



Tracking Number: (2021-025)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

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

### **SECTION I: Required Information.**

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

**1. Person or organization requesting the change (Required)**

Name of primary contact person: Keith Rootsaert

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

**2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Section 200 and 205, Fish and Game Code**

**3. Overview (Required) - Summarize the proposed changes to regulations:**

Our 4<sup>th</sup> urchin petition scales the culling of purple and red urchins by Kelp Restoration Specialists to sites with granite substrate, safe access and commercial fishing prohibitions.

Request to add to Section 29.06, Title 14, CCR, as follows:

(e) Notwithstanding other parts of this section and until April 1, 2025:

- (1) In the ocean waters of Edward F. Ricketts SMCA, Pacific Grove Gardens SMCA, Carmel Bay SMCA purple sea urchins and red sea urchins may be taken in any number for the purpose of restoring the kelp ecosystem. Purple sea urchins and red sea urchins may only be taken by hand or with manually operated hand-held tools.

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

The Giant Kelp Restoration Project at Tanker's Reef has met its prescribed criteria for success as determined by CDFW, MBNMS, and OPC far more quickly than most observers expected. Despite the accomplishments of trained Kelp Restoration Specialists, the Tanker's



Reef site is limited in its ability to inform important questions because the site is an unreliable kelp forest on a soft shale and sand substrate. Commercial fishing on the site is detrimental to project goals, high boat traffic hampers project maintenance and may compromise the safety of the Kelp Restoration Specialists.

In spring of 2022, the Tanker's Reef Project site will be in maintenance status: the goal to reduce urchin density to below 2.0/sq.m. has been achieved. Despite access obstacles at Tanker's Reef we have available capacity to expand into new project areas and test what can be achieved on granite substrate. In fact, addition of project sites on accessible granite benthos is likely to multiply the numbers of Kelp Restoration Specialists interested in contributing. There is no accessible granite substrate between the Monterey Harbor and Asilomar that is outside of MPAs. The proposed three SMCA sites presently contain live giant kelp on granite substrate where certified Kelp Restoration Specialist Divers can protect it, and test the ability of urchin density reduction to foster kelp re-growth. All the proposed new project sites have safe access for volunteer divers from shore and are within boat range of Monterey Harbor. As commercial fishing is already prohibited in the SMCA's, Kelp Forest Restoration work in these new areas would not conflict nor would data be compromised by that activity.

The public response to petition 2020-001 was overwhelmingly positive with over 260 letters sent to the commission and dozens of speakers at FGC meetings. There was no opposition and the commissioners' votes were unanimous. Since then media attention on dwindling kelp forests has been enormous. The California Legislature also voted unanimously to add the words "Restoration, Monitoring" to the allowed activities in SMCAs. They had always been allowed in the more protected SMRs. Restoration by trained Kelp Restoration Specialists is aligned with global, federal, and state 30x30 goals, JEDI, and the UN Sustainable Development Goals. We trust our 4th petition campaign will receive even stronger support from our growing constituency.

The G2KR volunteer corps, now at over 350 members and over 75 trained Kelp Restoration Specialists, is ready to fill in scientific gaps that have been unavoidable at the Tankers' Reef project site to date. We are ready to build on the demonstrated success in organization, data collection, safety and effectiveness seen there. All indications are that this project could be scaled to ecosystem level in defined areas of several acres at a time. But we need to know:

- Can the urchin culling success produced on the flat shale of Tankers' Reef be replicated on more rugose granite?
- Can the reduction of urchin density on areas of granite substrate that historically have supported kelp forests reliably, produce the regrowth of kelp where it has been extirpated?

Only by expanding similar kelp restoration work into selected MPAs, where granite substrate can be accessed by shore divers, will these answers be obtainable.

## **SECTION II: Optional Information**

**5. Date of Petition:** 11/17/21

**6. Category of Proposed Change**  
x 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>)*

X Amend Title 14 Section(s): 29.12

- 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** [Click here to enter text.](#)  
Or X 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: April 1, 2022

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

Reference: FGC meeting materials:  
SS\_1209\_Item\_12\_RecSeaUrchin.pdf  
G2KR MRC Meeting 21.1109 Agenda Item 7 B II. a.pdf

**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:

Additional revenue to the Department:  
Divers purchase fishing licenses. Charter boats buy additional licenses. SCP license fees.

**12. Forms:** If applicable, list any forms to be created, amended or repealed: n/a  
[Click here to enter text.](#)

**SECTION 3: FGC Staff Only**

Date received: 11/17/2021.

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: 11/24/2021



State of California – Fish and Game Commission

**PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE**

FGC 1 (Rev 06/19) Page 4 of 4

Meeting date for FGC consideration: \_\_\_\_ 12/15-16/2021 (receipt); 2/16-17/2022 (action)\_\_\_\_

FGC action:

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