

**From:** Glen Spain <[REDACTED]>  
**Sent:** Wednesday, November 22, 2023 12:20 PM  
**To:** FGC <FGC@fgc.ca.gov>  
**Cc:** [REDACTED]  
**Subject:** Petition for Rulemaking and Fish & Game Commission Regulation Changes

California Fish & Game Commission  
1416 Ninth Street, Suite 1320  
Sacramento, CA 95814

PO Box 944209  
Sacramento, CA 94244-2090

Via Email: [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov)

To the Commission Staff:

Enclosed is the Petition of Mr. Richard Ogg, who is a Board member of the Pacific Coast Federation of Fishermen's Associations (PCFFA), for a change in Fish & Game Commission regulations, as explained in the Petition attached. The document attached is in PDF format for your convenience.

**Both PCFFA and its sister organization, Institute for Fisheries Resources (IFR), carefully considered this Petition and both organizations fully support this Petition.** It makes sense to provide salmon trolling opportunities in these areas, particularly since salmon trolling (which is conducted far above any sea bottom habitat areas) has NO IMPACT on any bottom habitat areas, is a highly selective barbless hook fishery, and only captures salmon that are merely very temporarily migrating through these regions and (being anadromous) are not directly dependent in any way on these MPA ocean ecosystems for their spawning and the vast majority of their rearing.

Please add PCFFA/IFR to the email response list for the review of this Petition, along with Mr. Ogg at his email noted in the Petition. PCFFA/IFR's email is the origin of this email and is: [REDACTED]

Thanks for your consideration! We are also today mailing this Petition, along with a copy of this email, to the Commission via first class US surface mailing as well, to make sure that this Petition of properly and timely filed.

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Glen H. Spain, J.D., Acting Executive Director  
Pacific Coast Federation of Fishermen's Associations (PCFFA)  
and the Institute for Fisheries Resources (IFR)  
PO Box 11170, Eugene OR 97440-3370  
Phone: 541-689-2000 Email: [REDACTED]  
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Tracking Number: (2023-16MPA)

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](mailto: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 the 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](mailto: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: [Richard \(Dick\) Ogg- Bodega Bay Fisherman's Marketing Association](#)

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: [Authority: Sections 200, 205\(c\), 265, 399, 1590, 1591, 2860, 2861, and 6750, Fish and Game Code, and Sections 36725\(a\) and 36725\(e\), Public Resources Code.](#)**

### **3. Overview (Required) - Summarize the proposed changes to regulations: [Allow the commercial take of salmon by troll in the following State Marine Reserves \(SMRs\) by converting them to State Marine Conservation Areas \(SMCAs\):](#)**

- [1\) Stewarts Point Marine Reserve](#)
- [2\) Bodega Head State Marine Reserve](#)

### **4. Rationale (Required) - Describe the problem and the reason for the proposed change: [The commercial salmon fishery has been identified as being at risk due to climate change. The Landings have declined significantly during the last decade. The recent drought precipitated the closure of the 2023 salmon season, with additional season closures likely. This resulted in a federal fishery disaster declaration. The existing Marine Protection Areas \(MPAs\) create problematic fishing practices by creating obstacles to efficient trolling around Bodega Head and Stewarts Point Reserves, forcing inefficient fishing and preventing access to otherwise productive trolling grounds. Allowing commercial salmon trolling in these two MPAs will help with efficiency and ultimately resiliency in the fishery.](#)**



This proposal is consistent with goals and objectives 1.1, 1.5, 2.4, and 5.1 identified in the 2016 Master Plan for Marine Protected Areas (MPA), along with the identified design considerations relative to climate change impacts and preservation of diverse commercial uses.

Our proposal is consistent with the Master Plan by maintaining protections under an SMR while allowing commercial salmon harvest by troll, thus mitigating some of the negative impacts experienced by the fishery when the MPA network was established. The Master Plan also states that the MPA network should consider several factors, including the potential impacts of climate change and the diversity of commercial fishing. The proposal is also consistent with the comprehensive recommendations and science guidelines of the California Department of Fish and Wildlife’s (CDFW) Decadal Management Review, which acknowledged inadequate engagement with the fishing industry and the continuing need for adaptive management under a changing climate. CDFW’s JEDI Governance recommendation #6(c) clearly states the need to explore innovative approaches to engage the fishing industry in MPA research and management.

Our proposal was discussed with the local collaborative, and it was interested in more information on the issue at Stewarts Point Reserve but was not supportive of the proposal at Bodega Head Reserve.

The commercial salmon fishery has a long track record of working with CDFW on research and management issues and is ready to continue that partnership using the recommended changes to the MPA network listed in this petition as an important step in fulfilling the goals of the Marine Life Protection Act and mandates in the Fish and Game Code to support sustainable commercial fisheries.

The science developed to date indicates that fishing for pelagic fishes (including salmon) in SMCAs does not appear to affect their performance compared to SMRs where no fishing is allowed (Carr et.al., 2021). In accordance with the adaptive management elements of the Master Plan, decadal review, and DFW recommendations, we ask that this petition be collaboratively evaluated by all stakeholders through the rulemaking process of the FGC with respect to improving the resiliency of both the commercial urchin fishery and kelp forests to climate change.

## **SECTION II: Optional Information**

**5. Date of Petition:** November 20

**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>)

X Amend Title 14 Sections:

- 632(b)(34) ~~Stewarts Point Marine Reserve Conservation Area~~
  - B Subsection 632(a)(1)(AC) apply, with the following specified exception: the commercial take of salmon by troll is allowed
- 632(b)(39) ~~Bodega Head State Marine Reserve Conservation Area~~
  - B Subsection 632(a)(1)(AC) apply...Fish and Game Code and the commercial take of salmon by troll is allowed

Add New Title 14 Section(s): [Click here to enter text.]

X 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** [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: **2025**

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

- **Salmon Enhanced Status Report** (<https://marinespecies.wildlife.ca.gov/>)
- **California Marine Life Protection Act Master Plan for Marine Protected Areas 2016** (<https://wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan>)
- **California's Marine Protected Area Network Decadal Management Review 2022** (<https://wildlife.ca.gov/Conservation/Marine/MPAs/Management/Decadal-Review>)
- **Monitoring and Evaluation of Kelp Forest Ecosystems in the MLPA Marine Protected Area Network (Carr et.al.2021)** ([Report](#))
- **MPA Collaborative Network** (<https://www.mpacollaborative.org/blog/collaborative-network-guidance-for-mpa-petitions>) Collaborative Vetted Regulation Recommendations)

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: **There are no known negative economic or fiscal impacts of the proposed changes. It is expected that there will be some positive economic benefits by opening formally closed areas to commercial salmon fishing by troll.**

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: [\[Click here to enter text.\]](#) 11/22/2023

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 \_\_\_\_\_ ]
- Granted for consideration of regulation change

Tracking Number