAs[11]. Increasing allowable take in MPAs with already complex rules runs counter to MLPA Goal 5 and to the DMR's emphasis on improving,not weakening, management effectiveness.

In Southern California MPAs, intact trophic cascades have been shown to support kelp resilience during marine heatwaves[12],[13]. In these systems, predators such as lobsters and sheephead naturally regulate urchin populations [14],[15]. Opening these MPAs to commercial urchin harvest would erode these predator-prey relationships.

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[5] California Department of Fish and Wildlife. Marine Fisheries Data Explorer; Landings by Value and Participation. https://mfde.wildlife.ca.gov/visualize/LandingsSummary. Accessed 27 Feb. 2026.
[6] Bennet and Caton,2019. Marine heat wave and multiple stressors tip bull kelp forest to sea urchin barrens.https://www.nature.com/articles/s41598-019-51114-y
[7] Eisaguirre et al. 2020. Trophic redundancy and predator size class structure drive differences in kelp forest ecosystem dynamics.
[8] California Legislature. California Fish and Game Code, div. 3, ch. 10.5, Marine Life Protection Act, https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=3.&title=&part=&chapter=10.5.&article=
[9] Turnbull et. al. "Evaluating the social and ecological effectiveness of partially protected marine areas." *Conservation Biology*, Vol. 35, Issue 3. https://doi.org/10.1111/cobi.13677. 14 January 2021.
[10] California Department of Fish and Wildlife. Marine Fisheries Data Explorer; Landings by Value and Participation. https://mfde.wildlife.ca.gov/visualize/LandingsSummary. Accessed 25 Mar. 2026.
[11] California Department of Fish and Wildlife. California's Marine Protected Area Network Decadal Management Review. 2022, https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=209209&inline.
[12] Kumagai et al. 2024. Marine Protected Areas that preserve trophic cascades that promote resilience of kelp forests to heat waves.
[13] Hamilton and Caselle 2015. Exploitation and recovery of a sea urchin predator has implications for the resilience of southern California kelp forests.
[14]Kumagai et al. 2024. Marine Protected Areas that preserve trophic cascades that promote resilience of kelp forests to heat waves.
[15] Hamilton and Caselle 2015. Exploitation and recovery of a sea urchin predator has implications for the resilience of southern California kelp forests.

On the North Coast, where sheephead and otters are absent, commercial harvest would still primarily remove red urchins rather than the purple urchins driving kelp loss[16],[17]. Scientific Collecting Permits offer a more appropriate tool for targeted purple urchin removal while maintaining network protections and supporting long-term commercial viability of red urchins.

The Petition Would Weaken the MPA Network

SeaSketch analysis shows the petition would reduce habitat connectivity and significantly downgrade the level of protection (LOP) in several MPAs. Point Dume, Swami's, and Point Vicente (currently functioning as a no-take SMR) would fall to "moderate-low" protection levels, undermining spacing and habitat representation guidelines essential to network design[18],[19],[20]. These changes would diminish long-term ecological benefits without evidence that commercial urchin harvest would improve kelp health.

Deny Petition 2023-15MPA: Opening Channel Island MPAs to Allow Take of Highly Migratory Species

The undersigned organizations urge the FGC to reject Petition 2023-15MPA because it conflicts with the goals of the Marine Reserves Working Group (MRWG) that supported the Channel Islands MPA designation process in 2003[21], as well as the goals of the MLPA. The petition also undermines ecosystem protections for highly migratory species (HMS), and creates enforcement challenges. We support CDFW's recommendation to deny the petition.

The proposal would open three no-take SMRs in the Channel Islands (Footprint, Gull Island, and Santa Barbara Island) to commercial fishing for pelagic and HMS species. These Channel Islands MPAs are among the largest, oldest, and most effective in the nation and serve as the "crown jewels" of California's MPA network. Reclassifying them as SMCAs contradicts the original planning goals for the region and the statewide MLPA framework.

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[16] Marine Mammal Commission. "Southern Sea Otter - Marine Mammal Commission." Marine Mammal Commission, Marine Mammal Commission, 2015, www.mmc.gov/priority-topics/species-of-concern/southern-sea-otter/. Accessed 25 Mar. 2026.
[17] California Department of Fish and Wildlife. Marine Fisheries Data Explorer; Landings by Value and Participation. https://mfde.wildlife.ca.gov/visualize/LandingsSummary. Accessed 27 Feb. 2026.
[18]SeaSketch California. 14_7 Point Dune SMCA (Take) Discussion Forum. https://www.seasketch.org/california/app/forums/280/524. Accessed 27 Feb. 2026.
[19] SeaSketch California. 14_9 Swami's SMCA (Take) Discussion Forum. https://www.seasketch.org/california/app/forums/280/526. Accessed 27 Feb. 2026.
[20] SeaSketch California. 14_8 Point Vicente SMCA (no-take) (Take/Designation) Discussion Forum. https://www.seasketch.org/california/app/forums/280/525. Accessed 27 Feb. 2026.
[21] History of the Community-Based Process on Marine Reserves at the Channel Islands National Marine Sanctuary 1999-2001. March 2002. https://nmschannelislands.blob.core.windows.net/channelislands-prod/media/docs/2001-marine-reserves-sac-history.pdf Accessed 25 Mar. 2026.

Inconsistent With MRWG and MLPA Goals

The Channel Islands MPAs were established to protect representative habitats, ecological processes, and ecosystem-level biodiversity, not individual species. The MRWG explicitly designed these reserves to safeguard whole ecosystems, a principle reinforced by past FGC decisions rejecting petitions focused on single species (e.g., the 2020–21 white shark MPA proposal)[22]. Opening MPAs to target HMS contradicts this ecosystem-based mandate.

The petition also conflicts with MLPA Goals 1 and 2, which require protecting marine life abundance and ecosystem integrity. Contrary to the petitioner's claims, HMS are not merely transient visitors, they are apex predators that provide critical top-down structural influence on the marine community. Although wide-ranging, they aggregate at predictable hotspots such as seamounts and fronts, and studies show increases in tuna size and reduced fishing pressure following MPA establishment[23],[24]. By foraging on resident MPA species, HMS gain access to high quality prey without the risk of capture from fishing. Allowing HMS take would remove these benefits and introduce new disturbances such as boat traffic, noise, pollution, and derelict gear that harm non-migratory species the MPAs were designed to protect.

Ecological Importance of Protecting HMS and Pelagics

HMS and pelagic species provide essential ecosystem services[25]. They transport nutrients across ocean regions and act as apex predators that regulate mid-trophic species[26],[27]. Removing them can trigger destabilizing food-web shifts, such as mesopredator booms. In Southern California, declines in sharks and billfish have been linked to increases in Humboldt squid, which then prey heavily on hake, herring, and crustaceans[28]. Allowing HMS fishing in MPAs risks amplifying these cascading effects. Generally, HMS fisheries also frequently catch non-target species, including threatened turtles and seabirds, although hook-and-line, spear, harpoon, and deep set buoy gear is highly selective and generally avoids surface-dwelling species. Introducing take into no-take MPAs would expose protected habitats and species to new risks, undermining the core purpose of the reserves.

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[22] California Department of Fish and Wildlife. California's Marine Protected Area Network Decadal Management Review. 2022. Appendix G Supplemental Tables.
[23] McDonald, Gavin, et al. "Global Expansion of Marine Protected Areas and the Redistribution of Fishing Effort." *Proceedings of the National Academy of Sciences*, vol. 121, no. 29, 9 July 2024, https://doi.org/10.1073/pnas.2400592121.
[24] Curnick, David J, et al. "Interactions between a Large Marine Protected Area, Pelagic Tuna and Associated Fisheries." Vol. 7, 14 May 2020, https://doi.org/10.3389/fmars.2020.00318
[25] Heithas et al. 2008. Predicting ecological consequences of marine top predator declines.
[26]Bauer, S., and B. J. Hoye. "Migratory Animals Couple Biodiversity and Ecosystem Functioning Worldwide." *Science*, vol. 344, no. 6179, 4 Apr. 2014, https://doi.org/10.1126/science.1242552
[27] Reynolds, Heather L, and Keith Clay. "Migratory species and ecological processes." *Environmental Law*, vol. 41, no. 2, 2011, pp. 371–391. JSTOR, www.jstor.org/stable/43267495, https://doi.org/10.2307/43267495.
[28]Vetter, Russ, et al. Predatory interactions and niche overlap between mako shark, *isurus oxyrinchus*, and jumbo squid, *dosidicus gigas*, in the California Current. *CalCOFI Rep.*, Vol. 49, 2008, oceanrep.geomar.de/id/eprint/53785/1/4444.pdf.

Deny Petition 2023-16: Reclassify Stewart's Point and Bodega Head SMRs as SMCAs to Allow Commercial Salmon Trolling

The undersigned organizations urge the FGC to reject Petition 2023-16MPA because it conflicts with key goals of the MLPA, raises significant scientific concerns, and, according to CDFW, does not align with adaptive management guidance from the DMR. CDFW also notes that the petition contradicts the original purpose of the two SMRs, could create enforcement challenges, and may unintentionally increase pressure on groundfish species.

Conflicts With MLPA Goals

Petition 2023-16 is inconsistent with MLPA Goals 1, 2, and 6. It proposes reducing protections in two SMRs to allow commercial salmon trolling at a time when salmon populations are at historic lows[29], [30]. The commercial salmon fishery has been closed for three consecutive years (2023–2025) due to extremely low abundance driven by multi-year drought, warming waters, harmful algal blooms, and wildfire-related impacts on watersheds. Introducing new fishing pressure in SMRs would add stress to a species already in crisis, directly contradicting MLPA Goal 1, which requires protecting and maintaining species abundance.

The petition also conflicts with MLPA Goal 2, which prioritizes sustaining and rebuilding depleted, economically valuable species. Salmon clearly meet both criteria: they are economically important and severely depleted. Reclassifying SMRs as SMCAs to increase commercial harvest opportunities during a period of population collapse runs counter to the MLPA's conservation mandate. Finally, weakening protections in Stewart's Point and Bodega Head SMRs would undermine the integrity of the statewide MPA network, violating MLPA Goal 6. SMRs serve as the backbone of the network, and reducing their protection level diminishes the connectivity and ecological function the MLPA requires.

Scientific Concerns

While the petition correctly notes that climate change threatens salmon, its proposed action does nothing to address the root causes of salmon decline. Research shows that warming water temperatures and reduced streamflow have harmed salmon throughout their life cycle, contributing to long-term reductions in abundance[31]. Allowing take in SMRs would not mitigate these climate-driven stressors and would remove safeguards that currently allow salmon to recover and safely hunt for prey within those MPAs.

Recent scientific studies underscore the importance of maintaining strong protections. A 2023 study by Hamilton, Kennedy, and colleagues found that MPAs, despite facing climate stressors,

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[29] PFMC. 2026. Review of 2025. Ocean Salmon Fisheries.
[30] CDFW. 2026. Chinook Salmon.
[31] Siegel, Jared E. and Crozier, Lisa G. "Impacts of Climate Change on Salmon of the Pacific Northwest: A review of the scientific literature published in 2019". 2020, https://doi.org/10.25923/jke5-c307

can function as climate refugia that buffer species from the worst impacts of warming[32]. Similarly, Smith et al. (2025) examined ecological communities in Central Coast MPAs before, during, and after the 2014–2016 marine heatwaves[33]. While MPAs did not prevent all climate-driven changes, some communities inside MPAs experienced less disruption than reference sites, and MPAs continued to support higher fish biomass, abundance, and diversity even during extreme heat events.

These findings suggest that maintaining the integrity of the existing MPA network is more likely to support the resilience of salmon and HMS under climate change than weakening SMRs to expand commercial fishing allowances. Strong, fully protected areas provide ecological stability that can help species, including salmon, better withstand climate-related pressures.

Deny Three Actions with Petition 2023-18: Modifications to allowed uses at several Santa Barbara Channel MPAs

The undersigned organizations urge the FGC to reject Petition 2023-18MPA because it is inconsistent with the goals of the MRWG and the MLPA and lacks scientific justification for removing protections for seabirds and pinnipeds. We support CDFW's recommendation to deny actions 2023-18MPA_5, 2023-18MPA_6, and 2023-18MPA_7, which would reduce protections for seabird and pinniped populations and weaken ecological protections. We also support CDFW's recommendation to support action 2023-18MPA_2 to continue support for the Marine Monitor (M2) radar at Point Conception SMR, because it aligns with the goals of the MLPA and the DMR recommendations regarding improving MPA enforcement.

Inconsistent With MRWG and MLPA Goals

Actions 2023-18MPA_5, 2023-18MPA_6, and 2023-18MPA_7 propose removing the Special Closures on San Miguel Island and Anacapa Island which were established prior to the creation of the MPA network to protect seabird and pinniped populations from human disturbance.[34] San Miguel Island is home to one of the largest pinniped rookeries and haul-out areas in the country and pinnipeds are highly sensitive to disturbance, especially during pupping and breeding, when disturbance can lead to reduced reproductive success or pup abandonment.[35] Similarly,

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[32] Hamilton, Susan L, et al. "Variable Exposure to Multiple Climate Stressors across the California Marine Protected Area Network and Policy Implications." *Ices Journal of Marine Science,* vol. 80, no. 7, 26 July 2023, pp. 1923–1935, https://doi.org/10.1093/icesjms/fsad120.
[33] Smith, Joshua G, et al. "Conservation Benefits of a Large Marine Protected Area Network That Spans Multiple Ecosystems." *Conservation Biology*, 9 Jan. 2025, https://doi.org/10.1111/cobi.14435
[34] National Park Service. "Marine Protected Areas - Channel Islands National Park". https://www.nps.gov/chis/learn/nature/marine-protected-areas.htm. Accessed 23 March 2026.
[35] Lowry, Mark S., Elizabeth M. Jaime, and Jeffrey E. Moore. 2021. Abundance and distribution of pinnipeds at the Channel Islands in southern California, central and northern California, and southern Oregon during summer 2016–2019. U.S. Department of Commerce, NOAA Technical Memorandum NMFS-SWFSC-656. https://doi.org/10.25923/6qhf-0z55

Anacapa Island is home to the largest breeding colony of California brown pelicans in the world[36],[37].

Brown pelicans are extremely sensitive to noise and human disturbance, particularly during nesting when disturbance can cause nest abandonment[38]. Removing protections threatens these sensitive populations and conflicts with MRWG Goal 1 and MLPA Goals 1 and 2 which aim to protect populations of interest and the natural diversity and abundance of marine life.

Conclusion

We urge the FGC to reject Petitions 2023-14, 2023-15, 2023-16, and 2023-18 to ensure that California's marine ecosystems remain resilient, healthy, and protected for future generations.

Thank you for your leadership and for considering these comments.

Sincerely,

Organizations[39]

Tomas Valadez
California Policy Manager
Azul

Kayla Feairheller
CEO and Founder
Bleu World Corporation

Sean Bothwell
Executive Director
California Coastkeeper Alliance

Barbara Brydolf
President Alta Peak Chapter
California Native Plant Society

Sharon Musa
External Affairs Manager
Catalina Island Conservancy

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[36] National Park Service. Restoring Anacapa Island: Seabird Habitat - Channel Islands National Park. https://www.nps.gov/chis/learn/nature/restoring-anacapa-island-sea-bird-habitat.htm. Accessed 24 March 2026.
[37] California Department of Fish and Wildlife. Anacapa Island Special Closure. Version 2, September 2022. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=104293.
[38] Anderson 1998. Dose-response relationships between human disturbance and brown pelican breeding success.
[39] Alphabetical by organization name

Suzanne Hume
Educational Director & Founder
CleanEarth4Kids.org

Dan Silver
Executive Director
Endangered Habitats League

Laura Deehan
State Director
Environment California

Pamela Heatherington
Director
Environmental Center of San Diego

Azsha Hudson
Marine Conservation Analyst & Program Manager
Environmental Defense Center

Laura Hunter
Board Member
Escondido Neighbors United

Suzie Fortner
Executive Director
Friends of the Dunes

James Peugh
Chair
Friends of Famosa Slough

Michael Wellborn
Board President
Friends of Harbors, Beaches and Parks

Daniel Watman
Friends of International Friendship Park

Karin Zirk, Ph.D.
Executive Director
Friends of Rose Creek

Carissa Cabrera
Founder
Futuruswell

Val Schull
Water and Ocean Program Director
GreenLatinos

Kerry J. Nickols, Ph.D.
Science and Policy Director
Heal the Bay

Sarah Winter Whelan
Executive Director
Healthy Ocean Coalition

Michael Quill
Marine Programs Director
Los Angeles Waterkeeper

Lance Morgan, PhD
President
Marine Conservation Institute

Sandy Aylesworth
Pacific Initiative Director, Oceans
NRDC

Natalie Johnston
Interpretive Programs Manager
Pacific Grove Museum of Natural History

Janette Luviano
Director of Programs
Sachamama

Adriana Guerrero-Nardone
Executive Director
Salted Roots

Muriel Spooner
Co-Chair Conservation Committee
San Diego Bird Alliance

Michael Blum
Principal
Sea of Clouds

Jack Eidt
Co-Founder
SoCal 350 Climate Action

Joanie Steinhaus
Ocean Program Director
Turtle Island Restoration Network

Katie O'Donnell
Senior Ocean Conservation Manager
WILDCOAST

Individuals[40]

Natalie Borchardt, Senior Manager Natural Resources

MV Eitzel, Professional Researcher at University of California, Davis

[40] Individuals are signing onto this letter for themselves, and are not signing on behalf of their organization. In other words, their affiliation with an organization is not an endorsement by the organization, but only by the individual person.

Outlook

April 2026 FGC Public Comment - Agenda Item 2

From Birch, Caitlynn <cbirch@oceana.org>
Date Thu 04/02/2026 01:47 PM
To Ashcraft, Susan [redacted]; Miller-Henson, Melissa [redacted]; FGC <FGC@fgc.ca.gov>
Cc 'jsavage@surfrider.org' <jsavage@surfrider.org>

Good afternoon,

Please include the attached letter in the meeting documents under **Agenda Item 2: MPA Petitions** for the upcoming April 15-16 FGC meeting.

Thank you!

Caitlynn

Caitlynn Birch | Pacific Campaign Manager & Marine Scientist

OCEANA Protecting the World's Oceans

99 Pacific Street, Suite 155G
Monterey, CA 93940
C 831.332.1757 | **O** 907.586.4050
cbirch@oceana.org | www.oceana.org

April 2, 2026

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

RE: Agenda Item 2: Opposition to actions that would weaken California's MPA Network

Dear President Sklar and Members of the Commission:

Oceana and Surfrider write to express opposition to the proposals before you that would weaken California's Marine Protected Area (MPA) network. We urge the Commission to uphold the integrity of the network and follow the California Department of Fish and Wildlife's recommendations to deny proposed actions that would reduce existing MPA protections.

California's MPA network is a globally recognized, science-based system designed to function as an interconnected whole. Its effectiveness depends on maintaining ecological connectivity, habitat representation, and intact trophic structure across sites. Weakening protections in individual MPAs risks undermining the performance of the network and eroding the long-term ecological and economic benefits it provides.

The Marine Life Protection Act (MLPA) and the Decadal Management Review (DMR) provide a clear framework for adaptive management. This framework emphasizes using the best available science to strengthen protections and improve management outcomes over time. Adaptive management is not intended to justify reductions in protection that are not supported by scientific evidence or that conflict with the statutory goals of the MLPA.

At a time when California's marine ecosystems face increasing pressures from climate change—including marine heatwaves, shifting species distributions, and habitat loss—it is especially important to maintain strong, durable protections. MPAs play a critical role in supporting ecosystem resilience, safeguarding biodiversity, and providing refugia that can buffer against climate impacts. Rolling back protections now would be inconsistent with the state's substantial investments in monitoring, research, and climate-ready ocean management. Additionally, introducing new or expanded extractive uses within MPAs risks creating enforcement challenges, increasing user conflict, and undermining the clarity and effectiveness of existing regulations.

California has demonstrated global leadership through the design and implementation of its MPA network. Maintaining that leadership requires a continued commitment to science-based decision-making, ecosystem protection, and long-term resilience. We respectfully urge the Commission to reject actions that would weaken the MPA network.

Thank you for your consideration and for your continued leadership in stewarding California's marine resources.

Sincerely,

Caitlynn Birch
Marine Scientist & Campaign Manager
Oceana

Jennifer Savage
California Policy Associate Director
Surfrider Foundation

Outlook

Marine Conservation Institute Comments on CDFW Recommendations for MPA Petitions

From Ali Rubin <ali.rubin@marine-conservation.org>
Date Tue 03/31/2026 03:02 PM
To FGC <FGC@fgc.ca.gov>

Dear Commissioners,

On behalf of Marine Conservation Institute, please find attached our comments on the California Department of Fish and Wildlife's Evaluations and Recommendations for the ten non-Tribally-led Marine Protected Area (MPA) petitions released on March 20, 2026 .

We appreciate your consideration of these comments and your continued work to advance effective marine conservation in California.

Sincerely,
Ali Rubin

Ali Rubin
Marine Conservation Scientist

Marine Conservation Institute

ali.rubin@marine-conservation.org
marine-conservation.org



March 31, 2026

President Eric Sklar
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
Submitted electronically to: fgc@fgc.ca.gov

Re: Comments from Marine Conservation Institute on petitions to amend the State's MPA network.

Dear California Fish and Game Commission,

On behalf of Marine Conservation Institute, we appreciate the opportunity to provide comments following the California Department of Fish and Wildlife's (CDFW) Evaluations and Recommendations for the ten non-Tribally-led Marine Protected Area (MPA) petitions released on March 20, 2026.

Marine Conservation Institute works to secure strong protection for the ocean's most important places. Through our Marine Protection Atlas (MPAtlas), we assess marine protected areas globally using The MPA Guide, a peer-reviewed framework that evaluates the level of protection and expected conservation outcomes of MPAs. Our work supports governments and partners, including in California, in advancing effective, science-based marine conservation and achieving 30x30 goals.

We recognize the significant effort undertaken by CDFW to evaluate these petitions based on the information available as of March 2025, and we appreciate the Department's acknowledgment that additional information may continue to inform Commission deliberations. As California works toward protecting 30% of state waters by 2030, maintaining the integrity and effectiveness of the existing MPA network is essential to achieving meaningful conservation outcomes.

As part of this effort, we conducted an analysis to determine the likely biodiversity outcomes of the petitions submitted to the State using The MPA Guide framework. This approach applies a consistent, science-based method to evaluate how proposed changes would affect protection levels and conservation outcomes across California's MPA network.

We strongly support CDFW's recommendations to deny petitions that would lower protection levels within California's MPA network by allowing additional recreational or commercial take of marine life. Scientific evidence consistently demonstrates that the greatest ecological benefits such as increased biomass, biodiversity, and ecosystem resilience are achieved in MPAs that are fully or highly protected from extractive activities.

We also acknowledge that localized ecological pressures, such as sea urchin overpopulation and kelp loss, may require active management. In these cases, we encourage the Commission to explore adaptive, site-specific management strategies that address these threats without reducing protection levels or opening extractive fisheries within MPAs.

In particular, we support the recommendations to deny the following petitions:

- Modify Take in 9 SMCAs to Allow Commercial Take of Sea Urchins (2023-14MPA)[1]
- Reclassify Footprint, Gull Island, and Santa Barbara Island SMRs to SMCAs to Allow Take of Highly Migratory Species (2023-15MPA_AM)
- Reclassify Stewarts Point and Bodega Head SMRs to SMCAs to Allow Commercial Salmon Trolling (2023-16MPA)
- Modify Allowed Uses at Several Santa Barbara Channel MPAs and Special Closures: Vandenberg SMR, Kashtayit SMCA, and San Miguel and Anacapa Special Closures (2023-18MPA)

1: With the exception of the Point Vicente no-take SMCA, petition 2023-14MPA does not lower the Highly Protected status of the named MPAs per our MPA Guide analysis, and may provide ecological benefits through the restoration effort of urchin culling. However, while ecosystem restoration and conservation may be complementary, they are non-substitutable actions where priority should be given to preventing the degradation of intact ecosystems.

These petitions propose changes that would reduce the level of protection in areas that currently contribute to the ecological performance of California's MPA network. Downgrading protections risks undermining biodiversity gains, weakening ecosystem resilience in the face of climate change, and compromising California's leadership in marine conservation.

To advance the state's goal of protecting 30% of nature by 2030, we do believe that the following proposals will modestly strengthen the network and urge the commission to support them:

- Designate new MPA as Chitqawi SMCA (2023-19MPA)
- Redesignate Point Buchon SMCA as Chumash SMCA to support tribal co-management and take provisions; extend northern boundary of Point Buchon SMR (2023-20MPA)
- Multiple changes to Pyramid Point SMCA (2023-21MPA)
- Reclassify all or part of Anacapa Island SMR (2023-27MPA)
- Designate new MPA as Point Sal SMR (2023-28MPA)
- Add new MPA as Mishopshno SMCA near Carpinteria (2023-29MPA)
- Reclassify and expand Duxbury Reef SMCA (2023-32MPA)
- Reclassify Point Buchon SMCA and modify regulations in Farnsworth MPAs (2023-34MPA)

California's MPA network is widely recognized as a global model for science-based ocean protection. Maintaining strong protections within this network is critical not only for achieving the State's 30x30 commitments, but also for ensuring long-term conservation benefits for marine ecosystems and coastal communities.

We respectfully urge the Commission to uphold CDFW's recommendations to deny these petitions and to continue advancing policies that strengthen, rather than diminish, the effectiveness of California's MPA network.

Thank you for your consideration.

Respectfully,

Lance E. Morgan, President
Nikki Harasta, Marine Conservation Scientist I
Alexandra Rubin, Marine Conservation Scientist I

March 31, 2026

RE: Support for DFW Recommendation to Deny Petitions 2023-15MPA-AM and 2023-16MPA

Dear Commissioners,

I am writing in support of the California Department of Fish and Wildlife recommendation to deny MPA petitions 2023-15MPA-AM and 2023-16MPA.

These petitions would severely weaken protections within existing, fully protected State Marine Reserves (SMRs) by converting them into take-allowed State Marine Conservation Areas (SMCAs). SMRs are the cornerstone of our conservation efforts; diminishing their no-take status would compromise the backbone of California's MPA Network and set a perilous precedent for future petitions that serve commercial and recreational fishing interests.

As I have noted in previous correspondence, these petitions are fundamentally flawed for several key reasons:

- **Inconsistent with Guiding Principles:** The proposed conversions directly contradict the MPA Petition Guiding Principles established during the July 2023 Marine Resources Committee (MRC) meeting. Those principles clearly dictate that successful MPA petitions must "maintain or enhance the protections and integrity of the MPA Network." Petitions 2023-15MPA-AM and 2023-16MPA fail to meet this standard, as they strictly reduce existing protections.
- **Failure to Advance DMR Recommendations:** These petitions do not advance any of the scientific or adaptive management recommendations outlined in the Decadal Management Review.
- **Hinders 30x30 Progress:** Reducing protections in foundational SMRs runs counter to California's Pathways to 30x30.[1] To reach state goals, California must strengthen and expand marine protections, not weaken protections that are already in place.
- **Complicates Enforcement:** Allowing pelagic or other take in current no-take zones would significantly compromise MPA enforcement. Shore-based observers, allied agencies, ordinary citizens, and technologies like Marine Monitor will struggle to distinguish vessels fishing for newly permitted species from those illegally targeting prohibited species. This uncertainty will inevitably lead to fewer reports of potential violations and a reduction in overall enforcement effectiveness.

I strongly urge the Fish and Game Commission to uphold the Department's recommendation and deny Petitions 2023-15MPA-AM and 2023-16MPA. Thank you for your time, consideration, and continued commitment to safeguarding California's coastal waters.

Sincerely,

Eric Praske
Laguna Beach, CA

[1] Pathways to 30x30 Cailfornia Accelerating Conservation of California's Nature

Outlook

April 15 FGC Meeting Agenda Item 2

From Keith Rootsaert <keith@g2kr.com>
Date Thu 04/02/2026 04:58 PM
To FGC <FGC@fgc.ca.gov>

Response to CDFW evaluation of Petition 2023-23MPA

The CDFW evaluation is a very long document and often repeats sections so it is difficult for us to comment on specific comments, but we will address generally some of the assertions in the document.

1. The goal of the MLPA is conservation of biodiversity. However, because the Department has long considered the MPAs their exclusive territory, in State waters they have created a new goal of “Do Not Disturb” which is a made-up goal. This is what happens when the Department doesn’t have the funding to permit restoration work and monitor progress. This denial letter seems like a quest for more funding. The desire to “observe natural systems with limited human interference” is entirely theoretical in places where fishing is allowed. “These activities do not necessarily need to be done in MPAs and particularly not SMRs” is ridiculous when the MPAs encompass the best places where there is granite substrate for kelp to attach and there is access from shore. We have even seen denials for restoration research to happen in a laboratory setting instead. That insistence makes the MPAs into suicide pact where no matter how infested they are with pests, research is the only priority. For example, our Tanker’s Reef Project, which was outside MPAs was cancelled for the sake of research.
2. CDFW does not want to make regulation changes for MPAs that could interfere with their ability to direct kelp restoration management permits in the MPAs. They repeatedly said there are permitting pathways available instead of changing regulations like SCPs, a KRMP, a RMP, and a LOA. We disagree that these pathways are available to us. From our perspective this is not about environmental stewardship, but about which siloed agency will be in control. While we asked for a permitting pathway in our petition and believe that is the best way to restore kelp in the best places regardless of protection status, we are concerned that the terms of the permit could be so restrictive that kelp restoration becomes impossible. Because the permit would be discretionary, we are concerned the Department may not even issue a permit to G2KR and instead issue a permit to the large NGOs that are so far not involved in kelp restoration practice. While we have many great partners like Reef Check and the Monterey Abalone Company, we do not want inexperienced partners to artificially limit our activities.
3. SCPs are not useful for kelp restoration. They are established to only allow activities that do not impact a particular species which is the opposite of kelp restoration where we want to decrease the urchin population and increase the kelp population. We sort of applied for a SCP in 2022 without going through the SCP portal. At first senior leadership was open to the idea of our restoring State Marine Conservation Areas but asked us to stay out of

State Marine Reserves. We had several meetings every six months and each time we guessed and made the area of work smaller and smaller without any guidance how small to make the area, only that it had to be smaller. Eventually we read that they wanted us to work under a permit given to Dr. Mark Carr, which was not a restoration project at all.

4. The KRMP is a $1.2m effort to create a permitting framework and a decision tree for when and where to restore kelp. We are the only applicant, and we cannot wait until 2028 to begin kelp restoration to achieve the OPC strategic goal of restoring at least 2,000 acres of kelp by 2030.
5. The Department said that they could allow kelp restoration before the KRMP was complete on a case-by-case basis until the KRMP is complete, yet they seem to ignore our actual case we proposed in 2022.
6. We proposed a Restoration Management Permit December 2022 and the response was that urchins are not an endangered species. Removing conspecifics was not addressed in restoration management provisions. We were told they were going to take a closer look at that and apparently, they did create a permitting pathway for this in January 2024, but they did not offer one to our application and they state they have never done a restoration project in the ocean. However, this pathway seems like a good fit to our petition if it were truly offered.
7. The Letter of Authorization was always a possibility and an LOA was issued for the Monterey Bay Aquarium to repair their floating intake pipes. The letter was needed because repair of man-made structures in the ocean was not allowed in MPAs at that time. Contractors have received LOAs for working on jetties to remove invertebrates. We were told by the Department we could not have a LOA for kelp restoration.
8. Restoration is an allowable activity in both State Marine Conservation Areas and State Marine Reserves. One could argue that kelp restoration is not restoration but that is not really the meaning of the word. AB63 by California Assembly Member Cottie Piettri-Norris was unanimously approved by the California Legislature to add only the word “Restoration” to the statute for the State Marine Conservation Areas. This has long been a problem acknowledged by CDFW senior leadership; restoration was allowed in State Marine Reserves but not in State Marine Conservation Areas where they preferred for kelp restoration to occur. This language mistake fix was long overdue, but senior leadership would not address the issue because they claimed it was a legislative fix beyond their ability. The central and north coast MPAs also made the mistake of not including a provision to repair man-made structures in the water like they wrote in MPAs in the southern region. However, they did initiate and receive changes to the MLPA themselves to allow repair of man-made structures for the Monterey Bay Aquarium intake pipes in the Edward F. Ricketts SMCA for three years.
9. There are many other methods of restoring kelp that were called for in the petition that were not addressed in the Department evaluation. Our Restoration Management Permit proposal addressed these methods in 2022. More methods were affirmed by TNC’s and KFA 86 page Kelp Guidebook in 2022 and more recently in Ocean Science Trust’s 120 page Science Guidance for Coast and Ocean Restoration in California into a Changing Future in 2026. All these documents align with our proposal. DMR research for where to restore kelp aligns with our requested sites. Methods in the petition that were not addressed include: Managing acid weed, baiting and trapping urchins, removing invasive species, and kelp canopy pruning. Emerging methods that show great promise such as a commercial airlift and creating a regenerative fishery for purple urchins are not yet considered in restoration guidelines or in our petition.
10. Kelp canopy pruning is beneficial to kelp because it acts as a proxy for a now extinct species, Steller’s Sea Cow. Unfortunately, kelp harvesting regulations don’t recognize this fact and treat all canopy forming kelp species the same way. Take of bull kelp is prohibited under regulations and what we are seeing is that in the places where only giant kelp is harvested, bull kelp is taking its place. One of these places is right in front of the Monterey Bay Aquarium, one of our proposed sites. We need to change kelp restorations

to allow commercial harvest of kelp in State Marine Reserves that makes kelp more resilient for a sea otter refuge and to ensure giant kelp is not torn out in winter storms. This would also satisfy the objections of the Monterey Abalone Company that has a kelp harvesters permit and doesn't want to prohibited from harvesting 6,000 pounds of kelp per week from block 220.

11. When the central coast MPAs were first created in 2007 there was no consideration for what would happen if urchins were to flood all the MPAs. This should have been considered because, looking back at history, when the sea otters were nearly extirpated abalone and urchins ate the nearshore kelp and barrens persisted for a century until the abalone divers removed the grazers and inadvertently restored the kelp in the 1970s. The promise at the time was adaptive management, that if conditions changed, management of the MPA would adapt to the change. But that promise was unfunded and there have not been changes to the central coast MPAs since their inception. Kelp forest monitoring is also unfunded and is a year-to-year struggle for non-profits like Reef Check to complete the unfunded state mandate. MPA management and monitoring are neglected, yet we still point to the MPA as a wonderful IUCN Green Listed success story.
12. We had initially proposed to make a Reserve in the State Marine Conservation areas. Restoration is an allowable activity in both Reserves and Conservation Areas so either way. The Department evaluation falsely says that creating a State Marine Reserve at Sukilta would prohibit kelp restoration activities we proposed. See also #8
13. The kelp restoration activities in our proposed areas do not receive any benefit from recreation fishers randomly taking function parts and not documenting their take in what is a defacto experiment where we are trying to determine the ecological effect of removing kelp grazers and fishing would be a confounding variable. The language in the CDFW response is the same as described in the for-profit fishing response. Quoting the fishers objections gives us the impression that CDFW is taking sides with the fishers.
14. Reef Check data reveals that adult fish in our proposed sites are fished-out starting in 2007. Kelp forests are the nurseries for fish and offer protection from predators. Fish larvae like to settle out on soft substrates like kelp and not in urchin barrens. The MPAs we are proposing to work are designed around the kelp forests, not to the 3 mile State water boundary. Turning the sites from blue to red is a simple way to discontinue fishing where most fishers understand the boundaries of the MPA. If you go out today on the water you will find that most fishers fish offshore of these MPAs anyways because the kelp forests are unproductive and have a tendency to consume fishing tackle. Also, when we are performing kelp restoration, we will be laying out buoys and underwater cables that will snag fishing tackle. As a leader putting scuba divers in the water we want to make the activity as safe as possible and avoid divers getting run over by fishing boats and snagging expensive drysuits with sharp hooks. We spend considerable time collecting abandoned fishing gear and dealing with braided lines and sharp hooks while underwater is dangerous and not a good use of limited underwater dive time. Removing fish from ghost gear deeply saddens our volunteers as they are trying to improve conditions for fish.
15. The evaluation considers how our desired activity is not allowed but does not consider how it could be possible. Statements like this is outside the regulatory authority are not helpful. From our perspective CDFW/COPC/CFGC and the State legislature are all the government. We have waited for 4 years to get to the front of this very long line only to hear the government say that we were in the wrong line all along and now we must go stand at the end of an even longer line. This is very frustrating when the Department could have evaluated this years ago and advised us not to stand in the line.
16. Statements like "The proposed change would also create significant enforcement, compliance, and accountability challenges, and could enable unpermitted take under the guise of restoration" are simply awful and show a genuine mistrust of our organization even after 5 years of working together.
17. The text repeatedly says that we were denied a petition in 2013 to remove urchins instead of 2019 when we did file a petition. It would be amazing if we filed a petition to remove

urchins a year before the “Blob” occurred.

18. This evaluation would have been better informed if we had a Tanker’s Reef scientific report. But that report is delayed by CDFW. This whole petition is really a continuation of a petition we made in 2019 for inside and outside the MPAs but only the outside MPAs part was allowed in 2020. To evaluate this petition without the written report is willful blindness. The Tanker’s Reef Project was made worse by stopping the project and allowing the urchins to eat our kelp forest which reaches the undocumented conclusion that culling urchins doesn’t have a long-term benefit. We think the actual CDFW/MBNMS/OPC goal of Tanker’s Reef was to prove that divers couldn’t be trusted to do the work effectively, but after we were successful in restoring an 11 acre kelp forest, the research goal changed to prove our efforts were temporary and short lived. What would have been more informative would be if we were allowed to continue until we created a kelp forest in balance and we could discontinue culling. Then we would know work rate per acre which would have been more informative for continued efforts.
19. Kelp restoration is not a three-year project. It will take years to reach a stable state and there will certainly be setbacks due to a warming ocean, green water, and continued urchin recruitment. The statement “CDFW would not have sufficient oversight with a 10-year permit term.” is not really helpful and seems like a cry for more state funding placed into our evaluation. They even say they don’t have money for signs to tell fishers about the fishing restrictions. Instead of telling us how we are inconveniencing the Department beyond their bandwidth, they should be detailing what they think it would cost.
20. “Avoidance and minimization measures should be implemented prior to restoration” and “Not address the underlying drivers of kelp decline in the region.” We are unclear what that means. Do you want us to cool down the ocean first? Stopping people from driving their cars and shutting down cement plants is beyond our abilities and the scope of this petition.
21. We are not asking for “commercial take of finfish in selected MPA”
22. The StoryMap application misidentifies our petition locations. We sent a correction letter regarding this but have not seen changes.
23. CCFRP should not be referenced as they do not perform fishing surveys in the selected sites.

Thank you,

Keith Rootsaert
Giant Giant Kelp Restoration
408-206-0721

Giant Giant Kelp
Restoration Project

Outlook

Fw: Comment on Bin 2 Marine Protected Area (MPA) Petitions for April 15 meeting agenda item 2

From: Mike Beanan <conxtns@hotmail.com>
Sent: Thursday, April 2, 2026 02:52 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Comment on Bin 2 Marine Protected Area (MPA) Petitions for April 15 meeting agenda item 2

Please acknowledge receipt of the attached comment letter from the Laguna Bluebelt Coalition, Petitioner for Petition 2023-24.

Thank You,
Mike Beanan
Laguna Bluebelt Coalition
Laguna Bluebelt - Working Together for a Healthy Ocean

April 1, 2026
California Fish and Game Commission
P.O. Box 944209 Sacramento, CA 94244-2090
Submitted electronically to fgc@fgc.ca.gov

Subject: Comments on CDFW Staff Evaluation of Laguna Bluebelt Petition (2023-24)

Dear President Sklar, Vice President Anderson, and Honorable Commissioners:

We appreciate the work of the California Department of Fish and Wildlife (CDFW) to advance the petition process for the MPA Decadal Review. We respectfully submit the following comments on the recent CDFW staff evaluation of the Laguna Bluebelt Petition (2023-24).

We believe the evaluation misconstrued data and elements of our petition in ways that resulted in erroneous conclusions. Specifically:

1. Our contention that uniform no take fishing regulations citywide would aid enforcement referred to public perception, not enforcement personnel. Clearly, enforcement personnel including Lifeguards, Park Rangers and Wardens have exceptional knowledge of regulations and types of take allowed in specific areas. The public, however, does not, and a clear regulation that there is no fishing in Laguna Beach is intrinsically more understandable to the public than a mix of regulations in different areas of the city. Presently, since Lifeguards are focused on public safety, there is no comprehensive on-site City enforcement of fishing licenses, season, species and size limits.
   Also, the staff analysis combines violation data from the No Take Laguna Beach SMCA where violations are extremely rare due to city enforcement along with violations from the Dana Point SMCA which only include tide pool take, and compares that to the Bolsa Chica No Take SMCA which is heavily fished, is not enforced by local agencies, and has

the highest MPA violations in the state. This is a comparison of apples and oranges and has no value in the context of this evaluation.

2. We believe that the evaluation conclusion that the proposed boundary change would not result in significant ecological benefits is inaccurate. The staff evaluation uses a broad statement regarding stable kelp canopy from 2010 to 2016, ten years ago, before the 2014-2016 marine heat wave, to determine that fishing and anchor chain drag is not a significant impact on kelp in the petition area. However, a recent February 2026 report by Reef Check[1] of the petition area found that "*the kelp forest ecosystems inside the Laguna Beach SMR have stable giant kelp densities and currently have higher giant kelp densities than the ecosystems surveyed at Thousand Steps Beach and Three Arches. The protected ecosystems also currently have lower urchin densities than the unprotected reefs*." This leads to a more likely rationale that overfishing and disturbance from traps and anchor chains following the heat wave have reduced kelp recovery in the petition area, and that a boundary change will result in significant ecological benefits.
3. We are concerned with the vague rationale used in the staff analysis regarding potential whale entanglements. The clear fact is that if there are no traps in the petition area whales can't get entangled there. Vague statements about the potential future placement of traps and whales getting entangled somewhere else have no value in evaluating the petition area.
4. We disagree with the evaluation conclusion that the additional area would not improve the performance of the Laguna Beach Reserve/SMCA cluster. The February 2026 Reef Check survey shows that reefs in the Laguna Beach Reserve outperform reefs in the petition area of the Dana Point SMCA in kelp density and biodiversity. Adding protection to the reefs in the petition area will give these areas a chance to recover to their natural abundance, improving the overall performance of the cluster.

5. Lastly, we have concerns with the statements regarding recreational fishing in Laguna Beach. Due to existing private property restrictions on public access, shore fishing opportunities in the petition area are minimal. There is only one public beach, Thousand Steps, which would become inaccessible to fishing due to the petition. This beach is only 0.41 miles of coast, less than half of the proposed petition along the coast. Also, observational data of fishing activity at Thousand Steps Beach from the MPA Watch program showed that during eighty seven human use surveys over a ten year period from March 1 of 2016 to March 31 of 2026, only nine people were observed shore fishing, and only three private party fishing boats were observed. All other observed fishing was commercial. This exceptionally low level of shore and private boat fishing in the area shows that restricting shore fishing in the petition area will have

1. Appendix A

almost no impact on non commercial fishing. Furthermore, the statement that the petition would result in "no recreational fishing in Laguna Beach" is irrelevant. Many otherwise legal activities, including smoking and the use of balloons, are illegal citywide in Laguna Beach. These restrictions are based on community values, and the desire of Laguna Beach residents to restrict fishing citywide is no different. There are many better places close by to recreationally fish. We acknowledge that this petition will have an impact on commercial fishing activities, however the petition area is a fraction of a percent of the area available for commercial fishing in Southern California and only a slight 11% increase in full protection in the Laguna Beach area. Fisheries can and will adapt to this change if implemented. Statements from commercial and recreational fishers confirm they have adjusted their practices and the Laguna's MPAs are a sustainable fishery.

For the individual evaluation questions we have the following comments:

Question 1

We disagree with the conclusion that the proposed expansion would not improve the design of the existing MPA cluster. The Science Advisory Team (SAT) made the conclusion that bigger MPAs perform better and set a minimum size for reserves. The current Laguna Beach Reserve and No Take SMCA only meet that minimum size requirement. Enlarging the No Take area inherently improves the performance of the MPA Cluster per the SAT guidelines. Furthermore, the existing no take boundary was not designed to preserve fishing in Laguna Beach. It was selected to meet the minimum requirement for persistent kelp canopy. Since that time kelp canopy has diminished, and the proposed extension provides the opportunity for expansion of kelp canopy by protecting reefs that are currently degraded by commercial fishing activities.

Question 2A

We disagree that the petition would not advance any adaptive management recommendations in the Decadal Management Review (DMR). There seems to be misinformation from the evaluators on the MPA Outreach activities in the area. Docent activities in the Dana Point SMCA are restricted to the City of Dana Point and do not occur in the Laguna Beach areas of this SMCA. Also, the Orange County MPA Collaborative only provides high level, countywide MPA outreach materials and has no presence in the Laguna Beach area of the Dana Point SMCA. The current situation where fishing is restricted in part of the city and open in another is inherently confusing to new visitors. A

clear message of “No Fishing in Laguna Beach” is more understandable to the public and is an effective adaptive management technique that advances DMR recommendation 15.

Questions 2B

We disagree with the evaluation statements for this question. As stated previously, a citywide regulation against fishing is more understandable to the public than a mix of regulations. A recent study by Reef Check[1] shows that protected reefs in the Laguna Beach Reserve are more productive of kelp than the reefs outside the no take area. This will not only increase kelp but the overall performance of the Orange County MPA cluster. Also, whales cannot get entangled in lobster traps in the petition area if lobster traps don’t exist there. So, the petition does address multiple MPA management challenges in the Dana Point SMCA.

Question 3

We agree with the evaluation conclusions.

Question 4

We strongly disagree with the evaluation conclusions for this question. There is clearly a misunderstanding by DFW staff of the location of the wastewater outfall mentioned in the evaluation. The outfall is in the existing Laguna Beach No Take SMCA, not in the petition area, and the San Diego Regional Water Quality Control Board, not the Santa Ana Regional Water Quality Control Board regulates water quality in the area. The outfall State Lands Conservancy lease, and Regional Water Quality Control Board regulatory requirements will not be affected by the petition.

Question 5

We disagree with several conclusions in the evaluation for this question. First of all, there was a significant data gap on kelp persistence during this evaluation. That gap has now been filled with the February 2026 Reef Check Report[1] on kelp inside and outside of the petition area. This report renders the previous evaluation that used ten year old data obsolete.

Also, the staff evaluation misstated the reasoning for the existing No Take SMCA boundary. The existing no take boundary was not designed to preserve fishing in Laguna Beach. It was selected to meet the minimum requirement for persistent kelp canopy.

Question 6

1. Appendix A

No Comment

Question 7

The staff analysis suggests that MPA boundary decisions based on information and political compromises ten years ago is now unchangeable. This is inconstant with the entire adaptive management process. Whether this option was considered in the past should have no bearing on whether it should be considered now, twelve years later, during an adaptive management review. Californias MPAs are required to undergo regular review and potential adaption due to changing conditions in the ocean and with community values. In this case the community always wanted the entire city to be protected. The Laguna Beach City Council passed a resolution, culminating in a 4-1 vote on June 16, 2009, to endorse a marine reserve for the entire coastline. The resulting boundary covering less than the full city was a political decision by the California Fish and Game Commission based on the data available at the time. California's MPAs were never intended to be static and unchanging. That is why we have the Decadal Review Process.

Question 7B

We disagree with the evaluation conclusion for this question. Since implementation there have been significant habitat and species changes due to marine heat waves, climate change, over-fishing and other factors. Also, there is new information available via the February 2026 Reef Check[1] study.

Question 8

We disagree with part of the evaluation conclusion for this question. The original intent of the current boundary was not to preserve fishing in Laguna Beach. It was to meet minimum No Take MPA size requirements and minimum persistent kelp extent. The persistent kelp extent is no longer met by the existing No Take MPAs due to habitat changes.

Question 9

We disagree with part of the evaluation conclusion for this question. The evaluation states that "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". But then it contradicts itself stating that this will not improve the network. That conclusion is illogical. The SAT recommendations say larger MPAs are preferred. Larger MPAs inherently help strengthen the entire MPA network. Expansion of the No Take Laguna Beach SMCA will clearly have positive benefits to the network based on the statement above.

1. Appendix A

Question 10

We have serious concerns about the evaluation of this question. The proposed southern boundary in the amended petition is on an even line of latitude and is as close as possible using Google Earth generated coordinates to the southern Laguna Beach city boundary. We are requesting additional DFW clarification on this evaluation and are open to a slight adjustment if necessary. The proposed southern boundary features a prominent bluff landmark for enforcement.

Question 10B

We disagree with the evaluation conclusion for this question based on our answer to question 10.

Question 11

We disagree with the evaluation conclusion for this question. As stated previously, a citywide regulation against fishing is more understandable to the public than a mix of regulations in different parts of the city. We are requesting clarification from DFW staff on the assertion that the proposed southern boundary extends into the City of Dana Point. That was not the intent of the petitioner.

Question 12

We disagree with the evaluation conclusion for this question. In question 11 the evaluators state "…No-take regulations are generally easier to enforce and for the public to understand…". Now in question twelve they say the opposite. As we have stated before a citywide regulation against fishing in Laguna Beach is more understandable to the public than a mix of regulations.

Question 13

We agree with this evaluation conclusion.

Question 15

We disagree with part of the evaluation for this question. Shore fishing in the petition is not a popular activity. Observational data of fishing activity at Thousand Steps Beach from the MPA Watch program showed that during eighty seven human use surveys over a ten year period from March 1 of 2016 to March 31 of 2026, only nine people were observed shore fishing, and only three private party fishing boats were observed. All other observed fishing

was commercial. This exceptionally low level of shore and private boat fishing in the area shows that restricting shore fishing in the petition area will have almost no impact on non commercial fishing.

Question 18

We agree with the evaluation conclusion for this question.

In conclusion we believe that the evaluation by Department of Fish and Wildlife staff contains numerous inaccuracies, assumptions and opinions, with little actual data to back them up. We disagree with most of the conclusions. We are looking forward to participating in the continuing California Fish and Game Commission process to provide updated and correct information to the Commissioners and public so a decision can be made to benefit both our ocean environment and the community as intended and legislated by the California Marine Life Protection Act

Sincerely,

Mike Beanan
Laguna Bluebelt Coalition

Appendix A

1. Appendix A

Reef Check California Report:

Laguna Beach Coastal Kelp Forest Evaluation

Final Report To: Laguna Bluebelt Coalition

Jaclyn Mann

Reef Check Foundation

February 2026

Introduction

The Laguna Beach State Marine Reserve (SMR) and the Laguna Beach State Marine Conservation Area (SMCA) were both established in January 2012 as a part of California's Marine Protected Area (MPA) network (Figure 1). The Laguna Beach SMR protects more than six square miles of marine habitat and covers 4.4 miles of coastline. It extends from Abalone Point, Laguna Beach's northernmost city limit, south to Goff Island. The Laguna Beach SMCA extends south from Goff Island to Table Rock and protects more than 3 square miles of marine habitat and covers 1.2 miles of coastline (California Department of Fish and Wildlife 2022). Though these two MPAs cover most of the shoreline of Laguna Beach, there is an additional mile of coastline that remains unprotected between the Laguna Beach SMCA and the Dana Point SMCA.

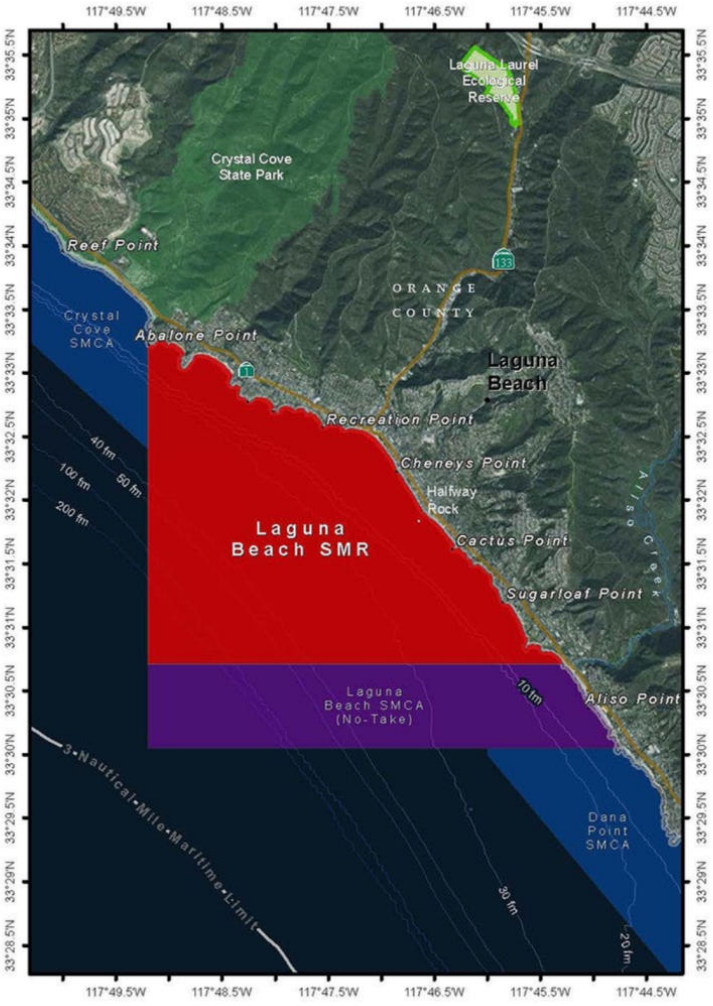


Figure 1. Map showing the current boundaries of the Laguna Beach SMR and Laguna Beach SMCA (No-Take).

This report was designed to compare the kelp forest ecosystems found outside of the Laguna Beach SMR and the Laguna Beach SMCA to kelp forest ecosystems inside those protected areas. Specifically, we will be comparing the communities found at six sites; four sites located within the Laguna Beach SMR (Seal Rock, Shaws Cove, Divers Cove, Heisler Park) and two sites located in unprotected waters south of the Laguna Beach SMCA (Thousand Steps, Three Arches).

Reef Check Methods

To assess the kelp forest ecosystems, Reef Check divers completed biotic surveys at each of the six sites. All surveys were completed following the Reef Check California Monitoring Protocol (Freiwald et al. 2021). Each survey included six 30m by 2m swath transects on which divers conducted counts of fish, invertebrates, macroalgae, and made uniform point contact (UPC) observations. Data on substrate, relief, and cover (sessile organisms) were collected at every meter during each UPC survey. Transects were placed at each survey site in predetermined depth zones, three shallow and three deep. An additional 12 fish transects (30m by 2m and by 2m) were conducted during each survey. Along each transect, a set of 83 indicator species, comprising of 13 species of macroalgae, 35 taxa of invertebrates, and 35 taxa of fish, were looked for and counted. Reef Check indicator species have been selected because they are ecologically important and of relevance to management (Freiwald and Beahrs 2020).

Reef Check long-term monitoring data was also used to examine changes in the kelp forest communities of the four sites located within the Laguna Beach SMR since the establishment of the MPA in 2012.

Giant Kelp Trends

In Southern California, giant kelp (Macrocystis pyrifera) forms kelp forest canopies. Since the establishment of the Laguna Beach SMR and SMCA in 2012, all four monitored sites have shown a slight positive trend in giant kelp density (Figure 2). Looking specifically at data collected in 2025 and 2026, the four sites inside the Laguna SMR have notably higher giant kelp densities than those at Thousand Steps Beach and Three Arches, which are located outside the MPA (Figure 3).

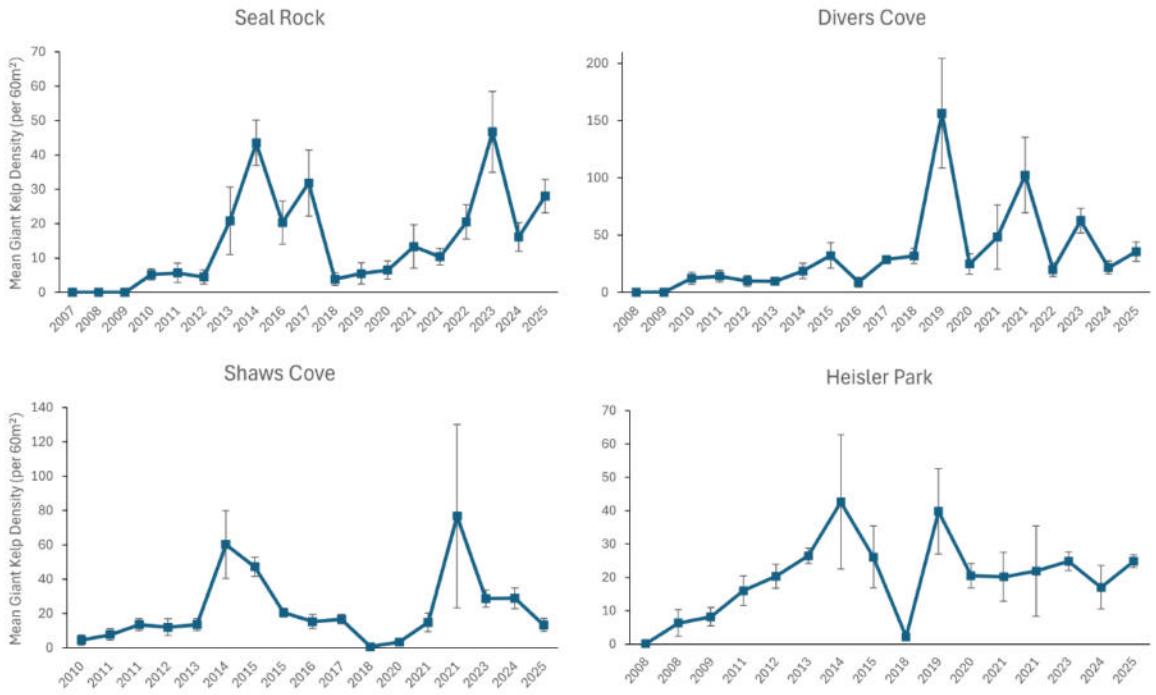


Figure 2. Giant kelp densities over time at four long-term monitoring sites in Laguna Beach, California. Error bars represent the standard error of the mean.

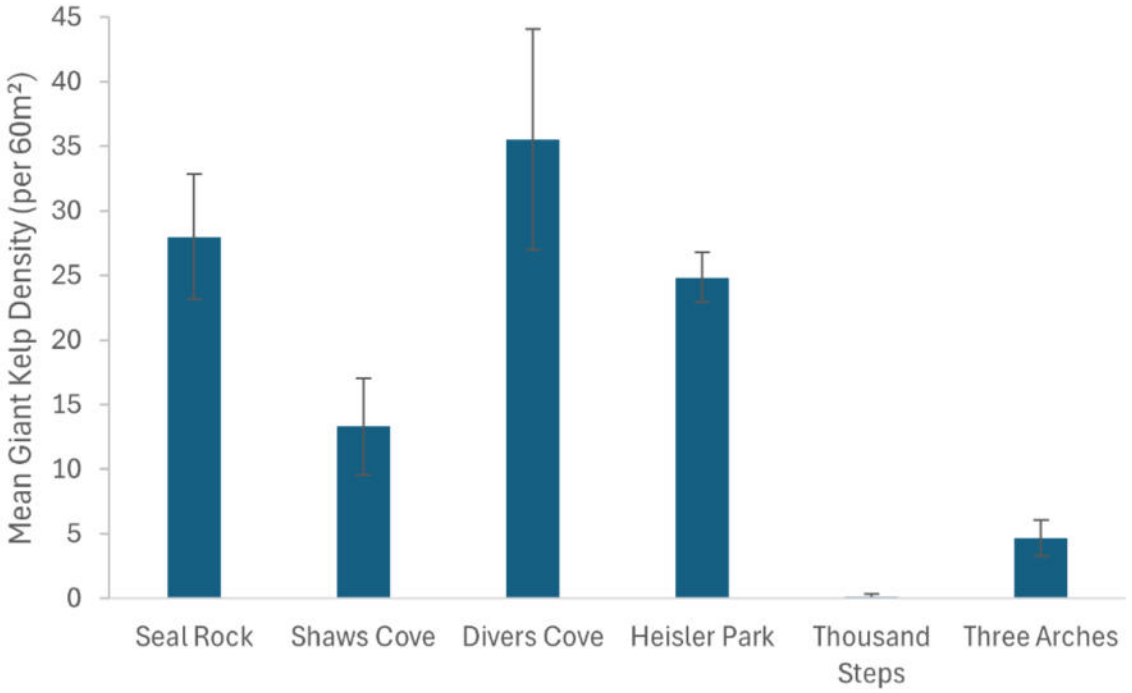


Figure 3. Mean giant kelp density at six sites in Laguna Beach, California, based on the most recent survey data (2025 and 2026). Error bars represent the standard error of the mean.

Sea Urchin Trends

Reef Check monitors four species of urchin in California: purple urchins (*Strongylocentrotus purpuratus*), red urchins (*Mesocentrotus franciscanus*), starry urchins (*Arbacia stellata*), and crowned urchins (*Centrostephanus coronatus*). Purple, red, and crowned urchins are commonly observed in southern California. Starry urchin, though, are rare in California. Starry urchin have only been recorded during Reef Check surveys in southern California at sites off Anacapa and Santa Cruz Islands. Over 19 years of monitoring, starry urchin have never been recorded at Reef Check sites located in the Laguna Beach SMR.

Since the establishment of the Laguna Beach SMR and SMCA in 2012, all four long term monitoring sites have seen a decline in both purple and red urchin densities (Figure 4). If we look specifically at urchin density data collected in 2025 and 2026, the four sites inside the Laguna Beach SMR have notably smaller densities of both purple and red urchins than the two sites located outside of the MPA (Figure 5). Small amounts of crowned urchins were recorded at Seal Rock, Shaws Cove, Divers Cove, and Three Arches. Interestingly, starry urchins were recorded for the first time at a Laguna Beach site at Three Arches in 2026 (Figure 5).

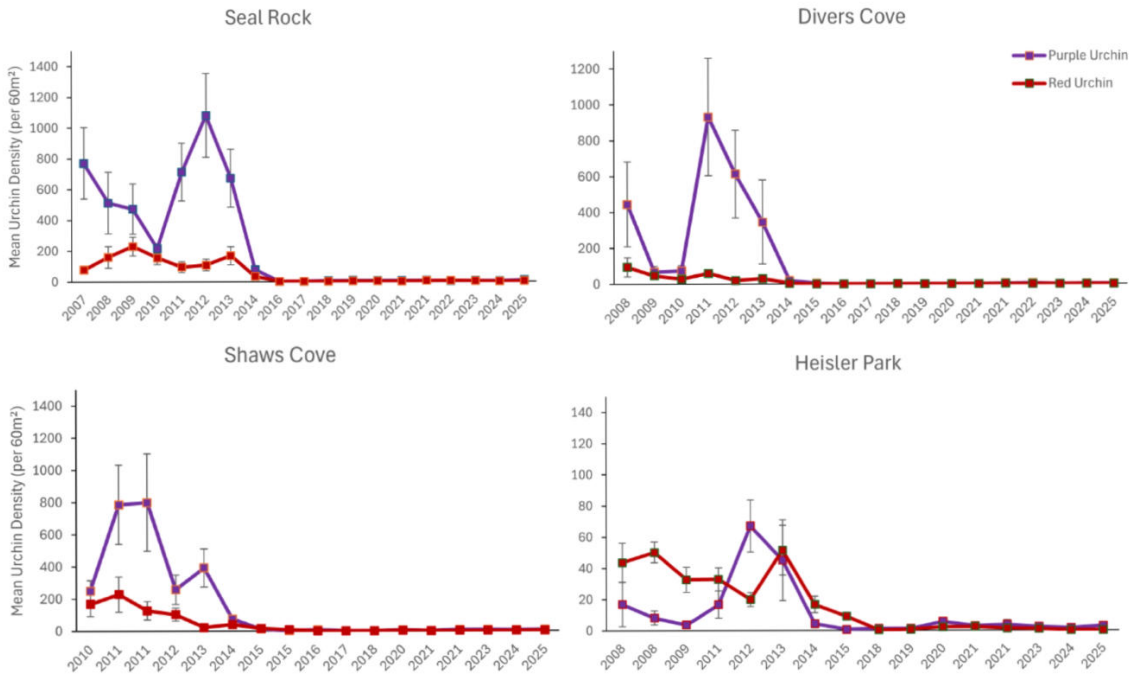


Figure 4. Purple and red urchin densities over time at four long-term monitoring sites in Laguna Beach, California. Error bars represent the standard error of the mean.

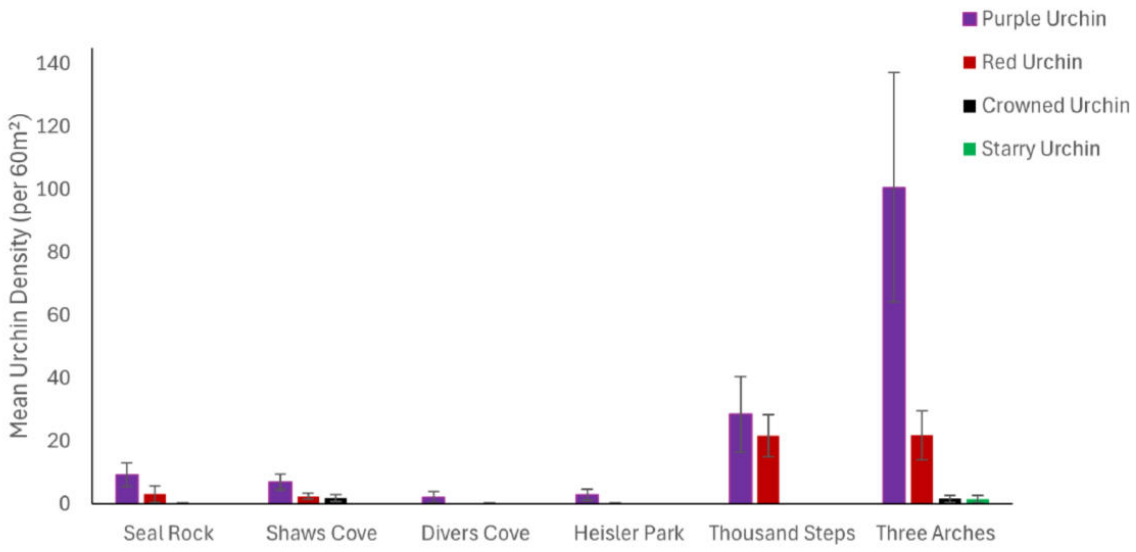


Figure 5. Mean urchin density at six sites in Laguna Beach, California, based on the most recent survey data (2025 and 2026). Error bars represent the standard error of the mean.

Reef Habitat Characterization

Uniform Point Contact (UPC) surveys were used to collect substrate data at each site. Substrate was recorded based on the size of the substrate at each point, ranging from sand (rock<0.5cm) to reef (rock>1m). The four sites located within the Laguna Beach SMR and Three Arches were mainly composed of large substrate, with all 5 sites characterized by over 50% rocky reef. Thousand Steps Beach was characterized by more medium-sized substrate, with 50% cobble (rock< 15 cm) and only 30% rocky reef (Figure 6).

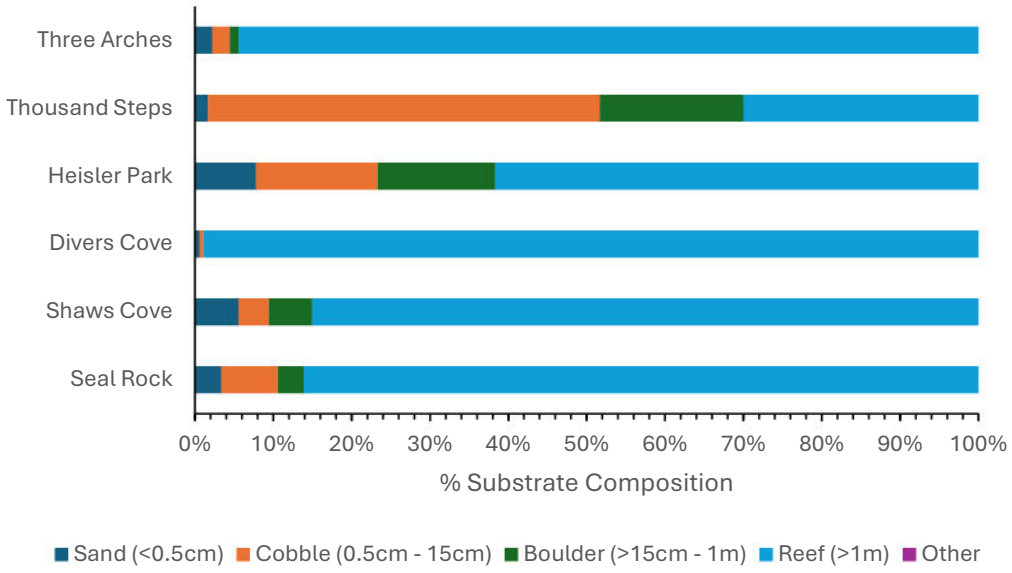


Figure 6. Mean percent substrate composition at six sites in Laguna Beach, California, based on the most recent survey data (2025 and 2026).

Conclusions

Overall, this report finds that the kelp forest ecosystems inside the Laguna Beach SMR have stable giant kelp densities and currently have higher giant kelp densities than the ecosystems surveyed at Thousand Steps Beach and Three Arches. The protected ecosystems also currently have lower urchin densities than the unprotected reefs. The higher urchin populations outside of the Laguna Beach SMR and SMCA may have led to increased grazing pressure on the algae communities of these ecosystems. If there is not enough drift algae to support urchin grazing, urchins are known to actively search for food and may graze on attached giant kelp holdfasts, resulting in a decline in giant kelp density (Harrold and Reed 1985). The fishing pressure on urchin predators, such as California spiny lobster *(Panulirus interruptus*) and California sheephead (*Bodianus pulcher*), at sites outside the MPAs may allow larger populations of urchins to thrive on those reefs. Continuing to monitor these six sites will allow us to better understand the impacts of MPAs on the dynamics of these kelp forest ecosystems.

References

Freiwald, J., and A. Beahrs. 2020. Reef Check California: SCUBA-diving citizen scientist monitor rock reef ecosystems. Page 313 in C. A. Lepczyk, O. D. Boyle, and T. L. V. Vargo, editors. Handbook of citizen science in ecology and conservation. University of California Press, Oakland, California.

Freiwald, J., S. M. McMillan, and D. Abbott. 2021. Reef Check California Instruction Manual: A Guide to Monitoring California's Kelp Forests, 10th Edition. Reef Check Foundation, Marina del Rey, CA, USA.

Harrold, C., and Reed, D. C. (1985). Food availability, sea urchin grazing, and kelp forest community structure. Ecology, 66(4), 1160-1169.

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Outlook

Public Comments on CDFW Staff Evaluation of Laguna Bluebelt Petition (2023-24)

From Eryn Oelstrom [redacted]
Date Wed 04/01/2026 03:37 PM
To FGC <FGC@fgc.ca.gov>

Hello,

I have attached to this email a public comment on the California Department of Fish and Wildlife Evaluation of the 2023 Decadal Management Review Marine Protected Area Petition - March 2026 Expand Boundaries of Laguna Beach No-take State Marine Conservation Area.

Thank you so much for considering the comment,
Eryn Oelstrom

April 1, 2026

California Fish and Game Commission
P.O. Box 944209 Sacramento, CA 94244-2090
Submitted electronically to fgc@fgc.ca.gov

Subject: Comments on CDFW Staff Evaluation of Laguna Bluebelt Petition (2023-24)

Dear President Sklar, Vice President Anderson, and Honorable Commissioners:

I value and respect the work of California Department of Fish and Wildlife in regard to the determination for the Laguna Blue Belt Petition to expand the boundaries of the Laguna No-take State Marine Conservation Area (2023-2024). I would like to submit the following comments on the published CDFW evaluation of the petition:

The determination of this petition should be decided on the best available science that has been collected within the region. According to a ReefCheck survey that was completed in February of 2026, the petition area contains kelp forest ecosystems that have higher giant kelp densities, and lower urchin densities than those habitats that were surveyed at Thousand Steps Beach and Three Arches. This information reflects the success of the existing Laguna Beach No-take State Marine Conservation Areas for habitat resiliency and sensitive species protection. With such a clear marker of success within these existing MPA areas, the expansion of this no-take SMCA should be a long-term goal of MPA decision makers and stakeholders.

The ultimate goal of this petition to create a no-fishing area across the entire coastline of Laguna Beach, is likely to have a somewhat limited effect on public recreation as there is less than a half mile of coastline that is actually available for public access (less than 0.42 miles). Furthermore, across a series of MPA watch surveys over the span of ten years, there were less than 10 observations of shore-fishing in these areas. While these surveys cannot account for all recreational fishing use in these areas, the low observed numbers of recreational fishing in the petition area by MPA watch surveys, reflects a limited use of these spaces for public access to fishing. The larger extent of fishing that was observed in these areas through these surveys can be attributed to commercial fishing. Although the financial benefit to commercial fisheries from these areas is significant – the petition area is not the only popular area for these operations to occur. Considering that so much of the commercial fishing take from these areas is ultimately exported internationally – the resulting negative impacts that commercial operations have on our natural resources seems like a major disadvantage to local and statewide stakeholders. Specifically, the majority “of the [Spiny] lobster catch has been exported to Asian countries”[1] according to the California Department of Fish and Wildlife’s Status of the Fisheries Report through 2011. With the commercial fishing take providing benefit and responding to international demand, the strain on local and statewide natural resources should be seriously considered.

I believe that the CDFW report’s position that this petition would have no significant impact on whale entanglement to be incorrect. According to the data provided by NOAA fisheries, there was a total of 36 confirmed entanglement reports across the west coast in 2024 including at least one case within Orange

[1] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=65491&inline (p 3)

County.[2] With an expansion of the Laguna Beach No-take SMCA, and with the resulting limitations on commercial lobster traps and other fishing nets within the offshore area – the ultimate impact on whale entanglement potential should be positive. Simply put, without the presence of lobster traps and fishing nets off Laguna's Coast there is no chance of whales being entangled by those tools in this area.

The city of Laguna Beach has a plethora of existing city-wide restrictions that are designed to protect natural resources and public spaces. The establishment of a city-wide restriction on fishing would be no different than many of these existing regulations and would ultimately contribute to a positive effect on the marine ecosystems found off the city's coastline. Public perception and understanding of this restriction should not be an issue as comprehending a city-wide ban on something is much more clear cut and easy to communicate and understand than a marine area specific ban on fishing.

According to the 2022 California MPA Decadal Management Review, larger MPA's are typically more effective in improving most ecological measurements when compared to smaller sized MPA's. With this fact in mind, the petition's request to extend the Laguna Beach No-Take SMCA, seems to align with the most currently published review and findings.

I respectfully hope that the commission will seriously consider these points and others brought up in public comments before making their decision. I appreciate all of the continued work that has been done to conserve and protect our valuable marine ecosystems and natural resources and look forward to seeing this work continue in the near future.

Thank you for your time,

Eryn Oelstrom

Eryn Oelstrom

[2] https://www.fisheries.noaa.gov/s3/2025-04/2024-whale-entanglements-report.pdf

Outlook

Comment Letter re Agenda Item 2 April FGC

From Azsha Hudson <ahudson@environmentaldefensecenter.org>
Date Wed 04/01/2026 01:41 PM
To FGC <FGC@fgc.ca.gov>

Hi,

For the April FGC meeting agenda item 2, please see the attached letter that addresses CDFWs recommendations (**2023-27-MPA-AM**) and new data that shows eelgrass recovery within the SMR but significant eelgrass loss within the SMCA. Thank you!

AZSHA HUDSON (she/her/hers)
MARINE CONSERVATION ANALYST & PROGRAM MANAGER
906 Garden Street
Santa Barbara, CA 93101
o: 805.963.1622 X 105 c: 805.263.7071
www.EnvironmentalDefenseCenter.org

environmental DEFENSE CENTER

We recognize that EDC sits on occupied, unceded, stolen lands of the Chumash Peoples, on Shmuwich Territory, who have called this area home for time immemorial. We commit today to make space to elevate indigenous voices and support our local Chumash and indigenous communities in our work to protect our environment.

CONFIDENTIALITY NOTE: The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and maybe legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

April 1, 2026

California Fish and Game Commission
Marine Resources Committee
P.O. Box 944209 Sacramento, CA 94244-2090

Re: Fish and Game Commission Agenda Item 2 re New Science and Historical Rationale Not Considered in CDFW Evaluation of Anacapa Island SMCA Petition (2023-27-MPA-AM)

Dear President Sklar, Vice President Anderson, and Honorable Commissioners:

We urge the Fish and Game Commission (FGC) to consider our response below to California Department Fish and Wildlife's (CDFW) assessment of Petition 2023-27-MPA-AM. CDFWs recommendation ignores the hyper local science that has been conducted at Anacapa Island since the early 2000s and the inclusion of habitat protection in the intentions set for the Channel Island MPAs. We urge the FGC to rely upon the most up to date science to adaptively manage[1] the Marine Protected Area (MPA) Network, and below we provide a synopsis of **new data**, including geo-located eelgrass habitat surveys at Anacapa from 2024, as well as **historical intent** to underscore the need for additional regulatory protections at Anacapa Island and the importance of approving petition 2023-27-MPA-AM.

I. KNOWN IMPACTS ON EELGRASS AT ANACAPA ISLAND

Over the past decade, significant research has been conducted at Anacapa Island within the specific MPAs referenced in petition 2023-27-MPA to better understand how policy protections can support eelgrass ecosystem recovery and safeguard this critical species. Available data demonstrates that lobster traps set in Anacapa State Marine Conservation Area (SMCA) cause significant harm to eelgrass recovery efforts.[2] Scientific habitat surveys since 2009 have shown that eelgrass beds in the nearby Anacapa State Marine Reserve (SMR) were healthy,

[1] "Adaptive management processes being the collection of information and judgments regarding the performance of individual MPAs and of networks at an ecosystem level, to change the configuration and regulations of the MPA to reflect new information and experience." California Department of Fish & Game. California Marine Life Protection Act Master Plan for Marine Protected Areas. Revised Draft January 2008. Pg 83.
[2] Jessica Altstatt (2021). Island Eelgrass (*Zostera pacifica*): Focused Assessment of Condition and Extent of Meadows and Biological Monitoring of Associated Fish and Invertebrate Communities.

906 Garden St. Santa Barbara, CA 93101
PHONE (805) 963-1622
www.EnvironmentalDefenseCenter.org

while those in the SMCA were degraded or nonexistent following lobster season. Notably, as the SMCA and SMR are next to each other, any macro impact (i.e. climate change, pollution, ocean warming events like the 2014-2016 marine heat wave, etc.) and/or site-specific attributes (i.e. "temperature, currents, and suitable substrate to sustain eelgrass") to the SMCA would also have an impact on the eelgrass located within the SMR. The primary difference between sites is that the SMCA allows for commercial and lobster traps during a two month season each year.

A. Eelgrass is Impacted by Lobster Traps as Shown by the Many Surveys Conducted at Anacapa Island Specifically and Globally.

Anacapa-specific research has demonstrated negative impacts from lobster fishing traps and bottom gear. In the paper "Island Eelgrass (*Zostera pacifica*): Focused Assessment of Condition and Extent of Meadows and Biological Monitoring of Associated Fish and Invertebrate Communities" by Alstatt et al (2021):

- "Observations and data collected at the restoration site in 2011 and 2012 suggested that something was impacting the soft bottom habitat within Frenchy's Cove. Information gained from mariners and National Park rangers confirmed that the cove was being targeted by trap fishing during the commercial season months of November and December."[3]
- [Our findings] "determine that the commercial lobster trap fishery had severely impacted the epicenter of our restored eelgrass bed within the Anacapa State Marine Conservation Area at Frenchy's Cove. Eelgrass occurring within the neighboring marine reserve was flourishing."[4]

Attachment A: Petition 2023-27MPA Supplemental Information

- "The fishing pressure within the Special Closure in Frenchy's Cove is extremely intense during the two months that the commercial fishermen are allowed to enter (Nov, Dec). I (Jessie Altstatt) have routinely counted over one hundred traps within a small area. The traps are repeatedly picked up, re-baited and dropped again (~every 72 hours). In a natural system, a bat ray may create a feeding pit which disturbs an area of eelgrass possibly ~ 1 meter across, but then the ray moves on, and that area can gradually recover vegetatively growing in from all sides towards the center of the pit. My permanent transects went from nearly 100% healthy eelgrass in 2011, to ~60% cover, half of which was severely distressed."
- The picture below is from a presentation Jessie Altstatt gave at the 2016 California Islands Symposium, showing the main permanent transect within the restoration area at
- Frenchy's, within the SMCA where trap fishing is currently allowed. Note the abandoned trap in the Figure 1.

[3] *Id.* At page 2.
[4] *Id.* At page 3.



Figure 1. Replanted eelgrass within Anapaca SMCA in 2009, and the same transect site in 2012 where eelgrass was no longer present, and an abandoned lobster trap was found instead.

Figure 2: NEW DATA - Eelgrass Distribution at Anacapa Island

- Data used to inform the map in Figure 2 comes from a 2009 survey via snorkel after restoration efforts, a 2012 survey conducted via snorkel after restoration efforts, and a **2024 SCUBA and surface snorkel survey** at the 2009 and 2012 survey sites, all collected by scientific survey teams at Anacapa SMCA and SMR.

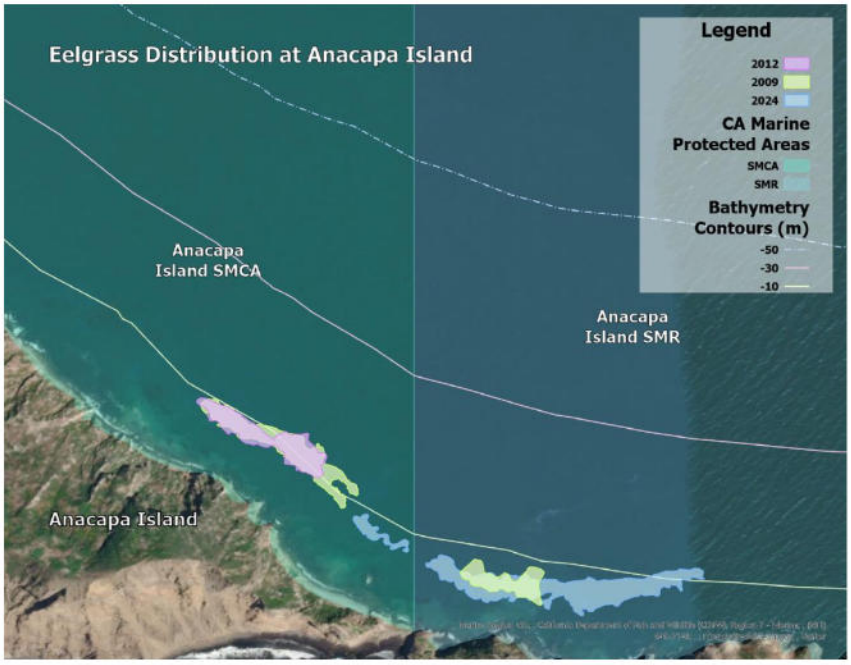


Figure 2.

B. New 2024 Data Shows that Eelgrass Coverage has Only Declined in the Anacapa SMCA Where Lobster Fishing is Permitted.

As shown in Figure 2, the 2000s replantation efforts of Altstatt and her team have been diminished in the SMCA as of 2024, while the eelgrass located within the SMR has grown. CDFWs assertion that other factors like warming events and site-specific characteristics are what are "contributing to the lack of recovery of eelgrass in Frenchy's Cove"[5] within the SMCA ignore the data that eelgrass in the adjacent SMR is thriving. The two MPAs have dramatically different eelgrass distributions due to the main management difference: two months of lobster trap season within the SMCA. Research conducted at Anacapa Island points to lobster traps as the main transgressor at Frenchy's Cove within Anacapa SMCA. The two-month window that allows for bottom contact fishing gear has led to such a significant decline in eelgrass currently that it is imperative that we adaptively manage this MPA and modify the regulations to protect eelgrass so that the small remaining amount can recover.

II. THE CHANNEL ISLANDS WERE EXPLICITLY ESTABLISHED TO PROTECT HABITATS INCLUDING EELGRASS.

CDFW suggests that all the options presented in Petition 2023-27-MPA-AM "deviate from the original intent of the Anacapa Island SMCA"[6] because there may be potential consumptive losses to commercial and recreational fishing. However, this ignores research from nearby MPAs within Santa Barbara which show that SMRs enhance commercial lobster catches by more than 225%[7]. Furthermore, the common theme found within the Channel Islands Environmental Document, Master Plan, Decadal Management Report, the Marine Life Protection Act, and other foundational documents, is adaptive management is an "open-ended tool" that takes results gathered from monitoring efforts to develop adaptive management strategies, and that a primary goal of adaptive management should be to protect at least 25 acres of rare eelgrass habitats – and up to 30% of existing eelgrass meadows - within each of Anacapa's MPAs as feasible.[8]

A. The MPAs at the Channel Islands were Established to Conserve Eelgrass.

Eelgrass is one of the key habitats that must be protected through MPAs as identified by the Master Plan Science Advisory Team (SAT), and this petition supports the continued effective

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[5] California Department of Fish and Wildlife's Evaluation of 2023 Decadal Management Review Marine Protected Area Petition: March 2026. Amend Existing Anacapa Island SMCA or Special Closure to Protect Eelgrass (2023-27MPA_AM). Pg 7.
[6] *Id.*
[7] Lenihan HS, *et.al.* Evidence that spillover from Marine Protected Areas benefits the spiny lobster (Panulirus interruptus) fishery in southern California. Sci Rep. 2021 Jan 29;11(1):2663. doi: 10.1038/s41598-021-82371-5. PMID: 33514853; PMCID: PMC7846765. Pg 5.
[8] California Department of Fish & Game. California Marine Life Protection Act Master Plan for Marine Protected Areas. Revised Draft January 2008. Pg 74-75.

protection of a key SAT priority eelgrass habitat. [9] If approved, it would prevent lobster traps from degrading habitat and reducing eelgrass coverage per the SAT's guidelines:

> "For the three sub-habitats eelgrass, tidal flats, and coastal marsh to be considered present, a minimum of 25 acres of each must be included within an MPA. The SAT recommends that wherever possible, a mixture of estuarine subhabitats be protected in close proximity to one another to allow for the movement of species among sub-habitats." [10]

As research shows that lobster traps are directly responsible for substantially degrading eelgrass habitat, proposed management updates would help to meet SAT guidelines and increase connectivity between the MPAs by protecting eelgrass habitats across both the SMR and the SMCA. The following lists some additional goals from the Channel Islands Environmental Document that CDFW's recommendations fail to consider:

Longstanding Channel Island management priorities underscore the need to protect eelgrass habitats. The Final Environmental Document Marine Protected Areas in the Channel Islands National Marine Sanctuary Volume I explicitly calls out eelgrass protection as a management priority:

- "Given the criteria that MPAs should include at least 30 percent of existing eelgrass meadows, and that large and contiguous MPAs are most effective for conservation"[11]
- "One of the goals for MPAs is to protect populations of special concern, which include species of economic importance, keystone species, declining, threatened or endangered species, and habitat-forming species."[12]
- "The proposed conservation area is an extension of the North Anacapa SMR to provide additional habitat and species protection."[13]

B. Petition 2023-27-MPA-AM Aligns with the Marine Life Protection Act Goals, Particularly Goals 1, 2, and 3.

Goal 1: Protecting the eelgrass from uprooting by hard bottomed items will directly "protect the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems"[14] by removing a significant and specific threat to eelgrass – recreational and commercial lobster fishing. In its absence, the 2021 study authors explicitly

[9] California Natural Resources Agency. (2009). California Marine Life Protection Act Initiative: Draft Methods Used to Evaluate Marine Protected Area Proposals in the MLPA South Coast Study Region. Pg 9.
[10] California Natural Resources Agency. (2009). California Marine Life Protection Act Initiative: Draft Methods Used to Evaluate Marine Protected Area Proposals in the MLPA South Coast Study Region. Pg 11.
[11] Final Environmental Document Marine Protected Areas in NOAA's Channel Islands National Marine Sanctuary Volume I. Pg 5-13
[12] *Id.*
[13] *Id.* At page 5-25
[14] MLPA, 2853.b.1

state: **"Our restoration work showed that eelgrass will rapidly colonize and thrive if anthropogenic disturbance (trapping) were to cease."**[15]

Goal 2: Petition 2023-27MPA also "sustains, conserves, and protects marine life populations"[16] of both eelgrass and a wide range of marine species that rely on and benefit from eelgrass, as shown by studies indicating higher biodiversity in areas with eelgrass versus the bare sandy bottom that results from lobster trapping and damage from boat anchors.[17] Global research has also shown that fully protected MPAs confer biodiversity and biomass benefits,[18] which further supports the request of this petition.

Goal 3: Anacapa's transplanted eelgrass beds are a critical "study opportunity"[19] for understanding how to restore eelgrass in other parts of California and temperate climates. Anacapa Island is an important natural laboratory that has been used by researchers to inform broader eelgrass management efforts since the 1980s.[20] Increasing eelgrass research and recovery is a priority for agencies including OPC and NOAA. The proposed alternative solutions can support that important work by helping restore eelgrass beds where they are currently harmed by fishing pressures.

C. Petition 2023-27-MPA-AM Aligns with the MPA Master Plan Adaptive Management Objectives, Particularly Objective 1, 2, 4, and 5[21]

Objective 1: Approving Petition 2023-27MPA will allow the eelgrass restoration efforts by Jessica Alstatt to not be voided by annual, recurring damage from lobster traps. Allowing the eelgrass within the SMCA to grow, hopefully to historic levels, directly benefits the structure and function of that ecosystem.[22]

Objective 2: Eelgrass has been categorized by the National Oceanic and Atmospheric Agency (NOAA) as a Habitat Area of Particular Concern (HAPC) for species managed under the Pacific Salmon and Pacific Groundfish Fishery Management Plans.[23] Approving any of the petition's three alternative solutions would "improve native marine life populations" through improved health and distribution of eelgrass habitat.

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[15] Jessica Altstatt (2021). Island Eelgrass (*Zostera pacifica*): Focused Assessment of Condition and Extent of Meadows and Biological Monitoring of Associated Fish and Invertebrate Communities
[16] MLPA, 2853.b.2
[17] Jessica Altstatt (2021). Island Eelgrass (*Zostera pacifica*): Focused Assessment of Condition and Extent of Meadows and Biological Monitoring of Associated Fish and Invertebrate Communities
[18] Grorud-Colvert, *et.al.* (2021). The MPA Guide: A framework to achieve global goals for the ocean. Science, 373(6560), eabf0861.
[19] MLPA, 2853.b.3
[20] Engle, J. M., & Miller, K. A. (2005). Distribution and morphology of eelgrass (Zostera marina L.) at the California Channel Islands. In *Proceedings of the Sixth California Islands Symposium. Institute for Wildlife Studies, Arcata, CA* (pp. 405-414).
[21] California Department of Fish and Wildlife. (2016). California Marine Life Protection Act Master Plan for Marine Protected Areas. Pg 42. Adopted by the California Fish and Game Commission on August 24, 2016. Retrieved from www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan.
[22] *Id.*
[23] https://www.fisheries.noaa.gov/west-coast/habitat-conservation/habitat-areas-particular-concern-west-coast

Objective 4: Protecting a known eelgrass meadow and allowing it to grow without impacts from commercial lobster fishing will "ensure comprehensive representation of all key habitats". The eelgrass replantation/restoration efforts done by Jessica Alstatt and her team occurred at both the SMCA and State Marine Reserve (SMR) at Anacapa Island where the "dramatic increase in fishing effort along all SMR boundaries (regardless of bottom type) has degraded the eelgrass meadow habitat and has extirpated eelgrass from within the Anacapa SMCA".[24]

Objective 5: Information gathered from multiple dives at Anacapa Island following the implementation of the MPAs in the early 2000s has informed the petition. The approval of this petition would be in line with adaptive management directives.

D. Lobster Fisheries Benefits Significantly from MPA Protections.

CDFW argues that there would be significant impacts to the commercial lobster fishery, despite recent studies showing how that the lobster fishery benefits significantly from highly protected MPAs. A 2021 study by Lenihan et al in the Santa Barbara Channel found that a "35% reduction in fishing area resulting from MPA designation was compensated for by a 225% increase in total catch after 6-years,"[25] indicating that on a local scale the fishery benefited from spatial protections. In another report it was found that MPA protections led to an increase in lobster biomass, density, size, and species richness within the MPA boundaries.[26] Additionally, while the intention for the SMCA at Anacapa included consideration for impacts to the lobster fishery, it also tasks CDFW, FGC, and other relevant agencies/science advisors to re-evaluate the MPAs and make modifications to improve performance.[27]

III. RESPONSIBILITY OF THE FGC TO ADAPTIVELY MANAGE THE NETWORK AS PRESCRIBED BY THE MARINE LIFE PROTECTION ACT AND MASTER PLAN.

We acknowledge that CDFW highlighted option one as the only option that would align with CDFW feasibility guidelines, increase enforceability, and enhance protections.[28] Studies conducted at Anacapa Island have shown that the success of eelgrass restoration efforts within the SMCA have been harmed, largely due to the fishing gear used by commercial lobster fishers.

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[24] Jessica Altstatt (2021). Island Eelgrass (*Zostera pacifica*): Focused Assessment of Condition and Extent of Meadows and Biological Monitoring of Associated Fish and Invertebrate Communities. Pg 24.
[25] Lenihan HS, *et.al.* Evidence that spillover from Marine Protected Areas benefits the spiny lobster (Panulirus interruptus) fishery in southern California. Sci Rep. 2021 Jan 29;11(1):2663. doi: 10.1038/s41598-021-82371-5. PMID: 33514853; PMCID: PMC7846765. Pg 5.
[26] Spanier, E. (2024). Marine protected areas–a review of their potential effects on lobster population size & structure and fisheries management. *Fisheries Research*, *275*, 107025.
[27] Final Environmental Document Marine Protected Areas in NOAA's Channel Islands National Marine Sanctuary Volume I. Pg 2-17.
[28] California Department of Fish and Wildlife's Evaluation of 2023 Decadal Management Review Marine Protected Area Petition: March 2026. Amend Existing Anacapa Island SMCA or Special Closure to Protect Eelgrass (2023-27MPA_AM). Pages 14-16.

As CDFW has flagged option one as the most feasible we urge the commission to approve Petition 2023-27_MPA-AM under option one, to change Anacapa Island SMCA regulations to disallow commercial California spiny lobster (Panulirus interruptus) fishing year-round.

At minimum, the commission should consider option three, to change the border of the Anacapa Island Special Closure, prohibiting the deployment of lobster traps from 0-30 meters (0-98.43 feet) instead of the existing 0-20 feet deep. As shown in Figure 2, the existing eelgrass coverage (blue shapefile) extends past 10 meters (approximately 33 feet). We urge the commission to weigh option three with a reduction in range, extending the existing border out to at least 50 feet in depth but ideally to a depth of 30 m to allow for easier compliance along established fathom and mapping lines.

IV. CONCLUSION: APPROVAL IS WARRANTED TO ADEQUATELY ADAPTIVELY MANAGE ANACAPA

By approving one of the three alternative solutions, the FGC will integrate the best available science into MPA policy; support the goals of the MLPA; advance federal and state policies advocating for the recovery and protection of eelgrass; and directly support the DMR's goal of adaptively managing MPAs based on findings from the past decade. We urge the Commission to rely upon science in making the decision for all petitions and come to the conclusion to approve Petition 2023-27_MPA-AM.

Sincerely,

Azsha Hudson
Marine Conservation Analyst

Maggie Hall
Deputy Chief Counsel

Attachments:

A: Letter to Erika Zavaleta responding to questions the Commissioner posed at the February 14, 2024 Fish and Game Commission meeting. Petition 2023-27MPA Supplemental Information

Attachment A

Petition 2023-27MPA Response to Questions posed by Commissioner's

Please see the below report responding to questions (bolded) posed by Commissioner Zavaleta in a follow up email after the February 14, 2024 Fish and Game Commission meeting. The response to Commissioner Zavaleta's questions were addressed by Jessie Altstatt, a researcher that has studied eelgrass at Anacapa island for years and wrote a report on her findings that prompted us at the Environmental Defense Center to submit an MPA petition.

Clarifying the spatial and temporal extent of impact on eelgrass beds from the traps and anchoring that you identified as damaging to those beds. For example, how do anchorage pits compare in size and density to natural disturbances (such as feeding pits, storm events) to eelgrass?

The species of eelgrass found at Anacapa Island, *Zostera pacifica*, has very short rootlets and typically grows within the top few centimeters of sediment. This makes it extremely sensitive to disturbance, which is why it is found only in the most sheltered areas. Deploying and pulling traps disturbs the sediment and dislodges the eelgrass and causes it to drift away. It will only "grow back" if there is still material left behind. Deploying and pulling traps is akin to anchoring, which is known to be a major threat to eelgrass beds world-wide, and it's no coincidence that Channel Islands National Marine Sanctury ("CINMS") is very concerned about anchoring and disturbing the seafloor in areas of eelgrass.

I (Jessie Altstatt) have attached a figure from a talk I gave at the 2016 California Islands Symposium, showing the main permanent transect within my restoration area at Frenchy's. Note the abandoned trap.

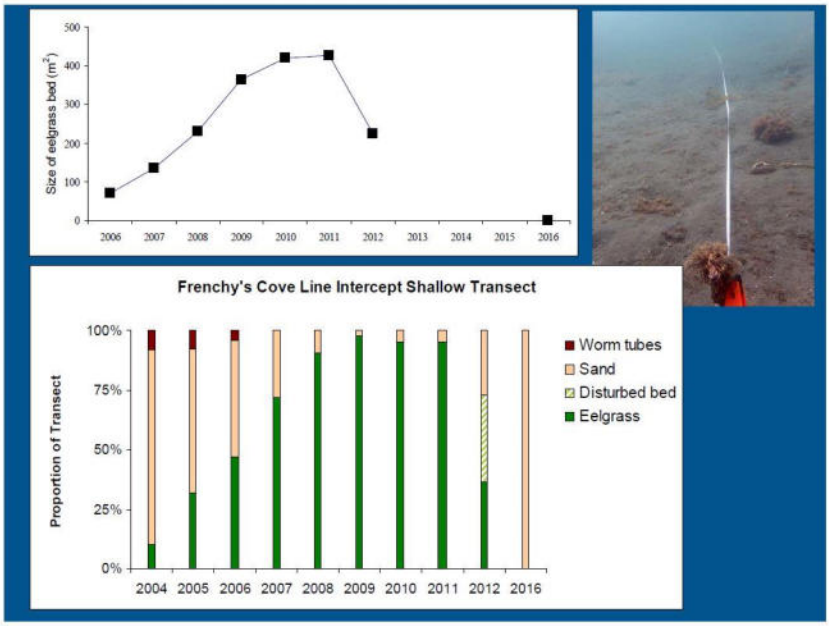


How long does it take for the eelgrass to grow back from each of these disturbance types? In terrestrial grasslands (which I [Commissioner Zavaleta] understand are different), for example, patchy disturbances increase overall biodiversity and vegetation recovery in them is quick.

To answer the question, how long does it take for recovery, I (Jessie Alstatt) would argue that it could take many decades if there was not a wild source of seeds or vegetative material upstream. The closest bed up current of Frenchy's is at Smugglers, > 4 miles away and across a channel between the islands. And, for any recovery, the fishing effort needs to stop. There is no other lobster fishing area that I (Jessie Altstatt) know of that specifically targets soft-sediment bottom. Frenchy's once had the largest eelgrass bed at Anacapa island (Jack Engle data). We were on our way to seeing recovery following our restoration work, and now it is gone.

The fishing pressure within the Special Closure in Frenchy's Cove is extremely intense during the two months that the commercial fishermen are allowed to enter (Nov, Dec). I (Jessie Altstatt) have routinely counted over one hundred traps within a small area. The traps are repeatedly picked up, re-baited and dropped again (~every 72 hours). In a natural system, a bat ray may create a feeding pit which disturbs an area of eelgrass possibly ~ 1 meter across, but then the ray moves on, and that area can gradually recover vegetatively growing in from all sides towards the center of the pit. My permanent transects went from nearly 100% healthy eelgrass in 2011, to ~60% cover, half of which was severely distressed.

Another figure shows numerical data (size of restoration area in square meters) and % cover along a permanent transect). During the restoration work, it took > 5 years to reach solid cover of eelgrass, and this was destroyed within a year (although I do not have the quantitative survey data from 2013-2015, I learned from other divers that most of the solid grass bed was gone by 2013).



I (Jessie Altstatt) have also attached (see below) a picture from 2016 from within Frenchy's Cove, showing how damaged the eelgrass bed was at that time. Note that the abandoned trap contains the bones of a drowned cormorant.



I (Commissioner Zavaleta) want to understand not whether there are effects of fishing and boat anchorages, but how large, spatially extensive (what % of a meadow?) and long-lasting they are.

In support of my (Jessie Altstatt) observation that traps were responsible for the damage, in 2016 there were still a few scattered eelgrass plants within the cove, but they were shallower than 20' as that is the inner limit for trap fishing. However, there is very limited habitat of the right sediment grain size in shallower than 20' due to wave action.

To address the wave action question, eelgrass is very limited by depth to areas where there is not much exposure to wave action. Frenchy's Cove is the most protected area at Anacapa Island, which is why the historic bed once grew as shallow as 20' depth.

Please also note that recently CINMS performed a Climate Vulnerability Assessment and protecting eelgrass habitat was among the top 2 proposals discussed by the group. There was a list of action items created by the group, and excluding trap fishing was on that list- but ultimately NMS has no control over state-managed fisheries.

Outlook

Response to CDFW Evaluation of Petition 2023-32MPA – Duxbury Reef SMCA

From Save Duxbury Access <saveduxburyaccess@gmail.com>
Date Thu 04/02/2026 02:34 PM
To FGC <FGC@fgc.ca.gov>; Miller-Henson, Melissa [redacted]
Cc Ashcraft, Susan [redacted]; Shuman, Craig [redacted]; Eckerle, Jenn@CNRA <Jenn.Eckerle@resources.ca.gov>; Esgro, Michael@CNRA <Michael.Esgro@resources.ca.gov>

Dear Honorable Commissioners, and Executive Director Miller-Henson,

On behalf of Save Duxbury Access, please find attached our "Response to CDFW Evaluation of Petition 2023-32MPA – Duxbury Reef SMCA."

We want to express appreciation for the Department's careful work on the Bin 2 petitions and to state our support for CDFW's recommendation to deny Petition 2023-32MPA_1 (the SMR reclassification). The attached letter focuses on the remaining concern: the recommendation to grant the proposed northern and southern boundary expansions in concept, despite the lack of direct site-specific evidence and the significant implications for access, equity, and consistency with the standards applied in other Bin 2 petitions.

We respectfully request that this response be included in the administrative record for Petition 2023-32MPA and provided to the Commission in advance of any further action related to Duxbury Reef SMCA in this decadal review.

Thank you very much for your consideration and for your continued service to California's coastal communities.

Best regards,
Mollie Lounibos
Save Duxbury Access

Save Duxbury Access is a grassroots group of Bolinas residents who believe in protecting Duxbury Reef while keeping access open for low-impact fishing (both commercial and recreational), legal subsistence gathering, surfer access, tidepooling, and reef educational programs for schools. Protecting access ensures that our children will nurture a connection with nature and continue our longstanding tradition of responsible stewardship in Bolinas, California.

To: California Fish and Game Commission
Attn: Commissioners and Executive Director Melissa Miller-Henson

Cc: CDFW Marine Region staff; OPC MPA program staff

Re: Petition 2023-32MPA — Duxbury Reef SMCA; Response to CDFW Evaluation and Request for Commission Action

April 2, 2026

Dear Chair and Commissioners,

The Bolinas community is grateful to California Department of Fish and Wildlife staff for their careful and thorough evaluation of the Bin 2 MPA petitions in this decadal review. We appreciate the time, expertise, and attention to detail that went into this work, and we support CDFW's recommendation to deny Petition 2023-32MPA_1, which sought to reclassify Duxbury Reef State Marine Conservation Area to a State Marine Reserve.

CDFW's denial of the SMR proposal shows that the record does not demonstrate a serious enforcement problem, and it recognizes outreach, education, and community engagement as good alternatives to changing the regulations. CDFW also acknowledged that the Duxbury Reef SMCA was originally designed to protect the reef while keeping shore-based recreational fishing and related community uses. That means existing access is part of the original design, and any proposal to change that balance should be backed by a strong evidentiary record.

On that note, we are concerned by CDFW's recommendation to approve the northern and southern boundary expansions in concept without direct evidence of a site-specific problem. We appreciate the lengths to which staff went in establishing bright-line protection for the continuation of existing hook-and-line commercial and recreational fishing within the alternative proposal's new Conservation Areas extending south and north of the current SMCA. However, there remains no basis in the petitioner's case for such an extraordinary expansion of the regulated area, which would nearly triple the size of the current SMCA. Generalized policy interests or precautionary climate-impact concerns do not justify approval of a petition that otherwise lacks support.

The petitioner's case rests mainly on perceived visitor confusion in a small part of the Agate Beach tidepools, which is the easiest area to access. By contrast, the UCSC/MARINe Bolinas Point record comes from a less-visited area that better represents most of the SMCA, and it does not show a long-term decline or other ecological problem that would justify major boundary expansion or stronger restrictions. The petitioner has not presented similar site-specific data for the Agate Beach tidepools. Where localized concerns do exist, CDFW has recognized that education, signage, and community stewardship are better responses than immediate regulatory expansion.

We continue to have questions about the basis for this significant expansion of the regulated area, as it appears to differ from the treatment of other petitions in this decadal review. The evaluation

demonstrates careful work and strong analytical judgment by CDFW staff, including efforts to preserve fishing access. Still, we are left wondering whether the Bin 2 criteria were applied consistently across petitions. In other matters, CDFW denied changes when there was no site-specific evidence, when the proposal conflicted with the original MPA intent, when it would not improve the network, or when it would create unnecessary socioeconomic impacts. If the same standards were applied here, a full denial would appear more consistent than an approval in concept, as shown in the attached comparative tables. We would welcome any additional information that would help us better understand these decisions.

With this in mind, Save Duxbury Access respectfully requests that the Commission:

1. Maintain the current Duxbury Reef SMCA designation as supported by CDFW.
2. Maintain the current Duxbury Reef SMCA boundaries unless and until the record contains a functioning local adaptive management framework, direct evidence of a site-specific need linked to an identified threat, and a comprehensive cumulative impacts analysis for the affected area.
3. Ensure that the February 2026 Save Duxbury Access alternative petition and adaptive management framework are formally included in the record.

The broader policy picture also supports this approach. California's 30x30 initiative recognizes that managed areas and stewardship-based approaches can help meet conservation goals. Save Duxbury Access's adaptive management framework fits that model because it supports stewardship, monitoring, education, governance, and adaptive decision-making while also preserving local access and long-term conservation.

We look forward to working together to explore how California can meet these conservation goals while also honoring the generational stewardship values and continued coastal access that define our small coastal community. Thank you for your commitment to California's coastal communities and the protection of our coastal environment.

Respectfully,



Mollie Lounibos
on behalf of Save Duxbury Access

Save Duxbury Access is a grassroots group of Bolinas residents who believe in protecting Duxbury Reef while keeping access open for low-impact fishing (both commercial and recreational), legal subsistence gathering, surfer access, tidepooling, and reef educational programs for schools. Protecting access ensures that our children will nurture a connection with nature and continue our longstanding tradition of responsible stewardship in Bolinas, California.

Attachment A: Comparative Table

Comparative Table of Bin 2 Petition Evaluations and Duxbury Treatment

These are the main comparison points shown in the table: site-specific evidence, original intent, network benefit, socioeconomic impacts, alternative management, and the more permissive treatment Duxbury appears to have received. These comparisons should also be read in light of the fact that the EAC petition record lacked site-specific science, enforcement records, and a cumulative impact analysis.

Petition	CDFW result	Core reason for denial	Standard applied elsewhere	Why Duxbury stands out
2023-14MPA (Goldenberg)	Denied	No site-specific evidence that commercial urchin harvest would restore kelp or improve the Network; proposal conflicted with original intent and would add regulatory complexity.	Required local ecological proof, network benefit, and consistency with original design.	Duxbury was advanced despite a comparable lack of site-specific proof and clear network benefit.
2023-34MPA (Deehan)	Denied	Reclassification to SMR would not improve Network design, would create unnecessary socioeconomic impacts, and did not justify stronger restrictions.	Required measurable ecological benefit and protection of existing fishing access.	Duxbury's access impacts were discounted more lightly.
2023-33MPA	Denied	Significant regulatory changes must meet a high threshold of demonstrated conservation value, science-supported benefit, stakeholder engagement, and rigorous analysis.	Required a high evidentiary threshold for major regulatory change.	If that same standard were applied to Duxbury, approval in concept would be hard to justify.

Petition	CDFW result	Core reason for denial	Standard applied elsewhere	Why Duxbury stands out
2023-32MPA1 (Duxbury SMR proposal)	Denied	CDFW found no objective evidence that confusion or illegal take justified redesignation; outreach and education were adequate alternatives.	Consistent with the denial pattern in other petitions.	This is the one part of the Duxbury record that is aligned with the rest of Bin 2.
2023-32MPA2 / 3 (Duxbury boundary expansion)	Approved in concept	Proposed habitat protection expansion despite incomplete baseline information and unresolved boundary/feasibility concerns.	Appears to have been treated more permissively than comparable petitions.	This is the core inconsistency: expansion was allowed in concept where others were denied outright.
Other Bin 2 petitions generally	Mostly denied	Lack of site-specific evidence, no Network benefit, conflict with original intent, feasibility/enforceability concerns, or unnecessary socioeconomic impacts.	CDFW used a strict evidentiary and adaptive-mana gement framework.	Duxbury appears to have been an exception without a stated reason of comparable strength.

Key comparative points:

- Site-specific evidence: Required in the denied petitions; not clearly required with equal force at Duxbury.
- Original intent: Treated as binding in the denied petitions; less controlling in the Duxbury expansion recommendation.

- Network benefit: Central in the denials; not clearly demonstrated for Duxbury boundary expansion.
- Socioeconomic impacts: A major reason for denial elsewhere; not given equal weight in the Duxbury expansion recommendation.
- Alternative management: Favored elsewhere; Duxbury could have been treated the same way through a functioning adaptive management framework.

Attachment B: Comparative Table

Comparative Table of Duxbury Petition Components: Same Record/ Different Results

The evaluation applies CDFW's own criteria more strictly to the SMR reclassification proposal than to the boundary expansion recommendations, even though both components rely on the same underlying petition record and are evaluated in the same document. In the SMR analysis, the evaluation concludes that site-specific evidence, original intent, network benefit, feasibility, socioeconomic impacts, and non-regulatory alternatives do not justify redesignation of Duxbury Reef as an SMR. By contrast, in the same document, similar or weaker showings are treated as sufficient to support granting the northern and southern boundary expansions 'in concept,' without applying the same evidentiary thresholds with equal force.

The recommended northern and southern expansions would nearly triple the length of the current Duxbury SMCA. This would eliminate the last remaining open, accessible rocky reef access in Bolinas and one of the few such access points in Marin County where local residents and Bay Area visitors can legally gather shellfish and kelp from shore. This would occur despite the absence of site-specific ecological and socioeconomic analysis for the expansion zones. This intertidal area is already naturally protected by difficult access from both land and boat, so further restricting it raises important questions in light of the Commission's JEDI and Coastal Fishing Communities policies.

Taken together, these contrasts show that CDFW applied its own adaptive management framework and evidentiary standards unevenly to the same petition record, elevating speculative conservation gains over documented access and equity concerns in the expansion recommendations.

Argument / criterion	**X SMR proposal (denied)**	**✅Boundary expansions (granted in concept – same record)**
Site-specific science	**X** CDFW finds the petitioners' claims of a "large incidence of take violations" are "unsubstantiated by CDFW enforcement data" and that an SMR is "unlikely to measurably enhance protection beyond what is currently offered."	✅ For the expansions, CDFW does not require a higher 'threshold of demonstrated conservation value and need' or any new site-specific studies. Instead, it accepts that expanding boundaries 'has potential to enhance biodiversity and ecosystem function' based on the same general record it found insufficient to justify redesignation, without identifying a documented, place-based ecological problem in the proposed expansion zones.

Original MPA intent	**X** CDFW states the SMR "does not align with the original intent of the MPA," which was to "protect the intertidal reef while allowing for shore-based recreational fishing." CDFW further notes that the SMCA "allows communities like Bolinas to continue long-standing fishing practices." CDFW confirms that an SMR reclassification would contradict that balance.	✅ CDFW's own findings on original intent make its treatment of the boundary expansions internally inconsistent. The Department acknowledges that a no-take designation "would restrict existing allowed uses that are important to the coastal heritage of the local community Bolinas," yet it recommends in concept a boundary expansion that would eliminate all remaining rocky reef access to shellfish and kelp gathering in Bolinas, and one of the last remaining in Marin County. While we appreciate CDFW's bright-line protection for the continuation of fishing, it is important to note that the current SMCA boundaries were designed to also preserve other uses for Bolinas residents and Bay Area visitors. Expanding the SMCA boundaries would compound existing restrictions in a county that is already heavily protected, with significant limitations on fishing access. A comprehensive cumulative impacts analysis is critical before any further regulatory expansions are considered that could affect coastal access and food security in West Marin.
Network / adaptive benefit	**X** CDFW concludes that the SMR "does not advance adaptive management recommendations," "does not address a current or emerging MPA management challenge," and "is unlikely to improve the design of the Duxbury Reef SMCA or the MPA Network."	✅ For the expansions, CDFW does not apply the same caution. On the very same site and record where it rejected an SMR, it instead labels boundary growth as an "adaptive management opportunity" even though it has not identified any site-specific evidence that legal, shore-based shellfish and kelp gathering in the open north and south areas is harming the reef or affecting its response to climate stress. In practice, the only certain effect of expansion would be to eliminate the last remaining shore-based gathering access for Bolinas and much of Marin—undermining local food security, cultural practices, and equitable coastal access—while any claimed climate or network benefit remains hypothetical and unquantified.

Feasibility & enforcement	**X** For the SMR, CDFW relies on MED data showing “zero citations” and “no unique enforcement challenge” and concludes that “improving signage and outreach” is “just as, or more, effective than a regulatory change,” using feasibility as a reason **not** to change regulations.	✅ For the expansions, CDFW acknowledges that the proposed northern and southern boundaries “do not” or “would not” fully align with Feasibility Guidelines, but it does **not** treat those feasibility concerns as a basis for denial; instead it recommends “Grant in concept” and leaves alignment to future boundary refinement.
Socioeconomic / access	**X** In rejecting the SMR, CDFW emphasizes that redesignation would “unnecessarily eliminate established uses previously vetted” in the MLPA process, “terminate all recreational fishing,” and "unnecessarily impact recreational fishing opportunities.” It also acknowledges that Duxbury overlaps with fishing grounds in commercial fishing block 447 used by the local hook-and-line California halibut fishery, which “contributes to a local and sustainable food supply for West Marin communities.”	✅ For the expansions, CDFW uses the same commercial block and access information but does not give it comparable stopping power; it recommends “Grant in concept” while suggesting that future design “should” avoid “unnecessarily restrict[ing] existing commercial and recreational fishing” rather than treating those impacts as grounds to deny. Unlike its approach in other Bin 2 petitions, CDFW does not require a concrete boundary alternative, a quantified analysis of impacts to block 447, or any showing that the expansion can protect the reef without displacing the small-boat halibut fleet before advancing the action.
Non-regulatory alternatives	**X** For the SMR, CDFW repeatedly concludes that targeted signage, outreach, education, and docent programs “could be just as, or more, effective than a regulatory change,” and treats those non-regulatory tools as sufficient to address the petitioner’s concerns.	✅ For the expansions, CDFW again recommends outreach and education but does **not** use those tools as an alternative to regulatory change; instead, it layers them on top of new SMCAs and still recommends “Grant in concept” for 2023-32MPA2 and 3 on the same management record.

Outlook

Agenda Item 18 – Marine Protected Area (MPA) Decadal Management Review and Adaptive Management Strategy: Meeting Date: April 15–16, 2026

From Rikki Eriksen <rikki@californiamsf.org>
Date Thu 04/02/2026 08:30 AM
To FGC <FGC@fgc.ca.gov>

Dear President Sklar and Honorable Commissioners,

On behalf of the Informal MPA Scientific Working Group in California, we are submitting the following comment letter regarding the ongoing adaptive management of California's Marine Protected Area (MPA) Network. Our group, comprised of independent researchers and marine ecologists specializing in the California Current Large Marine Ecosystem (CCLME), remains committed to ensuring that the network's management is guided by the most robust, peer-reviewed science available.

As the Commission considers the implementation of the Decadal Management Review (DMR), we wish to emphasize the necessity of a dynamic, climate-ready approach to adaptive management. The rapid shifts in oceanographic conditions—including Marine Heatwaves and shifting species distributions—require that the MPA Network function not as a static set of boundaries, but as a flexible management tool.

Key Recommendations for Adaptive Management:

- **Integration of Climate Resiliency:** Adaptive management must move beyond historical baselines. We recommend the inclusion of "Climate Vulnerability Indices" for key species to identify which MPAs may require enhanced protection or modified boundaries as thermal niches shift northward (Sydeman et al., 2015).
- **Strengthening Biological Connectivity:** Current data suggest that "stepping stone" connectivity between MPAs is highly dependent on larval dispersal and the health of kelp forest ecosystems. We urge the Commission to prioritize adaptive measures that protect these corridors from localized stressors, including coastal development, water quality degradation, and unsustainable harvest of fish and invertebrates.
- **Precautionary Approach: E**ffective management of California's MPA network amidst the escalating uncertainties of climate change necessitates a strategic commitment to the core ecological tenets of representation, replication, and redundancy. As marine heatwaves, ocean acidification, and shifting species ranges alter the fundamental stability of coastal ecosystems, protecting a single parcel of a habitat type is no longer a sufficient safeguard against localized extirpation or degradation. By ensuring the network represents the full breadth of California's marine biodiversity, and replicates these habitats across multiple biogeographic regions, managers

create a "portfolio effect" that spreads the risk of environmental catastrophe (Sydeman et al., 2015). This redundancy ensures that if one MPA is degraded by a stochastic event, such as a toxic algal bloom or a severe El Niño, similar protected populations nearby can provide larval recruits necessary for recovery. Consequently, the network must be managed not as a collection of isolated "islands," but as an integrated, precautionary system that utilizes adaptive management to adjust protections as climate-driven knowledge gaps are filled. This holistic approach acknowledges that in an era of rapid ecological flux, the most robust defense for California's marine resources is a redundant and spatially diverse network that prioritizes resilience over static preservation (Kelsey et al., 2018; Grorud-Colvert et al., 2021).

Our working group stands ready to provide technical briefings or detailed literature reviews to support the Commission's staff as they refine the adaptive management pathways. We believe that by fostering a transparent, science-first dialogue, California can maintain its status as a global leader in marine conservation.

Thank you for your consideration of these comments and for your continued dedication to the stewardship of California's coastal resources.

Regards, Rikki on behalf of this scientific working group.

Rikki Eriksen, Ph.D.
California Marine Sanctuary Foundation
Senior Scientist
Director of Marine Spatial Ecology Program (PROSEAs)
831 331 6113

Unless someone like you
Cares a whole awful lot
Nothing is going to get better
Its simply not….
Dr. Seuss, The Lorax

<image002.jpg>
Please note change of last name from Grober-Dunsmore.

Please visit the California MPAs website for more information and resources to support marine protected areas education and outreach: www.californiampas.org

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April 2, 2026

President Eric Sklar
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to: fgc@fgc.ca.gov

Re: Scientific Guidance on the Evaluation of Petitions to Modify California's Marine Protected Area Network

Dear President Sklar and Honorable Commissioners:

We, the undersigned scientists, respectfully submit this letter to inform your decision-making regarding the first adaptive management process of California's Marine Protected Area (MPA) network. As we face intensifying environmental stressors, we urge the Commission to rely on the best available ecological and social science and the precautionary principle to prioritize petitions that strengthen or strategically expand the network, while rejecting proposals that would weaken protections absent compelling scientific justification.

California's Ocean is Changing Rapidly

California's coastal ecosystems are facing accelerating threats that alter MPA and ocean management. The California Current is experiencing rapid, foundational shifts, including ocean warming, acidification, and deoxygenation, that are redistributing marine life and destabilizing ecosystem functions (NOAA, 2025). Increasingly frequent marine heatwaves are pushing these ecosystems toward their ecological limits (Frölicher et al., 2018; Rogers-Bennett & Catton, 2019). Currently, an expansive marine heatwave comparable in extent to the 2014–2016 "Blob" is already elevating California coastal water temperatures by approximately 3–4°F, with uncertain duration and ecological consequences. Simultaneously, ocean acidification is occurring at twice the global rate (Osborne et al., 2020), reducing calcification in shell-forming organisms, exacerbating hypoxia in upwelling regions, and threatening both fisheries and vital ecosystem services (Feely et al., 2008; Kessouri et al, 2021). The cumulative impacts of these shifts, combined with sea star wasting disease, have already triggered widespread kelp forest collapse (Tolimieri et al. 2023), disrupted traditional migration patterns, and weakened the foundations of entire food webs (Rogers-Bennett & Catton, 2019; Smith et al., 2025).

These environmental challenges now intersect with intensifying ocean uses, including offshore wind energy development (California Energy Commission, 2024), aquaculture expansion (NOAA, 2025), and record-breaking shipping traffic (Port of Los Angeles, 2025). Climate change acts as a threat multiplier, amplifying these ecological stressors while simultaneously reducing the ocean's capacity to recover. Coastal ecosystems in the California Current are particularly vulnerable to these additional pressures because they already face compounding impacts from eutrophication, acidification, and hypoxia. Consequently, precautionary and adaptive

governance is no longer optional; it is a necessity if California's ocean is to maintain its ecological integrity (Halpern et al., 2015; Kessouri et al., 2021).

CA MPA Network Performance

California's coastal ecosystems are among the most productive and biodiverse on the planet. Driven by seasonal upwelling, habitats such as kelp forests, rocky reefs, estuaries, and submarine canyons sustain vital fisheries, support an incredible diversity and abundance of marine life, bolster regional tourism, enhance recreation and wellbeing, and support long-standing cultural traditions. To safeguard these assets, California's MPA network was established under the Marine Life Protection Act to conserve marine biodiversity, rebuild depleted populations, improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and protect the structure, function, and resilience of marine ecosystems through a coherent, science-based network of protected areas (Cal. Fish & Game Code § 2852, 2025; Gleason et al., 2013; CDFW 2016). Maintaining and strengthening this coherent, connected network is increasingly critical as climate change drives shifting species distributions and more frequent disturbances, requiring functional connectivity to support dispersal, recovery, and demographic rescue across the California coast (Carr et al., 2017; Liu et al., 2025).

While ecological responses can vary by region and species, comprehensive network-wide analyses confirm that older, well-enforced, and "fully" or "highly" protected MPAs, as defined by the *MPA Guide* (Grorud-Colvert et al., 2021), comparable to State Marine Reserves or restrictive State Marine Conservation Areas (SMRs/SMCAs), consistently exhibit higher biomass, larger body sizes, increased species richness, and greater predator abundance compared to adjacent fished areas. These levels of protection prohibit or adequately regulate extractive and disruptive activities, including fishing, oil and gas, mining, anchoring, infrastructure development, aquaculture, dredging, and dumping.

Crucially, these ecological benefits are not static; they strengthen over time as MPAs mature (Spiecker et al., 2025; Smith et al., 2025; Caselle et al., 2023). These findings underscore that the level of protection and duration of enforcement are the primary predictors of biological effectiveness across the entire California network. This is particularly evident in areas that were heavily fished, where implementation of fully and highly protected MPAs provides the necessary refuge to reverse depletion and restore trophic balance. For example, in areas with higher fishing pressure, MPAs are more likely to show stronger responses (Ziegler et al. 2024, Nickols et al. 2019). As such, reserves in state waters (ie, closer to shore) are more likely to experience higher fishing pressure, and therefore more likely to respond positively to protection, providing the myriad of benefits described above. Furthermore, MPAs in state waters are particularly important for species with limited movement or small home ranges, where localized protections can yield strong ecological benefits. In contrast, fisheries in deeper offshore waters more often target pelagic or highly mobile species, which may require larger-scale or different complementary management approaches to achieve similar benefits (Hampton et al. 2023). Finally, there is ample evidence that MPA performance increases with reserve size, both globally and in California (Edgar et al. 2014, Ziegler et al. 2024). Taken together, these factors

highlight the importance of MPAs in shallow state waters that remain fully and highly protected over time.

However, even high levels of protection cannot insulate all habitats from external stressors. For example, California's few estuarine MPAs remain threatened by water-quality degradation, agricultural runoff, and coastal armoring exacerbated by sea level rise (Merrifield et al. 2011). These cross-boundary threats highlight the need for integrated management that pairs marine protection with land-based conservation efforts.

Finally, MPAs can provide tangible socio-economic benefits to local communities (Nowakowski et al., 2023), and long-term engagement of stakeholders in collaborative research on MPAs positively affects people's opinions of MPAs and marine management in general (Mason et al., 2020, Johnston et al., 2024).

MPAs as Climate Adaptation Tools for Kelp Forest Resilience

Marine heatwaves pose an existential threat to kelp forests, which have experienced dramatic declines across the Pacific coast in recent decades. While ensuring their long-term persistence in a warming ocean is a complex challenge, a key strategy is the prioritization and protection of "persistent" kelp forests—those that have historically demonstrated resilience to extreme thermal events.

Kelp forests serve as essential nursery habitats, support coastal economies and fisheries, buffer shorelines from erosion, and sustain marine biodiversity. Integrating nearly four decades of satellite canopy data with long-term ecological monitoring reveals that kelp forests within MPAs, particularly in Southern California, exhibited significantly greater post-heatwave recovery compared to nearby reference sites following the 2014–2016 events (Ortiz-Villa et al., 2025). Complementary research suggests that highly and fully protected MPAs increase both resistance to and recovery from heatwaves by preserving vital trophic cascades. Higher abundances of key predators, such as California sheephead, sea otters, sunflower seastars, and spiny lobster, suppress sea urchin grazing, which in turn facilitates kelp resilience (Kumagai et al., 2024; Selgrath et al. 2024). Theoretical modeling and historical data also support the idea that using reserves to protect urchin predators is substantially more effective in maintaining kelp forest resilience than any later human intervention, such as urchin removals or kelp restoration, particularly when interventions are implemented early in a disturbance (Hopf et al. 2025).

While MPAs cannot prevent ocean warming, and statewide analyses indicate they did not universally prevent community reorganization during the 2014–2016 marine heatwave (Smith et al., 2023), recent empirical research from California's MPA network shows that fully and highly protected MPAs (SMRs/SMCAs) can enhance ecosystem resilience to climate-driven disturbances (Ziegler et al. 2023), particularly in kelp forest systems where higher predator abundances within MPAs maintain trophic cascades and support post-heatwave recovery (Kumagai et al., 2024; Ortiz-Villa et al., 2025). By maintaining intact trophic structures and robust predator populations, fully and highly protected MPAs (SMRs/SMCAs) can help buffer ecosystems against environmental shocks and support

recovery following disturbance. Collectively, these findings indicate that well-designed, strongly protected MPAs function as essential climate-adaptation tools, promoting ecosystem resilience in kelp forests increasingly exposed to extreme marine heat.

Strong Protections for Rocky Intertidal Communities Build Resilience

For rocky intertidal communities, comprehensive network-wide analyses confirm that the level of protection is a primary predictor of biological resilience. While these communities are increasingly subjected to abrupt climatic transitions and marine heatwaves, fully and highly protected MPAs (SMRs/SMCAs) consistently exhibit greater community stability and faster post-disturbance recovery than adjacent harvested areas (Grorud-Colvert et al., 2021, Caselle et al., 2023). This resilience is driven by preservation of "superspawners"- large-bodied invertebrates with exponentially higher reproductive output, which create local larval "seed banks" that facilitate rapid recolonization following extreme events (Raimondi et al., 2019; Smith et al., 2025). Furthermore, by eliminating the compound stressors of harvesting and trampling, high protection levels maintain critical trophic balances, such as regulation of sea urchins by predators like lobsters and sheephead, which prevents overgrazing of foundation species (Spiecker et al., 2025; Hamilton et al., 2007). Ultimately, these protected sites function as stable ecological refuges within a connected network, providing a vital buffer against the intensifying effects of climate change along the California coast.

Strengthening Connectivity Builds Climate Resilience

California's MPA network was intentionally designed as a coherent, interconnected system to satisfy the Marine Life Protection Act (MLPA) requirements for habitat representation, replication, and ecological connectivity (Gleason et al., 2013). Empirical research throughout the California Current confirms that strongly protected MPAs function as both larval sources and receivers, exporting reproductive output that sustains fish populations and fisheries far beyond protected boundaries (Caselle et al., 2015; Nickols et al., 2015). Biophysical modeling further identifies specific coastal locations that serve as critical larval "source areas" and stepping-stones. These sites link distinct regions along the coast, highlighting the vital role spatial connectivity plays in maintaining a functional network (Mitari et al., 2009, Yeager et al, 2023).

As climate change shifts species distributions and alters oceanographic conditions, maintaining and strengthening this connectivity becomes paramount. A robustly connected network facilitates range shifts, demographic rescue, and rapid recovery following acute disturbances like marine heatwaves (Carr et al., 2017; Roberts et al., 2017). Conversely, scientists have noted that external fishing pressure can hinder a species' ability to colonize new areas at their "leading edge" while accelerating disappearances at their "trailing edge," ultimately reducing a stock's capacity to adapt to a changing climate (Pinsky and Mantua, 2015; Stram and Evans, 2009).

Emerging research also identifies "persistent" kelp forests as disproportionately important larval sources and climate refugia, making their protection essential for regional stability

(Arafeh-Dalmau et al. 2021, Arafeh-Dalmau et al. 2023, Cavanaugh et al. 2025). Strategic expansion or strengthening of protections to improve connectivity and safeguard these "keystone" sites will ensure that vital recovery pathways remain intact as ocean conditions continue to evolve.

Climate-Smart Design Must Guide Petition Decisions

Scientific guidance developed for California's Marine Protected Area network concludes that, although MPAs cannot prevent climate-driven ocean change, well-designed networks can increase ecological resilience by reducing local stressors, maintaining biodiversity and trophic structure, and supporting ecosystem recovery following disturbance (Hofmann et al., 2021).

In response to accelerating effects of climate change, managers must transition toward "climate-smart" MPA networks by embedding adaptation strategies directly into management frameworks. Central to this approach is identification and protection of climate refugia (areas naturally buffered from environmental extremes). As established by recent research (Carr et al., 2017; Smith et al., 2025, Arafeh-Dalmau et al. 2023), ensuring redundancy, habitat representation, and robust ecological connectivity are now recognized as essential pillars for maintaining biodiversity and resilience in California's rapidly changing ocean. Recent analyses of the California MPA Network underscore that spatial replication and connectivity are not just design goals, but functional necessities for maintaining biological effectiveness under increasing climate stress (Spiecker et al., 2025).

Furthermore, recent studies identifying critical gaps in the protection of persistent kelp forests highlight an urgent need to improve representation of these climate-resilient habitats within the network (Arafeh-Dalmau et al., 2021; Arafeh-Dalmau et al., 2023), and address regional differences in climate resilience. For example, in the South Coast and Northern Channel Islands, MPAs have shown robust "climate-smart" performance, since MPAs protect California Sheephead and California Spiny Lobster, predators that exert strong top-down control on sea urchins (Kumagai et al. 2024).

Broad Support for Ocean Protection in California

A study funded by the Ocean Protection Council and led by the social science team at the California Marine Sanctuary Foundation (CMSF) involves conducting a statewide assessment of how Californians value and use ocean resources, including marine protected areas (MPAs). Nearly 5,000 residents across coastal counties—from Del Norte to San Diego—have been surveyed, with targeted outreach to Tribal and underserved communities and a substantial sample of recreational fishers.

Preliminary findings indicate that more than 60% of respondents report limited familiarity with the state's MPA network, its purpose, and the role of science in its management with particularly low awareness among Black and Latino communities. Despite this, Californians consistently rank protecting threatened species and reducing harmful commercial activities among their top

ocean management priorities, indicating broad public support for the goals of the MPA network. (Frawley, et al.; 2025; Nowakowski et al. 2023; Selgrath et al., unpublished data)

These findings highlight an opportunity to strengthen public engagement and governance through more inclusive and culturally informed approaches (Travis et al., 2026). Integrating social and ecological data—alongside Tribal knowledge and co-stewardship frameworks—can improve understanding of how MPAs affect diverse communities across ecological, cultural, and economic dimensions (Selgrath et al., 2026). We encourage the California Fish and Game Commission to incorporate a social-ecological framework into MPA management and evaluation, supported by expanded investment in research and data integration, to advance more effective, and equitable adaptive management. Doing so will help maximize benefits for both people and ecosystems while sustaining California's leadership in marine conservation.

Conclusion and Recommendations

The collective scientific record provides a clear mandate for the future of California's ocean management. Based on the evidence synthesized above, we highlight several central conclusions:

- Larger, fully and highly protected MPAs (SMRs/SMCAs) yield the most significant and consistent ecological gains, providing the necessary "insurance" for biodiversity protection (Edgar et al., 2014, Grorud-Colvert et al., 2021).
- As climate change accelerates across the California Current, scientific guidance emphasizes that maintaining—and strengthening—a well-designed network of marine protected areas is a critical strategy for sustaining biodiversity, supporting ecosystem recovery, and enhancing climate resilience in California's coastal waters (Hofmann et al., 2021).
- Persistent kelp forests and identified climate refugia are critical to ecosystem stability and warrant enhanced, targeted protection (Arafeh-Dalmau et al., 2021; Arafeh-Dalmau et al., 2023).
- Larval connectivity and the maintenance of a coherent network structure are foundational to the resilience of the entire California Current ecosystem (Carr et al., 2017).
- Californians overwhelmingly support ecosystem protection. Multiple studies reveal a consensus showing support levels consistently ranging from **70% to 90%** in favor of marine protected areas (PPIC 2023, DMR 2022, Van Diggelin et al. 2022)
- Precautionary, adaptive, and climate-informed management must be an immediate priority to ensure the long-term viability of our marine resources.

As you evaluate the 15 pending petitions and consider adaptive management for the future, we respectfully urge the Commission to:

- **Rely on the Best Available Science:** Consistent with the Marine Life Protection Act (MLPA), evaluate all proposed modifications through the lens of changing ocean conditions, accelerating climate impacts, and cumulative human pressures (California Fish and Game Code §§2852–2855, 2025; Roberts et al., 2017).

- **Prioritize Strength and Expansion:** Support proposals that improve habitat representation, safeguard persistent kelp forests, rocky intertidal, deep rocky reef, and estuarine communities, and bolster larval connectivity-design principles proven to increase resilience to disturbance and accelerate ecosystem recovery (Gleason et al., 2013; Caselle et al., 2015).
- **Reject Weakening of Protections:** Oppose proposals that would reduce protection levels or fragment the existing network. The proven ecological and socio-economic benefits of MPAs depend entirely on the strong protections and spatial connectivity that allow marine populations to thrive (Nowakowski et al. 2023).

California's Leadership and the Path to 30x30

California has solidified its position as a global leader in marine conservation. Its statewide MPA network is recognized by the International Union for Conservation of Nature (IUCN) Green List for excellence in governance, science-based management, and stakeholder engagement (IUCN, 2025). This leadership is further evidenced by the state's formal commitment to the 30x30 goal—conserving 30% of state lands and coastal waters by 2030.

However, significant work remains to meet these ambitious targets. According to the California Ocean Protection Council, approximately 21.9% of the state's coastal waters are currently classified as conserved (California Ocean Protection Council, 2025). Crucially, only 8.8% of these waters are "fully protected" within State Marine Reserves (SMRs) and an additional 3.5% is highly protected (totalling 12.3%) where there is low levels of extraction inside State Marine Conservation Areas (SMCAs) (MPAtlas.org 2026, California Department of Fish and Wildlife, 2024). The remaining 9.6% is lower protection levels (MPAtlas.org 2026). This distinction is vital, as the highest level of protection (including some of the highly protected SMCAs) has consistently been shown to produce the most robust ecological outcomes and biomass increases (Grorud-Colvert et al, 2021). There is a global consensus that well-designed and highly protected areas are the cornerstone of biodiversity conservation. To fulfill California's 30x30 mandate, it is necessary to both expand the current footprint of the MPA network and strengthen existing protections to align with the state's rigorous scientific guidelines. Achieving these targets will require the addition of new protected areas managed specifically to mitigate local stressors, ensuring that the network remains ecologically functional and resilient in the face of a changing climate.

Respectfully submitted,

[Signatories listed alphabetically]

Emelly M. Ortiz-Villa, PhD Candidate, University of California, Los Angeles

Rikki Eriksen, Ph.D. Senior Scientist, California Marine Sanctuary Foundation

Fiorenza Micheli, Ph.D., Professor, Stanford University

Lance Morgan, Ph.D., Marine Conservation Institute

Kerry J. Nickols, Ph.D., Science and Policy Director, Heal the Bay

J. Wilson White, Ph.D., Associate Professor, Oregon State University

Kevin O'Connor, Director, Central Coast Wetlands Group at Moss Landing Marine Labs

Stephen R. Palumbi, Professor, Stanford University, member US National Academies of Sciences

Alexandra Rubin, Marine Conservation Scientist, Marine Conservation Institute

Jenna Sullivan-Stack, Ph.D., Research Associate, Oregon State University

Joy A Kumagai, PhD Candidate, Stanford University

Jennifer C. Selgrath, Ph.D., Research Scientist, California Marine Sanctuary Foundation

Benjamin Ruttenberg, Ph.D. Professor and Director, Center for Coastal Marine Sciences, Cal Poly San Luis Obispo

Nikki Harasta, Marine Conservation Scientist, Marine Conservation Institute

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April 2, 2026

California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814

Submitted via email to fgc@fgc.ca.gov

Meaningfully advancing justice, equity, diversity and inclusion through adaptive management of California's MPA Network; RE: Agenda Item 2. Evaluations and Recommendations for MPA Petitions

Dear President Sklar and Honorable Commissioners,

Thank you for your leadership and stated commitments to meaningfully and equitably adapt California's Marine Protected Area (MPA) Network. As a BIPOC-led fishing interest organization with proven leadership in ocean justice and equitable access issues, we at Fish On offer these points of consideration regarding the MPA adaptive management and petition evaluation processes. We appreciate the opportunity to offer perspective—grounded in social justice best practices and social science literature—from the lived experience of many communities who do not regularly participate in Commission processes, yet are regularly impacted by the decision-making that occurs in this forum. Fish On, along with our partners in the ocean justice community, look forward to continued conversations with the Commission and Department in advancing the recommendations provided in this letter. Our goal is to create a safer, more inclusive environment to participate in public process and help advance—through meaningfully upholding the Marine Life Protection Act—the state's commitments to environmental justice and equitable access to nature, ultimately benefitting *all* Californians.

Separation of Tribally-led petitions

On March 15, 2023 in Monterey, the Department, Commission and the Ocean Protection Council (OPC) hosted a one-day meeting to discuss the Decadal Management Review of our MPA Network. At this Forum, we heard from many Tribal representatives about the injustices their communities have endured throughout history, and their lack of inclusion in the original MPA designation process. This moment for adaptive management was a critical opportunity to meaningfully include and consult with Tribes. We are disappointed that in attempting to do so, only the petitions that have ostensibly had Tribal input—those sponsored or co-sponsored by Tribal Nations or communities—are the only ones going through the Tribal committee as part of this process. If this is a mechanism to incorporate Tribal perspectives in adaptive management, all petitions should be given this opportunity, and at the very least, the non-Tribal petitions should have been prioritized for Tribal input. Further delaying only the Tribal petitions is an

unfair oversight to the many communities whose input is intended to be prioritized by state agencies.

Baseline principles

An underlying component of integrating equity best practices into management is *contextual equity*. Contextual equity[1] is described as, "the extent to which broader contextual factors (e.g., economic, governance, social structures, climate change, environmental conditions, rule of law) enable or undermine local social equity and the advancement of equity in policy and practice." While there has been some discussion around points of broader context related to Tribal injustice, climate impacts, and changes in ocean use and habitat, two critical and grounding points of context that have been absent from this evaluation and adaptive management process. These are: Power imbalances and the dominance of fishery management as our ocean management system.

1. *Demographics and power*

The recent FGC stakeholder survey[2] highlighted that the current governance structure does not foster equitable inclusion and participation. You may recall that the survey revealed stakeholder demographics of the FGC as 86 percent male, 70 percent white, and 82 percent aged 45 or older. This is a stark contrast to California's broader demographics.[3] The oversampling of this demographic is evidenced throughout many, if not all, bodies and fora that inform the Commission's decision-making, including for the original MPA designation process. The uncomfortable truth is that a subset of the fishing community holds power in this governance system, and others often feel unsafe, unwelcome and sometimes face harassment[4] and even threats in the public sphere for holding diverse perspectives. While we appreciate and are grateful for public statements by this body condemning such behavior, it will continue to be enabled without an earnest commitment—followed by action—towards procedural equity across Department and Commission bodies and processes. Doing otherwise will undermine future opportunities for adaptive management to meaningfully achieve both California's equity and environmental justice commitments and the ecological goals of the Marine Life Management and Marine Life Protection Acts.

2. *Inequities in fishery management*

While there are a suite of laws designed to protect marine species and the coastal zone, our system of fishery management is arguably the most comprehensive governance framework for managing our waters. Federal fishery management bodies are consulted and thus hold power in many fora for ocean decision-making[5] with implications for state-level fishery management, as well. The power imbalance of these bodies[6] and FGC processes are not dissimilar. Fishery management is our predominant system of ocean management, and while critical, it is designed

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[1] Mainstreaming Equity and Justice in the Ocean
[2] Staff Summary for February 11-12, 2026, Author: David Haug, David Thesell, and Melissa Miller-Henson 11A. Commission Executive Director's Report https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=241317&inline
[3] California's Population - Public Policy Institute of California
[4] A Study Of The Stakeholder Experience In Developing Marine Protected Areas In Southern California
[5] Understanding Consultations with Federal Agencies | NOAA Fisheries
[6] Membership of the eight Regional Fishery Management Councils in the United States: are special interests over-represented?

with procedural, social and environmental inequities that result in distributional inequities favoring those that hold power.

Ecologically, fishery management at state and federal levels represent less than one percent[7] of species in our coastal ocean. This means that over 99 percent of our marine species—which may hold subsistence, intrinsic, cultural and/or ecological value to many communities—are unmanaged, poorly understood, and potentially at risk. Mechanisms to both understand and conserve the complex and interconnected dynamics of our coastal habitat should be integrated into management.

MPAs are a critical tool for ocean justice

MPAs with full or high levels of protection are critical to curb biodiversity loss and promote resilience in the face of climate change.[8] By mitigating the diminished quality of access to the environment and its resources over generations, these areas can simultaneously offer place-based opportunities for natural ecosystem restoration and community connection. Many communities who have been burdened by our system of ocean management are relying on you as decision-makers to correct for the inequities which stem from the overrepresentation of certain stakeholders. MPAs are a tool in your toolbox that can help mitigate damage, distribute power and support cultural value systems of those most marginalized from these processes. MPAs can then serve to advance our understanding of the ocean, climate change and diverse community impacts moving forward. In the long-term, this can make subsequent opportunities for adaptive management more meaningful.

Comments on Petition Evaluation

We had previously endorsed the petition evaluation framework due in large part to questions that would have offered a pathway to support many marginalized communities. We are extremely disappointed in the clear lack of prioritization and the insufficient rationale offered in the Companion Document[9] for the resulting evaluation which continues to marginalize those most vulnerable and burdened by decision-making. The Commission's Justice, Equity, Diversity and Inclusion Policy[10] commits this body to: "Conduct the Commission's business in a manner that operationalizes justice, equity, diversity and inclusion." It is unconscionable that the first attempt to do so was not done in earnest. The expertise on these issues does in fact exist across the Natural Resources Agency, including the Department's own Deputy Director of Strategic Engagement, Equity, and Partnerships. Engaged stakeholders with expertise in ocean justice issues could have easily been consulted for guidance on how to approach these topics, as well. It is unreasonable to have expected this type of rationale from petitioners themselves, especially without giving this guidance at the beginning of the process. We highlight the points below to support the Commission in interpreting the Petition Evaluation in a manner that can meaningfully prioritize the opportunity to advance justice, equity, diversity and inclusion through the petition decision-making process.

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[7] Calculated based on the 130 state managed fisheries, and 506 stocks/stock complexes under federal management nationally. Marine Species Portal; Status of Stocks 2023 | NOAA Fisheries

[8] The MPA Guide: A framework to achieve global goals for the ocean | Science

[9] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=242651&inline

[10] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=199236&inline

1. *Defining disadvantaged communities*

The baseline definition of protected classes is well-established in law and case law,[11] and the level of ambiguity described in the Companion Document is inconsistent with the *significant* overlap in the definitions of disadvantaged communities across state and federal agencies and policies. Given the Commission's recent stakeholder survey results, *any* of the tools identified would have been a reasonable approach and show of a good faith commitment to operationalizing JEDI priorities in Commission processes. Department and Commission staff might find the full suite of recommendations in *Coastal Justice: Lessons From the Frontlines*,[12] and particularly the narrative around the use of screening tools, useful to this and other work.

2. *Potential impacts to non-consumptive and marginalized consumptive users was overlooked*

During the original MPA designation process, one of the few pathways available to ocean justice advocates to advance JEDI principles was through Goal 3 of the Marine Life Protection Act:[13] "Improve recreational, educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity." With JEDI policies now in place, yet unused, a robust evaluation of Question 15 (Does the proposed change have the potential to affect consumptive and/or non-consumptive activities) could have been one mechanism to include JEDI principles in the evaluation. Unfortunately, this question was narrowly interpreted—generally disregarding the opportunities for non-consumptive users aside from impacts to research activities—and mostly focused on the impacts to the consumptive users of the Commission's core stakeholder demographic.

3. *Application of Commission Policies to MPA Evaluations*

Given the context of how these policies are typically discussed, we find it necessary to explicitly state that the Commission's Coastal Fishing Communities Policy (CFC) is **not** a JEDI policy. While we recognize the significant time, effort and resources that went into development of the CFC policy, the process to do so was not inclusive or equitable despite good intentions. Quite frankly, the focus on the economic interests, the mischaracterization of "access" and the lack of analysis of subsistence community impacts in the CFC policy evaluation, undermine the Commission's JEDI policy altogether.

The narrative found in the Companion Document noted information gaps in both the JEDI and CFC policy evaluations. While we agree, we note that these gaps were not integrated into the petition evaluations for Question 5 (Are there significant information gaps that need to be filled to inform the evaluation of the proposed change?). This would have been an important signal to stakeholders that JEDI principles and the communities they are intended to support are considered, operationalized and a true priority for the Department and Commission.

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[11] Title VI of the Civil Rights Act of 1964
[12] The George Washington Journal of Energy and Environmental Law
[13] Marine Life Protection Act

Furthermore, if both of these evaluations had information gaps as noted in the Companion Document, we do not understand why the JEDI evaluation was deemed speculative and not attempted, while the CFC evaluation was included in a limited way. This, too, highlights a bias in the application of policies stemming from procedural inequities in this and other decision-making processes.

4. *"Original intent" and JEDI opportunity*

Past intent cannot dictate future needs. While the historical context and intentions of the MLPA and MPA design are important and informative, they must also be considered in the context of past injustice. In advancing any JEDI policy, we have to consider who has benefitted and who has been the most burdened by management decisions of the past. Whatever actions are taken going forward are an attempt to shift the flow of benefits to the communities that have suffered the greatest burden. While this kind of systems change may appear to burden one group in the short-term, ultimately, all communities benefit from actions to repair disproportionate disadvantages. Much of the Department's evaluation was backwards looking without the context of past inequities and exclusionary processes. Continuing to cite original intent without acknowledging past oversight, further institutionalizes the inequities in this system of decision-making. As climate impacts further burden the communities already vulnerable, we hope you can seize this opportunity to meaningfully advance justice, equity, diversity and inclusion through MPA adaptive management and across other actions.

Recommendations to meaningfully advance equitable access

The state of California has acknowledged both the benefits of natural spaces and the importance of public access to marine ecosystems. This adaptive management process should serve as a timely and critical opportunity to meaningfully advance equitable access to California's coast and ocean. It is important to note that the quality of the environment, the efficacy of conservation actions, and the effectiveness of management are foundational to social equity.[14]

The geographic location of MPAs are inherently exclusionary for many ocean-going communities and limits input, particularly from communities of color, to MPA monitoring and adaptive management. Los Angeles is a prime example, where communities across the state's largest urban area must navigate physical and hostile barriers to even experience an MPA.[15] The ideal of "minimizing the extent of fishing closures" in the MPA Network design has limited the extent of MPA experiences altogether for many communities. Access to MPAs must be enhanced for marginalized communities or we risk undermining any future adaptive management opportunity to meaningfully engage and correct for past injustices.

We offer the following considerations and are willing to further inform the Department and Commission on this topic as we continue our research and development of an equitable access framework to support decision-making.

[14] Advancing Social Equity in and Through Marine Conservation
[15] CTW MPA Project

1. *Acknowledge the opportunity for progress toward environmental justice*

California's coastal waters support myriad ways that individuals and communities benefit from ocean ecosystems. Meaningful progress towards environmental justice requires further acknowledgment of the specific communities and interests that have been marginalized and un/under-represented, and a commitment to their prioritization in future decision-making. In other words, to honor California's commitment to environmental justice, adaptive management should offer reparation and mitigation of past harms and prioritize the needs of those marginalized in past decision-making.

2. *Prioritize equitable quality of access with mechanisms of accountability*

As a principle, any evaluation of "access" alone is insufficient. Considering only physical access to the coast overlooks who and how many may benefit from such an access consideration. It is critical to evaluate access quality, with equitable quality being the predominant metric for access. Longer-term, equitable access considerations should be adapted and improved as marginalized groups find agency and safety in both decision-making and being in coastal spaces. As trust is built with under/un-represented communities, and equity best practices evolve, so too should the Commission be open to evolving how equity is integrated into access opportunities through future adaptive management. Key to this process will be developing mechanisms of accountability for state agency officials—in decision-making and their interactions with community groups in public spaces. In the spirit of learning, trust-building, and meaningful engagement, the Commission may consider adopting similar components of Action 2 from the *Engagement with Affected Communities* section (pages 14-15) of California Coastal Commission's Environmental Justice Policy.[16]

3. *Opportunities to enhance equitable quality of fishing access for low-income, subsistence communities*

To put a finer point on equity, quality, and access, it is important to consider the burdens and benefits of conservation actions on different stakeholder groups, as well as how past decision-making has disproportionately benefited one group over another and the opportunity to mitigate this imbalance.[17] The dominant narrative among the fishing industry trivializes the impact of MPAs as burdensome to fishers by "limiting access to" or "banning" fishing. This narrative not only diminishes the needs of non-consumptive recreational users but also lacks essential nuance which can support those marginalized within the fishing community itself. Adaptive management offers an opportunity to meaningfully enhance the *quality* of fishing access along the California coast. This can be accomplished over the long term through fully and highly protected MPAs which can deliver ecosystem and biodiversity outcomes to coastal communities within and beyond their boundaries.

Subsistence fishing communities along the California coast are likely concentrated on piers and jetties.[18] These communities and their needs are poorly understood, and the fisheries readily accessible to them are data-limited and have declined in quality (species value[19] and associated

[16] California Coastal Commission Environmental Justice Policy
[17] Environmental (in)justice in the Anthropocene ocean
[18] Identifying, defining and exploring angling as urban subsistence: Pier fishing in Santa Barbara, California
[19] Subsistence fishing in a 21st century capitalist society: From commodity to gift

health risks) over several generations.[20] Fisheries that are now readily accessible from shore are often—if not consistently—subject to health advisories.[21]

An analysis combining scientific guidance and the resulting ecological outcomes with tools such as SeaSketch and the MPA Connectivity Model could illuminate opportunities for potential downstream benefits to enhanced pier and jetty fishing. Through adaptive management, and to support California's environmental justice goals, the Department could recommend prioritizing sites closest to disadvantaged communities at the 75th percentile and higher according to CalEnviroScreen[22] or other available demographic tools.

Given that socioeconomic advantages can be derived from limited and well-regulated uses in partially-protected MPAs which are adjacent to a fully protected area,[23] the Commission may also consider the opportunity to establish buffer zones on the margins of State Marine Reserves (SMRs). Local communities invest in important marine ecosystems through compliance with the rules and regulations of a protected area. The spillover benefits of fully protected SMRs could flow directly back to these local communities by establishing limited-take, shore-based fishing zones—perhaps, as State Marine Conservation Areas or recreational parks—on either side of SMRs.

4. *An equitable access framework*

Fish On and Salted Roots[24] are researching and developing a framework for equitable coastal access as mentioned above. The framework accounts for the various dimensions of access, is rooted in social science and environmental justice best practices, and incorporates lived experience and expertise from marginalized community recreation groups and Tribal communities.

The table below provides a basis for equitable access considerations and is not intended to be an exhaustive list. These may serve to broaden the points of consideration used by the Department and Commission to evaluate equitable access through adaptive management. We recognize that all features cannot be met in all locations, and must be weighed against the benefits of habitat protection measures.

Dimensions of Access			
Physical access	**Quality of experience**	**Scholarship and engagement**	**Culture and stewardship**
Time	Ecosystem health	Outreach programs	Indigenous sacred sites and heritage
Cost	Maintenance of infrastructure	Diverse staff representation	Cultural programming
Public transit options	Attitude of other visitors	Career pipelines	Tribal rights and uses

[20] A Spatially Distinct History of the Development of California Groundfish Fisheries - PMC
[21] A Guide to Eating Fish from Santa Monica Beach South of Santa Monica Pier to Seal Beach Pier
[22] CalEnviroScreen | OEHHA
[23] Marine partially protected areas: drivers of ecological effectiveness
[24] salted roots

Walkways, easements and other infrastructure	Water quality, pollution or hostile features	Multilingual signage and information	Climate resilience
Safety considerations	Facilities and maintenance	Affordable housing	Subsistence fishing and gathering
Number of access points, including ADA accommodations	Recreation features (waves for surfing, intertidal areas for tidepooling, etc.)	Safety resources	Cultural competency of staff
Modified access features for different abilities	Viewshed, nearby industry	Educational opportunities for community groups	Diverse historical and cultural interpretation
Facilities (Water fountains, bathrooms, showers, etc.)	Inclusive facilities (for gender identities and physical needs)	Community-led event opportunities	Governance that supports equitable use
Parking fees, permits	Accessibility of information, especially clear, easy-to-find information on access requirements	Intergenerational and family-friendly design	Public/private partnership opportunities to facilitate access and use
Digital and technological access	Weather and climate conditions		

[Sources[25]]

A survey of BIPOC surfers in the Los Angeles area examined access considerations that influence coastal visitation. Respondents were asked to rank positive features which most attract them to a site, and rank negative features which most deter them from a site. Interestingly, water quality, proximity to home, and the ability to see marine life ranked higher than wave quality as factors influencing beach choice for these surfers.[26] This offers a localized example which supports the broader scientific literature relating ecosystem health and biodiversity to mental health and well-being.[27] As equitable access principles are fulfilled, individuals within marginalized communities should find a deeper sense of belonging in coastal spaces and more safety in participating in decision-making processes.

***

Thank you for your time and consideration of these comments and suggestions. We remain committed to advancing equity for all in coastal spaces, and holding state agencies accountable to progress towards environmental justice. To that end, please consider us an earnest partner in meaningfully and equitably advancing the recommendations offered in this letter.

[25] HAF; The Nature Gap
[26] Survey is part of the Round 3 MPA Outreach and Education Small Grants Program; results are still under analysis but can be provided upon request.
[27] Exploring connections among nature, biodiversity, ecosystem services, and human health and well-being: Opportunities to enhance health and biodiversity conservation; Nature and mental health: An ecosystem service perspective

Sincerely,

Anupa Asokan
Founder and Executive Director
Fish On

CC: CDFW - Meghan Hertel, Jaimie Huynh, Craig Shuman and Claire Waggoner
OPC - Jenn Eckerle, Staci Lewis and Mike Esgro

Outlook

Written Comment Agenda Item 2 - FGC April Meeting

From Tomas Valadez <tomas@azul.org>
Date Thu 04/02/2026 04:59 PM
To FGC <FGC@fgc.ca.gov>
Cc Marce Graudiņš <mar@azul.org>

Good Afternoon,

Please see the attached letter for the upcoming FGC meeting in April. This letter is for agenda item 2.

The letter expresses disappointment in the CDFW recommendation to deny the overwhelming majority of proposed conservation actions.

Thank you!

--

Tomas Valadez
California Policy Manager

tomas@azul.org
www.azul.org

April 2, 2026

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

RE: Comments on Fish and Game Commission April 2026 Meeting Agenda Item 2: *Evaluations and Recommendations for Non-Tribally Led or Co-Led Petitions*

Dear President Sklar and Honorable Commissioners:

Thank you for your continued leadership and dedication to protecting California's marine ecosystems. On behalf of Azul, we appreciate the opportunity to contribute to the important work of the Fish and Game Commission (Commission) and the California Department of Fish and Wildlife (CDFW). We share a common commitment to strengthening the Marine Protected Area (MPA) Network in the face of growing challenges to our shared ocean.

We write to offer our perspective on the recent recommendations issued by CDFW regarding the 2023 MPA petitions. We acknowledge the Department's recognition of the Justice, Equity, Diversity, and Inclusion Policy (JEDI Policy) as an important guiding framework. At the same time, we disagree with the conclusion that a meaningful evaluation of JEDI considerations was not possible or would be merely speculative.

Adopted in 2022, the JEDI Policy was intended to provide a meaningful framework for integrating equity considerations into decision-making processes. While this marks the first instance in which staff have attempted to systematically apply those principles to inform the commission's decision making, it is important to note that agencies with similar governance structures like the Coastal Commission and the State Lands Commission have developed robust environmental justice policies with a strong emphasis on procedural and participative equity that can, and should serve as an integral part of CDFW's guidance in the interim.

Unfortunately, in deferring JEDI evaluation, the process effectively defaults to the status quo, one that has historically excluded Indigenous communities, subsistence fishers, and communities of color from meaningful participation in marine governance. A lack of perfect data does not negate the existence of disproportionate impacts; rather, it demands a

more inclusive and qualitative approach grounded in lived experience, traditional ecological knowledge, and community engagement.

The six "applicable" JEDI commitments identified – such as subsistence use, equitable access, tribal inclusion, and creating and maintaining a space where all ideas, values, and cultures are welcomed, heard, and respected are among the most critical to environmental justice. The purported inability to evaluate these factors suggests not irrelevance but a failure to prioritize necessary groundwork, as well as a further compounding of procedural inequality.

Further, we are dismayed to see an official agency guidance document assert that the following JEDI commitments (as listed in the policy) are "not relevant to the evaluation because they focus on internal operations, partnerships, and governance process":

- Create and maintain a space where all ideas, values and cultures are welcomed, heard and respected.
- Provide accessible engagement opportunities to Commission decision-making for all affected and interested people.

In order to be successful, JEDI policies must be a governance issue. More importantly, operational issues (even internal processes) within a government agency are inherently of public relevance.

As someone with direct experience in the failures of the Commission and Agency to meaningfully engage historically marginalized communities, a trend I experienced first-hand during my term as a stakeholder in the Southern California MLPA process (2008-2010),[1] it is extremely disappointing to see problems around limited stakeholder engagement persist almost twenty years later.

It is important to note that, during this time, while California had already codified Environmental Justice into law (as the first state in the nation to do so in 1999), but no such guidance had been issued or considered in the milieu of the MLPA process, which explains the dismal failures we experienced. Instead, environmental justice advocates like myself found in the original 1999 MLPA law (specifically, goal 3) an extremely helpful tool to use (before the benefit of clearly articulated definitions, datasets or rubrics) in order to advance action on equitable and inclusive conservation. I would respectfully encourage the commission and agency staff to consider doing the same.

To assert that conducting JEDI analysis without existing definitions would be speculative, while simultaneously not attempting to create these tools and then deferring to "future policy implementation" – without a clearly detailed timeline to resolve this – comes across

[1] At this time, monumental tasks, such as identifying the need for and then actually organizing the first-ever Spanish outreach meeting and producing Spanish-language materials that were entirely nonexistent, fell on a junior advocate like myself.

at best, apathetic. The fact is, the same agency that has historically stood by while significant harm was inflicted upon marginalized communities attempting to engage in its processes, without offering meaningful remedy, is now aggravating the injustices of the past with the selective enforcement of JEDI policies in ways that further alienate participation of historically marginalized communities.

A JEDI policy, by itself, does not advance environmental justice unless it is used – *actively* – as a roadmap to "[c]onduct the Commission's business in a manner that operationalizes justice, equity, diversity and inclusion." A robust AND active JEDI policy is not, in 2026, merely optional. It is a strategic imperative without which CDFW would not be able to fulfill its publicly stated commitment "to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program, activity or service that it provides," as mandated under federal law.

This discussion comes at a time of significant change along California's coast. Climate-related impacts, including marine heatwaves, ocean acidification, and other stressors, are already affecting marine ecosystems and the communities that depend on them. For many frontline communities, these changes have direct implications for food security, cultural practices, and economic stability.

The JEDI Policy represents an important step toward addressing longstanding inequities in environmental governance. Its continued success will depend on a congruent, persistent, and disciplined application. As decisions about marine conservation move forward, we believe implementation that advances ecological priorities and socioeconomic considerations is the best continuation of our state's track record as a globally recognized innovator in marine policy.

Marine Protected Areas can play a vital role in addressing these challenges. When designed and implemented with equity and community needs in mind, MPAs have the potential to rebuild fish populations, enhance ecosystem resilience, support long-term food access for subsistence users, and sustain cultural connections to marine environments. Marine stewardship and socioeconomic advancement are inextricably linked – and any assertion to the contrary belies a lack of imagination entirely uncharacteristic of California.

Attached, you will find an article I recently authored after a visit to the Juan Fernandez Archipelago in Chile – a place whose economy depends almost exclusively on commercial fishing – on how local leadership and participatory governance can drive successful ocean conservation. Drawing on my experience in California, the article highlights Juan Fernandez as a living model in which community-led decision-making has built overwhelming support for MPAs and offers a blueprint for more just and effective ocean governance.

We respectfully urge the Commission to reconsider the Department's recommendations in light of these concerns and to ensure that JEDI principles and inclusive engagement inform

the evaluation of all MPA petitions to ensure we achieve meaningful ocean protections that serve all Californians.

Thank you for your attention and leadership on this critical issue.

Sincerely,

Marcela Gutierrez-Graudins

Marcela Gutiérrez-Graudiņš
Founder & Executive Director
Azul



From Community to Coast: Lessons in People-Centered Ocean Governance from Juan Fernández Archipelago

March 5, 2026 | Originally published on Azul.org

By: Marcela Gutiérrez-Graudiņš, Azul Founder and Executive Director

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Getting to Juan Fernández is not simple — and that is part of the lesson.

Earlier this year, I made the long journey to the islands, and to explain it to my five-year-old, I described it simply: a big flight to Mexico City, another to Santiago, and then a tiny eight-seat plane to Robinson Crusoe Island. From there, a truck to a dock and an hour-long boat ride finally brought me to the only permanently inhabited town in the archipelago, San Juan Bautista.

The journey is shaped entirely by weather, weight limits, and port logistics. Luggage is weighed to the kilogram. Passengers submit their body weight in advance so pilots can balance the plane. Even paying for extra baggage depends on whether there is space left after essential cargo. On the return flights, that space is often filled with lobster — the economic backbone of the island.

As someone who began her career at the intersection of fisheries, logistics, and later conservation policy, the trip felt both familiar and deeply personal. But the real reason I came had little to do with travel mechanics — and everything to do with people.

My connection to Juan Fernández began about a decade ago, when I met a group of fishers at an international conservation conference. We spoke Spanish in a sea of English, and I introduced myself the way I always do — through shared language and shared culture. Years later, that connection resurfaced at the COP16 conference (Convention on Biological Diversity) in Colombia, where leaders from the island were once again advocating for ocean protection on the global stage.

If you work in ocean conservation, you have likely heard of Juan Fernández — often described as one of the strongest examples in the world of community-led ocean protection. Fishing families here are widely recognized for leading efforts to protect and expand the waters around their islands, while remaining deeply dependent on fishing for their livelihoods.



During the trip, Marcela spent a day at sea with the president of the local artisanal fishers' union STIPA-JF and Consejero del Mar, Daniel González, and helped measure lobsters; self-imposed regulations include a maximum size of lobsters that can be caught. (Source: Azul)

That combination is rare. Roughly 70 to 80 percent of the local economy depends on fisheries, especially lobster. And yet, this community has become one of the most visible champions of large-scale marine protected areas (MPAs) and the High Seas Treaty — also known as BBNJ, or Biodiversity Beyond National Jurisdiction.

What drew me back — this time, all the way to the island — was a deeper question: what does people-centered governance actually look like on the ground? This is a question I have been carrying with me since 2008, when I was a stakeholder in California's Marine Life Protection Act (MLPA) process, and one that continues to shape how I reflect on both that experience and the ongoing evaluations of coastal governance today. Our work sits at the intersection of marine and coastal governance, environmental justice, and civic participation — an interest first sparked through the MLPA process, and one that has only deepened as I continue to witness how decisions about the ocean can affect communities in very real and unequal ways.

A Living Model of Participatory Governance

Protected areas can only thrive when communities believe in them. In Juan Fernández, that belief is visible and organized.

Local ocean governance is coordinated through the Consejo de Mar de Juan Fernández — a local management council that brings together public agencies, the navy, municipal authorities, and the Organización Funcional Comunitaria (OCF). The OCF is a participatory body that includes fishing leaders, tourism operators, women, senior citizens, and youth. Leaders are elected. Working groups are open. Community meetings are regular. Which may explain why support for expanding marine protected areas is consistently reported at more than 90 percent of the population — and why the community is now leading a public campaign calling on the President of Chile to expand the marine protected area around Juan Fernández.

What stood out to me was how intentional the design of participation is. This is not symbolic consultation. It is structured, shared decision-making.

I listened as community leaders described how earlier generations recognized the impacts of industrial fishing long before "sustainability" became an international concept. As one fisherman explained, they were already talking about limits, care, and stewardship a hundred years ago, simply because their survival depended on it.

This is governance rooted in lived experience. It is also community organizing in its most essential form.

In this case, protected areas do not come from one leader, one organization, or one outside funder. They come from people organizing — over years, sometimes decades — to celebrate their way of life.

One of the most striking stories I heard was how the community itself requested a stronger fisheries authority presence on the island. Rather than resisting oversight, local leaders asked the government to place an official fisheries observer on site. They wanted institutions that could reinforce what the community was already building.

That decision speaks volumes about the governance culture that has emerged here — one built on responsibility, not avoidance.

During my visit, I had the opportunity to meet with Mayor Pablo Manriquez, who is also a member of the Consejo del Mar and a strong advocate for their protected areas. Mayor Manriquez emphasized a pressing need to establish a scientific research station on the island, so that the community and decision-makers can better monitor, understand, and steward the archipelago's waters.



Marcela with women from Juan Ferndandez at Mujeres del Mar, an event convened by Gricel Recabarren and co-hosted by Azul. (Source: Azul)

Women, Leadership, and the Ocean

One of the most powerful moments of the visit was a roundtable convened by Gricel Recabarren — who serves as Secretary on the Functional Community Organization, the local management council — and co-hosted by Azul, called Mujeres y el Mar. Around two dozen women — many of them mothers, some with babies in their arms — came together to talk about their relationship to the ocean, to fishing, to conservation, and to leadership.

The conversation ranged from employment and training opportunities to participation in governance and representation. Having previously worked in the commercial fisheries industry myself, many of the stories shared felt deeply familiar.

What made the gathering especially meaningful was that it did not end with conversation. It sparked concrete ideas for collaboration, exchange, and mutual learning between the women.

This is what movement-building looks like when it is rooted in trust and shared experience.

Learning from Tradition

To understand marine governance in the Juan Fernández Archipielago, you must understand fishing on the island.

The primary fishery is lobster, and its management is deeply cultural. Fishers use wooden traps rather than plastic or metal. Families maintain inherited fishing areas known locally as marcas — precise locations passed down through generations. The fishery is intensely place-based, shaped by underwater terrain and long-held knowledge of local currents and habitats.

During a day at sea, I joined Daniel González, president of the local artisanal fishers' union STIPA-JF and also a Consejero del Mar, along with Felipe Rivas and Germán Osman — as they worked to harvest the day's catch and get it onto that afternoon's flight. (They did, with about a minute to spare.) Drawing on my own background in the fishing sector, I tried my best to not get in the way, helping measure lobsters and fish for bait as I moved across the narrow deck to stay balanced while the crew worked.

It was demanding, fast-paced, and physically intense. It was also an intimate window into how stewardship and livelihood are inseparable in this community.

Later, I toured processing and refrigeration facilities and learned about potable water access, export challenges, and infrastructure constraints that shape daily decisions for fishers. These operational realities must always be part of conservation planning — yet they are too often overlooked in high-level policy discussions.

Connecting Chile and California

Beyond the islands, the trip created space for deeper collaboration on coastal governance.

In Santiago, I met with Carolina Martínez-Reyes, Ph.D., who leads the coastal governance research center Observatorio de la Costa at the Pontificia Universidad Católica de Chile. The connection was made by Charles Lester, former head of the California Coastal Commission and now the Director of the Ocean and

Coastal Policy Center at UC Santa Barbara — where I currently serve on the Steering and Advisory Committee of the California Beach Resiliency Plan project.

Our conversations focused on public participation, equity, and the future of coastal governance in both countries — at a moment when Chile is exploring new legislative frameworks, and California is reflecting on decades of experience as the Coastal Act marks its 50th anniversary. Notably, reports submitted to the Chilean Congress reference California's coastal governance model and highlight Azul's work and other community organizations' efforts as a potential pathway for shaping future coastal governance in Chile.

I also connected with Jacko González, President of Sustainable Ocean Alliance in Chile; Felipe Cárcamo-Moreno, a marine sociologist with deep experience in socio-environmental project management; Patricio Merino, Executive Director of Fundación Área Marina Pitipalena Añihué; and Silicon Valley Latino's own Sergio Domeyko — to explore how social inclusion, intergenerational leadership, and environmental decision-making can be strengthened together.

Across all of these conversations, one message was clear: participation, access, and equity are not peripheral to ocean conservation. They are its foundation.

Histories That Connect Continents

The connection between Chile and California is not new.

In San Francisco — particularly in North Beach, near Jackson Square — historical plaques still reference Chilecito, or "Little Chile," a reminder that Chilean merchants and miners were among the earliest international communities to arrive during the Gold Rush. Today, that connection continues through shared knowledge of similar coastal ecosystems, kelp forest protection, and a governance exchange championed by entities like the Chile California Conservation Exchange (CCCX).

Juan Fernández itself is layered with history. The island famously inspired Robinson Crusoe, based on the real story of the marooned sailor Alejandro Selkirk. Less widely known is its role in global maritime history — from pirate routes to World War I naval battles, including the sinking of the German cruiser SMS Dresden just offshore. Exploring these stories with entrepreneur and local historian Germán Recabarren — who, along with his wife Gloria, was my very patient guide through my first-in-decades effort to scuba dive — revealed something deeper than tourism lore. It reinforced how profoundly the ocean shapes identity here, not only economically but culturally and historically.

These stories matter because they remind us that Juan Fernández has always been connected to the world. The same is true today.



Marcela spent a day at sea with the president of the local artisanal fishers' union STIPA-JF and Consejero del Mar, Daniel González, and his crew, Felipe Rivas and Germán Osman. (Source: Azul)

The Power of Being There

In the end, the most lasting impact of this trip was not a single meeting or policy conversation. It was the act of being present.

Sitting with community members. Learning names. Hearing how people see themselves as caretakers not only for today but for future generations — "I want my child to eat what my grandfather ate."

That continuity — past, present, and future — is the foundation of Juan Fernández's success.

At the same time, I want to be clear: this success does not mean the process is simple or without tension. As with any ambitious, community-driven conservation effort, there are real and valid questions about representation, decision-making, and how leadership evolves over time. I heard those concerns directly, and they matter. The nature of the OCF's leadership structure — with established electoral cycles, upcoming this fall — provides an important opportunity for the community to debate these concerns openly and to continue shaping how its governance structures grow.

At a time when global conservation can feel abstract or overwhelming, Juan Fernández offers something tangible: proof that when people are trusted, included, and respected, they build systems that last.

Azul was founded on that belief. This visit reaffirmed it.

With deep gratitude to the Organización Funcional Comunitaria Mar de Juan Fernandez; to Mayor Pablo Manriquez, to local leaders Daniel González, Gricel Recabarren, and Julio Chamorro; to organizations Fundación Endémica, Fundación Islas de Nazca and Oikonos; and to the many community members who opened their homes, boats, and hearts — Manuel, Karin, Clemente, Felipe, Areliz, Genesis, Marcelo, German, Gloria and many more. This is not the end of the story. It is the continuation of a shared journey toward ocean justice — by communities, for communities.

Marcela Gutiérrez-Graudiņš is the Founder and Executive Director of Azul (azulmar.org), a California-based nonprofit dedicated to ocean and environmental justice for Latino communities. She is a 2025 Latino Spirit Award recipient for Environmental Justice.

Outlook

Support for Save Duxbury Access and Community Stewardship at Duxbury Reef

From Rick Gordon [redacted]
Date Sun 03/22/2026 08:03 PM
To FGC <FGC@fgc.ca.gov>; CNRA COPC Public <COPCPublic@resources.ca.gov>; saveduxburyaccess@gmail.com <saveduxburyaccess@gmail.com>

Dear Fish and Game Commissioners,

I am a long-term Bolinas resident writing to **oppose the EAC's Petition** 2023-32MPA and **to support Save Duxbury Access's alternative petition** and Adaptive Management Plan for Duxbury Reef SMCA.

I support this alternative approach because it reflects local stewardship, respects existing access, and uses science, education, voluntary compliance, and community engagement to protect the reef. Duxbury Reef should be managed in a way that protects habitat without unnecessarily closing off access or ignoring the community that cares for it.

I also support preserving fishing access and the ability to gather shellfish and kelp in the currently open northern and southern areas, which remain important to local subsistence and community use.

I respectfully request that the Commission:

1. **Maintain the current Duxbury Reef SMCA designation** as supported by CDFW.
2. **Maintain the current Duxbury Reef SMCA boundaries** unless and until the record contains a functioning local adaptive management framework, direct evidence of a site-specific need linked to an identified threat, and a comprehensive cumulative impacts analysis for the affected area.
3. **Ensure** that the February 2026 **Save Duxbury Access alternative petition and adaptive management framework** are **formally included in the record**.

Thank you for considering my comment.

Sincerely,
Rick Gordon
Bolinas, CA

RICK GORDON

[redacted]

CALIFORNIA
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Wade Crowfoot | Secretary for Natural Resources | Council Chair
Yana Garcia | Secretary for Environmental Protection
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March 20, 2026

California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814
Transmitted via email: fgc@fgc.ca.gov

Re: Petitions to Adaptively Manage California's Marine Protected Area Network

Dear Chair Sklar, Vice Chair Anderson and Members of the Fish and Game Commission,

Thank you for your continued leadership and partnership to manage California's Marine Protected Area (MPA) Network. As environmental threats intensify across the world's oceans and coasts, our state's MPA Network stands out as a globally recognized model of ocean conservation.

The California Ocean Protection Council (OPC) submits this letter at the request of our Chair, Secretary Wade Crowfoot, to provide input on proposals to adaptively manage California's MPA Network. OPC is grateful for the ongoing collaboration with the Fish and Game Commission and the California Department of Fish and Wildlife (CDFW) to manage the MPA Network, and our input provided here is intended to complement CDFW staff's evaluation of MPA petitions. OPC staff will follow this letter with more specific input on submitted petitions prior to the Commission's regional public meetings.

OPC's Role in the MPA Network

OPC has a unique role in the management of our MPA network that leads us to provide input on its adaptive management. OPC is statutorily responsible for the direction of MPA policy (SB 96, 2013) and in this role, we set strategic priorities for the Network, lead coordinated implementation of the State's MPA Management Program, and convene the MPA Statewide Leadership Team, an advisory body of state and federal agencies, tribal representatives, and implementation partners, to coordinate MPA management activities across the state. OPC also directs funding to manage the Network through research, monitoring, enforcement, outreach, and restoration activities, with over $110 million in state investment since 2007.

OPC's 2026-2030 Strategic Plan includes four primary goals to protect ocean health and coastal communities through the end of this decade: build resilience to climate change; maximize community benefits and stewardship; safeguard coastal and marine biodiversity; and enable a sustainable blue economy that protects ocean health.

OPC's Strategic Plan includes the explicit objective of strengthening the performance and durability of California's MPA Network. To achieve this objective, OPC staff has been directed to develop science-based recommendations to support ongoing adaptive management of the MPA Network, develop pathways for collaborative stewardship and co-management of MPAs with California Native American tribes, establish clear MPA performance targets, develop an updated MPA Monitoring Action Plan to evaluate progress toward those targets, and fund long-term monitoring of the Network.

The Strategic Plan also directs several broader actions relevant to the MPA Network: building ecosystem resilience to climate change, conserving and restoring vulnerable habitats, and supporting thriving fishing communities and climate-resilient fisheries, among other efforts.

Adaptive Management of the MPA Network

OPC views the MPA Network as California's most important marine ecosystem conservation tool, and the Network has served as a model for marine biodiversity conservation around the world. It is the only network of protected areas in the world recognized on the International Union for Conservation of Nature (IUCN) Green List of Protected and Conserved Areas. This global designation recognizes the science-based, ecologically connected and community-driven design of the Network, the state's demonstrated history of ongoing adaptive management through our comprehensive MPA Management Program, and the ecological and social benefits of the Network shown in the Decadal Management Review.

California's MPA Network also serves as a foundation to achieve the state's 30x30 law, which requires state agencies to conserve 30 percent of California's lands and coastal waters by 2030. Our State Legislature and Governor through this law have directed us on a pathway to conserve more of our state waters this decade. Marine protected areas, which cover 16.2% of state waters, achieve more than half of this legally required conservation. While adaptively managing the MPA Network through the Commission and CDFW's process is one strategy in meeting the state's 30x30 goals, it is important to emphasize that MPAs are not the only strategy to achieve this conservation target. OPC has identified additional conservation approaches to achieve 30x30 outside of the MPA Network, including supporting tribally-led conservation, such as the Chumash National Marine Sanctuary established in 2024, strengthening biodiversity protections within National Marine Sanctuaries and exploring the role of other area-based coastal and marine designations in conserving biodiversity.

The Decadal Management Review, which assessed the effectiveness of the MPA Network, clearly showed that our MPA Network is improving ocean health. This is due in large part to the fully protected, no-take State Marine Reserves that form the ecological backbone of the Network. However, the Decadal Review did not specifically explore how to strengthen the MPA Network. OPC

believes considering current petitions with this question in mind is important to adaptively manage the Network. Given OPC's explicit objective to strengthen the performance and durability of the Network into the future, our input will address whether petitions hold promise to achieve this objective.

Given OPC's commitment to strengthening the performance of the MPA Network, our staff is generally concerned about any proposals that remove existing protections within the current MPA Network. While specific petitions that recommend such changes must be addressed on a case-by-case basis, it is important to maintain the strength of the existing Network, which leaves over 90% of state waters open for fishing, with 84% of state waters having no MPA-related restrictions on fishing.

MPA Conservation Amidst Climate Change and other Environmental Challenges

Climate change is already affecting marine life and habitats, with impacts expected to increase over time. The catastrophic collapse of kelp forest ecosystems off California's North Coast is just one example of how climate change can cause, accelerate or compound other stressors facing California's coast and ocean. Climate impacts also often have cascading effects, not just for ecosystems but for coastal economies and communities that rely on a healthy ocean.

MPAs are a tool to protect full ecosystems, and although the role of MPAs in supporting climate resilience is the subject of ongoing scientific study, species and habitats inside MPAs across the globe have been shown to better withstand and rebound from climate-driven impacts than unprotected areas. Scientific evidence suggests that the protections provided by MPAs – such as maintaining genetic diversity, keeping food webs intact, and supporting large population sizes – can help buffer climate impacts and help serve as an "insurance policy" against future uncertainty. MPAs can also help mitigate climate change by protecting habitats that sequester carbon, such as wetlands and seagrass meadows.

California's MPA Network likely already provides important climate resilience benefits by functioning as an ecologically connected statewide network and protecting multiple types of habitats. However, adaptive management represents a critical opportunity to bolster these benefits, for example by ensuring that vulnerable ecosystems are adequately represented in the Network, or by identifying and protecting areas that will become new safe havens as species move northward with warming water.

Prioritizing Tribal Stewardship and Co-Management

California Native American tribes have stewarded the lands and waters of what is now known as California since time immemorial. Revitalizing tribally-led conservation and protecting places with biocultural significance, which reflects the fundamental interconnectedness of people and place, is a key priority for the Newsom Administration and is critical to healing past harms and protecting and restoring nature.

OPC's 2026-2030 Strategic Plan and the recommendations in the Decadal Management Review highlight tribal MPA co-governance and co-management as a top priority for the state. Creating a clear path to tribal co-governance, co-management, and collaborative stewardship of MPAs – whether that is focused on existing MPAs or new MPAs proposed by tribes – can help reconnect tribes to their ancestral waters, cultural lifeways, and traditional stewardship practices, ultimately supporting improved tribal community well-being as well as providing strong benefits for biodiversity. OPC is highly supportive of adaptive management actions that advance co-governance, co-management, and collaborative stewardship with tribes.

Support Thriving Fishing Communities and Climate-Resilient Fisheries

OPC recognizes the critical importance of enabling a sustainable blue economy that protects ocean health, of which fishermen and fishing communities are central. Myriad environmental stressors have diminished health of our fisheries over the last decade: extreme events such as extended droughts; changing ocean conditions that generate new threats such as expanded domoic acid outbreaks; marine ecosystem breakdown including collapse of kelp forest ecosystems; pollution into our coastal waters; and impaired river health through excessive historic diversions.

Our MPA Network is one important response to protect and restore the health of our fisheries over the long term to weather these changes, given clear evidence that protected areas generate healthier ecosystems that provide the basis of sustainable, abundant fisheries into the future. It should be noted that the sum total of current petitions before the Commission to strengthen the Network covers only 2.1% of coastal waters. If all petitions were adopted, 83% of state waters would remain open to fishing.

OPC believes a strong, resilient MPA network is essential both for the environmental health of our ocean and the future abundance of our fisheries. We also deeply value the fishermen and fishing communities that help support California's booming coastal economy and are critical partners in our efforts to understand ecosystem shifts and safeguard marine life and habitats. OPC will continue to prioritize collaboration and investments that help fishermen and fishing communities adapt and thrive as climate-driven impacts accelerate the need for flexible and innovation solutions. This includes investments that reduce entanglement in fishing gear to protect whales while keeping fishermen on the water, promote California wild-caught seafood, improve waterfront infrastructure, and advance planning that supports community sustainability and resilience.

Input on Specific Petitions

In coming weeks, OPC plans to provide specific input on existing petitions through our MPA policy lens articulated in this letter. We believe this can complement the rigorous assessment that CDFW staff completed of petitions under a separate set of questions and criteria established by the Commission. We will provide this input and recommendations in advance of the Commission's public meetings on these petitions.

We recognize and appreciate that CDFW's evaluation recommendations are based on petition amendments that were received by the March 2025 deadline. CDFW staff quite reasonably needed to establish a deadline after which new proposed revisions to the petitions could not be assessed in their evaluation. We also understand that many petitioners have been working for months to revise their petitions to be responsive to community feedback and concerns. OPC's policy recommendations will be based on the petitions as currently amended.

Lastly, we are deeply appreciative of all the Commission is doing to provide a clear, accessible venue to collect the full range of perspectives on these MPA petitions. We value and respect this diversity of perspectives and are committed to finding creative solutions that reflect the range of tribal, conservation and fishing priorities in the state, with a shared goal of ensuring a healthy and thriving ocean for all Californians, now and into the future.

Please do not hesitate to reach out to me with questions or to discuss our shared efforts.

Sincerely,



Jenn Eckerle
Executive Director

cc:
Melissa Miller-Henson, FGC Executive Director
Susan Ashcraft, FGC Marine Advisor
Meghan Hertel, CDFW Director
Craig Shuman, CDFW Marine Region Manager