STAFF SUMMARY FOR APRIL 17, 2019

21. PETITIONS FOR REGULATION CHANGE

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

This is a standing agenda item for FGC to act on regulation petitions from the public that are related to marine and wildlife/inland fisheries issues. For this meeting:

(A) Action on petitions for regulation change received at the Feb 2019 meeting

(B) Pending regulation petitions referred to FGC staff and DFW for review

Summary of Previous/Future Actions

(A)

- Receipt of new petitions — Feb 6, 2019; Sacramento
- **Today's discussion and possible action** — **April 17, 2019; Sacramento**

(B)

- **N/A**

Background

As of Oct 1, 2015, any request for FGC to adopt, amend, or repeal a regulation must be submitted on form FGC 1, "Petition to the California Fish and Game Commission for Regulation Change" (Section 662, Title 14). Petitions received at an FGC meeting are scheduled for consideration at the next business meeting, unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b). A petition may be (1) denied, (2) granted, or (3) referred to committee, staff or DFW for further evaluation or information-gathering.

(A) ***Petitions for regulation change.*** Five petitions from Feb 2019 are scheduled for action:

I. *Petition #2018-018 AM1: Extend crow hunting season in Hollenbeck Canyon Wildlife Area* (Exhibit A2)

II. *Petition #2018-019: Increase trap opening size for recreational take of shrimp south of Point Conception* (Exhibit A3)

III. *Petition #2019-001: Limit use of leased parking sites in Ballona Wetlands Ecological Reserve parking lot* (Exhibit A4)

IV. *Petition #2019-002: Authorize purchase of trap endorsement for nearshore permits converted at 2:1 rate* (Exhibit A5)

V. *Petition #2019-003: Adopt emergency regulation for recreational take of purple sea urchin at Tanker's Reef in Monterey County* (Exhibit A6)

Staff recommendations and rationales are provided in Exhibit A1.

(B) ***Pending regulation petitions.*** This is an opportunity for staff to provide a recommendation on petitions previously referred by FGC to staff, DFW, or committee for review.

No pending regulation petitions are scheduled for action at this meeting.

Significant Public Comments (N/A)

Recommendation

(A) ***FGC staff:*** Adopt staff recommendations as reflected in Exhibit A1.

DFW: See Exhibit A1 for recommendations.

(B) N/A

Exhibits

A1. List of petitions and staff recommendations received through Feburary 6, 2019, revised Apr 12, 2019
A2. Petition #2018-018 AM1 from Gary Brennan, received Dec 6, 2018
A3. Petition #2018-019 from Don Greeno, received Dec 18, 2018
A4. Petition #2019-001 from Walter Lamb, received Jan 7, 2019
A5. Petition #2019-002 from Brian Gorrell, Jan 24, 2019
A6. Petition #2019-003 from Keith Rootsaert, Jan 30, 2019

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations as reflected in Exhibit A1.

OR

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations as reflected in Exhibit A1, except for Petition #_____ for which the action is _____.

CALIFORNIA FISH AND GAME COMMISSION PETITIONS FOR REGULATION CHANGE - ACTION

Revised 4/12/2019

FGC - California Fish and Game Commission DFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee

Grant: FGC is willing to consider the petitioned action through a process Deny: FGC is not willing to consider the petitioned action Refer: FGC needs more information before deciding whether to grant or deny

General Petition Information					FGC Action		
Tracking No.	**Date Received**	**Name of Petitioner**	**Subject of Request**	**Short Description**	**FGC Receipt Scheduled**	**FGC Action Scheduled**	**Staff / DFW Recommendation**
2018-018	12/6/2018	Gary F. Brennan	Hollenbeck Canyon	Extend the hunting season for American crow in Hollenbeck Canyon to coincide with the statewide American crow hunting season.	2/6/2019	4/17/2019	FGC staff: Refer to DFW for review and recommendation.
2018-019	12/18/2018	Don Greeno	Recreational shrimp mesh size	Increase minimum trap opening size for recreational shrimp south of Point Conception from current ½" to a size between 1 ½" and 3", to reduce proportion of juvenile shrimp in catch and to increase parity with size restrictions north of Point Conception.	2/6/2019	4/17/2019	FGC Staff: Approve DFW's recommendation. DFW: Deny the petition at this time given DFW's current focus on other rulemakings.
2019-001	1/7/2019	Walter Lamb	Ballona Wetlands	Amend Section 630 of the Code of California Regulations, Title 14 to eliminate commercial parking use in the Ballona Wetlands Ecological Reserve	2/6/2019	4/17/2019	FGC Staff: Refer to DFW for review and recommendation.
2019-002	1/24/19	Brian Gorrell	Nearshore Permits	Add provision to purchase "trap endorsement" for nearshore permit holders who purchased two nearshore permits to create one nearshore permit, in compliance with the limited entry permit reduction process, that ended last year.	2/6/2019	4/17/2019	FGC Staff: Refer to DFW for review and recommendation.
2019-003	1/30/19	Keith Rootsaert	Emergency Reg for Monterey	Request for an emergency rulemaking to add Section 29.12, to increase the recreational daily bag limit of purple sea urchin at Tanker's Reef.	2/6/2019	4/17/2019	FGC Staff: Approve DFW's recommendation. DFW: DENY: the evidence submitted does not demonstrate the need for emergency action for this limited geographic area. Recommend that petitioner work with DFW to explore possible options to undertake the work within the existing regulatory structure.

Tracking Number: 2018-018 AM 1

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, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 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: Gary F. Brennan
Address:
Telephone number:
Email address:

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Sections 200, 203, 205, 265, 355, 710, 710.5, 710.7, 1050, 1530, 1583, 1745, 1764, 1765 and 10504, Fish and Game Code. Reference: Sections 355, 711, 713, 1050, 1055.3, 1301, 1526, 1528, 1530, 1570, 1571, 1572, 1580, 1581, 1582, 1583, 1584, 1585, 1745, 1761, 1764, 1765, 2006 and 10504, Fish and Game Code; Sections 5003 and 5010, Public Resources Code; and Sections 25455, 26150 and 26155, Penal Code.

3. Overview (Required) - Summarize the proposed changes to regulations: Request to amend Title 14 § 551 (o)(24) – Hollenbeck Canyon to extend the American Crow season to coincide with the state American Crow hunting season.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: Current regulations end the American Crow hunting season on February 1 in Hollenbeck Canyon. This regulation was to end hunting of the predator corvid prior to the birthing season. By extending the season the full 124 days after the first Saturday in December, more predator crows may be removed by hunters prior to the birthing and fledgling season which would assist in the recovery of birds species which nest in the Hollenbeck Canyon Wildlife Area. We understand the regulation change has been proposed by DFW Region Five leadership. We just want to get this matter on the Commissions radar when the regulation package comes before the commission next year. If it is not included, we believe we have a good cause to have the regulation adjusted to extend the crow hunting season in order to remove more birds which predate on nesting birds and their fledglings

SECTION II: Optional Information

5. Date of Petition: 12/5/2018

6. Category of Proposed Change

☐ Sport Fishing
☐ Commercial Fishing
☒ Hunting
☐ Other, please specify:

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

☐ Amend Title 14 Section(s):§ 551 (o)(24) – Hollenbeck Canyon
☐ Add New Title 14 Section(s):
☐ Repeal Title 14 Section(s):

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition

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: December 2019 or before.

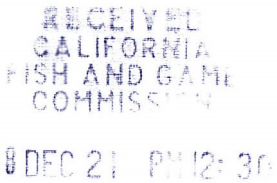
10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Letter from the San Diego County Wildlife Federation regarding the request for change to Title 14§ 551 (o)(24) – Hollenbeck Canyon.

11. Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: No fiscal impact

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

SECTION 3: FGC Staff Only

Date received:



FGC staff action:

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

Tracking Number 2018-018 AM 1

Date petitioner was notified of receipt of petition and pending action: February 6, 2019

Meeting date for FGC consideration: April 17, 2019

FGC action:

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

Tracking Number: (2018-019)

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, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 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: Don Greeno
Address:
Telephone number:
Email address:

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Coonstripe shrimp authorities cited are sections 200,205,265 and 270, Fish and Game Code.

3. Overview (Required) - Summarize the proposed changes to regulations: proposed changed in recreational Shrimp fishing South of Point Conception Trap opening size of ½" to a size appropriate to catch the species as ½" is too small 1 ½ - 3" would be an appropriate size range ½" current regulation will only catch Juvenile Shrimp less than 1 year old and Juvenile Bycatch..

4. Rationale (Required) - Describe the problem and the reason for the proposed change: Current Traps opening size of ½" will not catch Average Sized Shrimp of 2.5"-3.5" as the small size only allows catch of Juvenile Shrimp and Juvenile Bycatch. the current regulation ether has a typo or other problem as a ½" tramp opening size is not manufactured, recognized or used anywhere in the recreational or commercial shrimp industry or the entire world for any species by any fisherman. A trap must have an opening of one size the shrimp enters the trap/pot and once inside the trap the exterior MESH must be of a smaller size to keep the shrimp inside the trap/pot. With a ½' opening the smaller exterior MESH would need to be of ¼" MESH size to retain the catch. The ½" opening size will only allow Juvenile shrimp to enter the trap and nothing larger than ¼' can escape as Bycatch. Catching any species that small is not good and this regulation must be amended.

SECTION II: Optional Information

5. Date of Petition: 12/18/2018

6. Category of Proposed Change

☒ Sport Fishing
☐ Commercial Fishing
☐ Hunting
☐ Other, please specify:

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

☒ Amend Title 14 Section(s):CCR T-14 29.80
☐ Add New Title 14 Section(s):
☐ Repeal Title 14 Section(s):

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition

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:

10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents: PDF DFG Status of Fishery report on Coonstripe Shrimp Pandalus danae, photos of traps used to identify the trap opening size and Exterior Mesh of a shrimp trap/pot, Publics negative comments from Web forums about this regulation and a detailed overview of the problem and needed amending.

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:

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

SECTION 3: FGC Staff Only

Date received:

FGC staff action:

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

Tracking Number 2018-019

Date petitioner was notified of receipt of petition and pending action: February 6, 2019

Meeting date for FGC consideration: April 17, 2019

FGC action:

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

Subject: Recreational Coonstripe Shrimp Fishing South of Point Conception

Dear Melissa Miller-Henson and the Fish and Game Commission,

My Name is Don Greeno and I am a recreational Fisherman from Southern California South of Point Conception in the Region 5 area.

Over the years I have looked into fishing for shrimp locally and most recently had the urge again to pursue the regulations to fish for shrimp. When I read the current regulation it was very unclear as I will explain in a moment but, it was the same written regulation I have read for many years. I believe over 20 years if I am correct in my memory.

> CCR T-14 29.80(f) Shrimp and prawn traps may be used to take shrimp and prawns only. Trap openings may not exceed ½ inch in any dimension on traps used south of Point Conception nor five inches in any dimension on traps used north of Point Conception.
>
> CCR T-14 29.08(a) Except as provided in this article there are no closed seasons, closed hours or minimum size limits for any invertebrate. The bag limit on all invertebrates for which the take is authorized and for which there is not a bag limit otherwise established in this article is 35.

I looked into purchasing some traps and found that Shrimp Traps/Pots come in a few wire size configurations of **½" and 7/8" MESH**. While reading the above regulation on the recreational take of Coonstripe Shrimp South of Pont Conception, it refers to the **TRAP OPENING BEING ½"** IN ANY DIRECTION. However, the trap manufactures **do not in any instance** mention the trap opening sizes. This is the way it is with all the manufactures of Shrimp Traps/Pots that supply the Commercial AND Recreational fishery here and across the United States and Canada. I did a very extensive search via the internet. Information was easy to find.

So with traps having ½" MESH and no mention of opening sizes I wanted to ask the Warden and get some clarification if the regulation is speaking of ½"MESH or OPENING? Now I was confused.

I emailed Region 5 on the "Ask a Warden" email address I found easily online.

I was provided 2 responses. Both were detailed. I have provided a copy of those responses and it is an attachment to this letter. One response clearly explains that she does not know why it is written that way as it basically **eliminates fishing for shrimp South of Point Conceptions altogether**? How strange I thought. **Why would they write a regulation to say you can but mean you can't???? makes no sense at all.** ***You mean I have to make sure when I read the regulations that I know you mean something different?*** Your organization has integrity and I know that is not the case. Must be an error.

I responded to Warden Jason Kraus with a detailed letter asking some "Why" questions pointing out some very obvious discrepancies but that fell on deaf ears and I was not provided answers or even an email back after that.

I then went online and searched, was extremely hard to find any OTHER FISHERMAN who may have approached this subject in the past with DFG or DFW. I was surprised to find a handful of postings on web site Forums speaking about it and the consensus is that whenever DFG or DFW are asked about this or it is questioned that no one cares and no one responds. The overall reports online cast a very negative tone about the responses from local Wardens. I have attached a few of the forum quotes I found as examples. There are many more out there. I know after reading your Code of Ethics that your organization does not want to do things that cause distrust with the public as you need their support in regulation, conservation and public awareness.

Cutt *Newbie*

Location: Woodland Hills, Calif.
Name: Tim Cutt
Boat: Not Mine
Messages: (451)
Likes Received: (8)

really the DFG has ass backward regs below point conception. They don't want any traps for shrimp here and the limit is a joke... I tried to talk to them but lol good luck

Cutt, Mar 14, 2015

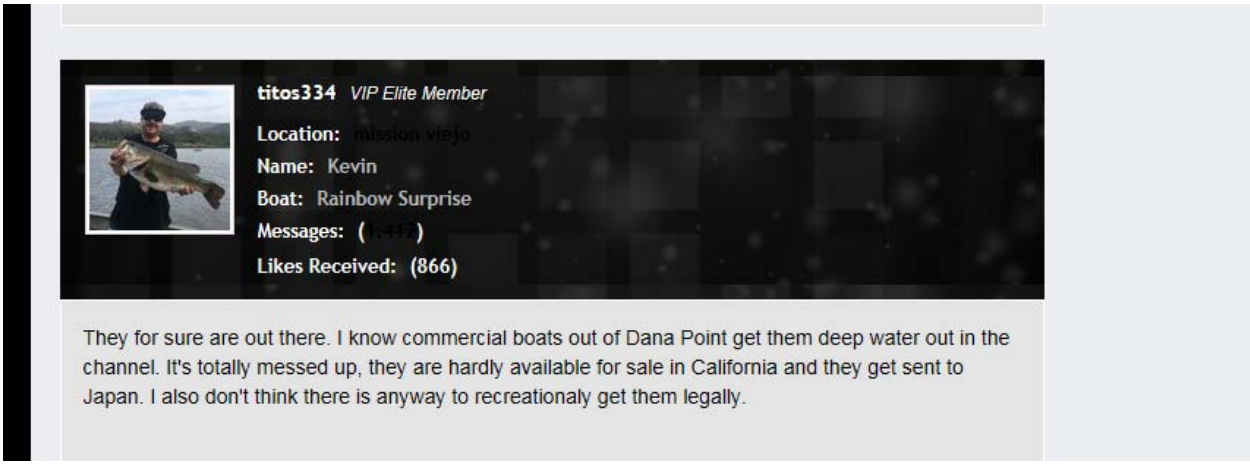
Bottom Line *Village idiot*

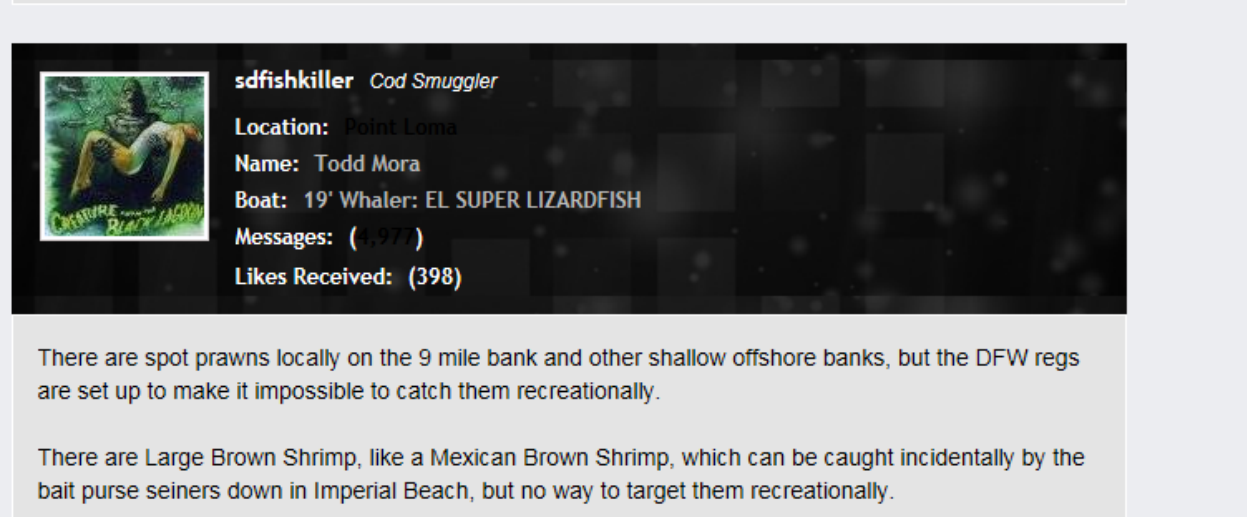
Location: Santee & San Quintin
Name: Steve
Boat: Invader CC - Bottom Line
Messages: (6,290)
Likes Received: (1,568)

This is what we have in Ca. http://www.catalinawholesale.com/products/Spot-Prawns/

The DFW rules make it not viable to fish/trap these recreationally.

Bottom Line, Mar 14, 2015





Then it hit me, ***"Speaking to a Warden or Complaining to a Warden is like asking a police officer to change the law….they do not make the law they are paid to enforce the law."*** Same with your Wardens.

THIS IS THE REASON I HAVE CHOSE TO SEND THIS INFORMATION TO YOU TO LOOK AT AND LISTEN TO.

I BELIEVE THIS IS A MISPRINT OR AN ERROR AND NO ONE HAS PAID ATTENTION TO IT AND OR NO ONE HAS CHALLENGED IT.

If someone had I am sure there would have been a revision like back in the 90'S when the Coonstripe Shrimp Daily Bag limit was changed from 35 each to 20lbs.

"I believe it is during this change in regulation that the printed regulation error was made and this needs to be re-looked at to correct it."

Researching further I searched and found a report by your organization written by Marine Biologists.

This report is titled **Coonstripe Shrimp, *Pandalus danae***

Here is the link

https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=34427

The report details the fishery history, reproduction, range and status of the fishery commercially and recreationally.

This report is one of the ONLY REPORTS I CAN FIND THAT MENTIONS THE TRAP OPENING SIZE OR FUNNEL SIZE OF 3" in use by commercial fisherman noted by your biologists.

"*The traps are typically 39 inches (1 meter) diameter, 16 inches (41 centimeters) tall and have entry funnels 3 inches (8 centimeters) in diameter*."

I have read the PDF above, the NOAA report, the Asian Pacific Report and there is minimal mention there as well.

"California has the largest directed coonstripe shrimp trap fishery on the west coast of North America."

A 3" or so opening would work along with the reports documentation on the Size of shrimp;

"Pandalid shrimp are medium to large size, have a laterally compressed body, a bladelike rostrum (spine-like extension of the anterior median carapace), well developed antennal scales and a muscular abdomen"

Research, again from British Columbia, found that males maturing in October of their first year averaged about 2.5 inches (6-7 cm) total length (TL), averaged 3.4 inches TL (8.5 centimeters) the following October and after becoming female by the third October, averaged 3.9 inches TL (10 centimeters). Large specimens can reach 5.5 inches TL (14 centimeters).

So a 1 year old shrimp is about 2.5 inches and after 3 years can reach up to 5.5 inches

Habitat damage and bycatch from this fishery is considered minimal. Since traps are set on muddy bottoms, they generally do not disturb coral, sponges and other fragile species often growing on rocks. Small shrimp and bycatch can escape the trap through the mesh, typically 0.5 inch square openings. Once onboard, the catch is carefully sorted and discards are thrown over, live if possible. Onboard fisheries observers have reported bycatch including hermit crabs; snails; juvenile Dungeness and rock crabs; decorator, umbrella and butterfly crabs; sunflower stars; hagfish; juvenile lingcod, cabezon and rockfish; sculpin; octopus; and other small shrimp

with those quotes directly from the Fish and Game Report you can see that the ½" MESH is for the escape of bycatch.

A Trap is a device that has an opening of one size (funnel/opening) for the shrimp to enter and smaller size openings (mesh) on the exterior of the trap so that the proper size shrimp remains in the trap and the smaller then ½ inch bycatch escapes. Does that make sense?

CCR T-14 29.80(f) Shrimp and prawn traps may be used to take shrimp and prawns only. Trap openings may not exceed ½ inch in any dimension on traps used south of Point Conception nor five inches in any dimension on traps used north of Point Conception.

With that said,

So a 1 year old shrimp is about 2.5 inches and after 3 years can reach up to 5.5 inches

How can those measurements fit in a ½" opening? They cannot. Only a Juvenile shrimp less than 1 year old can. That is catching babies and can hurt a fishery

Your current regulations of ½" openings HAS BEEN CONFIRMED TO SAY that the opening of the trap (funnel) would be ½" and that would mean the exterior MESH would have to be ¼" or smaller to keep a catch size, that can enter a ½" opening, IN. that means you would only catch JUVANILE SHRIMP.

THERE IS NO WAY THAT CAN BE THE WAY YOUR REGULATIONS WAS WRITTEN IF YOU ARE ABOUT CONSERVATION AND SUSTAINABILITY.

IT IS FOR THIS REASON I FEEL IT IS A TYPO OR SOMETHING THAT HAS BEEN OVERLOOKED WHEN DECIDED ON OR THERE WAS CONFUSION WHEN IT WAS WRITTEN. REGARDLESS OF THE WHY'S THERE IS

A PROBLEM WITH THIS AND **IT IS DOING 2 THINGS;**

1- PREVENTING A RECREATIONAL FISHERY
2- WILL HAVE A CATCH RATE OF ONLY JUVANILE SHRIMP EFFECTING THE ENTIRE FISHERY if anyone even tries to catch them per the regulation

I know from reading all about DFG and DFW that you are here for conservation.

I know from reading this you will care about what I have brought to you today.

A Funnel opening size of 1-1/2'- 3" would be a good starting consideration range. It would coincide with a size that would catch Avg to larger shrimp and eliminate catching juveniles.

I understand that the Crescent City area has the largest concentrations of shrimp but I do know from my own personal observation of the shrimp fleet here that the shrimp are here in enough concentrations to make catching them worth my time and enjoyment. Not to mention I really do want to have the opportunity to fish for them legally.

Please take another look at this regulation and please change it to reflect the proper language, size, and type of trap that will be appropriate to catch Coonstripe shrimp Recreationally below Point Conception.

Last request, the 35 shrimp a day limit on Spot prawns should be looked at as well as we have very nice concentrations of them in our local deep water canyons and ledges offshore.

In conclusion;

I hope that you see that the ½" opening for a legal shrimp trap is UNREASONABLE, NOT PRACTICAL AND WILL HURT THE FISHERY ONLY CATCHING JUVENILE SHRIMP AND BYCATCH – THERE IS AN ERROR OR TYPO IN THE PRINTED REGULATION AS ***½" IS NOT AT ALL APPLICABLE FOR ANY OPENING ON A TRAP OTHER THAN THE EXTERIOR MESH****. THE FUNNEL OPENING ENTRANCE TO THE TRAP MUST BE AT THE LEAST 1-1/2" TO A MAXIMUM OF 3"*

EVEN A FRESH WATER MINNOW TRAP OPENING IS 1" STANDARD ACROSS THE WORLD FOR SMALL PINFISH AND MINNOWS. CRAWFISH TRAPS HAVE A 2" OPENING AROUND THE GLOBE AND ARE VERY CLOSE TO THE TRUE SIZE OF A COONSTRIPE SHRIMP. USE THESE AS GAGE TO SIZE AND SPECIES BEING CAUGHT.

I would not expect that DFG or the DFW would write a regulation that says in some strange way that it is legal to fish for shrimp but supply a rule or regulation that if followed would not catch any of the species but juveniles. if the intention was to prevent recreational shrimp fishing why not just say NO RECREATIONAL TAKE? WHY HAVE A REGULATION AT ALL?

it is clear and obvious that the REGULATIONs were put there to allow recreational fishing for Coonstripe Shrimp and the fact that in the 1990's the daily bag limit was changed from 35 each to 20lbs a day says that there should be a revision to this opening size and that the current regulation has a flaw that needs addressing sooner than later.

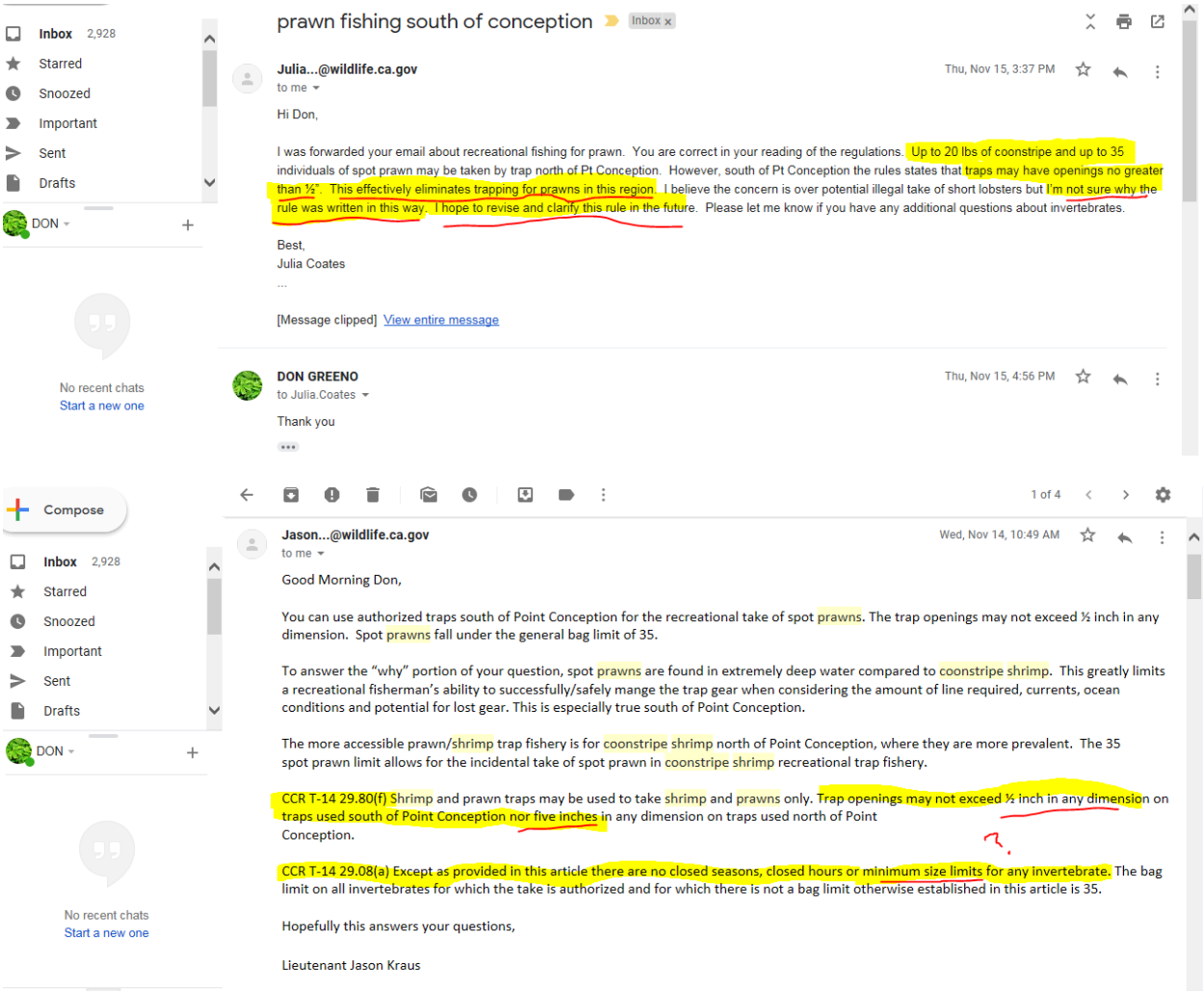
That last Biological report you have online is from 2008.

Thank you for your time and consideration. I hope I made my points clear and you make quick change to this regulation.

I look forward to your response to this issue.

Respectfully

Don Greeno


Inbox 2,928
Starred
Snoozed
Important
Sent
Drafts
DON
No recent chats
Start a new one
prawn fishing south of conception
Inbox x
Julia...@wildlife.ca.gov
to me
Thu, Nov 15, 3:37 PM
Hi Don,
I was forwarded your email about recreational fishing for prawn. You are correct in your reading of the regulations. Up to 20 lbs of coonstripe and up to 35 individuals of spot prawn may be taken by trap north of Pt Conception. However, south of Pt Conception the rules states that traps may have openings no greater than ½". This effectively eliminates trapping for prawns in this region. I believe the concern is over potential illegal take of short lobsters but I'm not sure why the rule was written in this way. I hope to revise and clarify this rule in the future. Please let me know if you have any additional questions about invertebrates.
Best,
Julia Coates
...
[Message clipped] View entire message
DON GREENO
to Julia.Coates
Thu, Nov 15, 4:56 PM
Thank you
Compose
Inbox 2,928
Starred
Snoozed
Important
Sent
Drafts
DON
No recent chats
Start a new one
1 of 4
Jason...@wildlife.ca.gov
to me
Wed, Nov 14, 10:49 AM
Good Morning Don,
You can use authorized traps south of Point Conception for the recreational take of spot prawns. The trap openings may not exceed ½ inch in any dimension. Spot prawns fall under the general bag limit of 35.
To answer the "why" portion of your question, spot prawns are found in extremely deep water compared to coonstripe shrimp. This greatly limits a recreational fisherman's ability to successfully/safely mange the trap gear when considering the amount of line required, currents, ocean conditions and potential for lost gear. This is especially true south of Point Conception.
The more accessible prawn/shrimp trap fishery is for coonstripe shrimp north of Point Conception, where they are more prevalent. The 35 spot prawn limit allows for the incidental take of spot prawn in coonstripe shrimp recreational trap fishery.
CCR T-14 29.80(f) Shrimp and prawn traps may be used to take shrimp and prawns only. Trap openings may not exceed ½ inch in any dimension on traps used south of Point Conception nor five inches in any dimension on traps used north of Point Conception.
CCR T-14 29.08(a) Except as provided in this article there are no closed seasons, closed hours or minimum size limits for any invertebrate. The bag limit on all invertebrates for which the take is authorized and for which there is not a bag limit otherwise established in this article is 35.
Hopefully this answers your questions,
Lieutenant Jason Kraus

1 Coonstripe Shrimp, *Pandalus danae*

A coonstripe shrimp, *Pandalus danae,* caught near Crescent City, California. Photo credit: J. Bieraugel.

History of the Fishery

The California commercial fishery for the coonstripe shrimp, *Pandalus danae*, is a relatively new fishery. The first landing record for this species was in 1995; however, they were likely landed in small amounts prior to 1995 and recorded only in a general shrimp market category. Commercial coonstripe shrimp regulations adopted by the California Fish and Game Commission in 2002 (Title 14, CCR, §180.15) were devised cooperatively by the California Department of Fish and Game (Department) and fishers. Prior to 2002, the fishery was essentially unregulated. Current regulations cover general trap and vessel permit requirements, prohibit trawling, specify a closed season from November 1 through April 30, and provide a control date for a possible limited entry fishery. Logbooks are not required.

California has the largest directed coonstripe shrimp trap fishery on the west coast of North America. Most of the fishing activity takes place within a few miles of Crescent City Harbor. A formerly active trap fishery in southern Oregon has dwindled, culminating in landings of less than 10 pounds per season (4.5 kilograms per season) for the past three years. In the San Juan Islands of Washington state, there is small trap and trawl fishery for coonstripe shrimp. In southern British Columbia, there is short season trap fishery, a small directed trawl fishery and some coonstripe shrimp are caught incidentally in pink and sidestripe shrimp trawls. Total trap and trawl landings in both Washington and British Columbia are similar in size to California's trap fishery. In Alaska, coonstripe shrimp are not targeted, but are landed incidental to other fisheries.

The California commercial fishery for coonstripe shrimp had its first significant landings in 1996 and remained relatively stable from 1997 through 2002, averaging 78,200 pounds (36 metric tons) per year. After declining to a low of 22,200 pounds (10 metric tons) in 2007, the 2008 season yielded 85,200 pounds (39 metric tons), the second largest annual landings. Average landings for the fishery, since 1996, are almost 62,800 pounds (28 metric tons) (Figure 1-1).

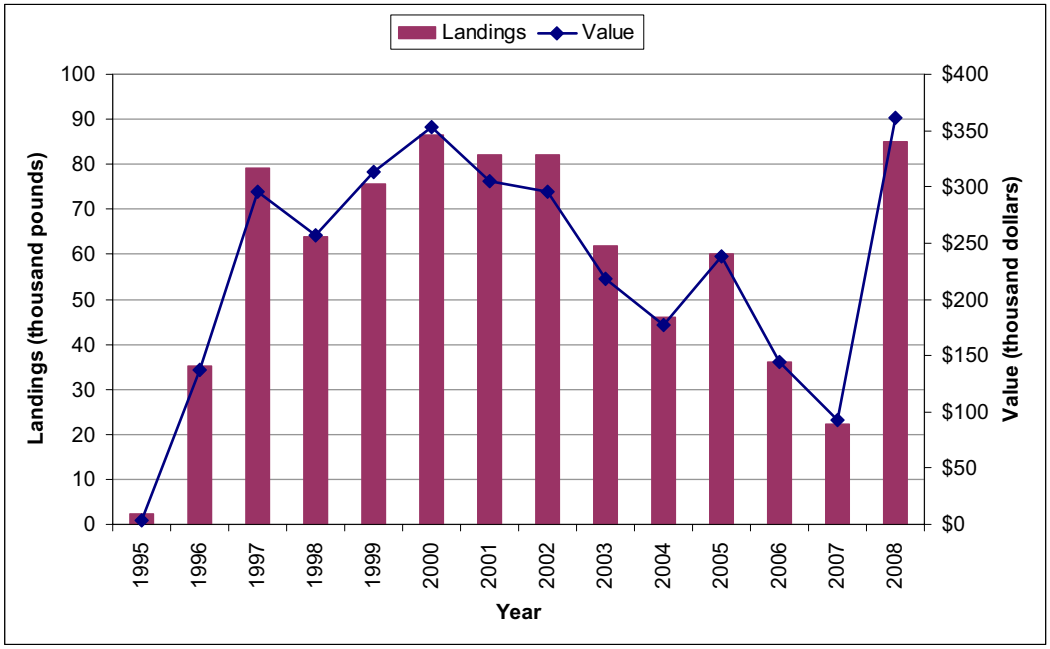


Figure 1-1. Coonstripe shrimp commercial landings and value, 1995-2008. Data source: CFIS data, all gear types combined.

Although catch-per-unit-effort is reportedly low, a high price per pound keeps diligent fishers interested. Fishers often soak gear for several days and can store several trips worth of Coonstripe shrimp alive before selling to the fish buyer. Count per pound ranges from 23 to 40 shrimp, but buyers prefer lower counts of larger shrimp. The live product is shipped to markets in the San Francisco and Los Angeles areas where consumers pay $5.99 to $6.99 per pound ($13.20 to $15.40 per kilogram), depending on quality. Since 1996, the average price paid to fishers has ranged from $3.52 to $4.25 per pound ($7.77 to $9.36 per kilogram). Paid the latter in 2008, total ex-vessel value was $361,800 (Figure 1-1). Average annual ex-vessel value from 1996 to 2008 was $245,400.

As an open access fishery, the size and composition of the fleet varies each year. Since 1995, there has been between 1 and 20 vessels making landings – mostly directed and some incidental. Only a few fishers consistently make substantial landings, others come and go. Seven vessels made landings in 2008, with four vessels catching the majority of the shrimp. All seven are also commercial Dungeness crab vessels. The coonstripe shrimp season, May 1 through October 31, complements the Dungeness crab season, December 1 through July 15. Since the enactment of the coonstripe shrimp vessel trap permit requirement in 2002, there are typically three times the number of permits sold as are used each year.

In the Crescent City area, fishers set traps on the muddy bottom near rocky reefs. The latest trap style is a tapered, circular design from Canada (Figure 1-2). Each trap weighs less than10 pounds (4.5 kilograms) and is constructed of mesh over a stainless steel frame. The traps are typically 39 inches (1 meter) diameter, 16 inches (41 centimeters) tall and have entry funnels 3 inches (8 centimeters) in diameter. Traps are fished in sets of 10 to 15 connected together on a long line string. Each end of the set is held down by a weight and marked with a buoy on the surface. Fresh fish, usually sardines, mackerel, herring or albacore, is used as bait. Some fishers position their traps at a rather specific depth, about 25 fathoms (46 meters), while others vary the depth and prospect as shallow as 12 fathoms (22 meters). The predominant fishers have about 500 traps, and may fish fewer. Gear is rarely lost, but does wear out.

Figure 1-2. A Crescent City commercial fisher empties a typical coonstripe shrimp trap onto a sorting table. Photo credit: J. Bieraugel.

Habitat damage and bycatch from this fishery is considered minimal. Since traps are set on muddy bottoms, they generally do not disturb coral, sponges and other fragile species often growing on rocks. Small shrimp and bycatch can escape the trap through the mesh, typically 0.5 inch square openings. Once onboard, the catch is carefully sorted and discards are thrown over, live if possible. Onboard fisheries observers have reported bycatch including hermit crabs; snails; juvenile Dungeness and rock crabs; decorator, umbrella and butterfly crabs; sunflower stars; hagfish; juvenile lingcod, cabezon and rockfish; sculpin; octopus; and other small shrimp.

Interest in recreational fishing also rose in the 1990s, presumably because the growing commercial fishery showed that the shrimp could be fished close to shore with lightweight traps. The recreational limit was increased from the general invertebrate species limit of 35 shrimp per day to 20 pounds (9 kilograms) per day in 1998 (Title 14, CCR, §29.88). There is no closed season or size limit for the recreational fishery. Effort and catch are believed to be minimal, although fishery surveys have not been conducted. This species is not targeted by commercial passenger fishing vessels.

Status of the Biological Knowledge

Coonstripe shrimp are crustaceans in the order Decopoda containing lobsters, crayfish, crabs and other shrimp. These caridean shrimp are members of the Pandalidae family, a family of cold water shrimp containing 24 genera and 162 species. Pandalid shrimp are medium to large size, have a laterally compressed body, a blade-like rostrum (spine-like extension of the anterior median carapace), well developed

antennal scales and a muscular abdomen. The muscular abdomen, used for swimming propulsion, has little room for organs—making it desirable as food. Antennal scales act as rudders and brakes and make possible elaborate escape maneuvers. Pereopods, the longest limbs, are relatively small and more suited to perching than walking. Pincers (claws called chelae), usually on the first two pereopods, are small or lacking in pandalids. The coonstripe shrimp has unevenly sized chelipeds (pereopods with chelae), favoring one side for feeding and other for grooming. They are known to spend a considerable amount of time keeping body surfaces and chemoreceptors clean. Their limbs are equipped with tiny brush and comb-like groups of setae especially for this purpose. The rostrum terminates in three points and has 7 to 16 dorsal spines and 5 to 10 ventral teeth. Body color is generally a milky-translucent background with prominent red to brown stripes and dots, sometimes with white markings and blue dots. There are broken, diagonal stripes on the abdomen and strong banding on the legs and antennae. The name coonstripe is sometimes attributed to other pandalid shrimp species which also bear striped markings.

Coonstripe shrimp is also referred to as dock shrimp for its habit of sometimes living around pilings. Normally, juveniles live in shallower water while adults live in the sublittoral zone at depths up to 606 feet (185 meters). This epibenthic shrimp inhabits a variety of bottom substrates, from mud to gravel, usually in areas with strong currents and shelter to hide in by day. Wide ranging, they are found from Sitka, Alaska to at least Point Loma, California (San Diego County). The southern end of their range has been incorrectly stated as far north as San Francisco, but with confirmation that *Pandalus gurneyi* is a synonym of *P. danae*, it is likely that the coonstripe shrimp range extends into Baja California, Mexico. Sporadically caught in many fisheries and surveys, they have only been found in densities high enough to support a fishery in a few select locations. Prey items include polychete worms and small invertebrates such as copepods and amphipods. Predators are likely octopus, crabs and various groundfish. Biological information on coonstripe shrimp is somewhat limited.

Coonstripe shrimp were the first of the pandalid shrimp to be described as protandrous hermaphrodites, beginning as males and transforming into females during the course of their lives. Most of the shrimp hatch as males in the spring, usually April, and spend about 3 months nearby as larvae. Larvae are complete with two pairs of antennae, mandibles, eyes and thoracic appendages used for swimming. Once the juvenile form is attained, usually by June, they undergo rapid molting and growth. Four months later, usually October, they are sexually mature and begin breeding. In their second year of breeding most are still males. Subsequently, the shrimp begin transforming into females. In their third year, they breed as females and probably do not survive another year. A small percentage of coonstripe shrimp are primary females, hatching and living their entire lives as females, thus adding resiliency to the species. This anomaly is assumed to increase in response to environmental pressures, such as fishing selectively for large females, which may unbalance the sex ratio. However, laboratory experiments indicate that for coonstripe shrimp, genetics is a stronger influence on sex determination. Sex change triggers are still poorly understood.

Coonstripe shrimp are unusual shrimp in that ovigerous (egg bearing) females can be found throughout the year (Figure 1-3). In studies from southern British Columbia, egg bearing females were mainly encountered from November to April. Recent anecdotal information from the California fishery indicates egg bearing females are encountered throughout the fishing season, especially near the beginning. Dockside sampling conducted by the Department in 1997, prior to the seasonal closure regulation, found the number of ovigerous females caught in the Crescent City fishery declined from 100 percent at the end of March to less than five percent at the end of June. During May 1997, corresponding to the first month of the current season, at least 50 percent of females caught were ovigerous. Larval recruitment in the closely related pink shrimp, *Pandalus jordani*, has been linked to ocean conditions and the strength and timing of the spring transition. Each year, along the Pacific Coast of North American between San Francisco, California (38° North Latitude) and the Queen Charlotte Islands, British Columbia, Canada (52° North Latitude), the coastal winds switch from the southerly winds of winter to the northerly winds of summer producing the spring transition. Some years, the impact of taking egg bearing females in late spring can have a large effect on recruitment because those may be the very eggs with the best chance of survival. Further investigation is necessary to understand how this concept relates to coonstripe shrimp recruitment.

Figure 1-3. A female coonstripe shrimp bearing eggs (green) along the underside of her abdomen. Photo credit: Scott Groth, ODFW.

The habit of continual breeding also complicates determining size at age for coonstripe shrimp. Research, again from British Columbia, found that males maturing in October of their first year averaged about 2.5 inches (6-7 cm) total length (TL), averaged 3.4 inches TL (8.5 centimeters) the following October and after becoming female by the third October, averaged 3.9 inches TL (10 centimeters). Large specimens can reach 5.5 inches TL (14 centimeters).

Coonstripe shrimp find their mates using a strategy called pure searching. Males do not guard the female or a territory. This avoidance of conflict allows them to be smaller without the necessary fighting chelipeds. The two sexes have chance encounters and may not even acknowledge each other until after the female molts and is therefore ready to mate. This strategy is found in populations of mobile species occurring in sufficient density that meetings are frequent. Mating is brief and females have the option to physically reject copulation and the depositing of the spermatophores. Soon after successful mating, the female extrudes, fertilizes and attaches the eggs to her swimming appendages where they are carried until hatching. Incubation of the eggs by the female produces lower fecundity but also lowers mortality before hatching. Cold water shrimp carry only a few hundred to a few thousand eggs each year and coonstripe shrimp averages 1140 eggs per year. This is a relatively small amount compared to warm water shrimp who release tens of thousands of eggs

annually. Like most cold water shrimp, the life history of coonstripe shrimp makes them unsuitable for aquaculture and susceptible to overfishing, especially in combination with habitat damage or climate change. There is currently no aquaculture of this species.

Status of the Population

Based on the short history of the fishery, the effort, landings and value appear relatively stable. However, to date there have been no estimates of abundance or other population parameters, such as recruitment and mortality rates, with which to assess the stock for sustainability. The relatively limited distribution of the fishable stock of coonstripe shrimp would seem to increase its vulnerability to overfishing.

Management Considerations

Although there are currently few active participants, coonstripe shrimp is an open access commercial fishery with no trap limits, and each year about three times as many permits are sold as vessels make landings. There is little to no interest within the industry in pursuing a permit or trap restriction program at this time. However, a control date of November 1, 2001 has been set in case a restricted access program is considered in the future (Title 14, CCR, §180.15); trap limits should be considered simultaneously. Gear cost and low catch-per-unit-effort will likely keep both the commercial and recreational fisheries from expanding rapidly, but effort should be monitored.

The current seasonal closure of the fishery is based on biological information from Canadian stocks, a short dockside sampling program in Crescent City and recommendations from local fishers. Although the season is designed to avoid the most common period of egg bearing females—sampling catch composition over a longer time period would check the effectiveness of this strategy. There is no closed season for the recreational fishery; egg bearing females can be legally harvested year round. Conservative management of this fishery is necessary because of the lack of data on this species. Further investigation of life cycle timing, the relationship of larval recruitment to ocean conditions and what portion of the stock is taken each year would help determine the impact of harvesting ovigerous females.

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California Department of Fish and Game
BMcVeigh@dfg.ca.gov

Further Reading

Bauer RT. 2004. Remarkable shrimps: Adaptations and natural history of the Carideans. Norman (OK): University of Oklahoma Press. 296 p.

Butler TH. 1964. Growth, reproduction, and distribution of Pandalid shrimps in British Columbia. J. Fish. Res. Bd. Canada. 21(6):1403-1452.

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Jensen GC. 1995. Pacific coast crabs and shrimps. Monterey (CA): Sea Challengers. 87 p. Available from: NAL/USDA, Beltsville, MD.

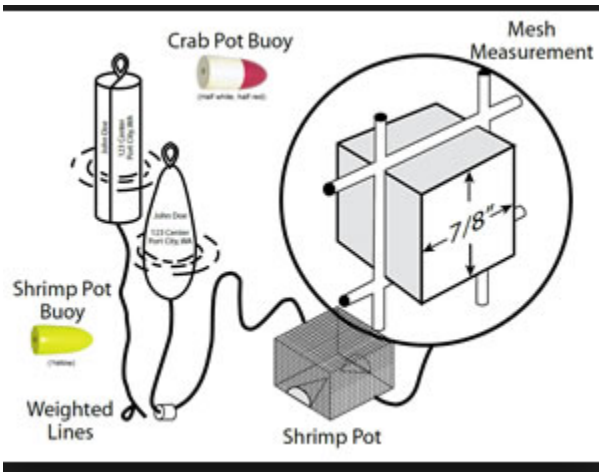
Roberts S. 2008. Wild-caught coldwater shrimp. Seafood Watch Seafood Report. Monterey (CA): Monterey Bay Aquarium; 63 p. http://www.montereybayaquarium.org/cr/cr_seafoodwatch/content/media/MBA_SeafoodWatch_ColdwaterShrimpReport.pdf

Wicksten MK. 1991. *Pandalus gurneyi* Stimpson synonymized with *Pandalus danae* Stimpson (Decopoda: Pandalidae). Proc. Biol. Soc. Wash. 104(4):812-815.

Coonstripe shrimp commercial landings and value, 1995-2008.

Year	Pounds	Value
1995	2,486	$3,729
1996	35,136	$137,734
1997	79,173	$295,017
1998	63,809	$256,431
1999	75,540	$312,906
2000	86,369	$353,627
2001	82,149	$305,265
2002	82,239	$295,505
2003	62,003	$218,533
2004	45,989	$177,448
2005	60,184	$238,551
2006	35,937	$144,664
2007	22,142	$92,706
2008	85,176	$361,801

Data Source: CFIS data, all gear types combined.



All information on line show exterior MESH size and almost never mentions OPEING SIZE

Here is Washington's State regulations for shrimp that is very descriptive

SHRIMP GEAR:

Pots must be constructed of either flexible or rigid mesh material (no liners allowed).

Entrance tunnels can be made of any size mesh material but must be located on the sides of the pot. The sum of the maximum tunnel widths must not exceed one-half the perimeter of the bottom of the pot.

Shrimp pots must not exceed 10 feet in perimeter and 18" in height.

All shrimp pot buoys must be yellow in color.

SHRIMP POT MESH SIZE:

1" Minimum Mesh Size

A ⅞" square peg must be able to pass through each mesh opening – see diagram, except for flexible (web) mesh pots, where the opening must be a minimum of 1 ¾" stretch measure.

Puget Sound:
Required for all shrimp pots during the month of May.
Required in all areas open for spot shrimp after June 1st.

Pacific Ocean:
Required year-round; Shoreward of 20 fathoms, the minimum mesh size for shrimp pots is 1/2-inch; Seaward of 20 fathoms, the minimum mesh size for shrimp pots is 1 inch.

1/2" Minimum Mesh Size

A ⅝" square peg must be able to pass through each mesh opening, except for flexible (web) mesh pots, where the opening must be a minimum of 1⅛" stretch measure.

Puget Sound:
Allowed after June 1st in any area closed for spot shrimp, but open for coonstripe and pink shrimp.

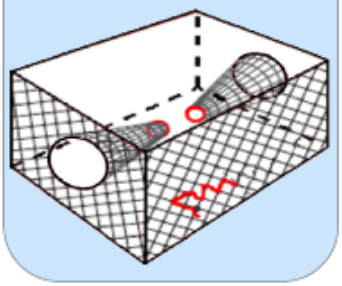
Shrimp Pots

Escape Mechanism

- Sidewall opening of 6 inches, located no more than 6 inches from the base and parallel to it, secured with a single piece of 30-thread, 100% untreated cotton twine.
- If your pot is made of rigid mesh, see the "rigid mesh" section on the reverse side.

Tunnel Eye and Size Requirements

- No more than 4 tunnel eye openings.
- Each opening cannot exceed 15 inches in perimeter.
- Bottom perimeter cannot exceed 153 inches and total volume cannot exceed 25 cubic feet.



Buoy Markings

Shellfish pot buoys must be marked with:

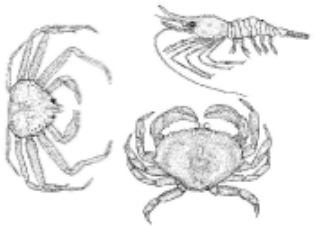
- Angler's first initial and last name
- Home address
- DMV-issued AK vessel numbers or the vessel name

Importance of Escape Mechanisms

The purpose of biodegradable escape mechanisms in shellfish pot gear is to prevent unnecessary mortality by allowing shellfish to escape if pots are lost or left unattended. These mechanisms rely on the use of untreated biodegradable cotton twine which will provide an opening in the pot when the twine degrades.

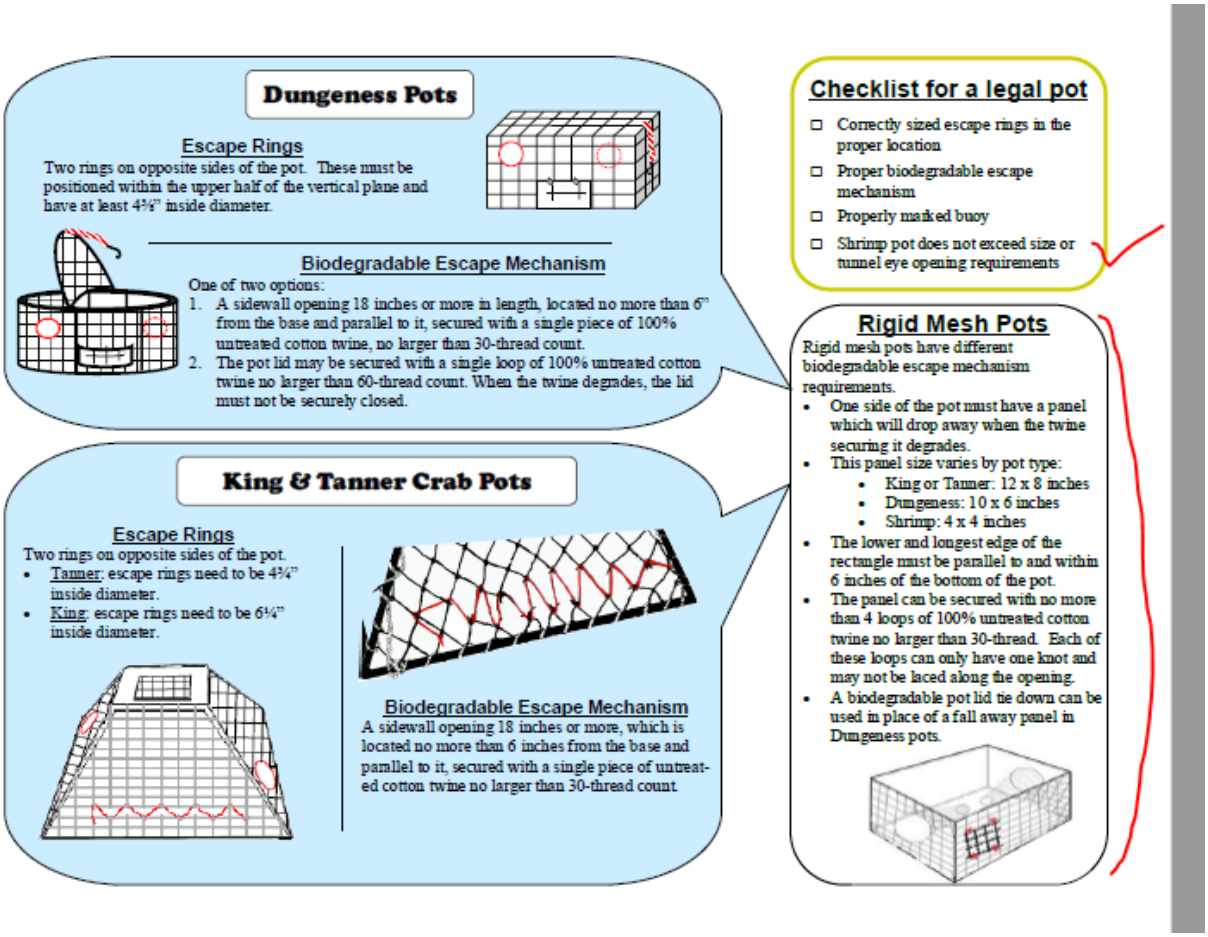
License applications and harvest regulations are available at http://www.sf.adfg.state.ak.us. Emergency orders, which always supersede regulations, are also available at the web site. For more information regarding bag and possession limits or to locate the ADF&G office closest to you, call (907) 465-4270.

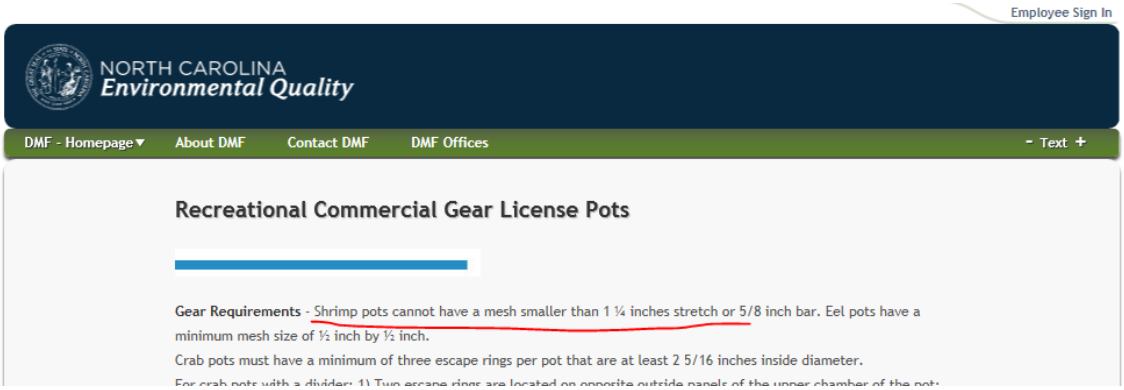
Shellfish Pot Requirements



- Dungeness Pots
- King / Tanner Crab Pots
- Shrimp Pots
- Buoy Requirements

Alaska Department of Fish and Game
Division of Sport Fish
802 3rd St., Douglas, AK 99811
P.O. Box 110024, Juneau, AK 99811
(907) 465-4270
http://www.adfg.state.ak.us





This shows that even North Carolina has an exterior mesh requirement of nothing SMALLER THAN

1 ¼" STRECH OR 5/8 BAR. This is so bycatch can escape and the shrimp in North Carolina are a much smaller species of shrimp.

Tracking Number: (2019-001)

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, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 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: Walter Lamb, Ballona Wetlands Land Trust
Address:
Telephone number:
Email address: landtrust@ballona.org

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Fish and Game Code Section 1580 ["The commission may adopt regulations for the occupation, utilization, operation, protection, enhancement, maintenance, and administration of ecological reserves."]

3. Overview (Required) - Summarize the proposed changes to regulations: This petition proposes to amend Section 630 of the Code of California Regulations, Title 14 to eliminate commercial parking use in the Ballona Wetlands Ecological Reserve, by changing the language in paragraph (h)(3) from "existing parking areas may be allowed under leases to the County of Los Angeles" to "existing parking areas may be allowed under leases to the County of Los Angeles provided such leases are limited to parking uses by public agencies that perform services for the Ballona Wetlands Ecological Reserve and that such leases prohibit parking for commercial use." The purpose of this proposed change is to convert a substantial portion of approximately 72,600 square feet of paved parking lot, used primarily by employees a private shopping plaza, and to a lesser extent by agencies of Los Angeles County, to a use more compatible with a public ecological reserve.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: California taxpayers spent $139 million 15 years ago to acquire the land which now makes up the Ballona Wetlands Ecological Reserve. This included approximately $129 million of Proposition O public bond funds and $10 million of Proposition 12 public bonds funds. Neither of these public bond fund measures was approved by the voters to provide commercial parking space to local businesses. Yet, approximately 72,600 square feet of land currently leased to Los Angeles County, Department of Beaches and Harbors ("Beaches and Harbors"), includes parking for employees of the businesses in

Fisherman's Village, across Fiji Way from the ecological reserve. The current parking exception was adopted by the Commission at its August 19, 2005 meeting.

Los Angeles County currently pays the Department of Fish and Wildlife $1,608 per year to lease approximately 254 parking spaces, the same amount it has paid since approximately 1995. Only a small portion of this lot is used by the Department of Fish and Wildlife for its vehicles and an office trailer.

Section 630 currently provides the Department with sole discretion as to whether a more appropriate use of this parcel should take precedence over the existing parking use. There is no question that this parcel of land can and would be more appropriately used if the Department exercised that discretion, but the Department has not done so. Therefore the only available remedy short of litigation available to stakeholders of the ecological reserve is to request this regulatory change.

The existing commercial parking use violates the public bond fund measures used to acquire the land, violates the temporary Coastal Development Permit issued in 1988 and intended to be in effect for approximately five years, and violates the prohibition in the California Constitution against gifts of public funds, given the discrepancy between the fair market value of the parking spaces and what the County actually pays the Department pursuant to the lease agreement.

New Information:

When a resubmitted version of this petition was denied in December of 2017, the Commissioners expressed a consensus that the petition was not necessarily without merit, but that they felt it was premature since comments were still being received in response to publication of the draft Environmental Impact Report for the restoration of the Ballona Wetlands. The Land Trust disagreed with that assessment, because the Commission's duties to maintain appropriate regulations is independent from the Department's duties pursuant to the California Environmental Quality Act (CEQA). Nonetheless, the public comment period was closed on February 5, 2018 and the Department has had almost a year to respond to the public comments received. The Department has made statements at subsequent FGC meetings with regard to the parking lots indicating changes to usage of the parking areas in question, but those changes appear not to have been implemented.

Additionally, new documents have been obtained by the Land Trust (some pursuant to litigation settlement with Los Angeles County) that further reinforce the commercial use aspect of the parking area in question. These documents clearly show collaboration between the County and local businesses to influence land use decisions in a manner that would favor their business interests over the public's interest in restoring the Ballona Wetlands as native wildlife habitat.

Finally, this petition is significantly different that the previous petition in that it seeks only the prohibition of parking for commercial purposes, not the prohibition of parking by public agencies.

For these reasons, we are confident that this petition merits consideration at the April 2019 meeting of the California Fish and Game Commission.

SECTION II: Optional Information

5. Date of Petition: January 03, 2019

6. Category of Proposed Change

☐ Sport Fishing
☐ Commercial Fishing
☐ Hunting
☒ Other, please specify: Ecological Reserves

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

☒ Amend Title 14 Section(s):630
☐ Add New Title 14 Section(s):
☐ Repeal Title 14 Section(s):

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition 2017-002
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: As soon as practically possible, but not an emergency

10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Please see attached documents relating to the existing parking use and proposed parking structure, including new information that the Land Trust obtained after the June 21 hearing on our original petition

The Ballona Wetlands Draft EIR is on the CDFW site: https://www.wildlife.ca.gov/Regions/5/Ballona-EIR

The archived audio of the 2005 Fish and Game Commission hearing is at http://cal-span.org/media/audio_files/cfg/cfg_05-08-19/cfg_05-08-19.mp3 and the discussion of the parking lots occurs at 223 minutes and 25 seconds (3:43.25).

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: Eliminating the existing parking lease with Beaches and Harbors would result in the loss of $1,608 in annual lease payments, which is substantially below market value. The land Trust hat offered to more than offset that amount if the paved lots can be converted to more appropriate use.

Additionally, due to lease payments that are clearly well below market value, and because parking for a shopping plaza and an unrelated County agency do not further the public purpose of the ecological reserve and the Department of Fish and Wildlife generally, the state could be in violation of the constitutional provision against gifts of public funds between agencies, as noted above.

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

SECTION 3: FGC Staff Only

Date received:

FGC staff action:

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

Tracking Number 2019-001

Date petitioner was notified of receipt of petition and pending action: February 6, 2019

Meeting date for FGC consideration: April 17, 2019

FGC action:

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

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SECTION I: Required Information.

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

- **Person or organization requesting the change (Required)**

Name of primary contact person: Brian Gorrell

Address:

Telephone number:

Email address:

- **Rulemaking Authority (Required) -** Reference to the statutory or constitutional authority of the Commission to take the action requested: Sections 713, 1050 and 8587.1, Fish and Game Code. Reference: Sections 1050, 7852.2, 8046, 8589.5 8589.7, 9001 and 9001.5

- **Overview (Required) -** Summarize the proposed changes to regulations: Add additional "trap endoresment" opportunities to (Nearshore permit holders) who purchased (2) Nearshore permits to create (1)Nearshore Permit, in compliance with the limited entry permit reduction process, that ended last year.

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

The Problem: Fishing with hook and line only: Sea Lions, Harbor Seals, Sharks, By-Catch, Undersized Fish, and all other Marine Life, can be hooked on the hook, and or gear.

-Either: they bite the bait, or they eat the fish that has already eaten the bait, and been hooked.

- The fish that are coming up, are often injured or half eaten, do to predation while underwater. As soon as a fish is hooked, it becomes easy prey for other predators, regardless of its species or size.

- The best case scenario, is the fish only has a hole in its face from the hook. (This can be very extreme, as they try to tear themselves off of the hook, to the point they will tear their own jaw off)

- This is unnecessary, and cruel.

- Many fish that are eaten off the line or killed, are undersized, and/or bycatch, and possibly endangered, or protected species.

- Harbor Seals, Sea Lions, and other marine life are caught on the hooks and fishing gear, and often drag the fishing gear to shallower or unsafe waters.

- I live, and fish commercially, in the Monterey Bay Marine Sanctuary We have many protected, resting areas for Harbor Seals and Sea Lions. I have been told that their numbers are at an all time high right now.

- I am committed to sustainable fishing, and protecting species for future generations. This is not possible under the current “hook and line” restrictions I am currently forced to use.

-I come from a fishing family. We have always used traps, the rest of my family has trap endorsed permits. It is more efficient for the fisherman, and less destructive to other marine life.

As a direct result of the buy (2) Nearshore permits, and receive (1) Nearshore permit process:

-A prospective permitee who wanted to fish for nearshore species with traps, was required to have at least (1) of the permits he was to purchase have a trap endorsement already attached to the permit.

-Those of us who were among the last to be held under this permit process, found it very difficult to find a permit for sale, and even harder to find a second permit for sale. If you were lucky enough to find a permit for sale you bought it, trap endorsed or not.

-There were no trap endorsed permits for sale from 2011 until 2017 when the permit process changed.

-In 2011- It took me a full year to find my first permit, I bought it. Then, it took me over a year to find my second permit. I was already paying for my first one for a year and still unable to fish. When the second one came around I bought it. I had to start fishing ASAP to pay for my permit that I was already paying for. Unfortunately it was not “trap endorsed”

****-People with a “trap endorsed permit” were reluctant to separate their “endorsement” from their permit.**

-This would make their permit less valuable as a whole.

- If they already had a trap endorsement, and were fishing, then they were fishing with traps. If they sold their endorsement, they would have to change their fishing method, to a less productive method.

-Those fisherman who could afford to wait, wanted to wait, until the permit process changed to see what their permits would be worth.

Because of this, no one wanted to sell their trap endorsement.

The Department has been talking a lot about the future of fishing. The future generations, and sustainability of fisheries..

I am . I am part of the future generation. I care about sustainability, and the protection of species for future generations.

I am asking you to use your power to change, to help me do just this.

SECTION II: Optional Information

- **Date of Petition:** 1/24/2019
- **Category of Proposed Change**

☐ Sport Fishing

x Commercial Fishing

☐ Hunting

☐ Other, please specify:

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

☐ Amend Title 14 Section(s):1050, 7852.2, 8046, 8589.5, 8589.7, 9001 and 9001.5

☐ Add New Title 14 Section(s):

☐ Repeal Title 14 Section(s):

- **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** 2017-010

Or ☐ Not applicable.

- **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: ASAP. Every time I go out fishing, I am killing, and injuring unintended species with my hooks. This is very serious, and requires immediate implementation to preserve life.

- **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: I attending 3 meeting last year, I spoke to the commission and the committee, and did a visual video presentation.

- **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:

- CDFW revenue from trap endorsement renewal yearly

- Fishermen gain revenue, as traps usually catch and preserve the lives of more fish.

- live fish businesses would have healthier fish that are not wounded constantly.

-schools would be able to educate their students about why we choose different methods of fishing to preserve marine life.

-Marine life is unable to become hooked. Therefore preserving life.

-Fishermen will be able to catch more fish at once, with less loss and mortality, therefore allowing them to make less trips, help them to pay their rent/mortgage, and not become homeless.

- **Forms:** If applicable, list any forms to be created, amended or repealed:

SECTION 3: FGC Staff Only

Date received:

FGC staff action: 2019 JAN 24 AM 11:20

☑ Accept - complete

☐ Reject - incomplete

☐ Reject - outside scope of FGC authority

Tracking Number 2019-002

Date petitioner was notified of receipt of petition and pending action: February 6, 2019

Meeting date for FGC consideration: April 17, 2019

FGC action:

☐ Denied by FGC

☐ Denied - same as petition _____

Tracking Number

☐ Granted for consideration of regulation change

Tracking Number: (2019-003)

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, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 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:
Telephone number:
Email address:

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Sections 200 and 205

3. Overview (Required) - Summarize the proposed changes to regulations: See Proposed Emergency Regulatory Language for Monterey California

4. Rationale (Required) - Describe the problem and the reason for the proposed change: See Proposed Emergency Regulatory Language for Monterey California

SECTION II: Optional Information

5. Date of Petition: Jan 31, 2019

6. Category of Proposed Change
☒ Sport Fishing
☐ Commercial Fishing
☐ Hunting
☐ Other, please specify:

7. The proposal is to: (*To determine section number(s), see current year regulation booklet or https://govt.westlaw.com/calregs*)
☐ Amend Title 14 Section(s):
☒ Add New Title 14 Section(s): 29.12
☐ Repeal Title 14 Section(s):

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition
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: Emergency condition is best resolved in the spring

10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents: See Proposed Emergency Regulatory Language for Monterey California

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 Proposed Emergency Regulatory Language for Monterey California

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

n/a

SECTION 3: FGC Staff Only

Date received: Received by email on Wednesday, January 30, 2019 at 4:46 PM

FGC staff action:
☑ Accept - complete
☐ Reject - incomplete
☐ Reject - outside scope of FGC authority

Tracking Number 2019-003

Date petitioner was notified of receipt of petition and pending action: February 6, 2019

Meeting date for FGC consideration: April 17, 2019

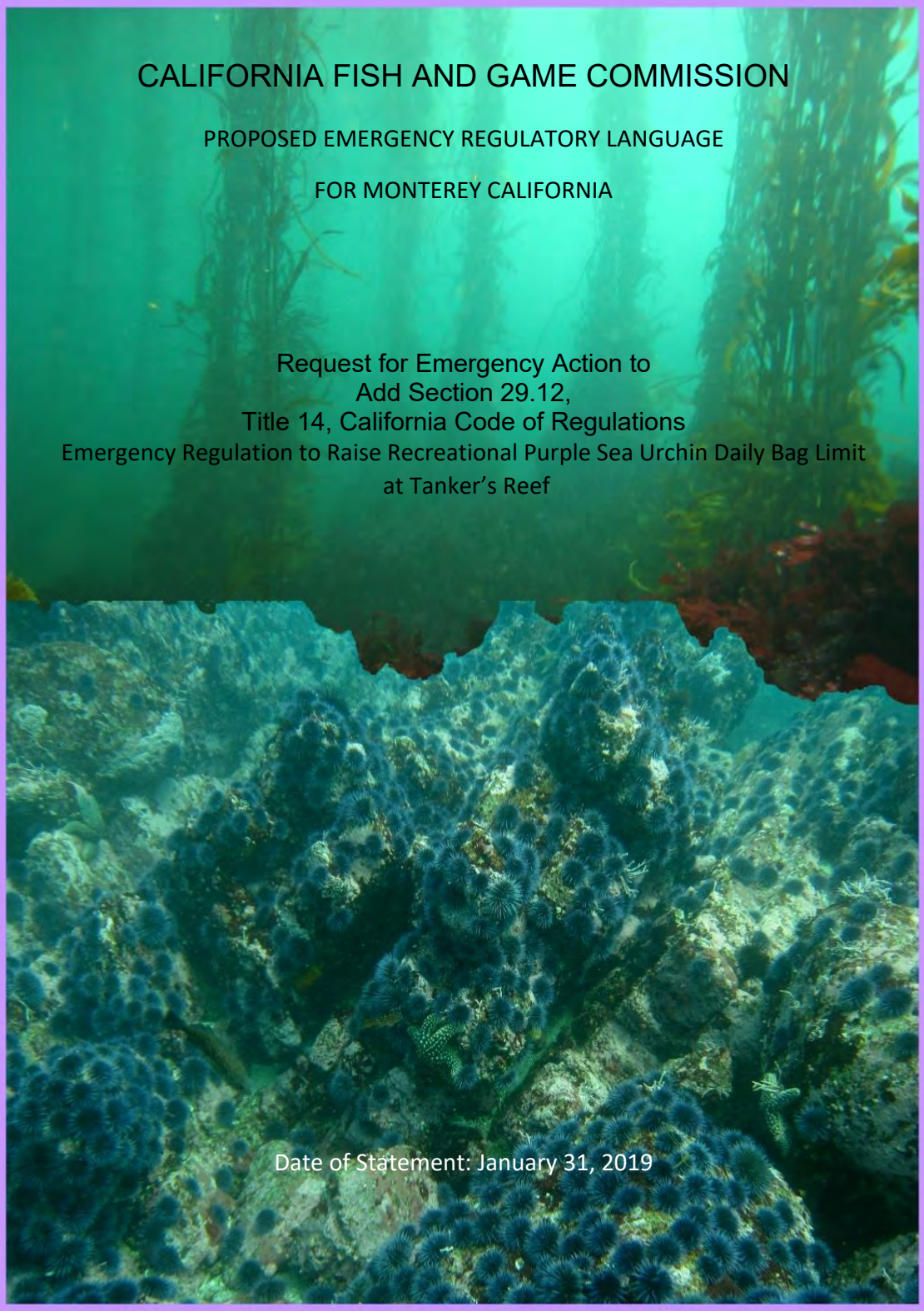
FGC action:
☐ Denied by FGC
☐ Denied - same as petition _____
Tracking Number
☐ Granted for consideration of regulation change

CALIFORNIA FISH AND GAME COMMISSION

PROPOSED EMERGENCY REGULATORY LANGUAGE

FOR MONTEREY CALIFORNIA

Request for Emergency Action to
Add Section 29.12,
Title 14, California Code of Regulations
Emergency Regulation to Raise Recreational Purple Sea Urchin Daily Bag Limit
at Tanker's Reef



Date of Statement: January 31, 2019

Statement of Facts Constituting the Need for Emergency Regulatory Language

A combination of unprecedented environmental and biological stressors has caused the giant kelp (*Macrocystis pyrifera*) forest, an important habitat for young of the year rockfish, to collapse. Today, the once abundant kelp is severely depleted due to openly grazing purple urchins (*Strongylocentrotus purpuratus*) dominating the nearshore ecosystem. Of the 16 sites that Reef Check California (RCCA) monitors around the Monterey Peninsula annually, 9 of those have become urchin barrens. Restoration is complicated by the nearly contiguous network of Marine Protected Areas that prohibit recreational take of urchins in areas that are accessible from shore and/or not exposed to the typical NW swell.

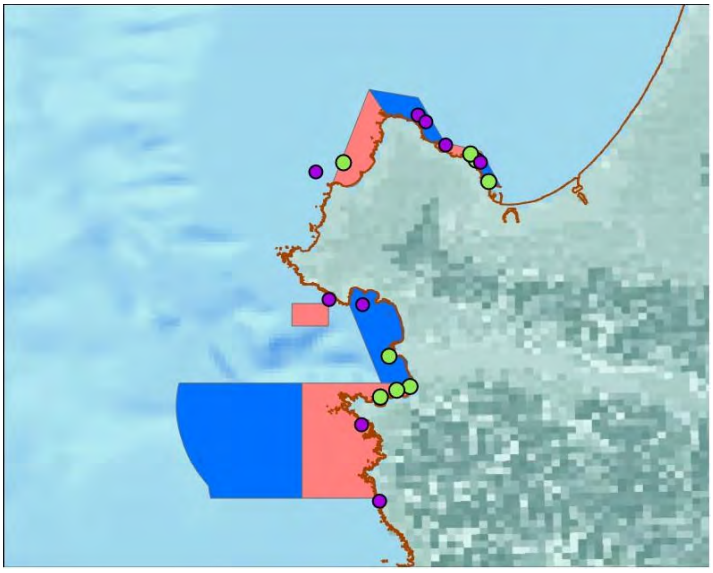


Figure 1: Reef Check California 2018 Monterey Survey Sites. Purple indicates urchin barrens and green indicates non-urchin barrens. Blue areas are MPA Reserves and orange areas are MPA Conservation Areas

The alternative state of urchin dominant ecosystems (Karen Filbee-Dexter, 2014) has reduced the normally thick and robust kelp forest to a thin nearshore canopy that is further reduced annually as urchins recruit to hard substrate and kelp recruits are eaten by starving urchins. Over the winter the kelp canopy recedes due to reduced daylight and winter storms, but the openly grazing urchins survive the winter and devour kelp recruits in the spring. Since 2015 in Monterey Bay, there has been a steady loss of kelp forest and increased urchin barren conditions progressing from Point Pinos eastward towards Cannery Row.

Central Coast Kelp Restoration Efforts

RCCA and Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO) has petitioned and received permission to perform an experiment in the Pacific Grove Gardens Marine Conservation Area (State of California – Department of Fish and Wildlife, SC-005486) to manipulate urchin densities to determine at what urchin density will giant kelp successfully recruit and form a kelp canopy. This experiment is being performed by RCCA in partnership with the Monterey Bay Aquarium (MBA) and the Monterey Abalone Company (MAC). If the experiment is successful, it should inform a larger scale removal experiment to determine if algae recruitment and subsequent rock fish recruitment is possible in the MPAs. This will align with the goals of the Marine Life Protection Act to ensure species diversity in the nearshore nursery that, by design, sustain fish populations along the unprotected remaining 86% of the California coast (Council, 2018).

The other question that is particularly relevant to this type of recovery effort is if recreational SCUBA and freedivers can be successful in persistent efforts to reduce urchin densities. Recreational divers on the north coast have shown great interest in this activity and 75 - 100 divers have participated in bi-monthly events since the summer of 2018. The Monterey Bay National Marine Sanctuary Advisory

Council conducted a survey of divers and found that 92% of divers are in favor of and would participate in efforts to reduce urchin densities (MBNMSAC, 2018). If north coast volunteer diver turnout in the difficult to access and sparsely populated Sonoma and Mendocino counties is an indication, we should expect 100-200 divers to participate in removal events in Monterey.

The dive site we propose for this action is called Tanker's Reef (aka: Tanker Reef) in Monterey and is located east of Municipal Wharf #2 in Monterey and it has historically been a *Macrocystis* kelp forest. This area is not in a Marine Protected Area. The reef is atypical from other reefs around the Monterey Peninsula because of the low-lying shale substrate. This area became an urchin barren in 2016. Bull kelp recruited on a portion of the reef in 2017, but was washed ashore that winter. Kelp did not recruit on this reef in 2018.

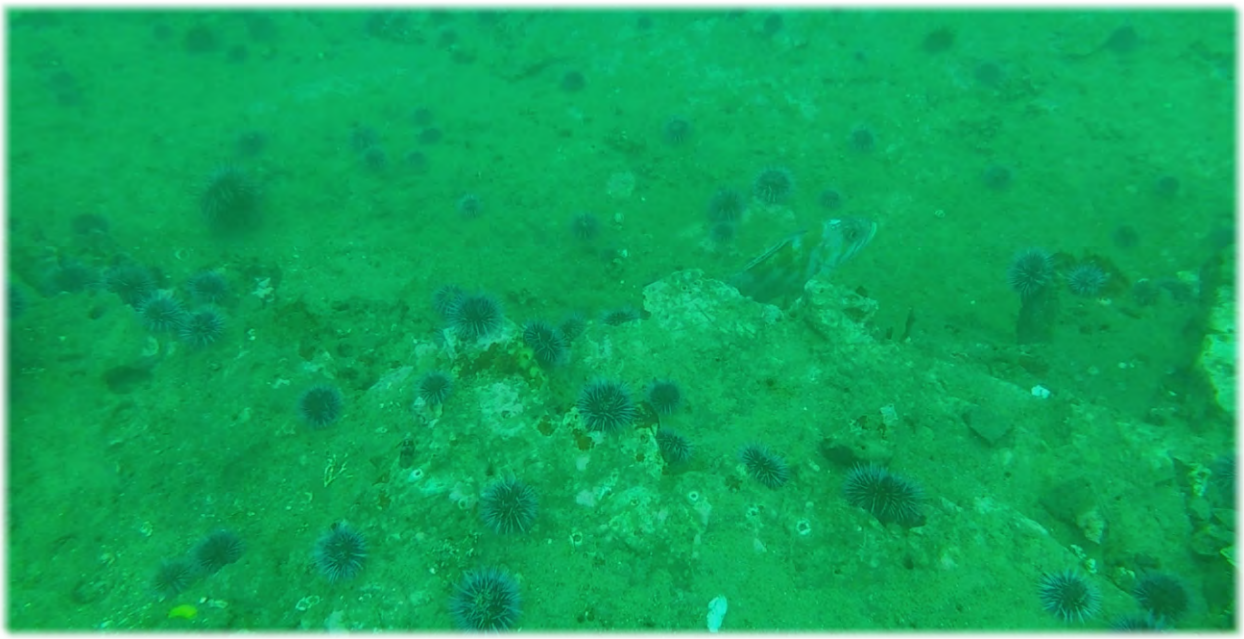


Figure 2: Tanker's Reef Summer of 2018 - Photo by Andrew Kim

Emergency Regulatory Language and Justification

Due to the thirty-five (35) sea urchins per-person daily bag limit (14 CCR § 29.05(a)) there is not a practical ability for recreational divers to remove urchins efficiently. Similar to what was proposed and approved for recreational divers in Sonoma and Mendocino counties under Emergency Regulatory Language 29.11 and subsequent Proposed Regulatory Language 29.06 applicable to Sonoma, Mendocino, Humboldt and possibly Del Norte counties, we propose that the Fish and Game Commission adopt Emergency Regulatory Language to allow recreational divers to remove 40 gallons of purple urchins per person daily at this singular reef in Monterey Bay. We also seek a no-possession limit to allow for better utilization and easier transportation to where they can be disposed of in mass. The suggested text is as follows:

Emergency Regulatory Language
Section 29.12, Title 14, CCR, is added as follows:

§ 29.12. Purple Sea Urchin

(a) The daily bag limit for purple sea urchin taken while skin or SCUBA diving at Tanker's Reef in Monterey County is forty (40) gallons.
(b) Tanker's Reef is defined as the area between the following coordinates:
36°36'4.54"N, 121°53'13.47"W;
36°36'19.70"N, 121°53'13.45"W;
36°36'42.67"N, 121°52'20.15"W; and
36°36'20.33"N, 121°52'4.06"W.
(c) There is no possession limit for purple sea urchin.

Authority cited: Sections 200, 205 and 399, Fish and Game Code.
Reference: Sections 200, 205 and 399, Fish and Game Code.

"To determine whether an emergency exists, the Department considered the following factors: The magnitude of potential harm; the existence of a crisis situation; the immediacy of the need; and whether the anticipation of harm has a basis firmer than simple speculation. All available information points to a highly volatile and adverse condition for [Monterey] kelp forests and the resident nearshore fishery, and extraordinary measures must be taken immediately to help restore important but vulnerable habitats" (CDFW, 2018) .

Tanker's Reef Uniquely Qualified

Tanker's Reef has excellent characteristics making it an ideal candidate for removal efforts. The site is just offshore from a long wide sandy beach, parking is available within easy walking distance and there are not nearshore tidepools or protected areas that might be disturbed or trampled by increased use. It is immediately adjacent to the Monterey Municipal Marina and is at the south end of the bay that is normally in the wave shadow of Point Pinos and also behind the San Carlos Breakwater jetty. This area is diveable in all but the most severe conditions from boat or from shore, normally 50 weeks out of the year. The urchin barren is in only 20 to 40 feet of depth which makes it an easier and safer dive for task loaded recreational divers. Because the reef is surrounded by sand, and urchins do not tend to traverse sand, the area, once cleared, should not be repopulated quickly by migrating urchins from the nearest adjacent reef over half a mile away.

Figure 3: "Tanker Reef" September 24, 2005 - Photo by Kawika Chetron

The dive community is eager to work on an urchin removal project (MBNMSAC, 2018) as they have watched in horror as their favorite dive sites in Monterey and Carmel go from lush kelp forests with diversity to urchin barrens. Allowing urchin removal in this limited area would be beneficial to giving the divers a way to improve the diving conditions they enjoy. Kelp recruitment occurs in the spring and if this proposal is enacted urchin removal events would be planned for April and May of 2019.

Planned Urchin Removal Activities Means and Methods

Before any urchin removal event occurs, the area of the urchin barren will be accurately mapped by GPS and RCCA will perform a site survey and a gonad index (GI) test. Taking cues from north coast urchin removal events, large fishing vessel(s) will be anchored on the site. Recreational divers will meet on the beach and be provided a briefing of best methods of removal and proper identification of urchin species. A shore marshal shall assign each diver a number and record each diver's GO ID and contact information.

Urchin removal will be accomplished by directing divers to concentrate their efforts around surface marker buoys and rake them into large gear bags. When a bag is full, divers will surface with them and the bags will be handed over to non-motorized kayak watercraft. Monterey Bay Kayaks is located at this site and over 100 kayaks are available for rent. The kayakers will deliver the bags to the awaiting fishing boat(s), who will record the diver number and the empty bags will be returned to the kayak, who will make them available again to the divers. If a diver reaches the bag limit, they will be told to stop collecting urchins.

Figure 4: Reef Check diver David Chervin hands off urchins to kayak shuttle, Ocean Cove, CA, May 24, 2018 - Photo by John Burgess, The Press Democrat

When the event is over or there is a break in the activity, the fishing boat(s) shall dispose of the urchins. There is a token operated 3-ton public hoist at the Monterey Municipal Harbor for off-loading onto trucks. On the north coast the urchins were delivered to a composter and we will find a suitable composter in agriculturally rich Monterey County that will accept and use them. These removal events will be repeated until the reef urchin density is sustained at less than 2 urchins per square meter (The Bay Foundation, 2015). After the removal events RCCA will again survey the site to determine the effectiveness of the removal effort and the resulting fish and invertebrate assemblies.

Because the site is easily accessible and in relatively shallow water, certified recreational divers of all abilities will be able to participate. The dive community wants to make this a safe event for all involved and we will make sure that CA State Parks and Recreation lifeguards, the Monterey Fire Department, and certified instructors are on site and on the water. CDFW marine biologists Dr. Cynthia Catton and Dr. Laura Rogers-Bennett will be invited to perform GI tests and collect data on the removal activity. We will ask Robert Puccinelli, Captain, Law Enforcement Division to be on-hand to ensure that the laws are properly explained and answer any questions divers may have. The Monterey Bay National Marine Sanctuary has expressed their willingness to work with and coordinate with the CDFW (Sanctuary, April 2018) and they shall be consulted, and we will obtain a sanctuary permit. An emphasis will be placed on educating divers on proper methods of removal that are non-destructive to the substrate and that culling or taking urchins anywhere in Monterey county except this site will not only be ineffective, but unlawful. Because we are sharing a common pool of divers, we will coordinate and deconflict with Josh Russo and north coast removal events.

Unlike the Reef Check SCP work where only RCCA certified divers may participate, and because the State is collecting fishing license fees and the divers are all certified by a nationally recognized diving certification agency, liability will rest with individual divers exercising their fishing license and not a diving organization. This will allow non-scientific recreational divers of all abilities to participate and will promote diving safety, scientific diving, sustainable fishing, and marine conservation. The events will be publicly held and be accessible for educational purposes and media reporting.

Tanker's Reef Specific Description

The area of Tanker's Reef to be considered and the limits of this proposed emergency regulatory language action is (Earth, 2019):

1. Starting at a point due south of the yellow can #3 marking the NE corner of the east mooring field of the Monterey Municipal Wharf #2 and the mean high tide line called "Corner 1"at 36°36'4.54"N, 121°53'13.47"W
2. Proceeding 1,532 feet at a heading of 0 degrees to yellow can #3 marking the NE corner of the east mooring field of the Monterey Municipal Wharf #2, a point called "Corner 2" at 36°36'19.70"N, 121°53'13.45"W
3. Proceeding at a heading of 118 degrees a distance of 4,932 feet to a point called "Corner 3" at 36°36'42.67"N, 121°52'20.15"W
4. Proceeding at a heading of 30 degrees a distance of 2,619 feet to a point called "Corner 4" at the westmost corner of the Ocean Harbor House Condominiums seawall at 36°36'20.33"N, 121°52'4.06"W
5. Returning 5,887 feet to the starting point along the mean high tide water line.

An area encompassing approximately .33 square nautical miles or 283 acres.

Figure 5: Area of Emergency Regulation Change. Coordinates available as Tanker's Reef.kmz

Impacts:

The Monterey County Convention and Visitor's Bureau regularly conducts surveys of hotel guests and tourists and the number one reason people come to Monterey county is "Scenic Beauty" (Monterey County Convention and Visitors Bureau, 2017). Tourism in Monterey County injected $2.85 billion into the local economy in 2018. The adverse economic impact due to lack of kelp forests, collapse of the nearshore fishery, and loss of habitat for the endangered Southern Sea Otter (*Enhydra lutris nereis*) population would be obvious to even a casual observer eating lunch on the wharf or visiting the Monterey Bay Aquarium and looking out from the back deck. While the north coast abalone fishery is valued at $44 million, the larger population and visiting tourism in Monterey means the economic impact to this area due to inaction would probably be far greater.

Figure 6: Photo: The Monterey County Convention and Visitors Bureau

Furthermore, allowing recreational divers to participate in removal activities will be of economic value to Monterey as divers come and stay in hotels, eat meals, and purchase diving equipment from dive shops. An abundant and robust kelp forest will ensure that divers have a protected dive site where they can experience an easily accessible kelp forest ecosystem with plentiful and diverse rockfish populations. This will provide a viable dive site for the displaced north coast SCUBA diving market in Monterey. The attraction of Tanker's Reef for diving will also reduce diving and fishing pressure on other popular dive sites that are already under threat by urchin dominance. By spreading the word and recruiting divers interested in this activity, more divers may become interested in furthering their conservation efforts on the north coast, adding to the available diving pool for Josh Russo's events north of San Francisco.

Collection of urchins will cultivate interest in urchins as a food source. There are urchin industries forming to collect, rehabilitate, and harvest urchins as uni, a type of sushi. There are numerous collegiate institutions in the Monterey Bay area: UCSC, CSUMB, Hopkins Marine Station, and Moss Landing Marine Labs that can be of assistance in researching "Urchinomics". Already on display at the Eighth Annual Whalefest 2018 event in Monterey were ROVs capable of mapping and/or removing urchins. Looking forward, by developing ROV technology, offshoots for other uses can be expanded upon such as golf ball pollution, whale entanglement, and marine debris removal.

The Monterey Abalone Company has been farming red abalone on the commercial wharf for over 30 years, but with the lack of kelp in Monterey, they are unable to harvest enough kelp locally to feed and grow the abs hanging in cages below the wharf (Seavy, 2019). A plentiful and mature kelp forest adjacent to the wharf would be beneficial to their farmed abalone business and ensure that the abalone delicacy is still available to consumers especially since the abalone fishery on the north coast is closed until 2021 and the SoCal green abalone population recovery is just beginning while the demand for abalone is increasing.

Figure 7: Monterey Abalone Company, Municipal Wharf #2, Monterey California - Photo: Keith Rootsaert

The continued presence of a *Macrocystis* forest in Monterey is essential for a spore bank to seed adjacent areas should the urchin dominant state return to a kelp dominated ecosystem due to urchin disease or other natural means. In Orange County, the lack of kelp spores made the reefs difficult to recover so kelp was grown in labs and was planted by 130 volunteer divers. This artificial method could be avoided if existing kelp forests are partially preserved.

Regulatory Language Amendment vs New Emergency Regulatory Language

We had considered petitioning the F&GC to consider this proposed Emergency Regulatory Action as an amendment to the permanent regulatory language change 29.06 that is on the F&GC agenda for the February 6th F&GC meeting. However, the timing is bad and to modify that language to include the site in Monterey would delay adoption and the effective date for the 29.06 regulatory language change. That delay would adversely affect Josh Russo's removal events which would return to non-emergency regulatory language on February 7th (35 urchin bag limit), until the amended language would be adopted and enacted in July. That is why we are proposing a new stand-alone emergency regulatory language so that both north coast and central coast kelp restoration projects can commence when kelp recruits in April 2019.

The Emergency Regulatory Language Action is appropriate because the urchin barren condition is an emergency. Our hope is that kelp can be successfully restored within the legal framework of California Fish and Game Regulations.

Respectfully submitted,

Keith Rootsaert, Reef Check California, MBNMSAC alternate diver representative
Art Seavey, Monterey Abalone Company
Trevor Fay, Monterey Abalone Company

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