

## Project Description

Artificial structures with entitlements that existed before establishing marine protected Areas (MPAs) are in many MPAs in California. Although some MPAs have individual regulations allowing take of marine resources incidental to operation, maintenance, repair, removal, or replacement (collectively called "O&M") of pre-existing structures, other MPAs do not. The Commission proposes to update state marine conservation area, state marine park, and state marine recreational management area classifications to allow for take of marine resources in the discrete, focused area immediately surrounding pre-existing structures incidental to O&M of the structure when it is being actively serviced for the duration of the structure's lease. The Commission also proposes to amend the regulation to allow for incidental take of marine resources within state marine reserves when structures are actively undergoing O&M. The limited regulatory changes avoid the need to amend individual MPA designations or regulations. The amendments would add three new subsections to California Code of Regulations Title 14 Section 632(a) and revise existing Section 632(a)(1).

\*The Commission is the lead agency and the California Department of Fish and Wildlife (CDFW) will prepare the environmental documents for the project consistent with the Commission's certified regulatory program.