

## Staff Summary for October 13-16, 2026

**27. Petition 2023-23MPA\_AM1 (Monterey Bay Area MPAs)****Today's Item****Information** ☐**Action** ☒

Request to modify regulations in Pacific Grove Marine Gardens State Marine Conservation Area (SMCA), Edward F. Ricketts SMCA, and Carmel Bay SMCA to prohibit recreational and commercial take of finfish for diver safety when kelp restoration activities are occurring; allow unlimited commercial and recreational urchin culling in these three MPAs, as well as in a portion of Point Lobos State Marine Reserve (SMR); designate Tanker's Reef as a new SMR; and other proposed actions to facilitate kelp restoration.

Consider evaluations, recommendations, and public comments in determining whether to grant or deny marine protected area (MPA) Petition 2023-23MPA\_AM1 (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;<br>February 2024 |
| • Received Department petition evaluation                                                                               | April 15-16, 2026               |
| • Received petitioner's presentation and discussed region-specific petitioned actions via regional meeting              | April 21, 2026                  |
| • Received additional evaluations and recommendations from the Department and California Ocean Protection Council (OPC) | August 12-13, 2026              |
| • <b>Today, consider granting or denying all or parts of Petition 2023-23MPA_AM1</b>                                    | <b>October 13-16, 2026</b>      |

**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 founder of the Giant Kelp Restoration (G2KR) Project, this petition proposes 28 actions in 5 existing MPAs across 12 action categories, proposes one new SMR, and several actions related to kelp restoration activities in Monterey County (action numbers from the Department's evaluation are included for reference):

- Actions 1, 6, 11. For diver safety, prohibit take of finfish when a petitioner-proposed "kelp restoration management permit" is active within: Edward F. Ricketts SMCA (1), Pacific Grove Marine Gardens SMCA (6), and Carmel Bay SMCA (11).
- Actions 2, 7, 12, 16. Allow unlimited recreational urchin removal in Edward F. Ricketts SMCA (2), Pacific Grove Marine Gardens SMCA (7), Carmel Bay SMCA (12), which currently allow recreational finfish take and commercial kelp by hand harvest; and in Point Lobos SMR (16).
- Action 20. Establish new "Tanker's Reef SMR" near Monterey (covering 193 acres, or 0.3 square miles).
- Actions 3, 9, 14, 18: Allow out-planting kelp on the reef without a Department scientific collecting permit in Edward F. Ricketts SMCA (3), Pacific Grove Marine Gardens SMCA (9), Carmel Bay SMCA (14), and Point Lobos SMR (18).
- Actions 4, 10, 15, 19: Allow spore dispersal by sporophyte bags without a Department scientific collecting permit in Edward F. Ricketts SMCA (4), Pacific Grove Marine Gardens SMCA (10), Carmel Bay SMCA (15), and Point Lobos SMR (19).
- Actions 5, 8, 13, 17. Allow pruning kelp canopy to promote growth and resilience to storms without a Department scientific collecting permit in Edward F. Ricketts SMCA (5), Pacific Grove Marine Gardens SMCA (8), Carmel Bay SMCA (13), and Point Lobos SMR (17).
- Action 26. Allow commercial urchin harvest in Edward F. Ricketts SMCA, Pacific Grove Marine Gardens SMCA, and Carmel Bay SMCA, Point Lobos SMR, and new "Tanker's Reef SMR" for purposes of kelp restoration.
- Action 27. Grant commercial urchin divers an exemption to "wanton waste" rule to allow for take of unmarketable urchins while participating in kelp restoration and/or allow commercial divers to take urchin under recreational rules.

**Overview of Non-Regulatory Requests**

- Action 21. Create regulatory pathway to allow placing of artificial reef structures and sunken ship for recreational diving.
- Action 22. Allow placement of seasonal mooring buoys in permitted restoration areas including MPAs.
- Action 23. Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and marine managed areas (MMAs).
- Action 24. Establish an approval process within the Department's scientific collecting permit program to grant permits of up to 10 years for urchin removal and kelp restoration within MPAs.

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Action 25. Consider proposed kelp restoration sites as G2KR-adopted reefs for continued kelp restoration.

Action 28. Ask Commission and Department to promote kelp restoration collaboration on their website and in public outreach.

### ***Petitioner's Stated Intent***

In summary, the petitioner explains that the proposed actions are motivated by a desire to facilitate and support volunteer-led kelp restoration efforts in five existing nearshore MPAs and one proposed new MPA in the Monterey area, using a range of restoration techniques. Some actions are intended to alleviate restrictive scientific collecting permit requirements that the petitioner asserts can impede meaningful restoration, with the goal of enabling activities to enhance kelp recruitment and survivorship in areas affected by urchin barrens and kelp decline. For stated intent specific to the petition action categories, see exhibits 1 and 4.

### ***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 2023-23MPA\_AM1 proposes 28 regulatory actions and non-regulatory requests within 5 existing MPAs and one proposed MPA located in Monterey County; therefore, the petition was discussed at the April 21, 2026 regional meeting in San Mateo. For regional meeting materials, see the [staff summary for April 21, 2026](#) and the [petitioner presentation to the Commission on April 21, 2026](#). Note that the petitioner expressed a desire to modify their petition, and shared additional modified requests, including a concern that some restoration methods proposed were not addressed in the Department evaluation (see Petitioner Clarifications below).

### ***Petitioner Clarifications***

The petitioner has indicated a desire to modify their request and now asks the Commission to consider the following in addition to their petition:

- Re-request the original petition's proposals to designate Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay SMCAs as SMRs (this request was removed with the submission of the amended petition).

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- Allow giant kelp harvest by the Monterey Abalone Company in Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay SMCAs, Point Lobos SMR, and a new "Tanker's Reef SMR" (with the newly suggested name of "Sukilta").
- Allow commercial giant kelp canopy harvest everywhere giant kelp is found, including within SMRs (revise Section 165).
- Allow new activities in Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay SMCAs, Point Lobos SMR, and a new "Tanker's Reef SMR" (with the newly suggested name of "Sukilta"): baiting and trapping urchins, managing acid weed, removing invasive species, and kelp canopy management by pruning.

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 denying all proposed actions in Petition 2023-23MPA\_AM1 with one exception, that is, for Action 28 support the action with an alternate pathway, as the proposed action does not require a regulatory change to implement. The Department will continue to prioritize kelp recovery and the value of partnerships and collaborations. Because of the large number of petitioned actions, Exhibit 4 provides a consolidated table summarizing the Department's recommendations and the rationale for each action, with additional detail also provided in Exhibit 2.

#### ***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)

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**Key Considerations**

Staff recognizes that the petitioner has demonstrated a longstanding commitment to kelp restoration, including innovative approaches and substantial efforts to mobilize community participation with agency oversight, as demonstrated at Tanker's Reef. The petition also reflects an emphasis on community stewardship, a concept whose potential value in supporting marine conservation has been recognized by commissioners. Several regulatory and management considerations are relevant for this petition:

- *MPA Classifications and Allowable Uses*

The petitioner's clarified proposal to redesignate three existing SMCAs (Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay) as SMRs would be incompatible under state law with the proposed harvest allowances, or continuation of commercial hand harvest of kelp as supported by the petitioner. Within an SMR, the take of living, geological or cultural marine resources is prohibited except as authorized by permit for research, restoration, or monitoring purposes. Accommodating the proposed recreational or commercial harvest activities would therefore require an SMCA designation. In addition, proposed changes to regulations governing scientific collecting permits, and authorizing restoration management permits, fall under Department authority, rather than Commission authority.

- *Level of Protection*

Of the four existing MPAs, the three SMCAs already have low to moderate-low levels of protection (LOP) under the science-based MPA design guidelines, given their existing allowable take of species and uses. If the classification were to remain unchanged, consistent with legal constraints, authorizing urchin take is unlikely to further reduce their LOP classifications, although it would change allowable uses and depart from aspects of their original design intent. Conversely, to authorize take inside Point Lobos SMR as proposed, redesignation as an SMCA would reduce its level of protection from very high to moderate-low.

- *Statewide Kelp Restoration and Management*

The Department is developing a statewide Kelp Restoration and Management Plan (KRMP) to guide kelp restoration and management efforts. Although the KRMP is not expected to provide detailed guidance specific to MPAs, it will identify a range of approaches and tools that may be applied inside or outside MPAs on a case-by-case basis, including removing herbivores such as sea urchins. These approaches may provide opportunities for participation by commercial and recreational fishing participants independent of changes to MPA regulations.

**Today's Meeting**

Today, the Commission will consider the petition, petition evaluations and recommendations, key considerations, 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 a particular petition, such as comments about 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 petitioner submits questions ahead of the October Commission meeting seeking to verify clarifications they provided at the August Commission meeting related to a kelp restoration approach, to help streamline the upcoming discussion (Exhibit 5). They note that the KRMP Community Working Group's recommendations — including support for kelp restoration in MPAs — align with the petition's intent. They also express concern that errors in Department and Commission materials have misrepresented the petition's boundaries, methods, number of actions, and regulatory designations; they urge the Commission to correct the inaccuracies so the petition can be properly evaluated within the state's adaptive, science-based kelp management framework. (Exhibit 6)
2. Three Monterey-area scuba divers urge approval of the petitioner's proposed actions, emphasizing that active kelp restoration within MPAs is urgently needed given widespread purple urchin-driven kelp loss and urchin barrens. They cite successful outcomes at Tanker's Reef and note that restoring kelp forests would strengthen ecosystem health, support the local dive-dependent economy, and protect an iconic natural resource for future generations. (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 2023-23MPA\_AM1 (Exhibit 1).

**Department:** Deny all proposed actions in Petition 2023-23MPA\_AM1 for the reasons detailed in Exhibit 2 and summarized in Exhibit 4 and under "Agency Evaluations and Recommendations," except for Action 28 (support with an alternate pathway).

**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 2023-23MPA\\_AM1](#), received November 29, 2023, amended January 13, 2025
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

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4. [Summary table of petitioner-stated rationale, and Department recommendations and rationale](#) for proposed actions in Petition 2023-23MPA\_AM1 as detailed in the Department petition evaluation
5. [Email from Keith Rootsaert, Founder, Giant Giant Kelp Restoration Project](#), received August 20, 2026
6. [Emails from Keith Rootsaert, Founder, Giant Giant Kelp Restoration Project](#), received September 30, 2026
7. [Emails from Eric Elia, Willem Knibbe, and Anna Jarrard](#), received September 29-30, 2026

**Motion**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission **grants** Petition 2023-23MPA\_AM1.

**OR**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission **grants these individual action(s) or modified action(s)** in Petition 2023-23MPA\_AM1:

\_\_\_\_\_.

**OR**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission **denies** Petition 2023-23MPA\_AM1.



Tracking Number: (\_2023-23MPA\_AM1\_)

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: Keith Rootsaert

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: 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:**

#### Kelp Restoration

Multiple methods in 3 SMCAs and 1 SMR.

#### Kelp Protection by Redesignation

Edward F. Ricketts State Marine Conservation Area to Edward F. Ricketts State Marine Reserve.

Pacific Grove Marine Gardens State Marine Conservation Area to Pacific Grove Marine Gardens State Marine Reserve.

Carmel Bay State Marine Conservation Area to Carmel Bay State Marine Reserve.

#### Kelp Protection by Designation

The Tanker's Reef enforcement area as Tanker's Reef State Marine Reserve.

#### Permission to deploy buoys

Prevent anchor damage to rocky reef denizens,

Navigation aid for kelp restoration activities.



Regulatory Pathway for  
Sunken ship and other artificial reef structures

SCP Framework Changes  
Management of Kelp Restoration

Public Outreach  
Adopt a Reef for Kelp Restoration

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

This [Giant Kelp Restoration](#) petition advances MLPA [goals](#) 1-6 and has strong community support of volunteers and grassroots funding. The MPA Collaborative network [lists](#) many of these issues on rows 77, 78, 83, & 88, and was supported by all present at the Monterey MPA Collaborative Meeting at Asilomar, August 16, 2023.

This petition is in alignment with the [prioritized recommendations](#) from the California Marine Protected Area Decadal Management Review, [near-term Priorities \(ongoing- 2 years\)](#), Cornerstone Governance, Regulatory and Review Framework, Recommendation 04. Apply what is learned from the first Decadal Management Review to support proposed changes to the MPA Network and Management Program. Also: Management Program, Policy and Permitting 18: Utilize OPC's Restoration and Mitigation Policy to develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and MMAs

Kelp Restoration

Due to widespread urchin barrens following the 2014-2016 marine heat wave and kelp biomass decline in central and northern California, kelp restoration is a proven remedy by scuba divers culling urchins to suppress grazing pressure. Early [results](#) at Tanker's Reef in Monterey have shown that divers culling urchins results in natural kelp recruitment and survival.

This petition will allow certified Kelp Restoration Specialty Divers, recreational and commercial fishermen, to participate in a Regenerative Fishery which suppresses grazing pressure from urchins and promotes giant kelp survival in three State Marine Conservation Areas: Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay State Marine Conservation Areas and in "Whaler's Cove", a portion of the Point Lobos State Marine Reserve.

The methods will involve multiple techniques to suppress grazing pressure on kelp and to enhance kelp recruitment and survivorship and are explained in further detail in [Blueprint for Kelp Restoration in Monterey](#).

*Suppression:*

Hand culling of urchins.

Commercial harvest of urchins for urchin ranching and food sales.

Baiting & trapping urchins.

Utilizing natural defenses of acid weed.



Removing invasive marine algae.

*Benefitting:*

Pruning kelp canopy to promote growth and resilience to storms.

Out-planting kelp on the reef.

Spore dispersal by sporophyte bags.

Artificial reef structures.

All the methods employed will be detailed, discussed, and approved by the [Department](#) and work would be performed in coordination with other restoration activities. [Reef Check California](#) is our monitoring partner and will perform modified kelp forest monitoring surveys of the treated sites and controls. Reports on the project criteria will be discussed bi-weekly with the Department and as requested by the FGC.

We are asking that these kelp restoration methods be permitted without a SCP both inside and outside MPAs and will involve changes to sportfishing regulations to allow unlimited culling of urchins by hand tools, deploying sporophyte bags, etc. We ask that recreational fishermen be allowed to trap, harvest, capture for research, and cull urchins. Commercial fishing regulations will require a restoration exception to harvesting urchins in MPAs and exemption to the [wanton waste rule](#) for kelp restoration activities to allow commercial fishermen to cull urchins that are below the 4.5 cm minimum useful harvest size or for commercial divers to alternate between commercial and recreational fishing.

Kelp Protection by Redesignation:

The MPAs were mapped without considering the possibility of a native invertebrate species becoming overabundant and gobbling up most of the algae in the ecosystem combined with the Department's unwillingness to address that crisis. Urchin barrens have occurred sporadically for millennia as evidenced by the millions of urchin-made holes in the benthos at Tanker's Reef. 250 years ago, when southern sea otters were nearly extirpated by the fur trade, the abalone and urchins flourished and for 125 years kelp disappeared from the central coast until abalone were eventually overfished and take banned south of San Francisco in [1997](#) and giant kelp again became dominant. In 2007, the central coast MPA rules were formed to prohibit the take of any invertebrates, relying on a written provision for "restoration" as an "allowed" activity in MPAs but the Department does not "permit" restoration because they have conjured a de facto contradictory 7<sup>th</sup> goal of MPAs to "not disturb" them.

In Monterey the community led group Giant Kelp Restoration Project has successfully defended a kelp forest at Tanker's Reef and is was aspiring to restore large kelp forests on both sides of the Monterey Peninsula by SCP. FGC would not consider petitions allowing take of invertebrates in the SMCAs & SMRs until the [Decadal Management Review](#) could be completed. Now that the DMR has passed, this petition is seeking to begin the Adaptive Management Review Cycle for the central coast MPAs that have remained unmodified since 2007.

Kelp forests need protection from fishing pressure which has detrimental effects on species richness and kelp biomass. By designating the areas of kelp restoration as State Marine Reserves, fishing pressure will be considerably reduced. This is safer for the volunteer divers involved to avoid fishing boat traffic or getting hooked by fishing gear while diving.



Recreational sportfishers and kelp harvesters have expressed opposition to changing SMCAs to SMRs. The fishers feel that they will never get to fish in these areas again without a reversing petition that would be time consuming and difficult to obtain from FGC. The kelp harvester is only permitted to harvest kelp in non-SMRs and even though kelp harvest is part of our restoration plan, the concern is that the MPA designation may occur without an allowance for kelp harvest for abalone aquaculture. Although kelp harvest is essential for giant kelp resilience and survivorship, the Department and OPC don't acknowledge this interaction. To obtain a consensus of proponents we ask the Department to consider keeping the SMCA designation and writing in a SMCA specific rule that when a Kelp Restoration Management Permit is active, fin fishing is not allowed.

The MLPA is now administered in 3-year Adaptive Management Review Cycles and there is now flexibility in addressing the kelp crisis in a way that accomplishes the MLPA goals but also does not harm the environment in a long term, unforeseen and unwanted way that occurred on the central coast for the last 16 years. The [G2KR](#) projects at Lovers Cove and at [Tanker's Reef](#) demonstrated that the effort of the certified volunteer divers can be consistently and positively directed to restore kelp forests. Restoration work in these clearly described and familiar MPA boundaries would avoid confusion and guide diver effort in a predictable and effective strategy. In an Adaptive Management Review Cycle these methods can be continuously evaluated and adapted to the evolving stressors in the environment and as our knowledge, techniques, and capabilities at restoring kelp similarly evolve.

In future Adaptive Management Review Cycles the consequences of kelp restoration can be reviewed and the FGC may consider applying these methods more broadly, changing allowed methods, and allowing fishing under modified conditions. The other Monterey SMRs are acting as "controls" without treatment, but in the next review cycle we may ask for those SMRs to be treated as well in order to halt urchin migration and to achieve our goal, pledged to the [Kelp Forest Alliance](#), to restore 2000 acres of giant kelp around the Monterey Peninsula by 2030.

[Research](#) shows the reduced fishing pressure in places where fish are born will be beneficial to the fishery in the future when more fish live to adulthood and make more fish. In the future the kelp situation may change, and these places may be opened again in future management cycles to fishing for selected species, or in coordination with scientific monitoring protocols. The three State Marine Conservation Areas mentioned presently have diminished fish stocks and species richness and could benefit from a temporary fishing prohibition. This closure, in coordination with kelp restoration, will benefit adjacent areas with the "spillover effect" of the MPAs providing better fishing opportunities for participants.

This closure would not affect commercial fishermen who are prohibited from fishing in SMCAs already, but mostly the recreational fishermen who fish from shore. The fishermen fishing from boats are typically fishing further from shore because the fish are not as plentiful in the nearshore SMCAs now that the kelp has thinned. Although this closure would prohibit fishing at the Monterey Breakwater parking lot, there is still accessible fishing at the Commercial Wharf. Surf fishing from shore is generally not done at the Tanker's Reef area but further to the north at Sunset, Seacliff and New Brighton State Parks.



There are some fishermen that fish on the west side of Lovers Point and the north side of Point Pinos that would be displaced in a portion of the Pacific Grove Marine Gardens SMCA that is frequented by tourists and rented out by Pacific Grove for [weddings](#). To mitigate the loss of this fishing opportunity we recommend the replacement of the Del Monte Bathhouse [Pier](#), by others. It is not fair that our community group of volunteers is working hard to restore kelp and suppress kelp grazers while the state licenses individuals to fish in the same place and time with activities that are detrimental to that same kelp's growth and survival while also endangering diver's lives with propellers and fishing hooks.

The [Central Coast](#) Regional Stakeholder Group's intent during regional MLPA planning process (including MPA-specific goals/objectives and design considerations), adopted in April 2007, was found to be aligned with our proposal to improve the conservation status. In the [Regional Goals Design Considerations](#) #3."To the extent possible, site MPAs to prevent fishing effort shifts that would result in serial depletion" is what has happened in these places due to fishing pressure being concentrated in only a few accessible places. Redesignating the SMCAs as SMRs aligns with the original intent of more fishing prohibitions at two sites and stopping serial depletion of species at all three sites.

[Edward F. Ricketts SMCA](#) was proposed by the [RSG](#) to be split as half Edward F. Ricketts SMCA and half Edward C. Cooper SMR so the original intent was to make the area closest to the breakwater into a SMR. John Wolfe, Diving representative to the Regional Stakeholder Group, recalled that a disabled veteran testified that the breakwater was the "only place he could fish" so fishing by hook and line was decided to be allowed. There was a favorite wolf eel that lived on the wall and a spearfishermen shot it and threw it in a garbage can and divers were outraged so fishing by spear was not allowed on this site and the site is partially closed to fishing already. The fishermen fishing off the breakwater wall is a constant danger to divers at this most popular dive site on the west coast of North America and for safety it must stop. There is disabled access at the municipal wharf for fishermen.

[Pacific Grove Marine Gardens SMCA](#) was proposed by the [RSG](#) to be an SMR north of Point Pinos. Presently the delineation between Asilomar SMR and PG Marine Gardens SMCA is at Point Pinos, so the original intent was to make a large portion north of the peninsula protected as a SMR. This was the first area impacted by widespread urchin barrens in 2015 and is a high priority site for kelp restoration.

[Carmel Bay SMCA](#) was implemented as designed but has poor fishing opportunities and depletion of species because it is the only accessible fishing place south of the Monterey Peninsula until Malpasos Creek south of Point Lobos SMR. The loss of kelp forests exacerbates the problem because rockfish are born in kelp forests and take 8-10 years to reach maturity.

These MPAs were all [described](#) as "High Priority" sites by OPC's [research](#) that would have the highest probability of kelp restoration success.

#### Kelp Protection by Designation:

We propose that a portion of the Tanker's Reef enforcement area be designated the Tanker's Reef State Marine Reserve (working title).



*A revised Tanker's Reef SMR of 193 acres from 685 acres, (23%)*

This kelp forest was created by volunteer divers and is very vulnerable from fishing pressure because it is outside of MPA fishing prohibitions. Routinely fishermen in boats and kayaks take fish at the 11 acre kelp forest. The experimental 2.5-acre underwater cable grid is studied by OPC, CDFW, MBNMS, and Reef Check California. We try very hard to reduce externalities as much as possible to determine a natural process of kelp reforestation. Fishermen taking fish is an externality for the scientific design and confounds the results. Fishing gear often becomes entangled in underwater navigation cables used to guide divers. Furthermore, boat propellers are a threat to injure scuba divers in the area under the water.

Designating this area as a State Marine Reserve will also protect more sandy habitat at Del Monte Beach, the most eroded beach in California, at a time when the beach is nourished after the closure of [sand mining](#) in Southern Monterey Bay and studied by [USGS](#).

In the [Regional Goals Design Considerations](#) #8, "To the extent possible, site MPAs to take advantage of existing long-term monitoring studies" is consistent with designating Tanker's Reef, the site of CDFW/MBNMS and Reef Check surveys, as a State Marine Reserve.

Permission to deploy buoys



Boat anchors on rocky reefs often disturb sensitive marine habitat with their heavy chains scraping in an arc from the anchor to the boat. In a sensitive kelp restoration site that has frequent visits, dropping and recovery of the anchor disturbs the kelp we are trying to defend. By deploying a temporary buoy that the boats can attach to instead of dropping an anchor, the kelp is not disturbed. The use of buoys also aids the divers in the kelp restoration activity by providing underwater visual markers to guide where to cull the urchins and protect the kelp.

This petition seeks to allow seasonal deployment of certain colored and well-maintained buoys to be deployed in kelp restoration areas for the purpose of directing boats where to anchor and to direct divers for the purpose of kelp restoration.

#### Regulatory Pathway for an Artificial Reef:

Since 2010 Scuba divers have expressed an interest in diving on a sunken ship in Monterey Bay and this was proposed by the community group California Ships to Reefs and studied by the Office of National Marine Sanctuaries [in 2012](#). In 2017 Artificial Reefs was established as a priority for Monterey Bay National Marine Sanctuary Advisory Council. This was proposed to CDFW, but because the State has never permitted an artificial reef in State waters, this was never permitted. However, there are 52 other [artificial permitted reefs](#) in California including the Wheeler North Reef in Southern California. created in 2008.

Creating a shipwreck in protected nearshore waters deep enough to not be displaced by winter storms would be of interest to the scuba diving community. It will also serve as a unique scientific baseline to observe what is the order of marine life formation on a “blank” surface. It may also be beneficial to plant kelp on [artificial structures](#) better suited to kelp growth and marine aquaculture. This petition seeks a pathway for the FGC to determine if an artificial reef is in the public interest and establish an application process to obtain permission from CDFW and other state and federal agencies.

This request is in alignment with the [prioritized recommendations](#) from the California Marine Protected Area Decadal Management Review, near-term Priorities (ongoing- 2 years), Cornerstone Governance, MPA Statewide Leadership Team and Partner Coordination 09. Continue to coordinate and collaborate with OPC and other agencies on California’s ocean and coastal priorities to enhance coastal biodiversity, climate resiliency, human access and use, and a sustainable blue economy.

#### SCP Framework Changes

##### Management of Kelp Restoration

This petition is in furtherance of the [prioritized recommendations](#) from the California Marine Protected Area Decadal Management Review, near-term Priorities (ongoing- 2 years), Cornerstone Management Program, Policy and Permitting, Recommendations 17. Improve the application and approval process for scientific collecting permits. And 18. Utilize OPC’s Restoration and Mitigation Policy to develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and MMAs

We propose to establish a new process in CDFW’s Scientific Collecting Permit program for Restoration Permits. Presently the process available for the Department to manage restoration projects in marine ecosystems is the Scientific Collecting Permit process where



applicants submit applications for \$71.62 and pay \$269.08 for a [Special Use Permit](#) to operate a project with certain methods, species take restrictions, and reporting requirements. We request similar fees for Kelp Restoration Management Permits.

In our 2018 SCP permit with Reef Check we were not able to amend the permit to take sufficient red urchins and we had to abandon the project. In our 2 attempts to obtain SCPs for kelp restoration methods we were denied. Our pre-application to cull urchins in 3 SMCAs has been in process for 18 months before we can submit it into the SCP portal. The problem is that kelp restoration seeks to change a grazer species population within the defined area, but “Decision Tree” limits the take of species to not affect and change a species population within the area. This leads to situations where kelp restoration experiments are impossible because the number of permitted animals to take is very small and not enough to benefit the recruitment and survival of kelp forests. This led to the abandonment of our experiment at Lovers Cove in year 3 when we couldn’t remove sufficient red urchins.

The scientific method requires isolation of treatment methods and establishment of a control area. This places a limitation on kelp restoration practitioners to only employ singular methods when the best results are possible using [multiple methods](#). This also restricts the kelp restoration activities by attempting to answer scientific questions where the goal is simply kelp restoration and this scientific component is best accomplished by science divers rather than certified kelp restoration specialists. Once a permit application is obtained it is difficult to change as new discoveries are made that affect kelp survivorship and the process to attempt to amend a permit takes over a year. At the end of the typical 3 year SCP permit period the treatment must stop, and the 5 year post-restoration monitoring period begins. This is contradictory to the goals of kelp restoration and has led to similar abandonment of work in the treatment area at Tanker’s Reef where the effort is desired to be continued by the volunteers, but because the experiment stops after 3 years, the divers are not allowed to come back and tend the kelp forest they successfully created and defended. ~~The extension of Tanker’s Reef is “noticed” at the FGC and hopefully will be extended 5 years, but the point is that~~ Restoration should lead the activity and scientific experiments should evaluate, but not interfere with, or seek to end, the restoration effort.

Kelp Restoration is an allowable activity in SMRs, and now with the unanimous passage of [AB63](#), in SMCAs as well. However, restoration is allowed but not permitted. Our attempt to obtain a [Restoration Management Permit](#) was denied because the law does not address conspecifics. The Department could issue a Letter of Authorization, similar to the one written for the Monterey Bay Aquarium to repair intake pipes, but that is not available to us for inequitable reasons that support the built environment over the natural environment. The only available process we are told is available to us is the SCP process, which is exceedingly slow and inappropriate mechanism which, by rule, restricts the restoration activity to being deliberately inconsequential to improving the health of the MPA.

To remedy this, we petition that the Department establish a “Restoration” category in the SCP process that would allow restoration methods, coordinate with CDFW Research, and establish periodic reviews of restoration efforts, allow for 10-year project durations, and allow take of overpopulating species until the species reaches the threshold density observed pre-marine heatwave of 2014.



Additional comments on the SCP Portal and Process are that the website interface is very clunky and time consuming to complete, especially when submitting for take of multiple species at multiple locations and the program slowly populates look-up tables. The response to permit applications is not transparent, we never know who made the comments and there is not an ability to clarify and discuss the commenter's concerns. There is not an opportunity to have a conversation of what would be acceptable, only a rejection and it becomes incumbent on the petitioner to apply again and guess what would be acceptable. We ask that these issues be repaired in the SCP software and Kelp Restoration Management Permit Project approval process.

### Public Outreach

This petition asks the FGC to affirm kelp restoration as public policy in MPAs and to celebrate community collaboration in kelp restoration, mitigating climate change, and conserving biodiversity in public outreach to stakeholders and encourage ocean stewardship. At the October 12 [FGC meeting](#) the commissioners suggested kelp practitioner leadership be unified under an "Adopt a Reef" community program, which is a wonderful idea, and we ask the commission to consider our proposed sites as G2KR adopted reefs. We ask that FGC and the Department promote kelp restoration collaboration on their website and in public outreach. This is [prioritized](#) in California Marine Protected Area Decadal Management Review, near-term Priorities (ongoing- 2 years), Cornerstone Management Program, Outreach and Education, Recommendation 16. Conduct more targeted outreach to specific audiences to connect stakeholders with coastal resources and to encourage stewardship and compliance with regulations.

Thank you for considering our petitions! In our effort to be succinct and consolidate seven petitions into one, we reduced arguments in favor of the proposal yet still exceeded 5 pages. Additional rationale/justification is available upon request and may be presented at future FGC meetings.

## **SECTION II: Optional Information**

5. **Date of Petition:** 11/29/23 **AMENDED 1/13/25**
6. **Category of Proposed Change**  
X Sport Fishing  
X Commercial Fishing  
☐ Hunting  
X Other, please specify: MPAs, Section 6.32
7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*  
X Amend Title 14 Section(s): 29.06 and others.  
X Add New Title 14 Section(s): 29.06 and others.  
☐ 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 2021-025 & 2023-02**



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: 4/1/24
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: See blue links in this document and supporting documents [here](#).
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: See Recreational Sea Urchin fiscal impact study in October FGC Meeting materials [here](#).
12. **Forms:** If applicable, list any forms to be created, amended or repealed: N/A

### SECTION 3: FGC Staff Only

Date received **1/13/2025 (Amended)**

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 \_\_\_\_\_  
Tracking Number  
☐ Granted for consideration of regulation change

**From:** G2KR Team <action@g2kr.com>

**Sent:** Monday, January 13, 2025 10:38 AM

**To:** Ashcraft, Susan@FGC <Susan.Ashcraft@fgc.ca.gov>; Keith Rootsart <keith@g2kr.com>

**Cc:** Andy Beahrs <andy@g2kr.com>; Calla Allison <calla@mpacollaborative.org>; Rossi, Devon-Contractor@FGC <Devon.Rossi@FGC.ca.gov>; FGC <FGC@fgc.ca.gov>

**Subject:** RE: Petition Amendment Request

Dear FGC Staff,

Attached is a revised version of our FGC-1 Petition Amendment Request. Please consider this our final amendment request and the Department can begin working on it.

I also revised the last email to reflect the new page number references in yellow highlighter. I also clarified R7 as requested by Susan Ashcraft in the petition 2023-23MPA below.

Dear FGC staff,

This email serves as our **Notice of Intent to Amend** and **Petition Amendment Request** for FGC Petition 2023-23MPA. See attached amended petition 2023-23-MPAR FINAL.

## R1

*Specific Change:* Page 3. In Monterey the community led group Giant Giant Kelp Restoration Project has successfully defended a kelp forest at Tanker's Reef and is was aspiring to restore large kelp forests on both sides of the Monterey Peninsula by SCP.

*Rationale:* This change is to the tense of the word "is" to become "was". We had hoped to work in MPAs with a Scientific Collecting Permit and pre-applied with the Department for 22 months, but we did not obtain the permit. A SCP was instead granted to UCSC in 2024 at the sites we proposed.

## R2

*Specific Change:* Page 4. Add the following paragraph: Recreational sportfishers and kelp harvesters have expressed opposition to changing SMCAs to SMRs. The fishers feel that they will never get to fish in these areas again without a reversing petition that would be time consuming and difficult to obtain from FGC. The kelp harvester is only permitted to harvest kelp in non-SMRs and even though kelp harvest is part of our restoration plan, the concern is that the MPA designation may occur without an allowance for kelp harvest for abalone aquaculture. Although kelp harvest is essential for giant kelp resilience and survivorship, the Department and OPC don't acknowledge this interaction. To obtain a consensus of proponents we ask the Department to consider keeping the SMCA designation and writing in a SMCA specific rule that when a Kelp Restoration Management Permit is active, fin fishing is not allowed.

*Rationale:* This amendment is intended to address concerns by opposition parties and develop a consensus. Because there are many interrelated and dependent parts to this petition and passage of any part is uncertain, it is important that each petition be more independent. For example: if the SMCAs are designated as SMRs but kelp canopy pruning is not allowed, it would shut down the Monterey Abalone Company or if the KRMP component is not implemented then there is no mechanism to sunset the SMR designation. Because the process of obtaining Adaptive

Management changes on the Central Coast may take more than 17 years, fishers are understandably reluctant to rely on Adaptive Management to reopen fishing in SMRs when fish stocks recover in the future. Changing SMCAs to have a provision for Kelp Restoration Management Permit fishing prohibition deconflicts the fishing and diving activities and puts a sunset date on the fishing prohibition which allows for depleted rockfish stocks in the SMCAs to recover.

While we understand that prohibiting fishing benefits kelp forests and biodiversity, the fishers deny the science is conclusive. Fishing is detrimental to kelp forests and is exacerbated by culling urchins that benefit the snails that eat the urchin carcasses and kelp. G2KR is not staffed to counter the fisher's assertions and so we will rely on the rationale that fishing in a kelp restoration site is a deadly conflict of activities. There is a similar petition 2023-33 for changing MPA designations in Santa Cruz that can argue the DMR scientific findings, and we will defer to Laura Deehan and Environment California to pursue that rationale in places without the compounding influence of kelp restoration activities and conflicting uses.

### R3

*Specific Change:* Page 5. We propose that a portion of the Tanker's Reef enforcement area be designated the Tanker's Reef State Marine Reserve (working title).

*Rationale:* Add the words "a portion of" to the description. The enforcement area was set very large for enforcement purposes but is larger than needed for kelp restoration purposes. The area to the east of the reserve serves as the control area where restoration efforts are not undertaken. See map below for proposed area.



A revised Tanker's Reef SMR of 193 acres from 685 acres, (23%)

### R4

*Specific Change:* Page 8. We request similar fees for Kelp Restoration Management Permits.

*Rationale:* Add the word “Management” to the permit name. The working title of Kelp Restoration Management Permit more closely aligns with the State Kelp Restoration Management Plan that informs the permit framework. See R6.

## **R5**

*Specific Change:* Page 8. The extension of Tanker’s Reef is “noticed” at the FGC and hopefully will be extended 5 years, but the point is that Restoration should lead the activity and scientific experiments should evaluate, but not interfere with, or seek to end, the restoration effort.

*Rationale:* Delete a portion of the sentence. Our request to extend Tanker’s Reef for 5 years was denied for the sake of the scientific experiment and anticipation of the SCP in R1.

## **R6**

*Specific Change:* Page 9. We ask that these issues be repaired in the SCP software and Kelp Restoration Management Permit Project approval process.

*Rationale:* Revised the working title of the permit. See R4.

## **R7**

*Overlooked Petition:*

Page 9. Public Outreach by FGC and the Department is requested and should be reflected in the petition breakdown into subparts.

The petition reads:

### Public Outreach

This petition asks the FGC to affirm kelp restoration as public policy in MPAs and to celebrate community collaboration in kelp restoration, mitigating climate change, and conserving biodiversity in public outreach to stakeholders and encourage ocean stewardship. At the October 12 [FGC meeting](#) the commissioners suggested kelp practitioner leadership be unified under an “Adopt a Reef” community program, which is a wonderful idea, and we ask the commission to consider our proposed sites as G2KR adopted reefs. We ask that FGC and the Department promote kelp restoration collaboration on their website and in public outreach. This is [prioritized](#) in California Marine Protected Area Decadal Management Review, near-term Priorities (ongoing- 2 years), Cornerstone Management Program, Outreach and Education, Recommendation 16. Conduct more targeted outreach to specific audiences to connect stakeholders with coastal resources and to encourage stewardship and compliance with regulations.

### **Please note**

Petition 2023-23MPA was submitted 11/29/23. The MPA binning process delayed evaluation and consideration into 2025. FGC asking for petitioners to engage with organized opposition and creating corresponding amendments is an additional burden to unfunded public petitioners to revise plans even before the Department considers the petition. It is not clear how much to weaken the petition before it is historically opposed by the Department of “No”. How many cards should we take when the dealer is showing a face card? We engaged with the public, G2KR divers, local

governments, recreational fishers, commercial fishers, and kelp harvesters but we don't have written guidance or counter proposals from them to address their concerns. We have not received feedback on this amendment, and this is our best attempt to address concerns. We do not have consensus on this petition and/or this amendment.

Keith Rootsart

Giant Giant Kelp Restoration



**From:** Ashcraft, Susan@FGC <[REDACTED]>

**Sent:** Thursday, January 9, 2025 2:07 PM

**To:** Keith Rootsart <[REDACTED]>

**Cc:** Andy Beahrs <[REDACTED]>; Calla Allison <[REDACTED]>; Rossi, Devon-Contractor@FGC <[REDACTED]>; G2KR Team <[REDACTED]>; FGC <[REDACTED]>

**Subject:** RE: Petition Amendment Request

Hi Keith,

Thanks for submitting your statement. I have a couple of questions.

First, I noticed that the changes you proposed below are integrated thoroughly into the form FGC 1 text, but the revised map showing the revised proposed Tankers Reef SMR is not part of the FGC 1 document. Could you please add (insert) the map image into the FGC 1 document after your description of the revised proposal on page 5?

Also, the rationale is built into your email but not also added to the FGC 1 document. That's fine – we can attach your email to support understanding of the revised petition.

Finally, I'm not sure I understand what your email says about R 7 (re: overlooked petition). Could you clarify?

If you don't have any other pieces of your petition you want to amend, then this can serve as more than a statement of intent, but also the actual amended petition request. i.e., we can move forward with it. Please confirm if that is the case.

In summary, two things:

1. Could you please add the map image of your revised proposed SMR boundaries to the FGC 1 form (preferably after the description on page 5)?
2. Do you plan to make other changes? If not, when you re-send with the map inserted into FGC 1, let us know this is your amendment request and we will forward for review to CDFW

Thank you,

Susan

**From:** Keith Rootsart <[REDACTED]>

**Sent:** Saturday, December 28, 2024 2:06 PM

**To:** FGC <[FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov)>

**Cc:** Andy Beahrs <[REDACTED]>; Calla Allison <[REDACTED]>; Ashcraft, Susan@FGC <[REDACTED]>; G2KR Team <[REDACTED]>

**Subject:** Petition Amendment Request

Dear FGC staff,

This email serves as our **Notice of Intent to Amend** and **Petition Amendment Request** for FGC Petition 2023-23MPA. See attached amended petition 2023-23-MPAR.

## R1

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*Rationale:* This amendment is intended to address concerns by opposition parties and develop a consensus. Because there are many interrelated and dependent parts to this petition and passage of any part is uncertain, it is important that each petition be more independent. For example: if the SMCAs are designated as SMRs but kelp canopy pruning is not allowed, it would shut down the Monterey Abalone Company or if the KRMP component is not implemented then there is no mechanism to sunset the SMR designation. Because the process of obtaining Adaptive Management changes on the Central Coast may take more than 17 years, fishers are understandably reluctant to rely on Adaptive Management to reopen fishing in SMRs when fish stocks recover in the future. Changing SMCAs to have a provision for Kelp Restoration Management Permit fishing prohibition deconflicts the fishing and diving activities and puts a sunset date on the fishing prohibition which allows for depleted rockfish stocks in the SMCAs to recover.

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### **R4**

*Specific Change:* Page 7. We request similar fees for Kelp Restoration Management Permits.

*Rationale:* Add the word "Management" to the permit name. The working title of Kelp Restoration Management Permit more closely aligns with the State Kelp Restoration Management Plan that informs the permit framework. See R6.

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*Specific Change:* Page 8. We ask that these issues be repaired in the SCP software and Kelp Restoration Management Permit Project approval process.

*Rationale:* Revised the working title of the permit. See R4.

## **R7**

*Overlooked Petition:*

Page 8. Public Outreach by FGC and the Department is requested and should be reflected in the petition breakdown into subparts.

### **Please note**

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Keith Rootsart

Giant Giant Kelp Restoration



Tracking Number: ( 2023-23MPA )

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: Keith Rootsaert

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: 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:**

#### Kelp Restoration

Multiple methods in 3 SMCAs and 1 SMR.

#### Kelp Protection by Redesignation

Edward F. Ricketts State Marine Conservation Area to Edward F. Ricketts State Marine Reserve.

Pacific Grove Marine Gardens State Marine Conservation Area to Pacific Grove Marine Gardens State Marine Reserve.

Carmel Bay State Marine Conservation Area to Carmel Bay State Marine Reserve.

#### Kelp Protection by Designation

The Tanker's Reef enforcement area as Tanker's Reef State Marine Reserve.

#### Permission to deploy buoys

Prevent anchor damage to rocky reef denizens,

Navigation aid for kelp restoration activities.



Regulatory Pathway for  
Sunken ship and other artificial reef structures

SCP Framework Changes  
Management of Kelp Restoration

Public Outreach  
Adopt a Reef for Kelp Restoration

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

This [Giant Kelp Restoration](#) petition advances MLPA [goals](#) 1-6 and has strong community support of volunteers and grassroots funding. The MPA Collaborative network [lists](#) many of these issues on rows 77, 78, 83, & 88, and was supported by all present at the Monterey MPA Collaborative Meeting at Asilomar, August 16, 2023.

This petition is in alignment with the [prioritized recommendations](#) from the California Marine Protected Area Decadal Management Review, [near-term Priorities \(ongoing- 2 years\)](#), Cornerstone Governance, Regulatory and Review Framework, Recommendation 04. Apply what is learned from the first Decadal Management Review to support proposed changes to the MPA Network and Management Program. Also: Management Program, Policy and Permitting 18: Utilize OPC's Restoration and Mitigation Policy to develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and MMAs

Kelp Restoration

Due to widespread urchin barrens following the 2014-2016 marine heat wave and kelp biomass decline in central and northern California, kelp restoration is a proven remedy by scuba divers culling urchins to suppress grazing pressure. Early [results](#) at Tanker's Reef in Monterey have shown that divers culling urchins results in natural kelp recruitment and survival.

This petition will allow certified Kelp Restoration Specialty Divers, recreational and commercial fishermen, to participate in a Regenerative Fishery which suppresses grazing pressure from urchins and promotes giant kelp survival in three State Marine Conservation Areas: Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay State Marine Conservation Areas and in "Whaler's Cove", a portion of the Point Lobos State Marine Reserve.

The methods will involve multiple techniques to suppress grazing pressure on kelp and to enhance kelp recruitment and survivorship and are explained in further detail in [Blueprint for Kelp Restoration in Monterey](#).

*Suppression:*

Hand culling of urchins.

Commercial harvest of urchins for urchin ranching and food sales.

Baiting & trapping urchins.

Utilizing natural defenses of acid weed.



Removing invasive marine algae.

*Benefitting:*

Pruning kelp canopy to promote growth and resilience to storms.

Out-planting kelp on the reef.

Spore dispersal by sporophyte bags.

Artificial reef structures.

All the methods employed will be detailed, discussed, and approved by the [Department](#) and work would be performed in coordination with other restoration activities. [Reef Check California](#) is our monitoring partner and will perform modified kelp forest monitoring surveys of the treated sites and controls. Reports on the project criteria will be discussed bi-weekly with the Department and as requested by the FGC.

We are asking that these kelp restoration methods be permitted without a SCP both inside and outside MPAs and will involve changes to sportfishing regulations to allow unlimited culling of urchins by hand tools, deploying sporophyte bags, etc. We ask that recreational fishermen be allowed to trap, harvest, capture for research, and cull urchins. Commercial fishing regulations will require a restoration exception to harvesting urchins in MPAs and exemption to the [wanton waste rule](#) for kelp restoration activities to allow commercial fishermen to cull urchins that are below the 4.5 cm minimum useful harvest size or for commercial divers to alternate between commercial and recreational fishing.

Kelp Protection by Redesignation:

The MPAs were mapped without considering the possibility of a native invertebrate species becoming overabundant and gobbling up most of the algae in the ecosystem combined with the Department's unwillingness to address that crisis. Urchin barrens have occurred sporadically for millennia as evidenced by the millions of urchin-made holes in the benthos at Tanker's Reef. 250 years ago, when southern sea otters were nearly extirpated by the fur trade, the abalone and urchins flourished and for 125 years kelp disappeared from the central coast until abalone were eventually overfished and take banned south of San Francisco in [1997](#) and giant kelp again became dominant. In 2007, the central coast MPA rules were formed to prohibit the take of any invertebrates, relying on a written provision for "restoration" as an "allowed" activity in MPAs but the Department does not "permit" restoration because they have conjured a de facto contradictory 7<sup>th</sup> goal of MPAs to "not disturb" them.

In Monterey the community led group Giant Kelp Restoration Project has successfully defended a kelp forest at Tanker's Reef and is aspiring to restore large kelp forests on both sides of the Monterey Peninsula by SCP. FGC would not consider petitions allowing take of invertebrates in the SMCAs & SMRs until the [Decadal Management Review](#) could be completed. Now that the DMR has passed, this petition is seeking to begin the Adaptive Management Review Cycle for the central coast MPAs that have remained unmodified since 2007.

Kelp forests need protection from fishing pressure which has detrimental effects on species richness and kelp biomass. By designating the areas of kelp restoration as State Marine Reserves, fishing pressure will be considerably reduced. This is safer for the volunteer divers involved to avoid fishing boat traffic or getting hooked by fishing gear while diving.



The MLPA is now administered in 3-year Adaptive Management Review Cycles and there is now flexibility in addressing the kelp crisis in a way that accomplishes the MLPA goals but also does not harm the environment in a long term, unforeseen and unwanted way that occurred on the central coast for the last 16 years. The [G2KR](#) projects at Lovers Cove and at [Tanker's Reef](#) demonstrated that the effort of the certified volunteer divers can be consistently and positively directed to restore kelp forests. Restoration work in these clearly described and familiar MPA boundaries would avoid confusion and guide diver effort in a predictable and effective strategy. In an Adaptive Management Review Cycle these methods can be continuously evaluated and adapted to the evolving stressors in the environment and as our knowledge, techniques, and capabilities at restoring kelp similarly evolve.

In future Adaptive Management Review Cycles the consequences of kelp restoration can be reviewed and the FGC may consider applying these methods more broadly, changing allowed methods, and allowing fishing under modified conditions. The other Monterey SMRs are acting as “controls” without treatment, but in the next review cycle we may ask for those SMRs to be treated as well in order to halt urchin migration and to achieve our goal, pledged to the [Kelp Forest Alliance](#), to restore 2000 acres of giant kelp around the Monterey Peninsula by 2030.

[Research](#) shows the reduced fishing pressure in places where fish are born will be beneficial to the fishery in the future when more fish live to adulthood and make more fish. In the future the kelp situation may change, and these places may be opened again in future management cycles to fishing for selected species, or in coordination with scientific monitoring protocols. The three State Marine Conservation Areas mentioned presently have diminished fish stocks and species richness and could benefit from a temporary fishing prohibition. This closure, in coordination with kelp restoration, will benefit adjacent areas with the “spillover effect” of the MPAs providing better fishing opportunities for participants.

This closure would not affect commercial fishermen who are prohibited from fishing in SMCAs already, but mostly the recreational fishermen who fish from shore. The fishermen fishing from boats are typically fishing further from shore because the fish are not as plentiful in the nearshore SMCAs now that the kelp has thinned. Although this closure would prohibit fishing at the Monterey Breakwater parking lot, there is still accessible fishing at the Commercial Wharf. Surf fishing from shore is generally not done at the Tanker's Reef area but further to the north at Sunset, Seacliff and New Brighton State Parks.

There are some fishermen that fish on the west side of Lovers Point and the north side of Point Pinos that would be displaced in a portion of the Pacific Grove Marine Gardens SMCA that is frequented by tourists and rented out by Pacific Grove for [weddings](#). To mitigate the loss of this fishing opportunity we recommend the replacement of the Del Monte Bathhouse [Pier](#), by others. It is not fair that our community group of volunteers is working hard to restore kelp and suppress kelp grazers while the state licenses individuals to fish in the same place and time with activities that are detrimental to that same kelp's growth and survival while also endangering diver's lives with propellers and fishing hooks.

The [Central Coast](#) Regional Stakeholder Group's intent during regional MLPA planning process (including MPA-specific goals/objectives and design considerations), adopted in April



2007, was found to be aligned with our proposal to improve the conservation status. In the [Regional Goals Design Considerations](#) #3. "To the extent possible, site MPAs to prevent fishing effort shifts that would result in serial depletion" is what has happened in these places due to fishing pressure being concentrated in only a few accessible places. Redesignating the SMCAs as SMRs aligns with the original intent of more fishing prohibitions at two sites and stopping serial depletion of species at all three sites.

[Edward F. Ricketts SMCA](#) was proposed by the [RSG](#) to be split as half Edward F. Ricketts SMCA and half Edward C. Cooper SMR so the original intent was to make the area closest to the breakwater into a SMR. John Wolfe, Diving representative to the Regional Stakeholder Group, recalled that a disabled veteran testified that the breakwater was the "only place he could fish" so fishing by hook and line was decided to be allowed. There was a favorite wolf eel that lived on the wall and a spearfisherman shot it and threw it in a garbage can and divers were outraged so fishing by spear was not allowed on this site and the site is partially closed to fishing already. The fishermen fishing off the breakwater wall is a constant danger to divers at this most popular dive site on the west coast of North America and for safety it must stop. There is disabled access at the municipal wharf for fishermen.

[Pacific Grove Marine Gardens SMCA](#) was proposed by the [RSG](#) to be an SMR north of Point Pinos. Presently the delineation between Asilomar SMR and PG Marine Gardens SMCA is at Point Pinos, so the original intent was to make a large portion north of the peninsula protected as a SMR. This was the first area impacted by widespread urchin barrens in 2015 and is a high priority site for kelp restoration.

[Carmel Bay SMCA](#) was implemented as designed but has poor fishing opportunities and depletion of species because it is the only accessible fishing place south of the Monterey Peninsula until Malpasos Creek south of Point Lobos SMR. The loss of kelp forests exacerbates the problem because rockfish are born in kelp forests and take 8-10 years to reach maturity.

These MPAs were all [described](#) as "High Priority" sites by OPC's [research](#) that would have the highest probability of kelp restoration success.

#### Kelp Protection by Designation:

We propose that the Tanker's Reef enforcement area be designated the Tanker's Reef State Marine Reserve (working title). This kelp forest was created by volunteer divers and is very vulnerable from fishing pressure because it is outside of MPA fishing prohibitions. Routinely fishermen in boats and kayaks take fish at the 11 acre kelp forest. The experimental 2.5-acre underwater cable grid is studied by OPC, CDFW, MBNMS, and Reef Check California. We try very hard to reduce externalities as much as possible to determine a natural process of kelp reforestation. Fishermen taking fish is an externality for the scientific design and confounds the results. Fishing gear often becomes entangled in underwater navigation cables used to guide divers. Furthermore, boat propellers are a threat to injure scuba divers in the area under the water.

Designating this area as a State Marine Reserve will also protect more sandy habitat at Del Monte Beach, the most eroded beach in California, at a time when the beach is nourished after the closure of [sand mining](#) in Southern Monterey Bay and studied by [USGS](#).



In the [Regional Goals Design Considerations](#) #8, “To the extent possible, site MPAs to take advantage of existing long-term monitoring studies” is consistent with designating Tanker’s Reef, the site of CDFW/MBNMS and Reef Check surveys, as a State Marine Reserve.

#### Permission to deploy buoys

Boat anchors on rocky reefs often disturb sensitive marine habitat with their heavy chains scraping in an arc from the anchor to the boat. In a sensitive kelp restoration site that has frequent visits, dropping and recovery of the anchor disturbs the kelp we are trying to defend. By deploying a temporary buoy that the boats can attach to instead of dropping an anchor, the kelp is not disturbed. The use of buoys also aids the divers in the kelp restoration activity by providing underwater visual markers to guide where to cull the urchins and protect the kelp.

This petition seeks to allow seasonal deployment of certain colored and well-maintained buoys to be deployed in kelp restoration areas for the purpose of directing boats where to anchor and to direct divers for the purpose of kelp restoration.

#### Regulatory Pathway for an Artificial Reef:

Since 2010 Scuba divers have expressed an interest in diving on a sunken ship in Monterey Bay and this was proposed by the community group California Ships to Reefs and studied by the Office of National Marine Sanctuaries [in 2012](#). In 2017 Artificial Reefs was established as a priority for Monterey Bay National Marine Sanctuary Advisory Council. This was proposed to CDFW, but because the State has never permitted an artificial reef in State waters, this was never permitted. However, there are 52 other [artificial permitted reefs](#) in California including the Wheeler North Reef in Southern California. created in 2008.

Creating a shipwreck in protected nearshore waters deep enough to not be displaced by winter storms would be of interest to the scuba diving community. It will also serve as a unique scientific baseline to observe what is the order of marine life formation on a “blank” surface. It may also be beneficial to plant kelp on [artificial structures](#) better suited to kelp growth and marine aquaculture. This petition seeks a pathway for the FGC to determine if an artificial reef is in the public interest and establish an application process to obtain permission from CDFW and other state and federal agencies.

This request is in alignment with the [prioritized recommendations](#) from the California Marine Protected Area Decadal Management Review, near-term Priorities (ongoing- 2 years), Cornerstone Governance, MPA Statewide Leadership Team and Partner Coordination 09. Continue to coordinate and collaborate with OPC and other agencies on California’s ocean and coastal priorities to enhance coastal biodiversity, climate resiliency, human access and use, and a sustainable blue economy.

#### SCP Framework Changes

##### Management of Kelp Restoration

This petition is in furtherance of the [prioritized recommendations](#) from the California Marine Protected Area Decadal Management Review, near-term Priorities (ongoing- 2 years), Cornerstone Management Program, Policy and Permitting, Recommendations 17. Improve the application and approval process for scientific collecting permits. And 18. Utilize OPC’s



Restoration and Mitigation Policy to develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and MMAs

We propose to establish a new process in CDFW's Scientific Collecting Permit program for Restoration Permits. Presently the process available for the Department to manage restoration projects in marine ecosystems is the Scientific Collecting Permit process where applicants submit applications for \$71.62 and pay \$269.08 for a [Special Use Permit](#) to operate a project with certain methods, species take restrictions, and reporting requirements. We request similar fees for Kelp Restoration Permits.

In our 2018 SCP permit with Reef Check we were not able to amend the permit to take sufficient red urchins and we had to abandon the project. In our 2 attempts to obtain SCPs for kelp restoration methods we were denied. Our pre-application to cull urchins in 3 SMCAs has been in process for 18 months before we can submit it into the SCP portal. The problem is that kelp restoration seeks to change a grazer species population within the defined area, but "Decision Tree" limits the take of species to not affect and change a species population within the area. This leads to situations where kelp restoration experiments are impossible because the number of permitted animals to take is very small and not enough to benefit the recruitment and survival of kelp forests. This led to the abandonment of our experiment at Lovers Cove in year 3 when we couldn't remove sufficient red urchins.

The scientific method requires isolation of treatment methods and establishment of a control area. This places a limitation on kelp restoration practitioners to only employ singular methods when the best results are possible using [multiple methods](#). This also restricts the kelp restoration activities by attempting to answer scientific questions where the goal is simply kelp restoration and this scientific component is best accomplished by science divers rather than certified kelp restoration specialists. Once a permit application is obtained it is difficult to change as new discoveries are made that affect kelp survivorship and the process to attempt to amend a permit takes over a year. At the end of the typical 3 year SCP permit period the treatment must stop, and the 5 year post-restoration monitoring period begins. This is contradictory to the goals of kelp restoration and has led to similar abandonment of work in the treatment area at Tanker's Reef where the effort is desired to be continued by the volunteers, but because the experiment stops after 3 years, the divers are not allowed to come back and tend the kelp forest they successfully created and defended. The extension of Tanker's Reef is "noticed" at the FGC and hopefully will be extended 5 years, but the point is that restoration should lead the activity and scientific experiments should evaluate, but not interfere with, or seek to end, the restoration effort.

Kelp Restoration is an allowable activity in SMRs, and now with the unanimous passage of [AB63](#), in SMCAs as well. However, restoration is allowed but not permitted. Our attempt to obtain a [Restoration Management Permit](#) was denied because the law does not address conspecifics. The Department could issue a Letter of Authorization, similar to the one written for the Monterey Bay Aquarium to repair intake pipes, but that is not available to us for inequitable reasons that support the built environment over the natural environment. The only available process we are told is available to us is the SCP process, which is exceedingly slow and inappropriate mechanism which, by rule, restricts the restoration activity to being deliberately inconsequential to improving the health of the MPA.



To remedy this, we petition that the Department establish a “Restoration” category in the SCP process that would allow restoration methods, coordinate with CDFW Research, and establish periodic reviews of restoration efforts, allow for 10-year project durations, and allow take of overpopulating species until the species reaches the threshold density observed pre-marine heatwave of 2014.

Additional comments on the SCP Portal and Process are that the website interface is very clunky and time consuming to complete, especially when submitting for take of multiple species at multiple locations and the program slowly populates look-up tables. The response to permit applications is not transparent, we never know who made the comments and there is not an ability to clarify and discuss the commenter’s concerns. There is not an opportunity to have a conversation of what would be acceptable, only a rejection and it becomes incumbent on the petitioner to apply again and guess what would be acceptable. We ask that these issues be repaired in the SCP software and Restoration Project approval process.

#### Public Outreach

This petition asks the FGC to affirm kelp restoration as public policy in MPAs and to celebrate community collaboration in kelp restoration, mitigating climate change, and conserving biodiversity in public outreach to stakeholders and encourage ocean stewardship. At the October 12 [FGC meeting](#) the commissioners suggested kelp practitioner leadership be unified under an “Adopt a Reef” community program, which is a wonderful idea, and we ask the commission to consider our proposed sites as G2KR adopted reefs. We ask that FGC and the Department promote kelp restoration collaboration on their website and in public outreach. This is [prioritized](#) in California Marine Protected Area Decadal Management Review, near-term Priorities (ongoing- 2 years), Cornerstone Management Program, Outreach and Education, Recommendation 16. Conduct more targeted outreach to specific audiences to connect stakeholders with coastal resources and to encourage stewardship and compliance with regulations.

Thank you for considering our petitions! In our effort to be succinct and consolidate seven petitions into one, we reduced arguments in favor of the proposal yet still exceeded 5 pages. Additional rationale/justification is available upon request and may be presented at future FGC meetings.

## **SECTION II: Optional Information**

**5. Date of Petition:** 11/29/23

**6. Category of Proposed Change**

☒ Sport Fishing

☒ Commercial Fishing

☐ Hunting

☒ Other, please specify: MPAs, Section 6.32



7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*  
X Amend Title 14 Section(s): 29.06 and others.  
X Add New Title 14 Section(s): 29.06 and others.  
☐ 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 2021-025 & 2023-02**  
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: 4/1/24
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: See blue links in this document and supporting documents [here](#).
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: See Recreational Sea Urchin fiscal impact study in October FGC Meeting materials [here](#).
12. **Forms:** If applicable, list any forms to be created, amended or repealed: N/A

### SECTION 3: FGC Staff Only

Date received: [11/29/2023](#)

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 \_\_\_\_\_  
Tracking Number  
☐ Granted for consideration of regulation change

## 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.

| <b>Date</b>     | <b>Milestone</b>                                                                                                                                                                                                                                            |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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 " <a href="#">Overview of Process to Consider Potential Changes to California's MPA Network</a> "                                                                                                                                             |
| <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

| <b>Date</b>         | <b>Milestone</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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 <ul style="list-style-type: none"> <li>• April 21, 2026 in San Mateo, Del Norte through Monterey counties petitions</li> <li>• May 5-6, 2026 in Goleta, alongshore San Luis Obispo through Santa Barbara counties petitions (day 1) and Northern Channel Islands (day 2)</li> <li>• May 19, 2026 in San Clemente, Los Angeles through San Diego counties petitions, including Santa Catalina Island</li> </ul> |
| <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.

| <b>Date</b>            | <b>Method</b>                          | <b>Content</b>                                                                                                                                                                                                                                                                                                 |
|------------------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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)<br>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                                                                                                                                                                                                                                                         |

| <b>Date</b> | <b>Method</b>    | <b>Content</b>                                                                                                                                                                |
|-------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 Guide<sup>1</sup>. 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

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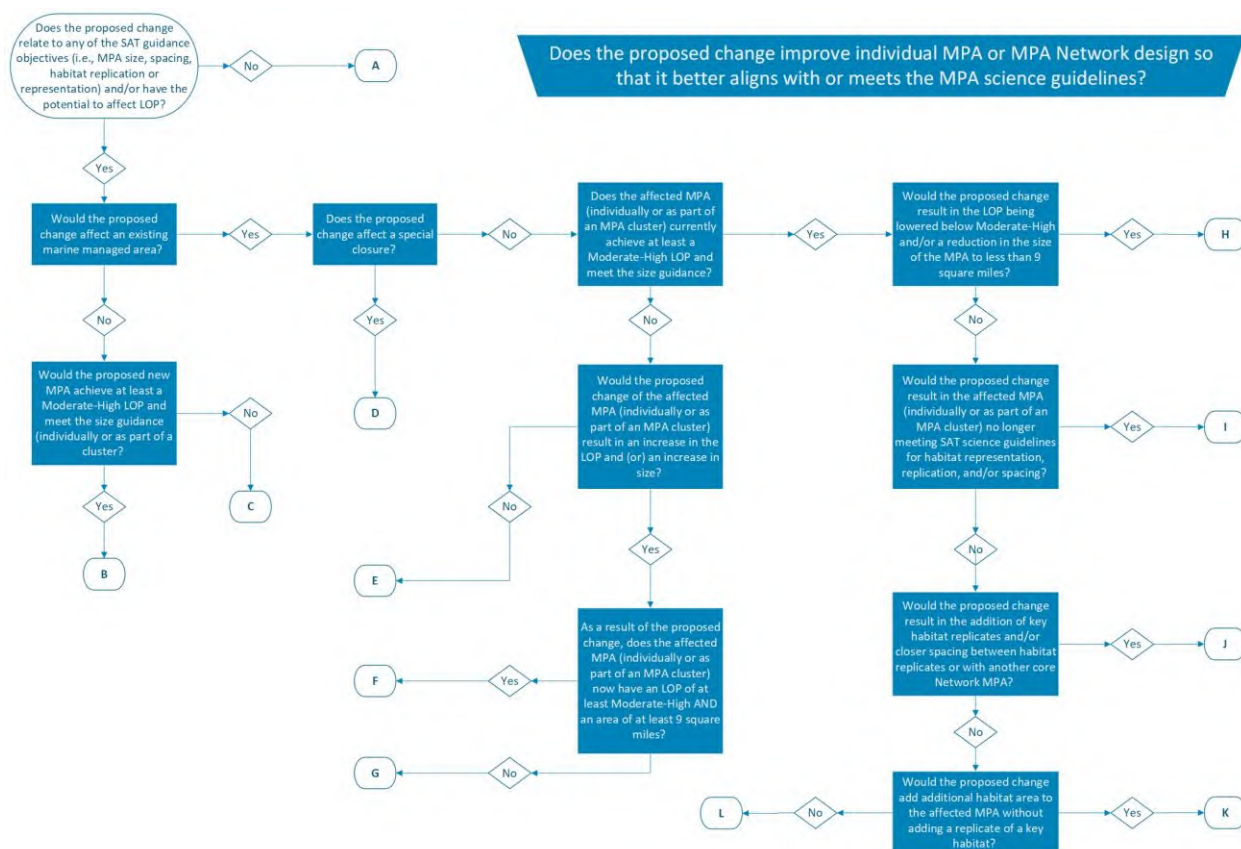
<sup>1</sup> Grorud-Colvert et al. (2021). The MPA Guide: A framework to achieve global goals for the ocean. *Science* **373**, eabf0861(2021). DOI:10.1126/science.abf0861; see also <https://mpa-guide.protectedplanet.net/resources>

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](#)

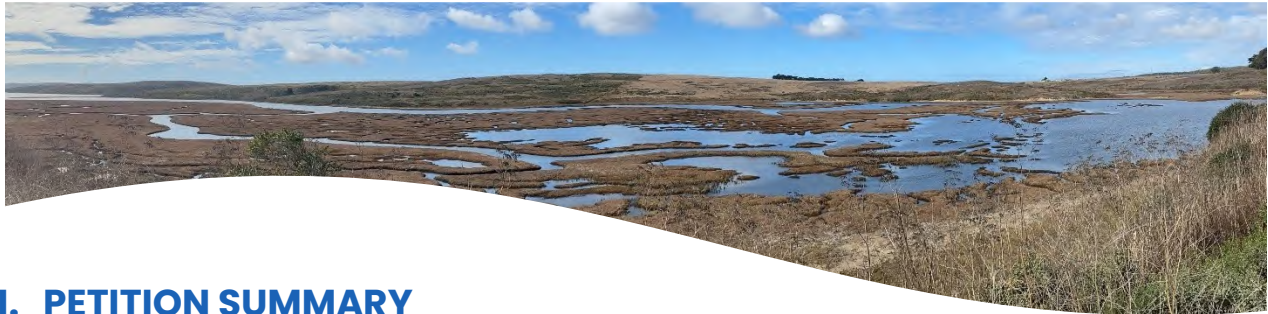
Partner website, California Fishing Communities, providing profiles of the history, economics, and culture of California’s fishing communities (last updated in 2023 with 2021 data): [FishingCommunities.net](#)

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



### **I. PETITION SUMMARY**

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



## II. CDFW RECOMMENDATIONS AND BRIEF JUSTIFICATION

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

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

**CDFW Evaluation 2023-23MPA\_AM Rootsart**

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

**CDFW Evaluation 2023-23MPA\_AM Rootsart**

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

**CDFW Evaluation 2023-23MPA\_AM Rootsart**

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

**CDFW Evaluation 2023-23MPA\_AM Rootsart**

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

**CDFW Evaluation 2023-23MPA\_AM Rootsart**

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

**CDFW Evaluation 2023-23MPA\_AM Rootsart**

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

**CDFW Evaluation 2023-23MPA\_AM Rootsart**

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

**CDFW Evaluation 2023-23MPA\_AM Rootsart**

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

**CDFW Evaluation 2023-23MPA\_AM Rootsart**

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

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

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

| Tribal Components Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Answer and Explanation                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <p>Was the petition submitted by a California Native American tribe, representative designated by a tribe or tribal organization, or have a tribal co-sponsor? If yes,</p> <ul style="list-style-type: none"> <li>a. Does the proposed change explicitly aim to advance tribal co-management, subsistence harvesting, stewardship, and/or provide a tribal benefit through recognizing the cultural significance of an area?</li> <li>b. Is the proposed regulatory change explicitly linked to a tribe or tribes? (i.e. tribal exemption, tribal take only MPA, or new MPA for co-management).</li> </ul> | <p>No, this petition was not submitted by a tribe or representative designated by a tribe and does not have a tribal co-sponsor.</p> |

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

## IV. PETITION EVALUATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finally, this change is part of a larger suite of changes targeting kelp restoration. CDFW, in partnership with OPC, is developing the KRMP. Any potential adaptive MPA management measures intended to restore California's kelp beds must align with MLPA Goals and be informed by statewide restoration and management plans such as the KRMP.

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

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

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

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

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

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

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

While urchin removal efforts specifically aimed at kelp recovery have, in some cases, shown localized benefits to kelp recovery, restoration outcomes are highly variable and depend on multiple ecological and environmental factors (Eger 2022). Large-scale kelp declines have been linked to MHWs, ocean warming, and altered predator-prey dynamics, not solely to urchin abundance (Wernberg 2023). Research in this area is ongoing and emerging and CDFW continues to facilitate research to inform kelp restoration techniques through the issuance of SCPs.

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

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

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

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

Additionally, the proposed changes are related to petitions CFGC previously considered and denied:

- 2013 petition to allow take of sea urchins in MPAs,
- 2020 petition to enact emergency regulations for increased recreational take of purple urchins in Monterey Petition. CFGC approved for consideration of a regular rulemaking with regulations adopted December 2020; but denied inclusion of recreational culling of urchin within MPAs, and
- 2021 petition to authorize culling of red and purple sea urchin within Monterey SMCAs.

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

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

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

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

The petition identifies several concerns related to the SCP issuance for past projects. The petition states that the current SCP permit process is “exceedingly slow and inappropriate mechanism which, by rule, restricts the restoration activity to being deliberately inconsequential to improving the health of the MPA.” The petitioner has requested CDFW establish a “Restoration” category in the SCP process that would: allow restoration methods (such as kelp propagation techniques), coordinate with CDFW research, establish periodic reviews of restoration efforts, allow for 10-year project durations (see 2023–23MPA\_24\_AM1), and allow take of “overpopulating” species until the species reaches the threshold density observed pre-MHW of 2014 (see 2023–23MPA\_2, 7, 12, and 16).

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

CDFW’s evaluation finds that the proposal:

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

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

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

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

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

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

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

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

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

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

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

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

The proposed new SMR at Tanker’s Reef would:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CDFW’s evaluation finds that the proposal:

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

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

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

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

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

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

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

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

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

### RECOMMENDATION FOR 2023–23MPA\_25

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

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

The petitioner has requested to allow commercial take of urchin within four Monterey Peninsula MPAs, Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay SMCAs, and Point Lobos SMR. The proposed change aims to address the petitioner's interest in kelp restoration activities for the stated purpose of aiding kelp restoration. Although the petitioner asserts the proposed change aligns with one or more of the MLPA Goals, CDFW's evaluation finds the proposal:

- Is inconsistent with the goals of these MPAs, as stated in the MLPA Initiative planning process,
- Does not align with the original intent of these MPAs,
- Does not advance adaptive management recommendations from the DMR,
- Does not address a current or emerging MPA management challenge, and
- Would not advance management of the MPA Network.

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

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

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

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

Urchins in heavily overgrazed areas are typically small, starved, and commercially non-viable, meaning urchin harvest from areas where kelp has been overgrazed would likely provide limited economic benefit to the fishery (Tegner 1989, Kalvass and Hendrix 1997). Selective removal of large, marketable red urchins within barrens would thus minimally reduce urchin populations, resulting in little positive effect for kelp abundance. Furthermore, there has not been an active commercial urchin fishery operating out Monterey Bay area ports for decades, as red sea urchin does not occur in large enough abundances to support a fishery (CDFW 2019).

Additionally, the proposed changes are related to petitions CFGC previously considered and denied:

- 2013 petition to allow take of sea urchins in MPAs,
- 2020 petition to enact emergency regulations for increased recreational take of purple urchins in Monterey Petition. CFGC approved the petition and adopted regulations December 2020, but denied inclusion of recreational culling of urchin within MPAs, and
- 2021 petition to authorize culling of red and purple sea urchin within Monterey SMCAs.

### RECOMMENDATION FOR 2023-23MPA\_26

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

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

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

### RECOMMENDATION FOR 2023-23MPA\_27

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

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

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

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

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

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

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

## CDFW Evaluation 2023-23MPA\_AM Rootsart

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

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

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

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

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

- **2023-23MPA\_20\_AM1.** Establish new Tanker's Reef SMR near Monterey (covering 193 acres, or 0.3 sq miles).
- **2023-23MPA\_26:** Allow commercial urchin harvest in MPAs for Restoration

## EVALUATION QUESTIONS

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

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

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

The proposed change would not align with one or more of the MLPA Goals or the MPA Master Plan adaptive management objectives and consequently, it would not benefit the MPA Network.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**No.** Although the petition states that the proposed change would contribute to kelp recovery, the proposed change does not address a current or emerging MPA management challenge in a way that would benefit the long-term adaptive management of the statewide MPA Network, without compromising the original intent of the affected MPAs and design of the Network. See response to Question 6 for more information on how the state is working towards implementing science-based management measures to assist with kelp forest recovery, which could support adaptive MPA management.

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

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

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

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

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

- 2013 petition to allow take of sea urchins in MPAs,
- 2020 petition to enact emergency regulations for increased recreational take of purple urchins in Monterey Petition. CFGC approved the petition and adopted regulations adopted December 2020, but denied inclusion of recreational culling of urchin within MPAs, and
- 2021 petition to authorize culling of red and purple sea urchin within Monterey SMCAs.

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

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

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

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

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

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

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

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

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

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

- Existing science, regulations, and guidance pertaining to kelp recovery and restoration in California, and
- MLPA Planning documents and related information (e.g., MLPA Goals and MPA Master Plan adaptive management objectives).

CDFW reviewed the available information and did not find that it supports the proposed change. Without direct evidence of a place-based need linking kelp declines to the specific driver(s) (e.g., lack of predators, water temperature), it is unclear the extent to which commercial urchin removal efforts applied widely across the requested areas would result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers.

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

**Yes.** While urchin removal efforts specifically aimed at kelp recovery have, in some cases, shown localized benefits to kelp recovery, restoration outcomes are highly variable and depend on multiple ecological and environmental factors. Research in this area is ongoing and emerging. It is essential that kelp restoration and management is

comprehensive and uses intervention strategies tailored to the specific drivers of kelp loss in a given area. CDFW has existing mechanisms to authorize research exploring the benefits of urchin removal to advance kelp recovery through issuance of SCPs and is exploring the use of RMPs to authorize kelp restoration; although, these regulations do not allow for recreational or commercial harvest. There is a need for clear, statewide guidance to inform the role of urchin take in kelp restoration and management.

CDFW, in partnership with OPC, is developing a KRMP (see evaluation narrative above). Any potential adaptive MPA management measures intended to restore California's kelp forest ecosystems must align with MLPA Goals and should be informed by statewide restoration and management plans such as the KRMP.

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

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

**No.** The proposed action (i.e., unlimited take of urchins) was not considered during the MLPA Initiative planning process. However, urchin take under typical recreational and commercial regulations and limits was considered and specifically not allowed in all three SMCAs and the full protection of the Hopkins SMR was specifically to allow continued unconfounded research in a fully protected ecosystem.

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

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

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

**No.** Allowing unlimited take of urchin does not align with the original intent of any of the four MPAs. One of the intended goals of the Edward F. Ricketts SMCA was to “Protect invertebrates and the habitats on which they depend while allowing the harvest of finfish and kelp.” One of the intended goals of the Pacific Grove Marine Gardens SMCA was to “Enhance non-consumptive recreational experience by prohibiting commercial finfishing and all invertebrate take in an area that includes traditional scuba diving sites accessed from the beach or boats.” An intended goal of Carmel Bay SMCA was to “Allow continued recreational harvest of finfish and commercial harvest of kelp by hand in an area of historic recreational use value near Monterey harbor while protecting invertebrates.” An intended goal of the Point Lobos SMR was to “Protect natural age and size structure of invertebrate and fish species associated with sandy and rocky intertidal, kelp bed, shallow rocky reef, shallow sandy bottom, and submarine canyon head habitat.” Allowing unlimited take of urchin does not align with the original intents of these MPAs. See Attachment 1 for more information.

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

**No.** The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the SAT and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 9 square miles and meet one of the three highest LOPs (i.e., Very High, High, or Moderate-high) to contribute to ecological goals such as habitat replication and representation.

The MPAs affected by this petition do not currently meet the minimum criteria for size (Point Lobos SMR) or both size and LOP (Edward F. Ricketts SMCA, Pacific Grove Marine Gardens SMCA, and Carmel Bay SMCA). Since the proposal to allow unlimited urchin take in these MPAs would not increase the size or LOP of these MPAs, it would not improve the design of these individual MPAs or the MPA Network, nor would it enhance alignment with the MLPA Science Guidelines. The proposed change would undermine the design of these

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

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

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

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

**No.** There is no rationale for moving forward with the proposed change or an alternative.

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

- **No.** The proposed change does not maintain or improve enforceability of these MPA regulations. The proposed change adds another type of take allowance (e.g., unlimited take of urchin), including to a No-take SMR, which compromises enforceability of MPAs by:
- Making it more difficult to discern if an activity is allowed when surveilling the MPA from afar,
- Increasing the potential for non-compliance with members of the public who observe the activity taking place in an MPA but are unfamiliar with the regulations, and
- Increasing the potential for the illegal take of other species.

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

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

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

**No.** The proposed change (i.e., unlimited take of urchin in four MPAs) would decrease protection for urchins in all four of the MPAs. In Point Lobos SMR would reduce the overall LOP in this MPA from a Very High LOP to a Moderate-low LOP. The proposed change would maintain a Low LOP for the Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay SMCAs.

As to maintaining or enhancing kelp protection, without direct evidence of a placed-based need linking kelp declines to the specific driver(s), it is unclear the extent to which commercial urchin removal efforts applied widely across the requested areas would result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers.

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

See Question 14 of Attachment 1.

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

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

The proposed change also has the potential to negatively affect non-consumptive activities such as long-term research and monitoring. PISCO, MARE, & MARINe conduct long-term MPA monitoring in Carmel Bay SMCA and Point Lobos SMR. Long-term monitoring of surf zone fishes also occurs in Carmel Bay SMCA and Point Lobos SMR. CCFRP also conducts long-term MPA monitoring in Point Lobos SMR. Adding another take allowance in these MPAs has the potential to introduce increased variability in the existing time series and would be detrimental to the long-term monitoring data.

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

See Question 16 of Attachment 1.

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

The following analysis was prepared by CFGC staff. See Question 17 of Attachment 1 for additional context on CFGC's response. The proposed change would increase fishing access, particularly for fishing participants and the associated coastal fishing community of Monterey.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**No.** The proposed site was not specifically considered as an MPA in the MLPA Initiative planning process. During the 2005–2007 Central Coast regional planning process, the SAT, Regional Stakeholder Group, and Blue Ribbon Task Force evaluated multiple configurations of MPAs around the Monterey Peninsula. The designers considered and attempted to create a balance of protection and continued recreational fishing access in the nearby Monterey peninsula MPAs (Edward F. Ricketts Pacific Grove Marine Gardens and Carmel Bay SMCAs, Lover’s Point–Julia Platt and Asilomar SMRs). Tanker’s Reef was considered part of a continuum of heavily used recreational and research areas, and it remained open to maintain equitable access while nearby areas received full and partial protection.

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

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

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

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

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

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

**No.** The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the SAT and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 9 square miles and meet one of the three highest LOPs (i.e., Very High, High, or Moderate-high) to contribute to ecological goals such as habitat replication and representation.

The proposed new MPA would be 0.30 square miles with a Very High LOP (Table 1). Because it does not meet the minimum size criterion, implementation of the proposed change would not improve the design of the MPA Network or enhance alignment with the MLPA Science Guidelines. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

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

**No.** The proposed change would not align with the following Feasibility Guidelines: 'MPA Boundaries' guidelines to "Use readily determined lines of latitude and longitude" and "Use diagonal lines only in limited circumstances." See Question 10a of Attachment 1 for CDFW Feasibility Guidelines.

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

**No.** While the proposed area could be redesigned to better align with feasibility guidelines, there is no rationale for implementing this area which would warrant corrections of that nature.

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

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

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

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

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

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

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

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

See Question 14 of Attachment 1.

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

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

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

See Question 16 of Attachment 1.

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

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

The proposed change would reduce fishing access – particularly for fishing participants and the associated coastal fishing community of Monterey (though there is limited information about the use of this area by fishery participants homeported in the Monterey fishing community).

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

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

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

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

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

The proposed change would not align with one or more of the MLPA Goals or the MPA Master Plan adaptive management objectives and consequently, it would not benefit the MPA Network.

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

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

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

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

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

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

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

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

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

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

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

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

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

Although the petition states that the proposed change would contribute to kelp recovery, the proposed change does not address a current or emerging MPA management challenge in a way that would benefit the long-term adaptive management of the statewide MPA Network, without compromising the original intent of the affected MPAs and design of the Network. See response to Question 6 for more information on how the state is working towards implementing science-based management measures to assist with kelp forest recovery, which could support adaptive MPA management.

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

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

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

The proposed change interacts with Cal. Code Regs. Title 14, §120.7. – Taking of Sea Urchins for Commercial Purposes, particularly subsection (a)(2). The petitioner states that the proposed change allowing commercial urchin harvest may benefit kelp recovery. However, it is unclear whether the petitioner intends to participate in these activities for the sole purpose of commercial urchin harvest, or if there is the intent to conduct research or restoration to improve the resiliency of kelp forests.

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

CDFW has existing mechanisms to authorize research exploring the benefits of urchin removal to advance kelp recovery through issuance of SCPs and is exploring the use of RMPs to authorize kelp restoration; although, existing regulations do not allow commercial urchin harvest for kelp restoration in MPAs. Until statewide management plans for kelp recovery and restoration are in place (i.e., the KRMP–see response to Question 6) and forthcoming guidance once DMR Recommendation 18 is addressed, it is most appropriate to continue authorizing urchin harvest for kelp restoration and research at the research scale versus larger-scale commercial harvest.

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

- 2013 petition to allow take of sea urchins in MPAs,
- 2020 petition to enact emergency regulations for increased recreational take of purple urchins in Monterey Petition. CFGC approved the petition and adopted regulations in December 2020, but denied inclusion of recreational culling of urchin within MPAs, and
- 2021 petition to authorize culling of red and purple sea urchin within Monterey SMCAs.

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

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

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

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

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

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

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

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

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

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

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

CDFW reviewed the available information and did not find that it supports the proposed regulatory change. Without direct evidence of a placed-based need linking kelp declines to the specific driver(s), it is unclear the extent to which commercial urchin removal efforts applied widely across the requested areas would result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers.

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

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

CDFW, in partnership with OPC, is developing a KRMP (see evaluation narrative above). Any potential adaptive MPA management measures intended to restore California’s kelp forest ecosystems must align with MLPA Goals and should be informed by statewide restoration and management plans such as the KRMP.

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

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

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

**No.** The proposed action (i.e., unlimited commercial take of urchins) was not considered during the MLPA Initiative planning process. However, urchin take under typical recreational and commercial regulations and limits was considered and specifically not allowed in all three SMCAs and the full protection of the Lovers Point–Julia Platt SMR was specifically to allow continued unconfounded research in a fully protected ecosystem.

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

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

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

**No.** Allowing unlimited take of urchin does not align with the original intent of any of the four MPAs.

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

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

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

The MLPA requires that the design of individual MPAs and the statewide Network be based on the best readily available science and that MPAs be of adequate size, number, protection level, and location to meet MLPA Goals. The science guidelines developed by the SAT and outlined in the Master Plan were created specifically to provide this scientific foundation and serve as the starting point for evaluating alternative MPA proposals. Alignment with these guidelines depends on LOP, which is determined by allowed take, and spatial configuration. More specifically, these guidelines require that an MPA must be at least 9 square miles and meet one of the three highest LOPs (i.e., Very High, High, or Moderate-high) to contribute to ecological goals such as habitat replication and representation.

The MPAs affected by this petition do not currently meet the minimum criteria for size (Point Lobos SMR) or both size and LOP (Edward F. Ricketts SMCA, Pacific Grove Marine Gardens SMCA, and Carmel Bay SMCA). Since the proposal to allow unlimited urchin take in these MPAs would not increase the size or LOP of these MPAs, it would not improve the design of these individual MPAs or the MPA Network, nor would it enhance alignment with the MLPA Science Guidelines. The proposed change would undermine the design of these individual MPAs and the overall MPA Network. See Question 9 of Attachment 1 for the MPA Science Guidelines and additional context.

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

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

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

**No.** There is no rationale for moving forward with the proposed change or an alternative

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

**No.** The proposed change does not maintain or improve enforceability of these MPA regulations. The proposed change adds another type of take allowance (e.g., unlimited take of urchin), including to a No-take SMR, which compromises enforceability of MPAs by:

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

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

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

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

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

As to maintaining or enhancing kelp protection, without direct evidence of a placed-based need linking kelp declines to the specific driver(s), it is unclear the extent to which commercial urchin removal efforts applied widely across the requested areas would result in measurable, biologically meaningful benefits to kelp beyond what the MPA Network currently offers.

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

See Question 14 of Attachment 1.

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

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

The proposed change also has the potential to negatively affect non-consumptive activities such as long-term research and monitoring. PISCO, MARE, & MARINE conduct long-term MPA monitoring in Carmel Bay SMCA and Point Lobos SMR. Long-term monitoring of surf zone fishes also occurs in Carmel Bay SMCA and Point Lobos SMR. CCFRP also conducts long-term MPA monitoring in Point Lobos SMR. Adding unlimited commercial urchin harvest in these MPAs has the potential to introduce increased variability in the existing time series and would be detrimental to the long-term monitoring data.

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

See Question 16 of Attachment 1.

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

The following analysis was prepared by CFGC staff. See Question 17 of Attachment 1 for additional context on CFGC's response. The proposed change is unlikely to directly harm any coastal fishing community. While in concept this change could increase access to fishing grounds, there has not historically been an active commercial sea urchin fishery associated with the Monterey port area.

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

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

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

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

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

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

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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](mailto: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 20<sup>1</sup>, 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

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<sup>1</sup> [https://opc.ca.gov/wp-content/uploads/2026/03/OPC-letter-on-MPA-petitions\\_3.20.26-508.pdf](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 Plan<sup>2</sup> and key recommendations from the Decadal Management Review<sup>3</sup>.

Overall, **OPC’s petition recommendations are rooted in a precautionary approach.** The 2026 California Coast and Ocean Report<sup>4</sup>, 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-

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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, 2023-18MPA<sup>5</sup>, and 2023-23MPA\_AM<sup>6</sup>). 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 Network<sup>7</sup> 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

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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 Plan<sup>8</sup> and the California Natural Resources Agency's recently released Tribal Stewardship Policy<sup>9</sup>, 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.

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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.**

| <b>Petition Number</b>                                                           | <b>MPA(s) Affected</b>                            | <b>Petitioner</b>                                                     | <b>Proposed Action</b>                                                                                                       | <b>OPC Recommendation</b>                                                                  |
|----------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 2023-20MPA_AM 1 (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                                                    |

| <b>Petition Number</b>                                                             | <b>MPA(s) Affected</b>                         | <b>Petitioner</b>                                                        | <b>Proposed Action</b>                                                                           | <b>OPC Recommendation</b>                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2023-29MPA_AM2<br>(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<br>(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                               | <p>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.</p> <p>Deny proposed expansion of Natural Bridges SMR, Cabrillo SMR, South Point SMR, or Gull Island SMR.</p> <p>Deny proposed designation of a new SMCA at Pleasure Point.</p> |

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 access<sup>10</sup> and on advancing CFGC's Justice, Equity, Diversity, and Inclusion Policy<sup>11</sup> have been initially assessed via a joint effort between OPC and CDFW<sup>12</sup>; 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 Plan<sup>13</sup>.

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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](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 SMCA<sup>14</sup> and Point Buchon SMR<sup>15</sup>. As amended by the tribe at the April 14, 2026 meeting of CFGC's Tribal Committee<sup>16</sup>, 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 Coast<sup>17</sup> 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

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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)<sup>18</sup> 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,

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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 meeting<sup>19</sup>, the proposed options are 1) Change regulations to disallow commercial lobster fishing year-round within the Anacapa Island SMCA; 2) Change regulations

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19 Video available at [https://cal-span.org/meeting/cfg\\_20260506/](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 Committee<sup>20</sup>, 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

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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)**

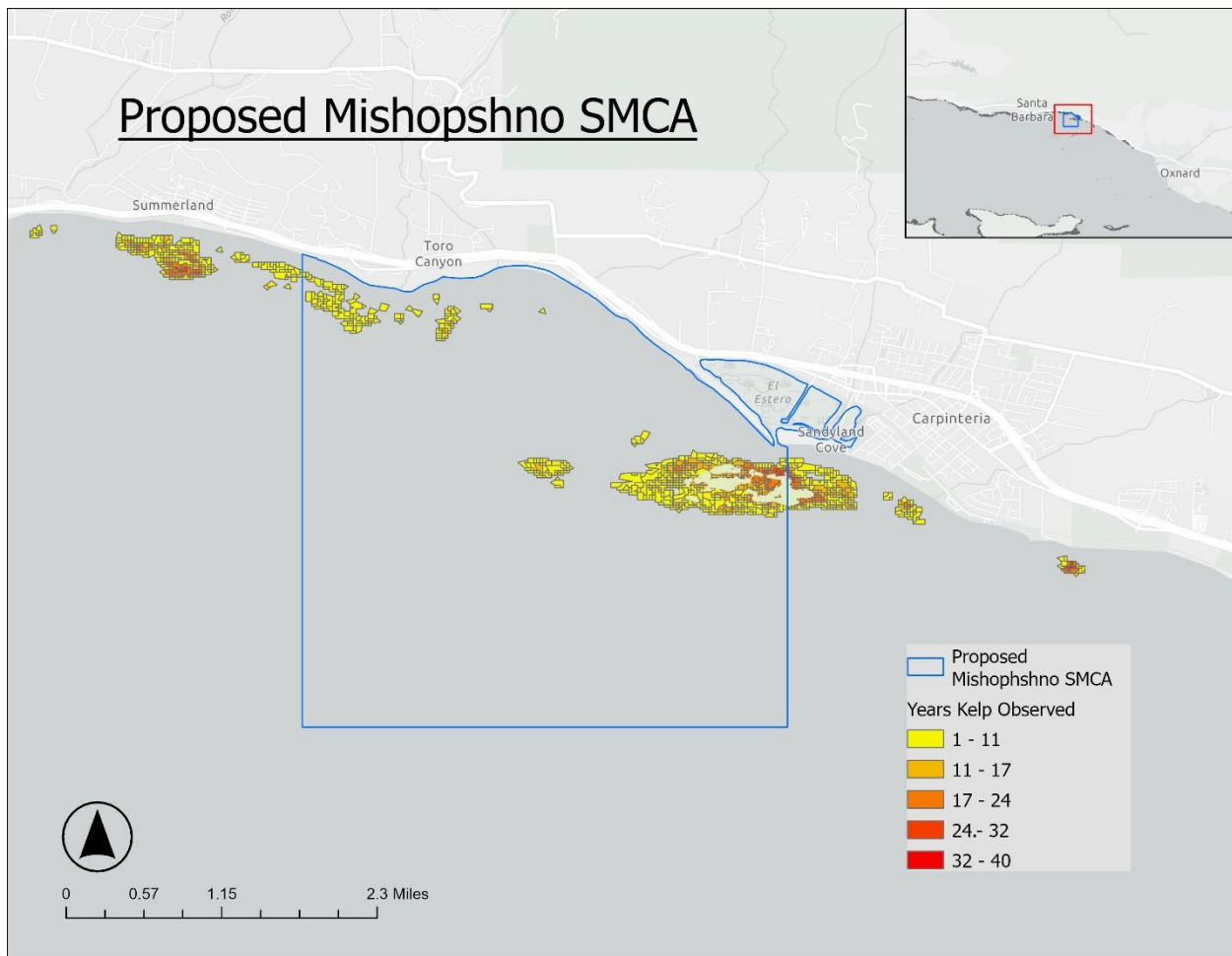
The Santa Ynez Band of Chumash Indians, Natural Resources Defense Council, and Environmental Defense Center have proposed the designation of a new SMCA near Carpinteria, California, located approximately twelve miles southeast of Santa Barbara. The proposed new MPA, to be named Mishopshno in honor of 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 Committee<sup>21</sup>, the proposed new Mishopshno SMCA would span nearly 4 miles of shoreline and encompass

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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 meeting<sup>22</sup>, 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

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<sup>22</sup> Video available at [https://cal-span.org/meeting/cfg\\_20260421/](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 Arafah-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.

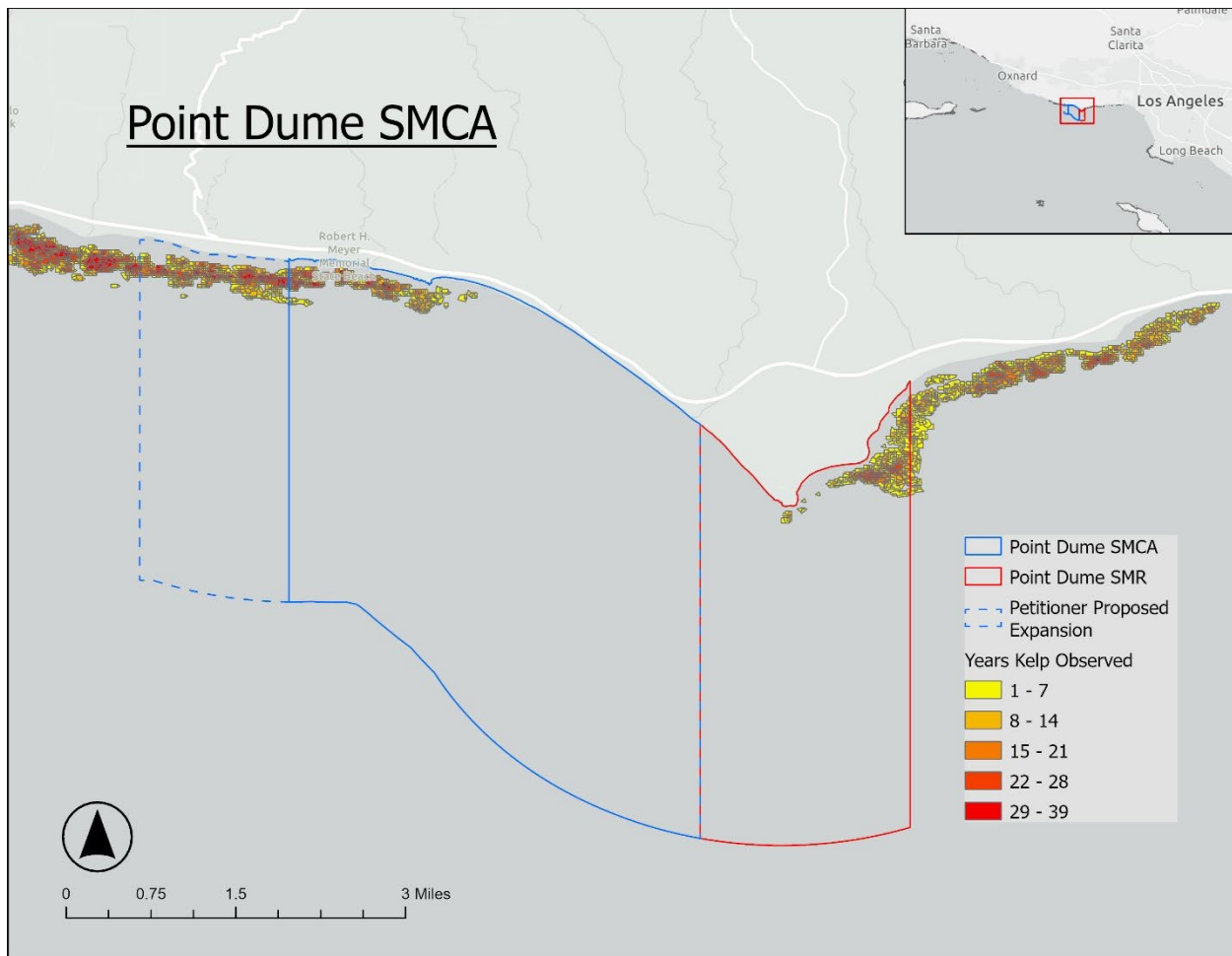
Of the actions proposed in the petition, OPC recommends that CFGC deny the proposed expansion of Natural Bridges SMR and deny the proposed designation of a new SMCA at Pleasure Point. Both of these areas are located in Santa Cruz, at the northern end of the Monterey Bay. As described above, empirical 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.

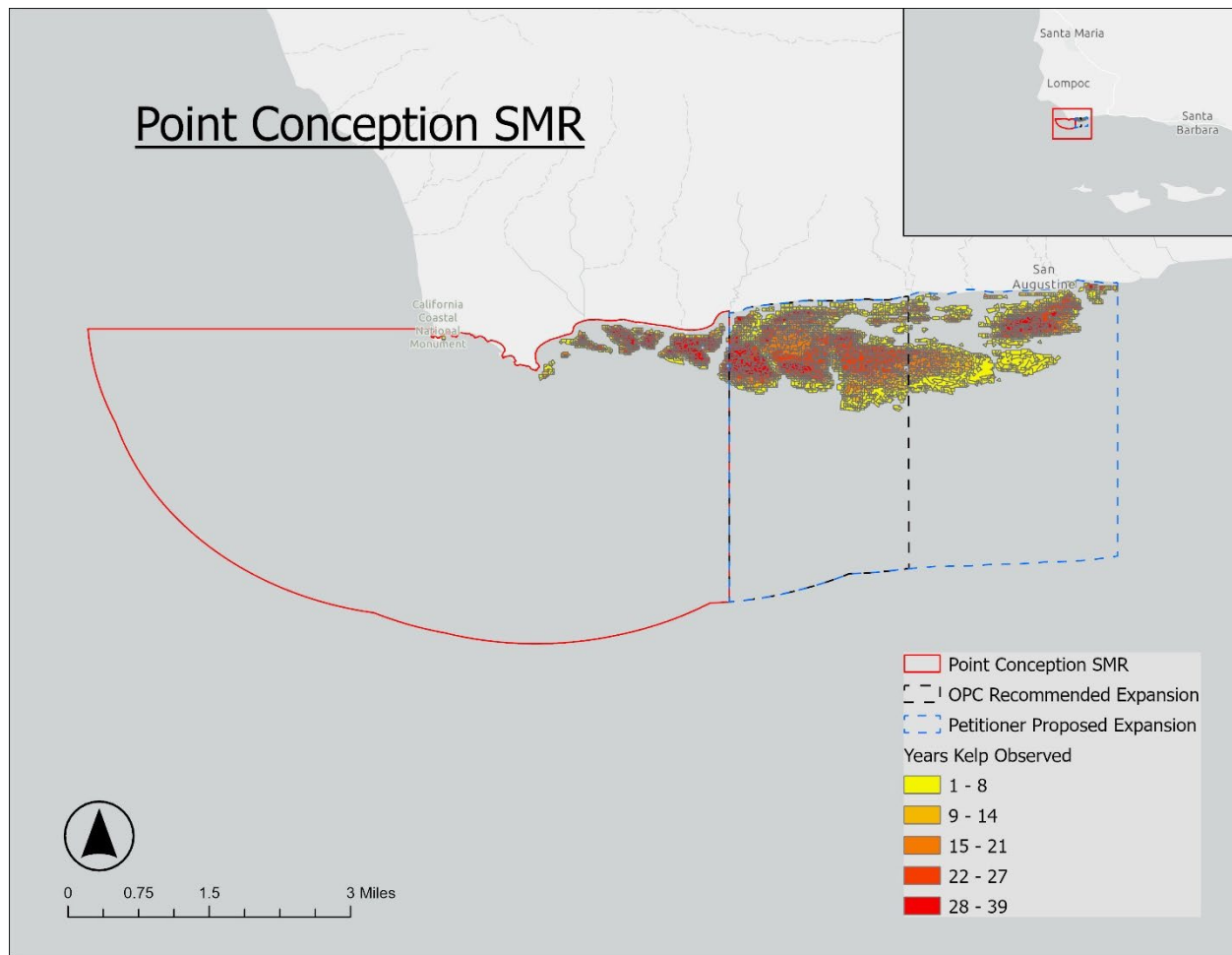
OPC recommends approval, with modifications, of the remaining two proposed actions in Southern California (expansion of Point Dume SMCA and Point Conception SMR).

*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.**

| <b>Petition Number</b> | <b>MPA(s) Affected</b>                                                                        | <b>Petitioner</b>                            | <b>Proposed Action</b>                                                                                                                               | <b>OPC Recommendation</b> |
|------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 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                      |

| <b>Petition Number</b>                                                          | <b>MPA(s) Affected</b>                            | <b>Petitioner</b>                    | <b>Proposed Action</b>                                                                                                                           | <b>OPC Recommendation</b>                                                                  |
|---------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 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 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                                                                                       |

| <b>Petition Number</b>                                                             | <b>MPA(s) Affected</b>                                   | <b>Petitioner</b>                                                        | <b>Proposed Action</b>                                                                                           | <b>OPC Recommendation</b>                                                                  |
|------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 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<br>(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<br>(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<br>(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                                                   |

| <b>Petition Number</b>                                                   | <b>MPA(s) Affected</b>                                              | <b>Petitioner</b>                            | <b>Proposed Action</b>                                                                                                                                 | <b>OPC Recommendation</b>                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2023-32MPA<br>(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                                                                                     | <p>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.</p> <p>Deny proposed expansion of Natural Bridges SMR, Cabrillo SMR, South Point SMR, or Gull Island SMR.</p> <p>Deny proposed designation of a new SMCA at Pleasure Point.</p> |
| 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 Fish and Game Commission

Table Summarizing Proposed Actions, Petitioner's Rationale, Department Recommendations, and Brief Rationale fo Actions Proposed in Petition 2023-23MPA\_ AM1

Sourced from California Department of Fish and Wildlife

April 18, 2026

| Petition Number with Action ID                 | Proposed Action                                                                                                                                                                                                                                                                                                     | Petitioner's Stated Rationale                                                                                                                                                                                                                                                                                                         | Department Recommendation | Brief Rationale for Department Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2023-23MPA_1<br>2023-23MPA_26<br>2023-23MPA_11 | For diver safety, prohibit recreational and commercial take of finfish when a petitioner-proposed "kelp restoration management permit" is active within three MPAs: <ul style="list-style-type: none"><li>• Edward F. Ricketts SMCA</li><li>• Pacific Grove Marine Gardens SMCA</li><li>• Carmel Bay SMCA</li></ul> | <p>The petitioner's stated intent for the proposed change is:</p> <p>"Kelp forests need protection from fishing pressure which has detrimental effects on species richness and kelp biomass." and "This is safer for the volunteer divers involved to avoid fishing boat traffic or getting hooked by fishing gear while diving."</p> | Deny                      | <p>The proposed change to prohibit recreational and commercial take of finfish in three MPAs when a petitioner-proposed "kelp restoration management permit" is active, or while kelp restoration activities are occurring under a Scientific Collecting Permit (SCP) or Restoration Management Permit, for diver safety does not advance adaptive management recommendations from the Decadal Management Review (DMR) nor does it address a current or emerging MPA management challenge. Divers and fishers currently co-exist in MPAs, and diver safety can be addressed through project-specific safety plans and operational coordination without amending MPA regulations.</p> <p>Implementation of this change would make outreach and enforcement nearly impossible, especially considering many kelp restoration activities occur underwater and would be occurring intermittently. The proposed change would undermine regulatory clarity and the enforceability standards that the MPA Network relies upon for effectiveness. The limited term of a permit for kelp restoration activities means the MPA regulations would become obsolete at the end of the permit term. This would result in the MPA regulations having relic language that would need to be removed through subsequent regulatory packages.</p> |

| Petition Number with Action ID                                                             | Proposed Action                                                                                                                                                                                                                          | Petitioner's Stated Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Department Recommendation | Brief Rationale for Department Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2023-23MPA_2</b><br><b>2023-23MPA_7</b><br><b>2023-23MPA_12</b><br><b>2023-23MPA_16</b> | Allow unlimited recreational urchin removal in four MPAs: <ul style="list-style-type: none"> <li>• Edward F. Ricketts SMCA</li> <li>• Pacific Grove Marine Gardens SMCA</li> <li>• Carmel Bay SMCA</li> <li>• Point Lobos SMR</li> </ul> | <p>The petitioner's stated intent for the proposed change is:</p> <p>"Due to widespread urchin barrens following the 2014-2016 marine heat wave and kelp biomass decline in central and northern California, kelp restoration is a proven remedy by scuba divers culling urchins to suppress grazing pressure."</p>                                                                                                                                                                                                                                                                                                                                        | <b>Deny</b>               | <p>The proposed change to allow unlimited urchin take conflicts with the state's legislatively established Wanton Waste rule (Fish &amp; G. Code § 7704), which was enacted to prevent waste of fish taken in state waters. Although the petition proposes an exemption to this rule (see 2023-23MPA_27), adopting this proposed change in the MPA regulations would require a subsequent legislative amendment, which is outside the regulatory authority of the California Fish and Game Commission (CFGC).</p> <p>Additionally, urchin removal efforts are unlikely to result in meaningful and sustained kelp recovery without holistically addressing the site-specific drivers of kelp loss. CDFW in partnership with the Ocean Protection Council (OPC) is developing the Kelp Restoration and Management Plan (KRMP), a robust, adaptive, climate-ready approach to managing the state's kelp forest ecosystems in the face of changing ocean conditions. Kelp restoration and management efforts in California should be guided by the KRMP, as well as the forthcoming decision-making framework for permitting restoration activities in MPAs (DMR Recommendation 18). The KRMP and ongoing research will identify locations where restoration may be appropriate the best intervention strategies, and the scope and scale of those interventions. CDFW will continue to support and permit kelp research and restoration projects on a case-by-case basis until the KRMP is complete and CDFW can complete DMR Recommendation 18 to provide guidance on restoration of kelp in MPAs.</p> |
| <b>2023-23MPA-AM_20</b>                                                                    | Establish new "Tanker's Reef SMR" near Monterey (covering 193 acres, or 0.3 sq miles)                                                                                                                                                    | <p>The petitioner's stated intent for the proposed change is:</p> <p>"[The kelp forest inside the Tanker's Reef area] was created by volunteer divers and is very vulnerable from [sic] fishing pressure because it is outside of MPA fishing prohibitions."; "reduce externalities as much as possible to determine a natural process of kelp reforestation"; "Fishermen taking fish is an externality for the scientific design and confounds the results. Fishing gear often becomes entangled in underwater navigation cables used to guide divers. Furthermore, boat propellers are a threat to injure scuba divers in the area under the water."</p> | <b>Deny</b>               | <p>The proposed SMR at 0.3 square miles falls far below the minimum area required to function as a replicate in the MPA network (≥9 square miles). As such, it would not improve network design or meet the scientific criteria necessary to meaningfully enhance biodiversity protection, connectivity, or population resilience. Additionally, it would not address the underlying drivers of kelp decline in the region, would conflict with the petitioner's desire to continue urchin removal at the proposed site and would create new management challenges without corresponding ecological or programmatic benefit. The proposal would add another MPA to an already well-protected area, unnecessarily impacting an important accessible recreational and commercial fishing area. The proposal does not advance adaptive management recommendations from the DMR nor does it address a current or emerging MPA management challenge. The proposal does not align with the Goals of the Marine Life Protection Act (MLPA) or the adaptive management objectives of the MPA Master Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Petition Number with Action ID | Proposed Action                                                                                                                         | Petitioner's Stated Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Department Recommendation | Brief Rationale for Department Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2023-23MPA_21                  | Create regulatory pathway to allow placing of artificial reef structures and sunken ship for recreational diving (MPAs not specified).  | <p>The petitioner's stated intent for the proposed change is:</p> <p>"Creating a shipwreck in protected nearshore waters deep enough to not be displaced by winter storms would be of interest to the scuba diving community. It will also serve as a unique scientific baseline to observe what is the order of marine life formation on a "blank" surface. It may also be beneficial to plant kelp on artificial structures better suited to kelp growth and marine aquaculture."</p>                              | Deny                      | <p>The proposed change, to create a regulatory pathway to allow placement of artificial reef structures and sunken ship for recreational diving does not advance adaptive management recommendations from the DMR nor does it address a current or emerging MPA management challenge. The proposed change is not compatible with the current legislative framework for state MPAs, the MLPA's conservation objectives, or the intent of California's MPA Network.</p> <p>Legislation establishing MPAs and the current MPA regulations prevent installation of new infrastructure such as a sunken ship in an MPA to minimize human disturbance in MPAs. There are existing regulatory pathways where CDFW can permit artificial reefs as tools for habitat restoration or other research. There are also existing pathways for permitting research related to kelp recruitment on artificial structures, kelp restoration, and marine aquaculture. These activities do not necessarily need to be done within MPAs, and particularly not in SMRs. MPAs often serve as reference locations for research due to the baseline and long-term monitoring data sets and because of the opportunity to observe natural systems with limited human interference.</p> |
| 2023-23MPA_22                  | Allow the placement of seasonal mooring buoys in permitted restoration areas, including MPAs (MPAs not specified).                      | <p>The petitioner's stated intent for the proposed change is:</p> <p>"In a sensitive kelp restoration site that has frequent visits, dropping and recovery of the anchor disturbs the kelp we are trying to defend. By deploying a temporary buoy that the boats can attach to instead of dropping an anchor, the kelp is not disturbed. The use of buoys also aids the divers in the kelp restoration activity by providing underwater visual markers to guide where to cull the urchins and protect the kelp."</p> | Deny                      | <p>The proposed change, to allow the placement of seasonal mooring buoys in permitted restoration areas including MPAs, does not advance adaptive management recommendations from the DMR nor does it address a current or emerging MPA management challenge. Incidental take for construction of new structures (such as buoy fixture points) is not allowed under current legislation, except as part of a CDFW-permitted scientific or restoration project. CDFW has existing permitting pathways through which restoration activities involving temporary in-water structures could be reviewed and authorized. There is no need to amend regulations to accomplish this.</p> <p>After the completion of the DMR recommendations, CDFW could evaluate whether there is a need to assess MPAs in the network where installation of temporary or permanent moorings could minimize or avoid impacts to sensitive habitats where boat anchoring (fishing and other vessels) is persistent.</p>                                                                                                                                                                                                                                                               |
| 2023-23MPA_23                  | Develop a framework to evaluate and approve appropriate restoration and mitigation actions within MPAs and marine managed areas (MMAs). | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | NA                        | This action was created in error as this statement was quoted from the DMR recommendations in the petition was intended as rational to support action item 2023-23MPA_24, but was incorrectly interpreted as a proposed change when petitions were initially reviewed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Petition Number with Action ID | Proposed Action                                                                                                                                                                                                                                                                                | Petitioner's Stated Rationale                                                                                                                                                                                                                                                                                                                                                                    | Department Recommendation | Brief Rationale for Department Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 2023-23MPA-AM_24               | Establish an approval process within CDFW's SCP program to grant permits of up to 10-years for urchin removal and kelp restoration within MPAs (MPAs not specified).                                                                                                                           | The petitioner's stated intent for the proposed change is to facilitate scientific collecting permit permitting (SCP) of their kelp restoration projects. The petition states that the current SCP permit process is "exceedingly slow and inappropriate mechanism which, by rule, restricts the restoration activity to being deliberately inconsequential to improving the health of the MPA." | Deny                      | <p>The proposed change, to establish an approval process within CDFW's SCP program to grant permits of up to 10-years for urchin removal and kelp restoration within MPAs, does not advance adaptive management recommendations from the DMR nor does it address a current or emerging MPA management challenge.</p> <p>The current SCP regulations include one year permit terms for students and up to a three-year permit term for Individual/Entity Permit holders, with the ability to apply to renew the permit at the end of the term. The current permit durations and renewal process ensure that CDFW can periodically review the activities and adjust permit conditions as needed. The current permit terms also ensure CDFW receives and can regularly verify that permit holders are in good standing with their permit conditions. CDFW would not have sufficient oversight with a 10-year permit term.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2023-23MPA_25                  | Consider proposed kelp restoration sites as G2KR-adopted reefs for continued kelp restoration.                                                                                                                                                                                                 | <p>The petitioner's stated intent for the proposed change is:</p> <p>CFGC should "affirm kelp restoration as public policy in MPAs and to celebrate community collaboration in kelp restoration, mitigating climate change, and conserving biodiversity in public outreach to stakeholders and encourage ocean stewardship."</p>                                                                 | Deny                      | CDFW affirms the importance of kelp restoration and management and continues to invest in the KRMP. CFGC or CDFW do not need to change the MPA regulations to affirm the importance of kelp restoration and management.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2023-23MPA_26                  | <p>Allow commercial urchin harvest in MPAs for restoration in five MPAs:</p> <ul style="list-style-type: none"> <li>• Edward F. Ricketts SMCA</li> <li>• Pacific Grove Marine Gardens SMCA</li> <li>• Carmel Bay SMCA</li> <li>• Point Lobos SMR</li> <li>• new "Tanker's Reef SMR"</li> </ul> | <p>The petitioner's stated intent for the proposed change is:</p> <p>"Commercial fishing regulations will require a restoration exception to harvesting urchins in MPAs" in order to participate in restoration activities as requested and described in the petition.</p>                                                                                                                       | Deny                      | <p>The proposed change to allow commercial urchin harvest within three State Marine Conservation Areas (SMCAs) and one State Marine Reserve (SMR) does not advance adaptive management recommendations from the DMR, nor does it address a current or emerging MPA management challenge. Further, the change would conflict with the original goals of these MPAs and potentially undermine the long-term MPA Monitoring Program.</p> <p>Additionally, commercial urchin removal efforts are unlikely to result in meaningful and sustained kelp recovery without holistically addressing the site-specific drivers of kelp loss. CDFW in partnership with the OPC is developing the KRMP, a robust, adaptive, climate-ready approach to managing the state's kelp forest ecosystems in the face of changing ocean conditions. Kelp restoration and management efforts in California should be guided by the KRMP. The forthcoming decision-making framework for permitting restoration activities in MPAs, which is also in development, will work in conjunction with the KRMP to inform appropriate locations for restoration implementation. The KRMP and ongoing research will identify locations where restoration may be appropriate, the best intervention strategies, and the scope and scale of those interventions. CDFW will continue to support and permit kelp research and restoration projects on a case-by-case basis until the KRMP is complete and CDFW can complete DMR Recommendation 18 to provide guidance on restoration of kelp in MPAs.</p> |

| Petition Number with Action ID                           | Proposed Action                                                                                                                                                                                                                                                                                                                                                                                                                                             | Petitioner's Stated Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Department Recommendation        | Brief Rationale for Department Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2023-23MPA_27                                            | Grant commercial urchin divers an exemption to Wanton Waste Rule to allow for take of un-marketable urchins while participating in kelp restoration and/or allow commercial divers to take urchin under recreational rules, in five MPAs: <ul style="list-style-type: none"> <li>• Edward F. Ricketts SMCA</li> <li>• Pacific Grove Marine Gardens SMCA</li> <li>• Carmel Bay SMCA</li> <li>• Point Lobos SMR</li> <li>• new "Tanker's Reef SMR"</li> </ul> | The petitioner's stated intent for the proposed change is:<br><br>"Commercial fishing regulations will require a restoration exception to harvesting urchins in MPAs and exemption to the wanton waste rule for kelp restoration activities to allow commercial fishermen to cull urchins that are below the 4.5 cm minimum useful harvest size or for commercial divers to alternate between commercial and recreational fishing."                                                                                                                                              | Deny                             | The proposed exemption from the Wanton Waste Rule would require legislative amendment to the Fish & G. Code (§7704) and for CFGC to revise the Waste of Fish regulation (Cal. Code Regs. Title 14 §1.87), and the state's recreational and commercial invertebrate fishing regulations (Cal. Code Regs. Title 14 § 29.06 and Cal. Code regs. Title § 120.7), which are all in place to ensure species are harvested sustainably and in a manner that prevents waste of species taken in state waters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2023-23MPA-AM_28                                         | CFGC and CDFW promote kelp restoration collaboration on their website and in public outreach.                                                                                                                                                                                                                                                                                                                                                               | The petitioner's stated intent for the proposed change is:<br><br>"We ask that FGC and the Department promote kelp restoration collaboration on their website and in public outreach."                                                                                                                                                                                                                                                                                                                                                                                           | Support with alternative pathway | The proposed action does not require a regulatory change to implement. CDFW will continue to prioritize kelp recovery and the value of partnerships and collaborations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2023-23MPA_3, 4, 5, 8, 9, 10, 13, 14, 15, 17, 18, and 19 | In Edward F. Ricketts SMCA, Pacific Grove Marine Gardens SMCA, Carmel Bay SMCA, and Point Lobos SMR, allow the following activities to occur without an SCP: <ul style="list-style-type: none"> <li>• Out-planting kelp on the reef,</li> <li>• Spore dispersal by sporophyte bags,</li> <li>• Pruning kelp canopy to promote growth and resilience to storms.</li> </ul>                                                                                   | The petitioner's stated intent for the proposed change is:<br><br>"[The SCP Process] is exceedingly slow and inappropriate mechanism which, by rule, restricts the restoration activity to being deliberately inconsequential to improving the health of the MPA." With regards to kelp restoration activities the petition states: "Due to widespread urchin barrens following the 2014-2016 marine heat wave and kelp biomass decline in central and northern California," kelp restoration methods such as this are needed to "to enhance kelp recruitment and survivorship." | Deny                             | The proposed change does not advance adaptive management recommendations from the DMR nor does it address a current or emerging MPA management challenge. CDFW supports kelp restoration and research efforts through the issuance of SCPs and is exploring the use of Restoration Management Permits to authorize kelp restoration. Kelp restoration and management efforts should be guided by the KRMP. The proposal to allow activities including kelp out-planting, spore dispersal by sporophyte bags, and canopy pruning within or outside MPAs without a valid SCP does not align with current permitting and regulatory frameworks.<br><br>Fish & G. Code, §1002 and SCP regulations are clear that an SCP is required to take or possess wildlife, defined as "any form of plant or animal life," for propagation purposes. Therefore, the SCP regulations are relevant to all restoration and research activities proposing to take kelp from or outplant kelp into marine waters for the purpose of kelp propagation. The SCP regulations ensure scientific research, education, and propagation activities in marine waters are scientifically justified, ecologically appropriate, and legally compliant. Results of permitted activities are reported back to CDFW, and contribute to the conservation, protection of fish and wildlife populations in California, helping inform CDFW management decisions.<br><br>The proposed change would also create significant enforcement, compliance, and |

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## FGC questions for October 15-16 FGC Meeting

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From Keith Rootsart <keith@g2kr.com>

Date Thu 08/20/2026 09:08 PM

To FGC <FGC@fgc.ca.gov>

Dear Fish and Game Commissioners,

At the August 12 FGC meeting President Sklar asked for any questions, comments or needed information for the October discussion meeting to be submitted in writing in 10 days. Our presentation on Agenda Item 7C summarized our rationale and offered a spatial solution; kelp restoration by permit in administrative kelp beds that may contain MPAs.

For your consideration are the following five unresolved issues we have prior to the October 15-16 FGC MPA meetings. Discussion of our petition may be simpler if these questions were answered.

1. What is the purpose of a Marine Protected Area?

In our Decadal Management Review Petition version 2023-23MPA\_AM1 the objection from CDFW assumes incorrectly that the goal of the MLPA are urchin barrens exclusively for scientific experiments, not to be disturbed by kelp restoration. However, the true goals of the MLPA are to conserve biodiversity, not to allow destructive pests to wreck the ecosystem. The fur trade nearly extirpated the sea otters beginning in the 1750s, resulting in prey like abalone and sea urchins to thrive and eat the kelp forests. Yet, in MLPA 1.0 urchin infestation was not considered in the design of the MPAs and the promised flexibility of Adaptive Management was not implemented which allowed the eventual kelp calamity to spread unchecked. What is the purpose of an MPA? is the central question of our petition, and it remains unanswered. Can we restore biodiversity in MPAs, our best places?

2. Is fishing detrimental to kelp?

Fishing pressure at the Pacific Grove Marine Gardens State Marine Conservation Area (established in 2007) correlates well with the outbreak of urchins in 2011 that spread east into Monterey Bay and south down the Big Sur Coast to Morro Bay. The spread of urchin barrens and kelp loss on the Central Coast began at this SMCA in 2017 and spread without intervention. We know that fish are a functioning part of a kelp forest ecosystem and removing them allows fish prey to thrive which eat kelp. Fish eat urchins and snails which are kelp grazers. Trap fishing methods are incredibly damaging to kelp directly by dropping pots in the kelp forest which get tangled and when raised are hacked out with a machete; not just the surface canopy, but the entire algae. The ultimate question "Is fishing detrimental to kelp" was answered by the DMR science, but still refutable by the fishing community because urchins ignored the boundaries and wrecked kelp everywhere. If fishing has no effect on a kelp forest ecosystem, why have MPAs to protect kelp forests at all? If fishing is detrimental to kelp forests, shouldn't we stop doing that?

### 3. Giant kelp harvesting is beneficial to kelp

Pruning the perennial giant kelp canopy improves the kelp forest. In 1950 the Division of Fish and Game said on page 59 of their [biennial report](#) that “utilization tends to improve the original supply.” Mike Nelson claimed as much on [Sea Hunt in 1959](#) (2x38). Kelp harvesting acts as a proxy for the now extinct Steller’s sea cow. Yet kelp is not allowed to be harvested in SMRs per section 165. Giant kelp harvesting should be allowed in SMRs and SMCAs.

### 4. Commercial urchin fishing

The Sea Urchin Advisory Committee needed to reduce the number of urchin fishers from 900 participants to 150 for the sake of profitability and protection of the red urchin resource. Today, the California Sea Urchin Commission divers are mostly removing market-ready red urchins and leaving the smaller red urchins to harvest later, thereby sustaining a species that eats kelp. We need commercial fishers to adapt to a changing ocean by targeting purple and red urchins in kelp restoration activities. According to Grant Downie the purples taste better than the reds and are preferred 9 to 1. However, the rules for urchin fishing are stuck in 1988. We need to change the commercial urchin fishing regulations to allow more commercial urchin divers to harvest urchins, and for recreational divers to assist where possible. A March proposal for three minor changes to 120.7 for the CSUC board to consider went unanswered and we ask FGC staff to facilitate a discussion.

### 5. Restoration is a permissible activity

State Marine Reserves can permit kelp restoration. California Code of Regulations section 36710 was unanimously changed by the California legislature in 2021 to add the word “restoration” to the description of State Marine Conservation Areas to match the description of the SMRs. However, Title 14, section 623 of the Fish and Game Commission language was not updated to reflect the change in permissible activity. The petition evaluation and the Companion Document omit any reference to which language they were following regarding restoration in MPAs. Our petition recommendation from CDFW indicates that the reviewers considered kelp restoration NOT a permissible activity in SMRs or SMCAs. Were the reviewers following outdated language? Applying 36710, would their recommendations change?

Keith Rootsart  
Giant Kelp Restoration  
408-206-0721



**Giant Kelp**  
Restoration Project

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**FGC Meeting Oct. 14, Agenda Item #27**

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From Keith Rootsart [REDACTED]

Date Wed 09/30/2026 02:31 PM

To FGC <FGC@fgc.ca.gov>

Cc Miller-Henson, Melissa [REDACTED]

Dear FGC Staff

Specific to Petition 2023-23MPA\_AM2, published errors continue to misrepresent our petition; influencing the general public and the reviewing agencies.

1. [StoryMap](#) shows different boundaries and designations than we proposed.
2. Title 14, 623 is not conformed to Code of Regulations 36710.
3. Four proposed kelp restoration methods in five MPAs; 20 action items, were ignored.
4. Petition version AM2, changing SMCAs to SMRs as originally proposed, is not on the agenda for October 14, Agenda Item 27. The item description is for AM1, which is inaccurate and not as clarified to FGC staff on 9/1.

Thanks,

Keith Rootsart  
Giant Kelp Restoration  
[REDACTED]



**Giant Kelp**  
Restoration Project



Outlook

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## October FGC Meeting Agenda Item 27

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**From** Keith Rootsart [REDACTED]  
**Date** Wed 09/30/2026 01:15 PM  
**To** FGC <FGC@fgc.ca.gov>  
**Cc** G2KR Team [REDACTED] Ashcraft, Susan [REDACTED] Specht, Amanda-Contractor [REDACTED]

Dear FGC staff,

Attached Report: Final Community Working Group Recommendations to the California Department of Fish and Wildlife.

We are submitting this as a public comment document for the October 14 FGC Meeting, Agenda Item #27 – Petition 2023-23MPA\_AM2 prior to the Comment Deadline, September 30, 2026 at 5:00 PM.

On Sept. 4<sup>th</sup> I submitted the April 27 CWG Meeting #6 Summary, but the attached document is much easier to read and the recommendations are better organized. The earlier summary is now Appendix B. Please disregard my submittal on September 4.

We are very supportive of Recommendation R3 (was R4)

### R3. Restoration in Marine Protected Areas (MPAs)

Category: Restoration

Consensus Level: Full Consensus

#### *Recommendation*

The CWG recommends the KRMP support **restoration in Marine Protected Areas (MPAs)**.

#### *Rationale & Notes*

As MPAs continue to be adaptively managed by all MPA management agencies and partners, all MPA management partners and agencies should collaborate closely with CDFW's KRMP team to ensure that research, monitoring, restoration, and management efforts remain coordinated and mutually supportive. Strengthening coordination across programs will help align kelp management and restoration activities within and adjacent to MPAs with the broader conservation, biodiversity, ecosystem resilience, and climate adaptation goals of the MPA network.

Recommendation R3 supports kelp restoration in MPAs, the central question of petition 2023-23MPA\_AM2.

Thank you,

Keith Rootsart  
Giant Giant Kelp Restoration



**Giant Giant Kelp**  
Restoration Project

# **REPORT: FINAL COMMUNITY WORKING GROUP RECOMMENDATIONS TO THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

*Kelp Restoration and Management Plan Development*

July 20, 2026



Photographs by Kristen Elsmore and Shelby Kawana

*Prepared by Strategic Earth Consulting*

## Executive Summary

### Purpose

This document presents consensus and minority recommendations from the Kelp Restoration and Management Plan (KRMP) Community Working Group (CWG) to inform the California Department of Fish and Wildlife (CDFW) and California Ocean Protection Council's (OPC) development of the KRMP. The recommendations aim to support adaptive, science-based, and community-informed kelp management across California.

### Process

The CWG is an informal advisory body convened by CDFW and OPC, with support from Strategic Earth Consulting. It is composed of members of California Native American Tribes, stakeholders, and interested members of the public, to help inform the design and development of the KRMP. The CWG met over a series of sessions from July 2023 to April 2026, using iterative drafting, discussion, and voting to refine and finalize recommendations. The CWG finalized the following recommendations during a four-hour virtual meeting on April 27, 2026. The recommendations reflect the agreements of CWG members present at the meeting (as per the voting protocols defined in the [CWG charter](#)). In some cases, the recommendations are not the exact language used when the votes were taken, and the language of some recommendations has been adjusted to improve clarity. Updates to the voting language, however, have not changed the goal or spirit of the recommendation. Additional context and the voting record are included in the meeting summary (appendix and posted on the [KRMP webpage](#)). Explanatory notes are provided below each recommendation.

### Summary of Recommendations & Key Takeaways

The CWG reviewed a total of 21 recommendations, including 17 consensus recommendations and 4 minority recommendations. The CWG strongly supports an adaptive, ecosystem-based management approach grounded in multiple knowledge systems, including the best available science, Traditional Ecological Knowledges, and community-based monitoring. There is broad agreement that restoration, monitoring, and research should be prioritized in the KRMP—especially in areas where kelp is degraded but recoverable—and that these efforts must be supported by stronger coordination, clearer permitting pathways, and long-term funding. Community and Tribal partnerships are central to the success of the KRMP, and there is a need to expand CDFW's capacity through volunteer networks, public engagement tools, and collaborative monitoring. Additionally, the CWG emphasized the importance of flexibility, innovation, and responsiveness to changing ocean conditions.

While the recommendations include themes of Tribal co-management and general Tribal perspectives related to Traditional Ecological Knowledges, the CWG did not make recommendations on Tribal priorities. Tribal input will be provided to CDFW and OPC through other processes including direct Tribal engagement (i.e., a Tribal subcommittee and Tribal forum) and [government-to-government consultation](#).

## How to Read This Document

Recommendations were developed iteratively and not voted upon in sequential order. Final recommendations are presented here using a new numbering system (R1, R2, etc.) that is different from the April 27 meeting summary. A crosswalk to the original draft recommendations is provided in the Appendix.

## Recommendations Overview

“Full Consensus” is defined as all members in attendance being in support. “ $\frac{2}{3}$  Consensus” is defined in the charter as at least  $\frac{2}{3}$  of those present to approve, while “minority” recommendations are defined as a minimum of two CWG members to approve a recommendation.

| Final ID | Title                                                                 | Category           | Consensus Level |
|----------|-----------------------------------------------------------------------|--------------------|-----------------|
| R1       | <a href="#">Management Framework</a>                                  | General Management | Full Consensus  |
| R2       | <a href="#">Restoration Toolkit</a>                                   | Restoration        | Full Consensus  |
| R3       | <a href="#">Restoration in Marine Protected Areas (MPAs)</a>          | Restoration        | Full Consensus  |
| R4       | <a href="#">Strengthen Partnerships &amp; Capacity</a>                | Engagement         | Full Consensus  |
| R5       | <a href="#">Outreach &amp; Engagement</a>                             | Engagement         | Full Consensus  |
| R6       | <a href="#">Community &amp; Tribal Networks to Support Management</a> | Engagement         | Full Consensus  |
| R7       | <a href="#">Permitting Clarity</a>                                    | General Management | Full Consensus  |
| R8       | <a href="#">Coordinating with Community Groups</a>                    | Engagement         | Full Consensus  |
| R9       | <a href="#">Non-commercial Harvest Best Practices Guide</a>           | Harvest            | Full Consensus  |
| R10      | <a href="#">Cumulative Impacts on Kelp Forests</a>                    | General Management | Full Consensus  |
| R11      | <a href="#">Inter-/Intra-agency Permitting</a>                        | General Management | Full Consensus  |

|         |                                                        |                    |                         |
|---------|--------------------------------------------------------|--------------------|-------------------------|
| R12     | <a href="#">CDFW Funding &amp; Capacity Priorities</a> | General Management | $\frac{2}{3}$ Consensus |
| R13     | <a href="#">Kelp Observation Tool</a>                  | General Management | $\frac{2}{3}$ Consensus |
| R14     | <a href="#">State Funding</a>                          | General Management | $\frac{2}{3}$ Consensus |
| R15     | <a href="#">Artificial Reefs</a>                       | Restoration        | $\frac{2}{3}$ Consensus |
| R16     | <a href="#">Volunteer Fund</a>                         | General Management | $\frac{2}{3}$ Consensus |
| R17     | <a href="#">Non-commercial Harvest Tracking</a>        | Harvest            | $\frac{2}{3}$ Consensus |
| M1      | <a href="#">CWG Continuation</a>                       | Engagement         | Minority Opinion        |
| M2a & b | <a href="#">Tracking Non-Commercial Harvest</a>        | Harvest            | Minority Opinion        |
| M3      | <a href="#">Commercial Harvest Limits</a>              | Harvest            | Minority Opinion        |



*Photograph by Rachelle Fisher. Image of the May 22, 2025, CWG meeting.*

## Consensus Recommendations

### R1. Management Framework

Category: General Management

Consensus Level: Full Consensus

#### **Recommendation:**

The CWG recommends CDFW develop a **flexible management framework** that accounts for the dynamic nature of kelp ecosystems and changing ecological conditions to allow for adaptive management. The framework should **define kelp forest health** by integrating multiple knowledge systems, including conventional scientific research, community observations and knowledge, and Traditional Ecological Knowledges. Indicators of ecosystem health should be **context-specific**, recognizing that they may differ between giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis luetkeana*) systems, **and may shift over time** due to seasonal, social, cultural, and environmental factors (e.g., climate change).

The framework should incorporate clear ecological **indicators** (e.g., kelp canopy loss, urchin density, and the presence or absence of key predator species) and identify thresholds or **directional trends** that signal when management actions are warranted, such as research, restoration, or adjustments to harvest practices, as well as when **human intervention** or action may not be necessary.<sup>1</sup> The framework should also account for the **ecological timing, duration, and intensity of stressors**, such as increasing sedimentation following extreme weather events or long-term climate shifts, to inform when and how management actions are implemented.

A **diverse suite of management strategies** should be considered, including harvest regulations, restoration efforts, habitat protection, invasive species control, and robust monitoring programs. These strategies should be designed to **promote biodiversity, ecosystem resilience, and connectivity** among kelp beds. To support decision-making, the framework should **include a structured process for evaluating and prioritizing management actions** based on ecological urgency, cultural value, social interest, economic value, feasibility, ecosystem connectivity, and risk.

The framework should actively support and integrate **long-term, community-based monitoring programs and partnerships**, incorporating Traditional Ecological Knowledges and community-informed observations to strengthen data collection, improve understanding of kelp ecosystem dynamics, and inform adaptive management. It should also include **mechanisms for rapid response** to emerging conditions, as well as a **commitment to regularly review and update management strategies** based on evolving climate trends, ecological models, and restoration outcomes.

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<sup>1</sup> Even if/when human intervention is not necessary, research and/or monitoring may still be warranted in the "no action" approach.

In addition, the framework should include guidance for **designing effective restoration programs** that consider the underlying drivers of ecosystem change and the conditions under which intervention is most likely to succeed. This includes evaluating factors such as optimal grazer densities, predator-prey dynamics (including *Pycnopodia*), and site-specific ecological conditions. Clear pathways should be established to **incorporate new and emerging science, monitoring data, Traditional Ecological Knowledges, community input, and lessons learned** over time to ensure the framework remains **adaptive and responsive**.

The framework should also establish **clear guidelines and policies addressing both ongoing and emerging issues** in kelp management, including genetic research, translocation, and the potential use of novel technologies. Management approaches should prioritize **maintaining**, and, where necessary, **restoring ecological function** across kelp ecosystems.

A broad **ecosystem-based management approach** should underpin the framework, recognizing that kelp forests are shaped by complex ecological interactions. This approach can help address root causes of kelp decline, improve the long-term effectiveness of management actions, minimize unintended consequences, and also support associated kelp species such as Feather Boa Kelp (*Egregia menziesii*), Stalked Kelp (*Pterygophora californica*), and Southern Stiff-Stiped Kelp (*Laminaria setchellii*).

The framework should **reflect the diverse interests and uses of kelp ecosystems across California**, including those of Tribal communities, commercial and recreational users, conservation groups, and non-consumptive ocean users. It should account for the **distinct ecological characteristics and growth patterns of giant kelp and bull kelp** when developing management strategies. To support implementation, the framework should **streamline permitting pathways** by improving regulatory clarity, operationalizing tools such as the [Restoration Management Permit](#), and providing resources to help applicants navigate the process.

Improved data collection and assessment should be prioritized to **better understand kelp loss** associated with fishery-related bycatch and the ecological impacts of removing drift kelp, including wrack and water-column algae. The framework should also include a **glossary of key terms and definitions** to promote clarity and shared understanding.

### ***Rationale & Notes***

Kelp ecosystems are highly dynamic and shaped by complex ecological, climatic, cultural, and human factors that vary across regions and over time, making a flexible and adaptive management framework essential for effective long-term stewardship. Integrating multiple knowledge systems, including scientific research, community observations, and Traditional Ecological Knowledges, can strengthen understanding of ecosystem conditions, improve responsiveness to changing environmental conditions, and support more informed and inclusive decision-making. A comprehensive, ecosystem-based framework is important to address the complexities of managing California's kelp forest ecosystems.

## R2. Restoration Toolkit

Category: General Management

Consensus Level: Full Consensus

### *Recommendation*

The CWG recommends CDFW **use science, community priorities, and Traditional Ecological Knowledges to develop a comprehensive kelp restoration toolkit that supports effective, adaptive, and inclusive restoration efforts across California.** The toolkit should be fully **integrated into the KRMP management framework** and designed to support restoration strategies that are **ecologically sound, culturally informed, ethically grounded, and logistically feasible**, while minimizing unintended ecological harm.

Restoration efforts should be guided by a **clear understanding of the drivers of kelp decline** at each site, including environmental, biological, and human-caused factors, and should draw upon multiple sources of information and knowledge systems. The toolkit should **include a restoration action-selection framework** that helps identify the most appropriate interventions for local conditions (e.g., grazer suppression, green gravel approaches, kelp outplanting, or protection of remnant kelp forests, etc.). Restoration actions should be **tailored to address site-specific drivers** of kelp loss with the goal of enhancing kelp ecosystem structure, function, and resilience.

The toolkit should establish **clear action indicators, feasibility criteria, and best practices for restoration implementation.** Restoration approaches should **account for species interactions**, including invasive species dynamics, genetics, energy flow within ecosystems, and culturally appropriate restoration methods. This may include integrated strategies such as pairing urchin removal with sunflower star (*Pycnopodia helianthoides*) restoration, supporting sustainable harvest practices, and prioritizing nature-based solutions where appropriate.

**Innovation** should be actively encouraged within restoration efforts. The toolkit should remain **adaptive and allow for the integration of emerging restoration techniques, technologies, and scientific advancements.** It should also consider accessibility, workforce capacity, labor and economic factors, and insights gained through community networks and ongoing research. In doing so, the toolkit should draw not only on current research in California but also on historical and global lessons learned from centuries of algal management and restoration practices.

To ensure long-term effectiveness, the toolkit should include **robust safeguards** that account for changing environmental and ocean conditions that may influence restoration success. It should also establish standardized metrics and monitoring protocols to **evaluate restoration outcomes and inform adaptive management** over time.

Finally, the toolkit should **maximize opportunities for participation and inclusion in kelp restoration efforts** by reducing barriers to involvement for citizen scientists, community groups, researchers, Tribes, and all interested participants. Expanding access to restoration activities will strengthen stewardship, build long-term capacity, and support broader community investment in kelp ecosystem recovery.

### ***Rationale & Notes***

Effective kelp restoration requires approaches that are adaptive, site-specific, and grounded in a clear understanding of the ecological and human drivers of kelp decline. A comprehensive restoration toolkit can help ensure that restoration actions are science-informed, culturally appropriate, feasible, and responsive to local conditions, while also drawing on community capacity and supporting innovation and the integration of emerging restoration techniques. Where grazer suppression techniques are used, restoration projects should consider productive disposition of removed grazers (e.g., sea urchins), where feasible, so that restoration can potentially create ecological and community value at the same time.

## **R3. Restoration in Marine Protected Areas (MPAs)**

Category: Restoration

Consensus Level: Full Consensus

### ***Recommendation***

The CWG recommends the KRMP support **restoration in Marine Protected Areas (MPAs)**.

### ***Rationale & Notes***

As MPAs continue to be adaptively managed by all MPA management agencies and partners, all MPA management partners and agencies should collaborate closely with CDFW's KRMP team to ensure that research, monitoring, restoration, and management efforts remain coordinated and mutually supportive. Strengthening coordination across programs will help align kelp management and restoration activities within and adjacent to MPAs with the broader conservation, biodiversity, ecosystem resilience, and climate adaptation goals of the MPA network.

## **R4. Strengthen Partnerships & Capacity**

Category: Engagement

Consensus Level: Full Consensus

### ***Recommendation***

To maximize available resources, the CWG recommends that the KRMP outline how **CDFW will strengthen partnerships** to support monitoring, research, restoration, etc.

### ***Rationale & Notes***

Strengthening collaboration with Tribes, academic institutions, community science networks, NGOs, restoration practitioners, local communities, and other state and federal agencies can help expand capacity, leverage existing expertise and infrastructure, reduce duplication of effort, and support more coordinated and effective kelp management across California. Partnerships will also help facilitate information sharing, improve long-term monitoring and restoration efforts, and ensure that diverse knowledge systems and community perspectives continue to inform adaptive management over time. It will be important to reconcile CWG recommendations with the limited staffing and financial resources

available to CDFW, as explained in Recommendation 12, and the need for strong partnerships to successfully implement the KRMP's monitoring, research, restoration, and community engagement goals.

## R5. Outreach & Engagement

Category: Engagement

Consensus Level: Full Consensus

### *Recommendation*

The CWG recommends CDFW develop a **comprehensive, ongoing strategy for engaging Tribes, local communities, recreational and commercial users, NGOs, and other stakeholders** to promote awareness, foster stewardship, and cultivate community-supported research and restoration programs.

### *Rationale & Notes*

Community outreach, education, and sustained stakeholder engagement will be critical to the successful implementation of the KRMP, as local communities often serve as important partners in sharing observations about kelp forest conditions, supporting monitoring and restoration efforts, and fostering long-term stewardship of kelp ecosystems. Consistent with other CWG recommendations on community- and Tribal-led monitoring, partnership development, and adaptive management, engagement efforts should create meaningful opportunities for Tribes, recreational and commercial users, NGOs, educators, researchers, and local communities to participate in kelp management and stewardship. This could include structured engagement opportunities such as public meetings, town halls, listening sessions, workshops, school partnerships, and community education initiatives that increase awareness of kelp ecosystems, restoration efforts, and sustainable harvest practices. Coordination with existing community organizations, educational institutions, and state entities, including the California Department of Education, could develop educational tools, help expand outreach capacity, and strengthen long-term public understanding and stewardship. Since resources are limited, CDFW should leverage existing community networks, advisory bodies, and public meeting platforms to support efficient, accessible, and ongoing statewide engagement.

## R6. Community & Tribal Networks to Support Management

Category: Engagement

Consensus Level: Full Consensus

### *Recommendation*

The CWG recommends the KRMP **prioritize and integrate long-term community- and Tribal-led ecological and socioeconomic monitoring and restoration efforts**, supported by the best available science, to inform adaptive kelp management and stewardship. The KRMP should also recognize, value, and support **volunteer and community networks** as critical partners in advancing the state's monitoring, research, restoration, education, and long-term stewardship efforts.

### *Rationale & Notes*

Kelp restoration and long-term monitoring are labor-intensive efforts that will require sustained capacity, local knowledge, and broad participation to achieve ecosystem-scale impact. Given current staffing and resource limitations (see Recommendation 12), CDFW alone lacks the infrastructure to fully support the level of monitoring, restoration, and community engagement the CWG envisions for the KRMP.

Community and Tribal networks provide an efficient, cost-effective, and locally grounded foundation to expand the state's capacity while strengthening stewardship and public investment in kelp ecosystem recovery. Many existing community-based and Tribal programs already have trained participants, established partnerships, place-based knowledge, and on-the-ground expertise to support long-term restoration and monitoring efforts. Investing in training, coordination, quality assurance, data accessibility, and systems that return information and findings back to participating communities can help strengthen trust, improve consistency, and maintain long-term engagement. Evaluating community readiness, interest, and capacity can also help guide where restoration and monitoring efforts are most likely to be successful and sustainable over time.

## **R7. Permitting Clarity**

Category: Engagement

Consensus Level: Full Consensus

### *Recommendation*

The CWG recommends that CDFW develop **tools to help the public understand the consultation and pre-approval protocols across permitting agencies**, reducing permitting delays and improving project readiness so communities can act quickly and effectively without unnecessary administrative burdens.

### *Rationale & Notes*

There continues to be confusion by the CWG around the roles of state, federal, and local agencies in kelp forest management, research, and restoration. Including clarity in the KRMP around the roles of each agency will improve accountability, support more efficient project implementation (i.e., research and restoration), and enable communities to better navigate the permitting landscape. Additionally, CDFW should have dedicated kelp restoration staff within the CDFW Marine Region's kelp team to provide coordination, technical assistance, and learning support to the public.

## **R8. Coordinating with Community Groups**

Category: Engagement

Consensus Level: Full Consensus

### *Recommendation*

The CWG recommends that the KRMP promote **coordination, alignment, and information sharing among agencies, academic institutions, researchers, community science groups, and local communities** involved in kelp monitoring, restoration, and management.

### ***Rationale & Notes***

Improved coordination ensures that kelp management efforts are science-informed, efficient, and responsive to on-the-ground conditions, while maximizing resources, reducing duplication, and strengthening trust in decision-making. Consistent with other CWG recommendations related to adaptive management, community and Tribal-led monitoring, restoration coordination, and partnership development, stronger coordination can help integrate diverse knowledge systems and improve the collective ability to monitor ecosystem change, identify restoration priorities, and respond adaptively over time. To support these efforts, enhance transparency, and integrate diverse knowledge systems, CDFW could consider developing a centralized, publicly accessible platform or map for real-time data exchange and tracking research and restoration sites. In addition, stronger coordination among agencies, academic partners, and community science groups will reinforce the scientific foundation needed for adaptive kelp restoration and stewardship.

## **R9. Non-Commercial Harvest Best Practices**

Category: Harvest

Consensus Level: Full Consensus

### ***Recommendation***

The CWG recommends **that CDFW develop a best-practices guide for non-commercial bull kelp and giant kelp harvest** to communicate existing regulations and promote voluntary, sustainable harvesting behaviors, while creating opportunities for engagement and leadership within the harvest community. CDFW should develop the guide in collaboration with the commercial and recreational harvest community.

### ***Rationale & Notes***

Commercial bull kelp harvesters have developed best practices that support long-term sustainability, knowledge that can directly inform public stewardship efforts. CDFW should leverage this expertise by collaboratively developing a non-commercial harvest guide to improve public understanding of existing regulations and encourage voluntary, sustainable practices that support kelp ecosystem health. Developing the guide in partnership with harvesters and other stakeholders would help ensure it is practical, accessible, and grounded in on-the-water experience, while also building community trust and shared ownership of stewardship. Ultimately, the guide could serve as a valuable outreach and education tool — promoting responsible harvesting behaviors, increasing awareness of kelp ecosystem dynamics, and fostering leadership, peer education, and deeper engagement across the broader harvest community.

## R10. Cumulative Impacts on Kelp Forests

Category: General Management

Consensus Level: Full Consensus

### *Recommendation*

When kelp forests are in decline, the CWG recommends CDFW **assess and address cumulative stressors**, such as water quality degradation and boat propeller damage, through coordinated action with relevant management agencies (e.g., the California Department of Water Resources) **before implementing harvest closures**.

### *Rationale & Notes*

Kelp forest decline is rarely the result of a single cause, as explained in Recommendation 1. Harvest closures alone may do little to reverse kelp decline if underlying stressors remain unaddressed. Stressors could be anthropogenic (e.g., kelp bycatch, water quality, etc.) or environmental (e.g., ocean temperature, wave action, etc.). Given that both commercial and non-commercial harvest are thought to represent a relatively minimal share of the overall impact on kelp populations, reflexively restricting harvest activity risks placing a disproportionate burden on harvesters without meaningfully improving ecosystem health. A more effective approach requires CDFW to identify and mitigate the cumulative pressures, including water quality, coastal development impacts, and physical disturbance, that are often the primary drivers of kelp forest decline. This coordinated, evidence-based approach ensures that management actions are proportionate, targeted, and more likely to produce lasting ecological outcomes while minimizing economic impacts.

## R11. Inter-/Intra-Agency Permitting

Category: General Management

Consensus Level: Full Consensus

### *Recommendation*

The CWG recommends CDFW **coordinate with other state and federal agencies to streamline permitting processes**, including, but not limited to, research and restoration.

### *Rationale & Notes*

Research and restoration program leads and volunteers continue to experience significant confusion around the processes for obtaining permits and beginning work, which is a barrier to community restoration efforts and discourages participation. The current permitting landscape is fragmented across multiple agencies, each with its own requirements, timelines, and points of contact, making it difficult for even experienced practitioners to navigate efficiently. This complexity disproportionately burdens smaller, community-based organizations and volunteer-led efforts that lack the administrative capacity to manage lengthy or unclear approval processes. CDFW should coordinate internally across

departments and work with other agencies — including the Coastal Commission, State Lands Commission, National Marine Sanctuaries, and State Parks — to streamline permitting processes, reduce duplication, and support coordinated response planning. A more unified and accessible permitting framework would lower barriers to entry, accelerate on-the-ground restoration activity, and help ensure that motivated partners can move from planning to action without unnecessary delay.

## R12. CDFW Funding & Capacity Priorities

Category: General Management

Consensus Level:  $\frac{2}{3}$  Consensus

### *Recommendation*

While all of CDFW's identified management strategies, including Tribal co-management and inter/intra-agency coordination, are important, the CWG recommends CDFW **prioritize research, including Tribally-led science and knowledge, across kelp states and restoration in the degraded, not completely depleted, kelp states.**

### *Rationale & Notes*

CDFW must balance many interconnected management priorities within the KRMP, including Tribal co-management, coordination across agencies and partners, restoration, harvest management, and research with limited capacity and resources. However, research should remain a foundational priority across all kelp forest states (e.g., healthy, in decline, degraded, or completely depleted) to better understand ecosystem dynamics, drivers of decline and recovery, and effective management responses. At the same time, active restoration efforts in degraded kelp states where ecological recovery remains feasible and restoration investments may have the greatest likelihood of success, should be prioritized, rather than in completely depleted systems where recovery pathways may be less clear/effective, more resource-intensive, or ecologically constrained.

## R13. Kelp Observations Tool

Category: General Management

Consensus Level:  $\frac{2}{3}$  Consensus

### *Recommendation*

To keep the public and local communities engaged as partners in kelp forest management, the CWG recommends CDFW develop **public-facing kelp observation tool(s)** that enable stakeholders to submit observations of kelp health.<sup>2</sup>

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<sup>2</sup> A pilot public-facing kelp observation tool is under development by Science Advisory Committee members. The CWG is anticipated to pilot the tool in 2026. Tribal data will need to be addressed through a different process.

### ***Rationale & Notes***

Public-facing kelp observation tools, such as mobile apps, websites, report cards, hotlines, and other reporting platforms, can potentially serve as two-way communication channels between communities and managers. These public engagement tools would allow community members to share on-the-ground observations that can inform CDFW's kelp monitoring efforts. To ensure consistency and clarity, the tools should include outreach materials that use shared language and criteria for assessing kelp health, such as presence or absence, color, beach wrack, sediment transport, species shifts, predator sightings, and water clarity. Data confidentiality considerations should be addressed for Tribes and other participants.

## **R14. State Funding**

Category: General Management

Consensus Level:  $\frac{2}{3}$  Consensus

### ***Recommendation***

The CWG requests that **state appropriators allocate more funding to support CDFW's implementation of kelp management as outlined by the KRMP**, including funds for research and long-term monitoring, restoration, innovation, outreach/education, and staff capacity to support these priorities.

### ***Rationale & Notes***

While the KRMP is not a mechanism for directing state appropriations, it is nonetheless important to explicitly acknowledge the resource constraints that will shape the plan's implementation. Even the most well-designed management plan cannot achieve its goals without adequate staffing, sustained research and monitoring, and investment in restoration and outreach efforts. CDFW is currently under-resourced (see Recommendation 12) relative to the scope of kelp management responsibilities anticipated to be outlined in the KRMP, and failing to acknowledge this gap would be a disservice to the communities, ecosystems, and stakeholders this plan is meant to serve. Calling attention to the need for dedicated funding will hopefully signal to state appropriators that meaningful kelp restoration and long-term ecosystem health require not just policy commitment, but proportional financial investment to match.

## **R15. Artificial Reefs**

Category: Restoration

Consensus Level:  $\frac{2}{3}$  Consensus

### ***Recommendation***

The CWG recommends that the KRMP explicitly **address artificial reefs** as a restoration method or clearly explain their exclusion.

### ***Rationale & Notes***

The KRMP should recognize the overlap between kelp restoration and the California Artificial Reef Program (CARP). The KRMP should consider how artificial reefs can support kelp regrowth, habitat

complexity, and recreation, especially in the face of a changing climate. Artificial reefs should be evaluated on a case-by-case basis for their ecological and social value in kelp recovery efforts. Recreational anglers and other interest groups have identified artificial reefs as particularly important to support marine ecosystems. The CWG recommends fully integrating artificial reefs into the KRMP, and the CARP should include kelp restoration as a desirable factor in the design and placement of artificial reefs.

## R16. Volunteer Fund

Category: General Management

Consensus Level:  $\frac{2}{3}$  Consensus

### *Recommendation*

The CWG recommends that the California Legislature establish a **“Kelp Restoration Volunteer Reimbursement Fund”** to support paid-volunteer networks in their restoration activities.

### *Rationale & Notes*

A large contingent of kelp monitoring and restoration work has been done through a network of volunteers donating their time and bearing the cost of travel and supplies (e.g., compressed air, training, transportation, boat time, personal equipment). These out-of-pocket costs are real barriers for volunteer participation. A funding source should be established to reasonably compensate volunteers for out-of-pocket costs incurred to fulfill the state’s kelp monitoring and restoration priorities. For divers doing urchin collecting or culling, a CWG member estimates the cost might be \$30-\$60 per dive. To calculate an appropriate reimbursement rate for other activities, the state should establish appropriate “proof of activity” criteria, such as detailed dive logging, witness signatures, or even digital photos. However, these “proof-of-activity” requirements should be practical and simple so they don’t unintentionally recreate the same administrative burdens that the CWG recommends reducing.

## R17. Non-Commercial Harvest Tracking

Category: Harvest

Consensus Level:  $\frac{2}{3}$  Consensus

### *Recommendation*

Given the relatively low volume of non-commercial kelp harvest and the anticipated challenges with compliance, the CWG **does not recommend that CDFW require mandatory reporting from non-commercial harvesters** at this time.

### *Rationale & Notes*

Non-commercial kelp harvest is understood to occur at very low levels, and the population of non-commercial harvesters is comparatively diffuse and difficult to track. Requiring mandatory reporting from this group would likely yield low compliance rates, resulting in incomplete data that could

misrepresent actual harvest activity and impose an undue administrative burden on both harvesters and CDFW. Rather than invest resources in an enforcement-heavy approach with limited returns, the CWG believes CDFW could direct efforts toward outreach, education, and voluntary stewardship — strategies more likely to foster goodwill, improve public understanding of kelp ecosystems, and yield meaningful long-term engagement from the non-commercial harvest community. There was no full consensus, only  $\frac{2}{3}$  majority, from the CWG on this recommendation, and minority opinions on this topic are reflected in M1a & M1b.

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## Minority Recommendations

### M1. CWG Continuation

Category: Engagement

Consensus Level: Minority

#### *Recommendation*

The CWG recommends CDFW **maintain a kelp-focused CWG** to inform CDFW's decisions on harvest regulations, restoration, and management after the KRMP is completed and implemented.

#### *Rationale & Notes*

Some CWG members believe that the CWG should continue to serve as the key conduit between agencies and coastal communities. They understand that additional resources from state appropriators would be required for CDFW staff to support and maintain the CWG beyond 2026. Until funding is available, CDFW should leverage existing community networks to inform management, assessment of kelp forest health, and restoration activities.

### M2a & M2b. Tracking Non-Commercial Harvest

Category: Harvest

Consensus Level: Minority

#### *Recommendations*

- a. The CWG recommends CDFW develop a system to **track and collect information on the recreational harvest** of bull kelp and giant kelp. Improved data availability will enable the state to evaluate whether harvest regulations are sustainable and achieving their intended outcomes and ensure that management decisions are grounded in comprehensive and real data.
- b. The CWG recommends CDFW develop a system to **track and collect information on the recreational harvest** of bull kelp and giant kelp for **a period of time to assess the impact** of the recreational/non-commercial harvest. Improved data availability will enable the state to evaluate

whether harvest regulations are sustainable and achieving their intended outcomes and ensure that management decisions are grounded in comprehensive and real data.

#### *Rationale & Notes*

Discussions around whether and how to track non-commercial kelp harvest revealed clear divisions in perspective. Some CWG members supported data collection to better understand impacts and inform management decisions, while others argued that non-commercial harvest is minimal and does not justify the added burden of tracking (see R17).

### **M3. Commercial Harvest Limits**

Category: Harvest

Consensus Level: Minority

#### *Recommendation*

The CWG recommends CDFW restrict the **number of commercial harvest permits and maximum harvest biomass allowed** in each administrative bed to help ensure that harvest does not exceed sustainable thresholds.

#### *Rationale & Notes*

Some CWG members pushed for stricter limits on the number of commercial harvest permits in each administrative kelp bed to prevent excessive pressure on a single area. Other members pointed out that administrative kelp beds, harvest plans, and commission oversight are already used to regulate and manage harvest. Limiting the number of permits could create speculation or inequitable access, and some CWG members stated that biomass-based limits would better prevent the potential for over-harvesting.

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### **Next Steps**

With the CWG's recommendations now submitted via this report, the CDFW and OPC will begin integrating community input into the development of the draft KRMP in parallel with input from Tribes and the Science Advisory Committee. CDFW and OPC will focus on translating the CWG's guidance into actionable policy and management strategies that reflect both scientific evidence and on-the-ground perspectives shared throughout the CWG process. As the draft plan takes shape, there will be opportunities for broader public engagement, and the community is encouraged to stay informed and involved. Key milestones and materials will be made available on the [KRMP website](#) as they are finalized. Additionally, CDFW will provide regular updates on the KRMP at the [Fish and Game Commission](#) and its Marine Resources Committee and Tribal Committee meetings through 2026 and 2027, which are open to the public. The CWG's contributions have been instrumental in shaping this plan, and that collaborative spirit will continue to guide the KRMP process as California works toward the long-term health and resilience of its kelp ecosystems.

## **Preparation Notice**

Zoom AI Companion and Fathom were used to support meeting recording and transcription for this CWG meeting. Human-generated notes taken during the meeting formed the basis of this report. ChatGPT and Claude were used in a limited editorial capacity to support document organization, readability, and flow. All content was reviewed, edited, and finalized by the KRMP Project Team, comprised of Strategic Earth, CDFW, and OPC staff members.

## Appendix A: Recommendation Crosswalk

Recommendations were made in accordance with the process outlined in the [CWG-approved charter](#). Any vote that received  $\frac{2}{3}$  affirmative (thumbs up) from present CWG members is considered a “consensus” recommendation. Any vote that received more than two but fewer than  $\frac{2}{3}$  affirmative votes from present CWG members is considered a “minority” recommendation. Those recommendations with fewer than two affirmative votes were not included in this report.

| Draft Recommendation #                               | Final ID | Recommendation Type     | Votes (thumbs <b>up</b> = agree, <b>down</b> = disagree, <b>abstain</b> = abstain from voting) |
|------------------------------------------------------|----------|-------------------------|------------------------------------------------------------------------------------------------|
| 1. Management Framework                              | R1       | Full Consensus          | (20 up, 0 down, 0 abstain)                                                                     |
| 2. Kelp Observation Tool                             | R13      | $\frac{2}{3}$ Consensus | (19 up, 1 down, 0 abstain)                                                                     |
| 3. Restoration Toolkit                               | R2       | Full Consensus          | (21 up, 0 down, 0 abstain)                                                                     |
| 4. Restoration in MPAs                               | R3       | Full Consensus          | (21 up, 0 down, 0 abstain)                                                                     |
| 5. CDFW Funding & Capacity Priorities                | R12      | $\frac{2}{3}$ Consensus | (20 up, 1 down, 0 abstain)                                                                     |
| 6. Strengthen Partnerships & Capacity                | R4       | Full Consensus          | (21 up, 0 down, 0 abstain)                                                                     |
| 7. Outreach & Engagement                             | R5       | Full Consensus          | (21 up, 0 down, 0 abstain)                                                                     |
| 8. Community & Tribal Networks to Support Management | R6       | Full Consensus          | (21 up, 0 down, 0 abstain)                                                                     |
| 9. Permitting Clarity                                | R7       | Full Consensus          | (21 up, 0 down, 0 abstain)                                                                     |
| 10. Coordinating with Community Groups               | R8       | Full Consensus          | (21 up, 0 down, 0 abstain)                                                                     |
| 11. Non-commercial Harvest Best Practices Guide      | R9       | Full Consensus          | (21 up, 0 down, 0 abstain)                                                                     |

| Draft Recommendation #                  | Final ID | Recommendation Type     | Votes (thumbs <b>up</b> = agree, <b>down</b> = disagree, <b>abstain</b> = abstain from voting) |
|-----------------------------------------|----------|-------------------------|------------------------------------------------------------------------------------------------|
| 12a. Tracking Non-Commercial Harvest    | M2a      | Minority                | <b>(5 up, 13 down, 3 abstain)</b>                                                              |
| 12b. Non-commercial Harvest Tracking    | R17      | $\frac{2}{3}$ Consensus | <b>(14 up, 5 down, 2 abstain)</b>                                                              |
| 12c. Tracking Non-Commercial Harvest    | M2b      | Minority                | <b>(5 up, 13 down, 3 abstain)</b>                                                              |
| 13. Increase the non-commercial harvest | n/a      | Failed                  | <b>(1 up, 11 down, 9 abstain)</b>                                                              |
| 14. Commercial Harvest Limits           | M3       | Minority                | <b>(2 up, 9 down, 10 abstain)</b>                                                              |
| 15. Cumulative Impacts on Kelp Forests  | R10      | Full Consensus          | <b>(21 up, 0 down, 0 abstain)</b>                                                              |
| 16. Artificial Reefs                    | R15      | $\frac{2}{3}$ Consensus | <b>(17 up, 1 down, 3 abstain)</b>                                                              |
| 17. State Funding                       | R14      | $\frac{2}{3}$ Consensus | <b>(18 up, 0 down, 2 abstain)</b>                                                              |
| 17a. CWG Continuation                   | M1       | Minority                | <b>(13 up, 5 down, 3 abstain)</b>                                                              |
| 17b. Volunteer Fund                     | R16      | $\frac{2}{3}$ Consensus | <b>(15 up, 3 down, 3 abstain).</b>                                                             |
| 18. Inter-/Intra-agency Permitting      | R11      | Full Consensus          | <b>(21 up, 0 down, 0 abstain)</b>                                                              |
| 19. Removing permitting barriers        | 19       | Final                   | <b>CWG did not have time to vote</b>                                                           |
| 20. Allowing urchin culling inside MPAs | n/a      | Final                   | <b>CWG removed from consideration as Recommendation 3 better addressed the concept</b>         |

## Appendix B: April 27, 2026 Meeting Summary

**Kelp Restoration Management Plan  
Community Working Group Meeting #6  
Monday, April 27, 2026  
Summary  
*Finalized Monday, July 20, 2026***

### Attendees

Claire Arre, MPA Collaborative Network  
Capt. David Bacon, WaveWalker Charters, Coastal Conservation Association  
Kathryn Beheshti, University of California, Santa Barbara  
Paige Berube, Alternate for Tristin Anoush McHugh, The Nature Conservancy  
Doug Bush, The Cultured Abalone Farm LLC  
Grant Downie, Commercial Sea Urchin Diver  
Grant Downie, Alternate for Anna Neumann, Noyo Harbor District  
Gary Fleener, Hog Island Oyster Company  
Jan Freiwald, Reef Check California  
Tom Ford, The Bay Foundation  
Severino Gomes, Kashia Band of Pomo Indians  
Peter Guinosso, Blue Harmony  
Jess Gravelle, Trinidad Rancheria  
Jacob Harris, Ocean and Coastal Stewardship Program Manager at Amah Mutsun Land Trust  
Rietta Hohman, Greater Farallones National Marine Sanctuary (NOAA Affiliate)  
James Jungwirth, Naturespirit Herbs LLC  
Sage Ono, Alternate for Patrick Webster, Underwater Photographer  
Andrea Paz-Lacavex, University of California Santa Cruz  
Dave Rudie, California Sea urchin Commission  
Javier Silva, Sherwood Valley-Noyo Pomo  
Marc Shargel, Living Sea Images

### Overview

The sixth virtual meeting of the Kelp Restoration Management Plan (KRMP) Community Working Group (CWG) was held on April 27, 2026, with KRMP CWG Members representing 21 of the 23 seats, and the KRMP Project Team (i.e., California Department of Fish and Wildlife (CDFW), Ocean Protection Council (OPC), and Strategic Earth Consulting). Background materials and an agenda were shared in advance to help support a productive meeting (see Appendix). CDFW, in partnership with OPC, provided updates. Then, the CWG discussion and formal voting process, as defined in the [CWG Charter](#) ensued for most of the meeting. The CWG voted on 19 recommendations with 14 passing by consensus (requiring a  $\frac{2}{3}$  majority vote) and 4 passing as a minority vote (requiring two or more affirmative votes), with guidance on community priorities as they relate to a kelp management framework, restoration toolkit, community participation, harvest management, and prioritization of management efforts.

## KRMP CWG Updates

CDFW shared that the KRMP process has continued advancing through regular KRMP Science Advisory Committee (SAC) and CWG subcommittee meetings since May 2025. The SAC will continue to convene in 2026, focusing on refining key technical elements such as spatial management units, decision thresholds using a “stoplight” framework, and incorporating community observations through an input tool.

Updates on state-funded kelp research were provided via a November 2025 science webinar open to both the CWG and SAC. CDFW, in partnership with OPC, has provided updates on the KRMP’s progress to the Fish and Game Commission through the Marine Resources Committee (MRC) in November 2025, the Tribal Committee in April 2026, and will provide another update to the MRC in July 2026. Concurrently, a Tribal CWG subcommittee has advanced Tribally-focused input, which will be reviewed at a June 1 Tribal Community Forum and feedback from the Forum will be incorporated. CDFW has identified Tribal co-management as a high priority, and the final Tribally-focused input will be shared with CDFW and OPC separately via the CWG Tribal subcommittee.

Since their last meeting in May 2025, the CWG has refined over 40 draft recommendations across topics, including harvest, restoration, research, and outreach, through subcommittees and member input. The goal of this meeting was to finalize the recommendations to inform the initial KRMP draft and revisit progress in summer 2026 with the KRMP Project Team. There is potential for a joint SAC-CWG meeting in October.

## CWG Process and Synthesis of Input to Date

The CWG is an advisory body whose input is intended to reflect community perspectives, along with those from the SAC and Tribes, to inform the final plan developed by CDFW and OPC. CWG recommendations were developed through full-group meetings and subcommittee discussions, then organized by the Project Team into three categories: (1) in scope and already under CDFW consideration, (2) in scope but needing further exploration, and (3) outside scope but documented for the public record. For decision-making, the [CWG-approved charter](#) outlines a structured, transparent approach using iterative discussion and voting: online informal straw polls were used to surface initial alignment, followed by group discussion to identify gaps or refinements, and then a final roll-call vote to confirm positions. This process emphasizes participation from all members, clear documentation of input, and efficiency in moving from broad input to finalized recommendations.

## Action Item: Final Recommendations Deliberation & Voting

*The recommendations below are organized in the order they were discussed and voted on during the meeting. However, the recommendation numbers correspond to their original numbering in the draft recommendations document for consistency and cross-reference purposes.*

*Recommendations were made using the process outlined in the [CWG-approved charter](#). Any vote that received  $\frac{2}{3}$  affirmative from present CWG members is considered a “consensus” recommendation. Any vote that received more than two but less than  $\frac{2}{3}$  affirmative from present CWG members is considered a “minority” recommendation. Those recommendations with less than two affirmatives will not be shared with CDFW and OPC for consideration in the KRMP.*

### **Recommendation 1**

The CWG reviewed a draft recommendation for a flexible kelp management framework. CWG members supported a management framework that emphasizes adaptive management, species-specific considerations (e.g., bull kelp vs. giant kelp), ecological indicators, integration of science, community input, and monitoring. The discussion led to several additions and clarifications, including the need for better data collection on kelp loss from fisheries bycatch and beach wrack removal, recognition of incidental impacts like propeller cutting, inclusion/exclusion of key predator species that may impact kelp abundance (e.g., sea stars) in ecosystem dynamics, and refining language. Participants also noted the importance of kelp monitoring even when no human intervention (e.g., restoration) occurs. Some concerns were expressed about the recommendation being broad and lacking specificity, but it was acknowledged as a high-level values framework to guide agency decision-making. After discussing potential wording changes, the group moved toward a final vote with general alignment:

**CONSENSUS RECOMMENDATION:** (*Management Framework*) **Develop a flexible management framework that accounts for the dynamic nature of kelp ecosystems and changing ecological conditions to allow for adaptive management.** In no particular order, the framework should:

- A. **Define kelp forest health** by combining input from conventional/academic science, community perspectives/observations, and Traditional Ecological Knowledges. Indicators of "health" may vary between Giant Kelp (*Macrocystis pyrifera*) and Bull Kelp (*Nereocystis luetkeana*) systems, and shift over time due to seasonal, social, cultural, and environmental factors (e.g., climate change).
- B. Include **indicators** (e.g., kelp canopy loss, urchin density, loss of ecologically significant key predator spp) and identify the **direction of change** to signal when specific management actions are needed (e.g., research, restoration, harvest changes) — **or if no human intervention** or action is necessary (e.g., if recovery is underway).
- C. Consider the **ecological timing** and **stressor duration** (e.g., post-mudslide sedimentation impacts, changing climate) in determining when and how to act.
- D. Use a **range of management strategies**—including harvest regulations, restoration, habitat protection, invasive species control, real-world observations, and monitoring programs—to **promote species diversity, ecosystem resilience, and connectivity** among kelp beds.
- E. Include a **framework/process to help decision-makers evaluate and prioritize** management efforts (e.g. monitoring, restoration, research) based on factors such as ecological urgency, cultural value, feasibility, ecosystem connectivity, and risk.
- F. Support and integrate **community-based, long-term monitoring programs and partnerships** that integrate Traditional Ecological Knowledges and community-informed perspectives/observations/programs to strengthen management efforts, track kelp health, and inform adaptive management.
- G. Include opportunities for **rapid response** to guide timely action, as needed.
- H. Include a **regular review** of management strategies to reflect climate trends, ecological models, and restoration outcomes.

- I. Contain a plan for **designing effective restoration programs** that includes considerations such as the dynamics of why an area may or may not improve with/without human intervention (e.g., what density of urchins is optimal? What should grazer dynamics be? How should *Pycnopodia* dynamics be managed?).
- J. Create pathways for the **integration of new science, monitoring data, Traditional Ecological Knowledges, community feedback/input, new management strategies, and lessons learned** so that the KRMP remains **adaptive**.
- K. **Establish clear guidelines and policies related to continuing and emerging issues/methodologies** (e.g., kelp genetics, the use of genetic technologies, kelp translocation, DNA editing, morphological alteration, etc.) in restoration, research, and management.
- L. Prioritize management strategies that **maintain (and, as appropriate, restore) ecological function** across kelp ecosystems.
- M. Use **ecosystem-based management strategies** to recognize that managers should consider the broader kelp forest ecosystems since kelp forests are shaped by a whole web of interactions. Ecosystem-based management can help address root causes of kelp decline, improve durability of management efforts, reduce unintended consequences of a management action, and have broader impacts on other endemic kelp species (e.g., Feather Boa Kelp (*Egregia menziesii*), Stalked Kelp (*Pterygophora californica*), and Southern Stiff-Stiped Kelp (*Laminaria setchellii*)).
- N. Contain management strategies that **consider the range of interests across California**, including Tribal, commercial, recreational, non-consumptive ocean users, conservation, etc.
- O. Consider the **significant differences in the ecology and growth habits** of Giant Kelp and Bull Kelp in the management strategies (e.g., harvest regulations, restoration) for these two species.
- P. **Streamline permitting pathways**, including operationalizing the [Restoration Management Permit](#), improving regulatory clarity, and creating tools to help applicants better understand the permitting process.
- Q. **Prioritize improved data collection and assessment** to understand kelp loss from fishery-related bycatch (e.g., propellers, etc) and the ecological impacts of removing drift kelp (including wrack and water-column algae).
- R. Include a glossary of definitions

*Summary of vote:*

| Thumbs up (20)                                                                                                                                                                                      | Thumbs Down (0) | Abstained (0) | Absent (3)                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|---------------------------------------------------|
| Claire Arre, Cpt. David Bacon, Kathryn Beheshti, Doug Bush, Grant Downie, Gary Fleener, Tom Ford, Jan Friewald, Peter Guinosso, Jess Gravelle, Jacob Harris, Rietta Hohman, James Jungwirth, Andrea |                 |               | Severino Gomes, Maria Elena Lopez, Tyler McKinney |

| Thumbs up (20)                                                                                                                                                                                   | Thumbs Down (0) | Abstained (0) | Absent (3) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|------------|
| Pax-Lacavex, Dave<br>Rudie, Javier Silva,<br>Marc Shargel<br><br><i>Alternates:</i><br>Paige Berube for Tristin<br>McHugh<br>Grant Downie for Anna<br>Neuman<br>Sage Ono, for Patrick<br>Webster |                 |               |            |

### **Recommendation 2**

The CWG discussed the idea of recommending a public-facing kelp observation tool that would allow stakeholders to submit data on kelp health to be developed as part of the KRMP. There was general conceptual support, but some uncertainty about implementation, funding, and long-term maintenance. Participants raised questions about integrating or improving existing tools rather than creating a new tool, ensuring the definition of “kelp” is inclusive, and addressing data accuracy. A significant portion of the conversation focused on the need to protect sensitive cultural information, particularly Tribal data, by incorporating protocols for data confidentiality that recognize Tribal sovereignty, and potentially, develop a separate tool for Tribal data. A CWG member stated that they could not support a tool that did not require all data to be made public. Some members also suggested including best practices for data sharing and agreements, while others cautioned against overcomplicating the recommendation or debating broader co-management issues. CWG members agreed to keep the recommendation high-level, incorporate language acknowledging data sensitivity considerations, and proceed toward a final vote.

**CONSENSUS RECOMMENDATION:** (*Kelp Observation Tool*) To keep the public and local communities engaged as partners in kelp forest management, develop **public-facing kelp observation tool(s)** that enable stakeholders to submit observations of kelp health.<sup>3</sup>

*Rationale/Context:* Public-facing kelp observation tools—such as mobile apps, websites, report cards, hotlines, and other reporting platforms—can serve as two-way communication channels between communities and managers. These public engagement tools would allow community members to share on-the-ground observations that can inform CDFW’s kelp monitoring efforts. To ensure consistency and clarity, the tools should include outreach materials that use shared language and criteria for assessing kelp health, such as presence or absence, color, beach wrack, sediment transport, species shifts, predator sightings, and water clarity. Data confidentiality considerations should be addressed for Tribes and other participants.

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<sup>3</sup> A pilot public-facing kelp observation tool is under development by SAC members. The CWG is anticipated to pilot the tool in 2026. Tribal data will need to be addressed through a different process.

*Summary of vote:*

| Thumbs up (19)                                                                                                                                                                                                                                                                                                                                                             | Thumbs Down (1) | Abstained (0) | Absent (3)                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|---------------------------------------------------|
| Claire Arre, Cpt. David Bacon, Kathryn Beheshti, Grant Downie, Gary Fleener, Tom Ford, Jan Friewald, Peter Guinosso, Jess Gravelle, Jacob Harris, Rietta Hohman, James Jungwirth, Andrea Pax-Lacavex, Dave Rudie, Javier Silva, Marc Shargel<br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh<br>Grant Downie for Anna Neuman<br>Sage Ono, for Patrick Webster | Doug Bush       |               | Severino Gomes, Maria Elena Lopez, Tyler McKinney |

**Recommendation 3**

The CWG discussed a restoration-focused recommendation centered on creating a comprehensive, adaptive “toolkit”. While there was broad support for the overall concept, significant debate arose around how specific the recommendation should be, particularly regarding detailed grazer suppression strategies (e.g., urchin removal and predator reintroduction; a draft Recommendation 20 was developed in response). CWG members highlighted that restoration work should be informed by existing research that has been documented over many years (e.g., research funded by California Sea Grant, meta-analyses by graduate student Ivan Serratos-Navarro, and others). Some participants favored specificity to guide action at the Fish and Game Commission related to marine protected area (MPA) management, while others cautioned against overemphasizing one method or listing tools since each tool should be considered regionally and specific to the cause of kelp decline. Many CWG members aligned on keeping the recommendation higher-level, emphasizing flexibility, local tailoring, and inclusion of multiple restoration approaches without prescribing specific methods; therefore, recommendation 20 was removed from consideration. Some CWG members expressed that when grazer suppression techniques are used, disposition of removed grazers (e.g., sea urchins) should be prioritized — which may also include leaving broken urchins on the ocean floor to serve as food for marine organisms. Additional themes included ensuring equitable participation, minimizing barriers (without removing necessary permits), and maintaining adaptability as new science emerges. The recommendation was approved with strong support. Some CWG members expressed that CDFW should recognize volunteer and community networks, with trained recreational divers and community-based

restoration groups, as critical partners in restoration, rather than stakeholders. Additionally, responsible recreational access and stewardship are compatible with kelp recovery and should remain part of the conversation.

**CONSENSUS RECOMMENDATION:** *(Restoration)* Use science, community priorities, and Traditional Ecological Knowledges to develop a comprehensive restoration toolkit. In no particular order, the toolkit should:

- c. Be incorporated into the **KRMP management framework**.
- d. Ensure restoration techniques included in the toolkit consider the **ecological, cultural, ethical, and logistical factors** while **maintaining ecological balance** and preventing unintended harm.
- e. Base restoration efforts on a **clear understanding of the drivers** of kelp decline, including environmental, biological, and anthropogenic factors, at each site and informed by a combination of data sources.
- f. Contain an **action selection framework for restoration** (e.g., grazer suppression, green gravel, kelp outplanting, defending remnant kelp forests, etc) with the goal of enhancing kelp ecosystem structure and function **tailored** to local conditions by identifying site-specific drivers of kelp loss.
- g. Include clear **action indicators, feasibility indicators, and best practices**, including restoration approaches that consider species interactions (including **invasive species**), genetics, energy dynamics, and culturally appropriate methods (e.g., pairing urchin removal with *Pycnopodia* restoration, sustainable harvesting, and nature-based solutions).
- h. **Support innovation** in restoration.
- i. **Remain adaptive and allow for the integration of new restoration techniques and technologies** in the toolkit, including new science, accessibility, labor and economic considerations, and insights from community networks and ongoing research that evolves over time. While also considering lessons learned from research in CA and centuries of work around the world to maximize algal growth.
- j. Ensure robust **safeguards** that prevent changing environmental and ocean conditions from hindering management efforts.
- k. Incorporate metrics and monitoring standards to **evaluate the success** of restoration efforts.
- l. **Maximize participation and inclusion** in kelp restoration by citizen scientists, community groups, researchers, Tribes, and all willing and interested parties by removing obstacles and barriers to participation.

*Summary of vote:*

| Thumbs up (21)                                                                                                                        | Thumbs Down (0) | Abstained (0) | Absent (2)                        |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|-----------------------------------|
| Claire Arre, Cpt. David Bacon, Kathryn Beheshti, Doug Bush, Grant Downie, Gary Fleener, Tom Ford, Jan Friewald, Severino Gomes, Peter |                 |               | Maria Elena Lopez, Tyler McKinney |

| Thumbs up (21)                                                                                                                                                                                                                                                                             | Thumbs Down (0) | Abstained (0) | Absent (2) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|------------|
| Guinosso, Jess<br>Gravelle, Jacob Harris,<br>Rietta Hohman, James<br>Jungwirth, Andrea<br>Pax-Lacavex, Dave<br>Rudie, Javier Silva,<br>Marc Shargel<br><br><i>Alternates:</i><br>Paige Berube for Tristin<br>McHugh<br>Grant Downie for Anna<br>Neuman<br>Sage Ono, for Patrick<br>Webster |                 |               |            |

#### **Recommendation 4**

The CWG discussed recommendations related to MPAs, focusing on whether the KRMP should simply avoid hindering restoration or more actively support restoration in MPAs. While there was general agreement that restoration should be allowed within MPAs, participants debated how far the recommendation should go—particularly whether to endorse specific MPA policy changes or petitions (e.g., for urchin removal), which some felt was outside the CWG’s scope. Concerns were raised about overstepping into Fish and Game Commission processes, leading to opposition to a more prescriptive recommendation proposal. The CWG ultimately aligned around simpler, more general language emphasizing that the KRMP should support restoration in MPAs without getting into regulatory specifics, recognizing both the ecological need (e.g., kelp loss in existing MPAs) and the importance of staying within the group’s advisory role.

**CONSENSUS RECOMMENDATION:** *(Restoration and Marine Protected Areas)* Ensure the KRMP supports **restoration in MPAs**.

*Rationale/Context:* As MPAs are adaptively managed, all MPA management partners and agencies should collaborate with CDFW’s KRMP team to ensure that research, monitoring, and restoration efforts continue to align and support the goals of both programs.

#### **Summary of vote:**

| Thumbs up (21)                                                                                                                          | Thumbs Down (0) | Abstained (0) | Absent (2)                           |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|--------------------------------------|
| Claire Arre, Cpt. David<br>Bacon, Kathryn<br>Beheshti, Doug Bush,<br>Grant Downie, Gary<br>Fleener, Tom Ford, Jan<br>Friewald, Severino |                 |               | Maria Elena Lopez,<br>Tyler McKinney |

| Thumbs up (21)                                                                                                                                                                                                                                                                                             | Thumbs Down (0) | Abstained (0) | Absent (2) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|------------|
| Gomes, Peter<br>Guinosso, Jess<br>Gravelle, Jacob Harris,<br>Rietta Hohman, James<br>Jungwirth, Andrea<br>Pax-Lacavex, Dave<br>Rudie, Javier Silva,<br>Marc Shargel<br><br><i>Alternates:</i><br>Paige Berube for Tristin<br>McHugh<br>Grant Downie for Anna<br>Neuman<br>Sage Ono, for Patrick<br>Webster |                 |               |            |

#### **Recommendation 5**

Recognizing CDFW will have limited funding and resources to manage kelp, the CWG discussed how the state should prioritize limited funding for KRMP implementation, moving away from a detailed, prescriptive table in the draft recommendations (which many members found overly prescriptive and would not allow flexibility in implementation) toward simpler, more flexible language. There was general support for prioritizing research and restoration based on kelp conditions, but debate over how to frame this—particularly whether research should focus only on thriving systems or occur across all kelp states. The group largely aligned on supporting research across all conditions and prioritizing restoration in degraded (and potentially intermediate) systems, while emphasizing the need for adaptability given changing conditions. Additional discussion focused on whether to explicitly include priorities such as tribal co-management and interagency coordination; some supported naming these due to their importance and resource needs, while others felt they were already established priorities and did not need special emphasis, or did not support some of the identified management priorities (e.g., Tribal co-management). A CWG recreational fishing representative stated his understanding that the recreational fishing community generally believes that California resources should be managed by the state for all Californians equally. CWG members worked toward concise language, balancing clarity, inclusivity, and flexibility before moving to a vote.

**CONSENSUS RECOMMENDATION:** (*CDFW Management Priorities*) While all of CDFW’s identified management strategies, including Tribal co-management and inter/intra-agency coordination, are important, the CWG generally supports prioritizing research, including Tribally-led science and knowledge, across kelp states and restoration in the degraded, not depleted, kelp states.

*Summary of vote:*

| Thumbs up (20)                                                                                                                                                                                                                                                                                                                                                                      | Thumbs Down (1)  | Abstained (0) | Absent (2)                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------|-----------------------------------|
| Claire Arre, Kathryn Beheshti, Doug Bush, Grant Downie, Gary Fleener, Tom Ford, Jan Friewald, Severino Gomes, Peter Guinosso, Jess Gravelle, Jacob Harris, Rietta Hohman, James Jungwirth, Andrea Pax-Lacavex, Dave Rudie, Javier Silva, Marc Shargel<br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh<br>Grant Downie for Anna Neuman<br>Sage Ono, for Patrick Webster | Cpt. David Bacon |               | Maria Elena Lopez, Tyler McKinney |

#### **Recommendations 6, 9, 10, 15, and 18**

In the interest of time and efficiency, CWG members reviewed a set of recommendations that were broadly supported during the pre-meeting straw poll. While noting that some items (like permitting reform) may extend beyond the direct scope of the KRMP, participants agreed it was still important to formally express these priorities. With no major objections or amendments raised, the group aligned on proceeding with a single vote across these recommendations.

**6. CONSENSUS RECOMMENDATION:** *(Funding/Capacity)* To maximize available resources, the CWG recommends that the KRMP outline how **CDFW will strengthen partnerships** to support monitoring, research, restoration, etc.

**9. CONSENSUS RECOMMENDATION:** *(Outreach/Education)* **Develop tools to help the public understand the consultation and pre-approval protocols across permitting agencies** to reduce permitting delays, which will improve project readiness to help communities act quickly and effectively without unnecessary administrative burdens.

*Additional detail/Context:* There continues to be confusion around the roles of state, federal, and local agencies in kelp forest management, research, and restoration. Including clarity in the KRMP around the roles of each agency will improve accountability, support more efficient project implementation (i.e., research and restoration), and enable communities to better navigate the permitting landscape. Additionally, the CWG believes that dedicated kelp

restoration staff member(s) should be identified to provide coordination, technical assistance, and learning support to the public.

**10. CONSENSUS RECOMMENDATION:** *(Agency Coordination + Outreach/Engagement)* Promote coordination, alignment, and information sharing among agencies, academic institutions, researchers, community science groups, and local communities involved in kelp monitoring, restoration, and management.

*Additional detail/Context:* Improved coordination ensures that kelp management efforts are science-informed, efficient, and responsive to on-the-ground conditions, while maximizing resources, reducing duplication, and strengthening trust in decision-making. To support these efforts, enhance transparency, and integrate diverse knowledge systems, CDFW could consider developing a centralized, publicly accessible platform or map for real-time data exchange and tracking research and restoration sites. In addition, stronger coordination among agencies, academic partners, and community science groups will reinforce the scientific foundation needed for adaptive kelp restoration and stewardship.

**15. CONSENSUS RECOMMENDATION:** *(Management Response & Harvest):* When kelp forests are in decline, CDFW should address the cumulative impacts to kelp forests (e.g., water quality, boat propeller damage) by coordinating with other management agencies (e.g., CA Dept of Water Resources) before implementing harvest closures, since minimal levels of kelp are thought to be harvested by commercial and non-commercial harvesters.

**18. CONSENSUS RECOMMENDATION<sup>4</sup>:** *(Agency Coordination)* Coordinate with other state and federal agencies to streamline permitting processes (including, but not limited to, research and restoration).

*Additional detail/Context:* Research and restoration program leads and volunteers continue to be confused about the processes for obtaining permits and beginning work. CDFW should coordinate internally across departments and work with other agencies (e.g., Coastal Commission, State Lands Commission, National Marine Sanctuaries, State Parks, etc.) to streamline permitting processes and support coordinated response planning.

*Summary of vote:*

| Thumbs up (21)                                                                                                                        | Thumbs Down (0) | Abstained (0) | Absent (2)                        |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|-----------------------------------|
| Claire Arre, Cpt. David Bacon, Kathryn Beheshti, Doug Bush, Grant Downie, Gary Fleener, Tom Ford, Jan Friewald, Severino Gomes, Peter |                 |               | Maria Elena Lopez, Tyler McKinney |

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<sup>4</sup> Out of scope

| Thumbs up (21)                                                                                                                                                                                                                                                                             | Thumbs Down (0) | Abstained (0) | Absent (2) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|------------|
| Guinosso, Jess<br>Gravelle, Jacob Harris,<br>Rietta Hohman, James<br>Jungwirth, Andrea<br>Pax-Lacavex, Dave<br>Rudie, Javier Silva,<br>Marc Shargel<br><br><i>Alternates:</i><br>Paige Berube for Tristin<br>McHugh<br>Grant Downie for Anna<br>Neuman<br>Sage Ono, for Patrick<br>Webster |                 |               |            |

### **Recommendation 7**

The CWG discussed a recommendation to create an ongoing, inclusive engagement strategy for Tribes, local communities, user groups, nongovernmental organizations (NGOs), and other stakeholders to support awareness, stewardship, and community-driven kelp research and restoration. Overall, there was strong support for the recommendation, with only minor concerns and suggested refinements. For example, some participants noted that due to CDFW's limited resources, engagement efforts should not detract from core priorities like management and restoration which may include research efforts. Especially when resources or expertise are limited, CDFW should leverage external partners, such as community organizations and the Department of Education, for outreach and education, especially for areas like K–12 engagement where CDFW lacks expertise. Some CWG members emphasized using existing platforms and venues (e.g., public meetings, commissions, collaboratives) to reduce engagement costs and improve efficiency. The recommendation was refined to reflect interagency coordination, partnerships, and practical implementation constraints. After strengthening the recommendation with added context emphasizing collaboration, resource efficiency, and reliance on existing networks to carry out engagement efforts effectively, the CWG moved to a final vote.

**CONSENSUS RECOMMENDATION:** (*Outreach/Engagement*) Develop a **comprehensive, ongoing strategy for engaging Tribes, local communities, recreational and commercial users, NGOs, and other stakeholders** to promote awareness, foster stewardship, and cultivate community-supported research and restoration programs.

*Additional detail/Context:* Community outreach and education (get community groups and others (e.g., the Dept of Education) involved such as community groups to support the state's community education) are crucial for the successful implementation of the KRMP since the community serves as liaisons to the state managers for sharing updates on the health and status, supporting research and restoration, and encouraging stewardship of kelp resources. Engagement efforts should include structured opportunities (e.g., public meetings, town halls,

listening sessions) to support education and outreach programs (e.g., school partnerships) that increase knowledge of kelp forests and awareness of sustainable harvest practices, and empower diverse stakeholders to participate meaningfully in the stewardship of kelp forests. If resources are limited, should leverage existing platforms (e.g., MRC, community meetings).

*Summary of vote:*

| Thumbs up (21)                                                                                                                                                                                                                                                                                                                                                                                                                                        | Thumbs Down (0) | Abstained (0) | Absent (2)                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|--------------------------------------|
| Claire Arre, Cpt. David<br>Bacon, Kathryn<br>Beheshti, Doug Bush,<br>Grant Downie, Gary<br>Fleener, Tom Ford, Jan<br>Friewald, Severino<br>Gomes, Peter<br>Guinosso, Jess<br>Gravelle, Jacob Harris,<br>Rietta Hohman, James<br>Jungwirth, Andrea<br>Pax-Lacavex, Dave<br>Rudie, Javier Silva,<br>Marc Shargel<br><br><i>Alternates:</i><br>Paige Berube for Tristin<br>McHugh<br>Grant Downie for Anna<br>Neuman<br>Sage Ono, for Patrick<br>Webster |                 |               | Maria Elena Lopez,<br>Tyler McKinney |

**Recommendations 8 and 11**

The CWG broadly supported prioritizing and integrating long-term community and Tribal-led monitoring and restoration, with minor refinements emphasizing the inclusion of both ecological and socioeconomic monitoring and recognizing the value of volunteer-led efforts grounded in the best available science.

Recommendation 11, which proposes developing a best practices guide for non-commercial kelp harvesting, generated more discussion. Participants generally agreed that such a guide could be beneficial in helping people harvest responsibly and better understand existing regulations, but raised concerns about who would develop it. Some CWG members stated that the guide should be developed by CWG in collaboration with harvesters and with respect for Indigenous practices. Some CWG members questioned whether a best practices guide would be accessible and widely used with some members suggesting distributing information through enforcement officers, bait shops, and handouts rather than relying solely on a website. While commercial harvest is already regulated, this guide would target voluntary best practices for non-commercial users. Ultimately, the group agreed to move forward with voting on Recommendations 8 and 11 together, but as separate items.

**CONSENSUS RECOMMENDATION:** *(Community and Tribal Networks to support KRMP*

*implementation)* **Prioritize and integrate long-term community- and Tribal-led monitoring (ecological and socioeconomic) and restoration** reinforced by the best available science to inform kelp management. The CWG recommends that the KRMP recognize value in **volunteer networks** to support the state's management, research, and restoration efforts.

*Additional detail/Context:* Kelp restoration is labor-intensive, and scaling it to the ecosystem level will require a substantial, skilled workforce. Currently, CDFW lacks the staffing capacity and infrastructure to mobilize such a labor force. Community networks offer a cost-effective and efficient foundation to support the KRMP. Existing community-based programs that have trained participants and already have the expertise, provide sustained capacity and deeper engagement. Supporting these efforts with training, coordination, quality assurance, and systems for sharing data back with communities will help strengthen trust and maintain momentum. Assessing community readiness and capacity can also guide prioritization of restoration and monitoring efforts.

*Summary of vote:*

| Thumbs up (21)                                                                                                                                                                                                                                                                                                                                                                                        | Thumbs Down (0) | Abstained (0) | Absent (2)                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|-----------------------------------|
| Claire Arre, Cpt. David Bacon, Kathryn Beheshti, Doug Bush, Grant Downie, Gary Fleener, Tom Ford, Jan Friewald, Severino Gomes, Peter Guinosso, Jess Gravelle, Jacob Harris, Rietta Hohman, James Jungwirth, Andrea Pax-Lacavex, Dave Rudie, Javier Silva, Marc Shargel<br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh<br>Grant Downie for Anna Neuman<br>Sage Ono, for Patrick Webster |                 |               | Maria Elena Lopez, Tyler McKinney |

**CONSENSUS RECOMMENDATION:** *(Best Practices for Harvest)* **Develop a best practices guide for non-commercial Bull and Giant kelp harvest** to communicate existing regulations and promote voluntary, sustainable harvesting behaviors, while creating opportunities for engagement and leadership

within the harvest community. CDFW should develop the guide in collaboration with the commercial and recreational harvest community.

*Summary of vote:*

| Thumbs up (21)                                                                                                                                                                                                                                                                                                                                                                                                                                        | Thumbs Down (0) | Abstained (0) | Absent (2)                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|--------------------------------------|
| Claire Arre, Cpt. David<br>Bacon, Kathryn<br>Beheshti, Doug Bush,<br>Grant Downie, Gary<br>Fleener, Tom Ford, Jan<br>Friewald, Severino<br>Gomes, Peter<br>Guinosso, Jess<br>Gravelle, Jacob Harris,<br>Rietta Hohman, James<br>Jungwirth, Andrea<br>Pax-Lacavex, Dave<br>Rudie, Javier Silva,<br>Marc Shargel<br><br><i>Alternates:</i><br>Paige Berube for Tristin<br>McHugh<br>Grant Downie for Anna<br>Neuman<br>Sage Ono, for Patrick<br>Webster |                 |               | Maria Elena Lopez,<br>Tyler McKinney |

***Recommendations 12a, b, and c***

The CWG discussed whether and how to track non-commercial (recreational) kelp harvest, and revealed clear divisions in perspective. Some participants supported data collection to better understand impacts and inform management decisions, while others argued that recreational harvest is minimal and does not justify the added burden of tracking. A compromise option was introduced, proposing temporary tracking to gather data for a limited period before reassessing the need for ongoing monitoring. The discussion raised several practical challenges, including the absence of an existing licensing or reporting system, potential difficulties with compliance and outreach, and questions about how data collection would be enforced. Participants also considered how data would be managed, noting it would likely be aggregated and used for decision-making, with attention to privacy concerns. Tribal members emphasized that tribal harvest should be exempt from this process and governed through Tribal systems. Many noted that establishing a tracking program could require significant resources relative to the small scale of harvest. The group moved to a vote across three options: requiring tracking, not tracking, or implementing temporary tracking to assess impact.

**Option A: MINORITY RECOMMENDATION:** (*Tracking Harvest*) Develop a system to **track and collect information on the recreational harvest** of Bull Kelp and Giant Kelp. Improved data availability will enable the state to evaluate whether harvest regulations are sustainable and achieving their intended outcomes and ensure that management decisions are grounded in comprehensive and real data.

*Summary of vote 12a:*

| Thumbs up (5)                                                                 | Thumbs Down (14)                                                                                                                                                                                                                                                     | Abstained (2)                                                                                              | Absent (2)                        |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Claire Arre, Kathryn Beheshti, Andrea Pax-Lacavex, Javier Silva, Marc Shargel | Cpt. David Bacon, Doug Bush, Grant Downie, Gary Fleener, Tom Ford, Jan Friewald, Severino Gomes, Peter Guinosso, Jess Gravelle, Jacob Harris, James Jungwirth, Dave Rudie<br><br><i>Alternates:</i><br>Grant Downie for Anna Neuman<br>Sage Ono, for Patrick Webster | Rietta Hohman<br><br><br><br><br><br><br><br><br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh | Maria Elena Lopez, Tyler McKinney |

**Option B: CONSENSUS RECOMMENDATION:** (*Tracking Harvest*) Because non-commercial kelp harvest is thought to be so low and there would be low compliance from non-commercial harvesters on data collection efforts, the CWG **does not recommend CDFW require reporting from non-commercial harvesters.**

*Summary of vote 12b:*

| Thumbs up (14)                                                                                                                                                                                                                                                       | Thumbs Down (5)                                                               | Abstained (2)                                                                                              | Absent (2)                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Cpt. David Bacon, Doug Bush, Grant Downie, Gary Fleener, Tom Ford, Jan Friewald, Severino Gomes, Peter Guinosso, Jess Gravelle, Jacob Harris, James Jungwirth, Dave Rudie<br><br><i>Alternates:</i><br>Grant Downie for Anna Neuman<br>Sage Ono, for Patrick Webster | Claire Arre, Kathryn Beheshti, Andrea Pax-Lacavex, Javier Silva, Marc Shargel | Rietta Hohman<br><br><br><br><br><br><br><br><br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh | Maria Elena Lopez, Tyler McKinney |

**Option C: MINORITY RECOMMENDATION:** (*Tracking Harvest*) Develop a system to **track and collect information on the recreational harvest** of Bull and Giant Kelp for **a period of time to assess the impact** of the recreational/non-commercial harvest. Improved data availability will enable the state to evaluate whether harvest regulations are sustainable and achieving their intended outcomes and ensure that management decisions are grounded in comprehensive and real data.

*Summary of vote 12c:*

| Thumbs up (5)                                                                  | Thumbs Down (14)                                                                                                                                                                                                                                                    | Abstained (2)                                                                          | Absent (2)                        |
|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------|
| Claire Arre, Kathryn Beheshti, Jess Gravelle, Andrea Pax-Lacavex, Marc Shargel | Cpt. David Bacon, Doug Bush, Grant Downie, Gary Fleener, Tom Ford, Jan Friewald, Severino Gomes, Peter Guinosso, Jacob Harris, James Jungwirth, Dave Rudie, Javier Silva<br><br><i>Alternates:</i><br>Grant Downie for Anna Neuman<br>Sage Ono, for Patrick Webster | Rietta Hohman<br><br><br><br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh | Maria Elena Lopez, Tyler McKinney |

#### **Recommendations 13 and 14**

The CWG discussed two recommendations, which address non-commercial kelp harvest limits and limiting commercial harvest and harvest permits. For Recommendation 13, which proposed increasing non-commercial harvest limits for subsistence use, members raised concerns that the current 10-pound daily limit restricts families and subsistence harvesters, with some supporting an increase to better meet food needs, while others questioned the necessity of expanding non-commercial harvest; the group also clarified that this recommendation does not cover Tribal-specific provisions, which the state will handle separately. For Recommendation 14, which considered limiting commercial harvest permits and/or biomass, the group engaged in a more technical debate: some participants pushed for stricter limits on the number of commercial harvest permits in each administrative kelp bed to prevent the potential for too much pressure on a single area. Other members pointed out that existing regulations already manage harvest through administrative kelp beds, harvest plans, and commission oversight. Participants warned that limiting permits alone could create speculation or inequitable access and suggested that biomass-based limits would better prevent the potential for over-harvest; they also flagged potential impacts on industries like abalone aquaculture that rely on kelp supply if biomass restrictions were implemented. The CWG did not reach consensus on either recommendation.

**FAILED RECOMMENDATION:** (*Increase Non-Commercial Harvest*) **Increase the non-commercial harvest of Giant and Bull kelp** to help support subsistence harvest.

*Summary of vote:*

| Thumbs up (1)    | Thumbs Down (11)                                                                                                                                                                               | Abstained (9)                                                                                                                                                                                                 | Absent (2)                        |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Cpt. David Bacon | Doug Bush, Grant Downie, Gary Fleener, Tom Ford, Severino Gomes, Jess Gravelle, Jacob Harris, Dave Rudie, Marc Shargel, Javier Silva<br><br><i>Alternates:</i><br>Grant Downie for Anna Neuman | Claire Arre, Kathryn Beheshti, Jan Friewald, Peter Guinosso, Rietta Hohman, James Jungwirth, Andrea Pax-Lacavex<br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh<br>Sage Ono, for Patrick Webster | Maria Elena Lopez, Tyler McKinney |

**MINORITY RECOMMENDATION: Recommendation.** (*Commercial Harvest*) CDFW should restrict the **number of commercial harvest permits and maximum harvest biomass allowed** in each administrative bed to help ensure that harvest does not exceed sustainable thresholds.

*Summary of vote:*

| Thumbs up (2)              | Thumbs Down (9)                                                                                                               | Abstained (10)                                                                                                                                                                                                                             | Absent (2)                        |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Marc Shargel, Javier Silva | Cpt. David Bacon, Doug Bush, Grant Downie, Tom Ford, Severino Gomes, Jess Gravelle, Jacob Harris, James Jungwirth, Dave Rudie | Claire Arre, Kathryn Beheshti, Gary Fleener, Jan Friewald, Peter Guinosso, Rietta Hohman, Andrea Pax-Lacavex<br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh<br>Grant Downie for Anna Neuman<br>Sage Ono, for Patrick Webster | Maria Elena Lopez, Tyler McKinney |

**Recommendation 16**

While artificial reefs are outside the scope of the KRMP, some CWG members requested a vote for the public record to showcase the CWG's support for artificial reefs as a kelp restoration strategy. With minimal discussion due to time constraints, the group moved quickly to a vote.

**CONSENSUS RECOMMENDATION:** (*Artificial Reefs as a restoration tool*) Explicitly **address artificial reefs** as a restoration method or clearly explain their exclusion from the KRMP.

*Additional detail/Context:* The KRMP should recognize the overlap between kelp restoration and the California Artificial Reef Program (CARP). The KRMP should consider how artificial reefs can support kelp regrowth, habitat complexity, and recreation, especially in the face of a changing climate. Artificial reefs should be evaluated for their ecological and social value in kelp recovery efforts. Recreational anglers and other interest groups have identified artificial reefs as particularly important to support marine ecosystems. The CWG recommends fully integrating artificial reefs into the KRMP and enhancing CARP to include kelp restoration as a desirable factor in the design and placement of artificial reefs.

*Summary of vote:*

| Thumbs up (17)                                                                                                                                                                                                                                                                                                                              | Thumbs Down (1) | Abstained (3)                              | Absent (2)                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------------|-----------------------------------|
| Claire Arre, Cpt. David Bacon, Kathryn Beheshti, Doug Bush, Grant Downie, Gary Fleener, Tom Ford, Jan Friewald, Severino Gomes, Peter Guinosso, James Jungwirth, Andrea Pax-Lacavex, Dave Rudie, Marc Shargel<br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh<br>Grant Downie for Anna Neuman<br>Sage Ono, for Patrick Webster | Javier Silva    | Jess Gravelle, Jacob Harris, Rietta Hohman | Maria Elena Lopez, Tyler McKinney |

***Recommendations 17, 17a, and 17b***

Ensuring there is adequate funding and capacity to implement the KRMP has been a CWG concern since their conversation began in 2023. The CWG generally believes that there should be calls for additional state funding to support kelp management efforts, such as monitoring, restoration, outreach, and education. Although CDFW cannot directly lobby for funding, a CWG recommendation could still signal funding priorities in the public record. Members chose to vote separately on three components: a general request for increased funding (17), funding to continue the CWG (17A), and funding for a volunteer reimbursement program (17B). Due to limited time, the group kept the discussion brief, though one participant emphasized that effective restoration requires substantial labor and resources, reinforcing the need for funding.

**OPTION 17. CONSENSUS RECOMMENDATION:** *(Increased State Funding)* The CWG requests that state appropriators allocate more funding to support CDFW's implementation kelp management as outlined by the KRMP, including funds for research and long-term monitoring, restoration, innovation, outreach/education, and staff capacity to support these priorities.

*Summary of vote 17:*

| Thumbs up (19)                                                                                                                                                                                                                                                                                                                                                               | Thumbs Down (0) | Abstained (2)           | Absent (2)                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------------|-----------------------------------|
| Claire Arre, Cpt. David Bacon, Kathryn Beheshti, Grant Downie, Tom Ford, Jan Friewald, Severino Gomes, Peter Guinosso, Jess Gravelle, Jacob Harris, Rietta Hohman, James Jungwirth, Andrea Pax-Lacavex, Dave Rudie, Marc Shargel, Javier Silva<br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh<br>Grant Downie for Anna Neuman<br>Sage Ono, for Patrick Webster |                 | Doug Bush, Gary Fleener | Maria Elena Lopez, Tyler McKinney |

**OPTION 17a. MINORITY RECOMMENDATION:** *(CWG Continuation)* Maintain a kelp-focused CWG to inform CDFW's decisions on harvest regulations, restoration, and management after the KRMP is completed and implemented.

*Additional detail/Context:.* Continued, regular engagement between members of the community, CDFW, and scientists is important. This CWG, in its current form, should continue to serve as the key conduit between agencies and coastal communities. The CWG understands that additional resources from state appropriators would be required for CDFW staff to support and maintain the CWG beyond 2026. In the near term, and until funding is available, CDFW should leverage existing community networks to inform management, assessment of kelp forest health, and restoration activities.

*Summary of vote 17a:*

| Thumbs up (13)                                                                                                                                                                                          | Thumbs Down (5)                                                                                                                                       | Abstained (3)                          | Absent (2)                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-----------------------------------|
| Claire Arre, Cpt. David Bacon, Kathryn Beheshti, Grant Downie, Jan Friewald, Severino Gomes, Peter Guinosso, Jess Gravelle, Jacob Harris, James Jungwirth, Andrea Pax-Lacavex, Dave Rudie, Marc Shargel | Tom Ford, Rietta Hohman<br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh<br>Grant Downie for Anna Neuman<br>Sage Ono, for Patrick Webster | Doug Bush, Gary Fleener, Javier Silva, | Maria Elena Lopez, Tyler McKinney |

**OPTION 17b. CONSENSUS RECOMMENDATION:** (*Volunteer Funds*) The CWG requests the California Legislature establish a “**Kelp Restoration Volunteer Reimbursement Fund**” to support paid-volunteer networks in their restoration activities.

*Additional detail/Context:* A large contingent of kelp monitoring and restoration work has been done through a network of volunteers donating their time and bearing the cost of travel and supplies (e.g., compressed air, training, transportation, boat time, personal equipment). A funding source should be established to reasonably compensate volunteers for out-of-pocket costs incurred to fulfill the state’s kelp monitoring and restoration priorities. For divers doing urchin collecting or culling, a CWG member estimates the cost might amount to \$30 to \$60 per dive. To calculate an appropriate reimbursement rate for other activities, the state can and should establish appropriate “proof of activity” criteria, such as detailed dive logging, witness signatures, or even digital photos.

*Summary of vote 17b:*

| Thumbs up (15)                                                                                                                                                                                                                                                        | Thumbs Down (3)                                                                  | Abstained (3)                          | Absent (2)                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------|-----------------------------------|
| Claire Arre, Cpt. David Bacon, Kathryn Beheshti, Jan Friewald, Severino Gomes, Peter Guinosso, Jess Gravelle, Jacob Harris, Rietta Hohman, James Jungwirth, Andrea Pax-Lacavex, Dave Rudie, Marc Shargel<br><br><i>Alternates:</i><br>Paige Berube for Tristin McHugh | Grant Downie, Tom Ford<br><br><i>Alternates:</i><br>Grant Downie for Anna Neuman | Doug Bush, Gary Fleener, Javier Silva, | Maria Elena Lopez, Tyler McKinney |

| Thumbs up (15)                | Thumbs Down (3) | Abstained (3) | Absent (2) |
|-------------------------------|-----------------|---------------|------------|
| Sage Ono, for Patrick Webster |                 |               |            |

### **Recommendation 19**

The CWG did not have an opportunity to vote on draft recommendation 19 and Project Team members reached out to the member who proposed the recommendation, which read:

**19. Draft Recommendation.<sup>5</sup> (Permitting)** The Working Group recommends that the State of California **maximize participation and inclusion in kelp restoration projects by removing permitting as a barrier to entry.** Specifically, the Working Group recommends that:

- Any permits or licenses required to conduct kelp restoration activities be issued at no cost to appropriately vetted organizations, their staff or members, and qualified individuals.
- Where specialized skills or training are required for a given restoration project, CDFW determines and communicates those requirements clearly. Applicants — whether individuals or organizations — be responsible for obtaining any requisite skills or training prior to conducting restoration activities.

### **Looking Forward and Next Steps**

The KRMP CWG is anticipated to meet again in summer 2026, where the recommendations from this meeting will be reflected in components of the KRMP that the CWG will review. There may be an additional CWG meeting in Fall 2026, depending on capacity and funding. This meeting summary and the CWG's final recommendations report will be shared with CDFW, OPC, and the SAC to ensure community perspectives inform the KRMP and maintain alignment across groups. CWG members may continue to share written input to [kelp@wildlife.ca.gov](mailto:kelp@wildlife.ca.gov). Those seeking government-to-government Tribal consultation should contact [kelp@wildlife.ca.gov](mailto:kelp@wildlife.ca.gov) and cc [r7regionalmgr@wildlife.ca.gov](mailto:r7regionalmgr@wildlife.ca.gov). Updates, informational materials, upcoming opportunities, and events will be highlighted on the [KRMP Website](#). The KRMP Project Team is grateful for the CWG's participation and contributions.

### **Preparation Notice**

Zoom AI Companion and Fathom were used to support meeting recording and transcription for this meeting. Human-generated notes taken during the meeting formed the basis of this summary. ChatGPT and Claude were used in a limited editorial capacity to support document organization, readability, and flow. All content was reviewed, edited, and finalized by the Project Team, comprised of Strategic Earth, CDFW, and OPC staff members. The final document was also reviewed by the CWG.

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<sup>5</sup> Regardless that this recommendation didn't receive a vote from the CWG, CDFW is working to implement/integrate these concepts through the [Restoration Management Permit](#) and its connections to the KRMP. All of this Draft Recommendation 19 is already inherent in the RMP application and issuance processes.

**Appendix**  
**Kelp Restoration & Management Plan Community Working Group**  
**Meeting #6 Agenda**

Monday, April 27, 2026  
12:00 pm - 4:00 pm PST

**Zoom:** <https://us02web.zoom.us/j/84144792330>

**Meeting ID:** 841 4479 2330

**One tap mobile:** +14086380968

**Meeting Goals**

- Discuss and vote on the suite of recommendations for the California Department of Fish and Wildlife (CDFW) to inform the development of the Kelp Restoration and Management Plan (KRMP).
- Identify next steps for the CWG and receive updates on the broader KRMP process and timeline.

**Intended Meeting Outcomes**

- A final set of CWG-supported recommendations for CDFW and OPC to consider in drafting the KRMP
- Clearly document consensus, support levels, and any differing perspectives

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**Welcome, Introductions, and Community Building**

*Confirm meeting goals and intentions and walk through today's agenda. Receive an overview of decision-making process and voting procedures (per CWG Charter).*

**KRMP CWG Updates**

*California Department of Fish and Wildlife (CDFW) and Ocean Protection Council (OPC) to provide updates on the KRMP process, future CWG meetings, connections with Tribal engagement efforts and the SAC, updates to FGC committees, OPC, etc.*

**Synthesis of CWG Input to Date**

*Ground participants in the CWG's work with a presentation of the draft recommendation synthesis — informed by CWG meetings and subcommittee discussions — and review of straw poll results and how they inform today's discussion.*

**Action Item: Final Recommendations Deliberation & Voting**

*Refine and vote on recommendations in accordance with CWG Charter guidelines. Use results from the online CWG straw poll to guide prioritization of voting. Recommendations that do not*

*meet Charter criteria will be captured in the meeting summary. Final votes will be taken via roll call. Each member's vote will be captured and shared in the public-facing summary, including their names (see [Charter p.5-6](#) for more details).*

### **Looking Ahead and Adjourn**

*Review key takeaways, actionable next steps for finalizing recommendations, and opportunities for ongoing communication and engagement.*

### **Available Resources**

- Draft CWG Recommendations
- [CWG Charter](#)
- CWG Master Resource Sharing Document
- [CWG and SAC Meeting Agendas and Summaries](#)

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**Public Comment in Support of Petition 2023-23MPA\_AM2 – Monterey Kelp Restoration**

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**From** Eric Elia

**Date** Tue 09/29/2026 02:14 PM

**To** FGC <FGC@fgc.ca.gov>

Dear Commissioners,

I am writing in support of Petition 2023-23MPA\_AM2, submitted by the Giant Giant Kelp Restoration Project, to allow active kelp restoration within Monterey-area Marine Protected Areas.

I am an avid scuba diver on the Monterey Peninsula, and I have watched firsthand as purple urchin barrens have replaced kelp forest that was once some of the most spectacular diving in the world. I have video that shows the stunning difference from kelp forest health today vs. just a few years ago. The work at Tanker's Reef has shown that trained, certified volunteer divers can remove urchins and bring kelp back. Our MPAs were created to protect these ecosystems, but when the kelp itself is disappearing, protection alone is not enough. This petition gives the community a responsible, structured way to help restore what the MPAs were meant to preserve.

The health of these kelp forests matters well beyond the water. I spend thousands of dollars each year in Monterey on dive shops, charter boats, air fills, lodging, restaurants, and other local businesses. I am but one of many divers. That spending depends on there being something worth diving. A thriving kelp forest is an economic asset for the entire region.

It also matters to me personally. I want to share the kelp forest with my kids and, someday, my grandkids, the way it looked when I first fell in love with it. And when I travel and meet divers from around the world, I want to be able to tell them with confidence that Monterey is worth the trip.

I respectfully urge the Commission to advance Petition 2023-23MPA\_AM2 and give the diving community the tools to help restore Monterey's kelp forests.

Thank you for your time and consideration.

Sincerely,

Eric Elia  
Oakland, California

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**Public Comment in Favor of Petition 2023-23MPA\_AM2 – Monterey Kelp Restoration**

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**From** Willem Knibbe [REDACTED]  
**Date** Wed 09/30/2026 02:28 PM  
**To** FGC <FGC@fgc.ca.gov>

Hello Commissioners,

Please allow active kelp restoration within Monterey-area Marine Protected Areas as described in Petition 2023-23MPA\_AM2, submitted by the Giant Kelp Restoration Project.

The decline of kelp forests due in large part to the impact of urchins is well documented ([example](#), [NIH study](#), [another example](#) with multiple additional source links).

As an avid scuba diver on the Monterey Peninsula, I have witnessed first-hand the impact of urchins creating rocky barrens where beautiful kelp forests once were.

The work at Tanker's Reef has shown that we can make a difference to this important coastal ecosystem when trained, certified volunteer divers remove urchins. Our MPAs were created to protect these ecosystems, but when the kelp itself is disappearing, protection alone is not enough. This petition gives the community a responsible, structured way to help restore what the MPAs were meant to preserve.

In addition to the ecological impact, losing kelp forests has economic impact for all of California. Me, my friends, and other scuba divers contribute to the economy via spending at dive shops, charter boats, lodging, restaurants, and other local businesses. The better the kelp forests, the more that divers will want to experience them. A thriving kelp forest is an economic asset for the entire region.

Finally, there is a personal angle as I wish to share the beauty of kelp forests with my grandkids so they can understand the beauty and majesty of the ocean and learn how interconnected we are to the ocean and its ecosystem.

Thank you for your consideration, and I strongly encourage the Commission to advance Petition 2023-23MPA\_AM2 so the diving community can help restore Monterey's beautiful natural asset of kelp forests.

Regards,  
Willem Knibbe

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**Public Comment in Favor of Petition 2023-23MPA\_AM2 – Monterey Kelp Restoration**

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**From** Anna Jarrard [REDACTED]  
**Date** Wed 09/30/2026 04:23 PM  
**To** FGC <FGC@fgc.ca.gov>

Hi California Fish & Game Commission -

I am writing to register my support for allowing active kelp restoration within Monterey-area Marine Protected Areas as described in Petition 2023-23MPA\_AM2, submitted by the Giant Kelp Restoration Project.

The decline of kelp forests due in large part to the impact of urchins is well documented ([example](#), [NIH study](#), [another example](#) with multiple additional source links).

As a resident of Monterey County and scuba diver on the Monterey Peninsula, I have witnessed first-hand the impact of urchins creating rocky barrens where beautiful kelp forests once were.

The work at Tanker's Reef has shown that we can make a difference to this important coastal ecosystem when trained, certified volunteer divers remove urchins. Our MPAs were created to protect these ecosystems, but when the kelp itself is disappearing, protection alone is not enough. This petition gives the community a responsible, structured way to help restore what the MPAs were meant to preserve.

In addition to the ecological impact, losing kelp forests has economic impact for all of California, and particularly communities like Monterey that rely on spending at dive shops, charter boats, lodging, restaurants, and other local businesses. The better the kelp forests, the more that divers will want to experience them. A thriving kelp forest is an economic asset for the entire region.

Finally, there is a personal angle as I wish to share the beauty of kelp forests with my grandkids so they can understand the beauty and majesty of the ocean and learn how interconnected we are to the ocean and its ecosystem.

Thank you for your consideration, and I strongly encourage the Commission to advance Petition 2023-23MPA\_AM2 so the diving community can help restore Monterey's beautiful natural asset of kelp forests.

Regards,  
Anna Jarrard