

STAFF SUMMARY FOR OCTOBER 14, 2020

10. RECREATIONAL RED ABALONE**Today's Item****Information** ☒**Action** ☐

Discuss proposed changes to the recreational red abalone fishery closure sunset date regulation.

Summary of Previous/Future Actions

- | | |
|---|---|
| • FGC adopted emergency regulation to close recreational red abalone fishery for one year | Dec 7, 2016, San Diego |
| • FGC adopted regular rulemaking to extend closure to 2021 | Dec 12-13, 2018, Oceanside |
| • DFW presentation on fishery status | Jun 24-25, 2020; Webinar/Teleconference |
| • Notice hearing | Aug 19-20, 2020; Webinar/Teleconference |
| • Today's discussion hearing | Oct 14, 2020; Webinar/Teleconference |
| • Adoption hearing | Dec 9-10, 2020; Webinar/Teleconference |

Background

Red abalone fishery management is currently guided by the Abalone Recovery and Management Plan (ARMP). The recreational red abalone fishery was closed in 2017, following dramatic environmental conditions leading to extensive loss of bull kelp beds and significant abalone die-off (see Exhibit 1 for additional background).

DFW recently confirmed that poor conditions continue to persist or worsen and advised that continuing the closure is necessary. The proposed regulation would extend the closure, currently due to sunset on Apr 1, 2021, for another five years with a new sunset date of Apr 1, 2026. The extension will facilitate recovery of the red abalone population while preparation of a red abalone fishery management plan is underway.

Significant Public Comments

A commenter opposes the extension of the closure of the red abalone fishery, stating there are enough abalone for the fishery to reopen (Exhibit 4).

Recommendation (N/A)**Exhibits**

1. [Staff summary from Aug 22-23, 2018 meeting \(for background purposes only\)](#)
2. [DFW memo, received Aug 6, 2020](#)
3. [Initial statement of reasons](#)
4. [Email from Rick Meyer, received Sep 20, 2020](#)

Motion/Direction (N/A)

**STAFF SUMMARY FOR AUGUST 22-23, 2018
FOR BACKGROUND PURPOSES ONLY**

12. RED ABALONE

Today's Item

Information ☐

Action ☒

Consider authorizing publication of notice of intent to amend regulations to extend the fishery closure sunset date for the recreational red abalone fishery.

Summary of Previous/Future Actions

- | | |
|--------------------------|---------------------------------|
| • Today's notice hearing | Aug 22-23, 2018; Fortuna |
| • Discussion hearing | Oct 17-18, 2018; Fresno |
| • Adoption hearing | Dec 12-13, 2018; Oceanside |

Background

In Sep 2017, DFW identified sweeping changes in density, occurrence, depth distribution, size and health of red abalone as well as the kelp upon which it depends for food. In addition, DFW found that the average density of red abalone populations has declined below the Abalone Recovery and Management Plan (ARMP) fishery closure trigger of 0.30 abalone per square meter, indicating that the stock could no longer support a fishery.

In response to the DFW findings of a dramatic fishery-wide decline of red abalone populations from severe starvation conditions, in Dec 2017 FGC adopted regulations to close the recreational abalone fishery consistent with the ARMP. FGC also adopted a sunset provision for the closure based on significant public comments received during the rulemaking process to address concerns about having a fishery closure for an indeterminate period. Under existing regulations, the fishery would re-open on Apr 1, 2019, or upon adoption of a red abalone fishery management plan (FMP) and the guidance it provides for fishery reopening, whichever comes first.

The regulations closing the recreational abalone fishery became effective on Mar 29, 2018. If the existing regulations are not amended to delete or extend the sunset date (subsection 29.15(j)), the fishery will re-open on Apr 1, 2019, which will allow for the recreational take of abalone in open fishing areas during the open season (subsections 29.15(a), (b), and (c)).

Since the closure of the recreational fishery, DFW has found no meaningful changes in the abalone resource conditions described in the Sep 2017 initial statement of reasons. DFW received documented reports from the public of dead and dying abalone washed ashore at various locations in Sonoma and Mendocino counties over the 2017/18 winter and spring seasons. This information suggests that abalone continue to be weak and die due to current environmental conditions and, thus, there are no substantial positive population changes since last year. DFW concludes that re-opening the fishery at this time would be inconsistent with the ARMP and would be detrimental to the recovery of red abalone populations.

Proposed Amendment

DFW proposes to extend the closure of the abalone fishery beyond the current Apr 1, 2019

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sunset date for another two years, until Apr 1, 2021. Effective dates for take and possession contained in the abalone fishing regulations would be updated as well to reflect the proposed change.

DFW's proposal allows for consideration of a fishery re-opening prior to reaching full recovery (i.e., re-opening the fishery before density standards are fully realized under the ARMP or a red abalone FMP upon adoption by FGC). DFW recommends, however, considering the management triggers in the ARMP or a red abalone FMP once adopted by FGC to determine whether re-opening the fishery to recreational harvesting is warranted. The proposed regulation change is necessary to facilitate recovery of the red abalone population while preparation of the red abalone FMP is currently underway.

Public Comments (N/A)**Recommendation**

FGC staff: Authorize publication of the notice as recommended by DFW.

DFW: Authorize publication of the notice as detailed in the draft initial statement of reasons (ISOR).

Exhibits

1. DFW memo, received Jul 30, 2018
2. Draft ISOR

Motion/Direction

Moved by _____ and seconded by _____ that the Fish and Game Commission authorizes publication of a notice of its intent to amend Section 29.15, related to recreational red abalone fishing regulations.

Memorandum

Date: August 6, 2020

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

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the August 19-20, 2020 Fish and Game Commission Meeting - Initial Statement of Reasons to Amend Section 29.15 Re: Recreational Abalone Closure**

The Department of Fish and Wildlife (Department) requests the Fish and Game Commission (Commission) authorize publication of notice of its intent to amend regulations for the recreational abalone fishery to extend the fishery closure sunset date by an additional five years from April 1, 2021 to April 1, 2026. Authorization of this request will allow for possible adoption at the December 9, 2020 meeting.

The Department is submitting the attached Initial Statement of Reasons (ISOR) to extend the closure sunset date for an additional five years. This proposal is based on data that indicate the abalone resource and current environmental conditions remain unchanged since adoption of the closure in 2017. In addition, the Department has been engaged with stakeholders to develop a Red Abalone Fishery Management Plan (FMP). It is expected that the FMP and associated implementing regulations will be completed well before 2026.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at (916) 373-5491. The public notice for this rulemaking should identify Senior Environmental Scientist Specialist, Ian Taniguchi as the Department's point of contact. His contact information is (562) 342-7182 or Ian.Taniguchi@wildlife.ca.gov.

cc: Stafford Lehr, Deputy Director
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Melissa Miller-Henson, Executive Director
Fish and Game Commission
August 6, 2020
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State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Section 29.15
Title 14, California Code of Regulations
Re: Recreational Abalone Closure

I. Date of Initial Statement of Reasons: July 20, 2020

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: August 19, 2020

Location: Webinar/ Teleconference

(b) Discussion Hearing

Date: October 14, 2020

Location: Webinar/ Teleconference

(c) Adoption Hearing

Date: December 9, 2020

Location: Webinar/ Teleconference

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Red abalone (*Haliotis rufescens*) is a resource managed by the California Department of Fish and Wildlife (Department) under the Abalone Recovery and Management Plan (ARMP). The Fish and Game Commission (Commission) is the decision-making body that regulates the recreational take of abalone and adopted the ARMP in 2005.

Red abalone are herbivores that live on rocky reefs in kelp forests, eating red and brown algae. Starting in 2014, a combination of unprecedented environmental and biological stressors, including warmer-than-normal waters and decreasing food resources leading to starvation conditions, began to negatively impact abalone populations. Since then, the Department has actively conducted surveys, visual assessments, and histological sampling of north coast abalone, and received citizen reports of unhealthy or moribund abalone within the fishery. In the September 2017 Initial Statement of Reasons for Regulatory Action (Commission, 2017) the Department identified wide-sweeping changes in the density, occurrence, size and health of red abalone and the kelp upon which it depends for food.

Due to the sharp decline of abalone, the expanding urchin barren, and the dwindling kelp stands throughout the state, the Commission adopted emergency regulations in 2016 to reduce the season by two months and the per-person annual take limit from 18 to 12 (Office of Administrative Law (OAL) rulemaking file 2016-1216-01E). Scientific research conducted by

Department staff continued to document the extent of the degradation experienced by the stock and the environment. In 2017, the Commission closed the fishery until 2021 through a regular rulemaking (OAL rulemaking file 2018-0329-01SR).

Since the closure of the recreational fishery, the Department has found no meaningful changes in conditions of the abalone resource or environment as described in the September 2017 Initial Statement of Reasons for Regulatory Action (Commission, 2017). Surveys at selected coastal sites in late summer and early fall of 2019 show no evidence of improved conditions, with bull kelp coverage still significantly lower than historical average (Figure 1). Recent analysis suggests that the red abalone stock is not expected to be able to sustain even a *de minimis* fishery for another 9-11 years. A fishery management plan (FMP) for red abalone is currently under development by the Department and stakeholders to guide future management actions for the northern California recreational fishery, separate from the ARMP. The FMP is expected to be completed and adopted before 2026, at which point Section 29.15 will likely be amended to accommodate the implementing regulations of the FMP.

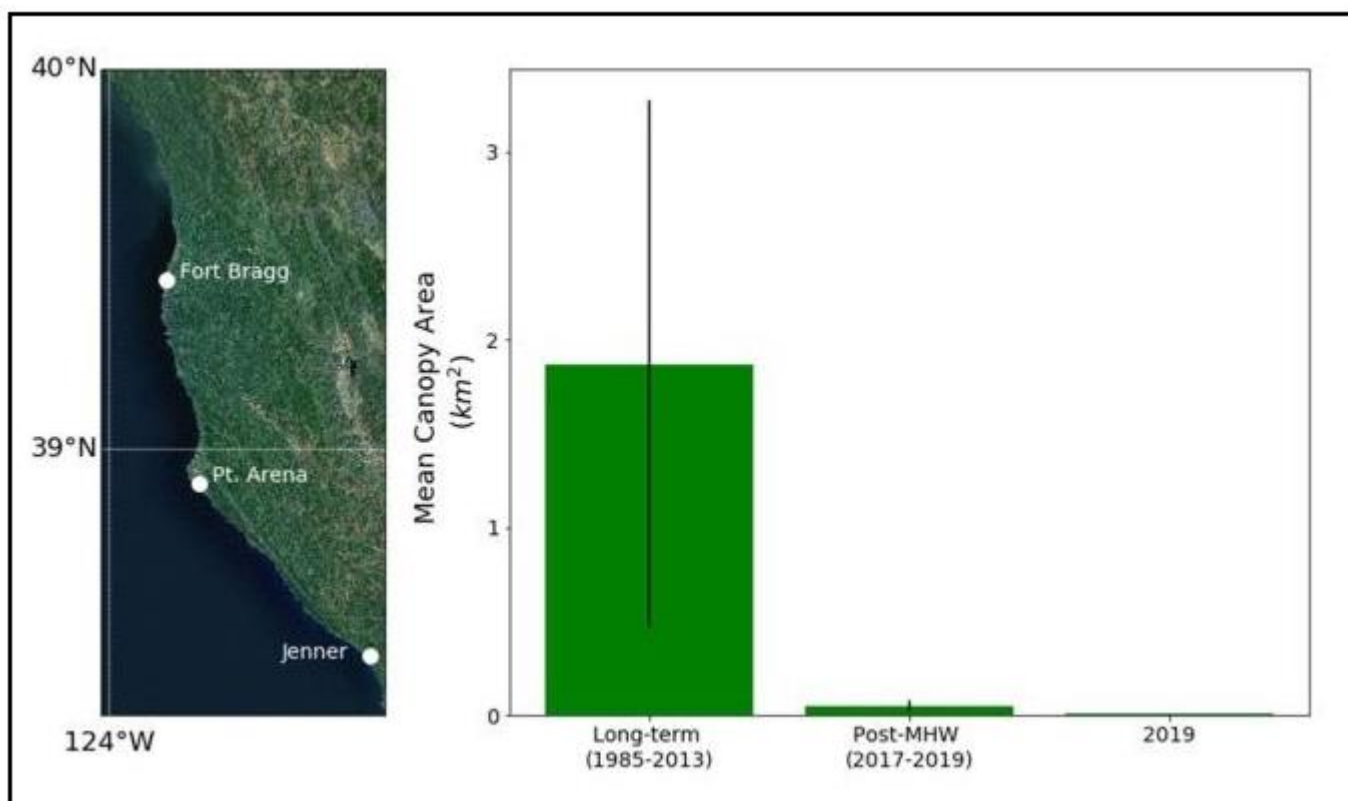


Figure 1. Mean Bull Kelp Coverage in Northern California in km² before Marine Heat Wave (MHW), after MHW, and in 2019 (Source: McPherson et al., 2020).

Current Regulations

Current recreational abalone fishing regulations in Section 29.15, Title 14, California Code of Regulations (CCR), specify open areas, season, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and minimum size limit. Subsection 29.15 (i) closes all ocean waters to the take of abalone beginning on April 1, 2018. The closure

is in effect until April 1, 2021 under subsection 29.15 (j). If the regulations are not amended to delete or extend that date, the fishery will re-open on April 1, 2021, which will allow for the recreational take of abalone in open fishing areas during the open season (current subsections 29.15(a), (b), and (c)).

Proposed Amendment - Subsections 29.15 (a)-(c), (i) and (j)

Extend the Sunset Date

The Commission is proposing to extend the sunset date of the closure in Section 29.15 by replacing the effective year of 2021 with the year 2026 in current subsections 29.15 (a), (b), (c) and (j). Delaying the reopening date is necessary because without the delay, the fishery will re-open while the stock is still in a vulnerable state, which would be detrimental to the recovery of the red abalone population. The April 1, 2018 effective date listed in current subsection (i) will also be removed since the closure is already in place.

The red abalone population is not expected to recover by 2026; however, Department staff has been engaging with stakeholders since 2014 to draft a comprehensive FMP. The FMP is expected to be completed before 2026 and will include implementing regulations which will amend Section 29.15. Language pertaining to the current closure is expected to be included as part of the implementing regulations of the FMP.

Rearrange Order of Subsections

The proposal would also rearrange the order of current subsections (a), (b), (c), (i) and (j) and would split current subsection (i) into two subsections. The relocated language from subsection (a) to subsection (j), from subsection (b) to subsection (k), and from subsection (j) to subsection (b) is unchanged except the date change described above and updates to the cross references to reflect the rearrangement of the subsections. The relocated language from subsection (i) to subsections (a) and (c) is unchanged except for the removal of the words “Effective April 1, 2018” and the amendments to clarify the exceptions for abalone taken prior to April 1, 2018. This re-ordering of the subsections places the requirements effective 2026 in sequence, and the requirements for abalone taken prior to the closure April 1, 2018 in sequence in the regulation text. This rearrangement in language is necessary to improve clarity, emphasize the fishery closure, and aid with enforcement.

Repeal Requirement to Retain All Detached Legal Size Abalone

Subsection 29.15(d) specifies the minimum size limit for red abalone and states that all legal size abalone detached must be retained. The proposed regulation will repeal the requirement to retain detached legal size abalone. This change is necessary for consistency with subsection (a) which prohibits take and possession of abalone.

(b) Goals and Benefits of the Regulation

The policy of this state is “to ensure the conservation, sustainable use, and, where feasible, restoration of California’s marine living resources for the benefit of all the citizens of the State” (Fish and Game Code section 7050(b)). The proposed regulation changes are intended to

facilitate the red abalone population's recovery from the multi-year poor environmental conditions and massive losses of red abalone fishery stock. The proposed extension of the red abalone fishery closure will benefit the valuable red abalone resource by protecting it from fishing mortality during the current poor environmental conditions. Further conserving the red abalone resource now will allow it the opportunity to rebuild and be sustainable for the future.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Sections 200, 205, 260, 265, 399, 5520, 5521 and 7149.8, Fish and Game Code

Reference: Sections 200, 205, 265, 275, 5520, 5521, 7145 and 7149.8, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change

None

(e) Identification of Reports or Documents Supporting Regulation Change

Jackson, A., Berube, P., Taniguchi, I., Likins, J., Silva, J., Pope, E., and S. Mastrup. 2020. *Summary of the Management Strategy Integration Process for the North Coast Recreational Red Abalone Fishery Management Plan*. Administrative Team Report to the California Fish and Game Commission. 115 pp. Available from:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=178566&inline>

McPherson, Finger, Housekeeper, Bell, Carr, Rogers-Bennett, & Kudela. 2020. Paper Under Review (Analyzes kelp coverage data gathered from Northern California from 1985-2019).

Fish and Game Commission. (Commission, 2017). Initial Statement of Reasons for Regulatory Action to Amend Section 29.15, Title 14, California Code of Regulations, Re Abalone Regulations. Available from: https://fgc.ca.gov/Regulations/2017-New-and-Proposed#29_15S

Abalone Recovery and Management Plan

<https://www.wildlife.ca.gov/Conservation/Marine/ARMP>

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

The poor conditions of the red abalone populations have been well-known and have been discussed extensively in previous rulemakings. The subject was discussed during the August 2017, October 2017, December 2017, August 2018, October 2018, and December 2018 Commission meetings. The present action to extend the sunset date from 2021 to 2026 has been discussed at the June 24, 2020 Commission meeting, as well as during a pre-notice outreach webinar with the Red Abalone Advisory Committee on July 11, 2020.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

Elimination of the sunset date was rejected due to stakeholders' opposition to an indefinite fishery closure. No other alternatives have been identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative

Without the proposed regulatory change, the red abalone populations will be open to recreational take in 2021 to the detriment of the fishery's recovery.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures needed.

VI. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The regulatory action will not impact compliance costs or fishery activity due to the existing closure and applies to a fishery that is unique to the State of California.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The Commission does not anticipate any impacts on the creation or elimination of jobs within the state, the creation of new businesses, the elimination of existing businesses or worker safety. The Commission anticipates generalized benefits to the health and welfare of California residents and benefits to the state's environment. The proposed action continues an existing closure designed to ensure the long-term sustainability and quality of the fishery, promoting future participation, fishing activity, and economic activity.

(c) Cost Impacts on a Representative Private Person or Business

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

None

(e) Nondiscretionary Costs/Savings to Local Agencies

None

(f) Programs Mandated on Local Agencies or School Districts

None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code

None

(h) Effect on Housing Costs

None

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission does not anticipate any negative impacts on the creation or elimination of jobs within the state. The abalone fishery has been closed since April 1, 2018. No change in employment is anticipated in direct relation to the proposed extension through 2026. The proposed extension is designed to ensure the long-term sustainability and quality of the fishery, promoting future participation, fishing activity, and economic activity.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission does not anticipate any impacts on the creation of new businesses or the elimination of existing businesses within the state. The abalone fishery has been closed since April 1, 2018. No change is anticipated in relation to the creation of new businesses or the elimination of existing businesses within the state from the proposed action. Continuing the fishery closure is proposed to support the long-term sustainability of the abalone resource and, thus, the future viability of the fishery that may support fishery related businesses.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission does not anticipate any impacts on the expansion of businesses currently doing business within the state. The abalone fishery has been closed since April 1, 2018. Continuing the fishery closure is proposed to support the long-term sustainability of the abalone resource and, thus, the future viability of the fishery that may support fishery-related businesses.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission anticipates generalized benefits to the health and welfare of California residents

(e) Benefits of the Regulation to Worker Safety

None. The proposed regulation does not impact working conditions

(f) Benefits of the Regulation to the State's Environment

The Commission anticipates benefits to the state's environment. It is the policy of the state to ensure "the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the state" (Fish and Game Code Section 7050(b)). The proposed regulation will benefit the state's environment by helping to ensure sustainable populations of red abalone for fishery and ecosystem management.

Informative Digest/Policy Statement Overview

Current recreational abalone fishing regulations in Section 29.15, Title 14, California Code of Regulations (CCR), specify open areas, season, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and minimum size limit. Subsection 29.15 (i) closes all ocean waters to the take of abalone beginning on April 1, 2018. The closure is currently set to expire on April 1, 2021.

The Fish and Game Commission (Commission) is proposing to extend the sunset date of the closure to April 1, 2026. A five-year extension of the sunset is expected to allow sufficient time for completion of the Red Abalone Fishery Management Plan and associated implementing regulations. In addition, the proposal will reorganize the subsections of Section 29.15 and update cross references to reflect that reorganization. The proposed regulation will also repeal the requirement in subsection (d) that states all legal size abalone detached must be retained.

Benefits of the Regulations

The proposed regulation will benefit the state's environment by helping to ensure sustainable populations of red abalone for fishery and ecosystem management.

Consistency and Compatibility with Existing Regulations

The Legislature has delegated authority to the Commission to promulgate recreational fishing regulations (Fish and Game Code, sections 200, 205, and 265); no other state agency has the authority to promulgate such regulations. The Commission has conducted a search of Title 14, CCR, and determined that the proposed regulations are consistent with other recreational fishing regulations and marine protected area regulations in Title 14, CCR, and therefore has determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

Proposed Regulatory Language

Section 29.15, Title 14 CCR, is amended to read:

§29.15. Abalone

~~(a) Effective April 1, 2021: Open Area: Except in the area described in subsection (a)(1) below, abalone may only be taken north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. No abalone may be taken, landed, or possessed if landed south of this line.~~

~~(1) No Abalone may be taken in the Fort Ross area bounded by the mean high tide line and a line drawn due south true from 38°30.63' N, 123°14.98' W (the northern point of Fort Ross Cove) and a line drawn due west true from 38°29.45' N, 123°11.72' W (Jewel Gulch, south boundary Fort Ross State Park).~~

~~(b) Effective April 1, 2021: Open Season and Hours:~~

~~(1) Open Season: Abalone may be taken only during the months of April, May, June, August, September, October and November.~~

~~(2) Open Hours: Abalone may be taken only from 8:00 AM to one-half hour after sunset.~~

~~(c) Effective April 1, 2021: Bag Limit and Yearly Trip Limit: Three red abalone, *Haliotis rufescens*, may be taken per day. No more than three abalone may be possessed at any time. No other species of abalone may be taken or possessed. Each person taking abalone shall stop detaching abalone when the limit of three is reached. No person shall take more than 18 abalone during a calendar year. In the Open Area as defined in subsections 29.15(a) and 29.15(a)(1) above, not more than 9 abalone of the yearly trip limit may be taken south of the boundary between Sonoma and Mendocino Counties.~~

(a) All ocean waters are closed to the take of abalone. Abalone may not be taken or possessed.

(b) This subsection and subsection (a) shall remain in effect only until April 1, 2026, and as of that date are repealed, unless a later enacted amendment deletes or extends that date.

(c) Notwithstanding subsection (a), subsections (c)(1) and (c)(2) are applicable for abalone in possession prior to April 1, 2018:

(1) Minimum Abalone Size: All red abalone must be seven inches or greater measured along the longest shell diameter.

(2) Abalone Possession and Transportation: It shall be unlawful to possess any untagged abalone or any abalone that have been removed from their shell, except when they are being prepared for immediate consumption.

(d) Minimum Abalone Size: All red abalone must be seven inches or greater measured along the longest shell diameter. All legal size abalone detached must be retained. No undersized abalone may be brought ashore or aboard any boat, placed in any type of receiver, kept on the person, or retained in any person's possession or under his control. Undersize abalone must be replaced immediately to the same surface of the rock from which detached. Abalones brought ashore shall be in such a condition that the size can be determined.

(e) Special Gear Provisions: The use of SCUBA gear or surface supplied air to take abalone is prohibited. Abalone may not be taken or possessed aboard any boat, vessel, or floating device in the water containing SCUBA or surface supplied air. Abalone may be taken only by hand or by devices commonly known as abalone irons. Abalone irons must be less than 36 inches long, straight or with a curve having a radius of not less than 18 inches, and must not be less than 3/4 inch wide nor less than 1/16 inch thick. All edges must be rounded and free of sharp edges. Knives, screwdrivers and sharp instruments are prohibited.

(f) Measuring Device. Every person while taking abalone shall carry a fixed caliper measuring gauge capable of accurately measuring seven inches. The measuring device shall have fixed opposing arms of sufficient length to measure the abalone by placing the gauge over the shell.

(g) Abalone Possession and Transportation:

Abalones shall not be removed from their shell, except when being prepared for immediate consumption.

(1) Individuals taking abalone shall maintain separate possession of their abalone. Abalone may not be commingled in a float tube, dive board, dive bag, or any other container or device, until properly tagged. Only after abalones are properly tagged, as described in Section 29.16(b), Title 14, CCR, may they be commingled with other abalone taken by another person.

(h) Report Card Required: Any person fishing for or taking abalone shall have in their possession a nontransferable Abalone Report Card issued by the department and shall adhere to all reporting and tagging requirements for abalone defined in Sections 1.74 and 29.16, Title 14, CCR.

~~(i) Effective April 1, 2018: All ocean waters are closed to the take of abalone. Abalone may not be taken or possessed. The following exceptions are for abalone in possession prior to April 1, 2018:~~

~~(1) Minimum Abalone Size: All red abalone must be seven inches or greater measured along the longest shell diameter.~~

~~(2) Abalone Possession and Transportation: It shall be unlawful to possess any untagged abalone or any abalone that have been removed from their shell, except when they are being prepared for immediate consumption.~~

~~(j) This subsection and subsection (i) shall remain in effect only until April 1, 2018, and as of that date are repealed, unless a later enacted amendment deletes or extends that date.~~

(i) Effective April 1, 2026: Bag Limit and Yearly Trip Limit: Three red abalone, *Haliotis rufescens*, may be taken per day. No more than three abalone may be possessed at any time. No other species of abalone may be taken or possessed. Each person taking abalone shall stop detaching abalone when the limit of three is reached. No person shall take more than 18 abalone during a calendar year. In the Open Area as defined in subsections 29.15(j) and 29.15(j)(1), not more than 9 abalone of the yearly trip limit may be taken south of the boundary between Sonoma and Mendocino Counties.

(j) Effective April 1, 2026: Open Area: Except in the area described in subsection (j)(1) below, abalone may only be taken north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. No abalone may be taken, landed, or possessed if landed south of this line.

(1) No abalone may be taken in the Fort Ross area bounded by the mean high tide line and a line drawn due south true from 38°30.63' N, 123°14.98' W (the northern point of Fort Ross Cove) and a line drawn due west true from 38°29.45' N, 123°11.72' W (Jewel Gulch, south boundary Fort Ross State Park).

(k) Effective April 1, 2026: Open Season and Hours:

(1) Open Season: Abalone may be taken only during the months of April, May, June, August, September, October and November.

(2) Open Hours: Abalone may be taken only from 8:00 AM to one-half hour after sunset.

Note: Authority cited: Sections 200, 205, 260, 265, 399, 5520, 5521 and 7149.8, Fish and Game Code. Reference: Sections 200, 205, 265, 275, 5520, 5521, 7145 and 7149.8, Fish and Game Code.

From: Rick Meyer

Sent: Sunday, September 20, 2020 1:14 PM

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

Subject: RE: Revised materials available for Commission's September 22, 2020meeting

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Its not right what Ca, fish and game did to Abalone season. There are so many abalone out there, there is enough for everyone. Liberal IDIOTS have taken over fish and game. You guys really SUCK at what you do. Fred Meyer