

Staff Summary for October 13-16, 2026

26. Petition 2023-14MPA (Nine SMCAs from Mendocino to San Diego Counties)**Today's Item****Information** ☐**Action** ☒

Request to allow commercial take of sea urchin in nine state marine conservation areas (SMCAs): Sea Lion Cove SMCA, Stewart's Point SMCA, Salt Point, Double Cone Rock, Naples SMCA, Anacapa Island SMCA, Point Dume SMCA, Point Vicente SMCA (No Take), and Swami's SMCA.

Consider evaluations, recommendations, and public comments in determining whether to grant or deny marine protected area (MPA) Petition 2023-14MPA (Exhibit 1).

Petitions or individual actions within the petition that are granted today will be added to the Commission's rulemaking calendar for consideration in a future rulemaking.

Summary of Previous/Future Actions

- | | |
|---|--|
| • Received petition; referred to MRC and the Department for review | December 2023;
February 2024 |
| • Received Department petition evaluation | April 15-16, 2026 |
| • Received petitioners' presentations and discussed region-specific petitioned actions via regional meetings | April 21, May 5-6, and
May 19, 2026 |
| • Received additional evaluations and recommendations from the Department and California Ocean Protection Council (OPC) | August 12-13, 2026 |
| • Today, consider granting or denying all or parts of Petition 2023-14MPA | October 13-16, 2026 |

Background

Pursuant to Section 662, any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit a petition for regulation change (Form FGC-1). For background on the regular process for considering regulation change petition forms submitted by the public, see Agenda Item 22 (this meeting). Due to the complexity and unique nature of the MPA petition evaluation process, this and other MPA petitions are scheduled separately from the standing agenda item for regulation change petitions.

For detailed background information and key documents related to the MPA petition process, see the staff summary titled [Introduction to Bin 2 MPA Regulation Change Petitions and Evaluations](#) (this meeting). The summary introduction includes links to the index of MPA petitions and compiled public comments across time; the Department's evaluations, recommendations, and companion document; OPC's policy evaluation and recommendations complementing the Department's evaluations; the supplemental equitable access and Commission Justice, Equity, Diversity and Inclusion Policy assessments; and the Department's and OPC's presentations.

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Overview of Proposed Regulatory Actions

Submitted by the California Sea Urchin Commission, this petition proposes to modify regulations at nine SMCAs to allow the commercial take of sea urchin (action numbers from the Department's evaluation are included for reference):

- Action 1. Add commercial take of sea urchin at Double Cone Rock SMCA (north of Fort Bragg, Mendocino County). Current regulations allow recreational and commercial take of salmon by trolling and Dungeness crab by trap (commercial) or trap, hoop net or hand (recreational), and a tribal take exemption for specified federally recognized tribes.
- Action 2. Add commercial take of sea urchin at Sea Lion Cove SMCA (near Point Arena, Mendocino County). Current regulations allow recreational and commercial take of finfish.
- Action 3. Add commercial take of sea urchin at Stewart's Point SMCA (Sonoma County coast). Current regulations allow recreational take of plants (excluding sea palm), invertebrates, finfish by hook-and-line, surf smelt by beach net, and various species by hand-held dip net; no commercial take is currently allowed.
- Action 4. Add commercial take of sea urchin at Salt Point SMCA (Sonoma County coast). Current regulations allow the recreational take of abalone (when the fishery reopens) and finfish; no commercial take is currently allowed.
- Action 5. Add commercial take of sea urchin at Naples SMCA. Current regulations allow recreational spearfishing of white seabass and pelagic finfish, commercial take of giant kelp by hand harvest or by mechanical harvest, and a tribal take exemption for the Santa Ynez Band of Chumash Indians.
- Action 6. Add commercial take of sea urchin at Anacapa Island SMCA. Current regulations allow recreational take of spiny lobster and pelagic finfish, commercial take of spiny lobster, and a tribal take exemption for the Santa Ynez Band of Chumash Indians.
- Action 7. Add commercial take of sea urchin at Point Dume SMCA. Current regulations allow recreational spearfishing of white seabass and pelagic finfish; commercial take of coastal pelagic species by round haul net, brail gear, and light boat; commercial take of swordfish by harpoon; and a tribal take exemption for the Santa Ynez Band of Chumash Indians.
- Action 8. Add commercial take of sea urchin at Point Vincente SMCA (No-Take). Current regulations allow take incidental to permitted activities; no directed take is allowed.
- Action 9. Add commercial take of sea urchin at Swami's SMCA. Current regulations allow recreational hook-and-line fishing from shore and recreational spearfishing of white seabass and pelagic finfish; no commercial take is currently allowed.

Overview of Non-Regulatory Requests

This petition does not contain any non-regulatory requests.

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Petitioner's Stated Intent

The petitioner explains that the proposed regulatory change is motivated by "...the marine heat wave that started in 2014, [which] led to large declines in kelp and urchin landings, resulting in [a] federal fishery disaster declaration;" and that "allowing commercial urchin fishing within the listed SMCAs will improve the [economic] sustainability of the urchin industry and may also support kelp recovery efforts." See Exhibit 1 for more details.

Public Input Over Time

The Commission has received public comments on MPA petitions continuously since petitions were submitted in late 2023. Staff has compiled packets of comments about this petition that were included in committee or Commission meeting binders or supplemental handouts from the December 2023 through the August 2026 Commission meeting (links to packets of comments are available online in the final column of the [Status of MPA Petitions for Regulation Change Index](#) table). Comments received after the August 2026 Commission meeting, but by this meeting's comment deadline, are included with this staff summary and/or staff summaries for the MPA petition agenda items.

Non-tribally led petitions (including this petition) were last discussed at the regional meetings held in April and May 2026. The overarching goal of the meetings was to provide an inclusive, well-informed forum where petitioners could present their proposals, community members could openly share perspectives on the proposals, and commissioners could ask questions, to build a foundation of understanding to help guide Commission decisions at today's meeting.

Petition 2023-14MPA proposes nine actions located across the California coast; therefore, the petitioned actions were divided by region for discussion at the three regional meetings. For regional meeting materials, see the [Staff Summary for April 21, 2026](#), [Staff Summary for May 5-6, 2026](#), [Staff Summary for May 19, 2026](#), and the [petitioner presentation to the Commission on May 19, 2026](#). Notably, two of the regional meeting agendas contained errors for this petition by specifying the request was only for red urchin, which public commenters questioned. The petitioner clarified their petition request to take "urchin" is inclusive of *both red and purple* urchin species.

Petitioner Clarifications

Subsequent to the regional meetings, the petitioner indicated a desire to modify their request and now asks the Commission to consider recreational take as well as commercial take. The Commission has not formally approved this request as an amendment to the petition.

Agency Evaluations and Recommendations***Department***

The Department's evaluation, presented at the Commission's April 15-16, 2026 meeting, recommends denial of all nine petitioned actions, with the full technical analysis and summary of key findings provided in Exhibit 2. In summary:

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- The proposed change to allow commercial urchin harvest within these SMCAs does not advance adaptive management recommendations from the Decadal Management Review nor address a current or emerging MPA management challenge.
- 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 that 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 a restoration and management plan, which is in development..

Ocean Protection Council (OPC)

OPC staff, in its science and policy recommendations presented at the August 12-13, 2026 Commission meeting, recommends denying petitions that would reduce existing MPA protections, emphasizing the importance of maintaining the network's ecological integrity, connectivity, biodiversity, and resilience in the face of climate change threats and uncertainty. OPC recognizes the petitioners' objectives but expresses concern that reducing existing protections could compromise long-term conservation outcomes and network resilience.

OPC states, "The 2026 California Coast and Ocean Report shows that climate change is increasingly threatening coastal ecosystems, fisheries, and tribal communities. In this context, California's MPA Network is a critical tool for safeguarding biodiversity, supporting climate resilience, and maintaining essential ecosystem services. When reviewing petitions, OPC prioritized actions that strengthen these benefits — such as supporting larger populations, genetic diversity, intact food webs, and ecological connectivity — while recognizing that MPAs cannot address all climate-driven impacts. Continued monitoring and adaptive management remain essential.

Given this precautionary approach, OPC does not recommend approving any petitions that would weaken existing protections (Petitions 2023-14MPA, 2023-15MPA_AM, 2023-16MPA, 2023-18MPA, and 2023-23MPA_AM). Opening existing no-take or limited-take MPAs to new fishing activities would undermine Network integrity and risk eroding hard-won conservation gains and MLPA goals, despite petitioners' thoughtful intentions." (Exhibit 3)

Key Considerations

The agency evaluations and multiple public comments highlight the importance of avoiding actions that would weaken the overall protection level of the MPA network. Under Petition 2023-14MPA, changes to allowable take would have differing implications across the affected MPAs.

- *MPAs Providing High Levels of Protection*

Three of the nine MPAs identified in the petition — Double Cone Rock, Point Dume, and Point Vicente — currently provide a high level of protection (LOP) based on science-based design guidelines for take allowances and, based on their size (meeting preferred

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or minimum size science guidelines), these areas contribute meaningfully to ecological connectivity within the network. Because of their high LOP, any expansion of allowed urchin take in these MPAs would be expected to reduce their protection level to moderate-low LOP and diminish their ecological contribution to the MPA network's connectivity design standards.

- *MPAs with Low to Moderate-Low Levels of Protection*

The remaining six MPAs—Sea Lion Cove, Stewart's Point, Salt Point, Naples, Anacapa Island, and Swami's—currently fall within the low to moderate-low protection range, based on their existing take regulations. In these cases, authorizing commercial urchin take is not expected to further decrease their LOP, because their protection levels are already defined by comparatively permissive take allowances.

However, allowing commercial take would still represent a change in allowable uses, and this shift would be inconsistent with the original design intent of several MPAs in this group, including three SMCAs that were originally designed to allow recreational take only, aligned with the expectation that they might later receive dual designation as state marine parks — a designation that has not yet occurred. The one no-take SMCA in this group was intended to function with restrictions similar to a state marine reserve, and expanded take allowances would not align with that management intent.

- *Contributions to Kelp Recovery*

The petitioner's objectives and supplemental information highlight opportunities to both support the commercial sea urchin fishery and contribute to kelp recovery; however, the ecological outcomes of expanded commercial harvest within the identified MPAs remain uncertain and would depend on site-specific conditions and restoration strategies. The kelp restoration and management plan the Department is developing may provide additional and adaptable pathways for site-specific urchin removal and collaboration with commercial divers, both inside and outside MPAs, without necessarily modifying take regulations. Although the plan is not expected to provide restoration guidance specific to individual MPAs, it may offer tools and strategies that could be applied according to local ecological conditions. These opportunities may support future collaboration with industry.

- *Petition Cross-Reference*

Anacapa Island SMCA is also addressed by another MPA petition (Petition 2023-27MPA), which proposes changes to take and/or gear allowance. See the materials for Agenda Item 36B (this meeting) for more information.

Today

Today, the Commission will consider the petition, petition evaluations and recommendations, and public comments in determining whether to grant or deny the petition; the Commission may choose to grant the petition in whole or in part (that is, select specific petition actions) and may also grant with modifications informed by public input and discussions.

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If the petition, any individual actions, or any modified actions are granted today, they will be added to the Commission's rulemaking calendar for consideration in a future rulemaking.

Significant Public Comments

To view comments received for this meeting that are not specific to an individual petition, such as comments about the process, broad support for specific goals, or the MPA network, see the comment summary and exhibits in [Introduction to Bin 2 MPA Regulation Change Petitions and Evaluations](#).

1. The California Sea Urchin Commission, as the petitioner for Petition 2023-14MPA, agrees with and respects the Department's recommendation to deny advancing the petition unless supported by strong, evidence-based justification. They emphasize that any MPA modifications must remain science-driven, transparent, and informed by both ecological and socioeconomic considerations. They caution against policy positions overriding technical review and call for future decisions to incorporate meaningful stakeholder input, socioeconomic analysis, and opportunities for tribal co-management within existing MPAs. (Exhibit 4)
2. A coalition of 46 environmental, scientific, and community organizations urges the Commission to deny several petitions, including Petition 2023-14MPA. They state that weakening protections would undermine the integrity of California's science-based MPA network design and its climate resilience benefits. Their concerns include insufficient scientific justification, risks to biodiversity, enforcement challenges, and conflicts with MLPA goals and long-term adaptive management principles. They support both the Department's and OPC's recommendations to deny the petition. (Exhibit 5)
3. The City of Encinitas's Coastal Zone Program Administrator, representing six miles of coastline that includes Swami's SMCA, urges the Commission to deny Petition 2023-14MPA. They state that allowing commercial urchin harvest within nine MPAs — especially Swami's SMCA — would weaken longstanding protections and undermine decades of community and state investment in coastal conservation. The city underscores the importance of maintaining strong protection for sensitive marine habitats. (Exhibit 6)
4. The Ventura County Commercial Fishermen's Association (VCCFA) reaffirms their support and urges the Commission to grant Petition 2023-14MPA. They state that carefully managed commercial urchin harvest within select SMCAs could be compatible with conservation goals, provide socioeconomic benefits, and serve as a constructive component of adaptive kelp management strategies. They emphasize that adaptive management should not categorically exclude fishermen, and that site-specific, science-informed opportunities for targeted urchin removal warrant serious consideration. (Exhibit 7)

Recommendation

Commission staff: Consider evaluations, Department and OPC recommendations, key considerations, and public comments in determining whether to grant in whole or in part, grant with modifications, or deny Petition 2023-14MPA (Exhibit 1).

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Department: Deny all petition actions, for the reasons detailed in Exhibit 2 and summarized under “Agency Evaluations and Recommendations.”

Ocean Protection Council: Deny all MPA petitions that reduce current MPA protections — for the reasons detailed Exhibit 3 and summarized under “Agency Evaluations and Recommendations.”

Exhibits

1. [Petition 2023-14MPA](#), received November 13, 2023
2. [Department evaluation companion document and petition evaluation](#), companion document updated on July 30, 2026 and petition evaluation received March 20, 2026
3. [Letter from Jenn Eckerle, Deputy Secretary for Oceans and Coastal Policy, California Natural Resources Agency and Executive Director, OPC](#), with OPC staff recommendations and recommendation narratives for petitions to adaptively manage California’s MPA network, received July 31, 2026
4. [Letter from David Goldenberg, Executive Director, California Sea Urchin Commission](#), received September 29, 2026
5. [Letter from 46 environmental, scientific, and community organizations](#), received September 29, 2026
6. [Letter from Todd Mierau, Coastal Zone Program Administrator, City of Encinitas](#), received September 30, 2026
7. [Letter from Dave Colker, Executive Director, VCCFA](#), received September 30, 2026

Motion

Moved by _____ and seconded by _____ that the Commission **grants** Petition 2023-14MPA.

OR

Moved by _____ and seconded by _____ that the Commission **grants these individual action(s) or modified action(s)** in Petition 2023-14MPA:

_____.

OR

Moved by _____ and seconded by _____ that the Commission **denies** Petition 2023-14MPA.



Tracking Number: (2023-14MPA)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: David Goldenberg, Executive Director, California Sea Urchin Commission

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Authority: Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861, and 6750, Fish and Game Code, and Sections 36725(a) and 36725(e), Public Resources Code.

3. Overview (Required) - Summarize the proposed changes to regulations: Allow the commercial take of urchins in the following State Marine Conservation Areas (SMCAs):

- 1) Sea Lion Cove SMCA
- 2) Stewart's 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 SMCA
- 9) Swami's SMCA

4. Rationale (Required) - Describe the problem and the reason for the proposed change: .

The commercial urchin fishery and the resiliency of California's kelp forests have been identified as being at risk due to climate change. This became a reality with the warm water event that started in 2014 and led to urchin barrens and a decline in kelp forests along the California coast, with declines



in kelp as high as 90% along the north coast. This resulted in a catastrophic decline in urchin landings (4.2 million pounds in 2013 down to 284,000 pounds in 2022), leading to a federal fishery disaster declaration. 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 the Fish and Game Commission (FGC), Department of Fish and Wildlife (DFW), and the Ocean Protection Council (OPC).

This proposal is consistent with goals and objectives 1.1, 1.5, 2.4, and 5.1 identified in the 2016 Master Plan for Marine Protected Areas (MPA), along with the identified design considerations relative to climate change impacts and preservation of diverse commercial uses. Managed urchin fishing can promote the stability of species diversity and abundance consistent with natural fluctuations in environmental conditions. We believe that commercial urchin fishing can help the recovery of kelp ecosystems impacted by over-abundant urchin populations (urchin barrens) ultimately caused by climate change. This belief is based on the kelp restoration projects funded by the OPC along the north coast that are showing promise. Our petition sets up an economical approach that can be used to expand this effort in selected SMCAs along the entire coastline.

Our proposal is consistent with the Master Plan by protecting habitats (kelp forests) while allowing commercial harvest, thus mitigating some of the significant negative impacts experienced by the fishery when the MPA network was established. The Master Plan also states that the MPA network should consider several factors, including the potential impacts of climate change and the diversity of commercial fishing. The proposal is also consistent with the comprehensive recommendations and science guidelines of DFW's Decadal Management Review, which acknowledged inadequate engagement with the fishing industry and the continuing need for adaptive management under a changing climate. DFW's JEDI Governance recommendation #6(c) clearly states the need to explore innovative approaches to engage the fishing industry in MPA research and management. The industry believes that with the collaboration of CDFW, FGC, OPC, NGO's, academic institutions, and the Tribes it can help address urchin barrens and ultimately restore kelp forests the ecosystems reliant upon them.

Our proposal is supported at the Sea Lion Cove and Double Cone Rock SMCAs by the MPA Collaborative recommendations. The Collaborative also supports continuing the commercial urchin harvest at Saunders Reef SMCA.

The commercial urchin fishery has a long track record of working with DFW, and in recent years with OPC, on research and management issues and is ready to continue that partnership using the recommended changes to the MPA network listed in this petition as an important step in fulfilling the goals of the Marine Life Protection Act and mandates in the Fish and Game Code to support sustainable commercial fisheries.

The science developed to date indicates that in areas lacking significant urchin predators, urchin populations can have negative cascading effects on kelp forests in MPAs and reference sites (Carr et.al., 2021). By functioning as predators, commercial urchin fishermen may help restore and protect kelp forests in MPAs. In accordance with the adaptive management elements of the Master Plan, decadal review, and DFW recommendations, we ask that this petition be collaboratively evaluated by all stakeholders through the rulemaking process of the FGC with respect to improving the resiliency of both the commercial urchin fishery and kelp forests to climate change.



SECTION II: Optional Information

5. **Date of Petition:** [Click here to enter text.](#)

6. **Category of Proposed Change**

☐ Sport Fishing

☒ Commercial Fishing

☐ Hunting

☐ Other, please specify: [Click here to enter text.](#)

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

☒ Amend Title 14 Section(s): 632(b)(30)(B) ...is allowed. The commercial take of urchins is allowed.

632(b)(16)(B)2...; and Dungeness...is allowed., and the commercial take of urchins is allowed.

632(b)(33)(B)...dip net. The commercial take of urchins is allowed.

632(b)(35)(B) ... is allowed. The commercial take of urchins is allowed.

632(b)(98)(B) ... 5. The commercial take of urchins is allowed.

632(b)(112)(B)1 ...commercial take of spiny lobster and urchins is allowed.

632(b)(117)(B)2 ...take of urchins; swordfish...

632(b)(119)(B) ...is allowed. The commercial take of urchins is allowed.

632(b)(138)(B) ... 4. The commercial take of urchins is allowed.

☐ Add New Title 14 Section(s): [Click here to enter text.](#)

☒ Repeal Title 14 Section(s): [Click here to enter text.](#)

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or ☒ Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: 2025

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Red Sea Urchin Enhanced Status Report (See California Department of Fish and Game website). California Marine Life Protection Act Master Plan for Marine Protected Areas 2016 (See California Department of Fish and Game website). California's Marine Protected Area Network Decadal Management Review 2022 (See California Department of Fish and Game website). Monitoring and Evaluation of Kelp Forest ecosystems in the MLPA Marine Protected Area Network (Carr et.al. 2021) (See California Department of Fish and Game website). MPA Collaborative Network (see website, Collaborative Vetted Regulation Recommendations)

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs,



other state agencies, local agencies, schools, or housing: No known negative economic or fiscal impacts of the proposed changes. It is expected that there will be some positive economic benefits by opening formally closed areas to commercial urchin fishing.

12. Forms: If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: [11/13/23.](#)

FGC staff action:

- ☐ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition _____
- ☐ Granted for consideration of regulation change

Tracking Number

Attachment 1

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

COMPANION DOCUMENT



July 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.

The Companion Document was originally released March 20, 2026 along with CDFW's evaluations and recommendations for the ten Non-tribally-led Petitions. This July 2026 version of the Companion Document includes the following additions: a detailed timeline of the 2023 MPA Petition milestones, updates related to tribal outreach and engagement, a new section on Climate Resilience and MPAs, and additional supplemental information for Question 5 (information gaps) and Question 9 (MPA Network design and Levels of Protection (LOP)) of the evaluation.

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. See Table 1 for a comprehensive overview of process milestones for the 2023 MPA Petitions.

On August 14, 2025, CFGC approved an evaluation framework (Framework) for the 15 [Bin 2 Petitions](#) referred to CDFW proposing changes to the MPA Network. CDFW developed the Framework, with support from staff at CFGC and Ocean Protection Council, 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, Master Plan objectives, and Science Advisory Team (SAT) Science Guidelines established during the MLPA Initiative planning process 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 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 towards achieving 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, consistent with directives in the Fish and Game Code (§§2853 and 2855), MLPA, and the Master Plan for MPAs, to preserve the integrity of the MPA Network.

CDFW 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 Master Plan for MPAs.

Table 1. Summary of 2023 MPA Petition Process Milestones.

Date	Milestone
<i>Aug 2023</i>	California Fish and Game Commission (CFGF) approves DMR adaptive management recommendation prioritization framework and supported the Marine Resources Committee preference to consider changes to the MPA Network using the existing CFGF petition process
<i>Oct 2023</i>	CFGF releases “Overview of Process to Consider Potential Changes to California’s MPA Network”
<i>Dec 2023</i>	CFGF receives 20 MPA-related petitions with 80+ actions
<i>Feb 2024</i>	CFGF refers all 20 petitions to CDFW for evaluation
<i>Apr 2024</i>	CFGF adopts 3-phased approach to petition evaluation

Attachment I: Companion Document July 2026 Version

Date	Milestone
<i>Aug 2024</i>	CFGF approves binning petitions, requests CDFW evaluate the five Bin 1 Petitions and develop a proposed framework to evaluate 15 Bin 2 Petitions
<i>Nov 2024</i>	CDFW releases recommendations for five Bin 1 Petitions
<i>Dec 2024</i>	CFGF makes decisions on Bin 1 Petitions and establishes March 14, 2025 deadline for amendments to Bin 2 Petitions
<i>Mar 14, 2025</i>	Deadline for amendments to Bin 2 Petitions
<i>Apr 2025</i>	CFGF refers amended Bin 2 Petitions to CDFW for evaluation
<i>Apr-May 2025</i>	CDFW develops Draft Bin 2 Petition Evaluation Framework with Ocean Protection Council and CFGF staff
<i>May 2025</i>	Update and discussion at CFGF Tribal Committee (TC) meeting on Bin 2 MPA Petitions and proposed approach for evaluations
<i>Aug 2025</i>	Update and discussion on 2023 MPA Petitions and Draft Evaluation Framework at CFGF TC and CFGF. Four Tribally-led petitions identified and CFGF approves framework for evaluating Bin 2 MPA Petitions
<i>Dec 2025</i>	Update and discussion at CFGF TC on Bin 2 MPA Petitions; identifies one more Tribally-led petition; directs CDFW to return to April 2026 CFGF TC to discuss MPA Petitions prior to releasing evaluations for the Tribally-led petitions
<i>Mar 20, 2026</i>	CDFW releases evaluations and recommendations for the 64 proposed actions in the ten non-Tribally-led Bin 2 MPA Petitions and the Companion Document
<i>Apr 2026</i>	Update and discussion at CFGF TC on five Tribally-led petitions. CFGF accepts amendments to four of the Tribally-led petitions and refers them to CDFW for evaluation
<i>Apr-May 2026</i>	Regional CFGF meetings discussing Bin 2 MPA Petitions • April 21, 2026 in San Mateo, Del Norte through Monterey counties petitions • May 5-6, 2026 in Goleta, alongshore San Luis Obispo through Santa Barbara counties petitions (day 1) and Northern Channel Islands (day 2) • May 19, 2026 in San Clemente, Los Angeles through San Diego counties petitions, including Santa Catalina Island
<i>July 2026</i>	CDFW releases evaluations and recommendations for the 9 proposed actions in the five Tribally-led Bin 2 MPA Petitions and the revised Companion Document

SUPPLEMENTAL EVALUATION INFORMATION

CDFW compiled supplemental information and additional context for the Tribally-led petitions, the topic of climate resilience and MPAs, and the responses to Evaluation Questions 1, 2a, 5, 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, were 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:

- Santa Ynez Band of Chumash Indians: Designate a New Chitqawi SMCA Near Morro Bay with a Tribal Take Exemption for Santa Ynez Band of Chumash Indians (2023-19MPA_AM1)
- Santa Ynez Band of Chumash Indians: Establish Co-Management at Point Buchon SMCA, Change the Name, and Add a Tribal Exemption for Santa Ynez Band of Chumash Indians at Point Buchon SMCA, and Change the Boundary at Point Buchon SMR (2023-20MPA_AM1)
- Tolowa Dee-ni' Nation: Remove Recreational Take of True Smelt and Change the Boundary at Pyramid Point SMCA (2023-21MPA_AM1)
- Northern Chumash Tribal Council: Designate a New SMCA Near Point Sal with an Allowance for Recreational Take of Finfish by Hook-and-Line from Shore (2023-28MPA_AM2)
- Santa Ynez Band of Chumash Indians: Designate a New SMCA Near Mishopshno/ Carpinteria with an Allowance for Recreational Take of Finfish by Hook-and-Line From Shore and a Tribal Take Exemption for Santa Ynez Band of Chumash Indians (2023-29MPA_AM2)

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 MPA Network. 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 American tribes for the 20 2023 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 CFGC's Tribal Committee. These outreach efforts to tribes are summarized in Table 2.

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 (NRDC), Santa Ynez Band of Chumash Indians (SYBCI), and Environmental Defense Center

At the May 7, 2025, meeting, CFGC's 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. As of July 2026, no tribes have requested consultation.

On November 24, 2025, CFGC received a letter from Northern Chumash Tribal Council and NRDC 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, CFGC Tribal Committee meeting, the CFGC Tribal Committee reconsidered the designation of petition 2023-28MPA and recommended CFGC designate it as a Tribally-led petition in light of the November 2025 co-sponsorship from Northern Chumash Tribal Council. At the December 11, 2025, CFGC meeting, CFGC designated petition 2023-28MPA as a Tribally-led petition. CFGC's Tribal Committee requested that before releasing the Tribally-led petition evaluations, CDFW engage with the tribes leading or co-leading petitions, including to better understand the intent of the petitions, and then share an update on the engagement and any clarifications on the petitions at the April 14, 2026 CFGC Tribal Committee meeting. CFGC's Tribal Committee and CFGC reaffirmed that CDFW should use the Evaluation Framework approved by CFGC in August to evaluate the Tribally-led petitions.

At the February 11, 2026, CFGC meeting, CFGC approved the addition of an agenda item for CDFW to provide an update and to have a discussion on the Tribally-led petitions at the April 14, 2026, Tribal Committee meeting.

Between September 2025 and June 2026, CDFW participated in discussions with representatives of tribes regarding the Tribally-led petitions.

At the April 14, 2026, CFGC Tribal Committee meeting, tribal representatives provided an overview and clarifications for the five Tribally-led petitions. SYBCI proposed amendments to 2023-19MPA, 2023-20MPA, and SYBCI and NRDC proposed amendments to 2023-29MPA_AM1. Northern Chumash Tribal Council and NRDC proposed amendments to 2023-28MPA_AM1. No amendments were proposed for 2023-21MPA. CDFW presented an update on tribal outreach and engagement since December and summarized the clarifications and proposed amendments for the Tribally-led petitions. At the meeting on April 15, 2026, the CFGC Tribal Committee recommended to CFGC that CDFW evaluate the Tribally-led petitions according to the proposed amendments and clarifications discussed during the meeting. CFGC subsequently referred the amended petitions (2023-19MPA_AM1, 2023-20MPA_AM1, 2023-21MPA_AM1, 2023-29MPA_AM2, and 2023-29MPA_AM2) to CDFW for evaluation using the Evaluation Framework approved by CFGC in August 2025.

Table 2. 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, CFGC 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 – 6/24/2026	Meetings	Discuss Tribally-led petitions with tribal petitioners

Date	Method	Content
12/9/2025	Tribal Committee	CDFW update on the 2023 MPA Petitions and upcoming release of CDFW petition evaluations and outlining three regional meetings to be held to discuss petitions and evaluations
4/14/2026	Tribal Committee	CDFW presentation to provide an update on tribal outreach and engagement, and summarize clarifications and proposed amendments for Tribally-led petitions
6/26/2026	Email	CDFW Tribal Liaison provided Department update email, including CDFW Informational MPA DMR Petition Process Update and upcoming meetings to discuss the 2023 MPA Petitions

CLIMATE RESILIENCE AND MPAS

Since implementation of California’s MPA Network, the state’s coastal ecosystems have experienced increasingly significant climate-driven changes, including marine heatwaves, ocean acidification, and shifting species distributions. Although climate change was not explicitly incorporated into the MLPA Initiative planning process, the MPA Network was designed using resilience-oriented principles. Foundational design elements such as habitat replication, larval connectivity, and varying levels of protection were incorporated conservatively to support biodiversity, ecological function, and ecosystem resilience under uncertain and changing environmental conditions, including natural disturbances, decadal oceanographic variability, and unanticipated increases in fishing pressure.

MPAs are most effective at reducing extractive pressures, and their contribution to climate resilience depends in part on whether they measurably enhance key network attributes, such as connectivity, habitat replication, and protection of climate refugia. CDFW evaluated whether proposed changes were likely to meaningfully contribute to MPA Network performance through improvements to connectivity, habitat redundancy, or related ecological functions or provide measurable ecological benefits relative to the current performance of the MPA Network. Where existing MPAs already meet the SAT Science Guidelines established during the MLPA Initiative planning process, and proposals do not provide evidence the proposed change would demonstrably improve connectivity, redundancy, or resilience under changing environmental conditions and as specifically defined in the SAT Science Guidelines, the addition or expansion of a protected area alone is insufficient to conclude that climate resilience would be enhanced. Although there is broad evidence of increasing environmental stressors, restricting fishing alone will not address their cumulative impact. The existence of multiple stressors does not justify specific boundary modifications or new MPAs in the

absence of strong evidence that the proposal would likely result in site-specific ecological benefits.

MPAs may confer some resiliency to climate change by providing a buffer from some of these stressors, especially MPAs that limit or completely exclude fishing. Management of California's fisheries is mandated by the Marine Life Management Act, which includes objectives such as ecosystem protection, sustainability, and rebuilding populations, among others (Fish & G. Code § 7050). While the primary function of MPAs in California is to protect and enhance marine habitats and populations, understanding how effective fisheries management measures interact with a functioning MPA Network to bolster resiliency to climate change in California is still a critical knowledge gap identified in the DMR to be addressed through implementation of Recommendations 26–28 that focus on influencing factors and fisheries integration.

The absence of demonstrable ecological gains is particularly relevant where proposed changes could result in substantial socioeconomic impacts to ocean users. This underscores the importance of grounding management decisions in clear, place-based specific evidence of functional ecological improvement and considering socioeconomic impacts so that anticipated conservation benefits are considered relative to potential trade-offs in those areas.

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 MPA Network were not necessarily designed to address all six Goals of the MLPA but instead act as an important component of a functioning MPA 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?

[California's Marine Protected Area Network Decadal Management Review](#)
[DMR Adaptive Management Recommendations](#)

Question 5: Are there significant information gaps that need to be filled to inform the evaluation of the proposed change?

Justice, Equity, Diversity, and Inclusion

There are information gaps related to assessing issues around equity and access for traditionally underserved or marginalized communities within the existing MPA Network, as well as the proposed changes in the Bin 2 petitions. The DMR includes recommendations to advance work in this area that the MPA Management Program intends to work on in the near future. Also, see response for Questions 14 and below.

Economic and Fiscal Impacts

The CFGC petition form, Petition to the California Fish and Game Commission for Regulation Change, requires the petitioner to complete the section, "Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing." Responses provided in the Bin 2 Petitions often had limited data related to potential economic and fiscal impacts, particularly those related to individuals or businesses, including individuals from the sport and commercial fishing industries. This may be due to limited time provided to petitioners to prepare petitions or to the limited existence of this data. However, given the scope and timeline of this analysis, CDFW did not have the ability to provide a supplemental analysis of the economic or fiscal impacts for the 73 changes proposed across the 15 Bin 2 Petitions.

Fish and Game Code section 2853 highlights that the Marine Life Protection Program (now the MPA Management Program) must include a process for the establishment, modification, or abolishment of existing MPAs or new MPAs, that involves all interested parties, including, but not limited to, individuals from the sport and commercial fishing industries, aquaculture industries, coastal and ocean tourism and recreation industries, marine conservation organizations, local governments, marine scientists, and the public (Fish & G. Code § 7050 (b)(7)), and that facilitates the designation of MPAs consistent with the Master Plan adopted pursuant to Fish and Game Code section 2855. Fish and Game Code section 2855 states that when making decisions regarding the siting of new MPAs and major modifications of existing MPAs, CDFW shall take into account relevant information including, but not limited to, the socioeconomic and environmental impacts of various alternatives.

CDFW's Bin 2 MPA Petition evaluations include preliminary assessments of socioeconomic impacts to commercial and recreational fisheries, but these assessments are not a substitute for the relevant information required by Fish and Game Code section 2855. The evaluations do not include an assessment of any socioeconomic benefits or impacts beyond impacts to commercial and recreational fisheries. Implementation of the regulatory changes proposed in the Bin 2 MPA Petitions are anticipated to have socioeconomic impacts, some of which may be significant to individuals or businesses; and additional data and information are needed to meet the level of analyses required by Fish and Game Code section 2855.

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 SAT 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 (LOP) and includes a framework to respond to the question. The science-based design criteria were developed by the SAT during the MLPA Initiative planning process to provide quantitative 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. 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 LOPs (Very High, High, or Moderate-High). Importantly, the analysis focused not only on whether proposals meet SAT Science Guidelines, but on whether they would likely provide a net ecological benefit to the MPA Network in addition to meeting SAT Science Guidelines—that is, likely to have measurable improvements beyond existing conditions.

Levels of Protection

California's SAT developed the LOP framework during the MLPA Initiative planning process. California's SAT LOP framework is specifically designed to evaluate fishing-related impacts within the state's MPAs and considers the species that may be taken, the gear used, the geographic region, and the potential direct and indirect ecological effects of those activities on species and habitats. As a result, the SAT LOP framework is the most appropriate framework to use when considering proposed changes or additions to the MPA Network as it was tailor-made for evaluating and comparing California's MPAs.

The SAT LOP framework differs substantially in scope, structure, and application from the protection categories defined in Grorud-Colvert et al.'s (2021) MPA Guide¹. Although the MPA Guide provides a valuable global framework for making standardized comparisons of MPA outcomes worldwide, it is not an appropriate framework for evaluating California's 2023 MPA Petitions. The two frameworks were developed for different purposes, applied different criteria, and the frameworks differ in scale and structure. Given the two frameworks have different scales and approaches, protection categories

¹ Grorud-Colvert et al. (2021). The MPA Guide: A framework to achieve global goals for the ocean. *Science* **373**, eabf0861(2021). DOI:10.1126/science.abf0861; see also <https://mpa-guide.protectedplanet.net/resources>

that appear similar in name may represent substantially different regulatory conditions and ecological outcomes under the two systems.

The MPA Guide was designed to compare MPAs globally as MPAs around the world vary from fully protected with strong implementation measures (such as those in California's MPA Network), to MPAs on paper only or those that allow activities such as intensive fishing and/or large impact infrastructure and aquaculture. The MPA Guide uses broad activity-based classifications that consider multiple categories of human use. Fishing is treated as one of several activity categories evaluated. Others include dredging and dumping, anchoring, infrastructure, aquaculture, non-extractive activities, and mining. The MPA Guide includes protection levels based on the number and types of activities allowed, without differentiating by species, fine-scale gear type(s), or geographic context. The MPA Guide captures the global scale of allowed activities in MPAs worldwide and categorizes these into four LOPs. The approach enables comparisons across global habitats and activities, which vary greatly. In contrast, California's SAT LOP framework has six levels of protection and is specifically tailored to the fisheries, gear types, species, and habitats in the MLPA planning regions, which enable precise assessments of potential contribution to ecological goals as well as comparisons within California's MPA Network.

In addition to being more relevant to California, the SAT LOP framework applies a more precautionary approach than the MPA Guide framework. During the MLPA Initiative planning process, the SAT evaluated allowed activities under the assumption that they could occur at maximum plausible intensity over time. This reflected the expectation that MPA access would remain open to all users and that fishing pressure could increase unpredictably in the future. For example, during the COVID-19 pandemic, California experienced an unanticipated surge in the harvest of intertidal organisms for sale and subsistence. By comparison, under the MPA Guide LOP framework, potential future increases or sudden changes in fishing intensity, such as the example described above, are not explicitly incorporated into protection level assignments. Instead, the 2021 MPA Guide evaluates activities based on their current intensity, scale, duration, frequency, and overall present-day impact. Its framework is therefore intended to categorize MPAs according to contemporary cumulative impact levels rather than to distinguish in detail among specific fishing practices or ecological interactions. Consequently, the LOPs between the two frameworks are not comparable, and the SAT LOP framework is the most appropriate framework to use for evaluating the 2023 MPA Petitions.

Please see the [CDFW Science Guide to California's MPA Network](#) for more specific information on science evaluation of MPA proposals during the MLPA Initiative planning process, including LOPs, as well as a current assessment of how the MPA Network conforms to the SAT Science Guidelines.

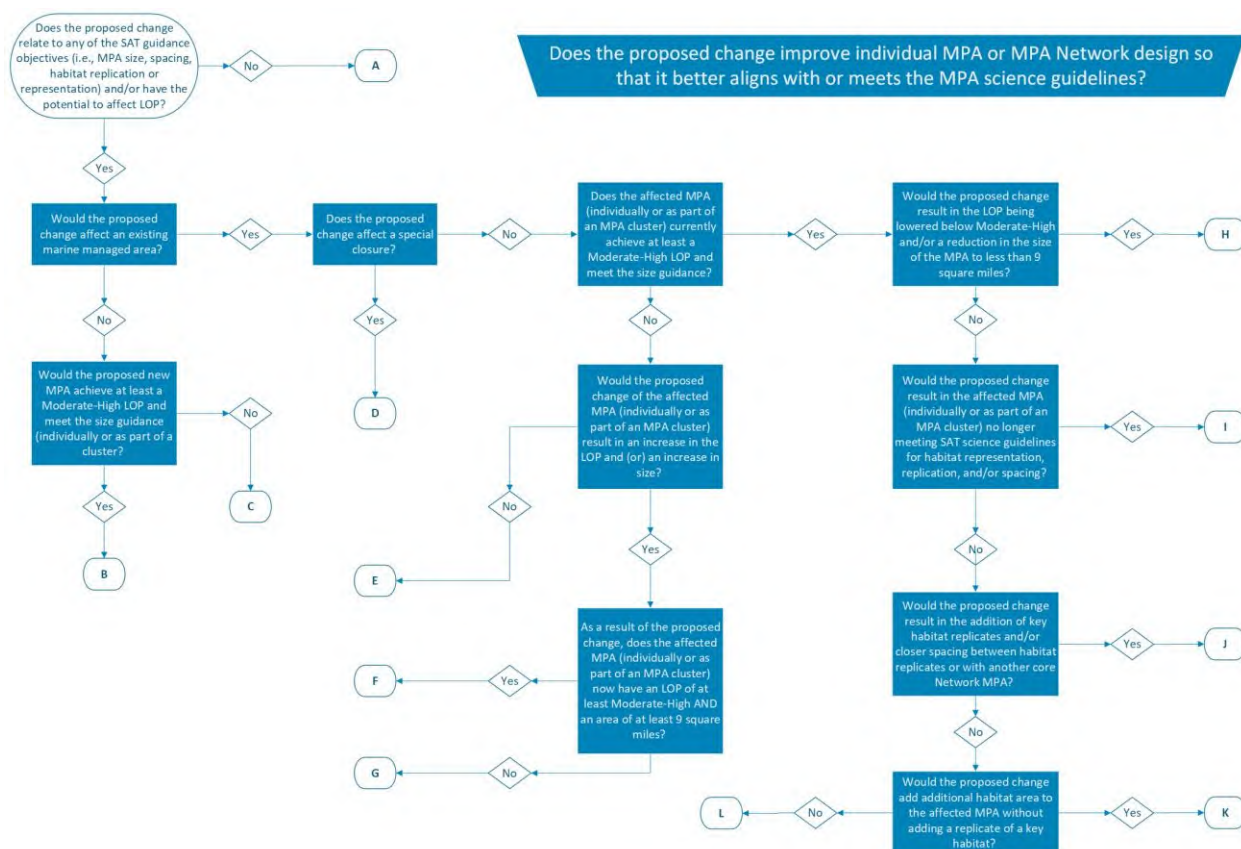


Figure 1. Decision tree framework used to formulate responses for Question 9 for each proposed action. The starting point, at the upper left corner, is based on whether the proposed change has the potential to affect the MPA's size or Level of Protection (LOP). The rest of the questions help to identify 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 SAT Science Guidelines.
- B. New MPA meets minimum size and LOP requirements. Proposed action would improve MPA Network design and enhance alignment with the SAT Science Guidelines.
- C. New MPA does not meet minimum size and/or LOP requirement. Proposed action does not improve MPA Network design, nor does it enhance alignment with the SAT Science Guidelines.
- D. Not applicable because the SAT Science Guidelines do not apply to special closures. Proposed action does not improve MPA Network design, nor does it enhance alignment with the SAT 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 SAT 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 SAT 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 SAT 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 SAT Science Guidelines.
- I. Existing MPA meets minimum size and LOP requirements. MPA as proposed meets both criteria but no longer meets one or more SAT Science Guidelines. Proposed action does not improve the design of the individual MPA or the MPA Network, nor does it enhance alignment with the SAT Science Guidelines.
- J. Existing MPA meets minimum size and LOP requirements. Proposed action results in meeting additional SAT Science Guideline(s). Proposed action improves design of individual MPA and MPA Network, and enhances alignment with the SAT Science Guidelines.
- K. Existing MPA meets minimum size and LOP requirements. Proposed action increases the amount of habitat(s) protected but additional SAT 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 SAT 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 SAT 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 DMR to integrate justice, equity, diversity, and inclusion principles into MPA Network management. However, after exploration of the available information and methods that could be used to address this question for each proposed action, CDFW originally determined that providing the level of evaluation this question and the relevant communities deserve would not be possible within the scope and timeline 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 were needed by petitioners to support this portion of the analysis.

At the time, 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](#)).

CDFW also 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](#)).

CDFW found the data and information in the California Governor’s Office of Land Use and Climate Innovation’s [Vulnerable Communities Platform](#) to be valuable in understanding 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](#)).

In the March 2026 Companion Document, CDFW’s primary findings for Question 14 were that additional information and time were needed, including completion of some DMR Recommendations, to sufficiently address the question.

Following CDFW’s submission of the petition evaluations, CFGC, CDFW, and Ocean Protection Council received substantive feedback identifying two areas of concern. First, the response to Question 14 was unsatisfactory and that people, including Commissioners, wanted to see additional analysis for Questions 14 and 16. Second, people identified a broader need for more robust engagement with, and meaningful

incorporation of the perspectives of, traditionally underserved and marginalized communities throughout the process.

At the Regional 2023 MPA Petitions meeting on May 19, 2026, CFGC directed CDFW to convene experts in Justice, Equity, Diversity and Inclusion within the agency and at partner agencies to provide additional analyses. CDFW's Deputy Director of Strategic Engagement, Equity, and Partnerships led this work in collaboration with California Natural Resources Agency, CFGC staff, and Ocean Protection Council and released a separate document with supplemental information for Question 14 and 16.

Question 16: Is the proposed change consistent with the CFGC Justice, Equity, Diversity and Inclusion Policy?

CFGC staff conducted this analysis and prepared the response to Question 16, which was supplemented by a July 2026 document prepared as described in the paragraph above.

Justice, Equity, Diversity and Inclusion Policy Overview

The 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 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 six 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 CFGC-adopted definitions, metrics, or measurable criteria. Without clearly articulated definitions, datasets, or rubrics, petition-specific JEDI assessments would be inherently speculative. Staff have, 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 co-sponsored 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 prevented 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 began to focus on the overall petition process, including the planning for the 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 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

CFGF'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 CFGF Coastal Fishing Communities Policy?

CFGF staff conducted this analysis and prepared the responses to Question 17 for the proposed actions in the evaluations. CFGF staff provided this additional context for their evaluations of Question 17.

Coastal Fishing Communities Policy Overview

The CFGF Coastal Fishing Communities (CFC) Policy guides CFGF, 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 CFGF 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 CFGF's CFC Policy marked the first time CFGF staff have attempted to apply the policy's principles to inform CFGF decision-making. Through the process of evaluating MPA petitions against the policy, CFGF staff found they were 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 are 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)

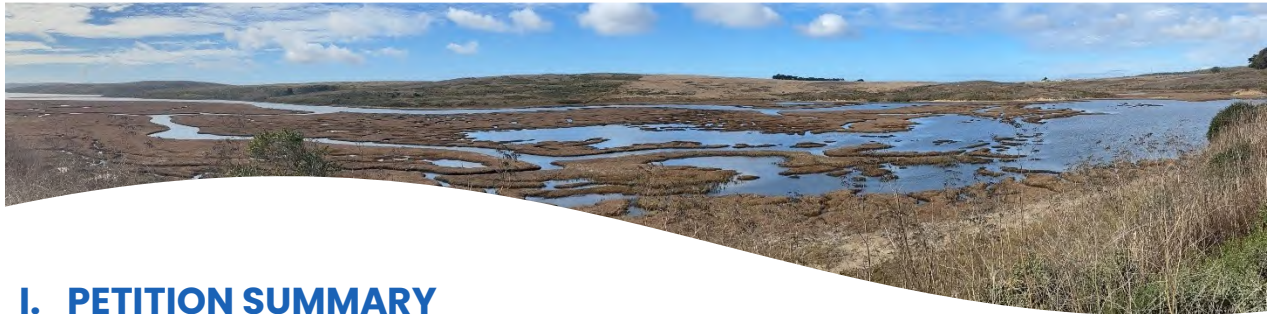
Current Regulations Map: [Ocean Sport Fishing Web App](#)

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.

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

CFGF 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 tribes¹ (tribes) throughout the petitions process, and a summary of outreach and engagement with Tribally-led petitioners. Tribally-led petitions were evaluated with the CDFW 2023 MPA Bin 2 Petition Evaluation Framework.

Tribal Components Questions	Answer and Explanation
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 help 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 [CFGCC, 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

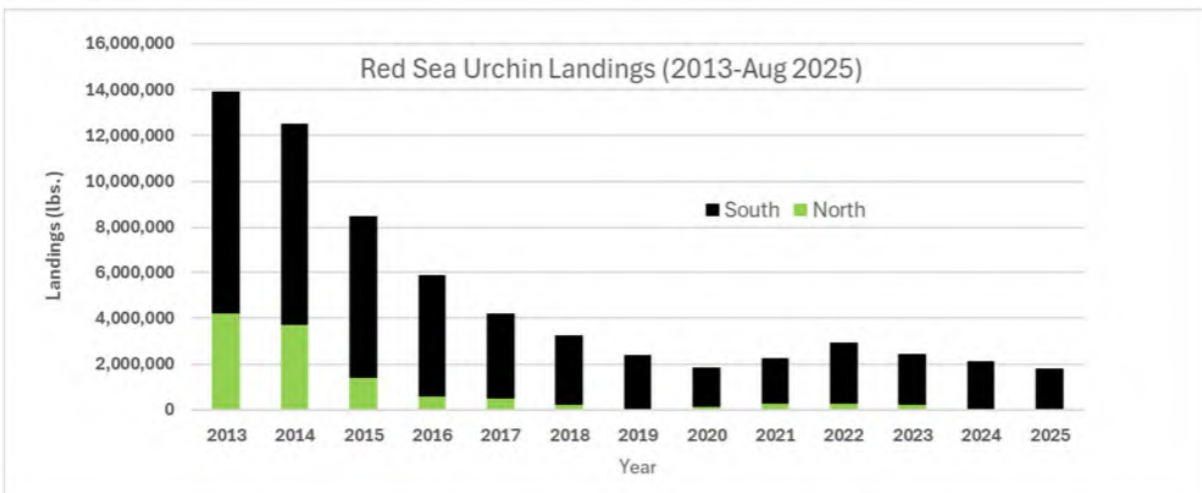


Figure 1. Statewide red sea urchin (*Mesocentrotus franciscanus*) annual landings (pounds of urchin) between 2013-2025. The north (green) and south (black) regions of the commercial fishery are demarcated by the Monterey and San Luis Obispo County line.

CITATIONS

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July 31, 2026

California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814
Transmitted via email: fgc@fgc.ca.gov

Re: OPC Staff Recommendations - Petitions to Adaptively Manage California's Marine Protected Area Network

Dear President Sklar, Vice President Anderson, and Members of the California Fish and Game Commission,

Thank you for your leadership in managing California's Marine Protected Area (MPA) Network – the global gold standard for marine conservation. Building on our public letter transmitted to the California Fish and Game Commission (CFGF) on March 20¹, which outlined the role of the California Ocean Protection Council (OPC) in MPA management and highlighted major OPC policy priorities for MPAs, we are pleased to provide specific input and OPC staff's recommendations on submitted petitions for changes to the MPA Network currently under consideration by CFGF. As noted in our March 20 letter, this input is intended to complement the comprehensive evaluations of MPA petitions conducted by the California Department of Fish and Wildlife (CDFW) under a separate set of questions and criteria established by CFGF.

The first-ever Decadal Management Review of the MPA Network, released in 2023, clearly demonstrated that MPAs are working to improve California's ocean health. However, the Decadal Management Review did not specifically explore opportunities to strengthen the existing MPA Network. As noted in our March 20 letter, OPC believes that evaluating MPA petitions with this question in mind is essential for ensuring the continued success of California's MPAs, especially as a changing climate increasingly threatens coastal and marine

¹ https://opc.ca.gov/wp-content/uploads/2026/03/OPC-letter-on-MPA-petitions_3.20.26-508.pdf

ecosystems and ecosystem services. Therefore, this input provided by OPC staff is explicitly focused on whether proposed actions hold promise to strengthen the performance and durability of the MPA Network. This is consistent with OPC's Strategic Plan² and key recommendations from the Decadal Management Review³.

Overall, **OPC's petition recommendations are rooted in a precautionary approach.** The 2026 California Coast and Ocean Report⁴, released earlier this year, indicates that climate change is increasingly threatening coastal and marine ecosystems, as well as benefits provided by those ecosystems to coastal communities and California Native American tribes. In the face of warming oceans, sea level rise, the devastation of our state's kelp forests, severe shocks to fishing communities, and other climate-driven impacts, California's MPA Network is one of our most effective conservation tools for safeguarding biodiversity, building climate resilience, and ensuring the continued delivery of important ecosystem services that drive our state's multi-billion dollar ocean economy.

It is through this lens that we assessed petitions. Specifically, we looked for opportunities to bolster the types of MPA benefits anticipated to serve as an "insurance policy" against changing ocean conditions, such as increased population sizes, higher genetic diversity, strengthened ecological connectivity, and intact food webs. In doing so, we acknowledge that the effects of climate change are uncertain and that MPAs are not a panacea for the threats facing our ocean. We strongly support continued research and monitoring to assess the impacts of climate change on coastal and marine ecosystems and how MPAs may mitigate these impacts. In particular, California's robust MPA monitoring program, which is actively tracking the effects of MPAs across key ecosystems and coastal communities statewide, will continue to be a crucial tool in evaluating the overall success of the Network and any adaptive management changes made through the petition process. OPC is committed to continuing our support for the development and application of best available science to adaptively manage the Network into the future.

Given this precautionary approach, **we do not recommend that CFGC approve any petition that would weaken the existing MPA Network** (Petitions 2023-14MPA, 2023-15MPA_AM, 2023-

2 OPC 2026-2030 Strategic Plan Objective 3.1: Strengthen the performance and durability of California's Marine Protected Area Network.

3 Decadal Management Review recommendations #4 (Apply what is learned from the first Decadal Management Review to support proposed changes to the MPA Network and Management Program); #23 (Expand and target monitoring and research efforts to examine the design attributes of the MPA Network more effectively); #28 (Further integrate influencing factors into ecological and human study designs and interpretations of MPA performance).

4 <https://opc.ca.gov/wp-content/uploads/2026/03/California-Coast-and-Ocean-Report-2026.pdf>

16MPA, 2023-18MPA⁵, and 2023-23MPA_AM⁶). These petitions include several proposed actions that would open no-take State Marine Reserves or limited-take State Marine Conservation Areas to certain new types of fishing. OPC appreciates the thoughtfulness of petitioners in developing these proposals; however, we find that any actions that would roll back existing protections pose an unacceptable risk to the integrity of the existing Network. Such actions, while well-intentioned, have the potential to compromise existing conservation benefits and degrade the ability of the Network to meet the goals of the Marine Life Protection Act.

As a first step in assessing petitions with potential to strengthen the MPA Network (i.e. proposals for new MPAs, expanded MPAs, or stricter regulations), OPC staff first considered **whether petitions would improve MPA Network design**. Importantly, neither the Decadal Management Review nor CDFW's recently released Science Guide to California's MPA Network⁷ identify significant design deficiencies in the MPA Network. Indeed, the Network is largely compliant with science guidance from the MPA planning process, with most MPAs meeting minimum size guidelines and all MPAs meeting minimum spacing guidelines. However, from a precautionary standpoint, some petitions have clear potential to improve MPA Network design, for example by reducing large distances between MPAs or increasing the representation of vulnerable habitats within the Network. OPC finds clear Network design benefits for three petitions: Petition 2023-29MPA_AM2, Petition 2023-32MPA, and two actions within Petition 2023-33MPA_AM1.

As a next step, OPC considered **whether petitions would result in meaningful additional biodiversity protection beyond what the current MPA Network already provides**. This could include actions such as: bolstering protections for important geological or biological features; protecting additional sensitive habitat, such as eelgrass, kelp forests, or rocky shores; protecting ecosystems that are important larval sources, sinks, or retention zones; strengthening ecological

5 Petition 2023-18MPA includes an action that would open Vandenberg State Marine Reserve to certain types of shore fishing. A petition submitted in 2022 by the City of Lompoc (Petition 2022-04) proposes a similar action and will be considered by CFGC alongside the other petitions discussed here. While we recognize that Petition 2022-04 is intended to improve equitable coastal access for local residents, it would weaken protections provided by Vandenberg State Marine Reserve, which serves as a critical backbone MPA in the region. We recommend that CFGC deny Petition 2022-04.

6 One action in 2023-23MPA_AM (Action 20) has potential to strengthen the MPA Network: designation of a new MPA at Tanker's Reef. However, as proposed, this new MPA falls far below the minimum area required to function as a replicate in the MPA Network and is unlikely to provide meaningful additional conservation benefits beyond those already achieved by the existing Network, especially in the highly protected Monterey Bay region.

7 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=246940&inline>

connectivity; reducing fishing pressure on populations in decline; promoting improved ecosystem structure and function; or enhancing the resilience of the MPA Network to current or predicted climate impacts. Importantly, in exploring this consideration, OPC gave equal weight to petitions that would address current specific threats to biodiversity, such as the impacts of fishing gear on sensitive habitats, and petitions that would improve the Network's ability to withstand larger-scale and more diffuse impacts, such as marine heat waves. OPC finds compelling biodiversity benefits for several petitions: Petition 2023-21MPA_AM1, Petition 2023-27MPA_AM1, Petition 2023-28MPA_AM1, Petition 2023-29MPA_AM2, Petition 2023-32MPA, and two actions within Petition 2023-33MPA_AM1.

Finally, OPC considered **whether petitions would help support and revitalize tribally-led stewardship**. OPC is highly supportive of MPA adaptive management actions that advance co-governance, co-management, and collaborative stewardship with tribes. Such actions, which include protecting places with high biocultural significance, are essential not only for righting historical wrongs, but also for reconnecting tribes to traditional stewardship practices that can directly benefit biodiversity. Increased support for tribal stewardship is a top priority in both OPC's 2026-2030 Strategic Plan⁸ and the California Natural Resources Agency's recently released Tribal Stewardship Policy⁹, which aims to expand tribal stewardship of at least 7.5 million acres of California's lands and coastal waters. OPC finds that the following petitions have strong potential to advance tribally-led stewardship: Petition 2023-20MPA_AM1, Petition 2023-21MPA_AM1, Petition 2023-28MPA_AM2, and Petition 2023-29MPA_AM2.

Based on these considerations, OPC recommends approval of the following petitions, with some modifications. In developing these recommendations, OPC staff evaluated the most recent versions of petitions, including any amendments or clarifications received from petitioners after CFGC's March 2025 deadline for petition amendments.

8 OPC 2026-2030 Strategic Plan Objective 2.1: Strengthen partnerships with California Native American tribes.

9 <https://resources.ca.gov/Initiatives/Tribalaffairs/TribalStewardshipPolicyAndToolkit>

Table 1. OPC's recommended petitions.

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-20MPA_AM1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Buchon SMCA and Point Buchon SMR (existing)	Santa Ynez Band of Chumash Indians	Add a tribal take exemption at Point Buchon SMCA, rename Point Buchon SMCA, and adjust northern boundary of Point Buchon SMR	Approve tribal take exemption and renaming; deny proposed boundary change
2023-21MPA_AM1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Pyramid Point SMCA (existing)	Tolowa Dee-ni' Nation	Remove recreational take of true smelt in Pyramid Point SMCA and adjust northern boundary of Pyramid Point SMCA	Approve proposed removal of recreational take of true smelt; deny proposed boundary change
2023-27MPA_AM1 (as clarified at the May 6, 2026 CFGC regional meeting)	Anacapa Island SMCA (existing)	Environmental Defense Center	Modify regulations at Anacapa Island SMCA to protect sensitive eelgrass habitats (with several options proposed)	Modify SMCA regulations to prohibit the deployment of lobster traps shallower than 50 feet
2023-28MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Sal SMCA (new)	Northern Chumash Tribal Council and Natural Resources Defense Council	Add a new MPA near Point Sal	Approve the proposed new Point Sal SMCA

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-29MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Mishopshno SMCA (new)	Santa Ynez Band of Chumash Indians and Natural Resources Defense Council	Add a new MPA near Carpinteria	Approve the proposed new Mishopshno SMCA
2023-32MPA (as clarified at the April 21, 2026 CFGC regional meeting)	Duxbury Reef SMCA (existing)	Environmental Action Committee of West Marin	Expand Duxbury Reef SMCA and modify regulations to strengthen protections for intertidal species	Designate two new SMCAs to protect the northern and southern portions of Duxbury Reef, each with take regulations that protect intertidal seaweed and invertebrates while allowing for continuation of other existing shore- and boat-based fishing
2023-33MPA_AM1	Various existing MPAs and one proposed new MPA	Environment California and Azul	Expand six existing MPAs statewide and add a new MPA in Santa Cruz	Approve proposed expansion of Point Dume SMCA, but deny proposed additional take allowance in Point Dume SMCA. Approve a smaller expansion of Point Conception SMR. Deny proposed expansion of Natural Bridges SMR, Cabrillo SMR, South Point SMR, or Gull Island SMR. Deny proposed designation of a new SMCA at Pleasure Point.

Detailed narratives providing justification for these recommendations are provided in the “Recommendation Narratives” section below, starting on page 10.

We recognize that our recommendations do not include three petitions intended to strengthen the MPA Network: Petition 2023-19MPA, Petition 2023-24MPA and Petition 2023-34MPA.

- Petition 2023-19MPA, submitted by the Santa Ynez Band of Chumash Indians, would designate a new SMCA, to be named Chitqawi in honor of a nearby Chumash coastal

village, offshore and to the north of Morro Bay in San Luis Obispo County. The proposed Chitqawi SMCA would protect waters adjacent to Morro Rock. However, the proposed SMCA would be located immediately adjacent to Morro Bay Harbor, a critical regional port, potentially presenting significant challenges. OPC also recognizes that many California Native American tribes, including non-federally recognized tribes, have significant cultural ties to Morro Rock. Given that the original petition focused on co-management of the area as its main goal, OPC recommends that CFGC work with the Santa Ynez Band of Chumash Indians to identify alternative pathways for strengthening protection of Morro Rock and establishing meaningful co-management agreements here and in the broader region. The petition process may have been an irregular fit for the Tribe's goals with this petition and OPC is committed to working with the Tribe going forward to protect this area through meaningful co-management.

- Petition 2023-24MPA, submitted by the Laguna Bluebelt Coalition, would extend the southern boundary of the Laguna Beach No-Take SMCA into the northern portion of Dana Point SMCA, expanding the No-Take SMCA and aligning its southern boundary with the southern border of the City of Laguna Beach. While this would increase overall protection in the area and potentially benefit fished species (e.g. finfish, lobster, and urchin) within the Dana Point SMCA, OPC notes that the existing boundary of the Laguna Beach No-Take SMCA currently aligns with both a clear latitude line as well as prominent rocky outcroppings, which serve as a helpful landmark for both boat-based and shore-based anglers. Changing this well-established and clear boundary has the potential to result in increased confusion and potential enforcement challenges.
- Petition 2023-34MPA, submitted by Environment California and Azul, would reclassify Point Buchon SMCA to an SMR and strengthen protections in Farnsworth Onshore and Offshore SMCAs by removing all take except for recreational spearfishing. Petitioners argue that these changes are necessary to address issues regarding compliance with MPA regulations; however, neither Point Buchon SMCA nor Farnsworth Onshore or Offshore SMCAs appear to have an unusually high number of MPA-related citations and, in fact, citation data demonstrate an overall trend of improved compliance with MPA regulations at Point Buchon SMCA.

For reference, our recommendations on each of the fifteen MPA petitions currently under consideration by CFGC are summarized in the “Recommendations At-a-Glance” table below, starting on page 28.

In closing, OPC appreciates the robust conversation around MPA petitions to date and recognizes that the many Californians who have engaged in this process hold a diversity of

perspectives, interests, and viewpoints related to these petitions. OPC staff attended all three in-person regional meetings of CFGC held earlier this year, which were intended to provide a venue for public feedback on petitions. At those meetings, we heard tribal members, conservation advocates, and students voice strong and passionate support for a strengthened MPA Network that can help protect our vulnerable coast and ocean in a time of rapid environmental change. However, we were also compelled by the serious concerns of many members of local communities, including commercial and recreational fishermen, whose lives and livelihoods have the potential to be significantly impacted by new or expanded MPAs. We deeply value California's commercial and recreational fishing communities and recognize their critical role in supporting a thriving blue economy. To that end, where possible, we have endeavored to provide creative recommendations on petitions that add conservation value to the existing MPA Network while limiting impacts to commercial and recreational fishing. More broadly, as highlighted in Goal 4 of our 2026-2023 Strategic Plan, OPC is committed to advancing a sustainable blue economy by investing in healthy marine ecosystems and resilient coastal communities that can continue to support fishing livelihoods for generations to come.

Additionally, the regional meetings made it abundantly clear that many communities, especially communities entitled to environmental justice, can face significant systemic barriers to accessing the coast and ocean and to participating in MPA management and decision-making processes. Millions of Californians visit the coast each year to access the ocean in different ways, including to engage in both consumptive and non-consumptive uses. Because of this, assessing benefits related to equitable access for individual petitions is a complex undertaking. Impacts of individual petitions on equitable access¹⁰ and on advancing CFGC's Justice, Equity, Diversity, and Inclusion Policy¹¹ have been initially assessed via a joint effort between OPC and CDFW¹²; OPC is committed to expanding equitable access to the coast and ocean and supporting improved inclusion in coastal and ocean management, consistent with the goal of OPC's 2026-2030 Strategic Plan to maximize community benefits and stewardship, as well as OPC's Equity Plan¹³.

10 Specifically Question 14 in CDFW's Evaluation Framework: Does the proposed change provide more equitable access opportunities (e.g., fishing, educational, and/or other recreational opportunities) for traditionally underserved or marginalized communities?

11 Specifically Question 16 in CDFW's Evaluation Framework: Is the proposed change consistent with the CFGC Justice, Equity, Diversity and Inclusion Policy (<https://fgc.ca.gov/About/JEDI>)?

12 Available here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=246997&inline>

13 https://www.opc.ca.gov/webmaster/_media_library/2022/11/OPC-Equity-Plan-508.pdf

Thank you for considering our recommendations. We look forward to the work ahead and to continued meaningful engagement with California's diverse coastal communities as the petition process unfolds.

Sincerely,



Jenn Eckerle

Deputy Secretary for Oceans and Coastal Policy, California Natural Resources Agency
Executive Director, Ocean Protection Council

Recommendation Narratives

Petition 2023-20MPA_AM1: Add a tribal take exemption at Point Buchon SMCA, rename Point Buchon SMCA, and change northern boundary of Point Buchon SMR

The Santa Ynez Band of Chumash Indians (SYBCI) has proposed several changes to Point Buchon SMCA¹⁴ and Point Buchon SMR¹⁵. As amended by the tribe at the April 14, 2026 meeting of CFGC's Tribal Committee¹⁶, these proposed changes are: add a tribal take exemption at Point Buchon SMCA for the Santa Ynez Band of Chumash Indians, rename Point Buchon SMCA, and change the northern boundary of Point Buchon SMR. Located approximately eight miles south of Morro Bay in San Luis Obispo County, Point Buchon SMCA and Point Buchon SMR together protect nearly 19 square miles of rocky reefs, sandy seafloor, beaches, kelp forests, rocky intertidal habitat, offshore pinnacles, and some of the shallowest cold-water corals in California (SeaSketch California 2026). Point Buchon SMR spans approximately 2.5 miles of coastline between Coon Creek and Diablo Canyon and protects 6.7 square miles of coastal waters between shore and approximately 200 feet deep (SeaSketch California 2026). Point Buchon SMCA protects more than 12 square miles of coastal waters offshore of the SMR, ranging from approximately 200 to 400 feet deep (SeaSketch California 2026).

Adding a tribal take exemption to Point Buchon SMCA and renaming Point Buchon SMCA to better reflect Chumash cultural heritage both represent significant opportunities to advance tribal sovereignty, collaborative governance, and tribal stewardship within the Central Coast¹⁷ bioregion of the MPA Network. Similar to other tribal take exemptions currently granted to SYBCI for MPAs in the South Coast bioregion of the MPA Network, such as Kashtayit SMCA, the proposed tribal take exemption for Point Buchon SMCA would exempt SYBCI members from MPA-specific take restrictions and thus allow SYBCI members to harvest living marine resources

14 SMCA = State Marine Conservation Area. In this type of MPA, certain recreational or commercial fishing activities may be allowed, while other types of take are prohibited.

<https://wildlife.ca.gov/Conservation/Marine/MPAs/Definitions#mpa>

15 SMR = State Marine Reserve. In this type of MPA, all take is prohibited.

<https://wildlife.ca.gov/Conservation/Marine/MPAs/Definitions#mpa>

16 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=245526&inline>

17 As defined in the 2018 MPA Monitoring Action Plan

(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161748&inline>), the bioregions of the MPA Network are: North Coast (California/Oregon border to San Francisco Bay, including the Farallon Islands), Central Coast (San Francisco Bay to Point Conception), and South Coast (Point Conception to U.S./Mexico border, including the Channel Islands).

for cultural, subsistence, and stewardship purposes. Regulations in the adjacent Point Buchon SMR would remain unchanged.

Point Buchon is also culturally significant. The petition identifies Buchon as a historical Chumash village site and describes the area as having special spiritual significance to Chumash maritime peoples. Establishing a tribal take exemption at Point Buchon SMCA and renaming the SMCA would recognize this significance and advance progress toward tribal co-management of this MPA, which the tribe has requested to pursue through a non-regulatory pathway. **OPC recommends that CFGC approve the proposed tribal take exemption and name change for Point Buchon SMCA.**

Petitioners have also requested to adjust Point Buchon SMR's northern boundary further to the north, arguing that doing so would better capture the full marine area offshore of Point Buchon. However, OPC notes that the existing northern boundary aligns with a readily determinable line of latitude (35° 15.250' N) and prominent onshore landmarks; changing the boundary could cause confusion and enforcement challenges and would also result in a misalignment of the northern boundaries of Point Buchon SMR and SMCA. **OPC recommends that CFGC deny the requested boundary adjustment for Point Buchon SMR.**

Petition 2023-21MPA_AM1: Remove recreational take of true smelt in Pyramid Point SMCA and adjust northern boundary of Pyramid Point SMCA

The Tolowa Dee-ni' Nation has proposed two changes to Pyramid Point SMCA, located at Pyramid Point in Del Norte County near the California-Oregon border: removal of the current recreational take allowance for true smelt, and adjustment of the SMCA's northern boundary. Pyramid Point SMCA is the northernmost MPA in California's MPA Network and covers approximately 14 square miles of sandy beaches, offshore rocks, and soft seafloor; currently the only type of take allowed in this MPA is recreational take of surf smelt (*Hypomesus pretiosus*, known as *lhvmsr* in the Tolowa language)¹⁸ by dip net or Hawaiian-type throw net, as well as tribal take of all species, consistent with applicable state fishing regulations, by the Tolowa Dee-ni' Nation through a tribal take exemption. The proposal is intended to protect a culturally and ecologically important forage fish species while maintaining tribal take of that species,

18 Technically, Pyramid Point SMCA allows take of a three-species "true smelt" group: surf smelt, night smelt, and whitebait smelt. To achieve the requested removal of the recreational take allowance for surf smelt, it is necessary to remove the recreational take allowance for the species group. At the April 14, 2026 meeting of CFGC's Tribal Committee, the Tolowa Dee-ni' Nation amended this petition to change its request from removal of the take allowance for surf smelt to removal of the take allowance for true smelt.

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particularly take associated with traditional Tolowa Dee-ni' Nation "fish camps" – annual events where members of the Nation travel to the coast to fish, camp, and traditionally process surf smelt during its spawning months from July to October.

Petitioners argue that removal of the existing recreational take allowance is needed because, according to the Tolowa Dee-ni' Nation's Traditional Knowledges – particularly the observations of traditional surf smelt fishermen – surf smelt populations have declined substantially since the late 1990s. OPC respects and affirms the importance of tribal science and Traditional Knowledges and also notes that this trend has been documented through non-indigenous science. Though no formal stock assessments have been completed for surf smelt, CDFW's 2020 Enhanced Status Report for the species shows that commercial landings statewide (95% of which occur in Humboldt and Del Norte County ports) regularly exceeded 500,000 pounds per year in the mid-1990s but dropped precipitously in 1998-1999 and have not exceeded 250,000 pounds per year in the last twenty years (CDFW 2020). Commercial surf smelt landings declined to record lows of approximately 700-1,000 pounds annually between 2017 and 2019 before showing a modest rebound beginning in 2020, although catches remained well below historical levels (CDFW 2025). California Recreational Fisheries Surveys (CRFS) data summarized in CDFW's Enhanced Status Report that recreational surf smelt landings were negligible from 2005 through 2017, apart from an anomalous spike to approximately 110,000 pounds in 2011; the CRFS program that produced these estimates was discontinued in 2018 (CDFW 2020, CDFW 2025).

The decline of surf smelt populations concerns OPC for several reasons. First, forage fishes such as surf smelt play critical roles in nearshore food webs because they transfer energy from plankton-rich coastal waters to higher trophic levels, supporting fish, seabird, and marine mammal populations (Pikitch et al. 2014, Essington et al. 2015). Surf smelt in particular play a foundational role in Northern California coastal ecosystems by serving as prey for species such as salmon, seabirds, marine mammals, and other predators. As an important forage fish, their abundance can reflect broader ecosystem condition and food web dynamics (Santora et al. 2021, NOAA Fisheries 2022). Second, Native American tribes on California's North Coast have relied on surf smelt since time immemorial for subsistence and cultural heritage. As described in the petition, Tolowa families return to the coast each year for "fish camps" that involve the harvest of surf smelt using traditional A-frame nets, with associated prayers, protocols, and ceremonies. Maintaining access to a healthy surf smelt population is essential to the continuation of tribes' cultural practice, food sovereignty, spiritual relationships, and community well-being (Turner et al. 2008, Charles & Wilson 2009).

Surf smelt are a sensitive species and their population trends can be heavily influenced by a number of factors. This includes not only fishing pressure – heavy fishing can cause surf smelt populations to decline quickly given their short life cycles and the fact that most fishing occurs

during spawning – but also environmental stressors, including warming waters, pollution, and physical impacts to beaches where they spawn (Russell et al. 2022, Tomlin et al. 2021). OPC recognizes that MPAs have limited ability to mitigate these larger-scale threats. However, given the population declines noted above and the ecological and cultural importance of surf smelt, OPC supports stricter MPA regulations to strengthen protections for this vulnerable species. OPC notes that approval of this petition would allow continued tribal harvest of surf smelt, but this traditional take is unlikely to have population-level impacts.

To support the recovery of surf smelt, the integrity of nearshore food webs, and the continuation of tribal stewardship and cultural use of this species into the future, **OPC recommends that CFGC approve removal of the allowance for recreational take of true smelt in Pyramid Point SMCA.** The Tolowa Dee-ni' Nation would retain its existing tribal take exemption for this SMCA.

Petitioners have also requested a boundary adjustment to align the northern boundary of Pyramid Point SMCA with the terrestrial California-Oregon border. California's terrestrial northern boundary was intended to run along the 42° N latitude line, but initial surveys with primitive equipment in 1868 resulted in a zigzag border that deviates up to a half mile north or south of that latitude line. In contrast, the offshore northern boundary is an arc that projects seaward from the 42° N latitude line and connects the outermost headlands of the mainland coast to offshore rocks. For this reason, California's offshore and terrestrial borders are slightly misaligned; the offshore boundary is consistent with California's legally recognized northern border at 42° N latitude and is used in all ocean-based regulations. Changing the northern boundary of Pyramid Point SMCA so that it no longer aligns with this recognized offshore boundary would likely result in regulatory confusion and enforcement challenges. **OPC recommends that CFGC deny the request to modify Pyramid Point SMCA's northern boundary.**

Petition 2023-27MPA_AM1: Modify regulations at Anacapa Island SMCA to protect sensitive eelgrass habitats

Environmental Defense Center has submitted a petition with three options intended to better protect sensitive eelgrass meadows inside the Anacapa Island SMCA from the impacts of lobster traps and other hard-bottomed fishing gear. As clarified by the petitioner at the May 6, 2026 CFGC regional meeting¹⁹, the proposed options are 1) Change regulations to disallow commercial lobster fishing year-round within the Anacapa Island SMCA; 2) Change regulations

¹⁹ Video available at https://cal-span.org/meeting/cfg_20260506/. Discussion of Petition 2023-27MPA_AM1 begins at 01:05:13.

to disallow hard bottomed fishing gear (including anchoring if applicable) near eelgrass meadows within the Anacapa Island SMCA, or 3) Change the border of the Anacapa Island Special Closure to prohibit the deployment of lobster traps from 0-50 feet deep, instead of the existing 0-20 feet deep.

Pacific eelgrass (*Zostera pacifica*) is a foundational species that is found along California's open coast and provides vital habitat, food, and shelter for a variety of marine fishes and invertebrates. Eelgrass also supports sediment stabilization and erosion protection, plays an important role in nutrient cycling, and helps mitigate climate change by sequestering carbon (Waycott et al. 2009, Fourqurean et al. 2012, Duarte et al. 2013). Eelgrass beds are inherently dynamic and naturally fluctuate from year to year; eelgrass persistence is influenced by a variety of environmental factors including temperature, currents, sediment dynamics, water quality, and availability of suitable substrate (Grech et al. 2012, Rock & Daru 2021, Zabarte-Maeztu et al. 2021, Herrera et al. 2022). At the same time, numerous studies have demonstrated that hard-bottomed fishing gear, including traps and pots, can negatively impact eelgrass (Stevens 2021, Rees et al. 2021). Traps can crush eelgrass shoots and rhizomes upon impact, and they may smother eelgrass if left in place. The setting and retrieval of traps, dragging of trap lines, and movement of traps while in the water often leaves bare scouring marks or "haloes" of damage in eelgrass meadows (Abadie et al. 2016, Stevens 2021, Rees et al. 2021).

Eelgrass meadows were once abundant along the north sides of all three islets that make up Anacapa Island, generally found from approximately 0-20 feet deep but sometimes extending to 45 feet deep (Altstatt 2021). Although eelgrass virtually disappeared around Anacapa Island during the late 1980s following the 1982-1983 El Niño and subsequent overgrazing by white sea urchins, it has recovered in many places thanks in part to a successful eelgrass restoration effort initiated in 2002 at Frenchy's Cove on the north side of West Anacapa Island (Altstatt et al. 2014).

Frenchy's Cove is situated within both the island-wide nearshore Anacapa Island Special Closure, which prohibits the use of nets and traps from 0-20 feet deep, as well as the much larger Anacapa Island SMCA, which extends to the three nautical mile state water boundary and prohibits most forms of take except for recreational take of lobster and pelagic finfish, as well as commercial take of lobster. Offshore of Frenchy's Cove, a Brown Pelican Fledgling Area – an extension of the Special Closure across approximately 4,000 feet of coastline – prohibits all boating activity and access from 0-120 feet deep from January 1 - October 31. Together, these regulations protect eelgrass meadows located in 0-20 feet of depth year-round, and meadows located deeper than 20 feet for 10 months out of the year.

These existing regulations already provide eelgrass meadows at Frenchy's Cove with substantial protection from fishing gear impacts. However, eelgrass meadows deeper than 20 feet at Frenchy's Cove are still vulnerable to fishing gear impacts for two months out of the year. Subtidal surveys conducted by the Channel Islands monitoring program show that these deeper meadows represent a substantial proportion of the eelgrass inside the Anacapa Island SMCA (SeaSketch California 2026) and, because eelgrass is a delicate ecosystem that can take years to recover from fragmentation or scarring (Altstatt et al., 2014; Reed & Hovel, 2006), damage accrued during the two months that the Brown Pelican Fledgling Area is open is likely to have lasting and outsized impacts on the integrity and function of these eelgrass meadows.

OPC recognizes that some data gaps exist regarding the distribution of eelgrass at Frenchy's Cove and Anacapa Island more broadly, as well as the drivers contributing to its persistence and loss. However, in the context of substantial declines of eelgrass statewide since the 1950s (Waycott et al. 2009, Harris et al. 2026), and the critical importance of eelgrass meadows for marine biodiversity (Kindeberg et al. 2022), OPC finds that regulatory action to protect the full extent of eelgrass meadows inside Anacapa Island SMCA, i.e. providing new protections for meadows that occur from 20-45 feet, is warranted. In assessing the petitioner's proposed options, OPC finds that Option 1 (prohibiting lobster fishing within the entire Anacapa Island SMCA, which extends three nautical miles offshore to a depth of nearly 500 feet) is unnecessary to protect eelgrass meadows, which are a nearshore ecosystem. Further, OPC notes that Option 2 (prohibiting lobster fishing "near eelgrass meadows") would be difficult to enforce given the inherently dynamic nature of these ecosystems. Finally, OPC is concerned that Option 3 (extending the boundary of the Anacapa Island Special Closure from 20 feet deep to 50 feet deep) could be problematic for multiple reasons: first, the specific intent of the Special Closure is to decrease entanglement risk for birds feeding near roosting grounds on the island; second, changing the boundary could add to existing significant regulatory confusion between the Anacapa Island SMCA, SMR, and Special Closure/Brown Pelican Fledgling Area; and third, this option would unnecessarily restrict lobster fishing opportunities outside of the Anacapa Island SMCA. Therefore, **OPC recommends that CFGC modify the regulations at Anacapa Island SMCA to prohibit the deployment of lobster traps shallower than 50 feet.** This simplified alternative pathway would strengthen protections for eelgrass meadows within their full depth range inside the SMCA, while maintaining lobster fishing opportunities outside the SMCA.

OPC also recognizes that non-consumptive activities, such as anchoring, may have similar impacts on eelgrass meadows as lobster trapping. OPC recommends exploration of non-regulatory management solutions, potentially including installation of moorings within the SMCA, to mitigate other activities that can damage the seafloor.

Petition 2023-28MPA_AM2: Add a new MPA near Point Sal (Point Sal SMCA)

The Northern Chumash Tribal Council and the Natural Resources Defense Council have proposed the designation of a new State Marine Conservation Area at Point Sal, California, situated at the northern end of Vandenberg Space Force Base near the City of Guadalupe in northern Santa Barbara County. As amended by petitioners at the April 14, 2026 meeting of CFGC's Tribal Committee²⁰, the proposed new Point Sal SMCA, which would eventually be given a name in a Chumash language to honor the importance of the area to local Chumash peoples, would span close to 7 miles of coastline and encompass nearly 15 square miles, from shore to a maximum depth of 187 feet (SeaSketch California 2026). It would prohibit all forms of take except for recreational take of finfish from shore using hook and line.

The proposed new Point Sal SMCA is located roughly 50 miles to the north of Point Conception, at the northern end of a major biogeographic transition zone within the California Current Large Marine Ecosystem, where warmer waters from the south meet colder, nutrient-rich waters from the north, supporting exceptionally high biodiversity (Hamilton et al. 2010, Blanchette et al. 2008, Arafeh-Dalmau et al. 2023). The waters offshore of Point Sal in particular are highly productive and nutrient-rich due to seasonal coastal upwelling in the area. This area supports abundant fish and invertebrate populations and serve as critical foraging grounds for seabirds and marine mammals – including multiple iconic California species such as brown pelicans, southern sea otters, and humpback whales (Checkley & Barth 2009).

The proposed new SMCA would protect a large portion of Point Sal's coastline and offshore waters, including sandy beach, rocky shoreline, shallow hard bottom, shallow soft bottom, and deep soft bottom habitats (SeaSketch California 2026). The new SMCA would also include a known krill hotspot that supports feeding blue whales from late spring to early fall (Santora et al. 2011, Savoca et al. 2021). Importantly, as noted by the petitioner, the area inside the proposed SMCA leeward of Point Sal may also function as a larval retention zone. Headlands and coastal promontories like Point Sal can slow or recirculate ocean currents, allowing fish and invertebrate larvae to remain near suitable settlement habitats rather than being transported offshore during upwelling events (Mace & Morgan 2006, Morgan et al. 2011, Harvey et al. 2021, Robinette et al. 2019). Robinette et al. (2019) found that seabird foraging rates, which can be used as an indicator of juvenile fish abundance, are generally higher in the lee of headlands and along south-facing coasts such as Point Sal. This suggests that the proposed new MPA has the

20 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=245526&inline>

potential to protect an area of high juvenile fish recruitment, which could potentially add a rich new larval source “node” to the MPA Network.

The proposed Point Sal SMCA would also protect an area of substantial cultural importance to the Chumash people. There are long-standing Chumash connections to Point Sal, including archaeological evidence of occupation near the area dating back nearly 5,000 years. The Northern Chumash Tribal Council has stated that Point Sal is an especially sacred area within the broader Chumash Heritage National Marine Sanctuary, and designation of the proposed new Point Sal SMCA represents a unique opportunity to strengthen biodiversity protections within the Sanctuary.

Importantly, Point Sal is extremely remote. The public access road to Point Sal State Beach was washed out during severe storms during the 1998 El Niño event and was never repaired. Currently, access to Point Sal State Beach requires a round-trip hike of approximately 10 miles. Therefore, although the petitioners’ proposed take allowance for hook-and-line fishing from shore would technically result in a moderate-low level of protection for Point Sal based on the science guidelines from the MPA planning process, OPC finds that the proposed new SMCA would likely still provide meaningful and significant biodiversity benefit given the difficulty associated with accessing Point Sal State Beach for shore-based fishing. Should existing conditions change in the future, we would support revisiting the take allowance for shore-based fishing.

Overall, OPC finds that the proposed new Point Sal SMCA represents an important opportunity to protect a pristine and relatively undisturbed biodiversity hotspot, while recognizing the biocultural significance of the area to local Chumash tribes. **OPC recommends that CFGC approve the proposed new Point Sal SMCA.**

Petition 2023-29MPA_AM2: Add a new MPA near Carpinteria (Mishopshno SMCA)

The Santa Ynez Band of Chumash Indians, Natural Resources Defense Council, and Environmental Defense Center have proposed the designation of a new SMCA near Carpinteria, California, located approximately twelve miles southeast of Santa Barbara. The proposed new MPA, to be named Mishopshno in honor of a nearby Chumash coastal village, would protect key nearshore ecosystems in the Santa Barbara Channel, including a large portion of Carpinteria Reef. As amended by petitioners at the April 14, 2026 meeting of CFGC’s Tribal Committee²¹, the proposed new Mishopshno SMCA would span nearly 4 miles of shoreline and encompass

21 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=245526&inline>

approximately 9 square miles, from shore to a maximum depth of 141 feet (SeaSketch California 2026). It would prohibit all forms of take except for recreational take of finfish from shore using hook and line, with a tribal take exemption for the Santa Ynez Band of Chumash Indians.

The Santa Barbara Channel is part of a major biogeographic transition zone near Point Conception, separating cold waters to the north of Point Conception from warmer waters to the south (Dever et al. 2004, Johnson & Hartwell 2018). The proposed new Mishopshno SMCA would protect a number of important coastal and marine habitats within the Santa Barbara Channel, including sandy beach, coastal marsh, estuary, and kelp forest habitats (SeaSketch California 2026). Importantly, a new Mishopshno SMCA would provide new protection for Carpinteria Reef, a shallow kelp forest and rocky reef ecosystem that is home to a diversity of marine fishes and invertebrates such as Lingcod, California Sheephead, Kelp Bass, and both red and purple sea urchins (Levenbach 2008, Carr et al. 2017). This reef supports a large kelp patch that, according to Landsat data from 1984-2023 (Bell et al. 2024), has continued to persist despite the recent 2014-2016 marine heat wave and overall declines in the region, making it one of the most stable kelp forests in the Santa Barbara Channel (Fig. 2). The petitioners also note that Carpinteria Reef may serve as an aggregation site for juvenile Great White Sharks, though such aggregations are often highly dynamic and may shift locations from year to year.

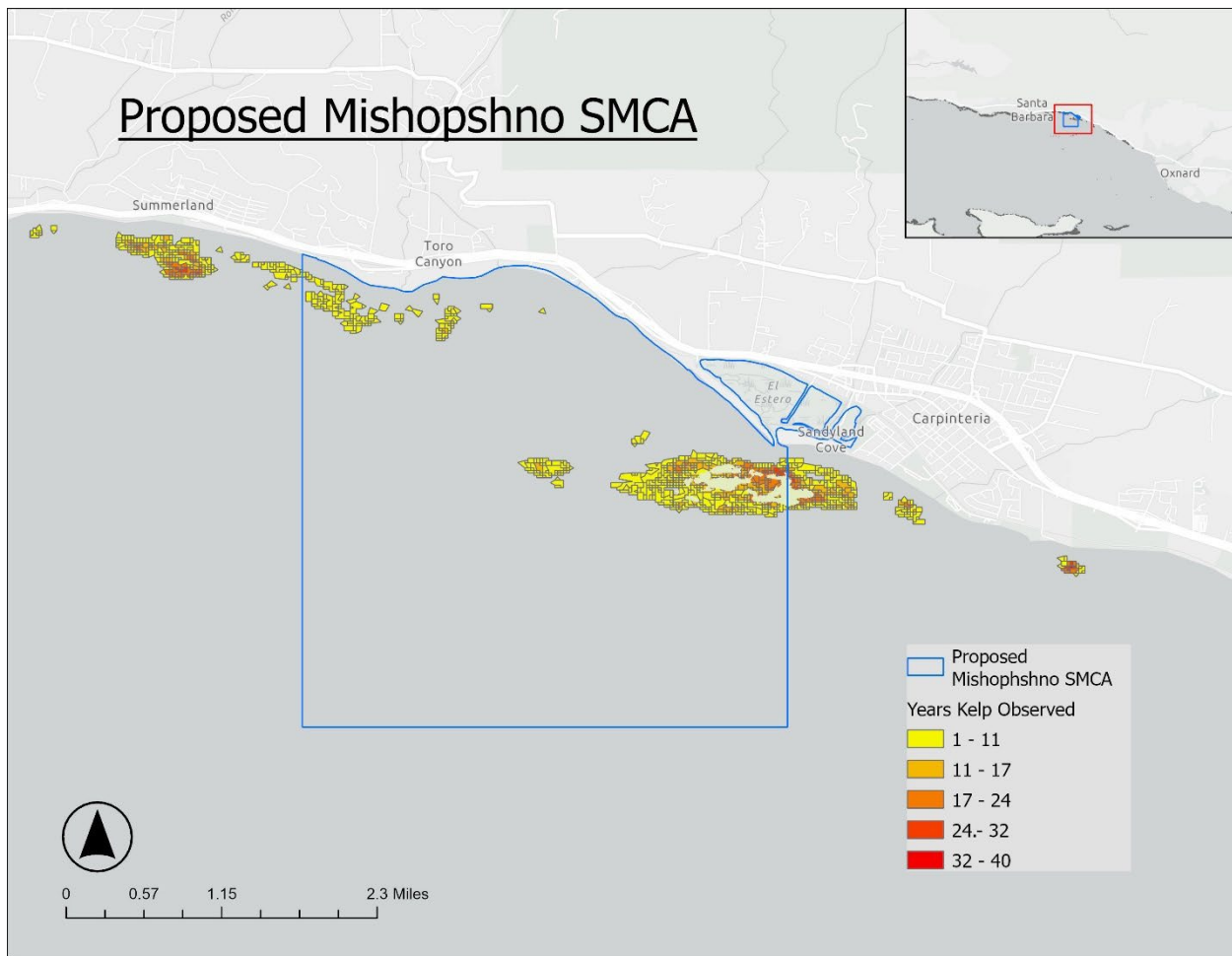


Figure 1. The proposed new Mishopshno SMCA. Satellite monitoring of kelp canopy cover via Landsat from 1984-2023 shows a persistent kelp forest at Carpinteria Reef near the proposed eastern boundary of the SMCA.

In addition to protecting an area of high biodiversity in an ecologically important region of the state, the most significant way in which the proposed Mishopshno SMCA could improve the ecological performance of California’s MPA Network is by strengthening connectivity between Campus Point No-Take SMCA to the west and Point Dume SMCA to the southeast. Ensuring that larvae, eggs, spores, or juveniles of marine species are able to move into, out of, or between MPAs is fundamental to the success of California’s MPAs as an ecologically connected network. For this reason, science guidance from the MPA planning process included explicit spacing guidelines for MPAs. According to this guidance, in order for MPAs to be within dispersal range for most ecologically and economically important groundfish and invertebrate species, they should be spaced 31-62 miles apart. Currently, the distance between the eastern boundary of Campus Point SMCA and the western boundary of Point Dume SMCA is approximately 60 miles (SeaSketch California 2026). This is very near the upper limit of the spacing guidelines and the largest distance between MPAs in the entire Network.

This distance concerns OPC for multiple reasons. First, while there are several MPAs nearby at the Northern Channel Islands, recent studies suggest the islands may not be as reliably or consistently ecologically connected to the mainland as previously thought due to the presence of small-scale eddies and coastal currents that can impact cross-channel exchange during some oceanographic conditions, while enhancing local retention and alongshore connectivity under others (Dauhajre et al. 2019, Robinette et al. 2012, Harvey et al. 2021). Second, both Campus Point No-Take SMCA and Point Dume SMCA contain kelp forests. Potentially weak connectivity between these habitats could pose risks to kelp resilience in the broader region. Finally, ecological connectivity has the potential to be highly disrupted by the impacts of climate change, which have already been well documented in the Southern California Bight (Magris et al. 2014, Schiff et al. 2019, Wilson et al. 2020, Kekuewa et al. 2022, Frieder et al. 2024). Climate-driven changes in temperature, ocean circulation, and upwelling can dramatically affect larval development, settlement, and survival, with important implications for connectivity (O'Connor et al. 2007, Kendall et al. 2016, Pecl et al. 2017, Pinsky et al. 2019, Wilson et al. 2020). Additionally, in some cases, climate impacts can eliminate important larval source populations entirely, such as when kelp forests are converted to urchin barrens (Rogers-Bennett & Catton 2019, Starko et al. 2024) – potentially making the effective ecological distance between intact protected habitats much greater than the geographic distance between MPA boundaries (Wilson et al. 2020).

The proposed Mishopshno SMCA, which would be located 14.6 miles from Campus Point No-Take SMCA and 44.1 miles from the Point Dume SMR/SMCA cluster (SeaSketch California 2026), would fill the existing large distance between these two MPAs and potentially act as a key “stepping stone” in the Santa Barbara Channel. This has the potential to improve ecological connectivity between Campus Point No-Take SMCA and Point Dume SMCA, especially between the kelp habitats protected by these MPAs, buffer against future climate impacts on connectivity, and strengthen overall resilience in the Santa Barbara Channel. OPC recognizes that the petitioners’ proposed allowance for hook-and-line fishing from shore would result in a moderate-low level of protection per science guidance from the MPA planning process, with potential impacts on connectivity; however, continued shore-based fishing access to this area has significant potential to benefit local communities and non-federally recognized tribes.

OPC also recognizes the cultural significance of this area to local Chumash peoples. Members of the Santa Ynez Band of Chumash Indians have described ecosystems within the proposed Mishopshno SMCA as “living homelands and cultural landscapes” where gathering, teaching, ceremony, and other cultural practices have occurred for millennia. The area is also central to Chumash peoples’ creation stories and canoe-building traditions. Designation of the proposed Mishopshno SMCA would represent a significant opportunity to protect the biocultural significance of the area and advance co-management with the Santa Ynez Band of Chumash

Indians, supporting the continued stewardship and care of this area's unique coastal and marine biodiversity by its original guardians.

Overall, OPC finds that the proposed new Mishopshno SMCA represents an important opportunity to improve MPA Network design, strengthen ecological connectivity, and recognize the biocultural significance of the area to local Chumash tribes. **OPC recommends that CFGC approve the proposed new Mishopshno SMCA.**

Petition 2023-32MPA: Expand Duxbury Reef SMCA and modify regulations to strengthen protections for intertidal species

The Environmental Action Committee of West Marin has proposed several actions intended to strengthen protections at Duxbury Reef SMCA. As clarified by the petitioner at the April 21, 2026 CFGC regional meeting²², those actions are: expand the northern and southern boundaries of Duxbury Reef SMCA to protect the majority of Duxbury Reef's contiguous rocky intertidal habitat and modify regulations in Duxbury Reef SMCA to remove the current allowance for shore-based take of finfish by methods other than hook-and-line.

Duxbury Reef SMCA, located at the southern tip of the Point Reyes Peninsula in Marin County approximately one mile west of Bolinas, was designed specifically to protect Duxbury Reef, one of the largest shale reefs in North America and a unique geological feature found nowhere else in California (U.S. Geological Survey 2005). Duxbury Reef is very large and shallow; its broad, low-relief, gently sloping shale platform hosts an extensive network of cracks and crevices that are exposed at low tide and support exceptionally high biodiversity, including iconic intertidal species such as anemones, sea stars, and nudibranchs. It is one of the most accessible and frequently visited coastal sites in the region for tidepooling, and the reef serves as one of California's premier locations for environmental education and tidepool interpretation. Duxbury Reef SMCA was intentionally designed as a narrow, nearshore MPA that extends from the mean high tide line out to 1,000 feet seaward of mean lower low water, protecting intertidal habitat while allowing for commercial and recreational fishing further offshore, as well as recreational take of abalone (when allowed) and finfish from shore.

Currently, Duxbury Reef SMCA does not encompass the full extent of the reef's rocky intertidal habitat. This means that the northernmost and southernmost portions of Duxbury Reef currently receive no MPA protection, despite functioning as part of the same unique and biodiverse ecosystem as the portion of the reef within the existing SMCA. Expanding protections

²² Video available at https://cal-span.org/meeting/cfg_20260421/. Discussion of Petition 2023-32MPA begins at 03:11:24.

northward to Double Point/Stormy Stack Rock Special Closure and southward to the southernmost fringe of the reef, as proposed by petitioners, would capture the vast majority of Duxbury Reef, nearly doubling the amount of rocky shoreline protected by this MPA from 3.26 linear miles to 6.83 linear miles (SeaSketch California 2026) and improving representation of intertidal habitats, one of the rarest and most vulnerable coastal habitats in California, in the North Coast bioregion of the MPA Network (U.S. Geological Survey 2005).

OPC finds that these additional protections have the potential to increase biomass of currently harvested intertidal species, such as seaweed and shellfish, in the expansion areas, bolster overall species richness and diversity at Duxbury Reef, and improve ecological connectivity across the full reef ecosystem. Additional protection could also strengthen the reef's resilience to future climate change impacts, as protected rocky intertidal ecosystems have been found to exhibit greater resistance to, and recovery from, climate-driven disturbances such as marine heat waves compared to unprotected areas, helping to maintain community structure and ecological function during periods of extreme heating (CDFW 2023, Smith et al. 2023). However, OPC also notes that simply expanding the northern and southern boundaries of the existing SMCA could unnecessarily restrict existing boat-based commercial and recreational fishing activities in the proposed expansion areas, such as an important local commercial hook-and-line halibut fishery, that are not currently impacting intertidal biodiversity.

OPC recommends adding new protections for the intertidal in a way that does not change the existing Duxbury Reef SMCA and does not restrict existing commercial or recreational take, beyond new protections for intertidal seaweed and invertebrates, in the expansion areas. To accomplish this, **OPC recommends that CFGC designate two new SMCAs to protect the northern and southern portions of the contiguous rocky intertidal habitat of Duxbury Reef, with take regulations that protect intertidal seaweed and invertebrates (except abalone when allowed) while allowing for existing shore- and boat-based fishing.** We defer to CDFW to recommend final boundaries for these two new SMCAs based on feasibility and enforceability.

Petition 2023-33MPA_AM1: Expand six MPAs statewide and add a new MPA in Santa Cruz

Environment California and Azul have proposed a suite of actions – six proposed MPA expansions and one proposed new MPA – aimed at strengthening protections for kelp forest habitats across the state. Specifically, this petition proposes to expand Cabrillo SMR (southern San Diego), South Point and Gull Island SMRs (Northern Channel Islands), Point Dume SMCA (north of Los Angeles near the Los Angeles County/Ventura County border), Point Conception SMR (north of Santa Barbara), and Natural Bridges SMR (Santa Cruz). It also proposes the designation of a new SMCA at Pleasure Point (Santa Cruz). The proposed expansions and new MPA are aimed at protecting persistent, healthy kelp patches currently unprotected by the MPA

Network. Petitioners argue that protecting these new locations will help improve the resilience of kelp forest ecosystems across the state in the face of anticipated future marine heat waves and other climate stressors.

Kelp forests in California provide a variety of critical ecological functions and ecosystem services. Kelp serves as habitat and an important food source for a rich diversity of invertebrates, fishes, marine mammals, and birds, including ecologically and economically important species such as abalone, rockfishes, and sea otters (Hamilton et al. 2022, Bell et al. 2020). Kelp forests are critical to the well-being of California's coastal residents and the state's multi-billion-dollar ocean economy, providing valuable recreational opportunities such as scuba diving and wildlife viewing (Schiel & Foster 2015, NOAA Office of National Marine Sanctuaries 2025, Monterey Bay National Marine Sanctuary 2025), and kelp forest ecosystems also hold tremendous cultural significance for California Native American tribes. Unfortunately, recent climate-driven changes have resulted in severe and concerning kelp loss in California. A prolonged marine heat wave beginning in 2014 triggered unprecedented declines in California's kelp forests (Rogers-Bennett & Catton 2019, McPherson et al. 2021). Along the North Coast, more than 95% of bull kelp canopy was lost from 2014-2019 and has shown little recovery since then (McPherson et al. 2021), while statewide more than 75% of kelp forests remain below their long-term average in 2024 (Harris et al. 2026). As marine heat waves are expected to become more frequent and more severe as climate change accelerates, supporting the protection and restoration of these vulnerable ecosystems is a top priority for OPC.

Though MPAs cannot directly mitigate climate stressors such as warming ocean waters, petitioners argue that MPAs can support kelp resilience by promoting intact food webs. Specifically, petitioners note that healthy, abundant populations of predatory organisms, such as California Sheephead and California spiny lobster, can keep populations of kelp grazers like sea urchins in check, preventing urchins from overgrazing kelp (Hamilton et al. 2010, Caselle et al., 2015). While this is an active area of research and scientific evidence for the kelp resilience benefits of MPAs is mixed (Cavanaugh et al. 2019), several recent studies in California have demonstrated support for this "trophic cascade" hypothesis.

Eisaguirre et al. (2020) analyzed decades of subtidal monitoring data from the Northern Channel Islands and found that giant kelp density was significantly higher, and purple sea urchin density significantly lower, inside MPAs compared to adjacent fished areas. Kumagai et al. (2024) combined subtidal monitoring data with remotely sensed kelp canopy data to evaluate the statewide response of kelp forests to the 2014-2016 heat wave and found that fully protected MPAs appeared to enhance kelp forests' resistance to, and recovery from, marine heat waves in Southern California. Ortiz-Villa et al. (2025) used four decades of remote sensing data to examine the effects of 54 MPAs on kelp canopy coverage statewide and found that

implementation of MPAs resulted in an 8.5% increase in kelp canopy coverage compared to unprotected areas, with kelp forests in MPAs showing faster and more significant recovery following the 2014-2015 marine heat wave. Finally, results from the first Decadal Management Review of California’s MPA Network showed that kelp canopy was more stable and resilient in MPAs, particularly in the South Coast (CDFW 2023).

Importantly, these documented benefits have largely been limited to Southern California, where lobster and Sheephead are abundant. In central California, where these predators are absent or uncommon and the main predator of sea urchins is the southern sea otter, most studies here have found little to no significant differences in urchin or kelp densities between MPAs and unprotected areas (Hamilton et al. 2010, Eisaguirre et al. 2020).

To identify specific areas to target for additional MPA protection, petitioners focused on areas of overlap between highly persistent kelp patches, as identified by Arafeh-Dalmau et al. (2021) using satellite data, and “medium-priority kelp restoration sites” as identified by Giraldo-Ospina et al. (2025) – defined as historically stable kelp beds that resisted the effects of the 2014-2015 marine heat wave and currently have a high proportion of kelp compared to their historical mean. This classification was intended by the authors of this study for use in a kelp restoration context; however, satellite imagery of kelp forest canopy, specifically Landsat data from 1984-2023 (Bell et al. 2024), does show that the areas identified by petitioners appear to be largely persistent over time (Fig. 2, Fig. 3). Given the anticipated impacts of climate change on kelp statewide, especially in the context of a historic new marine heat wave currently forming along the California coast and a predicted “Super El Niño” this year, OPC finds that, from a precautionary standpoint, protecting additional persistent kelp within the MPA Network is worth exploring at a limited scale.

Of the actions proposed in the petition, OPC recommends that CFGC deny the proposed expansion of Natural Bridges SMR and deny the proposed designation of a new SMCA at Pleasure Point. Both of these areas are located in Santa Cruz, at the northern end of the Monterey Bay. As described above, empirical support for the hypothesized “trophic cascade” benefits of MPAs for kelp has not been found in central California. Additionally, the proposed new MPA at Pleasure Point would not meet minimum guidelines for MPA size or level of protection, making it unlikely to accomplish biodiversity conservation objectives.

The remaining proposed actions are all focused on Southern California, where MPAs may promote improved kelp resilience by promoting trophic cascades. Of these actions, **OPC recommends that CFGC deny the proposed expansion of Cabrillo SMR.** Per the U.S. Navy, this proposed expansion has the potential to impact military readiness in the area. **OPC recommends that CFGC deny the proposed expansions of South Point SMR and Gull Island**

SMR; these proposed expansions would compromise the decades-long, deeply institutionalized state-federal partnership to co-manage the existing Channel Islands MPAs, which currently protect 20% of state waters around the Northern Channel Islands in no-take marine reserves. The proposed expansion of South Point SMR in particular would result in a misalignment with the boundaries of the neighboring Federal Marine Reserve.

OPC recommends approval, with modifications, of the remaining two proposed actions in Southern California (expansion of Point Dume SMCA and Point Conception SMR).

Point Dume SMCA. Located just offshore of Malibu in Los Angeles County, the existing Point Dume SMCA currently protects nearly 16 square miles of sandy beach, rocky shoreline, and kelp forest, as well as portions of a submarine canyon extending more than 2,000 feet deep. Petitioners propose expanding the existing Point Dume SMCA to the west by 4.6 square miles, approximately a 29% expansion, to protect a portion of a large, persistent kelp bed immediately adjacent to the SMCA. This expansion would increase the amount of kelp protected by the SMCA from 1.2 linear miles to 2.9 linear miles (SeaSketch California 2026, Fig. 3). **OPC recommends that CFGC approve the proposed expansion of Point Dume SMCA.** Petitioners have also proposed an adjustment to the take allowance at Point Dume SMCA to allow additional recreational take, including a new take allowance for recreational shore-based hook-and-line fishing. **OPC recommends that CFGC deny the proposed additional take allowance at Point Dume SMCA,** as this would drop the SMCA's Level of Protection from high to moderate-low such that it would no longer serve as a replicate MPA for kelp, beach, rocky intertidal, and soft bottom habitats.

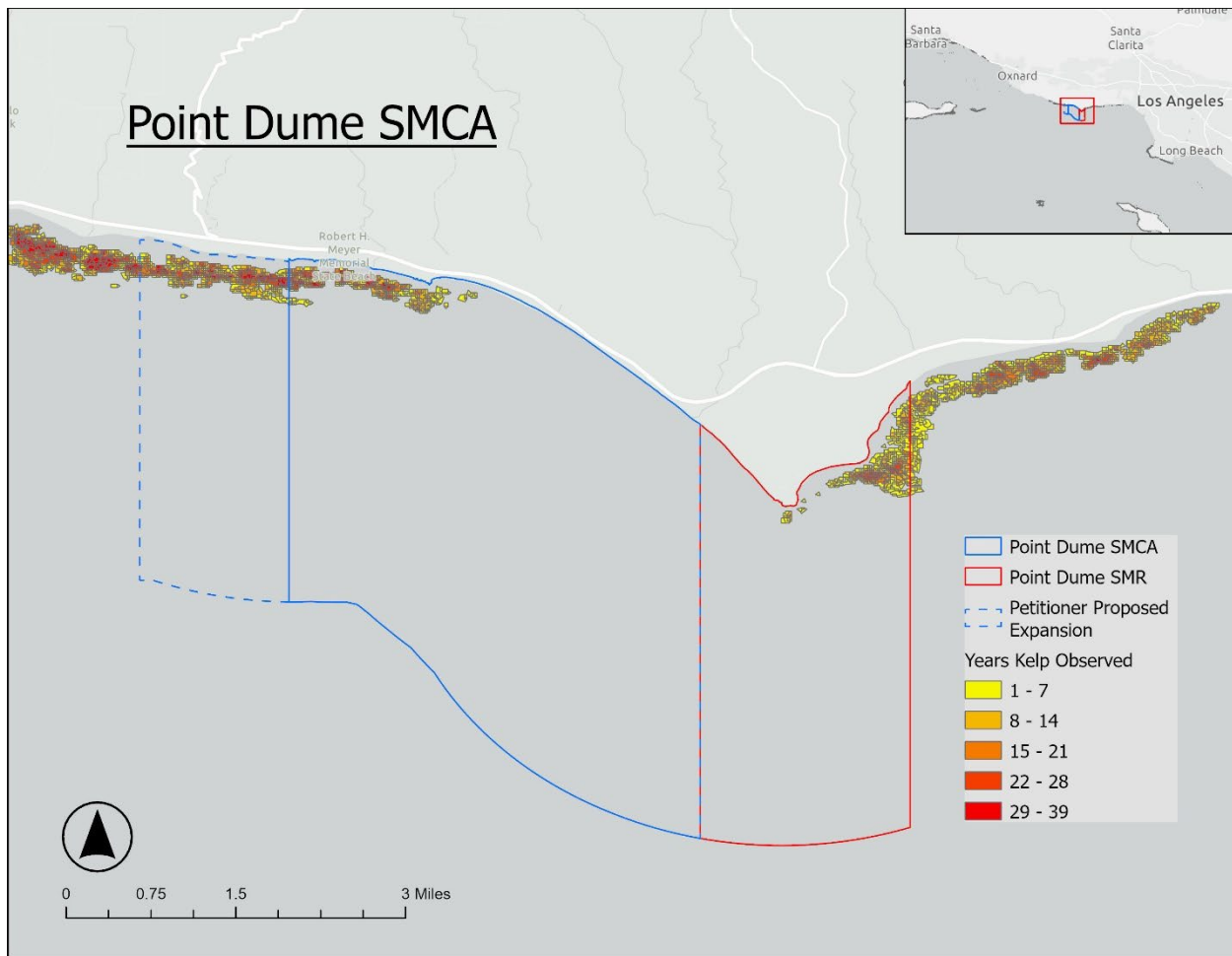


Figure 2. Point Dume SMCA and SMR, with petitioners' proposed expansion of Point Dume SMCA shown.

Point Conception SMR. Located at a major biogeographic transition zone, Point Conception SMR currently protects more than 22 square miles of rocky reefs, surfgrass beds, and kelp forests. Petitioners propose expanding the existing Point Conception SMR to the east by 14.6 square miles, which would include a very large patch of persistent kelp (Fig. 3). However, given the existing large size of this MPA, OPC finds that a smaller expansion, similar to the scale of expansion proposed for Point Dume SMCA, is more appropriate and would capture a significant portion of persistent kelp while maintaining some continued fishing access in this area. **OPC recommends that CFGC expand Point Conception SMR by shifting the eastern boundary of the SMR from the current 120° 25.000' W longitude line eastward to the 120° 23.000' W longitude line (Fig. 3).** This would expand the SMR by 7.65 square miles, approximately a 35% expansion, and increase the amount of kelp protected by the SMR from 2.27 linear miles to 4.44 linear miles (SeaSketch California 2026).

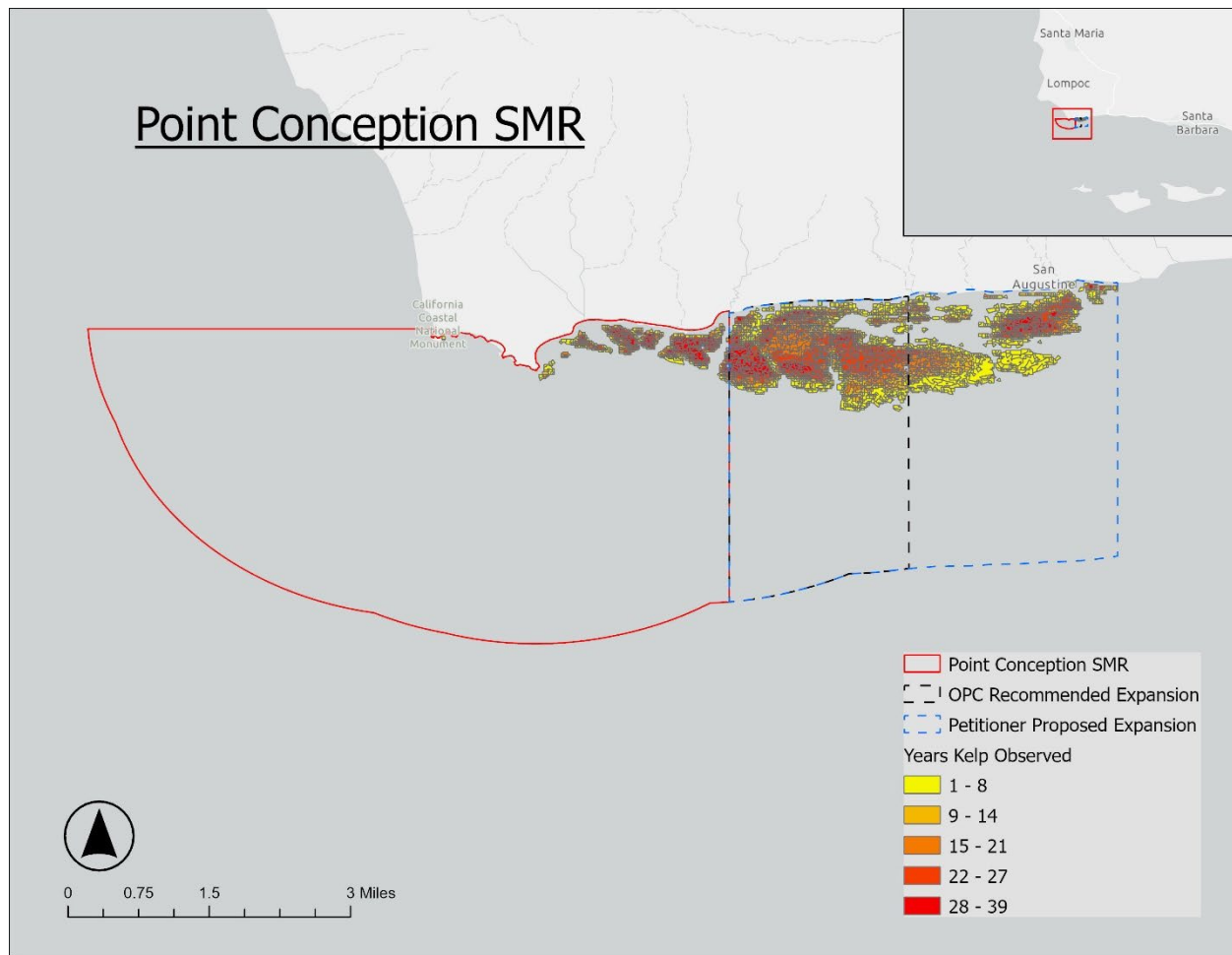


Figure 3. Point Conception SMR with petitioners' proposed expansion (blue dotted line) and OPC's recommended expansion (black dotted line) shown. OPC's recommended expansion encompasses much of the persistent kelp immediately adjacent to Point Conception SMR.

Recommendations At-a-Glance

Table 2. OPC's recommendations on all MPA petitions currently under consideration by CFGC.

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-14MPA	Nine SMCAs statewide (existing)	California Sea Urchin Commission	Allow commercial take of sea urchin in various MPAs	Deny
2023-15MPA_AM	Footprint SMR, Gull Island SMR, and Santa Barbara Island SMR (existing)	Blake Hermann	Reclassify SMRs to SMCAs to allow limited take of highly migratory species and possession of coastal pelagic species, or the take of pelagic finfish	Deny
2023-16MPA	Stewarts Point SMR and Bodega Head SMR (existing)	Bodega Bay Fisherman's Marketing Association	Reclassify SMRs to SMCAs to allow commercial take of salmon by trolling	Deny
2023-18MPA	Vandenberg SMR, Kashtayit SMCA, and San Miguel and Anacapa Island Special Closures (existing)	Ocean Conservancy	Multiple actions to modify allowed uses at several Santa Barbara Channel MPAs	Deny

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-19MPA	Chitqawi SMCA (new)	Santa Ynez Band of Chumash Indians	Add a new MPA near Morro Bay	Deny
2023-20MPA_AM1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Buchon SMCA and Point Buchon SMR (existing)	Santa Ynez Band of Chumash Indians	Add a tribal take exemption at Point Buchon SMCA, rename Point Buchon SMCA, and adjust northern boundary of Point Buchon SMR	Approve tribal take exemption and renaming; deny proposed boundary change
2023-21MPA_AM1 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Pyramid Point SMCA (existing)	Tolowa Dee-ni' Nation	Remove recreational take of true smelt in Pyramid Point SMCA and adjust northern boundary of Pyramid Point SMCA	Approve proposed removal of recreational take of true smelt; deny proposed boundary change
2023-23MPA_AM1	Various MPAs in Monterey County (existing)	Giant Kelp Restoration Project	Modify several regulations related to kelp restoration, including allowing urchin culling in Monterey MPAs; establish a new SMR at Tankers' Reef	Deny

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-24MPA_AM1	Laguna Beach No-Take SMCA and Dana Point SMCA (existing)	Laguna Bluebelt Coalition	Extend the southern boundary of the Laguna Beach No-Take SMCA to the southern border of Laguna Beach	Deny
2023-27MPA_AM1 (as clarified at the May 6, 2026 CFGC regional meeting)	Anacapa Island SMCA (existing)	Environmental Defense Center	Modify regulations at Anacapa Island SMCA to protect sensitive eelgrass habitats (with several options proposed)	Modify SMCA regulations to prohibit the deployment of lobster traps shallower than 50 feet
2023-28MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Point Sal SMCA (new)	Northern Chumash Tribal Council and Natural Resources Defense Council	Add a new MPA near Point Sal	Approve the proposed new Point Sal SMCA
2023-29MPA_AM2 (as amended at the April 14, 2026 CFGC Tribal Committee meeting)	Mishopshno SMCA (new)	Santa Ynez Band of Chumash Indians and Natural Resources Defense Council	Add a new MPA near Carpinteria	Approve the proposed new Mishopshno SMCA

Petition Number	MPA(s) Affected	Petitioner	Proposed Action	OPC Recommendation
2023-32MPA (as clarified at the April 21, 2026 CFGC regional meeting)	Duxbury Reef SMCA (existing)	Environmental Action Committee of West Marin	Expand Duxbury Reef SMCA and modify regulations to strengthen protections for intertidal species	Designate two new SMCAs to protect the northern and southern portions of Duxbury Reef, each with take regulations that protect intertidal seaweed and invertebrates while allowing for continuation of other existing shore- and boat-based fishing
2023-33MPA_AM1	Various existing MPAs and one proposed new MPA	Environment California and Azul	Expand six existing MPAs statewide and add a new MPA in Santa Cruz	Approve proposed expansion of Point Dume SMCA, but deny proposed additional take allowance in Point Dume SMCA. Approve a smaller expansion of Point Conception SMR. Deny proposed expansion of Natural Bridges SMR, Cabrillo SMR, South Point SMR, or Gull Island SMR. Deny proposed designation of a new SMCA at Pleasure Point.
2023-34MPA	Point Buchon SMCA, Farnsworth Onshore and Offshore SMCAs (existing)	Environment California and Azul	Reclassify Point Buchon SMCA to an SMR to prohibit take; Remove all take except for recreational spearfishing in Farnsworth Onshore and Offshore SMCAs	Deny

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California Sea Urchin Commission - Revised Position on Petition 2023-14MPA

From David Goldenberg [REDACTED]

Date Tue 09/29/2026 01:31 PM

To FGC <FGC@fgc.ca.gov>

Cc Miller-Henson, Melissa [REDACTED] Ashcraft, Susan [REDACTED]
[REDACTED] David Goldenberg [REDACTED] Shuman, Craig [REDACTED]
[REDACTED]

Dear California Fish & Game Commissioners,

The California Sea Urchin Commission, and the petitioner of 2023-14MPA is submitting a revised letter regarding our position and comments regarding the MPA Decadal Review Process.

We look forward to participating in the hearing, and we would like to have an opportunity to make a brief in-person statement when our petition is discussed on Wednesday, October 14.

Respectfully,

David Goldenberg
Executive Director
California Sea Urchin Commission



September 29, 2026

President Eric Sklar
California Fish and Game Commission

**RE: Revised Position on California Sea Urchin Commission Petition 2023-14 MPA
October 13-16, 2026 Marine Protected Area Meeting**

Dear President Sklar and Commissioners,

The California Sea Urchin Commission (CSUC), an official state agency, has participated in the Decadal Management Review Process and has offered amendments to California's Marine Protected Area (MPA) Network on behalf of the industry we represent. We have submitted written comments and provided public testimony expressing significant concerns regarding both the process in general and on our own Petition 2023-14MPA and those of additional petitions under consideration.

As stakeholders in the original MLPA siting and design process that created the statewide MPA Network, we supported the final network despite the significant negative impacts it would have on our industry. We did so because the original process was thorough, transparent, inclusive, science-based, and incorporated environmental, biological, and socioeconomic information. The 2016 Master Plan itself describes the original MPA design and siting process as science-based and stakeholder-driven.

As a result of that process, we worked collaboratively with the California Department of Fish & Wildlife (CDFW) and in December 2017 the California Fish and Game Commission (Commission) adopted regulations to reduce the number of sea urchin permits from 300 to 150 to substantially reduce the size and scope of our fishery in an effort to ensure its long-term sustainability and viability. As you are no doubt aware, the sea urchin industry has struggled ever since.

Our continuing concerns about our California's fisheries and marine habitat, together with our belief that the sea urchin fishery has an important role to play in kelp recovery, led us to submit Petition 2023-14MPA.

The Bin 2 Process

Although we supported the development of the original MPA Network, we are deeply concerned that the current Bin 2 process has departed from important elements of the science-based and structured approach that produced the existing network.

The Marine Life Protection Act (MLPA) directs the Commission to adopt a Marine Life Protection Program and a Master Plan that guides implementation of that program and decisions concerning the siting of new MPAs and major modifications of existing MPAs. Fish and Game Code section 2853

further requires that the process for establishment, modification, or abolition of MPAs involve interested parties and facilitate designation consistent with the Master Plan.

The 2016 Master Plan continues that framework through an adaptive-management process. It provides that the Commission receives petitions concerning additions, modifications, or deletions of MPAs on a continual basis and that petitions compatible with the goals and guidelines of the MLPA should be favored. It also states that meritorious petitions may be incorporated into the decadal review and identifies limited circumstances in which a petition may warrant action outside the decadal process.

We recognize that the current Bin 2 process was developed as part of that adaptive-management framework. However, the process should not become a substitute for the substantive evaluation necessary to determine whether a proposed change is consistent with the statutory goals, the Master Plan, and the performance of the Network as a whole.

The MLPA requires MPAs to be designed and managed, to the extent possible, as a network and based on sound scientific guidelines. Fish and Game Code section 2856 requires the Master Plan to include recommended alternative networks capable of achieving the statutory goals, as well as recommendations for a preferred network and an analysis of existing MPAs to determine whether individual areas should be consolidated, expanded, abolished, reclassified, or managed differently.

The 2016 Master Plan similarly emphasizes that adaptive management should be informed by monitoring, evaluation, and the performance of the Network as a whole.

For these reasons, we believe that proposed modifications should be evaluated against the same fundamental principles that guided creation of the Network: sound science, consideration of the Network as a whole, meaningful stakeholder participation, and consideration of both ecological and socioeconomic consequences.

CDFW's Evaluation of the Bin 2 Petitions

We acknowledge and respect CDFW's role in evaluating the Bin 2 petitions. The 2016 Master Plan specifically identifies CDFW's core competencies as including **marine science design and implementation, including MPA siting and design**, as well as MPA monitoring, research, and evaluation. The Master Plan identifies the Fish and Game Commission as having the primary regulatory decision-making authority and the authority and expertise to review MPA proposals and petitions and decide on management actions.

CDFW's current evaluation process was developed pursuant to the adaptive-management framework described in the 2016 Master Plan. CDFW's March 2026 companion document states that the Commission referred 20 petitions to CDFW in 2024, divided them into Bin 1 and Bin 2 petitions, and subsequently approved an evaluation framework for the 15 Bin 2 petitions. The framework was based on the adaptive-management process in the 2016 Master Plan and used the MLPA goals and mandates, MPA objectives, and design considerations as primary bases for evaluation.

CDFW has now completed evaluations of the Bin 2 petitions, including Petition 2023-14MPA.

Although we are disappointed that our petition was not recommended for advancement to rulemaking, we accept the Department's evaluation because we respect the statutory framework and the standards established for management and modification of the MPA Network.

Accordingly, if the Commission agrees with CDFW's evaluations that individual Bin 2 petitions do not satisfy the applicable goals, objectives, and design considerations, those petitions should not be advanced to rulemaking absent a clear and articulated basis for reaching a different conclusion. To do otherwise could be viewed as an arbitrary and capricious action.

We believe this is particularly important because the existing Network was developed through an extensive science-based and stakeholder-driven process. Proposed changes should be supported by a similarly rigorous evidentiary basis.

The Role of the Ocean Protection Council

We were also concerned by the timing and substance of the Ocean Protection Council's (OPC) participation in this process.

We recognize OPC's important role in California's MPA program. The 2016 Master Plan identifies OPC's core competencies as including **direction of MPA policy**, identification of recommended changes to state and federal law relating to oceans and coasts, identification of opportunities to improve coordination among agencies, and engagement of partners and the public.

At the same time, the Master Plan specifically identifies CDFW's core competencies as including marine science design and implementation, including MPA siting and design.

We therefore respectfully ask the Commission to distinguish between policy considerations and technical evaluations when weighing the various agency recommendations. Recommendations concerning the specific location, size, configuration, or biological effectiveness of individual MPAs should receive careful consideration in light of CDFW's statutory and technical responsibilities and the scientific information supporting the Department's evaluations.

Tribal Participation and Co-Management

We recognize and respect the interest of California Tribes in greater participation and co-management of marine resources. The 2016 Master Plan expressly recognizes the importance of consultation with California Tribes and Tribal governments and the value of incorporating Traditional Knowledge into MPA management and monitoring.

We also understand from the original MPA siting efforts, particularly in Southern California, that existing MPAs may overlap areas of cultural and religious significance to Tribes.

For that reason, we encourage the Commission and Department to consider whether meaningful opportunities for tribal co-management can be developed within existing MPAs, rather than relying primarily on the creation or expansion of MPAs as the mechanism for achieving greater tribal participation.

We believe this approach could advance meaningful tribal involvement while allowing the Commission to evaluate proposed boundary changes separately on their ecological, socioeconomic, and network-wide merits.

Socioeconomic Considerations Must Be Meaningfully Addressed

We believe the most significant issue requiring additional attention is the socioeconomic dimension of the proposed changes.

The MLPA does not establish ecological considerations in isolation. Fish and Game Code section 2855(c) directs the Department and Master Plan team, in carrying out the chapter, to take into account relevant information from local communities and to solicit comments and advice from interested parties concerning, among other things, the **socioeconomic and environmental impacts of various alternatives**. Fish and Game Code section 2857(a) further provides that the preferred siting alternative is to incorporate information and views from people who live in the area and other interested parties, including economic information, to the extent possible while maintaining consistency with the statutory goals and guidelines.

The 2008 Master Plan likewise emphasized the importance of socioeconomic information in MPA siting and evaluation. The 2016 Master Plan continued that emphasis, describing the MPA Network as having both natural and human dimensions and providing for socioeconomic information to inform monitoring and the decadal review.

Importantly, the 2016 Master Plan states that the formal 10-year management review will emphasize **ecological, socioeconomic, and governance aspects of the Network** and may include scientific evaluation, public scoping meetings, and panel discussions concerning the status, function, and possible changes to the Network.

We recognize that the 2016 Master Plan also states that collection of new socioeconomic data is not itself required by the MLPA. We therefore are not suggesting that the Commission is legally required to commission a new socioeconomic study for every individual petition.

Rather, our concern is that the Commission should not make significant decisions regarding modifications to the statewide Network without having sufficient socioeconomic information to understand the consequences of those decisions. The law and the Master Plan expressly recognize socioeconomic impacts as a relevant consideration, and the current Decadal Review is specifically intended to consider socioeconomic as well as ecological and governance aspects of Network performance.

At a minimum, before advancing a Bin 2 petition that would materially alter access to fishing grounds or otherwise affect fishing-dependent communities, the Commission should ensure that the record contains adequate information regarding the potential economic and community consequences of the proposed change.

This information should include, where applicable, impacts on commercial fishing activity, fishing-dependent businesses and communities, employment, access to fishing grounds, displacement of fishing effort, and the cumulative effects of existing and proposed management measures.

The Department's own MPA materials recognize that California's MPA Network was originally designed with both ecological and socioeconomic considerations in mind.

Understanding both the potential benefits and the potential costs of a proposed MPA modification is essential to making an informed decision and maintaining the public and stakeholder confidence necessary for successful long-term management of the Network.

Request to the Commission

The California Sea Urchin Commission respectfully requests that the Fish and Game Commission:

1. **Give substantial weight to CDFW's technical evaluations** of the Bin 2 petitions, consistent with the respective roles and competencies identified in the 2016 Master Plan;
2. **Require a clear and evidence-based justification for advancing any Bin 2 petition** that CDFW has determined does not satisfy the applicable MLPA goals, MPA objectives, or design considerations;
3. **Ensure that socioeconomic considerations are meaningfully addressed** before making decisions that would substantially modify the MPA Network, particularly where proposed changes would affect fishing access, fishing-dependent businesses, or coastal communities;
4. **Consider opportunities for meaningful tribal co-management within existing MPAs**, where appropriate, rather than assuming that new or expanded MPAs are necessary to accomplish that objective; and
5. **Maintain the science-based, transparent, and stakeholder-informed principles** that characterized the original development of California's MPA Network.

We recognize that adaptive management necessarily means that the MPA Network may change as new information becomes available. We do not oppose adaptive management. To the contrary, we believe that adaptive management will be most successful when proposed changes are evaluated using reliable scientific information, meaningful stakeholder input, and a complete understanding of both ecological and socioeconomic consequences.

The California Sea Urchin Commission remains willing to participate constructively in that process. Our industry accepted substantial restrictions during the original MPA development because we believed in the integrity of the process and in the importance of making decisions based on sound science and complete information. We ask that the same principles guide the current Decadal Review.

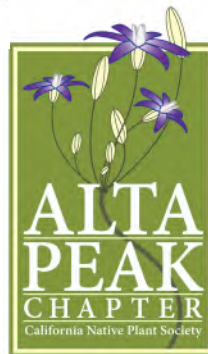
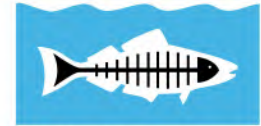
Thank you for your consideration of our concerns and recommendations.

Respectfully submitted,

Sincerely,

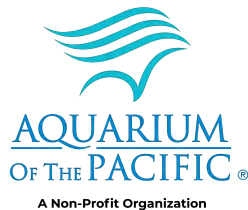
A handwritten signature in black ink, reading "David J. Goldenberg". The signature is fluid and cursive, with the first name "David" being more prominent and the last name "Goldenberg" following in a similar style.

David J. Goldenberg
Executive Director





SOA DMV
DC-Maryland-Virginia



September 29, 2026

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

RE: **Agenda Items 26, 36, and 37** - 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 and the Ocean Protection Council (OPC)'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.

- **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 guidelines². 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.

¹California Department of Fish and Wildlife. California's Marine Protected Area Network Decadal Management Review. 2022, nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=209209.

²California Legislature. California Fish and Game Code, div. 3, ch. 10.5, Marine Life Protection Act, https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=3.&title=&part=&chapter=10.5.&article=

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 them³. 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 protection⁴.

- **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 OPC 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 and OPC's recommendations 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.

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 decline⁵. Opening MPAs would therefore incentivize removal of red urchins, not the ecologically harmful purple urchins, and would not meaningfully reduce

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.

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.

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 challenges⁸. Allowing commercial take within MPAs increases confusion and accidental take, contradicting the MLPA's requirement for clear, enforceable protections⁹. Multiple gear types can be used to take urchins¹⁰, and vessels can carry or switch gear, making it difficult for wardens to verify compliance within SMCAs¹¹. 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.

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.

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.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](#).

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.

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 2003²¹, 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 and OPC's recommendations 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.

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.

¹⁸SeaSketch 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.

²² California Department of Fish and Wildlife. California's Marine Protected Area Network Decadal Management Review. 2022. [Appendix G Supplemental Tables](#).

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 services²⁵. 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 crustaceans²⁸. 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.

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. We agree with both recommendations from CDFW and OPC to deny this petition.

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 Heithaus et al. 2008. [Predicting ecological consequences of marine top predator declines.](#)

²⁶ Bauer, S., and B. J. Hoyer. "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 paucus*, and jumbo squid, *Dosidicus gigas*, in the California Current. *CalCOFI Rep.*, Vol. 49, 2008, oceanrep.geomar.de/id/eprint/53785/1/4444.pdf.

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 abundance³¹. 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, can function as climate refugia that buffer species from the worst impacts of warming³². Similarly, Smith et al. (2025) examined ecological communities in Central Coast MPAs before, during, and after the 2014–2016 marine heatwaves³³. 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.

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>

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>

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 and OPC's recommendations 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, 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 abandonment³⁸. 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.

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>

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](#).

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,

46 Organizations³⁹

Jennie Dean
Vice President of Conservation and Policy
Aquarium of the Pacific

Tomas Valadez
California Policy Manager
Azul

Neil Nathan
Project Scientist
Benioff Ocean Science Laboratory

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

Suzanne Hume
Educational Director & Founder
CleanEarth4Kids.org

Dan Silver
Executive Director
Endangered Habitats League

³⁹ Alphabetical by organization name

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

John Hocevar
Program Director
Greenpeace USA

Kerry J. Nickols, Ph.D.
Science and Policy Director
Heal the Bay

Sarah Winter Whelan
Executive Director
Healthy Ocean Coalition

Sofia Barboza
Ocean and Coasts Program Manager
Hispanic Access Foundation

Mia Glover
Program Manager
Inland Ocean Coalition

Michael Quill
Marine Programs Director
Los Angeles Waterkeeper

Lance Morgan, PhD
President
Marine Conservation Institute

Dr. Sylvia Earle
Chairman, Founder and President
Mission Blue

Natalie Herendeen
Executive Director
Monterey Waterkeeper

Miriam Goldstein
Executive Director
National Ocean Protection Coalition

Karyn Bigelow
Director of Programs & Advocacy
Next 100 Coalition

Sandy Aylesworth
Pacific Initiative Director, Oceans
NRDC

Bill Mott
Founder
The Ocean Project

Ray Hiemstra
Associate Director
Orange County Coastkeeper

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

Penny Owens
Education & Outreach Director
Santa Barbara Channelkeeper

Jeanne Sparks and Ken Hough
Co-Executive Directors
Santa Barbara County Action Network

Michael Blum
Principal
Sea of Clouds

Jack Eidt
Co-Founder
SoCal 350 Climate Action

Jennifer Savage
California Policy Associate Director
Surfrider

Mickey Rogers
Chair
Sustainable Ocean Alliance DMV

Joanie Steinhaus
Ocean Program Director
Turtle Island Restoration Network

Katie O'Donnell
Senior Ocean Conservation Manager
WILDCOAST

**Fish and Game Commission; Meeting Agenda October 13-16, 2026, Petition No. 2023-14MPA
(Commercial Sea Urchin take in 9 MPAs) City of Encinitas Opposition Letter**

From Todd Mierau <TMierau@encinitasca.gov>

Date Wed 09/30/2026 02:50 PM

To FGC <FGC@fgc.ca.gov>

Good afternoon, Fish and Game Commissioners,
Please see the City's attached response to Petition No. 2023-14MPA opposing this request.
Let me know if you have any questions.
Sincerely,



Todd Mierau
Coastal Zone Program Administrator
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
760-633-2693 | tmierau@encinitasca.gov
www.encinitasca.gov

Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.

Conduct business with the City of Encinitas [online](#) from the convenience of your office, home, or mobile device!

[Please tell us how we are doing.](#)



City of Encinitas

Development Services Department

505 S. Vulcan Avenue, Encinitas, California 92024-3633

September 30, 2026

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

**Re: Fish and Game Commission, Oct 13 -16th Meeting; Petition Number 2023-14MPA
(Nine SMCA's from Mendocino to San Diego Counties)**

Dear Fish and Game Commissioners,

My name is Todd Mierau. I am the Coastal Zone Program Administrator for the City of Encinitas. I am responsible for managing six miles of coastline that front our jurisdiction within our City's limits. This includes portions of the Batiquitos Lagoon State Marine Conservation Area (SMCA) and Ecological Reserve at the northern boundary, the San Elijo Lagoon SMCA and Ecological Reserve at our southern boundary, and the Swami's SMCA (See Exhibit A) that spans 3.5 miles of our coastline, reaching from Moonlight State Beach, south to South Cardiff State Beach, encompassing approximately 12.71 square-miles of marine habitat. The Swami's SMCA, includes kelp forests, surf grass, rocky reef, and intertidal reef which support a variety of fish, invertebrates, and avian bird species. The depth within the Swami's SMCA ranges from 0 feet to 982 feet below sea level.

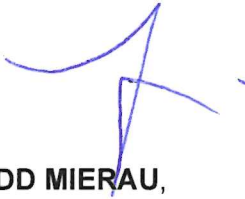
The City is not in support of the allowance of any commercial take within the Swami's State Marine Conservation Area. This would include the commercial take of sea urchins of all varieties as proposed by Petition 2023-14MPA. Obviously, the goal of the Marine Protected Area (MPA) Network is to preserve and maintain sensitive marine habitat through conservation, including the supratidal, intertidal, and subtidal habitats within the MPA, which then allows both marine flora and fauna to thrive within the conservation boundary limits and the overall network as a whole. Anything that is legally caught outside of the MPA boundaries, consistent with California Code of Regulations (C.C.R.), Title 14, is then available commercially. The San Diego County coastline is approximately 70 miles long, much of which is not restricted within the MPA network. Commercial take is not appropriate of any kind, since there are very limited restricted MPA areas within our County.

I request that the Commission oppose the allowance of any commercial take of any kind within the Swami's State Marine Conservation Area and strongly consider any decision to allow commercial take of sea urchin of any kind in any of the nine MPAs mentioned within Petition Number 2023-14MPA, for the same reasons mentioned above. The sea urchin, commercial fishing industry, needs to work within the current legal fishing limitations set by C.C.R, Title 14, Section 632, for MPAs, and not utilize areas that are intentionally set aside for conservation purposes.

Tel: (760) 633-2710; Fax: (760) 633-2818

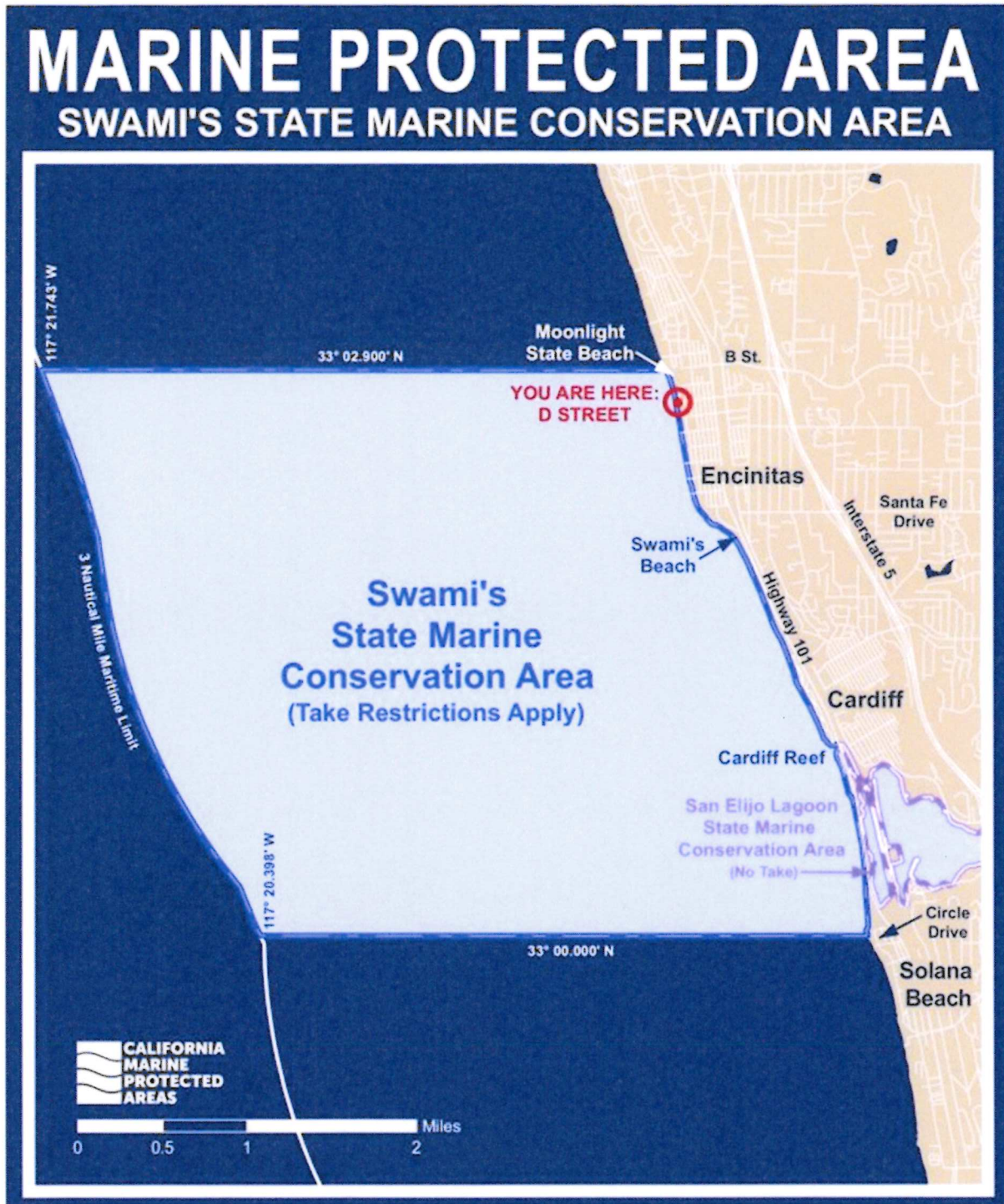
Thank you all for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to be 'T. Mierau', with a stylized flourish at the end.

TODD MIERAU,
Coastal Zone Program Administrator

Exhibit A





Ventura County Commercial Fishermen's Association
1237 S. Victoria Ave #284
Oxnard, CA 93035
(805) 663-2152
venturacountyfishermen@gmail.com

September 30, 2026

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

RE: Support for Petition 2023-14MPA – Commercial Sea Urchin Take in Nine SMCAs

Dear President Sklar and Commissioners:

The Ventura County Commercial Fishermen's Association (VCCFA) previously submitted written support for Petition 2023-14MPA, which proposes allowing commercial take of sea urchins within nine State Marine Conservation Areas: Sea Lion Cove, Stewarts Point, Salt Point, Double Cone Rock, Naples, Anacapa Island, Point Dume, Point Vicente, and Swami's SMCAs.

Following review of the California Department of Fish and Wildlife's technical evaluation, VCCFA continues to support consideration and approval of appropriately designed commercial sea urchin access within these SMCAs.

VCCFA recognizes that CDFW recommends denial of all nine petition actions. CDFW concludes that the proposed changes do not advance a specific Decadal Management Review recommendation or address what the Department identifies as a current or emerging MPA management challenge. CDFW also concludes that there is insufficient evidence to demonstrate that opening these SMCAs to commercial urchin harvest would improve the sustainability of the commercial urchin industry or, by itself, produce meaningful and sustained kelp recovery.

VCCFA respects those concerns but believes this petition raises an important adaptive-management question deserving Commission consideration.

Commercial Urchin Fishing and Kelp Management

VCCFA agrees that commercial urchin harvest should not be presented as a guaranteed solution to kelp loss.

Kelp ecosystems are complex, conditions differ substantially between regions, and the causes of kelp decline cannot necessarily be reduced to a single factor. CDFW appropriately emphasizes the importance of understanding site-specific drivers before assuming that commercial harvest alone will produce sustained kelp recovery.

However, that uncertainty cuts both ways.

It does not necessarily establish that continued exclusion of commercial urchin fishermen from all

nine SMCAs is the preferable management response under every ecological condition.

The petition asks the Commission to consider whether a highly targeted fishery may be compatible with the conservation objectives of selected SMCAs and, under appropriate circumstances, contribute to active management of urchin populations.

VCCFA believes that question warrants serious consideration.

Our March 16, 2026 comment supported the petition as a targeted, species-specific management action rather than a broad reopening of MPAs. We identified the potential for controlled commercial harvest to contribute to reduced grazing pressure, complement restoration activities, and provide fishing opportunities to an economically challenged commercial fishery.

We continue to support that principle while recognizing the additional scientific qualifications identified by CDFW.

Adaptive Management Should Permit Active Management

California's MPA Network exists within an ocean that is changing.

Marine heatwaves, changing species distributions, kelp loss, predator abundance, disease, and other ecological factors can substantially alter conditions that existed when individual MPAs were originally designed.

Adaptive management should therefore be capable of considering whether management strategies that were appropriate when an MPA was established remain appropriate under substantially changed ecological conditions.

CDFW points toward the developing Kelp Restoration and Management Plan as the appropriate statewide process for addressing kelp restoration and management.

VCCFA supports development of a scientifically credible statewide kelp-management strategy. We also believe commercial fishermen should be meaningfully incorporated into that strategy rather than viewed solely as resource users whose activities must be excluded.

Commercial fishermen spend substantial time on the water and possess practical knowledge of changing ocean conditions, fishing grounds, species distributions, and local ecosystems. Where carefully controlled commercial harvest can contribute to an ecological management objective, that possibility should be evaluated rather than categorically excluded.

Socioeconomic Benefits Also Matter

Petition 2023-14MPA also raises an important socioeconomic issue.

The commercial sea urchin fishery has experienced substantial economic hardship. Our previous submission noted the petitioner's reported decline in landings and the resulting federal fishery-disaster declaration.

Restoring access to selected fishing grounds could provide additional opportunity to commercial urchin fishermen while potentially distributing fishing effort across a larger geographic area.

That is directly relevant to an issue VCCFA has emphasized throughout this MPA petition process.

When fishing access is removed, effort can become concentrated within the remaining open grounds. Conversely, restoring carefully controlled access can potentially reduce that spatial concentration and provide fishermen with greater operational flexibility.

VCCFA does not suggest that socioeconomic benefits alone justify opening an MPA to commercial fishing. We do believe those benefits belong in the Commission's analysis alongside ecological considerations.

A Targeted Approach Rather Than an All-or-Nothing Decision

The petition involves nine SMCAs extending from Mendocino County to San Diego County. Ecological conditions are not necessarily identical across those locations.

For that reason, VCCFA does not believe the Commission must view commercial urchin access as an all-or-nothing proposition.

If the evidence supports commercial harvest within some SMCAs but not others, the Commission can consider site-specific approaches, monitoring requirements, harvest conditions, adaptive triggers, or other safeguards appropriate to individual locations.

Likewise, if commercial urchin harvest is incorporated into broader kelp-restoration strategies, fishermen can potentially become active participants in restoration and monitoring rather than remaining entirely outside the protected areas.

That type of collaboration represents the adaptive-management approach VCCFA believes California should encourage.

VCCFA Position

VCCFA therefore continues to **support Petition 2023-14MPA** and respectfully requests that the Commission give serious consideration to allowing appropriately controlled commercial sea urchin harvest within the identified SMCAs where ecological conditions and site-specific information support doing so.

We recognize CDFW's recommendation to deny the petition and its conclusion that commercial urchin harvest has not been demonstrated to provide meaningful and sustained kelp recovery across these nine locations.

Our position does not depend upon claiming otherwise.

Rather, VCCFA believes the appropriate adaptive-management question is whether controlled commercial urchin harvest can be compatible with individual MPA objectives, provide legitimate socioeconomic benefits, and potentially serve as one component of a broader site-specific kelp-management strategy.

The Commission should retain the flexibility to answer that question based upon conditions within individual SMCAs rather than assuming that continued complete exclusion of commercial urchin fishing is necessarily the appropriate management response at every location.

VCCFA believes California's commercial fishermen can be partners in marine conservation and restoration. Petition 2023-14MPA provides an opportunity to explore that role through carefully designed, monitored, and adaptive management.

Respectfully submitted,



Dave Colker
Executive Director
Ventura County Commercial Fishermen's Association (VCCFA)