



Tracking Number: (2021-001)

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, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

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

SECTION I: Required Information.

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

1. Person or organization requesting the change (Required)

Name of primary contact person: Steven L. Rebuck
Address: [Redacted]
Telephone number: [Redacted]
Email address: [Redacted]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Section 29.15. Abalone 14CCR, S.45, 200, 203, 205, 206, 209, 210, 211, 215, 218, 219, 220, 265, 3990.

3. Overview (Required) - Summarize the proposed changes to regulations: Restore recreational and commercial harvest of red abalone, Regulations, south of San Francisco to pre-1998 status, San Miguel Island, Santa Barbara County California only.

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

SECTION II: Optional Information

5. Date of Petition: February 22, 2021.

6. Category of Proposed Change

- Sport Fishing
- Commercial Fishing
- Hunting
- Other, please specify: [Click here to enter text.](#)



- 7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
 - Amend Title 14 Section(s): *Section 29.15 .Abalone*
 - Add New Title 14 Section(s): *Click here to enter text.*
 - Repeal Title 14 Section(s): *Click here to enter text.*

- 8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** *C2019-027.*
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: *July, August, September 2021.*

- 10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: *See: Rationale, citations.*

- 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: *Creates taxes for California, management/law enforcement funding for DFW, jobs for citizens, income for coastal communities.*

- 12. **Forms:** If applicable, list any forms to be created, amended or repealed:
Click here to enter text.

SECTION 3: FGC Staff Only

Date received: *Click here to enter text.*

FGC staff action:

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

Tracking Number

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

Meeting date for FGC consideration: _____

FGC action:

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

Biological Red Abalone Fishery for San Miguel Island
March 2021
By Steven L. Rebeck



These details of a Biological Fishery for red abalone at San Miguel Island (SMI) are in addition, and pursuant to our Petition for Regulatory Change, Submission, February 22, 2021, using Abalone Recovery and Management Plan (ARMP) Appendix H. We propose these details to assist the California Fish and Game Commission (FGC) in consideration of our petition.

- 1) We propose to use Fish and Game Code Sections on commercial and recreational abalone as they existed prior to the Moratorium, May, 1997.
- 2) We propose a fishery season of July, August, September, 2021, at San Miguel Island (SMI) only.
- 3) Only properly permitted commercial or recreational fishermen will be allowed to participate.
- 4) All red abalone fishing will be conducted pursuant to ARMP Appendix H, and related regulations.
- 5) Fishermen must contact California Department of Fish and Wildlife (CDFW) before departure.
- 6) We propose a Biological Fishery where all red abalone catch, commercial (E-Tix/Dock Ticket) and recreational (fixed tag/smart phone) must be reported before fishermen leave SMI. All abalone landed will be presented to CDFW agents at a Santa Barbara location.
- 7) After examination, CDFW agents will return remaining shell, trim and meat to the fishermen or processor.
- 8) CDFG will only close these fisheries when:
 - A) Total Allowable Catch limit is reached;
 - B) September 30, 2021 is reached;
 - C) Biological data suggest the fishery should close.
 - D) In season adjustments may be considered.

Habitat/Resource Recovery and Mitigation

- 1) Encourage purple urchin removal. Allow mixed commercial loads of abalone, red urchin and purple sea urchin. This creates a financial incentive for those with both commercial abalone and sea urchin permits to remove excess purple urchins. Currently, there is a limited market only for purple sea urchin. What to do with them remains a problem. Commercial and recreational divers prefer smashing of purple urchins.
- 2) Fishery will initially target the largest and oldest of the red abalone observed at SMI. However, Appendix H suggests a slot size between 7 $\frac{3}{4}$ " and 8" (p. H-7). It would appear logical to remove larger size animals first, providing increase habitat for abalone recruiting into the fishery. A slot limit will make this difficult.
- 3) Using underwater GoPro video cameras, commercial divers will video each dive, collecting data on density, size variation, kelp, and other biological factors. Upon delivery of abalone, divers will turn over memory cards to CDFW. Once data is downloaded, memory cards will be returned for reuse.
- 4) Encourage abalone enhancement through out-planting of juvenile red abalone. The commercial divers in Santa Barbara have out-planting history going back approximately 40 years to the early 1980s. Onboard "Deck Spawning" is another option.
- 5) Commercial divers will engage in cooperative research projects with: National Park Service (NPS), Channel Islands Marine Sanctuary (CIMS), County of Santa Barbara (CSB), Ocean Protection Council (OPC), Reef Check (RC), and Dept. of Fish and Wildlife (CDFW).
- 6) Encourage, and assist kelp enhancement projects.

Overview/Rationale: Former Commercial Abalone Diver
Support for Abalone Recovery and Management Plan,
Appendix H (revised February 18, 2021)

Steven L. Rebuck, Former Commercial Abalone Divers

" A biomass estimate of 3 million emergent abalone indicate a harvestable population of 75,000 to 150,000 red abalone at SMI. An initial total allowable catch (TAC) of 15,000 red abalone is proposed at SMI. Harvesting 10-20% of those abalone falls within the slot size should have a negligible effect on the population as a whole." Abalone Recovery and Management Plan, Appendix H, Page H-9

OVERVIEW

- 1) The range of red abalone, *Haliotis rufescens* is Sunset Bay, Oregon to Bahia Tortugas, Baja, Mexico. _1/.
- 2) Red abalone, *Haliotis rufescens*, are not a State or Federal threatened and/or endangered species.
- 3) This is not an "Experimental Fishery". We propose to reestablish former abalone fishing regulations used prior to 1998.
- 4) We propose using Abalone Advisory Group (AAG) Fishery Management Option A: Red Abalone Demonstration Fishery. _2/.
- 5) The former commercial abalone divers of California support the use of the Abalone Recovery and Management Plan (ARMP) Appendix H (A-H)_3/ as a management vehicle to reopen San Miguel Island, Santa Barbara County, for commercial and recreational red abalone diving.
- 6) Multiple studies have been produced demonstrating the possibility of reestablishing commercial and recreational fisheries at San Miguel Island. _4/5/6/7/8/.....

HISTORY

Drafting of what became A-H began in August 19, 2005 with the submission of a plan titled: "Components of an Experimental Commercial Red Abalone Fishery", Steven L. Rebuck, to the California Fish and Game Commission (Commission). Commission President Michael Flores requested staff (John Ugoretz) include this submission into the ARMP discussion. By September 2005, the California Abalone

Association (CAA) had created a subcommittee to explore and draft a plan for San Miguel Island. A DRAFT of this plan was submitted to the Commission September the 2005. At this meeting, the Commission directed staff to work with CAA on this project. Originally, this effort was title Alternative 8. Within a couple years, a Technical Panel (TP) was formed and began drafting language for what became A-H. *_6/ followed by a Review Panel_7/.* This effort coincided with the appointment of the Abalone Advisory Group (AAG) .

JUSTIFICATION

A-H, as crafted, and included with the ARMP, offers a Fishery Management Plan (FMP) for SMI. A-H contains the following:

- * Suggests use of ARMP required Index Sites, in coordination with California Department of Fish and Wildlife (DFW), Director's Abalone Advisory Committee (DAAC), National Park Service (NPS)/Kelp Forest Monitoring Program (KMP), and California Abalone Association (CAA).
- * Identifies Collaborative Abalone Research Program (CARP) and Adams Cove, Castle Rock, and Crooks Point as Index Sites. CAA had previously installed on monitoring site at Tyler Bight, monitored by NPS/KMP.
- * Identifies a Total Allowable Catch (TAC) for both commercial and recreational abalone fishing for red abalone only.
- * Fisheries Management: Integrates Marine Protected Areas (MPAs) at SMI: Judith Rock, near Pt. Bennett, which includes Adams Cove.
- * Use of Position Indicating Transponders (PIT).
- * Identifies Landing Taxes and Resource Rents.
- * Creates Fishery Dependent and Fishery Independent Data which DFW does not currently have.
- * Creates a financial stream for DFW, management and law enforcement, which they currently does not have.

We propose a domestic use fishery only. No export out of the USA.

BIOLOGICAL FISHERY

As proposed by the California Department of Fish and Wildlife (DFW)
This group of former commercial abalone divers support this concept.

- 1) All abalone harvested will be reported to DFW at the time of harvest. Photographs of ones fishing trip, location, time of day, dates, etc. will be reported.
- 2) Once a fishing trip is completed, the boat crew will contact DFW and report the estimated time of return to port.
- 3) Crew will meet with DFW biological team and allow them to examine all abalone harvested.
- 4) Once DFW biological team has examined and/or taken tissue samples, abalone will be returned to boat crew and/or abalone processor.
- 5) Catch reporting: Title 14, S 197, E-Tix, <http://etix.psmfc.org>

Excerpted Source: Sonke Mastrup, pers. comm., et al

TERRITORIAL USE RIGHTS for FISHING (TURF)

"TURFs allocate exclusive harvest for one or more marine species in a specific area. TURFs are ideal for species like abalone that will not move beyond TURF boundaries, but they can be designed for more mobile species as well. TURFs may occur independently, or they may be part of a broader system of TURFs. Well designed networks of TURFs can be used to manage more complex fisheries, including those with mobile species or multiple groups of fishermen."

What are TURF Reserves?

"TURF Reserves are TURFs paired with no-take reserves, which are areas where no fishing is permitted. Theory and practice show that fishermen have greater incentive to implement and enforce TURF Reserves because they directly benefit from the fish that spill over from no-take reserves to their TURF. The fishery management combination is growing in interest, allowing local government to reap the rewards of being responsible stewards of their fisheries."

Source: Environmental Defense

SUPPORTING LITERATURE

1. Cox, Keith, 1962, California Abalones, Family Haliotidae, Fish Bulletin 118, California Department of Fish and Game.
2. Abalone Advisory Group Report, January 29, 2010, Management Options for Establishing a Potential Red Abalone Fishery at San Miguel Island, For Presentation to the Marine Resources committee of the California fish and Game Commission, February 16, 2010.
3. Appendix H. Proposed Amendments to Alternative 1 in ARMP as Submitted by Commercial Constituents to the Fish and Game Commission, an amendment to the Abalone Recovery and Management Plan, Alternative 1.
4. Taniguchi, Ian, D. Stein, K. Lampson, The San Miguel Island Red Abalone Resource: Results of Survey Conducted from July-October 2007, Marine Invertebrate Management Project, DFG.
5. Jloa, Yan, L. Rogers-Bennett, P. Crone, J. Butler, April 10, 2009, Appendix H.
6. Appendix B: DFG San Miguel Island Red Abalone Surveys (2006, 2007, 2008).
7. Prince, Jerome, California Abalone Marketing Association, February 6, 2012/Revised May 30, 2012, Proposal for Red abalone Research Fishery at San Miguel Island (SMI).
8. Bren School, 2010, Economic Viability and Sustainable Management of a California Red Abalone Fishing Cooperative.